



**City of Sutherlin
Planning Commission Meeting
Tuesday, January 20, 2015
7:00 p.m. – Sutherlin Civic Auditorium**

Agenda

- **Pledge of Allegiance**
- **Welcome and Introductions**
- **Introduction of Media**
- **Election of Planning Commission Chair**
- **Approval of Minutes:**
December 16, 2014
- **Public Hearing – Annexation/Zone Change**
AZC 13-01 Robinson
Annexation and zone change from County Suburban Residential to City Low Density Residential.
- **Schedule Workshop:**
Employment Opportunity Analysis – next steps
- **Monthly Activity report**
- **Public Comment**
- **Commission Comments**
- **Adjournment**

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7PM
TUESDAY, DECEMBER 16, 2014**

COMMISSION MEMBERS PRESENT: John Lusby, Michelle Sumner, Bertha Egbert, Mike Flick, Mike Meier, and Floyd Van Sickle

COMMISSION MEMBERS EXCUSED: None

COMMISSION MEMBERS ABSENT: Adam Sarnoski

CITY STAFF: Vicki Luther, Community Development Director and Kristi Gilbert, Community Development

AUDIENCE: Frank Egbert

Meeting called to order at 7:00 pm by Chair Lusby.

FLAG SALUTE

INTRODUCTION OF MEDIA: Karen Meier

APPROVAL OF MINUTES

MOTION made by Commissioner Sumner to approve the minutes of the November 18, 2014 Planning Commission meeting; **second** made by Commissioner Meier.

In favor: Commissioners Meier, Flick, Van Sickle, Sumner, Egbert, and Chair Lusby

Opposed: None

Motion carried unanimously.

PRESENTATION

Gilbert gave a brief presentation of the Employment Opportunity analysis (EOA). She noted that after reviewing 19 sites, the focus was reduced to six sites for more continued economic opportunity analysis. The Consultant team (FCS Group), hired professional consultants conducted in-depth scrutiny on each of the six sites to determine infrastructure needs and development costs, wetlands impacts and researched and recommended target industry/best-use for each site. Gilbert then briefly showed the slides of the 19 sites. She gave an overview stating the objectives and specific tasks and then showed slides of the six selected sites. The target industries and strategic clusters were then listed. EOA next steps and vision is to enhance community livability to its fullest potential and to work with local, regional and state economic development entities to create a business-friendly environment. The City will accomplish this through policies that promote job creation through strategic economic development marketing and infrastructure. The next steps are a commitment to moving through this process.

Commissioner Meier asked if this is the product of the \$40,000 grant. Commissioner Egbert inquired as to why 0 Calapooia was on the original six sites and now is not. What changed the sites? Commissioner Egbert then stated that she was under the impression that the Planning Commission was going to be involved in the process and that they have only seen materials. She inquired as to when they will be involved in the process? What is the next step? Director Luther indicated that she would have the City Manager get back to them with their questions.

STAFF REPORTS

Luther provided a report in an effort to keep the Planning Commission apprised of recent land use and other relevant activities.

Transportation – Comstock Road Construction, work is being done by Knife River, and is still in process. This project completion date was delayed some; however, final paving and clean up should be taking place this week. Regular updates are being posted to the City website.

Commissioner Egbert asked about the entrances to Gleason and Hospitality, noting that they were very narrow and appeared as a driveway and not a street. Luther replied there appears to have been changes in the plans possibly by City staff. She is currently researching the issue.

Commissioner Meier indicated that there are places along the new sidewalk that leave quite a drop off between the sidewalk and the properties. He was concerned this could be a safety issue to the city.

Commissioner Van Sickle asked about the status of the driveway at 934 S. Comstock. Luther explained that the property owner had the option to have their driveway asphalted from the curb to their garage allowing for a gradual slope or the concrete apron which would be steep. The property owner chose the concrete apron over the driveway.

Commissioner Meier asked about the crosswalk by the Comstock connector and then inquired about restriping other crosswalks in town and the costs? He stated that the visibility of them is poor which could become a liability to the City. He then expressed his disappointment of the slurry seal on Aspen Street and the street sweeping. Frank Egbert shared the idea of the new fog seal that he read about in the League of Oregon Cities newsletter.

Red Rock Trail, Phase 2 (Waite Street to Nicholas Court), the engineered plans were completed; one of the two needed right-of-way acquisitions has been completed. An agreement with PacifiCorp to convey property to the City was signed by the City and is being processed. Bid opening has been postponed once again until March of 2015, with a project completion date by December of 2015.

Valentine Improvements, met with the consultant, further discussion of the prospectus and the funds exchange is pending.

Wastewater Treatment Plant Improvements – A value Analysis report has been completed and submitted for the proposed improvements. After a complete review, it was determined the Wastewater Master Plan called for a SBR (Sequential Batch Reactor) treatment system while producing Class A water is the most cost effective way to proceed; pre-design to follow.

W. Duke Waterline Extension – City is working with property owners to extend waterline on W. Duke from Quniton to Plan M. This area is actually outside city limits; wells are failing and most of these property owners are requesting to be annexed into the City. No one will be allowed to hook into this waterline until they sign legal documents agreeing to future annexation of their property. The cost of this water line will be shared between the property owners and the City. The project is complete and several properties have been connected.

Land Use Activity – There were three planning clearance worksheets issued. Palm Family Eye Care is under construction at the intersection of Dakota and Clover Leaf. Kim's Court, continues to be on hold until early 2015 to remove old mobile homes and replace them with senior apartments. The property owner will be out of town until then. Dollar General had pre-application meetings and are now working on construction worksheets.

There were two Right of Way permits issued.

Land Use Application Status

SUB-13-01 Brooks Village subdivision – still pending.

SUB-13-02 Fairway Ridge (Galpin) subdivision, Scardi Blvd, appeal withdrawn. Developer plans to begin excavation this Fall. A meeting will be held soon to discuss utility needs.

PAR-14-03 Fourth Ave/Arvilla Way – request to partition one residential lot into three for future residential development; vacant property – in progress.

AZC-14-01: W. Duke area – Annexation/Zone Change application submitted by Sam Robinson and neighbors. Documentation is being processed and public hearing before the Planning Commission is being scheduled.

PUBLIC COMMENT – None

COMMISSION COMMENTS –

Commissioner Egbert and Commissioner Meier stated that their Planning Commission terms were coming to an end and that they did not reapply. Commissioner Egbert recommended that the City appoint someone from the real estate and construction fields to fill their vacancies. Luther thanked the Commissioners for serving as a member on the Commission.

ADJOURNMENT

With no further business the meeting was adjourned at 8:00 pm.

Respectfully submitted,

Kristi Gilbert

APPROVED BY COMMISSION ON THE _____ DAY OF _____, 2015

John Lusby, Commission Chair

PUBLIC HEARING INFORMATION

CITY OF SUTHERLIN
STAFF REPORT – Robinson Annexation
City File # AZC14-01

January 13, 2015

To: Sutherlin Planning Commission
From: Carole Connell, AICP
Consulting Planner

Request: A 10-parcel Annexation and Zone Change request for land located to the west of Interstate 5 on Duke Road identified by Douglas County Assessor as being in T25 R05 S 19BC

I. SUMMARY

II. SUBSTANTIVE FINDINGS OF FACT

1. Sam Robinson herein called Applicant, submitted applications for Zoning Map amendment and concurrent Annexation on behalf of eight property owners on November 21, 2014. Applicant has requested to change the property's zone designation and to concurrently annex the properties to allow the existing dwellings to connect to a new public waterline installed along Duke Road in proximity to the subject properties.
2. A copy of the Notice of Public Hearing was mailed to the Douglas County Planning Department on December 30, 2014.
3. On December 30, 2014, a Notice of Public Hearing before the Sutherlin Planning Commission was mailed to all record owners of property within 100 feet of the property proposed to be rezoned. The notice was published in the *News-Review* on January 4, 2015.
4. The Planning Department did not receive correspondence from neighboring property owners or Douglas County concerning the proposed map amendment.
5. This matter will come before the Sutherlin Planning Commission for consideration at a public hearing on January 20, 2015. The Planning Commission will forward a recommendation to City Council.

Finding: The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Annexation and Plan/Zoning Map Amendment.

III. EXECUTIVE SUMMARY

This staff report concerns a proposed zone change and annexation. Current law requires Planning Commission and City Council approval of any amendment to the Sutherlin Zoning Map. Property owners, Sam Robinson, et/al, requested a zone change from the current County zoning RS (Suburban Residential) and RR (Rural Residential 2 Acre) to R-1 (Low Density Residential) on the subject properties (See Applicant's Attachments 1 and 2 County and City zoning maps) to allow water service and orderly development of the 16.32 acre area. The proposed City Zoning R-1 is in compliance with the City of Sutherlin Comprehensive Plan designation of Low Density Residential RL applied to the subject parcels and the area in general.

The subject properties are already inside the Urban Growth Boundary for the city and are located along Duke Road, Fir Grove Lane and Plat M Road. The ownerships are identified by the Douglas County Assessor map as T25-R05-S19BC; Tax Lot 1400, Property ID No. R45971 (Robinson); Tax Lots 1000 and 1500, Property ID Nos. R45964 and R45992 (Sperlich); Tax Lot 1001, Property ID No. R46020 (Keeland); Tax Lot 1002, Property ID No. R131716 (Bowles); Tax Lot 900, Property ID No. R45999 (Knebel); Tax Lot 700, Property ID No. R46006 (Robinson); Tax Lot 600, Property ID No. R47091 (Barrington); Tax Lot 1900, Property ID No. R22728 (Fouts); Tax Lot 1700, Property ID No. R22736 (Robinson/Rogers); Tax Lot 1601, Property ID No. R22696 (Shubert). (See Attachment 3 Site Map)

The applicant's proposal is evaluated against the procedures and criteria for approving amendment to the Zoning Map and city boundary as provided in state statute and Sutherlin Development Code Sections 4.8 and 4.11. Each applicable criterion is addressed separately, and proposed findings are provided to assist the Planning Commission in making a recommendation on this matter.

If the Planning Commission finds that the zone change and annexation proposed by Applicant satisfy the applicable approval criteria for these land use actions they may recommend approval of the requested Zoning Map amendment and concurrent annexation to the City Council.

Applicant:

Sam Robinson
P.O. Box 917
Sutherlin, OR 97479
(541) 817-3468

Subject Property:

Property located east of Interstate 5 along
Duke Road, Plat M Road and Fir Grove Lane and
commonly identified as set out immediately above
(See Applicant's Attachment 4 – Situs Map for addresses)

IV. GENERAL INFORMATION

Applicant submitted applications for Zoning Map Amendment and Annexation on November 21, 2014 (Applicant's Exhibit A). The applications were deemed complete on December 17, 2014. Applicant requested the zone change from RS and RR (County Zoning) to City R-1 for a 16.32 acre area to allow connection to city water service and to allow orderly development of the

ownerships. Sanitary sewer is not available to the area at this time and is not being extended with this request. It will be required with new development and the City may consider requesting the owners sign a Waiver not to remonstrate a future service LID.

The subject properties are located along Duke Road, Fir Grove Lane and Plat M Road approximately one quarter mile west of Interstate 5 and are identified by the Douglas County Assessor map as T25-R05-S19BC; Tax Lot 1400, Property ID No. R45971 (Robinson); Tax Lots 1000 and 1500, Property ID Nos. R45964 and R45992 (Sperlich); Tax Lot 1001, Property ID No. R46020 (Keeland); Tax Lot 1002, Property ID No. R131716 (Bowles); Tax Lot 900, Property ID No. R45999 (Knebel); Tax Lot 700, Property ID No. R46006 (Robinson); Tax Lot 600, Property ID No. R47091 (Barrington); Tax Lot 1900, Property ID No. R22728 (Fouts); Tax Lot 1700, Property ID No. R22736 (Robinson/Rogers); Tax Lot 1601, Property ID No. R22696 (Shubert).

The subject properties contain existing residential development. The subject properties are located within the UGB of the city and designated Low Density Residential by the Sutherlin Comprehensive Plan. The proposed zone change and annexation will allow connection to public water service on the 16.32 acre area as a permitted use under the city codes.

Applicant's proposal requires amendment to the official City of Sutherlin Zoning Map as the subject properties currently carry County zoning of RS and RR. Applicant must demonstrate compliance with the Comprehensive Plan and to ensure consistency between the Plan and its implementing ordinances (i.e. zoning).

The surrounding property is comprised of a mix of residential, commercial and industrial zoned properties. Lands to the northwest of the subject property are zoned RS by Douglas County. The property to the northeast is zoned C-3 (Community Commercial) and east is zoned M-1 (Light Industrial). The property to the south and west is zoned RR by Douglas County.

V. PROCEDURES

Applicant has requested that the subject properties, totaling approximately 16.32 acres, be rezoned from RS and RR to city R-1 zoning. This change requires an amendment to the City's official Zoning Map. The proposed amendment to the city's Zoning Map is necessary because it ties specific parcels and lots to the particular intent of the plan and zoning designations and subsequent development restrictions.

The requested changes are specific to properties described above. Because a decision must be reached by applying specific criteria in the City's Plan and Zoning ordinances, approval of the zone change and annexation request requires a quasi-judicial map amendment. Before the Sutherlin Planning Commission can make a formal recommendation to the City Council concerning this request, a quasi-judicial public hearing must be held in which the Planning Commission reviews a staff report, takes written and oral testimony, considers the facts, applies the appropriate criteria (in this case, the Statewide Planning Goals, and the City's Comprehensive

Plan and implementing ordinances), and adopts Findings of Fact which justify its decision and recommendation.

