



# CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

August 5, 2019, 6:30 p.m.  
Police Department Conference Room, 1950 Main Street  
Sweet Home, OR 97386

## Call to Order and Pledge of Allegiance

### Roll Call of Commissioners:

**Present:** Commissioner Wolthuis, Commissioner Journey, Commissioner Stephens, Commissioner Parker

**Absent (Excused):** Chairperson Gatchell, Commissioner Herb, Commissioner Korn

**Staff:** Blair Larsen, CEDD Director; Angela Clegg, Assoc. Planner; Joe Graybill, Staff Engineer

### Visitors:

Scott Rice, 28853 Liberty Rd, Sweet Home, OR 97386  
Cole Rinehart, ATS, 2475 Harding Street, Sweet Home, OR 97386  
James Metzger, ATS, 2463 Harding Street, Sweet Home, OR 97386  
David R Staup, 1088 W 35<sup>th</sup> Avenue, Sweet Home, OR 97386

**Public Comment.** None

### Review and Approval of Meeting Minutes:

- May 6, 2019

Comments Included: No comments

**Commissioner Journey** moved to approve the May 6, 2019 Planning Commission Meeting Minutes.

**Commissioner Parker** seconded the motion to approve the May 6, 2019 Meeting Minutes.

### Question was called

**Aye 4**

**Nay 0**

**Absent 3**

**Motion Approved (4) Ayes to (0) Nays**

**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.

**PUBLIC HEARING OPENED AT 6:40 PM**

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

**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:** Commissioner Journey has a friend that lives in the neighborhood. Journey drives past the property occasionally.

**Staff:** Assoc. Planner Clegg read the recommendations and conditions of approval. Commissioners had no questions for staff.

**Applicant:** James Metzger, 1133 Karrisdale Drive SE, Albany, OR 97322 testified on behalf of his application. The applicant presented a new site plan via his cell phone. It was shown to staff.

Assoc. Planner Clegg drew a rough sketch on the whiteboard for Commissioners to see. The applicant, Commissioners and staff discussed the sketch finding it did not meet the variance criteria either because the middle lot does not front a public street. CEDD director Larsen directed the Commissioners to decide based on what is proposed at the meeting.

Commissioner Journey stated that the decision should be made based on the application as presented in the packet. Commissioner Stephens asked if the driveway will be paved all the way to the third lot. A discussion proceeded between Staff Engineer Graybill and the applicant regarding the driveway and access.

**Testimony in Favor:** None

**Testimony in Opposition:** None

**Neutral Testimony:** None

**Rebuttal:** None

## **PUBLIC HEARING CLOSED AT 7:06 PM**

### **Planning Commission discussed the application.**

Commissioner Journey: stated that the application does not meet the variance criteria and recommends denial.

Commissioner Wolthuis: Disagreed with Commissioner Journey and wanted to find a way to pass the application.

Chair Gatchell: Absent

Commissioner Stephens: agrees that the application does not meet criteria, but wants to figure out a way to pass it so the property can be developed.

Commissioner Herb: Absent

Commissioner Korn: Absent

Commissioner Parker: agreed with Commissioner Journey that the application does not meet the variance criteria.

Staff and Commissioners discussed the two options that the applicant presented.

## **PUBLIC HEARING REOPENED AT 7:26 PM**

The Commissioners asked the Mr. Metzger if he would be willing to make additional changes to present to the Commissioners. Mr. Metzger agreed. The Commissioners discussed the option of continuing the hearing. The decision was made to not continue the hearing and to vote at the meeting. The applicant can submit new site plans based on the discussions during the meeting.

**PUBLIC HEARING CLOSED AT 7:10 PM**

**Commissioner Journey** moved to deny the Application P19-04 & VR19-04 and moved to deny the continuation of the Public Hearing to the September 3, 2019 Planning Commission Meeting and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision. A 12-day appeal period is set from the date of the mailing of the decision.

**Commissioner Parker** seconded the motion to deny the Application P19-04 & VR19-04 and moved to deny the continuation of the Public Hearing to the September 3, 2019 Planning Commission Meeting.

**Question was called**

**Aye 2**

**Nay 2**

**Absent 3**

**Motion Failed (2) Ayes to (2) Nays**

Staff Recommended to the Commissioners to rehear the application at the September Planning Commission meeting with the new site plan presented by the applicant.

**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.

**PUBLIC HEARING OPENED AT 7:29 PM**

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

**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

**Staff:** Assoc. Planner Clegg read the recommendations and conditions of approval. Commissioners had no questions for staff.

Commissioner Journey directed a question to Staff Engineer Graybill regarding the addressing of the properties. Graybill explained the address assignment criteria.

**Applicant:** Scott Rice, 28853 Liberty Road, Sweet Home, OR 97386 testified on behalf of his application and gave a brief family history of the property. Planning Commissioners had no questions for the applicant.

