



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

July 07, 2022, 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.

Meeting Information

The City of Sweet Home 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 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, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 947 077 522#

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call of Commissioners

PRESENT

Laura Wood
Henry Wolthuis
Jeffrey Parker
Eve Jurney
Jamie Melcher
Greg Stephens
David Lowman

STAFF

Associate Planner Angela Clegg
Community and Economic Development Director Blair Larsen (video)
Staff Engineer Joe Graybill

GUESTS

Diane Blomberg, 4918 Mimosa Circle, Sweet Home, OR 97386
Chris Clay, 4923 Mimosa Circle, Sweet Home, OR 97386
Hank Blomberg, 4918 Mimosa Circle, Sweet Home, OR 97386
Jim Clay, 4923 Mimosa Circle, Sweet Home, OR 97386
Rollin Smith, 4965 Mimosa Circle, Sweet Home, OR 97386
Shirley Tack, 4960 Mimosa Circle, Sweet Home, OR 97386
James Dean, 4905 Mimosa Circle, Sweet Home, OR 97386
Martin Kibble, 4998 Maple Drive, Sweet Home, OR 97386
Marshia Kibble, 4998 Maple Drive, Sweet Home, OR 97386
Janet McInerney, 4919 Mimosa Circle, Sweet Home, OR 97386
Dottie Cooper, 4910 Mimosa Circle, Sweet Home, OR 97386
Barry Tevis, 4954 Mimosa Circle, Sweet Home, OR 97386

Public Comment.

None

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

Meeting Minutes:

a) June 16, 2022 Meeting Minutes

Motion to approve the minutes was made by Melcher, seconded by Stephens.

Voting Yea: Lowman, Stephens, Melcher, Parker, Wolthuis, Wood

Voting Nay: None

Abstain: Journey

Public Hearings

a) Application VR22-03

The Public Hearing was opened at 6:33 PM

Commissioner Parker asked of the Committee if there were any Ex Parte, Conflicts of Interest, or Personal Bias. There were none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated the applicant is seeking a variance to allow for a six (6) foot fence in a front yard abutting a street and a six (6) foot fence in a side yard abutting a street. Staff found the applicant had not met the criteria listed in Section III of the Staff Report. As a result, staff recommended denial of VR22-03. Staff had not recommended any Conditions of Approval.

Commissioner Journey asked Clegg to read the definition and purpose of a variance. Clegg read the definition and purpose from the Sweet Home Municipal Code. Melcher asked where the fence will be located and if it will be within the clear vision. Clegg stated that the existing sign and fence would not be in the clear vision triangle. Stephens asked for clarification of the setback. Clegg explained the setback and height requirements. Lowman asked if the mailboxes would remain. Clegg stated that they would.

Applicant's Testimony: Henry Blomberg, 4918 Mimosa Circle, Sweet Home, OR 97386 gave testimony on behalf of the application. Blomberg stated that he is the president of the HOA and gave a summary of the purpose of the application. He stated that the purpose of the Variance is to protect the HOA and the public.

Commissioner Lowman asked about the type of fence and who will monitor the activities behind the fence. Blomberg stated that they want a wood fence and he is at the site frequently. Commissioner Stephens asked if the fence would go on the berm. Blomberg stated that the hedge and the former fence were on that berm. There was discussion about the height of the fence on the berm and matching the neighbors fence height. Commissioner Wood asked about the current maintenance plan for the detention pond. Blomberg explained the planned maintenance of the detention pond. Commissioner Melcher asked if there were any other options that they had considered. Blomberg explained that they had discussed other options and the fence was the best option. Commissioner Wood asked about any additional security options. Blomberg explained what they had looked at.

Testimony in Favor: Jim Clay of 4923 Mimosa Circle, Sweet Home, OR 97386 stated that he has worked with Blomberg on the maintenance of the detention pond and asked the Commission to consider allowing the variance for the safety of the public.

Barry Tevis, 4954 Mimosa Circle, Sweet Home, OR 97386 stated that he is in favor of the variance. He informed the Commissioners that he has had no vision problems or safety issues at the corner of Mimosa Circle and 49th Avenue.

Diane Blomberg, 4918 Mimosa Circle, Sweet Home, OR 97386 felt that it was an error in the original design plan, and hopes the Commission will approve the variance. Blomberg felt that the maintenance of the former hedge was not feasible for the neighborhood. She feels that the fire department will not have a problem getting around the fence and the vision from 49th to Mimosa Circle will not be a problem.

Janet McNerney, 4919 Mimosa Circle, Sweet Home, OR 97386 stated that she fell into the detention pond. She is concerned about kids getting in to detention pond and all of the

debris that they have had to clean out of the pond. She would like to see the application move forward.

Rollin Smith, 4965 Mimosa Circle, Sweet Home, OR 97386 stated that what has been brought up seems reasonable. He has witnessed kids at the bus stop playing around. Smith feels that the fence would deter activity. He stated that they may still have problems with garbage but didn't feel that it would be as bad. Smith felt that there wouldn't be a problem with people hiding behind the fence. He stated that he felt it needs to be done to keep people safe, and he hopes the Commission approve the application.

