



## Community and Economic Development Department

**City of Sweet Home**  
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PLANNING COMMISSION MEETING MINUTES  
AUGUST 6, 2018  
CITY HALL ANNEX - COUNCIL CHAMBERS  
1140 12<sup>TH</sup> AVENUE

### **PUBLIC MEETING CALL TO ORDER AT 7:03 PM**

#### **ROLL CALL ATTENDING:**

Edith Wilcox            Henry Wolthuis            Eva Jurney            Thomas Herb  
Greg Stephens            Lance Gatchell (Absent)

#### **STAFF:**

Jerry Sorte, Community and Economic Development Director (CEDD)  
Angela Clegg, Associate Planner  
Joe Graybill P.E., Staff Engineer

#### **REGISTERED VISITORS:**

Brittany Henshaw, 501 7<sup>th</sup> Ave, Sweet Home, OR 97386  
Leah Alicata, PO Box 6265, Aloha, OR 97007  
Kitsey Trewin, 41170 Nichol Dr, Sweet Home, OR 97386  
Peter Seaders, 215 NW 4<sup>th</sup> St, Corvallis, OR 97330

#### **MEDIA:**

Sean Morgan, The New Era

#### **COMMENTS FROM THE PUBLIC**

None

#### **APPROVAL OF MINUTES**

No Minutes to approve.

#### **PUBLIC HEARINGS**

#### **PUBLIC HEARING OPENED AT 7:05PM**

#### **Chairperson Wolthius 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 Wolthius stated the first public hearing will be in regards to;**

**CU 18-09,** 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 property management company that would be operated by a resident of the property within the dwelling located on the property. The business would not involve meeting customers in person at the subject property. The subject property contains approximately 7,502 square feet and is located in the Residential Low-Density (R-1) Zone.

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

**Personal Bias:** None

**Conflict of Interest:** None

**Exparte:** None

**CEDD Jerry Sorte:** explained that this is a Conditional Use Permit for a home occupation business. This business will consist of a property management company that will be operated out of the resident's household. The applicant is Brittany Henshaw and this is Conditional Use Application CU 18-09 and the property address is 501 7<sup>th</sup> Ave, Sweet Home, OR per the review and design criteria of Sweet Home Municipal Code Section 17.80.040. Note that as described in the staff report the notice of this hearing was provided by the code. Per our staff review of this proposal, staff is supportive of this application and we did not identify any significant off-site impact that would occur if this were approved. We recommended conditions of approval which are listed in Section IV of the staff report which are essentially just conditions that say they will comply with what they said they were going to do. So with that, staff recommends approval of this application with the conditions listed in the staff report and recommend a 12 day appeal period. There are findings in the staff report that speak to all the different aspects and speak to these types of application questions. On a related note the City Council has moved their meetings over to the police department so our audio visual system here is in flux so we are not using the television right now. There are maps of the property in the packets, we have extra packets and we have also printed 11x17's in case anyone wants to point to their property or any one wants to make some sort of comments on that. With that I am happy to answer any questions that the planning commission may have.

Chairperson Wolthius asks if there were any questions for CEDD Sorte. There were no questions. Chairperson Wolthius stated that this was covered well in the packet.

**Chairperson Wolthius asked the applicant to speak to the request.**

**Brittany Henshaw** explained that her intention is to open a property management company and utilize a room in her house as an office. She does not plan to have anyone come to her location. She will do everything by mail as far as rent and electronically. The only reason she needs this conditional use permit is because she has to have a business sign according to the Real Estate Agency. That would be in her window, but she does not intend to have a disruption in the flow of traffic or anything like that. She just has to have the business posted with the sign.

Chairperson Wolthius stated that Brittany answered all of his questions. He is unsure why we are going through all this for a sign. He asked if any of the other commissioners had any questions.

Commissioner Stephens asked that according to the application she is going to put the sign for the business on a window strictly for legalities. Brittany answered yes.

**Testimony in Favor:** None

**Testimony in Opposition:** None

**Neutral Testimony:** None

**Rebuttal:** None

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

**Planning Commission** discussed the application.

**Concerns Included:**

- **Commissioner Herb** has one concern about the future if business increases; the intersection at her house is thin and busy especially during the school year. All the streets are narrow without much parking. Brittany replied that she does not intend to give out her physical address for that very reason and she has a post office box and an email set up for mailing. She will be meeting clients on-site or wherever is convenient for them. Commissioner Herb stated that he is bringing that up so we all can remember that 5 to 10 years down the road when she really has more business. Brittany stated that she intends to grow the property but move to an offsite office space later on.