**Testimony in Favor:** None

**Testimony in Opposition:** None

**Neutral Testimony:** None

**Rebuttal:** None

**PUBLIC HEARING CLOSED AT 7:38 PM**

**Planning Commission discussed the application.**

Commissioner Journey: had no issues with the application.  
Commissioner Wolthuis: had no issues with the application.  
Chair Gatchell: Absent  
Commissioner Stephens: had no issues with the application.  
Commissioner Herb: Absent  
Commissioner Korn: Absent  
Commissioner Parker: had no issues with the application.

**Question was called**

**Aye 4**

**Nay 0**

**Absent 3**

**Motion Approved (4) Ayes to (0) Nays**

**Commissioner Journey** moved to approve applications P19-06 & CU19-08 and thereby permit the partition and conditional use proposed at 1410 Clark Mill Road, Sweet Home, Oregon 97386; adopting the findings of fact listed in Section III of the staff report, 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 Stephens** seconded the motion to approve Applications P19-06 & CU19-08.

**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.

**PUBLIC HEARING OPENED AT 7:42 PM**

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

**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

**Staff:** Assoc. Planner Clegg read the recommendations and conditions of approval. Commissioners had no questions for staff.

**Applicant:** David Staup, 3167 Blueberry Hill Road, Lebanon, OR testified on behalf of his application. Mr. Staup gave a history of the property and demolition of the building that were previously on the subject property.

Commissioner Journey asked the Applicant if he considered not partitioning and just building one house. Mr. Staup replied that he did not. There were originally two homes and he wanted to place two new homes on the property and improve the neighborhood.

Commissioner Parker asked if the applicant had a report on the well water. One well was closed off and cemented in. The second has been cleaned out and a new pump added. Water was tested and passed for drinking water purposes. The homes will share the single well.

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

**PUBLIC HEARING CLOSED AT 7:50 PM**

**Planning Commission discussed the application.**

Commissioner Journey: not in favor of the application. Does not meet criteria.  
Commissioner Wolthuis: feels the variance should be allowed in order to develop the property.  
Chair Gatchell: Absent  
Commissioner Stephens: agrees with Commissioner Journey.  
Commissioner Herb: Absent  
Commissioner Korn: Absent  
Commissioner Parker: not in favor of the application. It's closer to the criteria but does not meet criteria.

**Commissioner Journey** moved to deny applications P19-08 & VR19-06 and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision. A 21-day appeal period is set from the date of the mailing of the decision.

**Commissioner Parker** seconded the motion to deny Applications P19-08 & VR19-06.

**Question was called**

**Aye 3**  
**Nay 1**  
**Absent 3**

**Motion Denied (3) Ayes to (1) Nays**

**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.

**PUBLIC HEARING OPENED AT 8:02 PM**

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

**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

**Staff:** Assoc. Planner Clegg read the recommendations and conditions of approval.

A discussion between staff and the commissioners ensued about past conversations and actions by the City Manager. CEDD Director Larsen stated that he would meet with the City Manager and get his comments regarding the text amendments for SHMC 17.12.085.

Assoc. Planner Clegg read page 5 of the LA19-01 staff report, prepared by COG Planner Dana Nichols, regarding the removal of SHMC 17.88.050 and 17.88.040 and replace with new criteria 17.88.040 from the Model Code.

### **Planning Commission discussed the application.**

Commissioners discussed their wish to continue the public hearing for LA19-01. There were 3 Commissioners absent and the present Commissioners want to have all Commissioners present before they vote.

Commissioner Journey: requested that staff get a comment from the City Manager regarding Code Amendment 17.12.085 (A).

Commissioner Wolthius: discussed the letter he submitted to the Commissioners regarding the code amendments. Agreed with Commissioner Journey to continue the public hearing.

Chair Gatchell: Absent

Commissioner Stephens: Agreed with Commissioner Journey to continue the public hearing.

Commissioner Herb: Absent

Commissioner Korn: Absent

Commissioner Parker: Agreed with Commissioner Journey to continue the public hearing.

### **PUBLIC HEARING CLOSED AT 8:13 PM**

#### **Question was called**

**Aye 4**

**Nay 0**

**Absent 3**

**Motion Approved to continue hearing until the September 3, 2019 meeting (4) Ayes to (0) Nays**

### **Staff Update on Planning Projects**

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

The Commissioners voted to hold the September meeting on Tuesday, September 3, 2019.

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

Dana Nichols, COG Planner, was unable to attend the August 5, 2019 meeting; therefore, the training was postponed until the September 3, 2019 meeting.

### **Adjournment 8:16 PM**

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.

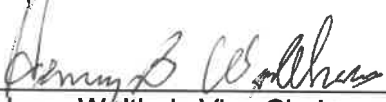
Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do 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.

**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 August 5, 2019.**

  
Henry Wolthuis Vice 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.