The Findings of Fact must demonstrate compliance with Oregon's Statewide Planning Goals and address pertinent criteria from Sutherlin's Comprehensive Plan and implementing ordinances. After relating the facts to the criteria, the Planning Commission must recommend approval, denial, or approval with conditions concerning the request to change the designation of the subject property on the Zoning map from RS and RR to R-1.

After the public hearing, the Planning Commission must make a written recommendation to the City Council in the form of a Findings of Fact and Decision document. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the request.

VI. DECISION CRITERIA AND FINDINGS

The City staff finds the applicant has provided a thorough set of findings in response to the approval criteria. In order to avoid duplication and unnecessary time and expense, the staff has not provided a separate staff analysis and findings. Generally staff concurs with the applicant's findings, with the following supplemental information:

1. DLCD was not notified of the annexation because it is not required by state law. According to DLCD staff (email 12-10-14 to CC) annexations are not considered plan amendments. Annexations are more of a coordination issue with the county. The county was notified and did not provide comments. The County did provide a letter of support to extend water service to areas outside the city limits as long as the property owners consented to annexation (letter dated 7-22-14).
2. Water service has been extended to the subject area and some properties have connected. The new line was extended in 2014 by means of a public private partnership between the City and the property owners. The line was oversized to allow for future connections. The water SDC was waived by the City Council as a part of the cooperative project.
3. The portion of Duke Road within the outside boundary of the annexation should be included in the legal description for the annexation.

VII. CONCLUSION

City Staff recommends that the Commission forward a recommendation for approval to the Sutherlin City Council subject to the following conditions:

Conditions of Approval

1. The subject property owners shall enter into an agreement to participate in a Local Improvement District (LID) prior to completion of the annexation and zone change for future sanitary sewer services and street improvements along Duke Road, Fir Grove Lane and Plat M Road. If an LID is formed in the future the owners shall be responsible for their proportional share of the improvements. *Note: The Zoning Code encourages waivers but the City does not commonly form LID's and may decide to delete this requirement.*
2. Preparation of the legal description of the proposed annexed parcels to be filed with the state shall include the portion Duke Road right-of-way that is within the outside boundary of the annexed area.
3. The applicant and participating property owners are not responsible for payment of water System Development Charges (SDC's) because those fees have been waived by the Sutherlin City Council.
4. If necessary, water line easements over the recently installed line shall be recorded with the annexation to assure city access to the lines.
5. The applicant shall be in compliance with all federal, state, and local regulations and law in regards to this application of annexation and zone change.

VIII. DECISION OPTIONS

Based on the Applicant's findings and the City Staff Report, I move:

1. Close the public hearing and, after deliberating on the matter, pass a motion to recommend to the City Council approval of the requested Annexation and Zoning Map amendments.
2. Close the public hearing and, after deliberating on the matter, pass a motion to recommend to the City Council approval of the requested annexation and Zoning Map amendment with specified **conditions as modified**.
3. Pass a motion to **continue the public hearing** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal.
4. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend denial** of the requested annexation and Zoning Map amendment on the grounds that the proposal does not satisfy the applicable approval criteria.

STAFF EXHIBITS

Staff Exhibit No. 1: Letter of Completeness

Staff Exhibit No. 2: Application with Attachments 1 – 4

Staff Exhibit No. 3: Notice of Public Hearing Mailed to Property Owners within 100 Feet

Staff Exhibit No. 4: Staff Report



Community Development
126 E. Central Avenue
Sutherlin, OR 97479
(541) 459-2856
Fax (541) 459-9363
www.ci.sutherlin.or.us

City of Sutherlin

NOTICE OF PUBLIC HEARING

Annexation and Zone Change – Duke Road

NOTICE IS HEREBY GIVEN that the Sutherlin Planning Commission will conduct a public hearing on **Tuesday, January 20, 2015 at 7:00 P.M.** in the Sutherlin Civic Auditorium, 175 E. Everett Street. The purpose of the hearing is to take public testimony, either written or oral, while considering the following land use application:

File: AZC 14-01 – Applicant: Sam Robinson

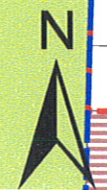
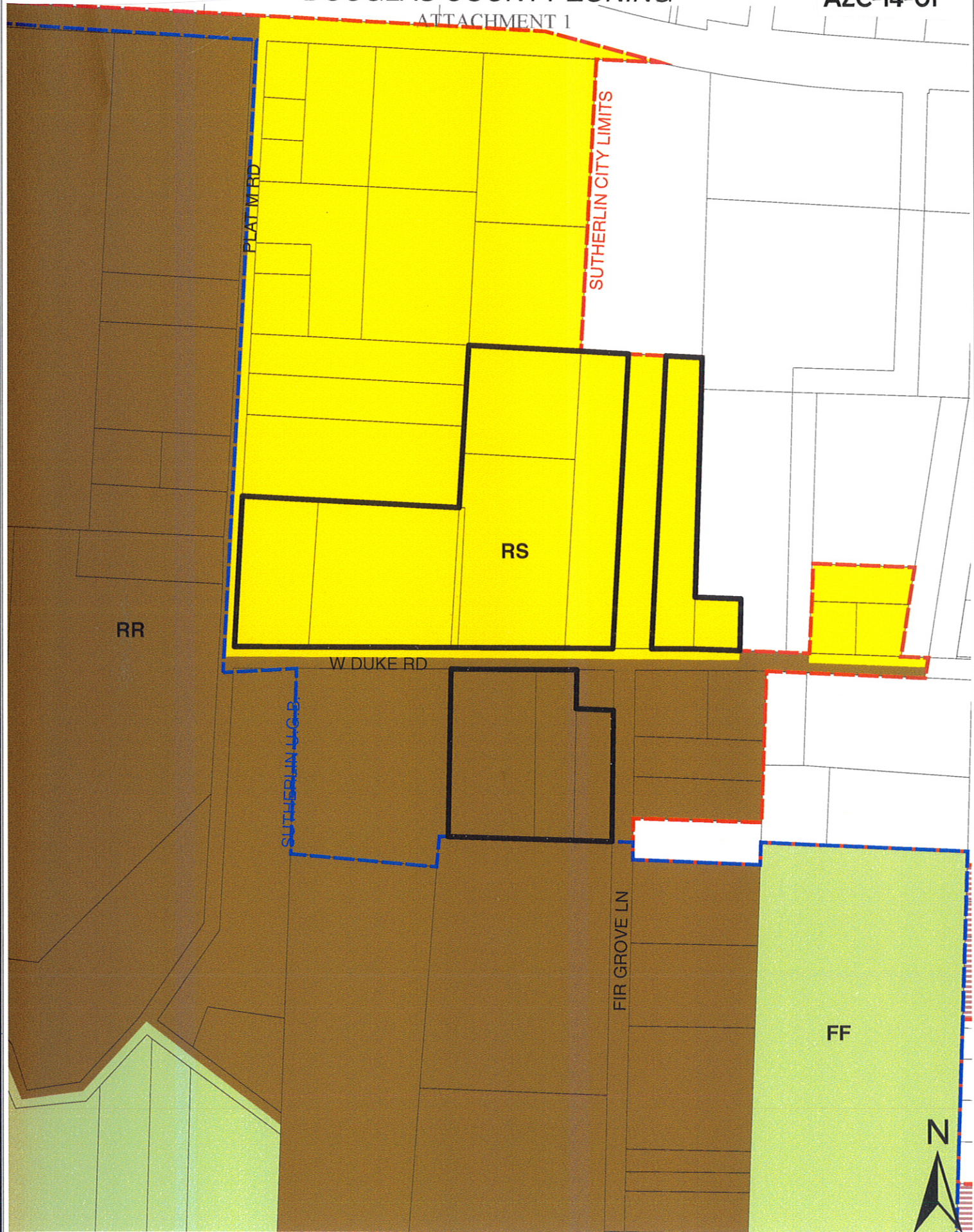
The applicant is proposing an Annexation to the City of Sutherlin concurrently with a Zone Change from the current County zoning of RS (Suburban Residential) and RR (Rural Residential 2 Acre) to the City of Sutherlin's current zoning of R-1 (Low Density Residential) on the subject properties (See Attachments 1 and 2 County and City zoning maps) to allow water service and orderly development of the 16.32 acre area. The subject properties are already inside the Urban Growth Boundary for the city and are located along Duke Road, Fir Grove Lane and Plat M Road. The ownerships are identified by the Douglas County Assessor map as T25-R05-S19BC; Tax Lot 1400, Property ID No. R45971 (Robinson); Tax Lots 1000 and 1500, Property ID Nos. R45964 and R45992 (Sperlich); Tax Lot 1001, Property ID No. R46020 (Keeland); Tax Lot 1002, Property ID No. R131716 (Bowles); Tax Lot 900, Property ID No. R45999 (Knebel); Tax Lot 700, Property ID No. R46006 (Robinson); Tax Lot 600, Property ID No. R47091 (Barrington); Tax Lot 1900, Property ID No. R22728 (Fouts); Tax Lot 1700, Property ID No. R22736 (Robinson/Rogers); Tax Lot 1601, Property ID No. R22696 (Shubert).

The application is being processed as a Type IV procedure, governed by ORS Chapter 222 the Sutherlin Comprehensive Plan and Sections 4.8 and 4.11 of the Sutherlin Development Code. Pursuant to Section 4.2.150 (D) of the Sutherlin Development Code, notice of this land use application has been mailed to affected agencies and all property owners located within 100 feet of the subject properties described above. Owners of property within 100 feet – or any other person who can demonstrate that they are affected by the proposed land use action – may request party status in this matter by filing a written statement with the Sutherlin Community Development Department or appearing at the hearing and requesting party status. Written statements must contain the name, address and telephone number of the person filing the statement; how the person qualifies as a party; comments the party wishes to make concerning the application; and whether the person desires to appear and be heard at the hearing. Prior to or during the public hearing a citizen may request a continuance on the proposed application. **Written statements must be filed with the Community Development Department, 126 E. Central Avenue, Sutherlin, Oregon, 97479, no later than 4:30 p.m. on January 13, 2015.**

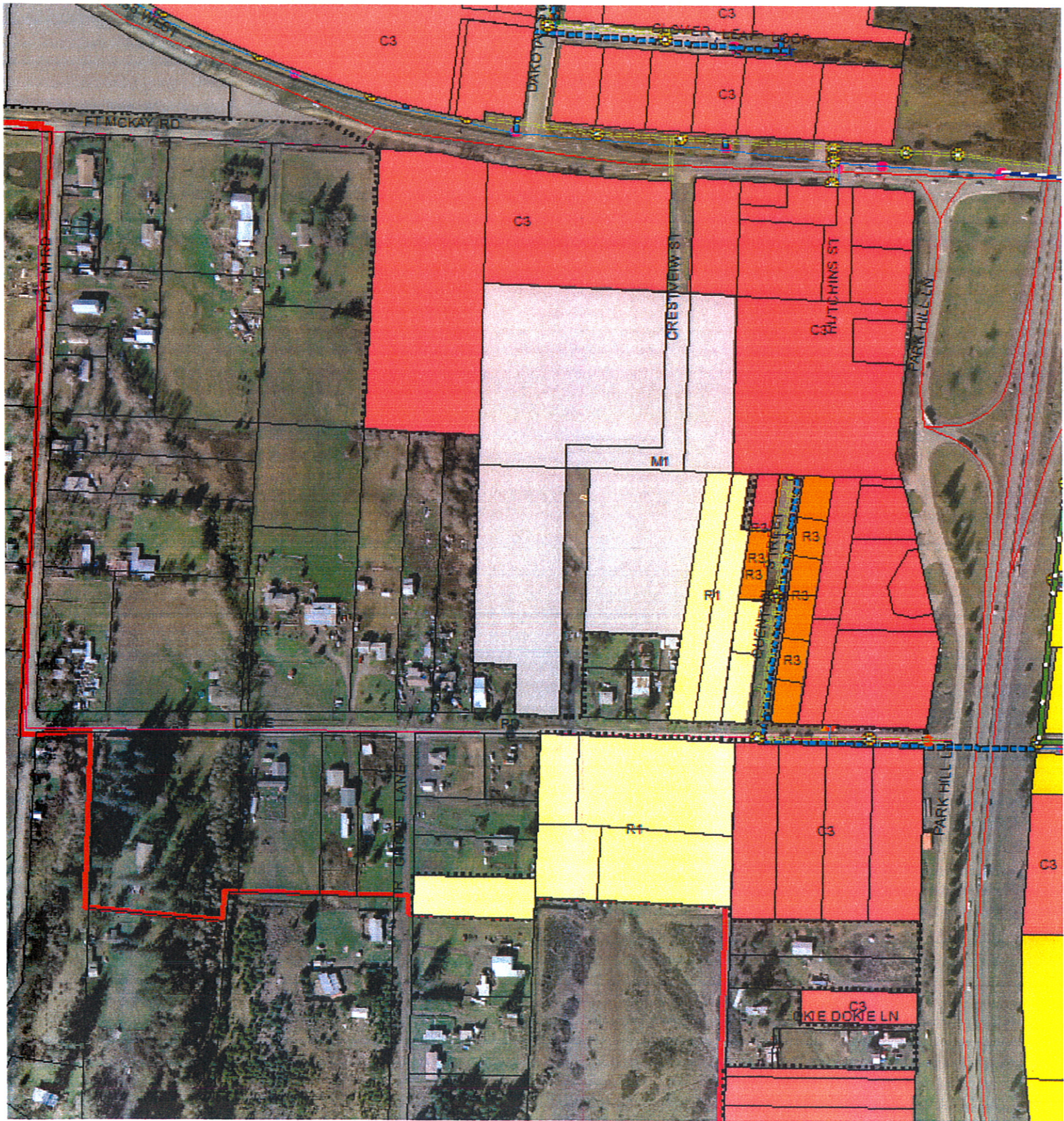
The public hearing will include presentations of the City staff and the Applicant's report. Parties in support, opposition or with neutral comments will then be heard. Failure of an issue to be raised at the hearing, whether in writing or by oral testimony, or failure to provide statements or evidence in sufficient specificity to afford the Planning Commission and parties an opportunity to respond to the issue, will preclude an appeal on that issue and may thereafter bar any legal standing in the event of an appeal. Copies of the application, the staff report and other documents to be used by the City to make its decision will be available for inspection at City Hall at no cost seven days prior to the hearing. Photocopies will be provided to interested parties at a reasonable cost. For more information on this application please contact the Community Development Department at 541-459-2856 during normal business hours.

