



# CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

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

**Call to Order 6:42**

**Pledge of Allegiance**

**Roll Call of Commissioners:**

**In person:** Jeff Parker (Chair), Henry Wolthuis, Greg Korn  
**Remote:** Lance Gatchell (Vice Chair), Eva Journey, Greg Stephens

**Staff:** Blair Larsen, CEDD Director (remote); Angela Clegg, Associate Planner (in person), Brandon Neish, Finance Director (in person)

**Visitors: None**

## **Proposed Emergency Planning Commission Electronic Meeting Process**

CEDD Director, Larsen, read the Memorandum dated April 6, 2020

Planning Commission discussed the memorandum timeline.

The emergency procedure will remain in place until the COVID-19 restrictions are lifted by the State.

**Commissioner Gatchell** moved to adopt the emergency procedures lasting until the COVID-19 restrictions are lifted.

**Commissioner Stephens** seconded the motion.

### **Question was Called:**

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

Motion Passed (6) Ayes to (0) Nays

Voting procedures were later brought to the commissioner's attention and with direction from CEDD Director Larsen added procedure 8 to the memorandum.

"8. Any vote taken during electronic meetings will be by roll call vote."

**Commissioner Journey** moved to adopt the emergency procedures adding procedure 8. Any vote taken during electronic meetings will be by roll call vote.

**Commissioner Stephens** seconded the motion.

### **Question was Called:**

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

**Absent 0**

Motion Passed (6) Ayes to (0) Nays

**Public Comment.** None

**Review and Approval of Meeting Minutes:** March 2, 2020

**Commissioner Wolthuis** moved to approve the March 2, 2020 meeting minutes without changes.

**Commissioner Korn** seconded the motion to approve the meeting minutes without changes

**Question was Called:**

**Aye 6**

**Nay**

**Absent**

Motion Passed () Ayes to () Nays

**Public Hearing for File LA20-01:** This legislative amendment, LA 20-01, consists of text amendments to Chapter 15.12, Flood Hazard Area Regulations, of the Sweet Home Municipal Code (SHMC). The proposed text amendments were identified by a Department of Land Conservation and Development (DLCD) review and the text amendments are required for compliance with minimum National Flood Insurance Program (NFIP) and state standards.

This proposal includes amendments to following sections of the SHMC 15.12: 15.12.010 Statutory Authority; 15.12.020 Statement of Purpose; 15.12.025 Methods of reducing flood losses; 15.12.030 Definitions; 15.12.060 Abrogation and greater restrictions; 15.12.100 Designation of Building Official as local administrator; 15.12.110 Application for a Building Permit, 15.12.120 Duties and responsibilities of Building Inspector; 15.12.130 General Standards; 15.12.140 Lands to which chapter applies; 15.12.170 Appeal Board; 15.12.150 Floodways; and 15.12.190 Penalties for noncompliance.

#### **PUBLIC HEARING OPENED AT 6:55 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:**

Angela introduced the Ordinance and read into record "The implementation of the proposed code amendments are consistent with the statewide planning goals and the acknowledged Sweet Home comprehensive plan policies."

Chairman Parker suggested an edit on Page 6, Recreational Vehicle, 2. Change 400 SF to 430 SF. 430 is the maximum size for a fifth-wheel style RV.

Chairman Parker suggested an edit on Page 6, Recreational Vehicle, 3. Delete 'by a light duty truck'. The commissioners felt that by deleting it then it would eliminate any confusion as to what the definition of a light duty truck is. They felt that having it just say 'permanently towable' was enough.

Page 21, 5.a. where did the '180' days come from? They would like clarification since the City of Sweet Home doesn't allow that amount of time.

Commission left phone lines open until 7:30 for public input.

<b>Testimony in Favor:</b>	None
<b>Testimony in Opposition:</b>	None
<b>Neutral Testimony:</b>	None
<b>Rebuttal:</b>	None

#### **PUBLIC HEARING CLOSED AT 7:30 PM**

**Commissioner Gatchell** moved to approve application LA20-01 and thereby permit the legislative amendment, LA 20-01, consisting of text amendments to Chapter 15.12, Flood Hazard Area Regulations, of the Sweet Home Municipal Code (SHMC).; adopting the findings of fact listed in Attachment A of the staff report with the additional recommendations listed above, and recommending the City Council hold a public hearing on Tuesday, April 28, 2020 at 6:30 PM and make a decision on the application.

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

#### **Question was called**

**Aye:** 6

**Nay:** 0

**Absent:** 0

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

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

CEDD Director Larsen gave a code update from Walt Wendolowski, Morgan CPS, regarding the code updates to Titles 16 and 17.

Mr. Larsen thanked the Commissioners for their willingness to continue to have public hearings and work with staff to work through the trials of the virtual meetings.

Associate Planner Clegg updated the Commissioners on applications that are pending, and that business is as usual in the Planning Department even with Clegg working remotely.

Adjournment 7:40 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.



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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.