



CITY OF SWEET HOME PLANNING COMMISSION MEETING AGENDA

October 7, 2019, 6:30 p.m.
City Hall Council Chambers, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode:
guestwifi

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

1. Call to Order and Pledge of Allegiance
2. Roll Call of Commissioners:
Lance Gatchell (Chair); Henry Wolthuis (Vice Chairperson); Eva Jurney; Greg Stephens; Thomas Herb, Greg Korn (excused absence), Jeff Parker
3. Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.
4. **Meeting Minutes:** July 1, 2019; August 5, 2019; September 3, 2019
5. **Public Hearing for File CU19-07:** The applicant has requested a Conditional Use Permit in order to establish a retail marijuana store in an existing building. The subject property contains 14,625 square feet and is in the Commercial Highway (C-2) Zone.
6. Staff Update on Planning Projects
 - Planning Commission Retreat:
 - Oct. 16-17 from 6-9 PM
 - Only Commissioner Jurney and Commissioner Parker completed the poll (each of them has days they can't make it)
 - Code Amendment Update – CEDD Director Larsen
7. Adjournment

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 Community and Economic Development Office at (541) 367-8113.

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.



CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

July 1, 2019, 6:30 p.m.
City Hall Annex, 1140 12th Avenue
Sweet Home, OR 97386

Call to Order and Pledge of Allegiance

Roll Call of Commissioners:

Present: Commission Wolthuis; Commissioner Journey; Commissioner Stephens; Commissioner Herb; Commissioner Parker

Absent (Excused): Chairperson Gatchell; Commissioner Korn

Staff: Blair Larsen, CEDD Director; Angela Clegg, Assoc. Planner; Dana Nichols, COG Planner; Sophie McGinley, COG Planner

Visitors: None

Public Comment. None

Review and Approval of Meeting Minutes:

- March 18, 2019

Comments Included: Corrections on page 4 made by Commissioner Journey. Commissioner Wolthuis asked to verify the motions for reopening the hearing on page 4. Angela will listen to the recording and verify.

Commissioner Stephens moved to approve the March 18, 2019 Planning Commission Meeting Minutes with stated corrections.

Commissioner Journey seconded the motion to approve the March 18, 2019 Meeting Minutes with corrections.

Question was called

Aye 5

Nay 0

Absent 2

Motion Approved (5) Ayes to (0) Nays

- April 15, 2019

Comments Included: Corrections on Page 3 and 4 stated by Commissioner Journey.

Commissioner Journey moved to approve the April 15, 2019 Planning Commission Meeting Minutes with stated corrections.

Commissioner Stephens seconded the motion to approve the April 15, 2019 Meeting Minutes with stated corrections.

Question was called

Aye 5

Nay 0

Absent 2

Motion Approved (5) Ayes to (0) Nays

Public Hearing. File VR19-05: The applicant had requested to withdraw the application.

Staff Update on Planning Projects:

- McGinley spoke briefly about the new House Bill 2001. States that cities with a population over 10,000 must allow duplexes on residential lots. No more exclusive single-family zoning. Code language must be in place by June 30, 2021.
- August 5, 2019 Planning Commission Meeting will be held at the Police Station Conference Room at 1950 Main Street, Sweet Home, OR 97386 at 6:30 PM.
- September 2, 2019 Planning Commission Meeting will be at the New City Hall Conference Room located at 3225 Main Street, Sweet Home, OR 97386 at 6:30 PM.

Commissioner Jurney reminded the commissioners that September 2nd is Labor Day. It was put before the Commission to either hold the meeting September 3rd, 9th or 16th. Make a decision by the August 5, 2019 meeting.

Training: led by Sophie McGinley, COG Planner

- McGinley presented a PowerPoint and provided a 1-page summary on Land Use 101 (Attachment A).

Commissioners had discussions with McGinley and Nichols throughout the presentation.

Adjourned at 8:00 PM

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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 July 1, 2019.

Henry Wolthuis Vice Chairperson
Sweet Home Planning Commission

Respectfully submitted by: Angela Clegg, Associate Planner

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History

Governor Tom McCall's *Senate Bill 100* Passes in 1973 and creates:

- Department of Land Conservation and Development (DLCD)
- Land Conservation and Development Commission (LCDC)
- Urban Growth Boundaries (UGB)
- Statewide Planning Goals

Goals*

1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. Forest Lands
5. Open spaces, scenic and historic areas and natural resources
6. Air, water and land resource quality
7. Areas subject to natural disasters and hazards
8. Recreation needs
9. Economy of the state
10. Housing
11. Public facilities and services
12. Transportation
13. Energy
14. Urbanization

* Applicable to Sweet Home

Sweet Home Plans

- 1994 Sweet Home Downtown Redevelopment Assessment Report
- 2000 Local Wetland Inventory
- 2003 Oregon Downtown Development Association Report
- 2003/2010 Comprehensive Plan
- 2005 Transportation System Plan
- 2010 Sweet Home Downtown Retail Market Analysis
- 2014 Park System Master Plan
- 2014 Sweet Home Livability Assessment

Land Use Actions in Sweet Home

- Property Line Adjustment
- Annexation
- Partition
- Subdivision
- Conditional Use Permit
- Variance
- Map Amendment

Types of Hearings

Legislative - create and adopt as law general policies and regulations for future land use within a jurisdiction. Examples include the adoption or revision of a comprehensive plan, zoning regulations, or a subdivision ordinance. LCDC goals must be considered for legislative land-use decisions.

Quasi-Judicial - apply the law to specific land development or use proposals. Examples of quasi-judicial decisions include small-tract zoning designations, conditional use permits, and major land divisions. They typically involve the exercise of discretion by the decision-making official or body in applying general criteria of the plan or ordinance to the facts of a land development application. Quasi-judicial decisions always involve the property rights of specific persons.

Ministerial or Administrative - apply "clear and objective standards" for which the local government provides no right to a hearing. These decisions that are delegated to staff with the appropriate safeguards for the rights and interests of the affected parties. Examples include property line adjustments.

Application Review

Final action on most applications within 120 days of the application being deemed complete. Applicants must be advised of any missing information within 30 days of submittal and have 180 days to respond.

<u>Type of Decision</u>	<u>Notification</u>	<u>Hearings</u>	<u>Findings</u>	<u>Appeal</u>
Legislative	Notice must be provided consistent with local policies--but also to specific groups, agencies and LCDC if application of goals is involved	All local legislative land -use actions are required to be taken after a public hearing.	Goal 2 requires land-use decisions have an "adequate factual base". These decisions must be supported by written findings.	Land use decisions are subject to appeal only to LUBA. The scope of review only includes a determination of consistency with LCDC goals and the local comprehensive plan
Quasi-Judicial	Must identify the type of land use decision to be made and the time and place of the hearings	Parties are entitled to present and rebut evidence presented by others. The proponent has the burden of proof. Evidence that is not included in testimony or as part of the record may not be cited as a basis for the decision	Decisions are not final until written findings have been adopted by the decision-making body. Failure to prepare and adopt "adequate" findings can result in reversal or remand of a decision.	The law requires that a notice of a quasi-judicial decision be sent to all parties of the preceding. Decisions can be appealed directly to LUBA, but jurisdictions can provide more than one level of appeal.
Ministerial or Administrative	No required, but generally provided	Not required*.	Not required.	

