



MINUTES
Planning Commission Meeting
Monday, April 24, 2023 Hybrid - 39250
Pioneer Blvd. and Zoom 6:30 PM

COMMISSIONERS PRESENT: Jerry Crosby, Commissioner, Steven Hook, Commissioner, Breezy Poulin, Commissioner, Darren Wegener, Commissioner, Noah Mhyrum, Commissioner, and Kristina Ramseyer, Commissioner

COMMISSIONERS EXCUSED: Jan Lee, Commissioner

STAFF PRESENT: Kelly O'Neill Jr., Development Services Director, Rebecca Casey, Administrative Assistant, and Josh Soper, City Attorney

CITY LIAISON PRESENT: Chris Mayton, City Councilor

1. MEETING FORMAT NOTICE

Instructions for electronic meetings.

2. ROLL CALL

Chair Crosby called the meeting to order at 6:32 p.m.

3. APPROVAL OF MINUTES

3.1. Draft Minutes for February 27, 2023

Chair Crosby asked for any edits. With no requested edits, Crosby declared the minutes approved.

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

None

5. DIRECTOR'S REPORT

Development Services Director O'Neill updated the Commission on the two joint work sessions with City Council that were held on April 3rd discussing the visions and goals of the Comprehensive Plan and on April 17th discussing the Transportation System Plan (TSP). Director O'Neill strongly encouraged those on the Commission to watch the TSP work session from April 17th if they haven't already done so. He feels when

they have further discussions on the TSP in May they will lose some of the context if they are not up to speed.

O'Neill also reminded the Commission of the next two upcoming meetings on May 22nd for the TSP and June 26th to discuss Cascade Creek Apartments. He then hopes to give everyone a break in July.

6. CITY COUNCIL LIAISON REPORT

City Council Liaison Chris Mayton said Council understands how short staffed the Planning Department is right now. He mentioned that he's looking to help raise awareness with Council in order for Planning to get the help they need. Liaison Mayton also said he's a supporter of reducing SDC fees for development in the existing pipeline.

7. OLD BUSINESS

7.1. State Street Homes Mixed-Use Development (22-031 DR/VAR/TREE):

Chair Crosby opened the public hearing on File No. 22-031 DR/VAR/TREE at 6:39 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 declarations were made, and no challenges were made.

Staff Report:

Development Services Director O'Neill provided a recap of the land use application and reminded the Commission and those watching on Zoom of the applicant's submission and new submission items. O'Neill brought up the vicinity map and explained the two separate tax lots associated with this application and the required improvements for each lot. O'Neill also listed the five requested variances. He explained that three are wall/fence variances, one is a tree retention variance, and the last variance is new since the last hearing and is for a wall offset.

O'Neill said the application is still lacking construction details and will need the construction plans updated. He will also require an engineer to sign off on the stormwater to guarantee no effects downhill from the property. O'Neill addressed the new variance request and said the request is to not provide 8-foot-deep offsets every 20 feet for the three floors above the ground floor. O'Neill believes a good alternative is to require more visual interest with more windows facing Paola's Pizza Barn. Staff recommends an additional four windows on the west ground floor elevation.

O'Neill went over the revised site plan and explained to the Commission that since the last meeting, ODOT decided they would not approve a driveway at the existing driveway location at Station 759+40 and are not willing to change that decision. With that said, the landscaping and trees that were originally going to be saved, will now need to be removed for the driveway at Station 759+85. Staff will work with the applicant on the landscaping and reconfiguration of the driveway and parking at Paola's Pizza Barn.

O'Neill said that the applicant tried to accommodate all of the City's requests. He also stated that the proposed "uses" are allowed and the majority of the proposal meets the Development Code, and having a few variances is not uncommon for these types of multi-family proposals.

Applicant's Presentation:

Mark Wilde
Principal with State Street Homes
30688 SE Country Living Lane
Boring, OR 97009

Mr. Wilde thanked Director O'Neill for a great job updating the Commission on their project and said they're excited and willing to work with the changes that are necessary. His only disappointment was with ODOT's decision to deny the original driveway access. With that said, they will mitigate as required and will work hard to lessen the impact for the neighbors and for Sandy. Wilde said he read the updated staff report and finished by stating that they are willing to make all the necessary changes.

Mercedes Butchas
Studio 3 Architecture
275 Court Street NE
Salem, OR 97301

Ms. Butchas agreed to address all the conditions of approval Director O'Neill stated in the staff report. She also voiced her disappointment with ODOT's decision to deny the existing driveway location.

Public Testimony in favor:

None

Public Testimony against:

Dan Copher
37950 Meeker St.
Sandy, OR 97055

Mr. Copher expressed his concern over seeing a drain line on the plans running right through his property. He was also interested in knowing the zoning of the property as he always thought the property was zoned commercial and didn't understand how "high density residential" was being built on that site.

Dennis Petross
17115 Bluff Road
Sandy, OR 97055

Mr. Petross stated he appreciated that Director O'Neill will require an engineering sign off for the stormwater drainage. Besides the concern with the stormwater runoff, Mr. Petross also questioned the need for a 14-foot retaining wall. He believes the concrete wall along with the metal fence is a disaster for weeds and maintenance as the area is tight and would be hard to get to.

