

**Sandy Planning Commission
Regular Meeting
Monday, May 27, 2025**

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

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Commissioner Lee – Present
Commissioner Poulin – Present
Commissioner Zawaski – Present
Commissioner Malone – Present
Commissioner O’Leary – Present
Vice Chair Crosby – Present
Chair Wegener – Present

Council Liaison Ramseyer – Present

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

3. APPROVAL OF MINUTES – January 13, 2025

Chair Wegener asked for any edits to the draft minutes.

Motion: Motion to approve the minutes from January 13, 2025

Moved By: Commissioner Lee

Seconded By: Commissioner Malone

Yes votes: Commissioners Lee, Malone, Poulin, Zawaski, O’Leary, Crosby, and Wegener

No votes: None

Abstentions: None

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

None

5. DIRECTOR’S REPORT

Development Services Director Kelly O’Neill Jr. explained that moving forward his director’s reports will be slightly different. He plans to list upcoming Planning Commission meeting dates and tentative meeting items that could come before them, and just provide a line to the monthly report he publishes for the City Council.

O’Neill also told the Commission the great news that the City received approval of the adjustment request to a house bill requiring cities to approve 100% of the adjustment requests for housing projects. Approval of this exemption now gives the City the authority to have more local control of our process and requires the City to approve 90% of the adjustment requests instead of 100%. Sandy is only the second city in the state of Oregon to receive this exemption. There will be some conditions the City has to meet, such as updating the City website and additional language on our pre-app notes.

6. CITY COUNCIL LIAISON REPORT

City Council Liaison Ramseyer noted that the extensive City budget process has been completed, but now the new increased SDC fees are “rocking the boat” requiring further discussion. Planning Commissioner O’Leary asked what “rocking the boat” meant when referring to the SDC’s. Ramseyer explained that the City is getting push back from developers on those increased fees which have led to attorneys being involved and a need for further discussions.

Chair Wegener thanked everyone on the Commission who participated in the budget process and discussion.

7. NEW BUSINESS:

7.1. Chapter 17.74 Work Session on Fences/Retaining Walls and Temporary Uses /Structures

O’Neill started the work session discussing fences and retaining walls. He stated that staff and the Commission discussed updating this chapter back on June 10, 2024, and from that discussion, they came up with an exhaustive list noted in the staff report. He explained the confusion and challenges over the combination height of fences and retaining walls, especially with the topography in Sandy. He also wants to be realistic and avoid unnecessary adjustments or variances and instead just allow for additional flexibility in those circumstances.

O’Neill explained the new addition of “battery charged” fencing in zones without housing, which would be the I-1, I-2 and, I-3 zoning districts and said the electrified fencing is an ORS requirement that the City Attorney suggest be added. Some other additions had to do with measuring the finished grade, landscape buffers for I-2 and I-3 zones, and the removal of most galvanized fencing in front yards as an option. He also mentioned restricting mesh, polyethylene fencing, and what is considered prohibited retaining wall materials.

O’Neill also explained the need to start requiring permits for any retaining wall over 4 feet in height. He went over some of the City’s challenges since the State Buildings Code Division no longer regulates retaining walls unless it holds up a surcharge.

Commissioner Poulin stated that black chain link versus regular galvanized fencing was significantly more money and wanted to know why we want to require black chain link over galvanized when we are in a housing crisis and looking to bring costs for new homeowners. O’Neill stated that in his opinion, galvanized fencing starts to rust giving it a bad and “stand-offish” look and feeling. He also said that most yards don’t have a front yard fence and it’s more affordable to just not install a front yard fence. Chair Wegener also noted that houses built on transit streets that have very visible front yards would set the tone if galvanized fencing was allowed. Commissioner Crosby also agrees that over time the galvanized fencing will eventually look “tacky and rusty”. O’Neill stated that some cities don’t even allow front yard fences. After some additional discussion, the Commission agreed to limit galvanized fencing materials in the front yard.

The Commission then discussed the definition of “recreation area” that O’Neill agreed that staff could better define. Fence regulations for swimming pools were also analyzed but it was determined that staff would need to get clarification from the Building Official on hot tub fencing and if it also follows the same rules as pools.

After some discussion, the Commission also agreed to require engineering in addition to a building permit for any retaining walls over 4 feet in height due to structural and safety concerns.

Next, O'Neill went through temporary uses and structures. He stated that the additions they see are sections that the Planning Commission gave direction on last year in June as well as a few that staff included after multiple reviews, such as the inclusion of temporary structures during emergency events and retroactive approval.

Wegener asked how emergency "sheltering" such as FEMA would work when B (1) doesn't allow overnight accommodations in the right-of-way. O'Neill stated he could write up a provision for emergency situations. Wegener stated that "portable outdoor storage unit" should be better defined and O'Neill agreed.

7.2. Chapter 8.36 Work Session on Outdoor Burning Code Amendments

Senior Planner Patrick Depa explained how this code section was updated to address the issues that the fire department was dealing with as well as defining regulations more clearly. Depa said that the incorporated code updates came from the Clackamas County Fire code, Sandy Fire code, and State code regulations. O'Neill said that staff also relied on the regulations and code language from the Department of Environmental Quality (DEQ) and the Oregon Department of Forestry (ODF). He also stated that the Clackamas County Fire Marshal and the City Attorney did a lengthy review on these updates.

Depa identified a few sections in Chapter 8.36 that the City has discretion on and what staff is asking of the Commission to discuss. This includes minimum lot sizes for permitted burns, distance of the burn piles to structures, fine amounts, size of burn piles, and burn times.

The Commission agreed to keep the minimum lot sizes as staff proposed and there was consensus on adding the words "or recreation" after "cooking" under A (1) to allow for other uses besides only cooking.

Commissioner Zawaski suggested striking B (1) since B (4) basically defines things that would make a noxious odor, and the Commission agreed.

The Commission next discussed the proposed fine amount, which is proposed as a Class A infraction, due to concerns with noncompliant burning. It was clarified by O'Neill that the only discretion for these fines once a citation has been issued is with the municipal judge. The Commission agreed with the proposed Class A infraction.

Lastly, the Commission agreed on the proposed burn times.

O'Neill explained that the Chapter 8.36 code amendments will be refined as directed by the Commission and then presented to the City Council in a work session.

At 8:21 p.m. Commissioner Lee was excused to leave the meeting early.

8. Goal Priorities for 2025 - 2027

O'Neill explained the goal list from the City Council that he broke down into three categories for the Planning Commission to review. He stated that the City Council set the goals but not the priorities and would like the Commission's input on prioritizing the list before them.

Commissioner Malone suggested prioritizing the goals that have been on the list the longest and through a few budget cycles. Chair Wegener said he could see an argument where if they haven't been prioritized for the last few years, maybe they're not as important.

O'Neill also pointed out that staff needs more clarification from City Council on the goal to "update the City's zoning map" since it's unclear what that goal means.

Chair Wegener said his top goals were "developing a clear policy for ERU allocations", "completing the HPS" and "emergency management projects". Wegener also stated that he felt the "Pleasant Street Master Plan" should start with the Economic Development Advisory Board.

O'Neill asked the Commission if they had any input on the code modification list. Malone felt Urban Forestry would be a good one to modify and O'Neill agreed, but also said it's a very difficult one to amend.

Wegener asked about the addressing code and O'Neill said the City doesn't currently have a code section for addressing which has made it difficult for staff when addressing changes are needed.

9. ADJOURNMENT

Chair Wegener adjourned the meeting at 8:39 p.m.

Attest:

Chair Darren Wegener

Kelly O'Neill Jr.,
Development Services Director

Date signed: _____