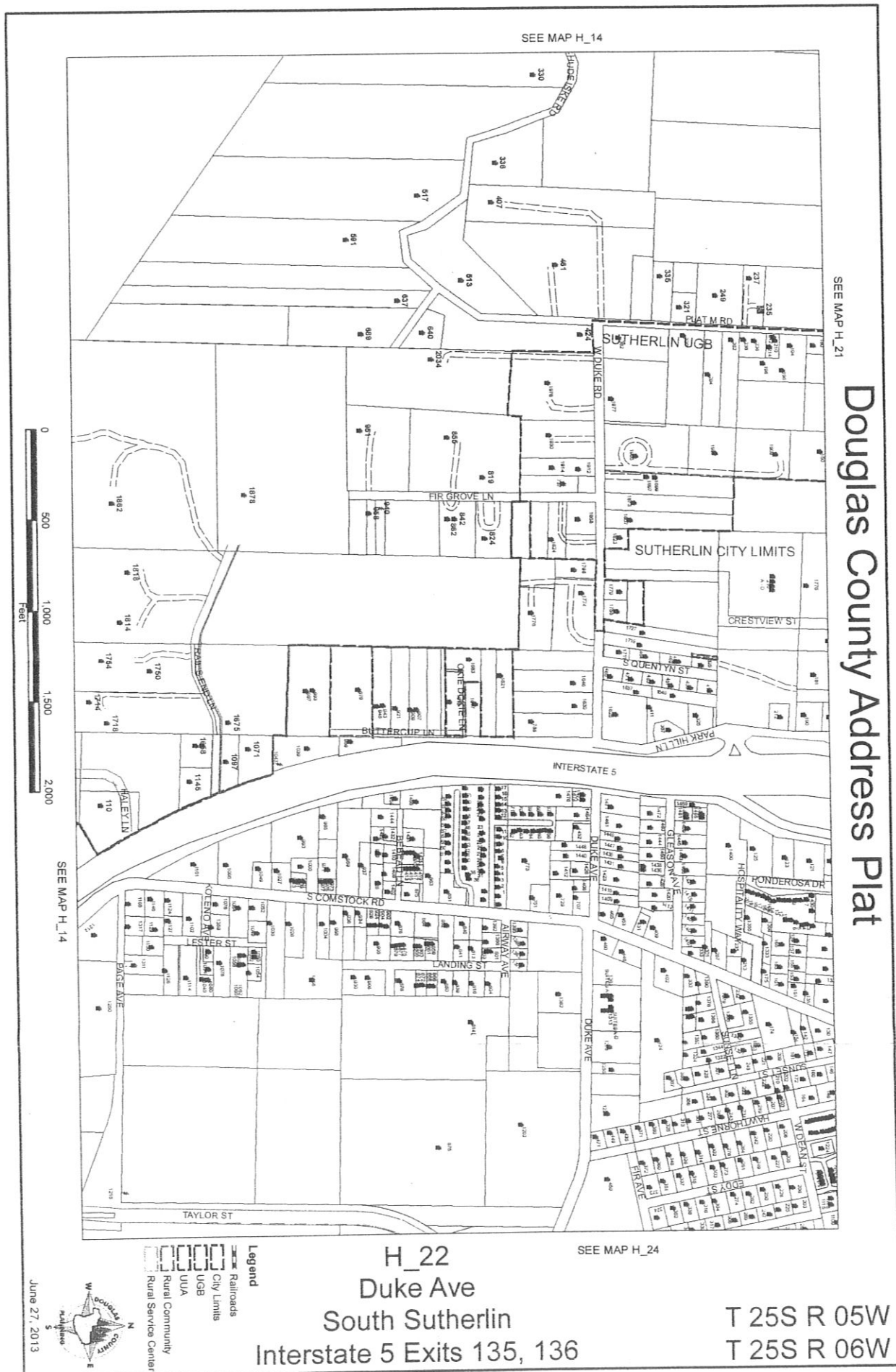
*** AMERICANS WITH DISABILITY ACT NOTICE ***

PLEASE CONTACT THE OFFICE OF THE CITY RECORDER, 126 E. CENTRAL AVENUE, SUTHERLIN, OREGON, 97479, (541) 459-2856, AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME IF YOU NEED AN ACCOMMODATION. TDD USERS, PLEASE CALL OREGON TELECOMMUNICATIONS RELAY SERVICE, 1-800-735-2900.



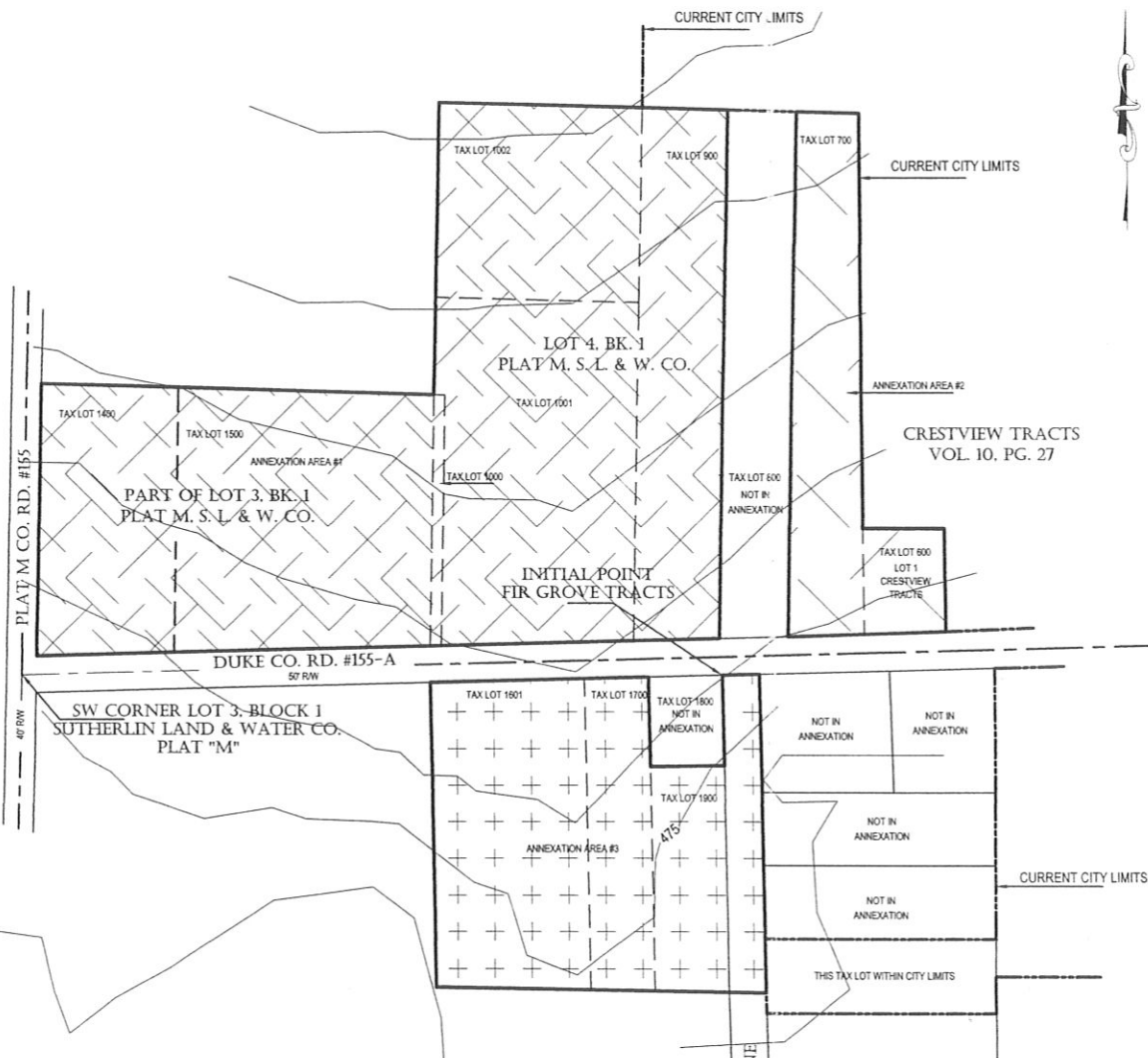
1" = 300'





ATTACHMENT 3

PROPOSED ANNEXATION MAP
 IN THE NW 1/4, SECTION 19, T. 25 S., R. 5 W., WILLAMETTE MERIDIAN
 DOUGLAS COUNTY, OREGON - OCTOBER 2014



ZONE CHANGE AND ANNEXATION TABLE

Name	Address	Tax ID No.	Tax Lot	Annexation Agmt.
Robinson Loving Trust, Sam & Gladys trustees	P. O. Box 917 Sutherlin, OR 97479	R45971	1400	Yes
Jim Sperlich	1977 W. Duke Road Sutherlin, OR 97470	R45964 & R45992	1500 & 1000	Yes
Ellen Keeland	100 River Bend Rd., Spc 53 Reedsport, OR 97467	R46020	1001	Yes
Ronald & Ava Bowles	1905 Duke Road Sutherlin, OR 97479	R131716	1002	Yes
Daniel & Kendra Knebel	484 Harmony Lane Roseburg, OR 97471	R45999	900	Yes
Robinson Loving Trust, Sam and Gladys trustees	P. O. Box 917 Sutherlin, OR 97479	R46006	700	Yes
Barrington Venture LLC	380 Barrington Dr. West Linn, OR 97068	R47091	600	Yes
Albert Fouts	P. O. Box 477 Sutherlin, OR 97479	R22728	1900	Yes
Robert & Brenda Robinson (Tonya Rogers)	8190 Sage Run Lane Middleton, ID 83644	R22736	1700	Yes
Charles & Kathryn Shubert	P. O. Box 79 Sutherlin, OR 97479	R22696	1601	Yes

FIR GROVE TRACTS
VOL. 9, PG. 20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

CARL A. SWEEDEN
2752
JANUARY 18, 1986
EXPIRES 6-30-16

NOTE:
CONTOURS SHOWN ARE FOR GRAPHIC REPRESENTATION ONLY
CONTOUR INTERVAL IS 5 FEET

Sweeden Land Surveying

558 SE Jackson St. Roseburg, Oregon 97470
Tel. 541-672-8344, Fax 541-672-1787

SURVEY FOR: SAM ROBINSON 447 MYRTLE STREET SUTHERLIN, OR. 97479	FILE JOB: ANNEXATION.DWG DATE: OCTOBER 2014 DRAWN BY: C. SWEEDEN SHEET: 1 OF 1
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Community Development
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City of Sutherlin

December 17, 2014

Sam Robinson
PO Box 917
Sutherlin, OR 97479

Mark Garrett Land Use Planning Services
PO Box 2191
Roseburg, OR 97470

Re: Request for Annexation and Zone Change – File #AZC14-01 Robinson

Dear Mr. Robinson:

Please be informed that an application for Annexation and Zone Change approval has been received by the City of Sutherlin and is generally complete.

The City will proceed with providing agency review and a Type IV land use review procedure which includes a public hearing before the Sutherlin Planning Commission tentatively scheduled for January 20, 2015 followed by a recommendation to City Council who will also conduct a public hearing and make a decision.

We will be in contact with you and provide the city staff report before the initial hearing. If you have any questions please feel free to contact me at 541-459-2856 or v.luther@ci.sutherlin.or.us.

Sincerely,



Vicki Luther
City of Sutherlin
Community Development Director



CITY OF SUTHERLIN ANNEXATION APPLICATION

Community Development
126 E. Central Avenue
Sutherlin, OR 97479
(541) 459-2856

FILE No: _____

Application Fee: \$600.00 (Non-refundable)

APPLICATION FOR ANNEXATION TO THE CITY OF SUTHERLIN, OREGON TO THE
HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF SUTHERLIN, OREGON

Gentlemen and Ladies:

We, the undersigned legal owners of land lying contiguous to the boundaries of the City of Sutherlin, Oregon, do hereby request you to initiate proceedings for the annexation of said lands, together with any other lands which you may desire to include within the annexation, and hereby do consent to the annexation of said property, which is more particularly described as follows:

Address of Subject Property: See Situs Map attached with application

Property ID Number(s): See site map inset Tax Lot _____

Township: 25S Range: 5W Section: 19BC

Subdivision: _____ Block: _____ Lot: _____

Metes and Bounds Description must be provided by applicant and attached to this application.

