



# PLANNING COMMISSION MEETING

Monday, November 27, 2023 at 6:30 PM  
Sandy City Hall and via Zoom

## AGENDA

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### TO ATTEND THE MEETING IN-PERSON:

Come to Sandy City Hall (lower parking lot entrance) - 39250 Pioneer Blvd., Sandy, OR 97055

### TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/84330166012>

Or by phone: (253) 215-8782; Meeting ID: 84330166012

### ROLL CALL

### APPROVAL OF MINUTES

1. Approval of Minutes

### REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON- AGENDA ITEMS

The Commission welcomes your comments at this time. Please see the instructions below:

- If you are participating online, click the "raise hand" button and wait to be recognized.
- If you are participating via telephone, dial \*9 to "raise your hand" and wait to be recognized.

### DIRECTOR'S REPORT

2. Director's Report for November 2023

### COUNCIL LIAISON AND PLANNING COMMISSIONER DISCUSSION

### NEW BUSINESS

3. Code Amendment Review Work Session PC

### ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.

**Sandy Planning Commission  
Regular Meeting  
Monday, September 25, 2023**

Chair Crosby called the meeting to order at 6:31 p.m.

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

**2. ROLL CALL**

Commissioner Wegener – Present  
Commissioner Poulin – Present  
Commissioner Weinberg– Present  
Commissioner Ramseyer – Present  
Commissioner Myhrum – Present  
Commissioner Vincent - Present  
Chairman Crosby – Present

Council Liaison Mayton – Present

Others present: Development Services Director Kelly O'Neill Jr., Executive Assistant Rebecca Markham, Senior Planner Patrick Depa, City Attorney Josh Soper

**3. APPROVAL OF MINUTES – June 26, 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. DIRECTOR'S REPORT**

Development Services Director O'Neill updated the Commission on a few upcoming work sessions having to do with the Comprehensive Plan and the Housing Needs Analysis as required by the State housing bills. He also explained the City was awarded two grants that will help the City with the Housing Production Strategy and Mass Timber Code-Up review.

O'Neill provided a staffing update and told the Commission they hired Code Enforcement Specialist, Chris Relyea, and explained the newly created webpage that will help separate what the Police Department and Development Services Department are responsible for.

O'Neill concluded his report with introducing new Senior Planner, Patrick Depa, who provided a brief introduction to the Commission.

**6. CITY COUNCIL LIAISON REPORT**

City Council Liaison Chris Mayton updated the Commission on Bell Street's upcoming ribbon cutting ceremony on October 1, 2023.

Mayton also told the Commission that City Council denied Planning Commission's suggestion from the June 26 meeting to put a portion of the parks SDC's from Cascade Creek Apartments towards Bornstedt Park. Mayton explained that City Council didn't want to set a precedence.

Mayton finished with an update on the aquatic center and said the existing building and existing pool have been approved for demolition.

## **7. INTRODUCTION:**

Chairman Crosby introduced new Commissioner Candace Vincent. Commissioner Vincent provided the Commission a brief introduction of herself and mentioned that she has seen lots of changes in her 27 years living in Sandy and is happy to serve on the Commission.

## **8. NEW BUSINESS:**

### **8.1. Sandy Community Campus Park**

Chair Crosby opened the public hearing on File No. 23-020 DR/CUP/VAR/FSH/TREE at 6:45 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 but two declarations were made.

Commissioner Poulin mentioned she lives across the street and Commissioner Vincent stated that she uses the park three times a week. Neither wanted to abstain and only mentioned it as a declaration.

#### **Staff Report:**

Director O'Neill provided a presentation that included the vicinity map, code chapters analyzed, noticing, and explained how this application is not subject to the moratorium as the proposed restrooms are exempt. O'Neill also addressed the proposal, explained what is not included in this project, and went through the zoning and acreage as well as the site plan.