* May be required if there is a partition involving an access easement or if there is an appeal of a ministerial or administrative decision.

Resources:

DLCD Representative: Patrick Wingard patrick.wingard@state.or.us

www.oregon.gov/LCD

www.sweethomeor.gov/ced/page/planning-division

<http://www.co.linn.or.us/index.php?content=planning>



CITY OF SWEET HOME PLANNING COMMISSION MEETING MINUTES

August 5, 2019, 6:30 p.m.

Police Department Conference Room, 1950 Main Street
Sweet Home, OR 97386

Call to Order and Pledge of Allegiance

Roll Call of Commissioners:

Present: Commissioner Wolthuis, Commissioner Jurney, Commissioner Stephens, Commissioner Parker

Absent (Excused): Chairperson Gatchell, Commissioner Herb, Commissioner Korn

Staff: Blair Larsen, CEDD Director; Angela Clegg, Assoc. Planner; Joe Graybill, Staff Engineer

Visitors:

Scott Rice, 28853 Liberty Rd, Sweet Home, OR 97386

Cole Rinehart, ATS, 2475 Harding Street, Sweet Home, OR 97386

James Metzger, ATS, 2463 Harding Street, Sweet Home, OR 97386

David R Staup, 1088 W 35th Avenue, Sweet Home, OR 97386

Public Comment. None

Review and Approval of Meeting Minutes:

- May 6, 2019

Comments Included: No comments

Commissioner Jurney moved to approve the May 6, 2019 Planning Commission Meeting Minutes.

Commissioner Parker seconded the motion to approve the May 6, 2019 Meeting Minutes.

Question was called

Aye 4

Nay 0

Absent 3

Motion Approved (4) Ayes to (0) Nays

Public Hearing Continuation for File P19-04 & VR19-04: The applicant is requesting to partition a 42,235 square foot property into three parcels. Proposed Parcel 1 would contain 10,890 square feet. Proposed Parcel 2 would contain 10,890 square feet. Proposed Parcel 3 would contain 16,331 square feet (not including the flag pole). The applicant is also seeking a variance to reduce the minimum lot width at front building line from 80 feet to 72.50 feet on proposed Parcel 1 and 72.61 feet on proposed Parcel 2 to have the minimum 25-foot frontage width for proposed Parcel 3. The subject property is in the Residential Low-Density (R-1) Zone.

PUBLIC HEARING OPENED AT 6:40 PM

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

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Personal Bias: No

Conflict of Interest: No

Exparte Information: Commissioner Journey has a friend that lives in the neighborhood. Journey drives past the property occasionally.

Staff: Assoc. Planner Clegg read the recommendations and conditions of approval. Commissioners had no questions for staff.

Applicant: James Metzger, 1133 Karrisdale Drive SE, Albany, OR 97322 testified on behalf of his application. The applicant presented a new site plan via his cell phone. It was shown to staff.

Assoc. Planner Clegg drew a rough sketch on the whiteboard for Commissioners to see. The applicant, Commissioners and staff discussed the sketch finding it did not meet the variance criteria either because the middle lot does not front a public street. CEDD director Larsen directed the Commissioners to decide based on what is proposed at the meeting.

Commissioner Journey stated that the decision should be made based on the application as presented in the packet. Commissioner Stephens asked if the driveway will be paved all the way to the third lot. A discussion proceeded between Staff Engineer Graybill and the applicant regarding the driveway and access.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

Rebuttal: None

PUBLIC HEARING CLOSED AT 7:06 PM

Planning Commission discussed the application.

Commissioner Journey: stated that the application does not meet the variance criteria and recommends denial.

Commissioner Wolthuis: Disagreed with Commissioner Journey and wanted to find a way to pass the application.

Chair Gatchell: Absent

Commissioner Stephens: agrees that the application does not meet criteria, but wants to figure out a way to pass it so the property can be developed.

Commissioner Herb: Absent

Commissioner Korn: Absent

Commissioner Parker: agreed with Commissioner Journey that the application does not meet the variance criteria.

Staff and Commissioners discussed the two options that the applicant presented.

PUBLIC HEARING REOPENED AT 7:26 PM

The Commissioners asked the Mr. Metzger if he would be willing to make additional changes to present to the Commissioners. Mr. Metzger agreed. The Commissioners discussed the option of continuing the hearing. The decision was made to not continue the hearing and to vote at the meeting. The applicant can submit new site plans based on the discussions during the meeting.

PUBLIC HEARING CLOSED AT 7:10 PM

Commissioner Journey moved to deny the Application P19-04 & VR19-04 and moved to deny the continuation of the Public Hearing to the September 3, 2019 Planning Commission Meeting and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision. A 12-day appeal period is set from the date of the mailing of the decision.

Commissioner Parker seconded the motion to deny the Application P19-04 & VR19-04 and moved to deny the continuation of the Public Hearing to the September 3, 2019 Planning Commission Meeting.

Question was called

Aye 2

Nay 2

Absent 3

Motion Failed (2) Ayes to (2) Nays

Staff Recommended to the Commissioners to rehear the application at the September Planning Commission meeting with the new site plan presented by the applicant.

Public Hearing. File P19-06 & CU19-08: The applicant is requesting to partition a 78,750 square foot lot (Tax Lot 3700 of Map E29) in the Recreation Commercial (RC) Zone into two parcels: 46,349 square feet in proposed Parcel 1 and 32,401 square feet in proposed Parcel 2. The applicant is also requesting a Conditional Use Permit to build a home on Parcel 2, a requirement for residential uses not related to or in conjunction with a recreational development in the RC Zone. Parcel 2 has an existing pole building that will remain on the property. Parcel 1 has an existing home and the use of Parcel 1 will not change. The Conditional Use application is dependent on approval of the partition.

PUBLIC HEARING OPENED AT 7:29 PM

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

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: No

Conflict of Interest: No

Exparte Information: No

Staff: Assoc. Planner Clegg read the recommendations and conditions of approval. Commissioners had no questions for staff.

Commissioner Journey directed a question to Staff Engineer Graybill regarding the addressing of the properties. Graybill explained the address assignment criteria.

Applicant: Scott Rice, 28853 Liberty Road, Sweet Home, OR 97386 testified on behalf of his application and gave a brief family history of the property. Planning Commissioners had no questions for the applicant.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

Rebuttal: None

PUBLIC HEARING CLOSED AT 7:38 PM

Planning Commission discussed the application.

Commissioner Journey: had no issues with the application.

Commissioner Wolthuis: had no issues with the application.

Chair Gatchell: Absent

Commissioner Stephens: had no issues with the application.

Commissioner Herb: Absent

Commissioner Korn: Absent

Commissioner Parker: had no issues with the application.

Question was called

Aye 4

Nay 0

Absent 3

Motion Approved (4) Ayes to (0) Nays

Commissioner Journey moved to approve applications P19-06 & CU19-08 and thereby permit the partition and conditional use proposed at 1410 Clark Mill Road, Sweet Home, Oregon 97386; 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 Stephens seconded the motion to approve Applications P19-06 & CU19-08.

Public Hearing. File P19-08 & VR19-06: The applicant is requesting to partition a 20,812 square foot property into two parcels in the Low Density Residential (R-1) Zone. Proposed Parcel 1 is a 9,212 square foot flag lot (not including the flag pole). Proposed Parcel 2 is a 8,625 square foot lot. The applicant is also seeking a variance to reduce the required lot width for proposed Parcel 2, listed in SHMC 17.24.040(B), from 80 feet to 75 feet for Parcel 2.

PUBLIC HEARING OPENED AT 7:42 PM

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

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Personal Bias: No

Conflict of Interest: No

Exparte Information: No

Staff: Assoc. Planner Clegg read the recommendations and conditions of approval. Commissioners had no questions for staff.

Applicant: David Staup, 3167 Blueberry Hill Road, Lebanon, OR testified on behalf of his application. Mr. Staup gave a history of the property and demolition of the building that were previously on the subject property.

Commissioner Journey asked the Applicant if he considered not partitioning and just building one house. Mr. Staup replied that he did not. There were originally two homes and he wanted to place two new homes on the property and improve the neighborhood.

Commissioner Parker asked if the applicant had a report on the well water. One well was closed off and cemented in. The second has been cleaned out and a new pump added. Water was tested and passed for drinking water purposes. The homes will share the single well.

Testimony in Favor: None
Testimony in Opposition: None
Neutral Testimony: None
Rebuttal: None

PUBLIC HEARING CLOSED AT 7:50 PM

Planning Commission discussed the application.

Commissioner Journey: not in favor of the application. Does not meet criteria.
Commissioner Wolthius: feels the variance should be allowed in order to develop the property.
Chair Gatchell: Absent
Commissioner Stephens: agrees with Commissioner Journey.
Commissioner Herb: Absent
Commissioner Korn: Absent
Commissioner Parker: not in favor of the application. It's closer to the criteria but does not meet criteria.

Commissioner Journey moved to deny applications P19-08 & VR19-06 and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision. A 21-day appeal period is set from the date of the mailing of the decision.

Commissioner Parker seconded the motion to deny Applications P19-08 & VR19-06.

Question was called

Aye 3

Nay 1

Absent 3

Motion Denied (3) Ayes to (1) Nays

Public Hearing. File LA19-01: This legislative amendment consists of text amendments to Title 17 and Title 17 of the Sweet Home Municipal Code (SHMC); Zoning Ordinance. Staff is in the process of preparing a new draft development code; however, there are several code updates that are needed now to facilitate administration of the planning program. Staff is requesting that the Planning Commission and City Council review the code amendments and direct staff to move these updates through the public text amendment review process prior to completion of our comprehensive code update.

This proposal includes amendments to following chapters of the SHMC: 16.08.010, Appeal; 17.12.090, Appeals; 16.16.030, Procedures; 17.12.20, Public Hearings on Amendments; 17.12.080, Notice of Land Use Decisions; 17.04.030, Definitions; 17.08.100, Access and Driveways; 17.88.040, Criteria; 17.08.050 Considerations; Addition of 17.12.085, Call by the City Manager.

PUBLIC HEARING OPENED AT 8:02 PM

Vice Chair Wolthuis read the description of the application and the Planning Commission proceeding process rules and regulations.

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Personal Bias: No

Conflict of Interest: No

Exparte Information: No

Staff: Assoc. Planner Clegg read the recommendations and conditions of approval.

A discussion between staff and the commissioners ensued about past conversations and actions by the City Manager. CEDD Director Larsen stated that he would meet with the City Manager and get his comments regarding the text amendments for SHMC 17.12.085.

Assoc. Planner Clegg read page 5 of the LA19-01 staff report, prepared by COG Planner Dana Nichols, regarding the removal of SHMC 17.88.050 and 17.88.040 and replace with new criteria 17.88.040 from the Model Code.

Planning Commission discussed the application.

Commissioners discussed their wish to continue the public hearing for LA19-01. There were 3 Commissioners absent and the present Commissioners want to have all Commissioners present before they vote.

Commissioner Journey: requested that staff get a comment from the City Manager regarding Code Amendment 17.12.085 (A).

Commissioner Wolthius: discussed the letter he submitted to the Commissioners regarding the code amendments. Agreed with Commissioner Journey to continue the public hearing.

Chair Gatchell: Absent

Commissioner Stephens: Agreed with Commissioner Journey to continue the public hearing.

Commissioner Herb: Absent

Commissioner Korn: Absent

Commissioner Parker: Agreed with Commissioner Journey to continue the public hearing.

PUBLIC HEARING CLOSED AT 8:13 PM

Question was called

Aye 4

Nay 0

Absent 3

Motion Approved to continue hearing until the September 3, 2019 meeting (4) Ayes to (0) Nays

Staff Update on Planning Projects

- a. September Planning Commission Meeting is on Labor Day. Need to choose another date for the meeting.

The Commissioners voted to hold the September meeting on Tuesday, September 3, 2019.

Training/Workshop: HB 2001; led by Dana Nichols, COG Planner

Dana Nichols, COG Planner, was unable to attend the August 5, 2019 meeting; therefore, the training was postponed until the September 3, 2019 meeting.

Adjournment 8:16 PM

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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 August 5, 2019.

Henry Wolthuis Vice Chairperson
Sweet Home Planning Commission

Respectfully submitted by: Angela Clegg, Associate Planner

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- 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
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- 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.



CITY OF SWEET HOME PLANNING COMMISSION MEETING AGENDA

September 3, 2019, 6:30 p.m.
City Hall Council Chambers, 3225 Main Street
Sweet Home, OR 97386

Call to Order and Pledge of Allegiance

Roll Call of Commissioners:

Present: Chairperson Gatchell; Vice-Chair Wolthuis; Commissioner Jurney; Commissioner Stephens; Commissioner Herb, Commissioner Korn, Commissioner Parker

Staff: Blair Larsen, DECC Director; Ray Towry, City Manager; Angela Clegg, Assoc. Planner; Joe Graybill, Staff Engineer; Dana Nichols, COG Planner; Justin Peterson, COG Planner.

Visitors: James Metzger, 1133 Kerrisdale Drive SE, Albany, OR 97322

Public Comment. None

Training/Workshop: **HB 2001**; led by Dana Nichols, COG Planner

Assoc. Planner Clegg was unable to get the training PowerPoint up on the screen for the Commissioners to view. Clegg will email a copy of the PowerPoint to the Commissioners for review and comment.

COG Planner Nichols gave a brief summary of HB 2001. CEDD Director Larsen added comments to Nichols presentation. Changes don't need to be in place until June 2022.

There was a brief discussion on the presentation between staff and the commissioners.

Public Hearing Continuation for File P19-04 & VR19-04: The applicant is requesting to partition a 42,235 square foot property into three parcels. Proposed Parcel 1 would contain 10,890 square feet. Proposed Parcel 2 would contain 10,890 square feet. Proposed Parcel 3 would contain 16,256 square feet (not including the flag pole). The applicant is seeking a variance to use the flag pole of Parcel 3 as an access easement for Parcels 1 and 2. The subject property is in the Residential Low-Density (R-1) Zone.

PUBLIC HEARING OPENED AT 6:45 PM

Chair Gatchell read the description of the application and the Planning Commission proceeding process rules and regulations.

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: No

Conflict of Interest: No

Exparte Information: No. Commissioner Herb drove by the property.

Staff: Assoc. Planner Clegg read the recommendations and conditions of approval using the new site plan submitted by the applicant during the August 5, 2019 Planning Commission meeting.

COG Planner Nichols stated that all three lots meet the minimum requirements for lot size in the zone, but do not meet the requirements for a variance. Nichols stated that the reasons for the recommendation of denial, the variance and the joint driveway, are the topics that are coming up time and again. This is the reason for the Code Amendment update discussions.

There was a brief discussion about which way the houses will face. COG Planner Nichols pointed out that the development does not apply to this application.

Commissioner Gatchell asked COG Planner Nichols to elaborate on the variance criteria and how the application does not meet criteria. Nichols read through each criterion and explained each. Nichols explained that the applicant must meet all the criteria, not just one or two in order to comply.

Applicant: James Metzger, 1133 Kerrisdale Drive SE, Albany, OR 97322 testified on behalf of his application. Gave a brief history of the process he has gone through for over two years in order to develop the property. Mr. Metzger mentioned that he was working on a third site plan that would add an additional flag pole for lot 2, so not lots would share a driveway and they would all have access to Harding street. Due to the holiday weekend Mr. Metzger was unable to get the third option ready for the September 3, 2019 meeting.

Commissioner Stephens asked the applicant about the position of the houses to be built on the lots. Mr. Metzger explained his proposed building site plan.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

Rebuttal: None

PUBLIC HEARING CLOSED AT 7:10 PM

Planning Commission discussed the application.

Commissioner Jurney: Criteria is not met. Does not want to allow a variance for one property but not another. Wants to stick with criteria.

Commissioner Wolthius: Wants to pass something so that the applicant can develop the lot.

Chair Gatchell: Not in favor of some applicants being able to break code and others not. Criteria is not met, so not in favor of the application.

Commissioner Stephens: feels that the applicant should be able to build something on his lot and the planning commission should help him figure out how.

Commissioner Herb: Agrees with Commissioner Wolthuis. Feels there is plenty of room to develop and wanted to figure out a solution for the applicant.

Commissioner Korn: Lot sizes are large enough but does not like the shared driveway with Lot 2. Its close and wants to try to do something so the applicant can develop.

Commissioner Parker: Lot sizes are great, but criteria are not met. Harding Street will benefit from development

CEDD Director Larsen made a comment about the code not meeting the needs of the community. Larsen mentioned other options that could work without a variance including a second flag pole for Lot 2. Assoc. Planner Clegg commented that with a second flag lot going to Parcel 2 that Parcel 1 would still have over 9,000 square feet and therefore meets the lot size criteria of the zone.

There was a brief discussion about the location of the second flag pole.

The applicant would have to submit a new application with the double flag pole scenario. If the applicant chooses to do that, it would not have to go to the planning commission since there will be no variances or shared driveways proposed.

CEDD Director Larsen stated that this application is an example of why the City needs code text amendments.

Commissioner Wolthuis asked to reopen the hearing to discuss the options with the applicant.

PUBLIC HEARING REOPENED AT 7:27 PM

Chair Gatchell asked the applicant if the design with the 2nd flag pole is acceptable. The applicant said he was. The applicant asked how long the code updates may take. Chair Gatchell stated that it could take 6 months or more. The applicant said he is willing to design the double flag lot so that he can move forward with the development of his property.

PUBLIC HEARING CLOSED AT 7:30 PM

Commissioner Journey moved to deny the Application P19-04 & VR19-04 and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision. A 12-day appeal period is set from the date of the mailing of the decision.

Commissioner Parker seconded the motion to deny the Application P19-04 & VR19-04

Question was called

Aye 4

Nay 3

Absent 0

Motion Denied (4) Ayes to (3) Nays

Chair Gatchell moved to take a 5-minute break.

Public Hearing Continuation for File LA19-01: This legislative amendment consists of text amendments to Title 16 and Title 17 of the Sweet Home Municipal Code (SHMC); Zoning Ordinance. Staff is in the process of preparing a new draft development code; however, there are several code updates that are needed now to facilitate administration of the planning program. Staff is requesting that the Planning Commission and City Council review the code amendments and direct staff to move these updates through the public text amendment review process prior to completion of our comprehensive code update.

This proposal includes amendments to following chapters of the SHMC: 16.08.010, Appeal; 17.12.090, Appeals; 16.16.030, Procedures; 17.12.20, Public Hearings on Amendments; 17.12.080, Notice of Land Use Decisions; 17.04.030, Definitions; 17.08.100, Access and Driveways; 17.88.040, Criteria; 17.08.050 Considerations; Addition of 17.12.085, Call by the City Manager.

PUBLIC HEARING OPENED AT 7:40 PM

Chair Gatchell read the description of the application and the Planning Commission proceeding process rules and regulations.

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.

Staff: COG Planner Nichols stated that 17.12.150 Enforcement is missing from the agenda but is in the staff report.

Commissioner Gatchell asked why there was a continuation for the hearing. Assoc. Planner Clegg explained that at the August 5, 2019 Planning Commission meeting, the commissioners felt that they wanted all the commissioners present to vote on the code amendments.

Commissioner Stephens state that another reason the commissioners chose to continue the hearing was to get a statement from the City Manager. Commissioner Gatchell stated his understanding of the code. COG Planner Nichols reminded the commissioners of the memo from the City Manager included in their packets.

City Manager Ray Towry explained the code and the City Charter that regulates the rolls and responsibilities of the City Manager. Getting the codes revised will help alleviate some of the applications that come before the Planning Commission and are denied.

Chairman Gatchell recommended to the Commissioners to move the code amendments to City Council.

Commissioner Gatchell asked to have the code amendments corrected and moved to

PUBLIC HEARING CLOSED AT 7:52 PM

Commissioner Journey moved to approve application LA19-01 and hereby direct staff to prepare a Request for Council Action and Ordinance Bill and recommend the code amendments to the City Council.

Commissioner Herb seconded the motion to approve application LA19-01 and recommend the code amendments to the City Council.

Roll Call Vote:

Commissioner Journey: Aye
Commissioner Wolthius: Aye
Chair Gatchell: Aye
Commissioner Stephens: Aye
Commissioner Herb: Aye
Commissioner Korn: Aye
Commissioner Parker: Aye

Motion Approved (7) Ayes to (0) Nays

Staff Update on Planning Projects

Planning Commission Retreat: date and time discussion. CEDD Director discussed the purpose of the retreat. Assoc. Planner Clegg will send out a Doodle Pole to narrow down retreat dates.

Assoc. Planner Clegg mentioned the Harvest Festival and invited the Commissions to the Festival and to the Ground Breaking for the Phase II Project.

Adjournment 7:58 PM

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 Community and Economic Development Office at (541) 367-8113.

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.

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 September 3, 2019.

Lance Gatchell, 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)
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MEMORANDUM



TO: Planning Commission
FROM: Ray Towry, City Manager
DATE: August 30, 2019
SUBJECT: Proposed SHMC 17.12.085 Call by the City Manager

At the last Planning Commission meeting, one of you asked for my understanding of the proposed amendment to the development code, the proposed SHMC 17.12.085, Call by the City Manager.

The City Charter states that it is the duty of the City Manager “to see that all ordinances are enforced.” (Sweet Home Charter, Chapter VI, Section 20, Paragraph (c)(1)) Additionally, anyone in the State of Oregon has standing to appeal a land use decision. The proposed amendment is an effort to clarify the City Manager’s existing authority and outline the procedure for the use of that authority. A call by the City Manager is essentially an appeal filed by the City Manager.

Land Use decisions have the potential to open the City up to significant liability, especially if they do not comply with our code. This amendment simply spells out the mechanism through which the City Manager can protect the City and enforce our ordinances.

Please let me know if there are further questions. Thank you all for your service to the City.

Regards,

Ray Towry

August 11, 2019

Blair Larsen - Economic Development and Planning Director
Angela Clegg - Asst.
Members of the Sweet Home Planning Commission

Re: Planning Commission Decisions on Small and Large Lots in Sweet Home

Dear Blair, Angela and the Planning Commission:

I would like to express some thoughts and observations, and then receive some counsel from you. I believe this is a very delicate situation, and as a member of the Planning Commission, I know I need to be careful of what I say – particularly the when and where.

Ideally, somewhere in the times of our pioneers, someone would have annexed thousands of acres at a time to the city, and thoughtfully designed lots in a better way. This did not happen, and we have inherited a MESS, whether it pertains to the small lots on lower 18th, or the overly large lots that were formerly in the county (Foster Midway Area). None of these areas fit our "ideal model", and most of them need individual attention from the planning commission.

These huge lots, that are really the size of three, are often a liability to the owner. One case in point is an elderly lady that has to hire it mowed. I suppose it is a property owners choice, if they want to keep it that way, and have a huge garden or crop, but if someone else wants to divide (infill), they should have that opportunity with flag lots. Finances are another issue. Taking a broad range, I assume that building lots are worth \$50,000 - \$100,000 or more, making it a huge loss to say they cannot divide and build another one or two homes on these lots. Considering the number of these lots, it could amount to millions.

I have a feeling that these large lots were made that way because of well water and septic health issues in the Foster Midway Area years ago. Water and Sewer problems are no longer an issue with city water and sewer available though out the city or potentially so with some extensions.

We discussed the standard 80 foot frontage, and Blair suggested we may want to take a look at that or even omit that requirement. That would resolve some of the issues when people are asking for perhaps a 72' frontage on some of these large lots so they can get a flagpole driveway. You can go to other parts of our country where you will see whole subdivisions with perhaps 60' frontages with beautiful neighborhoods. Of course, you won't have a sprawling ranch type house, but other designs work very well, including two story homes.

The other issue that came up in our last meeting was the function of the planning commission. I think it is to add a human element of judgment that can sometimes take precedence over the "letter of the law". We do not always deal with standard perfect situations, but if we are going by the letter of the law, then we really aren't needed. The staff can do that.

We also now deal with some history. I think we are in a precarious situation, because we have already granted lot divisions (flag lots) and variances on dozens of these identical situations, but more importantly is the fact that we still have many in front of us (perhaps hundreds).

Infill is another consideration. We are encouraged by the state to INFILL where we can, including the recent changes to add a Mother-In -Law house in our back yards.

Now, I know that none of these issues are new to you, but I do want to communicate them to staff and my fellow planning commission members. I wanted to say more in our last meeting, but felt like it was premature to say things that would have made it into the newspaper, potentially complicating the existing situation with current applicants, so I refrained. If we need more public discussion on these issues though, I am willing to do so.

You will recall that at our last meeting, we dealt with two applications. One was denied, and the applicant was informed that they could appeal to the city council. The other resulted in a tie vote with only four members of the Planning Commission present, resulting in the recommendation that we continue that hearing to our next meeting, when more Commissioners would be present. If there was some way to readdress both of these applications, it would be a good thing. Here is my request.

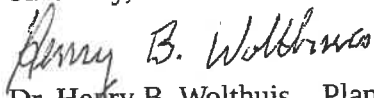
Step One - I know that I can legally discuss these issues with a staff member, and that is the reason I am approaching you first. I would appreciate your counsel and advice, of how to share this with the rest of the planning commission in advance of our next meeting.

Step Two -If it is permissible and with your advice, this letter could be included in our packet prior to the next meeting, fulfilling the intent to communicate with the other commission members. If appropriate, it wouldn't hurt to share with the City Council at a later date.

I commend those members who felt like two of the recent applications just didn't comply with the code and admittedly they don't. I can appreciate that some of the city council members have complained about our granting of variances. However, these are huge issues (financially and otherwise), and I feel that they need a human planning element if they are to be developed in the best way possible under less than perfect circumstances. In one case, by allowing slightly smaller frontages, two homes could be built facing the street, and a flag lot could still be developed. This also shortens the distance between the street and the flag lot significantly benefiting the access of fire apparatus. Lets not overlook also, that the flag lots, also reduce the number of drive way entrances into the street, which is a plus, and hopefully not sounding like a politician, the infill will generate additional property taxes to the benefit of our city.

I express my appreciation for the opportunity of working with each of you.

Sincerely,



Dr. Henry B. Wolthuis, Planning Commission Vice Chair.
300 5th Ave.
Sweet Home, Oregon 97386



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.sweethomeor.gov

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit in order to establish a retail marijuana store in an existing building. The subject property contains 14,625 square feet and is in the Commercial Highway (C-2) Zone.

APPLICANT: Rosa Cazares
PROPERTY OWNER: Alaska Management LLC
FILE NUMBER: CU19-07
PROPERTY LOCATION: 4320 Highway 20, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 01300.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.80.
HEARING DATE & TIME: October 7, 2019 at 6:30 PM
HEARING LOCATION: City Hall at 3225 Main Street, Sweet Home, Oregon 97386
STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov
REPORT DATE: September 30, 2019

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject property contains 14,625 square feet and is in the Commercial Highway (C-2) Zone. Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 300. The proposed business is located on the corner of Highway 20 and 43rd Avenue.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	Highway Commercial
Property North	Commercial Highway (C-2)	Highway Commercial
Property East	Commercial Highway (C-2)	Highway Commercial
Property South	Commercial Highway (C-2) and Residential Low-Density (R-1)	Highway Commercial
Property West	Commercial Highway (C-2)	Highway Commercial

Floodplain Based on a review of the September 29, 2010 FEMA FIRM Maps; Panel 41043C0914G, the subject property is located outside of the 100-year floodplain.

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands.