**Considerations and Ideas Included:**

- Commissioners **Jurney, Wilcox, Stephens** and **Wolthius** had no questions or concerns.

**Motion to Approve:** Commissioner **Jurney**  
**Commissioner Herb** seconded the motion.

**Question was called:**

**Aye (5)**

Commissioner **Jurney, Commissioner Herb, Chairperson Wolthuis, Commissioner Wilcox, Commissioner Stephens**

**Nay (0)**

**Absent (1)**

Commissioner **Gatchell**

**Motion Passed Unanimously 5 Ayes to 0 Nays, 1 Absent**

## **PUBLIC HEARING RE-OPENED AT 7:14PM**

**P 18-04 and VR 18-05** The applicant is requesting to partition an approximately 20,326 square foot property into two parcels. Proposed Parcel 1 would contain approximately 12,024 square feet. Proposed Parcel 2 would contain approximately 8,302 square feet. The applicant is also seeking a variance to reduce the required parcel frontage requirement listed in SHMC 16.12.030(E) along 44<sup>th</sup> Avenue from 25 feet to 20 feet for Parcel 1. The applicant is also seeking a variance to reduce the required lot width listed in SHMC 17.24.040(B) from 80.0 feet to 61.5 feet for Parcel 2. The subject property is located in the Low Density Residential (R-1) Zone.

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

**Personal Bias:** None

**Conflict of Interest:** None

**Exparte:** None

**CEDD Jerry Sorte** explained that this is two applications. We have a request for a partition and also a variance. The variance is for the lot frontage requirement, they would like to reduce that from 25 to 20 and also for a lot width variance from 80 feet to 61 ½ feet. The property location is 1280 44<sup>th</sup> Avenue, Sweet Home, OR 97386. The review and decision criteria can be found under Sweet Home Municipal Codes 16.16.040, 16.12.030, 16.28.030 and 17.24.040 through 17.24.060. This hearing was provided by the SHMC as described in the staff report. So we find several findings there in the staff report and I am happy to answer any questions to those. One note that Joe Graybill, Staff Engineer, and CEDD Sorte discussed after the notice went out is that 44<sup>th</sup> Avenue is 40 feet wide at that location. In proximity to that area there are no sidewalks, and there are no street improvements. The street is a local street that under our code has a maximum of 50 feet. The planning commission could consider either some sort of property dedication and the fair share of the property would be about 5 feet. Alternatively Staff Engineer Graybill and CEDD Sorte talked about how the planning commission could require some of roadway/sidewalk easement on the front 5' of that property or we cannot require anything at all in that case we would be developing 40' street. Staff Engineer Graybill is here to answer questions regarding that. It was not flushed out in the staff report so staff is happy to answer questions. So depending on where the planning commission lies, staff is supportive of the application and has recommended approval in the application. CEDD Sorte noted in the motion that we do want to be clear that this should have a 21 day appeal period because our partition standards require 21 days. That is something that is specific to title 16 of our code. The conditional use that we heard is now in a different section of our code that allows the planning commission to accept that appeal period. Our code is specific to a 21 day appeal period for the land partition.

Commissioner Journey asked about the review criteria. The partition criteria in Chapter 16 is an additional variance chapter than chapter 17. Chapter 17.88.040 is listed as criteria, and there is more criteria listed in Chapter 17 than there are in the partition criteria for 16 and is the criteria something that has come up before. In (H) it states the property has a physical circumstance or condition that makes it difficult to develop. Commissioner Journey is wondering if there is a criteria under the variance section that also applies to the partition criteria. CEDD Sorte stated that is the way that we have applied this is in Title 16, 16.28 Exceptions and Variances. We've applied that variance standard to variances with partitions and subdivisions like those and the variance standards in chapter 17 we have applied those more to zoning issues like the setbacks and things like that at time of development. It was CEDD Sorte's review and understanding that