This request and consent shall be considered to remain in full force and effect only for one year from date of execution, at which time, the same shall be considered to have been withdrawn, unless on or before said date you shall institute proceedings for said annexation pursuant to the provisions of ORS 222.111 to 222.190. In such an event, this shall be considered to constitute the consent to annexation referred to in ORS 222.170.

Owner(s) Name: Sam Robinson (agent)
Address: P. O. Box 917
City/State/Zip: Sutherlin, OR 97479
Phone: 541.817.3468

Owner(s) Name: _____
Address: _____
City/State/Zip: _____
Phone: _____

Signature(s): _____

Signature(s): _____

Before me this 14th day of NOVEMBER, 2014.

Notary Public for Oregon
My Commission Expires: 09/23/17



GUIDE FOR PREPARATION OF REQUIRED MAPS FOR PROPOSED ANNEXATIONS

1. An accurate map:
 - a) with a north arrow, scale, date, ordinance number(s), township, range, and section. (If ordinance number is not yet available, provide space for same: "Ordinance # _____")
 - b) drawn to scale.
 - 1) preferred scale 1" = 100'. The intent is for a clear discernible drawing prepared in a professional manner.
 - c) preferred map size can be any standard paper size up to 18 x 24 inches.
 - d) inked on mylar (or a good mylar copy) with border.
 - e) that is congruent with the description furnished.
 - f) showing a signed and stamped Certificate. Preferred format attached.
 - g) clearly depicting all lines of the proposed annexation that are contiguous to the existing city limits.
 - h) show ordinance number(s) of previous annexations that are contiguous to the *proposed annexation*.
2. Where practical, bearing(s) should be adjusted to agree with bearing given in previous annexation for the contiguous line(s). Otherwise, bearing for contiguous line should be shown to equate with previous bearing (shown in parenthesis).
3. Copies of deeds and maps referred to in the description, without which your description might not be comprehensive, should be furnished.
4. Optional: copies of maps that would be beneficial in checking the annexation proposal.
5. Upon request, the City Recorder will provide copies of any ordinance pertaining to previous annexations that are adjacent to the proposed annexation.
6. Information on approved access:
 - a) names of adjacent streets
 - b) width of right-of-way of adjacent streets
 - c) other means of access
7. Description should be typed on a separate sheet of paper.

Annexation Area #1

The following described portions of Lot 3 and 4, Block 1, Sutherlin Land and Water Company, Plat M of which the official plat is on file and of record in the office of the County Clerk of Douglas County, Oregon excepting therefrom that portion lying within the boundaries of the dedicated roads along the Westerly and Southerly sides of said properties:

Beginning at the Southwest corner of Lot 3, Block 1; Thence along the West line of Lot 3, North 1°22'00" East 395.75 feet to a point; Thence leaving said West line, South 88°38'00" East 206.35 feet to the Northeast corner of that land described in Instrument #2014-10393, Douglas County, Oregon Deeds and Records said point being the Northwest corner of that land described in Instrument #1999-20248 also of said County Deed Records; Thence continuing along said line, South 88°38'00" East 343.65 feet to the Northeast corner of that land described as Parcel 1, Instrument #1999-20248 said point being on the West line of Parcel 1, Partition Plat #2007-0075, Douglas County, Oregon Partition Plat Records; Thence, North 01°18'06" East 131.72 feet along the West line of Parcel 1 to the Northwest corner thereof; Thence continuing along the West line of Parcel 2 of said Partition Plat #2007-0075, North 01°18'06" East 66.27 feet to a point; Thence continuing along said West line, North 1°21'10" East 197.89 feet to the Northwest corner of Parcel 2 of said Partition Plat; Thence along the North line of Parcel 2, South 88°26'09" East 275.18 feet to the Northeast corner of Parcel 2 and also being the Northwest corner of that land described in Instrument # 2003-19034 of said Douglas County Deeds and Records; Thence along the North line of said land, South 88°38'00" East 116.48 feet to the Northeast corner of said land also being the Northwest corner of that land described in Instrument #2006-26492 of said County Deed Records; Thence, South 1°22'00" West 749.66 feet to the South line of Lot 4, Block 1, Sutherlin Land and Water Company, Plat M; Thence, North 88°38'00" West along the South line of Lot 4 and Lot 3 to the Southwest corner of Lot 3.

Annexation Area #2

The following described portion of Lot 4, Block 1, Sutherlin Land and Water Company, Plat M and also Lot 1, Crestview Tracts, Douglas County, Oregon Subdivision Plat Records excepting therefrom that portion of Lot 4, Block 1 lying within the boundaries of the dedicated road along the Southerly side of said property :

Beginning at a point being the Northwest corner of that land described in Instrument #2013-14694, Douglas County, Oregon Deeds and Records said point being North 0°07'00" West 734 feet and North 88°38'00" West 84.94 feet more or less from the Southeast corner of Lot 4, Block 1; Thence along the North line of Instrument #2013-14694, South 88°38'00" East 84.94 feet more or less to a point being the Northeast corner of Lot 4, Block 1; Thence South 0°07'00" East 564.32 feet more or less to the Northwest corner of Lot 1, Crestview Tracts, Douglas County, Oregon Subdivision Plat Records; Thence leaving the East line of Lot 4, Block 1, Sutherlin Land and Water Company, Plat M and long the North line of Lot 1, Crestview Tracts, North 89°53'00" East 110.40 feet to the Northeast corner thereof; Thence, South 0°07'00" East 140.78 feet to a point on the Northerly Right of Way line of Duke Road; Thence, South 87°41'00" West 110.48 feet along the South line of Lot 1 and Northerly line of Duke Road to the Southwest corner of Lot 1 said point being in the East line of Lot 4, Block 1, Sutherlin Land and Water Company, Plat M; Thence, South 0°07'00" East 25.00 feet to the Southeast corner of Lot 4, Block 1; Thence along the South line of Lot 4, Block 1, South 88°28'00" West 104.03 feet more or less to a point being the Southwest corner of that land described in Instrument #2013-14694; Thence leaving said South line, North 1°22'00" East 734.81 feet more or less to the point of beginning.

Annexation Area #3

Beginning at a point on the Southerly Right of Way line of Duke County Road #155A said point being the Northwest corner of that land described as Parcel 2, Partition Plat #1999-0102, Douglas County, Oregon Partition Plat Records; Thence along the Southerly Right of Way line of Duke Road, North 88°28'00" East 208.01 feet to the Northeast corner of said Parcel 2 said point being also the Northwest corner of that land described in Instrument #2005-18725, Douglas County, Oregon Deeds and Records; Thence continuing along the South line of Duke Road, 88°28'00" East 97.33 feet more or less to the Northeast corner thereof; Thence leaving the South line of Duke Road, South 1°47'00" East 97.05 feet more or less to the Southwest corner of that land described in Instrument #283997 of said County Deed Records; Thence, East 91.14 feet more or less to the West line of Fir Grove Lane as platted in the plat of Fir Grove Tracts, Douglas County Subdivision Plat Records; Thence, North 1°47'00" West 100.00 feet more or less to a point in the South line of Duke Road; Thence, North 88°28'00" East 50.0 feet along the South line of Duke Road to a point being the Northeast corner of Fir Grove Lane; Thence leaving the South line of Duke Road and along the East line of Fir Grove Lane, South 1°47'00" East 427.00 feet more or less to a point said point being East 50.00 feet from the Southeast corner of that land described in Instrument # 2012-2172 of said Douglas County, Deeds and Records; Thence leaving the East line of Fir Grove Lane, West 50.0 feet to the Southeast corner of Instrument #2012-2172; Thence continuing, West 188.51 feet more or less to the Southeast corner of Parcel 2, Partition Plat #1999-0102; Thence, North 89°05'28" West 208.10 feet along the South line of Parcel 2 to the Southwest corner thereof; Thence, North 0°54'01" West 414.44 feet along the West line of Parcel 2 to the point of beginning.



CITY OF SUTHERLIN ZONE CHANGE APPLICATION

Community Development
126 E. Central Avenue
Sutherlin, OR 97479
(541) 459-2856

FILE NO. _____

DATE FILED: _____

FEE: **\$1200.00 + costs (non-refundable)**

Receipt No. _____

Application Deemed Complete: _____

THE UNDERSIGNED OWNER(S) OR AUTHORIZED AGENT(S) HEREBY REQUEST FROM
THE CITY OF SUTHERLIN A ZONE CHANGE FROM

Suburban Residential and Rural Residential 2 Acre TO (R-1) Low Density Residential
(Current Zoning) (Proposed Zoning)

1. APPLICATION INFORMATION

- A. Property Owner(s) please print or type; signatures are required on page **5** of this application. Provide additional pages if necessary. A contract purchaser may sign as owner if a copy of the recorded contract is submitted. (An earnest money agreement does not constitute a contract.)

Name(s): Sam Robinson

Address(s): P. O. Box 917, Sutherlin, OR 97479

Phone(s): 541.817.3468 Fax: N/A

- B. Authorized Agent(s)

Name(s): Mark Garrett Land Use Planning Services

Address(s): P. O. Box 2191, Roseburg, OR 97470

Phone(s): 541.825.3708 Fax: N/A

2. PROPERTY DESCRIPTION

A. Assessor Map ID(s): See map inset Property ID(s): See map inset

B. Property Location Description

1. List all existing addresses located on the property

See Situs Map (Exhibit A)

2. Indicate the subject property's location in relationship to nearest streets (i.e., NE corner of Umatilla St. and 5th Ave.) The subject properties are located along Duke Road, Fir Grove Lane and Plat M Road (See attached site map)

C. Total land area involved in the Zone Change request Acres: 16.32 acres SQ FT: _____

3. EXISTING AND ANTICIPATED USE INFORMATION

A. Current Use: Residential

B. City Zoning: The subject properties are currently under County Zoning RS and RR

C. Comprehensive Plan: Residential Low Density (RL)

D. Proposed Zoning Designation: Low Density Residential (R-1)

E. Proposed Use of the site for which this change is being requested:
The subject properties are committed to residential uses and the future use of the property will continue to be residential.

F. Is it anticipated that structures will be removed/demolished from the required property? ____YES __x__ NO If yes, a separate application for demolition is required.

G. Are any historic structures or historically significant features on the subject property? ____YES __x__ NO If yes, describe any impacts to such features.

- H. Is it anticipated that a land division or partitioning will occur as a result of the Zone Change being granted? _____ YES x NO If yes, compliance with Sutherlin Development Code (ORD. 976) and a separate application for subdivision, PUD, partition.
- I. What is the anticipated time for development? N/A
- J. Will this development be in phases? _____ YES x NO If yes, number and timeline of additional phase completion _____
- K. What additional public and private utilities will be needed for the proposed development? The purpose of this zone change is to allow connection to City water service. No other services are contemplated.

4. REQUIRED ATTACHMENTS (Please submit all tentative plans/plats electronically)

A. General Information:

1. A plot map showing boundaries, proposed zone, current plan designation, access, utilities, and 5' contours.
2. Date, North arrow, and scale of drawing;
3. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
4. Names, addresses and telephone numbers of the owners, project designer, engineer(s), and/or surveyor, and the date of the survey; if applicable.

 See map of properties attached

B. Impact Statement: Shall include a narrative addressing each area of impact listed below:

1. Quantify/assess the effect of the development on public facilities and services;
 See attached proposed Findings and Decision document for narrative to address all applicable criteria for this request.
2. Address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development; and
 See attached proposed Findings and Decision document for narrative to address all applicable criteria for this request.
3. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of

the development on the public at large, public facilities systems, and affected private property users.

See attached proposed Findings and Decision document for narrative to address all applicable criteria for this request.

C. The applicant shall submit a narrative that addresses each of the approval criteria listed below:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;

See attached proposed Findings and Decision document for narrative to address all applicable criteria for this request.

2. Demonstration that the most intense uses and density that would be allowed, outright in the proposed zone, considering the sites characteristics, can be served through the orderly extension of urban facilities and services, including a demonstration of consistency with OAR 660-012-0060; and

See attached proposed Findings and Decision document for narrative to address all applicable criteria for this request.

3. Evidence of change in the neighborhood or community, or a mistake or inconsistency between the comprehensive plan or zoning district map regarding the subject property which warrants the amendment.

See attached proposed Findings and Decision document for narrative to address all applicable criteria for this request.

5. SIGNATURES

I hereby apply for a Zone Change as requested on this form and certify that the attachments are *complete and correct*. (Any and all engineering cost incurred by the City of Sutherlin associated with this application shall be the responsibility of the applicant.) **Attach sheet if additional signatures are required.**


Applicant Signature

11/14/14
DATE

Printed Name: Sam Robinson

OWNER _____ AGENT x OPTION HOLDER _____ CONTRACT BUYER _____

Applicant Signature

DATE

Printed Name: _____
OWNER _____ AGENT _____ OPTION HOLDER _____ CONTRACT BUYER _____

Applicant Signature

DATE

Printed Name: _____
OWNER _____ AGENT _____ OPTION HOLDER _____ CONTRACT BUYER _____

Applicant Signature

DATE

Printed Name: _____
OWNER _____ AGENT _____ OPTION HOLDER _____ CONTRACT BUYER _____

Any other owner or option holder or buyer who does not sign this application shall provide a signed statement providing their authorization for submission of the subdivision request.