Elizabeth Kitsoulis
38105 Highway 26
Sandy, OR 97055

Ms. Kitsoulis said her house is located between the PGE substation and Paola's Pizza Barn and has sentimental and historical value. She believes the apartments will hover over her house, and with 42 families proposed on site, it will make it difficult and dangerous coming and going out of the one proposed driveway.

Public Testimony neutral:

None

Staff Recap:

Development Services Director O'Neill addressed Mr. Copher's question about seeing the proposed stormwater line running through his lot. O'Neill explained the applicant can't force Mr. Copher to give up his property as they don't have the authority of eminent domain. O'Neill also said that if the applicant can't come to an agreement with the property owner, they would need to resubmit another plan to Public Works and Planning showing an updated proposal for the stormwater line. O'Neill then addressed Mr. Copher's second question regarding the commercial zoning status and how apartments fit into that category. O'Neill explained that as long as the first floor is commercial, the upper floors can be residential.

In response to Mr. Petross's comments, O'Neill expressed that there are no code provisions requiring the applicant to show maintenance of the wall/fence area when determining approval of the application. O'Neill also addressed the

safety concerns of Ms. Elizabeth Kitsoulis. He stated that he understands concerns related to safety and access from the driveway to Hwy 26. He explained that a traffic analysis was done along with a third-party engineer review with no concerns amongst either. He also mentioned that ODOT also reviewed and approved, and another use for that property would most likely generate more traffic than a 42 unit apartment complex.

Applicant Rebuttal:

Mark Wilde
Principal with State Street Homes
30688 SE Country Living Lane
Boring, OR 97009

Mr. Wilde thanked the community members, neighbors, and said that he can appreciate how hard change is. Mr. Wilde said he intends to continue conversations with Mr. Copher over the stormwater line, but he followed up to say that if it does not work out, they will seek an alternative route which they've already identified a few options.

Mr. Wilde then addressed Mr. Petross's concerns over the wall/fence height and expected maintenance. He explained that they had to level the site to accommodate parking, which made it necessary for the retaining wall. Wilde said he appreciates the concerns over the maintenance of the wall and is willing to work with the neighbors and even willing to draft a maintenance agreement. Mr. Wilde concluded that he ultimately wants to find a way to work with the neighbors and come up with solutions to their concerns.

Discussion:

Commissioner Wegener asked questions related to the tree variance and what that means overall. Director O'Neill explained the only possible tree to retain is the Doug Fir located in the SE corner of the site, just east of the gazebo. O'Neill told the Commission to not count on any trees being preserved elsewhere on the site with the new driveway location. Commissioner Wegener also asked for clarification on the heights of the retaining wall on the south side of the site. O'Neill explained that the retaining wall will be internal to the site and the height will face the proposed building.

Commissioner Myrum asked staff if the one remaining tree is included in the required landscaping or if it was in addition to what is required for the easements and landscaping. O'Neill told the Commission it was up to their discretion and gave some examples of how they could condition it. He followed up to say they are proposing quite a few trees already in the landscaping.

The Commission and staff then discussed the retaining wall and the review criteria. O'Neill explained that the applicant will need to level the site for parking and landscaping, creating taller retaining walls because of the topography of the site. Commissioner Wegener stated that he had concerns about the wall heights. Commissioner Poulin said there have been other variances approved for other similar projects and trusts staff with the recommendation for the retaining wall variances. Chairman Crosby agreed and stated he feels they would be on "weak grounds" to deny it.

Chairman Crosby asked if a fence is required at the bottom of the retaining wall, and O'Neill said no fence is required except the safety fence at the top of the retaining walls. O'Neill also said that staff would prefer no fence at the bottom of the retaining wall and agrees with the neighbor to the north that the fence at the bottom of the retaining wall introduces potential maintenance problems. The Commission agreed they can leave that decision up to the applicant to have a fence at the bottom of the retaining wall.

Motion: Motion to close the public hearing at 7:54 p.m.

Moved By: Commissioner Wegener

Seconded By: Commissioner Ramseyer

Yes votes: Wegener, Ramseyer, Hook, Poulin, Myhrum, and Crosby

No votes: None

Abstentions: None

Commissioner Crosby asked the other Commissioners their thoughts on the new variance for the building offsets. Commissioner Wegener said he appreciated Director O'Neill adding the condition for additional windows and stated that the variance makes sense.

City Attorney Josh Sopher reminded staff that an amount has not yet been specified for the wall height that was mentioned in the staff report. It was agreed between the Commissioners that the wall height should not exceed 10 percent as submitted in the applicant's submission.

Motion: Motion to approve the design review and five variances as written in the staff report findings and conditions, with changes to the retaining wall heights not to exceed 10 percent as submitted in the applicant's submission.

Moved By: Commissioner Wegener

Seconded By: Commissioner Hook

Yes votes: Wegener, Ramseyer, Hook, Poulin, Myhrum, and Crosby

No votes: None
Abstentions: None

8. ADJOURNMENT

Chairman Crosby adjourned the meeting at 8:13 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