



CITY OF SWEET HOME PLANNING COMMISSION MEETING AGENDA

August 5, 2019, 6:30 p.m.

Police Department Conference Room, 1950 Main Street
Sweet Home, OR 97386

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

1. Call to Order and Pledge of Allegiance
2. Roll Call of Commissioners:
Lance Gatchell (Chair); Henry Wolthuis (Vice Chairperson); Eva Journey; Greg Stephens; Thomas Herb, Greg Korn (excused absence), Jeff Parker
3. Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.
4. **Meeting Minutes:** May 6, 2019
5. **Public Hearing Continuation for File P19-04 & VR19-04:** The applicant is requesting to partition a 42,235 square foot property into three parcels. Proposed Parcel 1 would contain 10,890 square feet. Proposed Parcel 2 would contain 10,890 square feet. Proposed Parcel 3 would contain 16,331 square feet (not including the flag pole). The applicant is also seeking a variance to reduce the minimum lot width at front building line from 80 feet to 72.50 feet on proposed Parcel 1 and 72.61 feet on proposed Parcel 2 to have the minimum 25-foot frontage width for proposed Parcel 3. The subject property is in the Residential Low-Density (R-1) Zone.
6. **Public Hearing. File P19-06 & CU19-08:** The applicant is requesting to partition a 78,750 square foot lot (Tax Lot 3700 of Map E29) in the Recreation Commercial (RC) Zone into two parcels: 46,349 square feet in proposed Parcel 1 and 32,401 square feet in proposed Parcel 2. The applicant is also requesting a Conditional Use Permit to build a home on Parcel 2, a requirement for residential uses not related to or in conjunction with a recreational development in the RC Zone. Parcel 2 has an existing pole building that will remain on the property. Parcel 1 has an existing home and the use of Parcel 1 will not change. The Conditional Use application is dependent on approval of the partition.
7. **Public Hearing. File P19-08 & VR19-06:** The applicant is requesting to partition a 20,812 square foot property into two parcels in the Low Density Residential (R-1) Zone. Proposed Parcel 1 is a 9,212 square foot flag lot (not including the flag pole). Proposed Parcel 2 is a 8,625 square foot lot. The applicant is also seeking a variance to reduce the required lot width for proposed Parcel 2, listed in SHMC 17.24.040(B), from 80 feet to 75 feet for Parcel 2.
8. **Public Hearing. File LA19-01:** This legislative amendment consists of text amendments to Title 17 and Title 17 of the Sweet Home Municipal Code (SHMC); Zoning Ordinance. Staff is in the process of preparing a new draft development code; however, there are several code updates that are needed now to facilitate administration of the planning program. Staff is requesting that the Planning Commission and City Council review the code amendments and direct staff to move these updates through the public text amendment review process prior to completion of our comprehensive code update.

This proposal includes amendments to following chapters of the SHMC: 16.08.010, Appeal; 17.12.090, Appeals; 16.16.030, Procedures; 17.12.20, Public Hearings on Amendments; 17.12.080, Notice of Land Use Decisions; 17.04.030, Definitions; 17.08.100, Access and Driveways; 17.88.040, Criteria; 17.08.050 Considerations; Addition of 17.12.085, Call by the City Manager.

9. Staff Update on Planning Projects

- a. September Planning Commission Meeting is on Labor Day. Need to chose another date for the meeting.

10. **Training/Workshop: HB 2001**; led by Dana Nichols, COG Planner

11. Adjournment

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 1140 12th Ave, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

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.