James Dean, 4905 Mimosa Circle, Sweet Home, OR 97386 stated that the neighbor can look into the detention pond from her house and feels that people getting into the pond will be kept to a minimum.

Henry Blomberg brought staff an additional letter of support from a neighbor. Clegg added it to the file.

Testimony in Opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:10 PM

Commission Discussion: Clegg explained to the Commissioners the reason for the slope of the detention pond and that the berm counts towards the height of the fence. Lowman stated that he has concerns about police access to the fence and that negative activity will be hidden behind the fence. Lowman felt that a chain link fence would allow people to see into the detention pond. Journey asked staff for clarification as to what the scope of the City is when it comes to issues related to Homeowners Associations. Clegg explained the differences between the Homeowners Association regulations and Sweet Home Municipal Code. Journey asked about the definition of Variance and how it pertains to this issue, and if the City has a responsibility when it comes to these issues. Clegg stated that when the subdivision was created in 2005, the record states that the detention pond was the responsibility of the homeowners to maintain. She understood that it was not maintained by the previous homeowner's association, but it is in the agreement that it is their responsibility. Journey stated that she is concerned that this will set a precedence with other homeowner's associations. Clegg stated that it is a concern of staff. She informed the Commission that there are many detention ponds throughout the City and this is the first time an issue has been brought forward. This decision could trigger others to request variances, but it is up to the Planning Commission to decide how staff moves forward in the future. Parker asked Graybill about the volume requirements of the detention pond and could it be altered. Graybill explained the layout was built to City standards and the elevation can't be changed due to the drainage rate. Graybill stated that this detention basin can be modified with an engineering evaluation. Graybill gave some options but stated that they are costly. He stated that this detention pond works well, it is doing what it supposed to do, and that the side slopes are there to help prevent erosion. There was discussion about altering the pond design to allow for the fence to be put inside of setbacks. Wolthuis complimented the neighborhood for their pride in their neighborhood. Wolthuis addressed concerns regarding trash. Wolthuis stated that he would act in favor of granting the variance. Melcher stated that she was in agreeance with Wolthuis. She appreciated that the applicants are willing to address the problems in their neighborhood. Melchers concern was the clear vision triangle, but she felt that their proposal meets the clearance for safety. Melcher stated that she would probably be in favor of the variance. Parker reminded the Commissioners of the purpose of the variance. Parker discussed the setbacks and fence heights. Melcher stated that the City standards for the construction of the berm create the hardship. There was discussion about the location of the berm and being able to modify the location. Stephens asked if the berm was for aesthetic reasons or to increase the volume of the pond. Parker discussed his knowledge of berm construction. Melcher asked if it was feasible for the neighborhood the redesign the detention pond berms. Stephens stated that he appreciated that they were willing to spend their time and money to make it beautiful and safe as they can make it. He

stated that he would be in favor of the variance. Wood is concerned about the future maintenance of the detention pond. The current HOA does a good job, but it wasn't maintained in the past. She is concerned about it becoming a fire hazard with tall unmaintained grass and fence. Lowman was concerned about the pond not being maintained and would prefer a chain link fence. A chain link fence would allow people to see into the pond. Lowman suggested a fountain in the pond. Wood stated that there are not currently any deterrents currently on the property. She feels that there are other deterrents that can keep people off the property other than a fence. Journey expressed concern about losing sight of the responsibilities of the Commission and following code. Lowman and Wood discussed the current problems and whether the fence could cause additional problems in the future, if approved. Parker reminded the Commissioners that the issue presented is the height and the location of the fence. Clegg gave the Commissioners clarification about the street yard setback not needing a variance if they are 3 feet back from the property line. The setback in question is the front setback off Mimosa Circle. There was discussion about the setbacks on each side. Melcher asked what option the City would be satisfied with. Clegg stated that City must follow municipal code. She stated that it is up to the Commission to determine changes and can suggest conditions of approval with the application. Wolthuis discussed that in the past berms were used to give fence heights higher elevation. He suggested to remove the berm. Graybill stated that the berm is a necessary part of the detention pond design. Graybill gave a brief history of the berm code. Clegg asked the Chairman to do a role call vote.

Motion to approve Application VR22-03 was made by Wolthuis, with the Condition of Approval that the fence height be consistent with the fences on the abutting properties. Seconded by Stephens.

Voting Yea: Melcher, Wolthuis, Stephens

Voting Nay: Wood, Parker, Journey, Lowman

The Application was Denied.

Staff Updates on Planning Projects:

Clegg gave a brief update on CEDD projects and activities. She handed out the new city park brochure.

There was a discussion about food pods and new criteria being written.

Lowman asked staff about how to change the sign code. He expressed displeasure with signs all over the City. Clegg explained the process and invited Lowman to come to the office to discuss it.

There was discussion about the upcoming Planning Commission training. Larsen asked the Commissioners to let him know if they are interested in the training so he can sign them up.

Adjournment

The meeting was adjourned at 7:58 PM



Jeffrey Parker Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner