



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

June 01, 2020, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

The Planning Commission will hold a Regular Planning Commission meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the Planning Commission, boards and City Council, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home Planning Commission is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the City Council meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128 and you'll be asked to choose option #1 to be logged in to the call.

This video stream and call in options are allowed under Planning Commission rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

Roll Call of Commissioners

Chairman Parker:	Absent
Commissioner Wolthuis:	Present
Commissioner Gatchell:	Present
Commissioner Stephens:	Absent
Commissioner Journey:	Present
Commissioner Korn:	Absent
Commissioner Unger:	Present

Staff: Blair Larsen, CEDD Director; Angela Clegg, Associate Planner

Visitors:

Roger Emmert, 43578 Wiley Creek Drive, Sweet Home, OR 97386
Carl Long, 5200 Nandina Street, Sweet Home, OR 97386

Public Comment.

None

Meeting Minutes: May 4, 2020

Commissioners Comments: Commissioner Journey, page 2 correct Commission Journey's name.

Commissioner Wolthuis moved to approve the May 4, 2020 meeting minutes with changes.

Commissioner Journey seconded the motion to approve the meeting minutes with changes

Question was called by roll call vote:

Commissioner Wolthuis: Aye
Commissioner Gatchell: Aye
Commissioner Journey: Aye
Commissioner Unger: Aye

Motion Passed (4) Ayes to (0) Nays, (3) Absent

Public Hearings

File VR20-01: The applicant is seeking a variance to allow a length to width ratio greater than 2.5:1 required in SHMC 16.12.030 (D). The western portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment C). The proposed configuration has an average width of 120-feet with a total average length of 400 feet or less. This configuration would have an average length to width ratio of 3.66:1. When the unbuildable area is overlaid, the average length would reduce by 300 feet or less and thus would be in the 2.5:1 ratio. Per Application ZMA 19-03 and Ordinance No. 1284, approved by the Sweet Home City Council on April 14, 2020, the properties are in the Residential Low Density (R-1) Zone.

PUBLIC HEARING OPENED AT 6:33 PM

Vice Chairman Gatchell 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 summarized the staff report.

Commissioner Gatchell asked if the application met the criteria and minimum variance. Clegg and CEDD Director Larsen explained the reasons the application met the variance and minimum variance criteria.

Commissioner Journey asked about language in the statement "The applicant has expressed their desire to leave the significant wetland/riparian corridor in its natural state." Journey was concerned about it being a legal statement. Larsen explained that the statement was acceptable being as it was a statement provided by the applicant.

Testimony in Favor: None
Testimony in Opposition: None
Neutral Testimony: Carl Long, asked if the 100-yr floodplain map was current. Larsen and explained that it was. Clegg informed Long that FEMA recently updated their maps.
Rebuttal: Emmert showed the Commission a picture of the property during the 1964 flood.

PUBLIC HEARING CLOSED AT 7:00 PM

Commissioners Discussion:

Commissioner Journey stated that she voiced her concerns and believes the applicant should be able to use property.

Commissioner Unger agrees with Commissioner Journey.

Commissioner Wolthuis feels the proposal is a good one and believes the applicant has gone above and beyond. Wolthuis is in favor of approving.

Commissioner Gatchell concurs with the other Commissioners.

Commissioner Journey moved to approve application VR20-01 and thereby permit the Variance; 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 Wolthuis seconded the motion to approve.

Question was called by roll call vote:

Commissioner Wolthuis: Aye

Commissioner Gatchell: Aye

Commissioner Journey: Aye

Commissioner Unger: Aye

Motion Passed (4) Ayes to (0) Nays, (3) Absent

Staff Updates on Planning Projects:

Commissioner Wolthuis has a discussion with staff on variance decisions being made administratively if they meet all the criteria. CEDD Director Larsen stated that there would have to be very precise criteria in the code to allow that, and our current code does not allow a variance to be made administratively.

Economic Development Updates

CEDD Director Larsen gave an update to the Commissioners regarding the programs to help local businesses during the COVID-19 pandemic. Larsen gave examples of different local scenarios.

Development Code Update

Associate Planner Clegg gave a brief update regarding the code update drafts provided by Walt Wendolowski. She informed the Commissioners that she is currently reviewing the drafts.

COVID-19 and Opening Up the City

CEDD Director Larsen gave a brief update on the opening roll out and what is expected during the current stage and what is proposed for the next stage.

Pending Applications

Associate Planner Clegg informed the Commissioners with the passing of VR20-01 she can now proceed with completing application PLA19-12 and P 19-13.

A map amendment and property Line adjustment application was turned in and may be on the July Planning Commission Agenda.

Adjournment 7:25

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.

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.