



CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

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November 18, 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) Absent
Commissioner Wolthuis (Vice Chairman) Present
Commissioner Journey Present
Commissioner Stephens Present
Commissioner Herb Present
Commissioner Korn Absent
Commissioner Parker Present

Staff:

Blair Larsen, CEDD Director; Justin Peterson, COG Planner; Dana Nichols, COG Planner; Joe Graybill, Staff Engineer; Angela Clegg, Associate Planner

Guests:

Michael Birndorf, Velocitel, 7600 SW Mohawk St, Tualatin, OR
Zach Lincoln, Lieutenant Sweet Home Fire, 1099 Long Street, Sweet Home, OR
Toni Dockter, 350 Strawberry Loop, Sweet Home, OR
Ken & Kathi Collins, 351 Strawberry Loop, Sweet Home, OR
Tom & JoAnn Albert, 320 Strawberry Loop, Sweet Home, OR
Keith Fuller, 1525 Taney Street, Eugene, OR
Glen & Cynthia Hubbard, 331 Strawberry Loop, Sweet Home, OR
Suzanne Wallace, 28484 Brownsville, Road, Brownsville, OR
Randy Claasen, 37595 Sunset Lane, Brownsville, OR
Bonnie McCollum, 28334 Liberty Road, Sweet Home, OR
Tim Breeden, 1530 Tamarack #15, Sweet Home, OR
Gary & Christine Preston, 1448 Strawberry Ridge, Sweet Home, OR
Gary Marks, Falls Creek, PO Box 23508, Eugene OR
Travis Smith, 340 Strawberry Loop, Sweet Home, OR

Public Comment:

None

Public Hearing for File CU19-09: The applicant is requesting a conditional use permit in order to install a wireless telecommunications facility consisting of a 100-foot monopole and associated equipment within a 2,500 square foot fenced compound. Verizon Wireless ("Verizon") is proposing to build a new Wireless Telecommunications Facility ("WTF" or "Facility"), OR4 Foster Lake, located one property east of 1602 18th Avenue in Sweet Home, Oregon. This proposed new WTF is intended to fill a significant gap in Verizon's high band 4G LTE coverage and expand capacity for its customers in the City of Sweet Home. The subject property contains 57,934.8 square feet and is in

the Industrial (M) Zone.

PUBLIC HEARING OPENED AT 6:39 PM

Vice Chairman Wolthuis 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, Commissioner Herb drove by.

Comments/Discussion:

Justin Peterson, COG Planner, introduced the application and read through the criteria.

Michael Birndorf, Applicant, testified on behalf of the application and the finding in the staff report.

Testimony in Favor: None

Testimony in Opposition: Tim Breeden, 1530 Tamarack #15, Sweet Home, OR spoke in opposition of the application

Neutral Testimony: Randy Claasen, 37595, Sunset Lane, Brownsville, OR Spoke in neutrality of the application.

Rebuttal: Birndorf returned to the table to address the comments from Mr. Breeden.

PUBLIC HEARING CLOSED AT 7:22 PM

Planning Commission discussed the applications.

Concerns Included:

Commissioner Gatchell: Absent

Commissioner Journey: Asked if other site on the property were considered. Agreed with Commissioner Stephens regarding building codes. Agrees with the Conditional of Approval.

Commissioner Stephens: Not concerned about safety. Stated that the location is up to the property owner not Verizon. Stated that he feels that the building codes will take care of any structural concerns.

Commissioner Wolthuis: stated that he approves of the location and is not concerned about the location in the case of an earthquake.

Commissioner Herb: stated that he is ok with the application and not concerned with the location.

Commissioner Korn: Absent

Commissioner Parker: Stated that he questions why it is not square with the road, but he is ok with the application.

Commissioner Herb moved to approve application CU19-09 and thereby permit the Conditional Use at 1602 18th Avenue, 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.

Question was called

Aye 5

Nay 0

Absent 2

Motion Passed (5) Ayes to (0) Nays

Public Hearing for File CU19-10: The applicant has requested a Conditional Use Permit in order to install a wireless telecommunications facility consisting of a radio antenna on a monopole connected to the Sweet Home Elk's Lodge and associated equipment within a 362 square foot fenced compound. The radio antenna is needed to continue to operate the Falls Creek Hydroelectric Project. The project needs to improve the communication it has with Pacificorp substation on 18th Avenue in Sweet Home. The subject property contains approximately 3.65 acres and is in the Residential Low Density (R-1) Zone.

PUBLIC HEARING OPENED AT 7:30 PM

Vice Chairman Wolthuis 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: None

Conflict of Interest: None

Experte Information: Commissioners Stephens, Herb and Wolthuis drove by the property separately

Comments/Discussion:

Blair Larsen, CEDD Director, introduced the application and read through the criteria.

Gary Markus, the Applicant, presented a PowerPoint to the Commission as his testimony for his application.

A question was raised about testing times and when the generator would run.

Testimony in Favor:

Bonnie McCollum, 28334 Liberty Road, Sweet Home, OR

Zach Lincoln, 1099 Long Street, Sweet Home, OR

Randy Claasen, 37595 Sunset Lane, Brownsville, OR

Suzanne Wallace, 28484 Brownsville, Road, Brownsville, OR

Testimony in Opposition:

Ken & Kathi Collins, 351 Strawberry Loop, Sweet Home, OR
Tom Albert, 320 Strawberry Loop, Sweet Home, OR
Cynthia Hubbard, 331 Strawberry Loop, Sweet Home, OR
Tim Breeden, 1530 Tamarack #15, Sweet Home, OR
Travis Smith, 340 Strawberry Loop, Sweet Home, OR

Neutral Testimony: None

Rebuttal: Gary Markus, Applicant, stated that they would do all testing during daylight hours and the generator would only run during a power outage and only after the back-up battery runs out.

PUBLIC HEARING CLOSED AT 8:50 PM

Planning Commission discussed the applications.

Concerns Included:

Commissioner Gatchell: Absent

Commissioner Journey: had a question about the definition of WTF. Instructed staff to add to the vegetation condition.

Commissioner Stephens: had a question about moving it closer to the building to be less intrusive, but he was ok with the application as presented.

Commissioner Wolhuis: stated that the generator location is acceptable.

Commissioner Herb: was ok with the application and had no problem with the placement of the generator.

Commissioner Korn: Absent

Commissioner Parker: was ok with the application.

Commissioner Journey moved to approve application CU19-10 and thereby permit the Conditional Use at 440 Osage Street, Sweet Home, Oregon 97386; adopting the findings of fact listed in Section III of the staff report, including a correction to Condition of Approval #2 and the deletion of the Condition of Approval #6, 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 Herb seconded the motion to approve.

Question was called

Aye 5

Nay 0

Absent 2

Motion Passed (5) Ayes to (0) Nays

Adjournment at **9:08 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 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.



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.