



MINUTES
Planning Commission Meeting
Monday, July 27, 2020 Zoom 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, Emily Meharg, Senior Planner, Shelley Denison, Associate Planner, and David Doughman, City Attorney

MEDIA PRESENT: None

1. Meeting Format Notice

Note: The Planning Commission will conduct this meeting electronically using the Zoom video conference platform. Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. See the instructions below:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83156583252>

Or Telephone:

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Webinar ID: 831 5658 3252

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2. Roll Call

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

3. Approval of Minutes

3.1. Draft Planning Commission Minutes for June 30, 2020

Motion: Approve the Planning Commission minutes for June 30, 2020.

Moved By: Commissioner Mayton

Seconded By: Commissioner Carlton
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

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

Chairman Crosby stated that the Bull Run Terrace subdivision public hearing will be heard on August 24, 2020. He also stated that we will be moving the Director Report and Commissioner Discussion prior to the old and new business sections of the agenda. Commissioner Mayton said that the Planning Commissioners should be conscious of the public and not go too late with discussions. Commissioner Carlton said that if discussion goes too long, we can always make the item a future work session discussion. Commissioner Lesowski stated that if the discussion goes too long then the Planning Commissioners can discuss the item further after the public hearings.

No public comments were made.

5. Public Comment

This meeting will include two public hearings. If you would like to offer testimony during the hearings, see the instructions below:

Testimony for each public hearing will be called for in three groups: testimony in favor of the proposal, testimony opposed to the proposal, and neutral testimony.

If you are participating online, click the "raise hand" button at the appropriate time and wait to be recognized.

If you are participating via telephone, dial *9 to "raise your hand" at the appropriate time and wait to be recognized.

If you choose to submit testimony in written form, please send to planning@ci.sandy.or.us as soon as possible.

Thank you for your flexibility during the COVID-19 public health emergency. Please call City Hall with any questions: (503) 668-5533.

6. NEW BUSINESS

6.1. 20-015 CUP/VAR/DR Sandy Feeder Station

Chairman Crosby opened the public hearing on File No. 20-015 CUP/VAR/DR at 7:12 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 Shelley Denison summarized the staff report and provided a brief presentation related to the request. Development Services Director stated that a few of the recommended conditions are to make a nicer streetscape consistent with other locations like Fun Time RV.

Applicant Testimony:

Steven Walti
NW Natural
250 SW Taylor Street
Portland, OR 97204
Mr. Walti introduced the project team.

Brad Kilby
Senior Planner with Harper Houf Peterson Righellis
250 SE Spokane Street, Suite 200
Portland, OR 97202

Mr. Kilby explained pressured gas and explained the site characteristics, including a property line dispute at the rear property line. He explained the zoning, proposed site improvement, lack of utility requirements, and low anticipated trip volume. The applicant proposes water service for irrigation, stormwater management, and pervious asphalt. Mr. Kilby mentioned that the only public letter was from AMR, but that natural gas is heavily regulated and monitored by NW Natural. He challenged staff's recommendations for additional landscaping and a nicer fence. Mr. Kilby said that NW Natural is fine with installing a black coated chain link fence.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

None

Staff Recap:

Denison reiterated the recommended conditions are similar to other recent projects and stated that staff received one additional public comment that she read into the record. O'Neill explained that the subject application is not subjected to clear and objective standards, and that the Planning Commission can require additional requirements as proposed by staff. City Attorney David Doughman provided additional information about exactions, clear and objective criteria, etc.

Applicant Rebuttal:

Mr. Kilby stated that the applicant is fine with the dedication requirements, but that the additional landscaping requirements are a taking of property because the 5 feet could be used otherwise.

Discussion:

Commissioner Carlton asked for clarity on the dirt on the site, the driveway depth, the fence pillars, etc. He also explained that we don't get where we want to be by following past development practices. Mr. O'Neill provided some feedback on the fence and the suggested conditions. Commissioner Maclean-Wenzel stated with all of the new housing being installed in the subject area it's important to keep in mind livability and making the area as nice as possible. O'Neill stated that AMR leases their existing site and if they are worried about the safety of the regulator station they can move to another location. Commissioner Carlton asked NW Natural to speak to the safety issue.

Andrea Kuehnel
NW Natural
250 SW Taylor Street
Portland, OR 97204

Ms. Kuehnel explained the existing regulator locations around Sandy and further elaborated on the need for the new regulator station.

Commissioner Mayton asked what the parking surface will be? Denison confirmed that the parking area is pervious surface. Commissioner Mayton asked what is the reason for the additional landscaping width? Mayton stated he is fine with the 5 foot landscape buffer. Carlton asked for clarity on the landscaping width. Commissioner Lesowski stated he likes NW Natural and this is a great opportunity for NW Natural to embrace the request by staff to show the community the facility will be constructed above and beyond the code. Chairman Crosby asked about the maneuvering on the site. O'Neill stated that

non-motorized vehicles can maneuver on site, but that vehicles with a motor have to maneuver on asphalt or concrete. Chairman Crosby asked a clarifying question about vehicles maneuvering on the site.

Brad Kilby stated that vehicles that maneuver on the site will primarily be a utility truck and trailers.

Pete Daniels
1500 West 15th Eaton Road
Chico, CA 97903

Explained that the vehicles will park on-site, but the vehicles will be located on the pervious asphalt. He also stated that at times the site will have a 40 foot trailer.