is historically how it has been done, however if there is a different interpretation the Planning Commission can interpret how to apply the code. Commissioner Journey questioned that we may or may not add the criteria in Chapter 17 and we only need to use the criteria in chapter 16. Our interpretation at staff level is that 16.28 apply to the Exceptions and Variances. CEDD Sorte stated however, with the criteria our code is somewhat unique that it talks about variances in two locations. Commissioner Wolthius: is your question satisfied? Commissioner Journey stated kind of. CEDD Sorte: followed up; what essentially what we've applied is 16.28.020 when necessary, the Planning Commission may authorize variances to the requirements of this title. The Variance for this title will utilize the "process" for a variance in Sweet Home Municipal Code Chapter 17.88. And then we have applied the "criteria" from 16.28.030. Commissioner Journey understands that we are working with the criteria in 17.88. CEDD Sorte states that it is clear that we apply the process but not the criteria. Commissioner Journey wants to put a check by that code for review. CEDD Sorte agreed.

Commissioner Stephens stated on page 2, under engineering comment, there's a comment about the rear house parcel driveway and why that hasn't been resolved. Staff Engineer Graybill: there's one existing driveway right now to the existing home. They will be building a second driveway to the future front home and the existing driveway will be used for the rear home. Graybill asked Stephens if that is what he meant? Staff Engineer Graybill knew there was another issue with the water meters. The tentative plan had them located in the driveway, we don't do that but that's just a placement issue. Graybill asked if there was something specific about the driveways? Commissioner Stephens: No, there is just a statement about there being a conflict, but nothing about the conflict being removed. That's the reason I asked the question. Staff Engineer Graybill: right, on the driveway map, in the submitted partition plan where the driveways tentatively laid out from MSS, inc., the scaled engineering drawing, the rear house driveway overlaps the back corner of the front lot. It's a graphical thing being the width of that driveway being 20 feet. To resolve that, either everything could be moved back a few feet, probably roughly 6 or 7 feet or there can be a sharper S curve for the applicant or future owner to get into their garage. It would be easier and better to move the house back a ways, but in the layout of the proposed driveway being straight lines it just stood out as unnecessarily crossing the front property without an access easement across that front property.

Commissioner Wilcox asked if CEDD Sorte said that 24<sup>th</sup> avenue is unimproved. She read from the staff report that says that the city is requiring sidewalks to be constructed. But sidewalk construction would be between the two driveways. She asked if that is going to be a requirement in the motion. CEDD Sorte stated that essentially what staff has proposed is a development agreement that could be called by the city for the improvement in the future. We have talked about this a fair amount at the staff level, the philosophical question on that is that we require a property like this to provide street improvements where those improvements would be specific to just that property and the neighbors would have that is that the most prudent route is to line up elevations properly. That's one route that the city could theoretically take. Another one is to require a development agreement where it gets recorded. The applicant would essentially have to make those improvements at some point in the future. What we have provided is a development agreement where the applicant can make those improvements in the future. Commissioner Journey: but there are locations in town where that kind of development is required in the property zoning side with no sidewalk so there is no consistency in the municipality. CEDD Sorte: definitely agrees the city needs to develop a clear policy for how those are applied. Definitely agrees with that. Commissioner Journey asked Angela to check on that.