Access: The subject property has frontage along Highway 20 and has access from 43rd Avenue.

Services: The property is connected to City water and sewer.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: September 17, 2019

Notice Published in Newspaper: September 25, 2019

Planning Commission Public Hearing: October 7, 2019

120-Day Deadline: January 10, 2020

Notice was provided as required by SHMC 17.12.120

II. COMMENTS

Building Division: The Building Program has no issues with this request for a Conditional Use. Please note that any changes or alterations to the structure, interior or exterior, will need to be reviewed by the Building Program, prior to work starting

Engineering Division: Project & Location: Conditional Use CU19-07, at the corner of Main Street and 43rd Avenue.

Streets & Stormwater: 43rd Avenue is 40ft wide with approximately 18ft of paving, Main Street is 100ft wide with 72ft of paving. Drainage exists on Main St catch basins. The submitted plan did not include improvements on 43rd Avenue, but subsequent discussions have provided the half-street improvements, due because of the commercial development of this property.

Water & Sanitary: The property is connected to city services.

Comments & Recommendations: Infrastructure Services does not have any issues with the Conditional Use.

Public Works Dept. Public Works has no issues with this request at this time.

No other comments were received as of the writing of this staff report.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion. The applicant's findings are included in their written statement included in Attachment D.

A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws. [SHMC 17.80.040(A)]

Staff Findings: The subject property is in the C-2 Zone. The applicant's proposal consists of marijuana retail sales. A marijuana retailer may be established in the C-2 Zone as a conditional use under SHMC 17.36.030(J).

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The property owner shall obtain all necessary permits from the Building Division and Engineering Division. These permits may include, but are not limited to: building, electrical, mechanical, and plumbing permits from the Building Division and a new or amended access permit from the Oregon Department of Transportation (ODOT) if needed. The applicant shall obtain all necessary permits from the Oregon Liquor Control Commission (OLCC). The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU19-07.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

1. **Building size;**
2. **Parking;**
3. **Traffic;**
4. **Noise;**
5. **Vibration;**
6. **Exhaust and emissions;**
7. **Light and glare;**
8. **Erosion;**
9. **Odor;**
10. **Dust;**
11. **Visibility;**
12. **Safety;**
13. **Building, landscaping or street features. [SHMC 17.80.040(B)]**

Staff Findings:

1. Building size – The proposed use would be in the existing building on the property, and the applicant has not requested to increase the footprint of that building.
2. Parking and Traffic – The subject property is in the C-2 zone. The applicant would need to provide all parking as required by the applicable sections of SHMC Section 17.08.090. A retail store requires one space for every 200 square feet of floor area. The building that would accommodate the store contains 1,318 square feet. If the entire building is used, 10 parking spaces would be required. The parking plan is included with the application. The parking lot shall be constructed in compliance with all applicable sections of the SHMC, including but not limited to all Stormwater drainage, surfacing, and dimensional standards.
3. Noise – Based on the information provided in the application, no noise impact, beyond what is customary for a retail establishment is anticipated.
4. Vibration – Based on a description of the proposal, no significant vibration would be created by the proposed use.

5. Exhaust and emissions –The applicant is proposing a retail establishment only. The applicant has not proposed a use that would create exhaust or emissions. Odor impacts are discussed below.
 6. Light and glare – The applicant has not proposed any new outdoor lighting beyond lighting associated with the business sign. SHMC 17.36.090 provides exterior lighting standards in the C-2 Zone and would apply to any development on the property. That section states that “exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.”
 7. Erosion – The proposed use would be located within an existing building. No significant erosion impact is anticipated.
 8. Odor – Pedestrian access to the store would likely occur from Highway 20. In order to minimize the potential for odor impacts from the property, staff recommends that a condition of approval should require that no marijuana odor be permitted to leave the subject property.
 9. Dust – If parking is provided, the applicant would be required to maintain a hard surface parking lot. No additional sources of dust have been identified.
 10. Visibility –The proposed use would be located within an existing downtown building. Consequently, staff has not identified any significant visibility impacts that would result from operation of the proposed use.
 11. Safety – The applicant indicates a plan to install a security system. The proposed use would be regulated by the OLCC and would be required to comply with all applicable security standards. The applicant would need to acquire all applicable state and federal permits prior to operation of the proposed use.

Also, any sign used to advertise the proposed use shall comply with the sign standards listed in SHMC 17.96 as well as any applicable Oregon Department of Transportation (ODOT) requirements.
 12. Building, landscaping or street features – The proposed use would be located within an existing building. As proposed, the building, landscaping, and street features in the area would be adequate to accommodate the proposed use.
- C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter. [SHMC 17.80.040(C)]**

Staff Findings: Staff has not identified any negative impacts to adjacent properties. In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section V of this report.

- D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use. [SHMC 17.80.040(D)]**

Staff Findings: The Engineering Division submitted comments on this application and has no concerns. The subject property is currently served by City water and sewer.

The application complies with this criterion.

- E. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]**

Staff Findings: The applicant is proposing to establish the proposed marijuana facility in an existing building, which is a fixed location.

The application complies with this criterion.

F. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]

Staff Findings: The applicant has not proposed to offer drive up services. The application complies with this criterion.

G. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]

Staff Findings: Based on a review of the Sweet Home GIS, the nearest school is located approximately 5,300 feet to the south.

The application complies with this criterion.

H. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]

Staff Findings: Based on a review of the Sweet Home Zoning map, the nearest residentially zoned property is located approximately 140 feet to the north.

The application complies with this criterion.

I. In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. [SHMC 17.80.050]

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of development listed in Section V of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application. Staff has also recommended a condition of approval that "no marijuana odor is permitted to leave the subject property." See recommended Condition 2. This condition is intended to minimize a potential negative externality from the retail operation. Staff thinks that this is an appropriate condition to impose since the business gains pedestrian access to the sidewalk on Highway 20.

J. A conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period. [SHMC 17.80.070]

Staff Findings: As required under this section, staff recommends that a condition of approval require that the conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

IV. PLANNING COMMISSION ACTION

In acting on a Conditional Use permit application, the Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section V.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

V. RECOMMENDED CONDITIONS IF APPROVED

If the Planning Commission approves this application, staff recommends that the conditions of approval listed below be required in order to ensure that the application is consistent with the findings in the Review and Decision Criteria (Section III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU19-07:

1. The proposed marijuana retail store shall be located within the existing building located on the subject property. The proposed marijuana retail store shall be limited to the activities evaluated under this application.
2. The use shall be operated so that no marijuana odor is permitted to leave the subject property.
3. As required by SHMC 17.36.090, exterior lighting shall be in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
4. Prior to operation, the applicant shall obtain all required local, state, and federal permits. The property owner shall obtain all necessary permits from the Building Division and Engineering Division. These permits may include, but are not limited to: building, electrical, mechanical, and plumbing permits from the Building Division and a new or amended access permit from the Oregon Department of Transportation (ODOT). The applicant shall obtain all necessary permits from the Oregon Liquor Control Commission (OLCC). The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU19-07.
5. Parking shall be provided for the marijuana retail store as required by the SHMC. Parking facilities shall comply with all applicable sections of SHMC 17.08.090; including but not limited to all stormwater drainage, surfacing, and dimensional standards. All parking lots and driveway approaches shall be hard surfaced and permanently marked.
6. Any sign used to advertise the proposed use shall comply with the sign standards listed in SHMC 17.96 as well as any applicable Oregon Department of Transportation (ODOT) requirements.

7. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

VI. ATTACHMENTS

- | | |
|----------------|--|
| Attachment A - | Site Plan |
| Attachment B - | Subject Property Map |
| Attachment D - | Information in the Record as of September 30, 2019; Including Application Materials. |



THE DOCUMENT, THE IDEAS AND THE DESIGNS INCORPORATED HEREIN, IS AN INSTRUMENT OF PROFESSIONAL SERVICE AND PROFESSIONAL LIABILITY.	
PROPOSED SITE IMPROVEMENTS / CONDITIONAL USE OF AN EXISTING BUILDING / SALON	LA MOTA
DISPENSARY LOCATION	
4320 HIGHWAY 20 SWEET HOME, OREGON	
Approved for the Owner By: _____ Date: _____	
REVISIONS	BY
PLOT DATE: 8/15/19	
ISSUE DATE:	
DRAWN BY: T.WHITNEY	
JOB NO.:	
SHEET	
<div style="font-size: 48px; font-weight: bold; margin: 0;">SD-01</div> <div style="font-size: 24px; font-weight: bold; margin: 0;">TITLE DEVELOPMENT PLAN</div>	

TH	
----	--



Subject Property
4320 Highway 20
13S01E28D001300



1 inch = 69 feet

Date: 8/7/2018



City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.ci.sweet-home.or.us

Community and Economic Development Department

Application for a Conditional Use Permit

Date Received: 5/14/19
Date Complete: CU 19-07
File Number: CU 19-07
Application Fee \$: 1615.00 cash.
Receipt #: 75871
Hearing Date: _____

Applicant's Name: Rosa Cazares
Applicant's Address: 7435 SE 52nd Ave, Portland
Applicant's Phone and e-mail: OR 97206
(503) 901-6284, lamotareports@gmail.com
Subject Property Address: 4320 Highway 20, Sweet Home OR 97386

Property Owner: Alaska Management LLC
Owner's Address: 7435 SE 52nd Ave, Portland OR 97206
Owner's Phone and email: (503) 901-6284, lamotareports@gmail.com

Subject Property Assessor's Map and Tax Lot: 13501E28D0 01300

Subject Property Size: 0.62 acre

Subject Property: Zoning Classification C2

Comprehensive Plan Classification: Highway Commercial
28D 1300 / mailing address: 1027 Main St. Sweet Home OR 97386
541-913-8811 Max - contact

Nature of Applicants Request

Narrative describing the proposed use: Brief Description on this form and attach extra sheets if needed.

Marijuana Retailer

Impacts on the neighborhood: Include traffic, parking, noise, odor, dust or other impacts. Brief Description on this form.

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: [Signature]

Date: 4/26/2019

Property Owner's Signature: [Signature]

Date: 4/26/2019

Within 30 days following the filing of this application; the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

SHMC 17.80.030 APPLICATION REQUIREMENTS

An application for a Conditional Use must meet the submittal requirements and the decision criteria noted below.

- _____ 1. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
- _____ 2. Narrative describing the proposed use and the impacts on the neighborhood;
- _____ 3. For commercial activities, a proposed plan of business operation;
- _____ 4. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
- _____ 5. The location and dimensions of entrances and exits;
- _____ 6. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- _____ 7. Landscape plans;
- _____ 8. A signage plan, if applicable;
- _____ 9. Drawings of the exterior for new buildings;
- _____ 10. Photographs of existing buildings if no changes are to be made to the exterior of the building.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

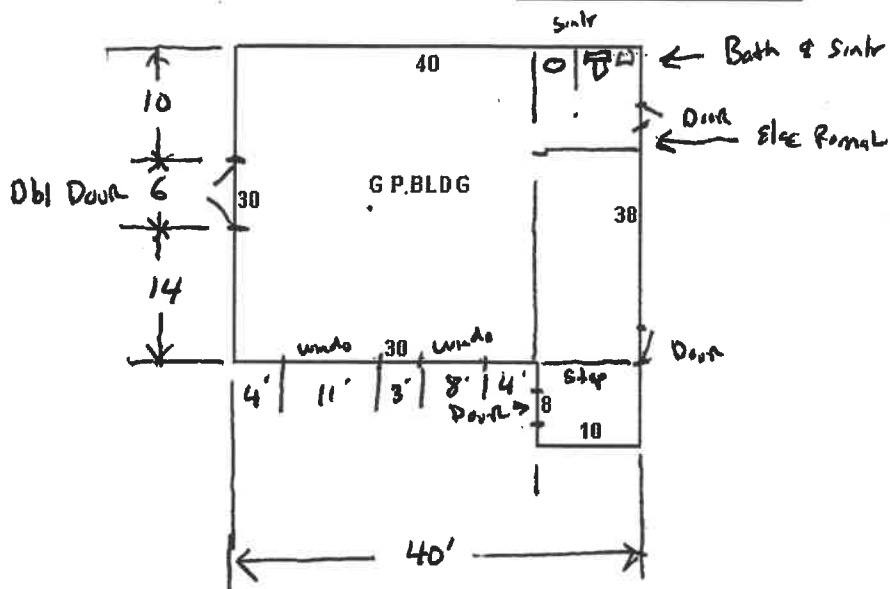
The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a conditional use, will be based on findings with respect to each of the following standards and criteria.

- _____ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
- _____ B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:
 - _____ 1. Building size
 - _____ 2. Parking
 - _____ 3. Traffic
 - _____ 4. Noise
 - _____ 5. Vibration
 - _____ 6. Exhaust and emissions
 - _____ 7. Light and glare
 - _____ 8. Erosion
 - _____ 9. Odor
 - _____ 10. Dust
 - _____ 11. Visibility
 - _____ 12. Safety
 - _____ 13. Building, landscaping or street features
- _____ C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.
- _____ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
- _____ E. Home occupations must meet the following standards:
 - _____ 1. The home occupation shall be secondary to the residential use.
 - _____ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
 - _____ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
 - _____ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic
- _____ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
- _____ G. Marijuana facilities may not have any drive up services.
- _____ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
- _____ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

50

G P, BLDG

28



Appraiser	Date	Bldg	Description	SqFt	Dimension
NH	3/7/2008	0	G P BLDG	1280	
		0	G P BLDG	1400	

May 10, 2019

City of Sweet Home
Planning Division
1240 12th Avenue
Sweet Home, OR 97368

Response to Conditional Use Requirements

1. The proposed use is allowed in the area with a conditional use permit granted, as it is in the correct zone that allows an OLCC-licensed marijuana retailer.
2. There will be no adverse impacts on the neighborhood with the addition of this new business. Conditions are set in place to protect the neighborhood, but our company strives to make sure everyone in the surrounding area is comfortable. We ensure we will follow all rules and regulations throughout the process, from the starting point of the project to finish, and then beyond that.