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for a zone change and annexation for several parcels located to the west of Interstate 5 on road commonly known as Duke Road which are identified by the Douglas County Assessor as being in T25-R05-S19BC (See executive summary below for tax lot information)

] FINDINGS OF FACT AND DECISION

] Applicant: Sam Robinson

] Subject: Zone Change and Annexation

] File No.: XX-XX-XXX

]

]

]

I. OFFICIAL NOTICE

The Planning Commission of the City of Sutherlin takes official notice of the following:

1. The Sutherlin Comprehensive Plan, Sutherlin Municipal Code, and Sutherlin Development Code.
2. The Statewide Planning Goals.
3. The public notice records of the City of Sutherlin concerning this matter.
4. The records of the City of Sutherlin concerning the deliberations on this matter before the Sutherlin Planning Commission, including the Staff Report and all evidence and testimony submitted for consideration.

Finding: The procedural and substantive findings noted herein are adequate to support the Planning Commission's recommendation on the Zoning Map amendment and concurrent Annexation.

II. SUBSTANTIVE FINDINGS OF FACT

1. Sam Robinson, herein called Applicant, submitted applications for Zoning Map amendment and concurrent Annexation on behalf of ten property owners on November 14, 2014. Applicant has requested to change the property's zone designation and to concurrently annex the properties to allow the existing dwellings to connect to a new public waterline installed along Duke Road in proximity to the subject properties.
2. A copy of the Notice of Public Hearing was mailed to the Douglas County Planning Department and ODOT on December XX, 2014, along with a letter describing the proposal.

3. On December XX, 2014, a Notice of Public Hearing before the Sutherlin Planning Commission was mailed to all record owners of property within 100 feet of the property proposed to be rezoned. The notice was published in the *News-Review* on December XX, 2014.
4. **The Planning Department did not receive correspondence from neighboring property owners concerning the proposed map amendment. ODOT and Douglas County responded to the notices marked (Exhibit E) and (Exhibit F) and responded to in the staff report. (Christy, this will need to be adjusted according to response.)**
5. This matter came before the Sutherlin Planning Commission for consideration on January XX, 2015. The Planning Commission heard the staff report, listened to public testimony, and passed a motion to recommend that the City Council approve the proposed Zoning Map amendment and concurrent annexation as submitted.

Finding: The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Zoning Map amendment and Annexation.

III. EXECUTIVE SUMMARY

This staff report concerns a proposed zone change and annexation. Current law requires Planning Commission and City Council approval of any amendment to the Sutherlin Zoning Maps. Property owners, Sam Robinson, et/al, requested a zone change from the current County zoning RS (Suburban Residential) and RR (Rural Residential 2 Acre) to R-1 (Low Density Residential) on the subject properties (See Attachments 1 and 2 County and City zoning maps) to allow water service and orderly development of the 16.32 acre area. The subject properties are already inside the Urban Growth Boundary for the city and are located along Duke Road, Fir Grove Lane and Plat M Road. The ownerships are identified by the Douglas County Assessor map as T25-R05-S19BC; Tax Lot 1400, Property ID No. R45971 (Robinson); Tax Lots 1000 and 1500, Property ID Nos. R45964 and R45992 (Sperlich); Tax Lot 1001, Property ID No. 46020 (Keeland); Tax Lot 1002, Property ID No. 131716 (Bowles); Tax Lot 900, Property ID No. 45999 (Knebel); Tax Lot 700, Property ID No. 46006 (Robinson); Tax Lot 600, Property ID No. 47091 (Barrington); Tax Lot 1900, Property ID No. 22728 (Fouts); Tax Lot 1700, Property ID No. 22736 (Robinson/Rogers); Tax Lot 1601, Property ID No. 22696 (Shubert). (See Attachment 3 Site Map)

Applicant's proposal is evaluated in this report against the procedures and criteria for approving amendment to the Zoning Map and city boundary as provided in state statute and Sutherlin Development Code Sections 4.8 and 4.11. Each applicable criterion is addressed separately, and proposed findings are provided to assist the Planning Commission in making a recommendation on this matter.

The Planning Commission finds that the zone change and annexation proposed by Applicant satisfy the applicable approval criteria for these land use actions. Based on the following Findings, the Planning Commission **recommends approval** of the requested Zoning Map amendment and concurrent annexation to the City Council.

IV. GENERAL INFORMATION

Applicant submitted applications for Zoning Map amendment and Annexation on November 14, 2014 (Exhibit A). The applications were deemed complete on November XX, 2014. Applicant requested the zone change from RS and RR (County Zoning) to City R-1 for a 16.32 acre area to allow connection to city water service and to allow orderly development of the ownerships. The subject properties are located along Duke Road, Fir Grove Lane and Plat M Road approximately one quarter mile west of Interstate 5 and are identified by the Douglas County Assessor map as T25-R05-S19BC; Tax Lot 1400, Property ID No. R45971 (Robinson); Tax Lots 1000 and 1500, Property ID Nos. R45964 and R45992 (Sperlich); Tax Lot 1001, Property ID No. 46020 (Keeland); Tax Lot 1002, Property ID No. 131716 (Bowles); Tax Lot 900, Property ID No. 45999 (Knebel); Tax Lot 700, Property ID No. 46006 (Robinson); Tax Lot 600, Property ID No. 47091 (Barrington); Tax Lot 1900, Property ID No. 22728 (Fouts); Tax Lot 1700, Property ID No. 22736 (Robinson/Rogers); Tax Lot 1601, Property ID No. 22696 (Shubert).

The subject properties contain existing residential development. The subject properties are located within the UGB of the city. The proposed zone change and annexation will allow connection to public water service on the 16.32 acre area as a permitted use under the city codes.

Applicant:

Sam Robinson
P.O. Box 917
Sutherlin, Or 97479
(541) 817-3468

Subject Property:

Property located east of Interstate 5 along
Duke Road, Plat M Road and Fir Grove Lane and
commonly identified as set out immediately above
(See Attachment 4 - Situs Map for addresses)

Applicant's proposal requires amendment to the official City of Sutherlin Zoning Map as the subject properties currently carry County zoning of RS and RR. Applicant must demonstrate compliance with the Comprehensive Plan and to ensure consistency between the Plan and its implementing ordinances (i.e. zoning).

The surrounding property is comprised of a mix of residential, commercial and industrial zones properties. Lands to the northwest of the subject property are zoned RS by Douglas County. The property to the northeast is zoned C-3 (Community Commercial) and east is zoned M-1 (Light Industrial). The property to the south and west is zoned RR by Douglas County.

V. PROCEDURES

Applicant has requested that the subject properties, totaling approximately 16.32 acres, be rezoned from RS and RR to city R-1 zoning. This change requires an amendment to the City's official Zoning Map. The proposed amendment to the city's Zoning Map is necessary because it ties specific parcels and lots to the particular intent of the plan and zoning designations and subsequent development restrictions.

The requested changes are specific to properties described above. Because a decision must be reached by applying specific criteria in the City's Plan and Zoning ordinances, approval of the zone change and annexation request requires a quasi-judicial map amendment. Before the Sutherlin Planning Commission can make a formal recommendation to the City Council concerning this request, a quasi-judicial public hearing must be held in which the Planning Commission reviews a staff report, takes written and oral testimony, considers the facts, applies the appropriate criteria (in this case, the Statewide Planning Goals, and the City's Comprehensive Plan and implementing ordinances), and adopts Findings of Fact which justify its decision and recommendation.

The Findings of Fact must demonstrate compliance with Oregon's Statewide Planning Goals and address pertinent criteria from Sutherlin's Comprehensive Plan and implementing ordinances. After relating the facts to the criteria, the Planning Commission must recommend approval, denial, or approval with conditions concerning the request to change the designation of the subject property on the Zoning map from RS and RR to R-1.

After the public hearing, the Planning Commission must make a written recommendation to the City Council in the form of a *Findings of Fact and Decision* document. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the request.

The City's decision can be appealed to the Land Use Board of Appeal (LUBA).

VI. CRITERIA AND FINDINGS

DECISION CRITERIA AND SUBSTANTIVE FINDINGS OF FACT

State statute requires that proposed amendments to Sutherlin's Comprehensive Plan and Zoning Maps be consistent with the Statewide Planning Goals. Finally, Sections 4.8 and 4.11 of the Sutherlin Development Code (*Plan Amendments and Zone Changes*) provide specific local criteria for approving a zone change.

The requested amendment to the Zoning Map is measured here against these state and local criteria. The results of this analysis are presented as proposed Findings of Fact below.

CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement. To provide for widespread citizen involvement in the planning process, and to allow citizens the opportunity to review and comment on proposed changes to comprehensive land use plans prior to any formal public hearing to consider the proposed changes.

Finding: Statewide Planning Goal 1 requires cities and counties to create and use a citizen involvement process designed to include affected area residents in planning activities and decision-making. Since acknowledgement of the City's Comprehensive Plan, the Sutherlin Planning Commission has been responsible for ensuring continued citizen involvement in planning matters and land use decisions. On December XX, 2014, City staff mailed copies of a Notice of Public Hearing to all owners of property within 100 feet of the subject property. The same notice was published in the News-Review, a local newspaper of general circulation, on December XX, 2014. Written evidence relied on by the land use decision-making bodies (i.e. the applications and supporting material) was available for public review at Sutherlin City Hall seven days prior to the first public hearing. Sutherlin has fulfilled its citizen involvement process through early direct notification of nearby property owners, publication of a public hearing notice and contact information in the newspaper, and by facilitating informed public participation during the public hearing itself.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.

Finding: Sutherlin's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's Comprehensive Plan and implementing ordinances provide the local criteria by which the Applicant's request was judged. The subject property is within the Sutherlin City UGB, no exception to statewide planning goals is necessary.

Goal 3: Agricultural Lands. To preserve and maintain agricultural lands.

Goal 4: Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land....

Finding: The subject properties proposed for amendment are currently designated Low Density Residential by the City of Sutherlin Comprehensive Plan and are zoned RS and RR. The subject properties are not agricultural or forest land as defined by Statewide Goals 3 and 4. The properties are situated within the

urban area and have been designated for urban use by the Sutherlin Comprehensive Plan. The proposed amendment does not involve the conversion of designated farm or forest land to urban use. Statewide Goals Nos. 3 and 4 are not applicable to this requested amendment.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Statewide Planning Goal 5 requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Goal 5 requires local governments to inventory natural resources such as wetlands, riparian corridors, and wildlife habitat. In addition, Goal 5 encourages local governments to maintain current inventories of open spaces, scenic views and sites, and historic resources. Significant sites must be identified and protected according to Goal 5 rules contained in the Oregon Administrative Rules, Chapter 660, Division 23.

Goal 5 resources within Douglas County and the City of Sutherlin have previously been inventoried and evaluated, and the City has completed a Local Wetlands Inventory. The property contains no wetlands, riparian corridor or significant wildlife habitat. No known historic or cultural resources exist on the site, and the properties contain no open spaces or scenic areas as identified by the City of Sutherlin. The elevation of the properties puts them well outside the flood plain of any area streams.

Goal 6: Air, Water, and Land Resource Quality. To maintain and improve the quality of air, water, and land resources of the State.

Finding: Statewide Planning Goal 6 requires that waste and process discharges from future development combined with that of existing development do not violate State or Federal environmental quality regulations. Rezoning the subject parcel to R-1 is not expected to result in any additional development with the typical associated waste stream characteristics. The proposed R-1 zoning is an acknowledgement of the existing development on the subject property. Any further development of the property will undergo the required City of Sutherlin site development review process which will help assure that future waste streams that occur will be no more adverse to the environment and the City's treatment capacity than would be the case under the current zoning.

The City has regulations in place to control the generation and disposal of residential wastes. Although the subject properties are currently served by private water sources, the proposed amendment will allow the ownerships to be served by City water. The area is also served by private sewer service. Therefore, the proposed rezoning is not expected to have any deleterious effects

on the quality of the air, water, or land resources of the State. Existing state, federal, and local land use and environmental standards will be sufficient to ensure that subsequent land use activities at the subject site will be conducted in a manner that is consistent with, and will achieve the purpose of Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards. To protect life and property from natural disasters and hazards.

Finding: The site has flat topography and is not within a special overlay zone or in an area that is designated as susceptible to flooding or other natural hazards. Any new development on the site will comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property.

Goal 8: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the citing of necessary recreational facilities including destination resorts.

Finding: The subject properties have not been designated by the City of Sutherlin as land needed to meet the recreational needs of the citizens of, or visitors to, the state of Oregon. The properties are currently zoned for residential use and have no special geographic or natural advantages for recreational use. The requested amendment does not conflict with Goal 8.

Goal 9: Economy of the State. To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The subject properties are currently inside the city UGB and planned and are zoned and utilized for residential purposes. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future economic development in the area is enhanced. The application for zone change will not impact the current inventory of land needed for economic development and is therefore consistent with Goal 9.

Goal 10: Housing. To provide for the housing needs of citizens of the State.

