



**City of Sweet Home**  
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## Community and Economic Development Department

**PLANNING COMMISSION MEETING**  
October 15, 2018 at 7:00 PM  
CITY HALL ANNEX  
1140 12<sup>TH</sup> AVENUE

### **ROLL CALL ATTENDING:**

Present: Edith Wilcox, Eva Journey, Thomas Herb, Lance Gatchell

Absent: Henry Wolthuis, Greg Stephens (*Excused*)

### **STAFF:**

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

### **PLEDGE OF ALLEGIANCE**

### **REGISTERED VISITORS:**

Scott Walker, 1006 Mountain View Rd, Sweet Home OR 97386

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

*none*

### **REVIEW/APPROVAL OF MINUTES: July 2, 2018**

**Commissioner Journey** moved to approve the minutes  
**Commissioner Herb** seconded the motion to approve.

### **Question was called**

**Aye (4)**

Chairperson Gatchell, Commissioner Journey, Commissioner Herb,  
Commissioner Wilcox

**Nay (0)**

**Absent (2)** Commissioner Wolthuis, Commissioner Stephens

**Motion Passed Unanimously 4 Ayes to 0 Nays 2 Absent**

### **PUBLIC HEARINGS**

Chairperson Gatchell provided a summary of the application: P18-05;

Chairperson Gatchell stated the following;

The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue

accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

#### PUBLIC HEARING FOR FILE P18-05 OPENED AT 7:05PM

Personal Bias: None  
Conflict of Interest: None  
Exparte Information: None

Staff Report: Associate Planner, Angela Clegg, explained the partition request, staff report, and background of the property. Clegg discussed the comments and concerns from the public including: driveway location and safety concerns of the driveway being across the entrance to Juniper Street; drainage issues down the NW side of the property to 23<sup>rd</sup>; and potential rats on the property. Staff found that after a 5 foot right of way dedication that some of the proposed parcels will be under minimum lot size. Staff also found that the proposed lot lined do not meet code. Clegg reviewed the maps included as attachments to the staff report then cited the criteria that are applicable to the partition request, as well as the staff findings, and application.

CEDD Sorte explained the 5-foot right-of-way dedication. Mountain View currently has a width of 40 feet. For this type of road, the maximum width is 60 feet. Staff feels that going up to 60 feet might be excessive in this location based on the topography. 50 foot right of way would be appropriate. The equitable way for the 50-foot right-of-way to be created is to half one half of the right-of-way come from one half of the road and the other come from the other side of the road. Staff has recommended a condition a five-foot road dedication on this property. The applicant will need to rework the property lines to some level to make sure that there is 8,000 square feet per lot. If the planning Commission were to approve, they can request that this be a condition of approval. The other issue that the dividing lines be at a 90-degree angle to the road. There is an issue with the current dividing lines between parcels 2 and 3. CEDD Sorte reminded the planning commission that they need to address all the concerns raised in the comments even if they aren't covered under planning statute.

Commissioner Journey addressed Engineer Joe Graybill about the public comment concerning the drainage down on 23<sup>rd</sup>. Graybill stated that because of the vegetated hillside there is often leaves, branches, garbage, debris that runs down the property onto 23<sup>rd</sup>. It is on the Publics Works task list to keep the inlet clean so that it doesn't back up. It is one of many locations that our City storm crews keep an eye on. Commissioner Journey asked if there is more development would that add to the issue? Graybill commented that it may eliminate some of the leaves and debris, but it will always be an issue and they encourage individual property owners to keep the storm drains clean. Commissioner Journey asked about possibly building a bridge to get to the residents. Graybill commented that because of the ditch and topography it would be expensive to try to construct a driveway across the ditch. Commissioner Journey asked about the rat situation. Clegg responded that the Code Enforcement Officer has been to the site several times and did not see any rats when he was there, but there are multiple properties in the area that have rat problems. They are working with the property owners to clean up those properties with problems. Commissioner Journey asked about the road dedication and right-angle property lines not being in the covenant. CEDD Sorte explained that they would look at these as conditions to the approval of the application. Staff used the residential street standards for the easement access criteria. Use a covenant agreement or condition of approval for the street dedication.

Commissioner Herb also questioned the angles of the parcels. CEDD Sorte said that should be address to the applicant. Sorte read the criteria associated with the angles. Herb also discussed his concern about less foliage leading to more run-off and more drainage issues below. Engineer Graybill commented that it is the City's responsibility to make sure the drainage is cleared. Prefer private owner to keep clean, but city usually does the cleaning. In subdivision ordinance there is a parameter to mitigate run-off but there is not any for individual houses.

Chairperson Gatchell asked the applicant to speak to the request.