O'Neill said the applicant met all the conditions for the Conditional Use Permit but noted he would like to see some additional analysis and review on the lighting for the "Dark Sky Ordinance". He also explained there is a separate permit and review for the signage which is nothing out of the ordinary. Lastly, he would like additional analysis on the landscaping. Since this is a conditional use permit, O'Neill wanted to see the screening "beefed" up for the nearby neighbors as he feels the additional screening and trees should be required to help with the noise.

O'Neill highlighted each of the four Special Variances and stated he recommended approval for all. With that said, he recommended increasing the landscaping and adding trees. He also recommended adding "faux" dormers on the two proposed shelters.

Next, O'Neill briefly went through the right-of-way improvements and stated the FSH, and Tree review was minimal as there are no creeks or wetlands on the site and the applicant is only suggesting removal of a half dozen trees.

O'Neill said staff recommends approval of the application with the Design Review, Conditional Use Permit, and four Special Variances with the caveat of the dormers on the shelters and the conditions listed in the staff report.

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

Kurt Lango  
Lango Hansen Landscape Architects  
1100 NW Glisan  
Portland, OR 97209

Mr. Lango thanked O'Neill and said that he was instrumental in helping them navigate the code

and process. Lango shared a four-minute video with the Commission. Lango said he agrees and accepts the conditions as outlined in the staff report. He also agreed with O'Neill regarding variance number one and added that a substantial retaining wall and tree removal would be required if a sidewalk were constructed on the west side of the right-of-way on Meinig Avenue as the existing slope is very steep. Lango also said they are still planting trees on Meinig Avenue and Scenic Street as part of the development.

Mr. Lango also addressed variance number four with the "faux" dormers and asked the Commission to reconsider adding those as a requirement. Lango said the simplicity of the building is what they were going for. He also said they "took to heart" the "Sandy Style" with the colors, stone base, the materials, and pitch of the roof.

**Public Testimony in favor:**

None

**Public Testimony against:**

None

**Public Testimony neutral:**

None

**Staff Recap:**

Development Services Director O'Neill addressed the two public comments staff received from Janet Nelson who spoke about park amenities. O'Neill said that comments on park amenities should have been addressed during the community outreach events that the Parks and Recreation Department held. The Commission is only determining if the application meets the standards in the Municipal Code, not determining park amenities.

O'Neill also addressed Mr. Lango's request to forgo the dormers on the two shelters and stated the decision is up to the Commission but reminded the Commissioners that we would most likely require it for a private developer. With that said, he stated the applicant did add some additional stone around the support columns as an additional design element with no complaints.

**Applicant Rebuttal:**

None

**Discussion:**

Commissioner Wegener voiced a few concerns over the first special variance that would forgo the requirement for sidewalks along the west side of the right-of-way on Meinig Avenue. He has safety concerns for the neighbors having to walk in the street, up and down the steep incline, and near the sharp drop off to the proposed parking lot.

Commissioner Poulin stated that she feels the entrance the applicant is proposing is the safest location and explained that adding a sidewalk on the west side of Meinig Avenue would actually be less safe.

Chairman Crosby asked the Commissioners if they saw any issues with the Conditional Use Permit. With none noted, Crosby moved back to discuss special variance number one.

Commissioner Weinberg would prefer to not lose any trees and a sidewalk and retaining wall

would do that.

Crosby asked the applicant if any trees could be preserved with a curb tight sidewalk. Mr. Lango stated that even with a 4-foot-wide sidewalk, trees would have to be removed due to the slope and required retaining wall. Lango added that the old chain-link fence will be removed and a new one installed adjacent to the new curb for safety. Lango also stated that at the northern side of the proposed park entrance on Meinig Avenue the slope lessens and allows for a 4-foot-wide walkable surface. He suggested the installation of either bark dust or grass as options.

O'Neill reminded the Commission that the maintenance responsibility of the 4-foot-wide walkable surface will be on Public Works as it is in the right-of-way. Crosby and O'Neill both stated that concrete or asphalt would be the least concerning maintenance obligation.

Parks and Recreation Director Rochelle Anderholm-Parsch told the Commission she is willing to work with the Public Works Department on the walking surface. She said that the two departments already work closely together on maintenance of other areas around parks and trails and feels they can work something out.