Finding: The properties, containing a total of 16.32 acres, will be zoned R-1 under Applicant's proposal and is currently designated Low Density Residential by the Sutherlin Comprehensive Plan which is planned for proposed zoning and current residential uses. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future residential development in the area is enhanced. The properties involved in this request are developed for residential uses and will remain part of the inventory of residential lands for the city; therefore, there will be no negative impact on housing in the area. The

application for zone change will not have a negative impact on the current inventory of land needed for residential development and is consistent with Goal 10.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The subject property is within Sutherlin UGB. The land will be eligible to receive City water and sewer services under Applicant's proposal although only water service is currently available. Applicant and the other owners intend to make application for water service at this time because the properties are in need of a dependable source of domestic water. There is no new development anticipated as a result of Applicant's proposal. However, if such a development proposal were received, the City would review the specific development plans for the site to determine any additional infrastructure requirements. The City has both the capacity and ability to provide the required public facilities, as available, with sufficient infrastructure investment on the part of the owners. It can be expected that the property will be served by city water and private sewer, as well as other necessary public utilities. The proposed amendment is not in conflict with Goal 11.

Goal 12: Transportation. To provide and encourage a safe, convenient, and economic transportation system.

Findings: The statewide transportation goal is generally intended to be applied on a city-wide basis. Specific transportation-related policies and development standards are included within the Sutherlin Comprehensive Plan and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility".

In order to ensure that a proposed land use change complies with the requirements of the Transportation Planning Rule, the City of Sutherlin has adopted the following standards for Plan amendment applications:

"(1) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.

(a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.”

(b) The jurisdiction providing direct access (County or ODOT) may required the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).

The functional classifications of transportation facilities within the City of Sutherlin Transportation System Plan (TSP) are identified in Table 7-1 of that document. The roads utilized for access are not currently under jurisdiction of the City. However, Duke Road and Plat M Road are each currently classified by the City as a “Local” with a future designation of “Collector”. There is also a likely future potential of jurisdictional transfer from Douglas County to the City of Sutherlin once the streets are developed to an urban standard. Fir Grove Lane is classified as a “Local Access Road” and is not under public maintenance, but will be brought into the City’s maintenance system at such time as the street is improved to an urban standard. As previously noted, the subject 16.32 acre area is situated on the west side of Interstate 5 along Duke Road. At the present time, the public roads in the area are and have been adequate to accommodate existing traffic volumes generated by the properties.

The proposed amendment is predicated upon existing residential development on the property which has been in place for many years. Consequently, the proposed amendment will not create an increase in traffic on the area road system. Therefore, there will be no potential for additional traffic generation on on the existing access as a result of Applicant’s request.

The Planning Commission finds that the map amendment will not cause a change in the existing level of service. Further, existing development standards in place in the City of Sutherlin Development Code will help to insure any future residential development approval of the property and its associated impacts will be in compliance with the TSP and IAMP. The requested amendment meets the requirements of Goal 12

Goal 13: Energy Conservation. To conserve energy.

Finding: Statewide Planning Goal 13 requires that land uses shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The properties contain pre-existing residential uses. Any future development on the properties will be completed under City standards for residential use. The proposed map amendment is to change the zoning on the property from RS and RR to R-1 in conformance with the existing

residential designation under the City of Sutherlin Comprehensive Plan. The 16.32 acres will also be subject to development standards and building codes that provide for a minimum level of energy efficiency. The proposal is consistent with principles of efficient land use and energy efficiency and Goal 13.

Goal 14: Urbanization. To provide for an orderly and efficient transition from rural to urban land use.

Finding: The subject property is located within the Sutherlin UGB and was previously designated by the City of Sutherlin as an urban area. The state has previously acknowledged the lands within Sutherlin as being in compliance with Goal 14.

COMPLIANCE WITH CITY OF SUTHERLIN DEVELOPMENT CODE CRITERIA

Sections 2.2.100 through 2.2.120 of the Sutherlin Development Code (Residential Districts) provide the development criteria for residential uses and structures within the City of Sutherlin. The existing residential development on the subject properties has been in place for decades and is considered pre-existing. The purpose of the proposed amendment is to provide compliance with the current land use and development code of Sutherlin. The change of zoning to R-1 will allow the properties to connect to city water service and allow orderly development of the property in accordance with the current Plan designation. The existing uses and physical development will comply with all of the development standards of the requested R-1 zone.

Finding: The Commission finds that the structural development on the subject property is in substantial compliance with the Development Code for the City of Sutherlin. The proposed amendment will not change the existing development or use on the subject property. The zone change and annexation are in satisfactory compliance with the City of Sutherlin Development Code.

COMPLIANCE WITH CITY OF SUTHERLIN ZONE CHANGE CRITERIA

Section 4.11.110 C of the Sutherlin Development Code (*Zone Changes and Annexations*) provides the following criteria for approving a zone change:

"The planning commission's recommendation and the city council's decision shall be based on the following approval criteria":

1. *The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and*
2. *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

City Zone Change Criteria #1: *The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission*

Finding: Findings for statewide planning goals adopted by Department of Land and Conservation and Development (DLCD) are addressed on an individual basis in previous section of this document. Each of the applicable goals contains findings of compliance, and no exceptions to those goals are proposed. The zone change and annexation satisfy the statewide planning goals.

City Zone Change Criteria #2: *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

Population and Economy Element Conformance

Policy A19: *The City shall take an active role in promoting the area as a desirable retirement community through advertisement and enhancement of housing, recreation, health, and transportation opportunities for senior citizens.*

The proposed zone change will convert 16.32 acres to R-1 zoning in accordance with the current Plan designation which essentially imposes the anticipated low density residential zoning resulting in a possible density increase as infrastructure improvements are completed in the area. However, as previously mentioned, the land involved in this request is already occupied by existing single-family-residential development. Applicant's proposal is therefore neutral with regard to this policy and the Population and Economy Element of the Comprehensive Plan.

Public Facilities Plan Conformance

Policy A1: *The City shall ensure that appropriate support systems are installed prior to or concurrent with the development of a particular area. Costs of constructing water and sewer ties to new developments shall be borne by the developer.*

Policy A14: *Ensure that as new development occurs, public facilities and services to support the development are available or will be available within a reasonable time.*

Policy A20: *New development, including but not limited to subdivisions, residential or commercial, or industrial construction, should be responsible for constructing, paying for, or depositing funds for an improved street with curbs, gutters, sidewalks, as well as sewer, water, storm drainage facilities, fire hydrants, and street lights, in addition to all utilities.*

Finding: The purpose of the zone change is to facilitate existing residential uses of the subject properties according to the standards prescribed in the R-1 zone. The subject properties are within the City UGB of Sutherlin. A newly installed water main is located near the subject properties and onsite septic systems are

installed on each site to provide the necessary services to the subject properties without adversely impacting the community or the surrounding neighborhood. Owners will be responsible for installing any future infrastructure dictated by future development on the property as appropriate in accordance with the **Public Facilities Plan and the Sutherlin Development Code**.

While the zone change and annexation will not create any additional need for public facilities and services, subsequent development could. Any improvements to those public facilities necessary as a result of future residential development at the site will require the owners to participate in funding those improvements. The extent to which public facilities and services are required to serve the properties will be determined at the time a specific development proposal is reviewed. The requested zone change and annexation are consistent with the **Public Facilities Plan**.

Housing Element Conformance

Policy 5: As funds become available, the City shall actively pursue methods of undertaking a rehabilitation program for houses which need work in order to remain safe dwelling units.

Finding: The proposed zone change will convert the subject property from County RS and RR zoning to R-1 zoning. The subject properties are developed with pre-existing residential uses within the UGB of the City of Sutherlin. The City has previously identified the land as being suitable residential land. Applicant has agreed to install a new water line to the area to provide a suitable means of domestic water given the lack of suitable private water for the area. The 16.32 acres conforms and satisfies the condition of supplying safe dwelling units by providing an improved domestic water supply via the City of Sutherlin.

Land Use Element Conformance

Land Use Policy A1: Conversion of urbanizable land to urban uses shall be based on consideration of:

- A. Orderly, economic provision for public facilities and services;*
- B. Availability of sufficient land of various use designations to ensure choices in the marketplace;*
- C. Conformance with statewide planning goals; and*
- D. Encouragement of development within urban areas before conversion of non-urban areas.*

Land Use Policy A2: Work toward development of "open" lands identified as suitable for development within the existing city limits before annexing additional lands.

Finding: The subject property is inside Sutherlin's UGB. The property is surrounded on all sides by developed, or partially developed, residential, commercial and industrial lands. As discussed previously under *Consistency with the Statewide*

Planning Goals, public facilities and services are readily available to the site except as noted. The proposed R-1 zoning supports the existing residential uses on the site. The property is located in one of the existing residential areas of the City.

The properties, as mentioned previously, are currently designated residential land in the Comprehensive Plan and Applicant's proposal is consistent with the Comprehensive Plan designation applied to the site. Applicant has submitted a zone change and concurrent annexation request to allow implementation of the proposed current Plan designation via the R-1 zone. The Zoning Map amendment to R-1 will be consistent with the existing residential designation.

Finding: The proposed zone change and annexation will conform to the Sutherlin Comprehensive Plan, including the land use map and written policies.

VII. ACTION ALTERNATIVES

1. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Zoning Map amendment and annexation.
2. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Zoning Map amendment and annexation with specified **conditions**.
3. Pass a motion to **continue the public hearing** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal.
4. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend denial** of the requested Zoning Map amendment and annexation on the grounds that the proposal does not satisfy the applicable approval criteria.

The Planning Commission determined to recommend approval of Applicant's request as submitted. The Planning Commission made a motion to authorize the Chairman of the Planning Commission to review and sign the *Findings of Fact and Decision* document on its behalf.

VIII. PLANNING COMMISSION RECOMMENDATION

The Planning Commission passed a motion to recommend that the City Council **approve** the requested Zoning Map amendment and annexation **as submitted**.

VII. EXHIBITS

- A. Applications for Zoning Map amendment and annexation filed with the City on November 14, 2014, with map attachments.
- B. Planning Commission Public Hearing notice.
- C. Correspondence
- D. Existing Plan Map
- E. Proposed Zone Map
- F. Staff Report

This recommendation for approval is issued in accordance with the Sutherlin Development Code (ORD 976).

DATED THIS _____ DAY OF _____, 2015.

