



# CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

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October 7, 2019, 6:30 p.m.  
City Hall Council Chambers, 3225 Main Street  
Sweet Home, OR 97386

Call to Order and Pledge of Allegiance

## Roll Call of Commissioners:

Commissioner Gatchell (Chair)  
Commissioner Wolthuis (Vice Chairperson)  
Commissioner Journey  
Commissioner Stephens  
Commissioner Herb  
Commissioner Korn  
Commissioner Parker (Absent)

## Staff:

Blair Larsen, CEDD Director; Justin Peterson, COG Planner; Angela Clegg, Associate Planner

## Guests:

Rosa Cazares, 7318 N Olin Ave, Portland, OR  
Jordan Burroughs, 2347 Long Street, Sweet Home

## Public Comment.

None

## Review and Approval of Minutes: July 1, 2019;

**Comments Included;** No comments

**Commissioner Journey** moved to approve the minutes.  
**Commissioner Stephens** seconded the motion to approve.

## Question was called

**Aye** 6  
**Nay** 0  
**Absent** 1

**Motion Passed (6) Ayes to (0) Nays**

## Review and Approval of Minutes: August 5, 2019;

**Comments Included;** No comments

**Commissioner Stephens** moved to approve the minutes.  
**Commissioner Korn** seconded the motion to approve.

## Question was called

**Aye** 6  
**Nay** 0

**Absent 1**  
**Motion Passed (6) Ayes to (0) Nays**

**Review and Approval of Minutes: September 3, 2019;**

**Comments Included;** Commissioner Stephens stated that there was a typo on page 2 and page 4. Associate Planner Clegg stated that she would make the correction.

**Commissioner Stephens** moved to approve the minutes with corrections.  
**Commissioner Herb** seconded the motion to approve.

**Question was called**

**Aye 6**  
**Nay 0**  
**Absent 1**

**Motion Passed (6) Ayes to (1) Nays**

**Public Hearing for File CU19-07:** The applicant has requested a Conditional Use Permit in order to establish a retail marijuana store in an existing building. The subject property contains 14,625 square feet and is in the Commercial Highway (C-2) Zone.

**PUBLIC HEARING OPENED AT 6:37 PM**

Chairman Gatchell read the description of the application and the Planning Commission Criteria.

**The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.**

**Personal Bias: No**  
**Conflict of Interest: No**  
**Exparte Information: No**

**Comments/Discussion:**

Clegg read the application request and discussed the site plan that was submitted by the applicant. Chair Gatchell asked if the applicant had met all of the criteria. Applicant gave testimony.

**Testimony in Favor: Jordan Burroughs**  
**Testimony in Opposition: None**  
**Neutral Testimony: None**  
**Rebuttal: None**

**PUBLIC HEARING CLOSED AT 6:45 PM**

**Planning Commission discussed the applications.**

**Comments/Concerns Included:**

**Commissioner Gatchell:** No comment or concerns

**Commissioner Journey:** stated she was ok with the application.

**Commissioner Stephens:** Stated that the applicant meets criteria.

**Commissioner Wolthuis:** Stated that the applicant meets criteria, but he wants the conditions of approval in the record.

**Commissioner Herb:** stated that he was concerned about the security for the applicant.

**Commissioner Korn:** Stated that the applicant meets criteria.

**Commissioner Parker:** Absent

**Commissioner Korn** moved to approve application CU19-07 and thereby permit the Conditional Use at 4320 Highway 20, Sweet Home, Oregon 97386; adopting the findings of fact listed in Section III of the staff report, including all of the Conditions of Approval in Section V, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.

**Commissioner Wolthuis** seconded the motion to approve.

**Question was called**

<b>Aye</b>	6
<b>Nay</b>	0
<b>Absent</b>	1

**Motion Passed (6) Ayes to (0) Nays**

**Staff Update on Planning Projects**

- Planning Commission Retreat:
  - The Planning Commission Retreat was changed to November 4, 2019 at 6:30 PM. The regular Planning Commission meeting will be held November 18, 2019 at 6:30 PM. Clegg was instructed to call Commissioner Parker to let him know.
- Code Amendment Update – CEDD Director Larsen  
CEDD Director Larsen gave an update on the code amendments.  
City Manager, Ray Towry, gave an explanation to the Planning Commission as to why Sweet Home went away from the Model Code.

Adjournment at 7:25

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the Community and Economic Development Office at (541) 367-8113.

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend.

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

**To the best of the recollection of the members of the Planning Commission, the foregoing is a true copy of the proceedings of the Public Meeting of February 3, 2020.**

  
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Lance Gatchell Chairperson  
Sweet Home Planning Commission

Respectfully submitted by: Angela Clegg, Associate Planner

## Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
  - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:  
READ: "The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue."
- Declarations by the Commission:
  - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
  - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
  - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
  - Review of application
  - Discussion of relative Criteria that must be used
  - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
  - Applicant's Testimony
  - Proponents' Testimony
    - Testimony from those wishing to speak in favor of the application
  - Opponents' Testimony
    - Testimony from those wishing to speak in opposition of the application
  - Neutral Testimony
    - Testimony from those that are neither in favor nor in opposition of the application.
  - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
  - Motion
    - Approval
    - Denial
    - Approval with Conditions
    - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
  - Recommendation made by Planning Commission—City Council makes final decision.
  - If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.