**Commissioner Wolthius asked the applicant to speak to the request.**

**Peter Seaders, MSS Inc.** Civil Engineer out of Corvallis and is working for the property owner Spies Real Estate. Mr. Seaders explained that the property is just under a half an acre. The zoning allows for a minimum lot size of 8,000 sf so a 20,000 sf lot is ample room to divide the property within the allowed minimum lot variance. Counselor Journey asked about constraints in the property in the criteria for a variance. In an ideal scenario we were doing a large subdivision development it would be easy to place this variance in a configuration that would allow each lot to have full frontage, and still meet the minimum lot requirements. Because of the fact that this is an infill development we are sort of stuck with the frontages that are available. What we proposed here is a lot configuration that meets all of the criteria except for the minimum lot size which in the variance criteria is that you are developing is to find a path that allows for the minimum amount of variance necessary to meet the code. That is what they are faced with here. Varying from those lot frontages and minimum lots widths allows us to meet all of the criteria that the code lays out for those two. So in terms of constraints that we are dealing with it comes down to the configuration of the lots relative to the dimension of the existing lot. He apologized that he hadn't noticed that the map in the staff report had gotten truncated. He had a full size copy of both of the maps if anyone would like to review those. He apologized that he only brought one copy but would be happy to leave them there if the commission would like. In terms of development itself the owner intends to develop a single-family residence on each of the two properties. Those residences would be in the same scale and nature of the neighborhood houses that are there. He thinks he had addressed the review criteria in the application materials that he provided, but he is happy to answer any questions to those, but he won't read through those or reiterate those unless there are questions about them. In terms of the right-a way dedication that CEDD Sorte discussed, the applicant wouldn't have any objection to dedicating the 5 feet of right-of-way that is requested by the city. He had anticipated that when they first started looking at this and then based on discussion with staff that wasn't required so we took it off the materials that they submitted, but he thought from the city perspective that planning for the 50 foot right-of-way in the future would be an advisable step and would make sense. There is a property further north that had 5 feet dedicated to the city as well so I would anticipated that would be the right-of way necessary for development when that time comes. As far as the frontage improvements themselves, you can require whatever you chose. In his experience he has seen cities do it both ways and he has observed that to get these little pieces of curb and sidewalks that end up floating in space, what ends up happening is that the standards are going to change over time and by the time the next development happens in two, five, ten years later there may be a different design standards for that street then you have this curb and sidewalk that don't really meet whatever the current standards. The applicant is certainly willing to sign a development agreement which would obligate the properties to contribute towards the development in the future. It was our opinion that developing the frontage right now wouldn't be in the best interest of the city or the owner, but that is for you all to decide. As far as the overlap that was brought up about the driveway in the back, that was a good observation. We didn't get that revised in the application materials. We were working quickly and certainly adjusting that building and driveway location is something that the developer would take care of in the development process and it will probably be handled in the building permit phase. The buildings shown on there are probably the footprint or close to the footprint that will be developed and those are really just schematics so there's plenty of room to adjust the footprint to take care of any of those issues. As far as the meter locations, there are existing meters there and we will be adding an additional meter. As far as the placement of the existing meter, it is already there. There needs to be a discussion with engineering as to whether it can remain there or if we can get a traffic variance. He doesn't know if it is something that relates to conditions of approval or whether it needs to be worked

out at this point, but these are issues that can be easily resolved. There's plenty of service for utilities there and there's really no other physical restraints.

Commissioner Stephens: are both of the driveways going to be paved? Peter believed that would be the intent. Commissioner Journey stated they have to be. Peter stated it would certainly be whatever is required in the building code. Commissioner Stephens just wanted to get it on the record. Peter state that he is not sure whether that was directly considered one way or the other but they would certainly follow whatever the city codes are as far as that goes. He was not trying to be dodgy, but he hasn't discussed it with the owner yet.

Commissioner Journey asked if there was ever a time when they ever considered putting one house on the property. Peter: the original intent when they purchased it was to rehab the existing home that was there. They called Peter to look at the foundation and structure, and when he did he told them it would cost more to fix it rather than burn it down/tear it down.

Dividing it wasn't the original plan going in but certainly makes sense considering the zoning and the comprehensive plan points towards a little higher density than what is there now.

Commissioner Journey: Even if the old house was habitable could it be torn down and another structure is put in its place which would still just be one building for the half acre and then you wouldn't need the variance. Peter stated that it economically made sense, in order to make the economics of buying that house work out at all this was the best path forward to be able to recoup some money instead of them getting out of it at a loss.

Commissioner Herb asked what the plan is for the home with no foundation. Peter stated that it's going to be demolished. There will be nice buildings going in. The footprint shown on the map is tentatively the plan to what's going there. Commissioner Herb asked if they have real plans. Peter state that it is based on a real plan the owners plan to put on there.

**Testimony in Favor:** None

**Testimony in Opposition:** None

**Neutral Testimony:** None

**Rebuttal:** None

## **PUBLIC HEARING CLOSED AT 7:39PM**

**Planning Commission** discussed the application.

### **Concerns Included:**

- Herb: not much to say. There are plenty like this in town. He would like to see the 25 foot setback instead of the 20.
- Commissioner Stephens: questions have been answered.
- Commissioner Journey addressed CEDD Sorte that they have talked a lot about flag lots and given really that this is a project that saves on economics. There is nothing about the property that requires it to be partitioned and which is why she has a problem with the criteria because the variance requirements on the property presents a problem to the home owner. It's really a problem of the owners making. I guess we don't really have anything in which to Commissioner Journey can compare to flag lots. CEDD Sorte: you've got this process to weigh in factors and he thinks the argument is that this is a parcel that was created during a time that was before we had our current rules. That is his understanding.