Access to the facility is restricted to persons over 21 years of age, the property will have full security camera coverage, as well as full outdoor lighting. There is a minor control plan in place and employees will be trained before and consistently throughout their time employed as a budtender.

Overall, this store will be incredibly beneficial to the community and our company strive to provide jobs and give back to the community of Sweet Home.

3. The property will have no impact on the surrounding area or community, as it will be run like any business in the area. There will be minimal influx of traffic coming to and from the property. Though the foot traffic may increase, the building will be monitored 24 hours a day, every day with high end security cameras and alarm system with an instant response in the case an alarm is raised.
4. Business operations will be Monday to Sunday from 8:00 AM to 10:00 PM as OLCC allows.
5. A signage plan is not applicable at this time.
6. There is an entrance parallel to Highway 20 and a side entrance facing 43rd St.
7. There are at least 5 parking spaces on the building's lot to utilize. If necessary, we will create more spaces.

I hope this has answered your questions and concerns.
Please let me know any further information you may require.

Sincerely,
Rosa Cazares
CEO, La Mota LLC

May 10, 2019

City of Sweet Home
Planning Division
1240 12th Avenue
Sweet Home, OR 97386

La Mota Business Proposal: 4320 Highway 20, Sweet Home OR 97386

To Whom It May Concern:

La Mota LLC will be opening a marijuana retail store at the address: 4320 Highway 20, Sweet Home OR 97368 under the LLC: Alaska Management LLC, and the trade name: La Mota LLC.

We will be selling recreational and medical marijuana in the forms of flower, edibles, concentrates, and tinctures. We will also be selling accessories such as an assortment of glass, rolling papers, etc.

Our company intends to give back to the community by offering job opportunities, as well as hosting events to show our appreciation for the community such as family-friendly block parties. We strive to give back any way we can to the communities that accept us into their business environments.

Our brand image can be described as minimalistic and clean. Our store aesthetic will reflect that image with clean white interiors and a simple exterior to compliment the community that surrounds us and create a welcoming environment.

Business operations will take place from 8:00 AM - 10:00 PM, Monday through Sunday.

Angela Clegg

From: Elli Djamass <ellidjamaslamota@gmail.com>
Sent: Thursday, May 16, 2019 11:45 AM
To: Angela Clegg
Cc: La Mota Reports; noahrstokes@gmail.com
Subject: Re: 4320 Highway 20, Sweet Home / Conditional Use Permit

Good Morning Angela:

Hope you've been having a great week!

Just wanted to touch base with you regarding Max Burroughs: he will be transitioning to our Southern Oregon district soon, so I wanted to establish myself and our consultant Noah Stokes as the City's points of contact. Max had mentioned the City called him earlier in the week needing further materials from us for our Conditional Use Permit application. We are currently working on getting those materials together for you, but if anything else comes up please feel free to contact me or Noah!

Thank you!
Elli Djamass
P: (818) 825-8394

Angela Clegg

From: Elli Djamass <ellidjamaslamota@gmail.com>
Sent: Friday, June 7, 2019 4:11 PM
To: Angela Clegg
Subject: Re: 4320 Hwy 20 Sweet Home - Conditional Use Permit Application
Attachments: Sweet Home 2 Parking Plan.pdf

Hi Angela:

Please see attached for the property's parking plan. Please let me know if you need anything else.

Best,
Elli Djamass

On Fri, May 31, 2019 at 11:08 AM Angela Clegg <aclegg@sweethomeor.gov> wrote:

If you get me those last items then I can complete the application and move forward with the noticing and Planning Commission Meeting prep. I will need the remainder of the items by the end of next week if you want to make it in the July 1 Planning Commission meeting.

Angela Clegg

Associate Planner

Community and Economic Development

City of Sweet Home

541-367-8113

www.sweethomeor.gov

Office Hours: M-F 7:00AM – 4:00PM



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From: Elli Djamass <ellidjamaslamota@gmail.com>

Sent: Friday, May 31, 2019 10:10 AM

To: Angela Clegg <aclegg@sweethomeor.gov>

Cc: La Mota Reports <lamotareports@gmail.com>; Quang Nguyen <quang@premiertrustrealty.com>

Subject: Re: 4320 Hwy 20 Sweet Home - Conditional Use Permit Application

Good Morning Angela:

Thank you for the previous information, and just to clarify: we will only be using that main building. We will be getting this site plan to you at the end of today, worst case on Monday morning!

Is there anything else we can do on our end to ensure this process is going in the right direction? This property will be closing soon, and the current property owners will need to give the current renters enough notice.

Please don't hesitate to contact me if you have any questions or concerns.

Best,

Elli Djamass

(818) 825-8394

On Tue, May 28, 2019 at 1:43 PM Angela Clegg <aclegg@sweethomeor.gov> wrote:

If you are only using the main building in the front you will need the following:

- 8 parking spaces
- 1 ADA space w/ isle

If you are using both buildings:

- 15 parking spaces
- 2 ADA w/ isles

<i>Parking Angle (Degree)</i>	<i>Stall Width</i>	<i>Stall to Curb</i>	<i>Aisle Width</i>	<i>Curb Length</i>
0	8'0"	8.0	12.0	22.0
45	9'6"	20.1	13.0	13.4
60	9'6"	21.2	18.0	11.0
90	9'6"	19.0	24.0	9.5

I still need a complete site plan showing 43rd Avenue and Highway 20, the ingress/egress (widths and all), and all of the parking spaces with their dimensions. You can scan it and email it to me since you aren't local.

Angela Clegg

Associate Planner

Community and Economic Development

City of Sweet Home

541-367-8113

www.sweethomeor.gov

Office Hours: M-F 7:00AM – 4:00PM



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Public Records Law Disclosure: This e-mail is a public record of the City of Sweet Home and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: Elli Djamass <ellidjamaslamota@gmail.com>
Sent: Tuesday, May 28, 2019 12:54 PM
To: Angela Clegg <aclegg@sweethomeor.gov>
Cc: La Mota Reports <lamotareports@gmail.com>
Subject: 4320 Hwy 20 Sweet Home - Conditional Use Permit Application

Hi Angela:

This is Elli with La Mota. I just wanted to touch base with you regarding the parking plan for the above property's conditional use permit application. Can you please confirm how many parking spaces we will need, including an ADA space?

In addition, please let me know if you need anything else from us regarding this conditional use permit application.

Please do not hesitate to contact me if you have any questions or concerns.

--

Thank you,

Elli Djamass

Executive Assistant

P: (818) 825-8394

E: ellidjamaslamota@gmail.com

La Mota LLC

--

Best,

Elli Djasmas

Executive Assistant

P: (818) 825-8394

E: ellidjamaslamota@gmail.com

La Mota LLC

--

Best,

Elli Djasmas

Executive Assistant

P: (818) 825-8394

E: ellidjamaslamota@gmail.com

La Mota LLC





23'



43rd Ave

43rd Ave

8'0"

ADA

8'0" 8'0" 8'0" 8'0"

22'6"



8'0"

8'0"

8'0"

43rd Ave

Highway 20