

**Sandy Planning Commission  
Regular Meeting  
Monday, June 26, 2023**

Chair Crosby called the meeting to order at 6:30 p.m.

**1. MEETING FORMAT NOTICE: Instructions for electronic meeting**

**2. ROLL CALL**

Commissioner Wegener – Present  
Commissioner Poulin – Present  
Commissioner Lee Weinberg– Present  
Commissioner Ramseyer – Present  
Commissioner Myhrum – Absent  
Chairman Crosby – Present

Council Liaison Mayton – Present

Others present: Development Services Director Kelly O’Neill Jr., Executive Assistant  
Rebecca Markham, City Attorney Josh Soper

**3. APPROVAL OF MINUTES – May 22, 2023**

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

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

None

**5. PLANNING COMMISSION VICE-CHAIR APPOINTMENT**

Chairman Crosby asked for nominations to replace the Vice-Chair position that was held by Commissioner Hook through the remainder of the year. Lee Weinberg self-nominated and with no other nominations it went to a vote.

**Motion:** Motion to select Lee Weinberg as the Planning Commission Vice-Chair.

Moved By: Commissioner Lee Weinberg

Seconded By: Commissioner Wegener

Yes votes: All Ayes

No votes: None

Abstentions: None

**6. CITY COUNCIL LIAISON REPORT**

Council Liaison Mayton said that the Sandy Community Campus Park bid has closed, and he is excited to see this project move forward. Mayton also mentioned the success of the “Longest Day Parkway” event that was attended by over 350 people on June 22.

**7. DIRECTOR’S REPORT**

Development Services Director O’Neill explained that the adoption of the budget for the next two years allowed the department to recruit and fill two new positions. The Senior Planner position

has already been posted and the second position for the Code Enforcement officer is in the works. O'Neill mentioned the Police Department will continue to have a code enforcement officer and a robust webpage will be created to help people looking to file an inquiry or complaint.

O'Neill updated the Commission on the moratorium, upcoming meeting dates, and the posting for the open seat that was formerly held by Commissioner Steven Hook. O'Neill also mentioned the turnaround for the new Commissioner will hopefully be quick so the new commissioner can participate at an August meeting.

Commissioner Lee Weinberg provided a brief update on two house bills. She said that House Bill 3395 was passed and will require changes to some regulations for affordable housing. O'Neill said the City will be addressing as many house and senate bill provisions as possible during the Clear and Objective Audit.

## **8. NEW BUSINESS:**

### **8.1 Cascade Creek Mixed-Use Development (22-039 DR/VAR/MP/TREE):**

Chair Crosby opened the public hearing on File No. 23-039 DR/VAR/MP/TREE at 6:44 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. Commissioner Wegener said he went by the site during the Longest Day Parkway event on June 22, 2023.

#### **Staff Report:**

Director O'Neill provided a presentation that included the vicinity map, code chapters analyzed, noticing, and explained the application wasn't subject to the moratorium as it was submitted prior to October 3, 2022. In O'Neill's presentation he also went through the site proposal, building layouts, zoning regulations, the partition request, and other site amenities. O'Neill also explained the applicant's four requested variances and right-of-way modifications that were included as recommendations in the staff report. Lastly, O'Neill said the project meets the development code criteria for partitions, design review, density, and height while still achieving some major goals consistent with the City's long range planning objectives. O'Neill said staff recommends the Planning Commission approve the design review, major partition, and four variances.

#### **Applicant's Presentation:**

Meghan Howey  
BCRA Design  
2106 Pacific Avenue, Suite 300  
Tacoma, WA 98402

Ms. Howey said Director O'Neill did a great job summarizing the project and did not want to be redundant discussing what O'Neill already covered.

Zac Baker  
DPS LLC  
Development Manager  
1911 65th Avenue West  
Tacoma, WA 98466

Mr. Baker thanked City staff and said that he appreciated working with them. Baker stated that Director O'Neill did a great job presenting the project and echoed what Howey said.

**Public Testimony in favor:**

Jerry Jones  
38330 Highway 211  
Sandy, OR 97055

Mr. Jones said he bought his property 34 years ago and was involved with the Bornstedt Village Overlay project. He said he's in favor of this application as he understands the Governor has declared a 36,000-housing unit per year goal and doesn't see how that can happen without projects like this. His only concern is Pine Street extending to Highway 211, but is encouraged to hear that the City's Transportation Engineer and City staff agree on not connecting Pine Street to Highway 211. Other than his concern with Pine Street, he'd like to see this project move forward as quickly as possible.

**Public Testimony against:**

Roy Shelby  
38420 Highway 211  
Sandy, OR 97055

Mr. Shelby told the Commission that his property is the one-acre parcel to the east of the development site. Sheldon asked to have a point-person with either staff or the developer if questions arise during construction. He also has concerns over crime, parking, and Pine Street. Sheldon asked for an amendment to Pine Street as it's directly on his property line and within three feet of his shop, and fifteen feet from his house. Sheldon said that developing Pine Street would cause the removal of five healthy trees and a green strip up the right-of-way that he would like to see stay.

**Public Testimony neutral:**

Jamie Grandy  
19019 Dublin Avenue  
Sandy, OR 97055

Ms. Grandy said she didn't receive a notice in the mail and only found out about the project through the City newsletter. Ms. Grandy voiced her concerns about increased traffic, crime, and parking issues. Grandy also had concerns about more people using Bornstedt Park when it's still not fully developed. She said she is not happy about this development.

