

**Sandy Planning Commission
Regular Meeting
Monday, June 10, 2024**

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

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Commissioner Crosby – Present
Commissioner Poulin – Present
Commissioner Ramseyer – Present
Commissioner Vincent – Excused
Commissioner Myhrum – Present
Vice Chair Lee – Present
Chair Wegener – Present

Council Liaison Mayton – Present

Others present: Development Services Director Kelly O’Neill Jr., Executive Assistant Rebecca Markham, Senior Planner Patrick Depa

3. APPROVAL OF MINUTES – April 22, 2024

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

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

None

5. DIRECTOR’S REPORT

Development Services Director Kelly O’Neill Jr. said there’s no Planning Commission meeting scheduled for July, but there is a tentatively scheduled meeting on August 26 for an adoption hearing for the Comprehensive Plan.

O’Neill also shared that City Council recently approved the Land Use Approval Extension Ordinance exactly as Planning Commission recommended, which will include a process to accept a two-year extension request.

O’Neill provided a somber update on the Economic Development Management position that was recently eliminated due to the lack of economic development created by the moratorium. The position is currently held by David Snider whose last day employed by the City of Sandy will be August 1, 2024.

Lastly, O’Neill gave a moratorium update and explained how the City Council recently adopted a new resolution which has many clauses and procedures. He explained that even with the EPA releasing 570 ERUs, it isn’t enough to allow new development land use applications at this time. O’Neill also stated that staff are currently accepting the new ERU allocation applications for those developers and property owners already approved with land use applications.

6. CITY COUNCIL LIAISON REPORT

City Council Liaison Chris Mayton thanked the Planning Commission and staff for all their hard work, especially with the moratorium.

7. NEW BUSINESS:

7.1. Tickle Creek Temporary Trailer Appeal (File No. 24-028 AP)

Chair Wegener opened the public hearing on File No. 24-028 AP at 6:42 p.m. Wegener 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 Commission.

Staff Report:

Senior Planner Patrick Depa went through a PowerPoint presentation that included the background, the applicant's reason for the two requested construction RVs, the reason for the appeal, and the location of the two RV construction trailers. Depa also showed the Commissioners renderings of the finished condos and lastly went over staff's recommendations. He explained that the Commission can either uphold the staff decision per the Final Order for File No. 24-021 TEMP to limit the site to one RV construction trailer, which staff prefers, or modify the conditions of approval allowing the two RVs that are currently already on site.

Applicant:

Tracy Brown (representing the applicant)
17075 Fir Drive
Sandy, OR 97055

Mr. Brown said it's been a "long haul" for this developer as he's had to tackle sewer issues, covid, and a loss in funding until recently when his funding returned. Brown said the developer is anxious to get this project back on track and really thinks he needs both RVs to make that happen. He also clarified that one trailer will be used for storage while the other trailer will be used by his foreman for plan review and day to day operations on site. He also stated that nobody will be living in either RV.

Brown also mentioned he noticed three work trailers on site at the City's new park under construction and only found approval for two trailers. With that said, he feels staff is micromanaging this project and said his client, the developer, is the best one to know what he needs onsite.

Brown asked the Commission to forgo the two conditions listed in the original Final Order for File No. 24-021 TEMP and approve the two RV construction trailers for a year with the option to reapply for a second year and with the caveat that nobody can live in them.

Public Testimony in support:

None

Public Testimony in against:

None

Public Testimony neutral:

None

Staff Recap:

Depa explained their decision to only approve one RV was certainly not meant to be punitive

and staff still stands by their decision that one construction trailer should be sufficient.

O'Neill said that part of the issue is the code enforcement complaints that staff has received have been related to the construction trailers appearing as an "encampment" as the types of trailers being used are not construction trailers, but recreational vehicles.

O'Neill also addressed Browns comments about the three trailers at the City's new Cedar Park construction site. He agreed that two trailers were approved by permit and that staff will have to investigate the third. He also explained it's an entirely different situation as the new park project has two general contractors running the project that aren't even associated with each other, whereas the Tickle Creek project only has one general contractor.

Lastly, O'Neill had concerns over the recreational vehicle having been parked there since 2019 which isn't a temporary situation.

Applicant Rebuttal:

Brown refuted O'Neill's statement that one of the RVs has been there since 2019 and said this all feels like a distraction and doesn't benefit anyone. He said there's nothing in the code that regulates design standards on construction trailers. He also mentioned there's nothing stating it couldn't be an RV and thinks staff is being excessive in limiting the site to one construction trailer.

Discussion:

Commissioner Poulin asked Mr. Brown when the first trailer was initially placed on site and then removed since he noted it wasn't 2019 as O'Neill thought. Brown said he didn't know the answer to either of those dates but tried to explain how he believed it played out over the last few years.

Commissioner Ramseyer asked Mr. Brown for clarification as to how much work is happening and how often the foreman is on site. Brown explained that the foreman's there five days a week and quite a bit of work is happening even though it still looks like a bare site.

Motion: Motion to close the public hearing at 7:08 p.m.

