



Community and Economic Development Department

City of Sweet Home
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**PLANNING COMMISSION MEETING
MARCH 12, 2018
CITY HALL ANNEX - COUNCIL CHAMBERS
1140 12TH AVENUE**

PUBLIC MEETING CALL TO ORDER AT 7:04 PM

ROLL CALL ATTENDING:

Edith Wilcox Henry Wolthuis Eva Jurney Thomas Herb
Greg Stephens (Excused) Lance Gatchell Anay Hausner (Excused)

STAFF:

Jerry Sorte, Community and Economic Development Director (CEDD)
Kathryn Wilcox, Planning Assistant

REGISTERED VISITORS:

- Dave Trask, City Council Liaison, 1140 12th Avenue, Sweet Home, OR 97386
- Ray Towry, City Manager, 1140 12th Avenue, Sweet Home, OR 97386
- Lonnie Holt, 707 Birch Street, Sweet Home, OR 97386
- Alyssa Holt, 707 Birch Street, Sweet Home, OR 97386
- Zoie Holt, 707 Birch Street, Sweet Home, OR 97386
- Brooklyn Holt, 707 Birch Street, Sweet Home, OR 97386
- Alan Stutz, PO Box 537, Sweet Home, OR 97386
- Peggy Stutz, PO Box 537, Sweet Home, OR 97386
- Tracy McIntyre, 743 Birch Street, Sweet Home, OR 97386

PUBLIC COMMENT

None

PUBLIC HEARINGS

Chairperson Gatchell continued the public hearing for the land use request AX 17-01 and ZC 17-01 at 7:04PM

Chairperson Gatchell stated the following:

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.

Chairperson Gatchell stated the first public hearing will be in regards to;

- a. **APPLICATIONS AX 17-01 and ZC 17-01:** This is an application to annex an approximately 0.52-acre property that is located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The request is also to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Medium Density Residential (R3) Zone.

Chairperson Gatchell asked the Commissioners if they had any of the below stated in regards to the application;

Personal Bias: None
Conflict of Interest: None
Experte:

Commissioner Journey disclosed she was familiar with the property.

Commissioner Wilcox disclosed she was familiar with the property.

CEDD Jerry Sorte explained the Land Use request, staff report, and background of the property. He then reviewed approval criteria that are applicable to the variance request, as well as the staff findings, and application. He explained that the request has two parts, one being the annexation, the other being the zone change. He explained the proposed zoning is in compliance with the comprehensive plan. He explained that the property is within the urban growth boundary. He recommended that the Planning Commission hear testimony and make a recommendation to City Council on this matter.

Questions

Please explain the language that addresses the neighboring property also being annexed into the City.

Clarifications

The applicant has applied to incorporate their property. It is recommended the City consider the annexation of these areas and right of ways in the future for several reasons. At the present time, it is requested that Planning Commission make a recommendation to City Council on this applicant initiated annexation alone.

Chairperson Gatchell asked the applicant to speak to the request.

Alan Stutz explained that the reason behind the annexation request is that his septic system has failed and he needs to hook up to City sewer services. He explained that his system was not repairable and Linn County would not approve his request for a new septic system due to his property location being within three hundred feet of the City system. He explained that he would be extending the City services past neighboring properties so he may have service.

Testimony in Favor: None
Testimony in Opposition: None

PUBLIC HEARING CLOSED AT 7:17PM

Planning Commission discussed the applications.

Concerns Included:

- Cost of sewer extension
- Costly for City and applicants to have single property annexation requests

Considerations and Ideas Included:

- Inviting neighbors to annex and share in the cost of services

Commissioner Wolthuis made a motion to make a recommendation to City Council to approve the application request AX 17-01 and ZC 17-01 to annex an approximately 0.52-acre property that is located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The request is also to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Medium Density Residential (R3) Zone.

Commissioner Journey seconded the motion.

Question was called

Aye (5)

Commissioner Journey, Commissioner Herb, Commissioner Wolthuis, Commissioner Wilcox, Chairperson Gatchell

Nay (0)

Motion Passed Unanimously 5 Ayes to 0 Nays

Chairperson Gatchell continued the public hearing for the land use request CU 18-01 at 7:23PM

- b. **APPLICATION CU 18-01:** 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 specially automotive fabrication and detailing, custom metal work, general metal fabrication, and the production of metal art. The home occupation would be conducted in an 864 square foot shop building, and include parking for the home occupation on the property. The subject property is a tract that consists of two subdivision lots and a total 0.32 acre. The subject property is located in the Residential Low-Density (R-1) Zone.