**Staff Recap:**

Development Services Director O'Neill agreed with Mr. Shelby and Mr. Jones that extending Pine Street north to Highway 211 is problematic, especially with the current rate of speed that has been documented. He suggested the Commission require sidewalks, curbs, and street trees even if they don't require asphalt at this time. Commissioner Wegener asked if a fee-in-lieu could be used instead of constructing the asphalt section of the road at this time. O'Neill said that a fee in-lieu could potentially work, but his only concern is the amount of money we'd collect today would be less than what the asphalt improvements would cost in the future. In response to saving the trees next to Mr. Shelby's property, O'Neill explained that if the Commission grants a fee-in-lieu tonight in place of asphalt on Pine north, those trees could be saved for now.

O'Neill responded to the concerns over the code compliance issues and said he hopes when the new Code Enforcement officer is hired that hopefully more code violations can be addressed.

In response to Ms. Grandy not receiving her notice in the mail, O'Neill said the mail labels are

compiled by a title company, not the City. O'Neill suggested contacting the County Tax Assessor's office in Oregon City.

Finishing the recap, O'Neill agreed that Bornstedt Park hasn't been built to its full vision and if this project is approved, the City would be able to collect about half a million dollars in parks SDC fees which could possibly be used to upgrade Bornstedt Park.

**Applicant Rebuttal:**

Zac Baker  
DPS LLC  
Development Manager  
1911 65th Avenue West  
Tacoma, WA 98466

Mr. Baker said he echoes what O'Neill mentioned in his rebuttal about the perks of this development such as the parks fee and the roadway improvements on Cascadia Village Drive and Village Blvd. Baker concluded by saying he appreciated everyone's comments and took notes on their feedback.

**Discussion:**

Commissioner Lee Weinberg asked O'Neill that given the impact on the neighborhood if the Commission could require a substantial portion of the parks SDC fees be used for Bornstedt Park. O'Neill said it's a great question but doesn't believe it can be put in the Final Order and referred the question to City Attorney Sopher. Sopher stated it would be outside the scope of the decision and explained that when to use SDC funds are a City Council decision. Sopher suggested the Commission make a separate motion or recommendation asking City Council to set those funds aside for Bornstedt Park.

Chairman Crosby asked staff to confirm that any improvements they don't require now on Pine Street would be more difficult to collect in the future. O'Neill confirmed and said it could eventually cost the city more out of pocket to complete those improvements but agreed with Wegener that a fee-in-lieu would help recover those costs.

Commissioner Wegener asked about recreation space that is constructed on property in another zoning district with different density requirements. O'Neill said the code is silent on it, but staff is requiring the applicant to legally tie parcel 2 and parcel 3 together with a restrictive covenant.

Chairman Crosby next addressed the Pine Street improvements that some neighbors voiced concerns over. It was decided to modify Pine Street north to have the curb extend all the way north to the back of the sidewalk on Highway 211 as well as remove the requirement of asphalt on Pine Street north and have the applicant pay a fee-in-lieu as agreed in an engineer estimate.

**Motion:** Motion to close the public hearing at 7:59 p.m.

Moved By: Commissioner Wegener

Seconded By: Commissioner Lee Weinberg

Yes votes: All Ayes

No votes: None

Abstentions: None

Commissioner Lee Weinberg had concerns over the condition that states roofing could or should include wood shingles. Lee Weinberg said that given wildfire concerns, we should

remove wood shingles as an option. It was decided to modify the condition to remove wood shingles as an option.

Chairman Crosby mentioned a few spelling errors in the staff report.

- 1) Page 16, Finding 29: Carries – spelling error
- 2) Page 33, Finding 111: Met – spelling error

Commissioner Wegener had concerns over the mitigation and retention trees being planted on one lot and how that would work if in the future only one lot sold. O’Neill said that any parcel with retention or mitigation trees will be encumbered by a recorded tree protection covenant that runs with the land and is identified on the title.

**Motion:** Motion to approve File No. 23-039 DR/VAR/MP/TREE Cascade Creek Mixed-Use Development, along with the four variances, conditions as stated in the staff report, and changes as noted by the Commissioners along with the adjustment to Pine Street north to require curb, sidewalk, and street trees with a fee in-lieu for the asphalt.

Moved By: Commissioner Wegener

Seconded By: Commissioner Ramsayer

Yes votes: Wegener, Ramseyer, Lee Weinberg, Poulin, and Crosby

No votes: None

Abstentions: None

The Commission discussed the percentage of parks SDC fees from this project they would like to ask Council to set aside for Bornstedt Park.

**Motion:** Motion to make a recommendation to City Council that the majority of the parks SDC’s collected from the Cascade Creek Mixed-Use Development be used for improvements at Bornstedt Park.

Moved By: Commissioner Wegener

Seconded By: Commissioner Ramsayer

Yes votes: All Ayes

No votes: None

Abstentions: None

## 9. ADJOURNMENT

Chairman Crosby adjourned the meeting at 8:12 p.m.

  
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Chair Jerry Crosby

Attest:

  
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Kelly O’Neill Jr., Development Services  
Director

Date signed: 9/25/23