xxxxxxx

Sutherlin Planning Commission Chair

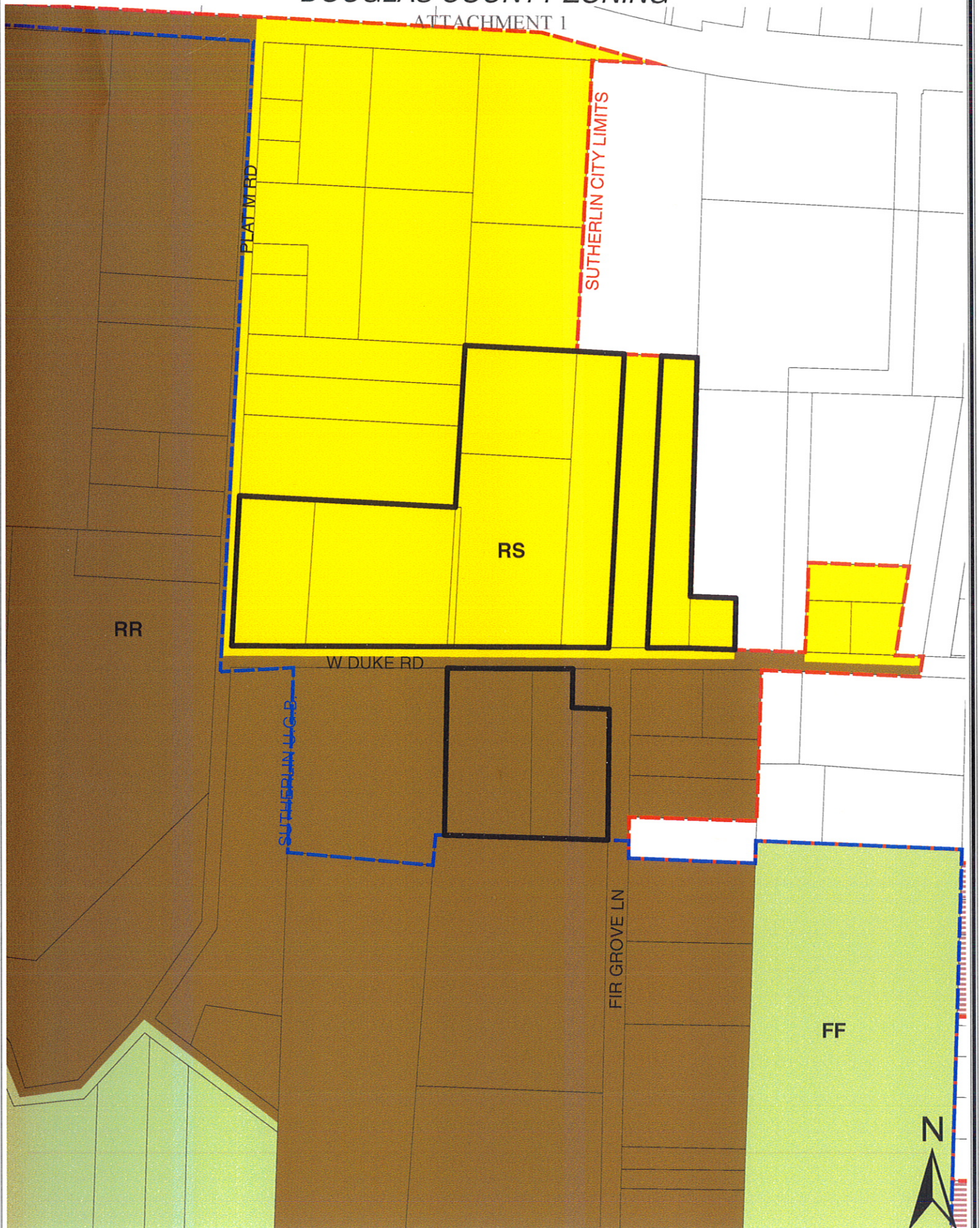
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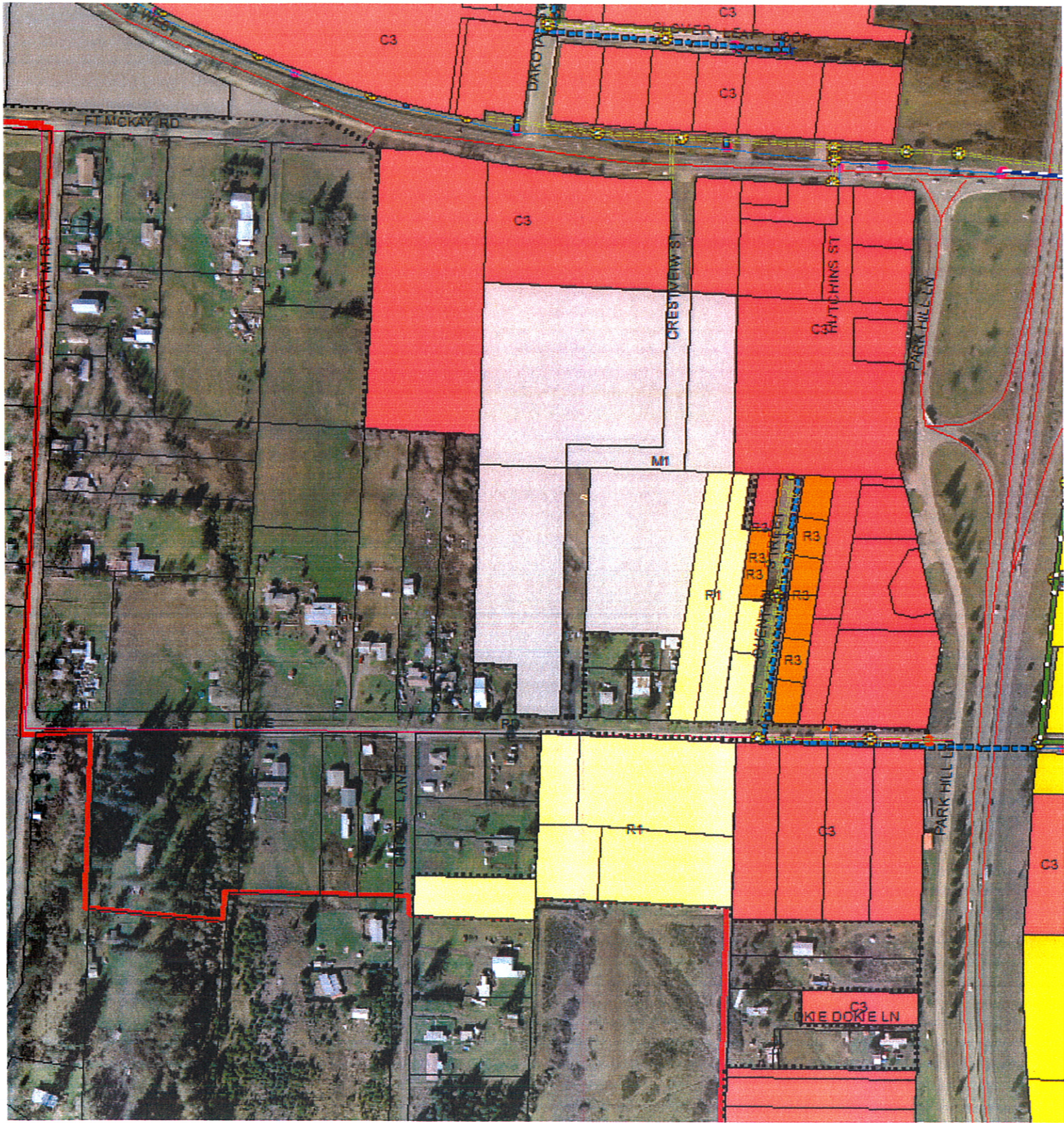
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Deputy, CMC, Deputy City Recorder

DOUGLAS COUNTY ZONING

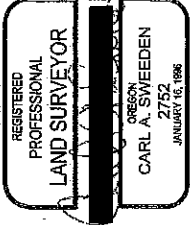
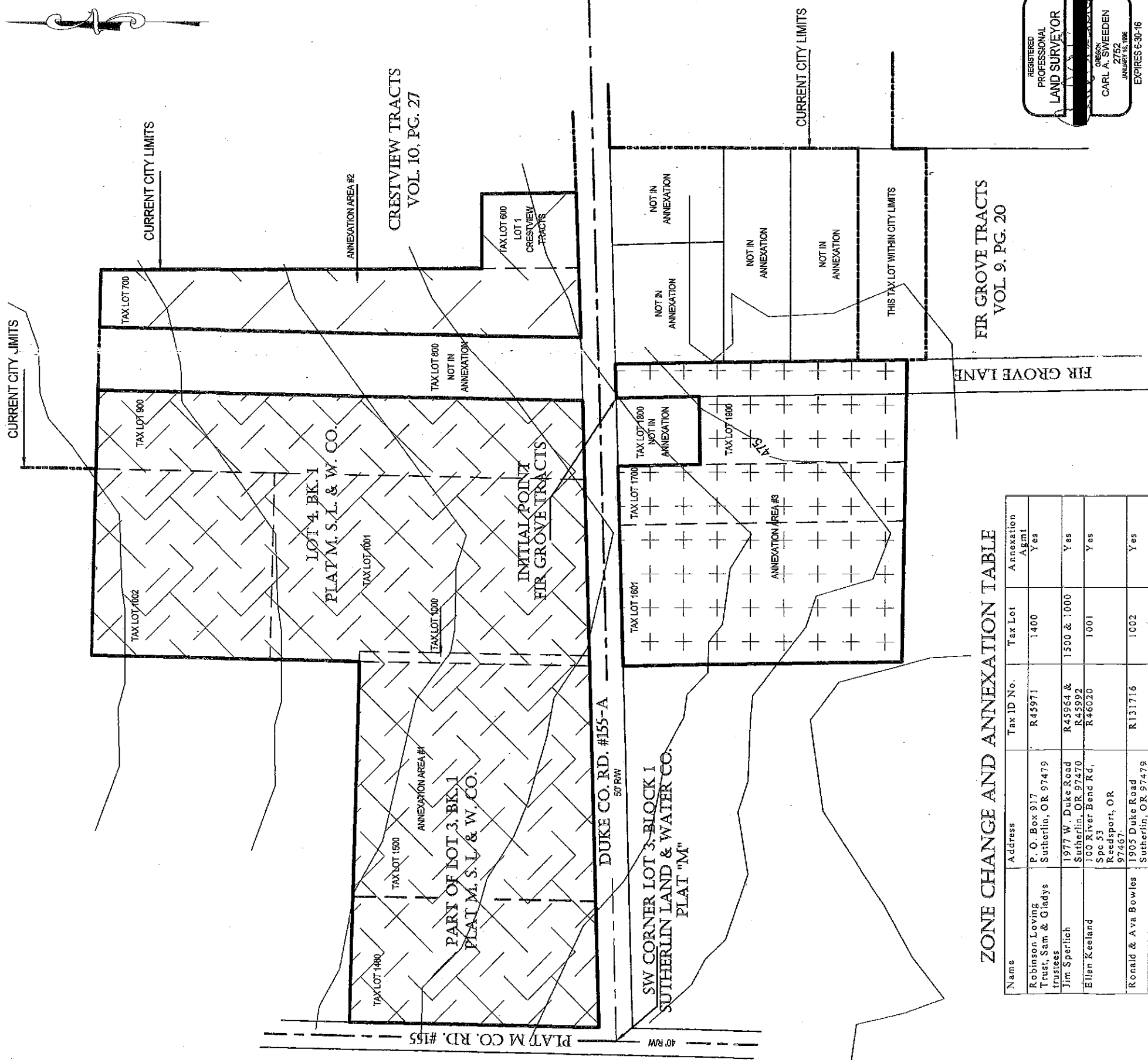
ATTACHMENT 1





ATTACHMENT 3

PROPOSED ANNEXATION MAP
IN THE NW 1/4, SECTION 19, T. 25 S., R. 5 W., WILLAMETTE MERIDIAN
DOUGLAS COUNTY, OREGON - OCTOBER 2014



NOTE:
CONTOURS SHOWN ARE FOR GRAPHIC REPRESENTATION ONLY
CONTOUR INTERVAL IS 5 FEET

ZONE CHANGE AND ANNEXATION TABLE

Name	Address	Tax ID No.	Tax Lot	Annexation Agmt
Robinson Loving Trust, Sam & Gladys trustees	P. O. Box 917 Sutherlin, OR 97479	R45971	1400	Yes
Jim Sperlich	1977 W. Duke Road Sutherlin, OR 97470	R45964 & R45992	1500 & 1000	Yes
Ellen Keeland	100 River Bend Rd, Sp# 53 Reedsport, OR 97467	R46020	1001	Yes
Ronald & Ava Bowles	1905 Duke Road Sutherlin, OR 97479	R131716	1002	Yes
Daniel & Kendra Knobel	484 Harmony Lane Roseburg, OR 97471	R45999	900	Yes
Robinson Loving Trust, Sam and Gladys trustees	P. O. Box 917 Sutherlin, OR 97479	R46006	700	Yes
Barrington Venture LLC	380 Barrington Dr. West Linn, OR 97068	R47091	600	Yes
Albert Fouts	P. O. Box 477 Sutherlin, OR 97479	R22728	1900	Yes
Robert & Brenda Robinson (Tonya Rogers)	8190 Sage Run Lane Middleton, ID 83644	R22736	1700	Yes
Charles & Kathryn Shubert	P. O. Box 79 Sutherlin, OR 97479	R22696	1601	Yes

Sweeden Land Surveying
558 SE Jackson St. Roseburg, Oregon 97470
Tel. 541-672-8344, Fax 541-672-1787

SURVEY FOR:	SAM ROBINSON 447 MYRTLE STREET SUTHERLIN, OR. 97479	FILEJOB:	ANNEXATION.DWG
SCALE:	1" = 100'	DATE:	OCTOBER 2014
DRAWN BY:	C. SWEEDEN	SHEET:	1 OF 1

Douglas County Address Plat

SEE MAP H_21

SEE MAP H_14

SEE MAP H_24

H 22

Duke Ave

South Sutherland







Interstate 5 Exits 135, 136

T 25S R 05W
T 25S R 06W

SEE MAP H_14

0 500 1,000 1,500 2,000
Feet

Legend

-  Railroads
-  City Limits
-  UGB
-  UUA
-  Rural Community
-  Rural Service Center



June 27, 2013

FOR YOUR INFORMATION

LAND USE ACTIVITY WORKSHEETS

2015-01 – 120 W. CENTRAL

2015-02 – 145 MYRTLE ST, SUITE 104

2015-03 – 102 AZALEA CT




Community Development
126 E Central Avenue
Sutherlin, OR 97479
(541) 459-2856


CITY OF SUTHERLIN
PRE-APPLICATION WORKSHEET
CONSTRUCTION

WORKSHEET NUMBER 2015-01	APPLICANT IMAGE KING SIGNS 4051 W. 1ST AVENUE EUGENE, OR 97402 541-484-1482	OWNER MARTIN DURBIN TRUST 409 S. COMSTOCK SUTHERLIN, OR 97479 541-991-6984
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SITE INFORMATION

SITE ADDRESS 120 W. CENTRAL	TAX ACCOUNT NUMBER R56170	M-TL 25-05-17DC-9600	SIZE (ACRES) 0.03
IMPROVEMENT 24" X 48" COMMERCIAL AWNING FOR RETAIL STORE			
EXISTING STRUCTURES (NUMBER AND TYPE) RETAIL STORE		DISTANCE OF BUILDING SITE FROM SURFACE WATER > 50 FEET	
DIRECTIONS FROM CENTRAL AVENUE CENTRAL TO 120 W. CENTRAL			
As, for, or on behalf of, all property owners:			
Applicant Signature 		Date: <u>01-02-15</u>	

PLANNING DEPARTMENT INFORMATION

ZONING C1		OVERLAYS None		
SETBACKS				
FRONT GARAGE 0FT	FRONT PROPERTY LINE 0FT	REAR 0FT	SIDE 0FT	EXT. SIDE 0FT
SIGN CODE N/A	SPECIAL SETBACK N/A	PARKING SPACES REQUIRED N/A		
BUILDING HEIGHT 50FT	FLOOD PLAIN NO	FLOOR HEIGHT ABOVE GRADE N/A		
CONDITIONS OF APPROVAL:		REFER TO: Douglas County		
CONSTRUCT/PLACE 24" X 48" COMMERCIAL AWNING FOR RETAIL STORE.				
APPROVED BY 	DATE JANUARY 2, 2015	EXPIRATION DATE JANUARY 2, 2016		
PUBLIC UTILITIES	CITY WATER NO	CITY SEWER NO	ACCESS PERMIT NO	