Chairperson Gatchell asked the Commissioners if they had any of the below stated in regards to the application;

Personal Bias: None

Conflict of Interest: None

Exparte:

Commissioner Journey disclosed she was familiar with the property.

Commissioner Wilcox disclosed she was familiar with the property.

Chairperson Gatchell asked the applicant to speak to the request.

Loni Holt explained that he currently has a business. He said that in an effort to cut back on overhead and add value to his property he is requesting approval to have a home occupation at his residence. He explained that there would be minimal noise. He explained that he would not have a lot of exhaust but would be willing to install fans for exhaust, as well as limit his operating hours to mitigate any concerns. He explained he was not aware of the requirement to improve 7th Avenue in regards to this request. He explained that the cars parked on his property now are to be removed.

CEDD Jerry Sorte briefly explained the Land Use request, staff report, and background of the property. He then reviewed approval criteria that are applicable to the variance request, as well as the staff findings, and application. He recommended that the Planning Commission hear testimony and make a decision on this matter.

Questions

- Will there be exhaust for emissions and venting?
- Will there be noise?
- Will there be consideration for different sleep cycles?
- Is there a limit on cars that will be serviced?
- Will the work be done indoors?
- Is there a plan for access?
- Will there be a street improvement?

Clarifications

- The applicant explained;
- He will not have emissions or a need for venting, but is willing to install fans if requested.
- He does specialty automotive and would not make much noise with his tools.
- He emphasized respecting his neighborhood.
- The number of cars would not exceed four.
- The possible hours of operation should be set at 9:00AM to 5:00PM or 10:00AM to 6:00PM.
- The work would be done indoors, except for washing the vehicles.
- The access would come from 7th Avenue.
- The applicant was not aware of the required street improvement.

Testimony in Favor:

Tracy McIntire explained that she is a neighbor to the applicant. She stated that she is in full support of this request. She stated that she owns Harley Davidson motorcycles and diesel trucks which make more noise than the applicant could make with his proposed request. She stated the applicant is always considerate of neighbors, and a home occupation would be beneficial to them. She stated that it is asinine to require a road improvement to start a business. She said that their neighborhood always takes care of each other and that requiring a street improvement is an unexpected blow to the applicants.

Chairperson Gatchell asked for clarification that her main issue was noise.

Tracy McIntire explained that no one in the neighborhood will be affected by this business or the noise, and asked why the street improvement was required. She explained that anytime someone can stay home and work it is a good thing.

Testimony In Opposition: None

PUBLIC HEARING CLOSED AT 7:45PM

Planning Commission discussed the applications.

Concerns Included:

- Exhaust & Emissions
- Noise
- Potential different sleep schedules for neighborhood
- Potential violation of nuisance code in regards to vehicle storage in back yard
- Automotive businesses are not fitting for a conditional use in a residential zone
- Upholding the integrity of residential zones
- Business growth and expansion
- Setting a precedent for automotive home occupations
- Restrictive covenant rather than a property line adjustment

Considerations and Ideas Included:

- Support of new businesses
- Requesting staff review every option and continue hearing
- Home Occupations are permitted and allowed with an approved Conditional Use request in residential zones

Commissioner Journey made a motion to deny the application request CU 18-01 for a conditional use permit in order to establish a home occupation (home business) on their property. The home occupation would consist of specialty automotive fabrication and detailing, custom metal work, general metal fabrication, and the production of metal art. The home occupation would be conducted in an 864 square foot shop building, and include parking for the home occupation on the property. The subject property is a tract that consists of two subdivision lots and a total 0.32 acre. The subject property is located in the Residential Low-Density (R-1) Zone. There will be a 12-day appeal period from the date of the mailing of the decision, and direct staff to prepare an order to be signed by the Chair to memorialize this decision.

Commissioner Herb seconded the motion.

Question was called

Aye (4)

Commissioner Journey, Commissioner Herb, Commissioner Wolthuis, and Chairperson Gatchell

Nay (1) Commissioner Wilcox

Motion Passed Unanimously 4 Ayes to 1 Nay

PROJECT UPDATES FROM PLANNING STAFF

The Planning Commission and Staff discussed upcoming projects and land use actions.

ADJOURNMENT

PUBLIC MEETING CLOSED AT 8:08PM

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 March 12, 2018.



Lance Gatchell Chairperson
Sweet Home Planning Commission

Respectfully submitted by: Katie Wilcox, Planning Assistant