Applicant: Mark Rose, PO 1375, Corvallis, OR. Mr. Rose directed a question to planning staff regarding the 80-foot lot width. CEDD Sorte explained that is a lot width is at the building line. Mr. Rose talked about the potential of doing a serial partition with a future of 4 lots. His parcel lines are due to the topography of the lot. He will not be doing any development in the swale, and additional water flows onto the property from elsewhere. Mr. Rose has no problem with the 5-foot street dedication. He will redraw the partition lines to better conform to the 8-foot lot width code and allow for 8,000 square feet minimum per lot. He had cleaned up the garbage and abandoned garbage which may have taken care of most of the rats. He feels there will be some additional drainage from the house roofs, but he can work some additional development designs to address the additional drainage. Asked about the road improvement agreement. CEDD Sorte explained that the agreement states that at the time of development / or when the area reaches critical mass then the half-street improvements will be required to happen. Mr. Rose is concerned about having to build curbs and sidewalks where there is a deep ditch. Engineer Graybill explained that the sidewalk would be coming directly off the existing pavement. There will need to be a retaining wall below the sidewalk like the one near Hawthorne Elementary School. This improvement is also part of the safe routes to school plan. CEDD Sorte explains that is the purpose for the agreement is so that the improvements don't have to be done right away, but when there is a critical mass. Mr. Rose is willing to sign a road improvement agreement if he isn't the only one that must do the improvements. Engineer Graybill explained more about the Safe Routes to School grant that will be associated to the road improvements to Mountain View Road. Engineer Graybill is going to look up the costs for improvements on the side of Mountain View that applicant's property is.

Commissioner Journey asks about the driveway accessing all 4 houses. Journey is wondering about a turnaround right where it takes a left turn heading toward lot 3. Clegg explains that the criteria for requiring a fire apparatus turnaround. Because the driveway extends past the maximum 150 feet there is a turnaround required. Mr. Rose asked what the turnaround consists of. Engineer Graybill explains that the Marshall and the Chief will go out and determine the amount of room and then help the applicant design a turnaround that complied with code and the property.

Commissioner Gatchell Thanked the applicant for his testimony.

Testimony in Favor: None

Testimony in Opposition: Scott Walker, 1006 Mountain View Rd. owns the property adjacent to the property in question. The applicant wishes to put a driveway which would service three properties right along the Walker's property line. This has been a single-family driveway for many years. Mr. Walker takes issue with how close the driveway is to his property, the increased traffic and noise. He is opposed to the application. He would like to see the property fixed up with only a single-family dwelling.

Commissioner Gatchell Thanked the opposition for his testimony.

Neutral Testimony: None

Rebuttal: There is an existing paved driveway to the existing house which is where the easement would go. The easement would need to be 25' wide. In response to the increased traffic issue the applicant stated the code allows for the property to be divided. Growth is happening all over town which causes more traffic. The traffic folks did not take issue with the increase.

CHAIRPERSON GATCHELL CLOSED THE PUBLIC HEARING AT 7:57PM.

Discussion:

Commissioner Herb does not have positive thoughts about the application. There has always been a problem up there mitigating the depth of the side of the road/ sidewalk area. There is a lot of drainage happening in that spot from the property, Juniper and other areas. This could cause drainage problems for the neighbors.

Commissioner Journey this property is developable. It could potentially have more divisions on it. According to the Comprehensive Plan there is the possibility of more houses there. She understands a person's concern over their property if it's a large piece versus having 4 – 8,000 SF parcels right next to it. She appreciates the concern of the neighbors. There is not a 1 acre minimum though. The lot is partitionable. She is concerned over the lack of clarity on the access road and the access for fire personnel. She agrees with Commissioner Herb about the drop-off on the side of the road. The question was raised on how a sidewalk would be put there.

Engineer Graybill responded that under normal circumstances if you end up with a retaining wall at a slope, often the municipality will have to have a slope easement onto a property. This would alleviate nearly all of them. Commissioner Herb suggested the city buy the segment of land.

Engineer Graybill stated that is a possibility. The City of Sweet Home does not normally purchase right-of-way from private property owners. There is not the funding or the financial interest or wherewithal to do that but the city has negotiated easements to do those types of things.

Commissioner Wilcox is concerned with the fire turnaround and with the third house up against the swale. She raised the question if the location would cause backup of the drainage coming off of the swale down below or disrupt any part of the swale. Engineer Graybill confirmed that this development appears to be at the top end. It's a pretty good gradient going down the hill and around the curve and adjacent onto the next-door property. According to the elevation map there is a 30' elevation change between Mountain View Road and the 23<sup>rd</sup> Avenue cul-de-sac. With the exception blocked inlet which needs to be maintained open there is plenty of slope and gradient for water to go through there.

Commissioner Gatchell posed the question of revising the property lines so they are perpendicular to the street. CEDD Sorte stated the Planning Commission could continue the Public Hearing to a later date. Engineer Graybill suggested having residents park their vehicles in the garages which would give enough space for emergency vehicles to turn around. Commissioner Journey agreed with Commissioner Gatchell that it would be better to have more data before making a decision.

PUBLIC HEARING FOR FILE P18-05 REOPENED AT 8:10PM.

PUBLIC HEARING FOR FILE P18-05 WAS CONTINUED UNTIL NOVEMBER 5, 2018, 7:00PM IN THE SAME LOCATION.

PUBLIC HEARING FOR FILE ZC 18-03 OPENED AT 8:15PM

Chairperson Gatchell provided a summary of the application: ZC 18-03;

Chairperson Gatchell stated the following;

The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

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

Personal Bias: None

Conflict of Interest: None

Exparte: None

Staff Report: CEDD Jerry Sorte explained the zone change request, staff report, and background of the property. Sorte stated that the City has also applied for Conditional Use permit CU 18-12. Sorte reviewed the maps included as attachments to the staff report, and stated that the zone change would allow the zoning of the property to match the existing comprehensive plan map designation. Sorte then cited the criteria that are applicable to the zone change request, as well as the staff findings, and application. Sorte indicated that ODOT did not have a concern regarding the proposed change. The property had been historically used as a government facility.

Sorte stated that based on the findings presented in the staff report, staff recommends that the Planning Commission make a recommendation of approval of this application to the City Council. A City Council hearing will occur October 23, 2018 and will consider the recommendation.

He recommended that the Planning Commission hear testimony and make a decision on this matter. He also asked that the Planning Commission specify the appeal period and direct staff to prepare an order for signature of the Commission Chair. He then asked if there were any questions of staff.

Chairperson Gatchell acknowledged that the staff presentation would serve as the applicant's statement. Chairperson Gatchell acknowledged that there were no members of the public present; with the exception of a representative from the New Era Newspaper (who indicated he would not be testifying),

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

Rebuttal: None

Chairperson Gatchell asked for questions of the applicant.

Commissioner Wilcox questioned why or if the property would need to be changed to commercial rather than remaining residential since it was previously used for a government facility while it was zoned residential. Sorte replied that staff acknowledged that a case could be made that the property could continue to be used as a government facility, consistent with the past use of the property. However, staff has recommended this application in order to match the zoning with the Comprehensive Plan map designation so the City could obtain a permit and allow the public an opportunity to provide input.

Commissioner Herb inquired as to the proposed use of the property beside the subject property (to the West). Graybill confirmed that the City did not know of plans for that property. Sorte confirmed that that property is zoned C-2.

Chairperson Gatchell closed the public hearing at 8:23 PM.

Deliberations: The general consensus was that all were in favor of this application.

Motion: Commissioner Journey moved to 1. Move to recommend that the City Council approve application ZC 18-03; which includes: adopting the findings of fact listed in the staff report.

Second: Commissioner Wilcox

Motion passed: 4-0.

PUBLIC HEARING FOR FILE CU 18-12 OPENED AT 8:24PM

Chairperson Gatchell provided a summary of the application: CU 18-12;

Chairperson Gatchell stated the following;

The applicant is requesting to use the property located at 3225, 3227 and 3229 Main Street, Sweet Home, OR 97386 for governmental use as the location of the new City Hall facility. The property is identified on the Linn County Assessor's Map as 13S01E33B Tax Lots 101, 200, 300, and 400. The property contains approximately 6.5 acres. Applicant: City of Sweet Home.

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

Conflict of Interest: None

Exparte: None

Personal Bias: None

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 Report: CEDD Jerry Sorte explained the properties listed on the conditional use permit request, staff report, and background of the property. Sorte reviewed the maps included as attachments to the staff report and explained that it is not customary for a conditional use permit

to extend to the center of the right of way. That is why we have shown the properties outside of the of the right-of-way here. This application is the implementation under a new zone so what we recommend of the Sorte then cited the criteria that are applicable to the conditional use permit, as well as the staff findings, and application..

Sorte stated that based on the findings presented in the staff report, staff recommends that the Planning Commission approve this application with the conditions listed in the staff report with one of the primary conditions being that this approval is dependent on the approval of the zone change.

Chairperson Gatchell asked if there were any questions. Commissioner Journey inquired if there is a concern about the neighboring property encroaching by 14'. CEDD Sorte stated the city would want to work with the neighbor by acknowledging there is an encroachment. Commissioner Wilcox expressed concerned about the potential of Public Works being relocated to the new property. CEDD Sorte stated the current application is about normal City Hall use, not potential future use.

**CHAIRPERSON GATCHELL CLOSED THE PUBLIC HEARING AT 8:31PM.**

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

Motion: Commissioner Journey based on the above findings of fact listed in the staff report moved to recommend approving application; depending on approval of application ZC 18-03 for conditional use permit CU 18-12.

Second: Commissioner Herb

Motion passed: 4-0.

**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 October 15, 2018.**

  
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Lance Gatchell Chairperson  
Sweet Home Planning Commission

Respectfully submitted by: Lagea Mull, Project Assistant