With no comments on special variance number 2 and 3, Chairman Crosby moved to the fourth variance which would keep the two shelters as is and without the "faux" dormers that O'Neill suggested should be added.

Commissioner Wegener stated that both arguments, for and against dormers are valid, but is also reminded of the high school batting cages and what the City required of them for a similar structure. Although, he also stated the proposed shelters are much more "Sandy Style" with the stone base wrapping and exposed beams than the batting cages were. Crosby agreed and said he could vote either way as the two shelters are in a very unique setting. Commissioner Ramsayer said she prefers the dormers and thinks it looks more uniform with the picnic area.

Wegener asked the applicant where the doors would face. Lango said the doors for the storage and mechanical room will face the parking lot side for access, and the main restroom doors will face the Meinig Avenue park entrance. Lango confirmed that all the doors will be metal.

City Attorney Josh Sopher stated that the precedence the Commission would be setting by not requiring the dormers is almost meaningless as it's a very unique setting and situation as Chairman Crosby mentioned. Crosby suggested moving forward without the dormers and Wegener also agreed.

**Motion:** Motion to close the public hearing at 8:01 p.m.

Moved By: Commissioner Wegener

Seconded By: Commissioner Weinberg

Yes votes: All Ayes

No votes: None

Abstentions: None

Chairman Crosby had two typos for staff in the staff report.

Page 25 in the staff report under finding 86 was missing the word "least" after the word "at".

Page 33 in the staff report under finding 120 was missing the animal related to "nesting".

**Motion:** Motion to approve File No. 23-020 DR/CUP/VAR/FSH/TREE, Sandy Community Campus Park, with the Conditional Use and Variances along with the Conditions as noted in the

staff report findings, and during the hearing discussion, including not requiring the dormers.  
Moved By: Commissioner Wegener  
Seconded By: Commissioner Ramsayer  
Yes votes: Wegener, Ramseyer, Vincent, Weinberg, Poulin, Myhrum, and Crosby  
No votes: None  
Abstentions: None

**9. ADJOURNMENT**

Chairman Crosby adjourned the meeting at 8:06 p.m.

\_\_\_\_\_  
Chair Jerry Crosby

Attest:

\_\_\_\_\_  
Kelly O'Neill Jr., Development Services  
Director

Date signed: \_\_\_\_\_

DRAFT



# STAFF REPORT

## Planning Commission

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**Meeting Type:** Planning Commission  
**Meeting Date:** November 27, 2023  
**From:** Kelly O’Neill Jr., Development Services Director  
**Subject:** Director’s Report for November 2023

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**Comprehensive Plan Update:** The City Council and Planning Commission held a joint work session on October 16 to discuss the Economic Opportunities Analysis (EOA) and economic development goals associated with the comprehensive plan. City staff then coordinated with both the Council and Commission to obtain additional feedback through email. In addition to the EOA, we are holding a joint work session on the Housing Needs Analysis (HNA) on December 4. Once we establish a factual base for economic development and housing through the EOA and HNA, we will be moving forward with creation of goals and policies for Block 3 of the Comprehensive Plan which is related to Housing, Economic Development, Governance, and Growth Management.

**Urban Renewal grant programs:** We are shifting some work responsibilities around at City Hall and decided to move urban renewal grant projects back to the Development Services Department. The grant programs will be overseen by the Director. If you get inquiries, please forward them to [koneill@ci.sandy.or.us](mailto:koneill@ci.sandy.or.us).

**Development Services Code Enforcement Update:** As of October 1st, 341 code enforcement cases were active. Of those, 109 were confirmed as Civil Infraction cases for the Community Service Officer in the Police Department and 199 were confirmed as City Infraction cases for the Code Enforcement Specialist in Development Services. The remaining 33 cases were duplicates or not within the scope of code enforcement.