- Chairperson Wolthius asked CEDD Sorte that when we enter into agreements with future developments is that an equivalent to a yes vote. CEDD Sorte stated they were talking about that today. Staff Engineer Graybill confirmed that it is an equivalent of a yes vote. The reason Chairperson Wolthius says, that is for the commission as well as the audience, is that in limited improvements districts, is the option contentious and there are always be people in improvement districts that will not want to put up the dollar so it's kind of nice in his opinion that we have these agreements that are an equivalent of a yes vote. Commissioner Stephens stated that's on the new home owner, not on the developer. CEDD Sorte confirmed that Commissioner Stephens was correct. Commissioner Wolthius added that it is on whoever owns the property. Commissioner Wolthius asked if these agreements will be attached to the property and carried forward. CEDD Sorte confirmed that is correct. He asked Staff Engineer Graybill to correct him if he goes off track; the agreement could be "called" on to make improvements here and would require the property owner to make the improvements at that time in front of their property, if that makes sense. So if there became a critical mass then potentially funding to fill in gaps could be used at that point. Commissioner Wolthius stated that he is in favor of the agreement.

**Considerations and Ideas Included:**

- Commissioner Wilcox had no questions or concerns.

**Motion to Approve:** Commissioner Herb

**Second:** Commissioner Stephens

**Question was called:**

**Aye (5)**

Commissioner Journey, Commissioner Herb, Chairperson Wolthuis, Commissioner Wilcox, Commissioner Stephens

**Nay (0)**

**Absent (1)**

Commissioner Gatchell

**Motion Passed Unanimously 5 Ayes to 0 Nays, 1 Absent**



**PUBLIC HEARING RE-OPENED AT 7:14PM**

**CU 18-11** The applicant is requesting a conditional use permit in order to establish a marijuana retail store. The business would be located within an existing building on the subject property. The proposed business would be a recreational marijuana dispensary store and would sell recreational marijuana and derivatives thereof. The business is proposing to offer tinctures, beauty products, cosmetics, postcards, THC infused convenience foods, and other related products. The subject tract is located in the Commercial Highway Zone (C-2) Zone and Natural Resources Zone. The applicant is 17 Farms; Leah Alicata. The property Owner is Ames Creek Realty LLC. The Property Location is at 550 Main St., Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BD Tax Lots 900 and 1000. The Review and Design Criteria are Sweet Home Municipal Code Section(s) 17.80.040 and 17.36.030(J).

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

**Personal Bias:** None

**Conflict of Interest:** None

**Exparte:** None

**CEDD Jerry Sorte:** wanted to draw attention that we received two pieces of mail from respondents that have been included with this file as attachments. This an application for retail marijuana store. The applicant is 17 Farms and the property is 550 Main Street, owned by Ames Creek Realty LLC. As a matter of clarification, the property is located at 550 Main Street, Sweet Home. We've listed 2 tax lots in the notice, so for clarification this retail store is the building on tax lot 1000. Tax lot 900 is only listed in this report because it may only be used as access to that retail store. There is not a proposal to put a retail store on tax lot 900. CEDD Sorte just wanted to draw that clarification. The review and decision criteria are listed in the staff report and notice of this hearing was provided as required by the SHMC. We have reviewed the application and have provided comment in the staff report and under the decision criteria. At this point staff is recommending approving this application. We believe it complies with the criteria and we have made a recommendation of conditions if approved in section 5 of the staff report. We recommend that those be included if the Planning Commission approves the application. With that said CEDD Sorte would be happy to answer any questions.

Commissioner Herb: Driveway on tax lot 900, is that going to be used? Is that a paved driveway? CEDD Sorte state that is correct, it is not paved. Commissioner Herb asked is that going to be paved? CEDD Sorte stated that he believe it would need to be paved as it is part of their parking plan. If we reviewed their parking plan and we think that based on what we've seen needs to be refined, it can be done at time of development before they start operation, but he thinks that everything can fit in there and he thinks that access to the highway wouldn't need to be improved. CEDD Sorte referred to Staff Engineer Graybill. Staff Engineer Graybill verified that CEDD Sorte was correct, and stated that tax lot 900 is gravel right now. Commissioner Herb asked if it is where the Ames Creek Realty office is right now. Staff Engineer Graybill clarified that it is next to it.