Commissioner Carlton said that a variance might be needed for allowing gravel surface in locations that include vehicle maneuvering. Commissioner Mayton said the additional 5 feet of landscaping might allow for more swing radius. Commissioner Lesowski stated that we should not design the site for something that only happens every 5 to 7 years. O'Neill stated he hopes the site is large enough to accommodate the regulator station and the needs of NW Natural. Commissioner Logan stated he agrees that the additional 5 feet of landscaping is maybe not needed but believes the pillars on the fence is a fine requirement. Commissioner Mayton said he echoes Commissioner Logan on installing a wider driveway with the stone pillars. Chairman Crosby stated the stone pillars do not need to be located at the swing point of the gate. Commissioner Carlton stated that if we require stone pillars we want them to be seen. Chairman Crosby asked about the fence. Commissioner Mayton said he believes the good fence should be on all four sides of the site consistent with the suggestion from Commissioner Maclean-Wenzel. Commissioner Lesowski agreed with Mayton. Commissioner Carlton provided some general analysis of the site and said we should require nicer fencing along the south and west property lines. Commissioner Maclean-Wenzel said we should require nicer fencing for the surrounding neighbors. Mr. Kilby stated they are fine with the fence either way. O'Neill stated that he would prefer the right-of-way dedication to be variable width not to exceed 8 feet in width. Commissioner Carlton asked David Doughman about the gravel surfacing and if a variance needs to be processed. Doughman and O'Neill explained variances in greater detail and agreed that an additional variance was not necessary for using gravel surface for a trailer.

Motion: Motion to close the public hearing at 8:43 p.m.
Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

The motion passed at 8:43 p.m.

Motion: Motion to approve all conditions of approval as recommended by staff in the staff report and change finding of fact #33 to state the right-of-way dedication shall be variable width with a not to exceed of 8 feet.

Moved By: Commissioner Mayton

Seconded By: Commissioner Mobley

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

No votes: None

Abstentions: None

The motion passed at 8:49 p.m.

5-minute recess

6.2. 20-023 DCA Chapters 17.10, 17.84, and 17.100 Code Amendments

Chairman Crosby opened the public hearing on File No. 20-023 DCA at 9:00 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:

Senior Planner Emily Meharg summarized the staff report, proposed code amendments and provided a presentation related to the code proposal. O'Neill added that David Doughman has been helping staff with determining what code amendments need to occur to have clear and objective requirements. Doughman added that standards that are typically in the Transportation System Plan (TSP) have to be added into the Development Code. He also added that we need to modify the code to have clear and objective standards and criteria.

Public Testimony:

None

Staff Recap:

None

Discussion:

Commissioner Mobley provided some background on the code changes. He stated that we obviously need to adopt a definition of ADT, but we need to make sure the calculation in the definition works for all cases. He then stated that only local streets and collector streets should have ADT standards and that arterials should not. He then elaborated on the one-mile radius for the transportation study is not the answer and that the scope of the transportation study should be based on intersection impacts. Mr. Mobley stated that the threshold for completing a traffic study should be adjusted lower than 50 dwelling units as proposed. He also stated that we need to adopt some safety requirements that are clear and objective. Chairman Crosby added that other commissioners should share their thoughts and concerns. Commissioner Carlton thanked Kelly O'Neill for allowing the Planning Commission to review the code amendments without asking for the Commission to forward to the City Council. Commissioner Carlton elaborated on the Bailey Meadows situation and said that he dived deeply into the transportation numbers for the Bailey Meadows development. He is concerned that the ADT standards that might be adopted do not match the traffic that is actually occurring on the different streets. Commissioner Mobley said that having prescriptive code language for the ADT calculation is problematic. Mobley said he understands the need for clear and objective language but that the code language needs to have some opportunity for engineering. Commissioner Carlton said he would like to see flexibility in the code to allow for adjustments and modifications to the ADT numbers.

Commissioner Lesowski said he read through all of the proposed code amendments and thinks they look fine for the most part but would like more information on the performance guarantee section. He elaborated on he would like the Planning Commission to be more of a planning group than a review group. Lesowski wants to support the planning staff and find ways to make the city standards more consistent and better.

Commissioner Mayton thanked the Planning Division staff on the proposed code amendments. He would like to make sure we don't create code that is too hard to meet. He also likes the flexibility in the code and feels that the Planning Commission should be used to determine when it makes the most sense to allow variances or deviations to the code.

O'Neill stated that any quantitative number in the development code, including the ADT standards, could be varied through an adjustment or variance procedure.

Commissioner Carlton asked what the importance of a peak hour analysis is? Commissioner Mobley stated that peak hour relates to capacity, while ADT relates to livability.

Chairman Crosby stated that the definition of some streets does not have width standards and he would like staff to further review that. He also stated there is other code language referring to large and key intersections that seems subjective. He also pointed out other subjective language.

O'Neill asked if the Planning Commission would like additional information from the Public Works Director on his code changes. The Planning Commission would like the Public Works Director to provide more detail. Commissioner Carlton asked a question related to traffic analysis and the clause to waive traffic analysis 'at the time of annexation'. Doughman said he added the language as it relates to the new annexation code amendments that were recently adopted. Commissioner Carlton asked a clarifying question about cul-de-sacs vs. dead end streets. O'Neill said that staff will review the cul-de-sac language.

Commissioner Maclean-Wenzel stated that she wanted to echo Commissioner Mayton's comments, thanked staff, and Commissioner Mobley for his time to the matter.

Motion: Motion to extend the public hearing to August 24th

Moved By: Commissioner Carlton

Seconded By: Commissioner Lesowski

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

No votes: None

Abstentions: None

The motion passed at 10:01 p.m.

7. Items from Commission and Staff

Commissioner Carlton asked staff to send the legislative hearing revision notes to Chairman Crosby and him.

8. 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 10:04 p.m.

A handwritten signature in blue ink that reads "Jerry Crosby".

Chair, Jerry Crosby

A handwritten signature in blue ink that reads "Kelly O'Neill Jr".

Planning Director, Kelly O'Neill Jr