During the month of October, 159 City Infraction cases were resolved. Of the 159 resolved cases:

- **61%** were Noxious Vegetation and Junk Accumulation (Title 8.16)
- **25%** were Street Trees (Title 12)
- **6%** were Sign Code (Title 15)
- **5%** were Sidewalk Maintenance (Title 15)
- **2%** were Dark Sky Ordinance (Title 15)
- **1%** were Business License (Title 5)

*(86% of resolved cases achieved compliance after a single notification of non-compliance while 14% achieved compliance after a second notification including a warning of citation)*

**Sandy Fred Meyer:** Fred Meyer Stores, Inc. submitted plans for an interior remodel. The renovations will most likely start in March, and planned work is set to last a minimum of 120 days. The store will stay open during the renovation, and renovations are planned to take place entirely inside the building. However, to economize space inside, the applicant has requested to create two temporary storage areas outside their building in the parking lot. The project went through a Type I permit to review how

the parking area was going to be affected. All trailer and storage container locations will have fencing and shall not impede any clear vision areas along parking area routes. The applicant has provided a vehicle circulation map which indicates the existing fuel truck maneuvering routes shall remain unimpeded along with the coordinated access to the on-site vehicle electric charging stations.

**37220 Dubarko Road, House Addition:** Staff issued a decision on October 31 to allow the house addition but is requiring the removal of a shed and synthetic turf from City property, and an evaluation from an engineer on the retaining wall. The property owner will also be required to plant street trees and make a few other small property modifications.

**Tupper Park improvements:** The City of Sandy's Parks and Recreation Department removed seven (7) birch trees and two (2) fir trees in Tupper Park on September 6, 2023, as they were dead or in severe decline and presented a hazard to the public. Removal of a hazard tree requires replanting at a minimum 2 to 1 ratio. Thus, the Parks and Recreation Department will replace the nine (9) hazard trees with eighteen (18) mitigation trees.

**Tickle Creek Restoration Project:** The intent of the Tickle Creek Restoration Project is to improve riparian health and protect water quality along a section of the Tickle Creek Stream Corridor between 362nd Ave to a location near Hwy 211. This section of Tickle Creek is about two miles upstream from Sandy's Wastewater Treatment Plant. The 1.8-mile Tickle Creek Trail travels along parts of this corridor and was built in 2010 (see exhibit map of management area). The project has three goals: reduce non-native plants in the riparian corridor; increase native plants, particularly shade providing conifers, hardwoods, and shrubs; and mitigate erosion and soil compaction from off-trail disturbance. Mitigation of off-trail activity will consist of strategic placement of plants and woody debris to prevent or deter access to impacted areas and to facilitate natural soil recovery. Work is expected to occur between October 2023 and October 2026.





**DATE:** November 20, 2023  
**TO:** Planning Commission  
**FROM:** Patrick Depa, Senior Planner  
**RE:** Work Session - Various Municipal Code Amendments

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## **BACKGROUND / CONTEXT**

The Municipal Code requires amending from time to time when either changes are made in state law or when a city has seen certain levels of growth and development that renders some of the current code obsolete. Because of this, City of Sandy staff is proposing some appropriate amendments to various sections of the Development and Municipal Code to address findings in the Housing Needs Analysis (HNA) and Economic Opportunity Analysis (EOA), commercial and residential growth, and legislative changes.

The purpose of this work session is to discuss immediate and future amendments and recognize changing standards within the community predominately related to commercial and residential development. During this work session we will review several key code amendments looking to the Commission for input, direction, and prioritization for their adoption. These code modifications will come before the Commission after the adoption of the Clear and Objective Audit that was summarized at the work session on November 6, 2023.

The proposed Municipal Code amendments come from a variety of origins and circumstances grounded in guiding new development, increasing safety, and applying best planning practices. This may include criteria for identifying significant effects of a plan or land use regulation and how they are applied.

State law requires that land use regulations be consistent with the city's acknowledged comprehensive plan. This will help ensure that new codes reflect the community's vision and are based on policy. The City is following the Statewide Planning Goals and guidelines by finishing up and eventually adopting a Housing Needs Analysis (HNA), an Economic Opportunity Analysis (EOA), a Building Land Inventory (BLI), and the 2050 Comprehensive Plan as we prepare for drafting new implementing regulations.