**Chairperson Wolthius asked the applicant to speak to the request.**

**Leah Alicata:** stated that her name was Leah Alicata and she represents 17 Farms. They are the purchaser of the property. At this point, she is looking to open a recreational marijuana store. She has read the emails that we submitted and she understands that there are opinions about this industry. She is not marketing to children; she is not looking to have a marijuana leaf,

which is not what she is into. She believes that you can participate in something and not have everyone stare at you. She doesn't think it needs to be under the guise that it has been in the past and believes we can choose who they have to represent this industry. She is excited to do that here with the commissioners, and hopes to bring to our environment a new business, revenue and taxes, but hopes to bring more than that with her. She feels that she will be able to bring new business into our area. The area is beautiful, but she thinks that we need more businesses here. The people that want to get out, shake hands, and bring money to this town. This town is something that should be shared. It is beautiful. It's not about marijuana it's about a shop. She just wants to bring a business here, but her one business will help her bring other businesses. Her history gives her a bit of an edge coming to a new community trying to start something new. She is a little nervous too, she hadn't originally planned on going this route and here it is.

Commissioner Herb asked if they are going to have a bakery. Leah stated that probably not. She's looked into the fact, but no. She doesn't know how she feels about a processing center. That's not something that she wants to do. She looked at the fact about the smell. They have a facility up in Beaverton, they do produce, and we chose to do that in a higher populated area for a reason, and it makes more sense. She is not looking to turn this into a growth facility; this is just a retail store. Their brand is not supposed to be like other brands. They are not trying to reach out to the same population that everyone else is trying to reach out to. They are not trying to make it a pot thing, she is trying to make it a place where it is available to them and they don't have to be embarrassed to park their cars in the parking lot. You won't see a big pot leaf, it will be a place with dignity. As far as the industry itself there is room for her to make other things if it makes sense to bring it to this community, but at this time it doesn't make sense right now. Commissioner Herb stated that there is nothing about the marijuana odor leaving the store, and that you won't have that. Leah stated that the retail store doesn't really have that. That is why she brought up the production facility. If you have a production facility you are dealing with smell. There are solutions for it which we have obviously gotten in place and the OLCC is very stringent about that. You can't have smells outside your facility. You will not have that with the store, the way the store is laid out it will be in the interior of the building. She wanted the commissioners to see the lay out so they could see that it is not marketed to the front and she doesn't really want it to look like that. She didn't put in for a sign permit because she wants to keep the store plain. She has artists working on some things so she can really try to be vanilla. She's trying to work on that and has debated on leaving the building exactly how it is. She says there is something to leaving it as it, but feels it needs a little work to clean it up. In reality she feels it just needs to be freshened up, but doesn't feel it needs to be changed. She feels that it is a beautiful building as is. She's not trying to change stuff, but she is introducing a new market. She understands that it's scary to open up into a new market and she thinks it's cool to be able to open up this market and the commission can decide who brings this market to the community. She hopes that she is able to show the commission that marijuana isn't a cliché at this point, and she probably would have opened a marijuana shop that is medical based, but in Oregon there is no regulation to make sure that market is safe so for her that you should be able to track where a product comes from and if there is a problem you should be able to track back to that product. She believes and supports agriculture. She believes in the system. It's hard to explain to others why and feels like she needs to get a chance to show the commission why it is different for different people.

Commissioner Journey states to Leah that she has competition in town. There have been multiple applications and meetings here and there are these emails that have been presented. There are equal opinions from the other side, so the commission is very familiar in talking about

this. They have been through this multiple times. Leah asked if there were any more questions for her.

