



CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

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March 2, 2020, 6:30 PM
City Hall Council Chambers, 3225 Main Street
Sweet Home, OR 97386

Call to Order and Pledge of Allegiance

Roll Call of Commissioners:

Chairman Parker	Present
Commissioner Gatchell	Present
Commissioner Wolthuis	Present (arrived 6:40 PM)
Commissioner Journey	Present
Commissioner Stephens	Present
Commissioner Herb	Absent (resigned)
Commissioner Korn	Present

Staff:

Joe Graybill, Staff Engineer; Blair Larsen, CEDD Director; Angela Clegg, Associate Planner

Guests:

Steve Elliot, 1431 Meadowlark Lane, Sweet Home, OR 97386
Jessica Keeney, 1969 37th Circle, Sweet Home, OR 97386

Public Comment:

None

Review and Approval of Meeting Minutes: February 3, 2020

Comments Included: Edits, page 2 and page 5.

Commissioner Stephens moved to approve the October 7, 2019 meeting minutes with changes.

Commissioner Gatchell seconded the motion to approve the meeting minutes with changes.

Question was Called:

Aye 5
Nay 0
Absent 1

Motion Passed (5) Ayes to (0) Nays

Public Hearing for File CU20-01: The applicant is requesting a conditional use permit in order to establish a home occupation (home business) on their property. The home occupation would consist of a hair salon that would be operated by a resident of the property within the dwelling located on the property. The home is set back off 37th Circle by approximately 90 feet and has approximately 3000 square feet of paved parking. The applicant will be the only hairdresser and expects only one car at a time. The subject property contains 10,691.13 square feet and is in the Residential Industrial Transition (RMT) Zone.

PUBLIC HEARING OPENED AT 6:35 PM

Chairman Parker 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
Exparte Information: None

Comments/Discussion:

Associate Planner, Clegg, reviewed the criteria in the staff report.

The applicant, Jessica Keeney, testified on behalf of her application.

Commissioner Journey asked the applicant if she looked at commercial properties instead of residential. The applicant stated that she worked in a commercial location for 16 years.

Commissioner Gatchell asked about the clientele. There was a discussion about a sign at the residence and obtaining new clientele. Clegg stated that because the salon is in a residential zone there are restrictions for signs. Clegg and the applicant had a conversation when the application was turned in and the applicant chose not to do a sign at this time.

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

PUBLIC HEARING CLOSED AT 6:46 PM

Planning Commission discussed the applications.

Comments/Concerns Included:

The Commissioners discussed the Condition of Approval #3: The home occupation will limit their operating hours to 9:00 AM to 5:00 PM, Monday through Friday. The Commissioners did not agree about the specific hours of operation and chose to reopen the public hearing in order to discuss hours of operation with the applicant.

PUBLIC HEARING REOPENED AT 6:54 PM

The Commissioners asked the applicant what hours would work best for her. The applicant stated that she would prefer later in the evening to accommodate working clients. The Commissioners asked her if 10:00 AM to 7:00 PM would work for her. The applicant agreed to those times.

PUBLIC HEARING CLOSED AT 6:55 PM

Chairman Parker: Supports the home business. Would like to allow less strict operating hours.

Commissioner Gatchell: Supports the business. Supports the idea of a sign and definite hours of operations.

Commissioner Journey: Supports the business. Doesn't encourage placing a sign in the neighborhood. Supports the idea of definite operating hours.

- Commissioner Stephens:** Agrees with Commissioner Journey.
- Commissioner Wolthuis:** Supports the business but does not support strict operating hours.
- Commissioner Korn:** Supports the business as presented in the application.

Commissioner Gatchell moved to approve application CU20-01 and thereby permit the Conditional Use at 1969 37th Circle Sweet Home, Oregon 97386; adopting the findings of fact listed in Section IV of the staff report, with changes to Conditional Use #3 limiting the hours of operation to 10:00 AM to 7:00 PM, 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 with changes to Condition of Approval #3.

Question was called

Aye: 6
Nay: 0
Absent: 0

Motion Passed (6) Ayes to (0) Nays

Public Hearing for File CU20-02: The applicant is requesting a conditional use permit in order to establish a home occupation (home business) on their property. The home occupation would consist of contract design service that would be operated by a resident of the property within the dwelling located on the property. The home is set back off Meadowlark Lane by approximately 35 feet and set back from the intersection of Meadowlark Lane and Strawberry Loop by approximately 77 feet. The applicant will be the only employee and will not have customers visit his home. The subject property contains 10,806.32 square feet and is in the Residential Low Density (R-1) Zone.

PUBLIC HEARING OPENED AT 6:58 PM

Chairman Parker 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: None

Comments/Discussion:

Associate Planner, Clegg, reviewed the criteria in the staff report.

The applicant, Steven Elliot, testified on behalf of his application.

No questions from the Commissioners.

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

PUBLIC HEARING CLOSED AT 7:05 PM

Planning Commission discussed the applications.

Comments/Concerns Included:

- Chairman Parker:** Supports the business and application as presented.
- Commissioner Gatchell:** Supports the business and application as presented.
- Commissioner Journey:** Supports the business and application as presented.
- Commissioner Stephens:** Supports the business and application as presented.
- Commissioner Wolthuis:** Supports the business and application as presented.
- Commissioner Korn:** Supports the business and application as presented.

Commissioner Korn moved to approve application CU20-02 and thereby permit the Conditional Use at 1431 Meadowlark Lane, Sweet Home, Oregon 97386; adopting the findings of fact listed in Section IV 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 Journey seconded the motion to approve.

Question was called

Aye: 6

Nay: 0

Absent: 0

Motion Passed (6) Ayes to (0) Nays

Flood Hazard Area Regulations review

Clegg, Associate Planner and Larsen, CEDD Director, gave a brief introduction to the Floodplain Ordinance and the expected Ordinance changes.

Sweet Home Code Update Next Steps

No updates as of this meeting Planning Commission meeting.

Planning Commission Training:

Monday, March 16, 2020 at 6:30 PM, City Hall Council Chambers

Commissioner Gatchell informed staff that he will be gone for the training.

Staff Update on Planning Projects

Larsen, CEDD Director, gave a brief update on the downtown corridor and vacant building projects.

Clegg mentioned the Arbor Day Celebration.

Commissioner Journey stated that the September meeting falls on Labor Day, so it will need to be rescheduled.

Adjournment 7:31 PM

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.



Jeff Parker, 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.