Moved By: Commissioner Crosby

Seconded By: Commissioner Poulin

Yes votes: All Ayes

No votes: None

Abstentions: None

Discussion:

The Commission discussed different options, possible issues, regulations for sheds and other implications with allowing both RVs. There were concerns over being too legislative and not allowing some flexibility as well as being fair and consistent across the board. The Commission also made clear that they want to see the site develop and know the RVs won't be there forever. They also discussed how without the storage RV; it leaves the site open to theft. Ramseyer stated that she would still like to see one professional construction trailer instead of the two RV's as it is an eye sore.

Motion: Motion to approve the applicant's appeal under File No. 24-028 AP and allow both RV construction trailers to remain on the construction site.

Moved By: Commissioner Crosby

Seconded By: Commissioner Myhrum
Yes votes: Commissioner Crosby, Myhrum, Vice Chair Lee, and Chair Wegener
No votes: Commissioners Ramseyer and Poulin
Abstentions: None

8. WORK SESSION:

8.1. Fences/Retaining Walls and Temporary Uses/Structures (Chapter 17.74)

Temporary Structures:

O'Neill went through the different challenges and frustrations for processing temporary structure permits for emergencies and park development. He gave examples of previous emergency situations where the code didn't provide guidance on how to proceed. He explained the code is very vague or non-existent on these emergency situations and other similar scenarios.

O'Neill believes there should be more consideration for how we manage and regulate the temporary structures and thinks it's naive to think we shouldn't. He also said we should be mindful of egress, ingress, and utilities when approving these applications.

Temporary Uses:

O'Neill explained there's been lots of questions and concerns brought up over the last few years relating to things such as road closures and fabric structures being blown by the wind and not being properly secured. There's also more collaboration with other agencies and different departments over the last few years and our code should reflect that collaboration.

Fences and Retaining Walls:

O'Neill said he'd like to see more flexibility for property owners when the topography calls for it. He explained how the current code doesn't reflect steep slopes which Sandy has plenty of. He also provided a diagram showing a few examples.

O'Neill also asked the Commission to consider prohibiting galvanized fencing in the front yard. He feels over time it starts to rust, break down, and look tacky. He did however feel an exemption should be given for hog wire fences framed in wood.

Discussion:

The Commission asked O'Neill for clarification on defining the difference of temporary "uses" versus "structures". O'Neill explained that temporary uses have a time limit up to 90 days whereas the temporary structures can get approval for up to a year. Also, the existing code limits temporary structures to building or sale of dwellings and land, and construction of industrial or commercial facilities.

Chair Wegener said the two things that stood out to him were "emergency situations" and "events". He'd like to see more grace given to emergency situations such as waiving requirements on "Sandy Style". He does, however, think more restrictions could be placed on temporary structures for events or similar scenarios outside of an emergency. He also wants to be mindful of ADA requirements, especially if it's open to the public.

Vice Chair Lee asked if there should be a separate section just noted for emergency situations. That began a conversation as to who determines the "emergency" and if the City had to wait for a "declaration of emergency" it would "pigeonhole" the City as noted by Commissioner Poulin.

After much discussion about different scenarios, O'Neill made it clear that under no circumstance should the temporary structure be used for anyone sleeping or living in the

structure except if it was a FEMA related situation.

Commissioner Crosby noted that under proposed Section 17.74.60 (B)(3) under temporary structures, it states that the applicant “shall be served by utility services” or “shall submit a utility service plan”. He feels the wording should end by saying “only when necessary” to accommodate temporary structures, such as firework stands. O’Neill agreed to make that update.

O’Neill asked the Commission to give feedback on how they feel about the “look” of the temporary construction trailers, outside of an emergency. Wegener stated that he doesn’t think we should require the “full” Sandy Style but also believes there should be a more “elevated level” than what’s required now.

Crosby said the code could note that temporary structures can’t be originally manufactured as a recreational vehicle. Poulin had some hesitancy as she believes there’s some value in allowing construction sites to reuse RVs on site as it creates security and helps keep costs down overall. Wegener believes differently and thinks the RVs look less secure and not as professional. Ramseyer believes that if they are concerned over security, they should hire a security company to patrol at night. Wegener also said he’d like to see something mentioned about maintenance and upkeep of temporary structures in the revised code.

In the next discussion about fences and retaining walls, the Commission discussed scenarios in which someone could construct a retaining wall that isn’t holding up a surcharge in order to have a higher fence. O’Neill said it was a good point and could become a loophole that will need to be addressed with some additional language.

Crosby asked for clarification from staff about wanting to remove galvanized fencing in front yards. O’Neill stated that section could be better clarified to imply that chain link fences are allowed but the finish can’t be galvanized due to rust and the breakdown of the fence over time.

Staff also suggested specifying the types of materials that can be used for retaining walls and fences. O’Neill provided an example of a property in Sandy where used tires were stacked to construct a retaining wall, which ultimately failed and caused issues. The Commissioners agreed to have materials approved by the City Engineer or Building Official.

O’Neill stated he will make all the edits as discussed during this work session and email it to Chair Wegener to find out if another work session is necessary before bringing it back for a hearing.

9. ADJOURNMENT

Chair Wegener adjourned the meeting at 8:37 p.m.

Chair Darren Wegener

Attest:

Kelly O’Neill Jr.,
Development Services Director

Date signed: _____