Chairperson Wothius states that they have previously put a lot of effort into the zoning of where marijuana stores can be located. He asked if this complies. CEDD Sorte stated that's right, staff check for distance from schools and distance from residential zones. Commissioner Journey added and distance from other stores selling a similar product. CEDD Sorte stated that is not a standard in our code. From his understanding that was a former requirement of a state requirement. Leah stated that she checked the standards and it looks like she has followed the guidelines

Commissioner Journey clarified that they wanted to keep things vanilla, and there is talk about working on the driveway. There is a little bit of a beauty strip in front of the building. Leah stated that there is not in front of their lot, but there is in front of the adjacent lot. She is more than willing to do whatever the commission wants to do. Leah goes on to talk about the two entries into the property, and having the one be through the easement because the store is on Hwy 20 so it will be safer in the long run to have the two road accesses. Commissioner Journey added that making the property appealing is always a good thing. She says that there is room for improvement there. Commissioner Journey is asked her to consider some beautification beyond painting. Leah stated that she will consider anything that the commission likes. She was also wondering how she could go about doing the building. She doesn't want to do anything too much different. She is from Los Angeles and can do something very different, but doesn't think that is the way to go. She doesn't think this is a town that wants her to come in and bring a flashy building. If there was a way for her to add something that Sweet Home already has, and we do. We have beautiful trees, the trees and water are what draw people here. Leah states that she doesn't have rights to the lot, however that might change in the future. As far as the outside of the building, some people might not be happy to see it change. Commissioner Herb thinks that it is great that she is interested in the safety of traffic and going on and off the property. That is a very big plus, especially at that end of town.

**Testimony in Favor:** None

**Testimony in Opposition:** None

**Neutral Testimony:** None

**Rebuttal:** None

#### **PUBLIC HEARING CLOSED AT 8:04PM**

**Planning Commission** discussed the application.

#### **Concerns Included:**

- **Commissioner Herb:** Leah took care of his concern about the traffic safety both on and off the property, sidewalks.

#### **Considerations and Ideas Included:**

- Commissioners Journey, Wilcox, Stephens and Wolthius had no questions or concerns.

**Motion to Approve:** Commissioner Journey

**Second:** Commissioner Wilcox

**Question was called:**

**Aye (5)**

Commissioner Journey, Commissioner Herb, Chairperson Wolthuis, Commissioner Wilcox,  
Commissioner Stephens

**Nay (0)**

**Absent (1)**

Commissioner Gatchell

**Motion Passed Unanimously 5 Ayes to 0 Nays, 1 Absent**

**Staff Updates on Planning Projects:**

- The next regularly scheduled meeting is on Monday, September 3<sup>rd</sup> which is Labor Day. Can the meeting be moved to Tuesday the 4<sup>th</sup>? Commission Agreed to move it to the 4<sup>th</sup>.
- Angela will prepare binders for future planning commission meetings. She will call/email the commissioners when they are ready to pick up. Commissioner Stephens wants to make it so they only get the bare minimum that they need. The commission doesn't care about all of the little things. CEDD Sorte reminded them that they can come in to view the whole application at the office.  
Staff will prepare into binders, collect them after the meetings and then reload them for each meeting. We can still send out an electronic version as back up.
- Staff is working on a clear policy for the development agreements. Our code is lacking, but we can make interpretations of our code. CEDD Sorte will send out a draft to have a conversation about these agreements. Commissioner Herb asked how and when to call on them to uphold the agreements? You have multiple properties and how can we call on them to pull the trigger on upholding the agreements. Chairperson Walthius stated that if you have multiple properties, a few will be strongly opposed, and other will want the street improvements. At some point the city will need to step in. Commissioner Stephens stated that it is a done deal with this property (Seaders) and if someone buys that property then it is on the property owners to foot the bill on those improvements. At some point. When it is agreeable to make the developer do it so it doesn't end up on the owner. Chairperson Walthius asked if the agreements will show up on a property search. CEDD Sorte stated that this is going into record so it should go on the title search. Commissioner Stephens stated that it shows up, but it doesn't say that that it will cost them x amount of dollars and then 10 years go by and the owners have to fork out that amount of money. Property owners don't understand that. By putting a 6 to 12 month deadline on it you are doing the property owners a favor because they will only have to pay half the money this year than in the same sidewalk 10 years down the road. In that aspect we are doing them a favor.

Meeting Adjourned: 8:20PM

**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 May 7, 2018.**



Henry Walthius Vice Chairperson  
Sweet Home Planning Commission

Respectfully submitted by: Angela Clegg, Associate Planner