With the culmination of the above said documents, the Planning Division and the Planning Commission will have a good deal of work ahead of us to translate the various new polices into usable Municipal Code. This will be a large part of what the Commission will be working on for the next eighteen (18) months or so. However, the core reason for this work session is to examine an existing list of possible code amendments and get a consensus on a timeline and priority.

## **KEY CONSIDERATIONS / ANALYSIS**

The Development Services Director and I created the following short list that should get us started with discussion:

- **Temporary uses and structures:** Initiated by City Administration
- **Signs:** Initiated by staff
- **Urban Forestry Standards:** Initiated by the City Council
- **Major Utilities (cell towers):** Initiated by staff
- **Retaining Walls and fences – Materials:** Discussed in the past with the Planning Commission
- **Commercial and Industrial Accessory Buildings with building materials relating to Sandy Style:** Initiated by staff
- **Drive-thru requirements – Stacking:** Initiated by staff
- **Forfeitures and fees:** Initiated by the City Council

## **POTENTIAL CODE AMENDMENTS**

**Temporary Uses and Structures:** Types of uses, hazardous materials, time frames, and renewal schedules. The Transportation Growth Management (TGM) model code has a section on temporary uses we can analyze and research what other jurisdictions have implemented. Do we want to maintain it as a discretionary review and therefore use the Type II process or go solely to an administrative Type I review?

**Signs:** The Planning Division already started on a comprehensive overhaul of proposed sign amendments back in 2020. The existing sign code has multiple First Amendment violations regulating free speech and has some poorly written regulations that are difficult to interpret.

**Urban Forestry Standards:** This was a project started pre-pandemic and involved a subcommittee and several iterations of code. This project was placed on hold during the pandemic and never was reinstated. Staff would like to use the Commission moving forward on this project, not a subcommittee.

**Major Utilities:** Cell towers and co-location requirements. Installation or upgrading restrictions based on eagle nesting seasons.

**Retaining Walls and Fences:** Maximum allowed height in proximity to other structures and property lines. Limitations on wall and fence materials. Variance criteria and exceptions may need to be established based on a geographical hardship peculiar to the property.

**Commercial and Industrial Accessory Structures:** Building material requirement thresholds; size and when to apply design standards. No temporary storage in trailers/cargo containers. Landscaping buffers when facing residential zoning districts or a public right-of-way.

**Drive-thru Requirements:** Stacking issues, visibility from public right-of-way, and performance standards.

**Forfeitures and fees:** Standardizing the code enforcement fees, procedures, and deadlines. The Code Enforcement Specialist has already started working on this project.

In addition, staff is interested in making minor housekeeping changes to the code to help clarify various requirements. Staff will provide more background and information at future meetings to facilitate discussion of these topics.

### **RECOMMENDATION**

For this meeting, City staff would like to know if there are any other issues pertaining to sections/chapters in the municipal code that you would like to address or believe need to be reviewed. Are there any sections that are typically part of a design review or site plan review that you believe are too restrictive or maybe didn't go far enough to address their specific application?

If there are some items not on the list that you want to discuss, we are encouraging you to bring them up and introduce your concerns. Any items that may be discussed that are not on the above list can be added with a consensus of the Commission that believe it qualifies for further consideration.

After we finalize our list of code language we want to review, we will need your thoughts on the next steps. We believe the first step is for us is to prioritize the above list. Which code items do you believe we can address quickly, which ones will take more attention and research, and which ones may need priority due to a volatile result if not addressed quicker?

### **CONCLUSION**

Finally, we would like to know if there is a method to approach the task of updating the municipal code that you have used in your workplace that may help staff and the Commission address this task more efficiently.

Moving forward, the purpose of future work sessions and future hearings is to determine if the code amendments are sufficient to address their intended purpose and eventually arrive with a recommendation for the City Council.