Community Development
126 E Central Avenue
Sutherlin, OR 97479
(541) 459-2856

CITY OF SUTHERLIN PRE-APPLICATION WORKSHEET CONSTRUCTION

WORKSHEET NUMBER 2015-02	APPLICANT GOODWILL 11 W JACKSON MEDFORD, OR 97501 541-772-3300	OWNER GARY & LAUREN CAMPBELL/OAK ACRE FARMS 354 CHAMPAGNE CREEK DR ROSEBURG OR 97471 541-733-1618
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SITE INFORMATION

SITE ADDRESS 145 MYRTLE ST SUITE 104	TAX ACCOUNT NUMBER R125315	M-TL 25-05-19AB-8900	SIZE (ACRES) 1.56
IMPROVEMENT INTERIOR REMODEL OF SUITE 104 (NON-PROFIT RETAIL OUTLET W/ OFFICES FOR EMPLOYEMENT SERVICES)			
EXISTING STRUCTURES (NUMBER AND TYPE) BLDG COMPLEX		DISTANCE OF BUILDING SITE FROM SURFACE WATER > 50 FEET	
DIRECTIONS FROM CENTRAL AVENUE CENTRAL TO MYRTLE, TO 145 MYRTLE, SUITE 104			
As, for, or on behalf of, all property owners:			
Applicant Signature: 		Date: <u>1/5/2015</u>	

PLANNING DEPARTMENT INFORMATION

ZONING C3		OVERLAYS None		
SETBACKS				
FRONT GARAGE 0FT	FRONT PROPERTY LINE 0FT	REAR 0FT	SIDE 0FT	EXT. SIDE 0FT
SIGN CODE N/A	SPECIAL SETBACK N/A	PARKING SPACES REQUIRED 22 - 9 X 18 SPACES		
BUILDING HEIGHT 35FT	FLOOD PLAIN NO	FLOOR HEIGHT ABOVE GRADE N/A		
CONDITIONS OF APPROVAL:		REFER TO: Douglas County		
AUTHORIZATION OF INTERIOR REMODEL OF SUITE 104 OF EXISTING COMPLEX LOCATED AT 145 MYRTLE ST FOR RETAIL OUTLET WITH OFFICES. GENERAL RETAIL 6834 SQ. FT & OFFICE SPACE 1050 SQ FT. 22-9 X 18 SPACES REQ.				
APPROVED BY		DATE JANUARY 5, 2015	EXPIRATION DATE JANUARY 5, 2016	
PUBLIC UTILITES	CITY WATER NO	CITY SEWER NO	ACCESS PERMIT NO	




Community Development
126 E Central Avenue
Sutherlin, OR 97479
(541) 459-2856


CITY OF SUTHERLIN
PRE-APPLICATION WORKSHEET
CONSTRUCTION

WORKSHEET NUMBER 2015-03	APPLICANT DAVID LEPRE' 102 AZALEA CT SUTHERLIN, OR 97479 541-817-4243	OWNER DAVID LEPRE' 102 AZALEA CT SUTHERLIN, OR 97479 541-817-4243
--	---	---

SITE INFORMATION

SITE ADDRESS 102 AZALEA CT	TAX ACCOUNT NUMBER R59068	M-TL 25-05-20BA02200	SIZE (ACRES) 0.20
IMPROVEMENT CONSTRUCT ADDITION TO EXISTING 1980 SFD (ADDITION OF BEDROOM & FAMILY ROOM)			
EXISTING STRUCTURES (NUMBER AND TYPE) SFD		DISTANCE OF BUILDING SITE FROM SURFACE WATER > 50 FEET	
DIRECTIONS FROM CENTRAL AVENUE SOUTH OF CENTRAL			
As, for, or on behalf of, all property owners:			
Applicant Signature 		Date: 1/12/2015	

PLANNING DEPARTMENT INFORMATION

ZONING R1		OVERLAYS None		
SETBACKS				
FRONT GARAGE 20FT	FRONT PROPERTY LINE 15FT	REAR 10FT	SIDE 5FT	EXT. SIDE 15FT
SIGN CODE N/A	SPECIAL SETBACK N/A	PARKING SPACES REQUIRED N/A		
BUILDING HEIGHT 35FT	FLOOD PLAIN NO	FLOOR HEIGHT ABOVE GRADE N/A		
CONDITIONS OF APPROVAL:		REFER TO: Douglas County		
AUTHORIZED TO CONSTRUCT ADDITION TO EXISTING 1980 SFD. ADDITION OF BEDROOM AND FAMILY ROOM). MUST MEET ZONE/SETBACK REQS.				
APPROVED BY 		DATE JANUARY 12, 2015	EXPIRATION DATE JANUARY 12, 2016	
PUBLIC UTILITIES	CITY WATER NO	CITY SEWER NO	ACCESS PERMIT NO	

FOR YOUR INFORMATION

LAND USE APPLICATIONS

PAR- 14-03 – AVERY

January 13, 2015

ADMINISTRATIVE REVIEW AND DECISION

OWNER: Dawkins Living Trust
Gordon Avery, authorized agent
382 River Club Drive
Roseburg, OR 97470

APPLICANT: i.e. Engineering
Derek Feigel
PO Box 1271
Roseburg, OR 97470

LOCATION: 0 East 4th Avenue west of St John St; 25N05W 16AD 907

APPLICATION: Request to partition an existing 1.66 (72,455 sf) acre parcel
into three parcels

PROJECT PLANNER: Carole Connell, Consulting City Planner (541) 459-2856
connellpc@comcast.net

APPLICABLE CRITERIA

1. City of Sutherlin Development Code

- (a) 2.2.100 Residential Districts
- (b) 2.2.110 Permitted Uses and Structures
- (c) 2.2.120 Residential Development Standards
- (b) 3.2.100 Vehicular Access and Circulation
- (e) 3.5.100 Infrastructure Standards
- (f) 3.5.110 Transportation Standards
- (g) 4.2.130 Type II Procedure
- (h) 4.4 Land Division and Property Line Adjustment Procedures

FINDINGS OF FACT

1. **LOCATION:** The subject property is a 1.66 acre vacant parcel located at 0 East 4th Street in Sutherlin. The nearest intersection is 4th and St. John Street. The property is further identified by the Douglas County Assessor's Map as 25-05-16AD TL 00907 property ID# R42139.
2. **ZONING:** The subject property is zoned R-1 (Low Density Residential) by the Sutherlin Comprehensive Plan and Zone Map.
3. **ACCESS:** Currently Tax Lot 907 has access across a city-owned tax lot to East 4th Avenue. Each of the proposed new parcels will have separate frontages on this tax lot which functions as a portion of East 4th Avenue.
4. **Services and Structures:** The parcel is in the city limits and the three proposed parcels can be served by city sewer and water service. There are no structures on the subject property.
5. **Public Notice and Comments:** On December 1, 2014, the City of Sutherlin Community Development Department sent notice of the request to property owners within 100 feet of the subject property, as shown on the most recent property tax assessment roll. No property owner objections were received by the City within the 14-day comment period. The Roseburg Fire District # 2 was notified of the request and expressed no concerns.
6. **Application:** The original application was submitted to the City on November 6, 2014 and the City deemed the application complete on December 1, 2014 after obtaining the applicant's authorization to represent the subject property owner.
7. **Procedure:** The application is processed as a Type II Director Decision. Within 5 days after the planning director signs the decision, notice will be sent by mail to:
 1. To all owners of real property within (100) feet of the subject property;
 2. The applicant; and
 3. Any person who submitted comments for the planning director's consideration.

CONCLUSIONARY FINDINGS:

Conformance with the City of Sutherlin Development Code

Section 2.2.100 Residential Zone District – Low Density Residential R-1 Zone

The R-1 zone is a residential zone with a various permitted residential uses, including single family dwellings. The subject parcel is vacant with access onto a city-owned tax lot that serves as an extension of East 4th Street. The owner intends to divide the parcel into three parcels, one of which is a flag lot.

Table 2.2.120 Residential Development Standards

In the R-1 zone the minimum lot size is 7,500 square feet and minimum lot dimensions are 50' wide x 100' deep. The zone requires a minimum 15 foot yard setback from the front property line for a dwelling and a 20 foot front yard setback for the garage. Since the parcel is not on an alley or a corner, the side yard setbacks are 5 feet for a single story house and 7' for a two story house and the rear yard setback is 10 feet. The maximum lot coverage in the R-2 zone is 50%.

FINDING: The subject parcel is currently 1.66 acres. The minimum 7,500 square foot parcel size for the R-1 zone is satisfied because proposed Parcel 1 is 11,455 SF, Parcel 2 is 9,700 SF, and Parcel 3 is 51,298 square feet in size. Dimensional standards (50' x 100') are met except for Parcel 3 because Parcel 1 is an estimated 81' x 137'; Parcel 2 is about 80' x 75'. Parcel 3 is a proposed flag lot with varied dimensions of 26' & 188'' x 243' and 365'. The yard setback and lot coverage requirements will be reviewed at the time of a building permit.

Section 3.2 Vehicle Access and Circulation

Applicability. *All development in the city must comply with the provisions of chapter 3, Design Standards. Development projects requiring land division, conditional use permit, and/or site design review approval require detailed findings demonstrating compliance with each section of chapter 3, as applicable. For smaller, less complex projects, fewer code provisions may apply and detailed findings may not be required where no discretionary land use or development permit decision is made.*

FINDING: The City finds that many of the following standards do not apply to the subject partition because the parcels already have access to a public street across a city-owned parcel. The City intends to dedicate their parcel as street right-of-way. The 0.25 acre city parcel is described as 250516AD01101.

3.2.110 Vehicular Access and Circulation.

A. Intent and Purpose.

1. *The intent of this section is to manage vehicle access to development through a connected street system with shared driveways, where practicable, and circulation systems that allow multiple transportation modes and technology, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways [See Transportation System Plan adopted November 2006]. Major roadways including highways, arterials, and collectors, serve as the primary system for moving people and goods. "Access management" is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This section balances the right of reasonable access to private property with the right of the public to safe and efficient travel.*

2. To achieve this policy intent, county and local roadways have been categorized in the comprehensive plan by function and classified for access purposes based upon their level of importance and function. (See section 3.5, *Infrastructure Standards*) Regulations apply to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. The regulations are also intended to protect the substantial public investment in the transportation system, facilitate economic development, and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

B. *Applicability.* This section applies to all public roads, streets, and alleys within the city and to all properties abutting them.

C. *Access Permit Required.* Access to a public street requires an access permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by city staff based on the standards contained in this section, and the provisions of section 3.5, *Infrastructure Standards*. Access permit applications are available at Sutherlin City Hall.
2. Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT) except when ODOT has delegated this responsibility to the city. The city will coordinate with ODOT on such permits as necessary.
3. Permits for access to county highways shall be subject to review and approval by Douglas County. The city will coordinate with the county on such permits as necessary.

FINDING: The proposed parcels have frontage on a city-owned tax lot that adjoins East 4th Avenue which is a city street. 4th Street is identified in the Sutherlin TSP as a residential collector street with a planned upgrade. The proposed partition does not warrant a change in street classification. At the time of a proposed building permit the three proposed parcels will be required to obtain an access permit from the City of Sutherlin. The land division proposes individual street access for each parcel.

D. *Traffic Study Requirements.* The city or other agency with access jurisdiction may require a traffic study prepared by a traffic engineer to determine access, circulation and other transportation requirements. (See also, section 3.5, *Infrastructure*.)

FINDING: A traffic study is not required for the partition since there will only be minor traffic impact on area streets with the potential for three homes on the three single family parcels. The Sutherlin TSP factored in new population growth including some infill of existing lots.

E. *Conditions of Approval.* The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe, functional, and efficient operation of the street and highway system.

FINDING: The three proposed parcels are not expected to require closing any existing curb cuts.

- F. *Backing Movement.*** *Vehicle access to and from off-street parking areas, except for access to and from residential developments with one (1) or two (2) dwellings, shall not involve backing onto a public street.*

FINDING: The proposed lots are for single family homes therefore there are no back-up access restrictions as described in the above standard. Although no back-up is necessary as proposed.

- G. *Access Standards and Options.*** *When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten (10) feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by the city as a condition of approval.*
1. *Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*
 2. *Option 2. Access is from a private street or driveway developed to city standards and connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A joint maintenance agreement and reciprocal access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. The city may approve a private street under this option by a planned unit development (PUD), provided that public funds shall not be used to construct or maintain a private road, street, or drive. The city may require a public access easement as needed for emergency response access or refuse access.*
 3. *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access if the site abuts an arterial or collector street. Street accesses shall comply with the access spacing standards in subsection I, below.*
 4. *Subdivisions Fronting Onto an Arterial Street. Subdivision lots fronting onto an arterial street shall not receive access onto the arterial street, except when alternate access (i.e., alleys or secondary streets) cannot be provided due to topographic or other physical constraints. In such cases, the city may require that access be provided by consolidating driveways for clusters of two (2) or more lots or for multiple buildings on a lot (e.g., includes flag lots and mid-block lanes).*
 5. *Double-Frontage Lots. When a lot has frontage onto two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. A second access may be permitted only as necessary to accommodate projected traffic volumes. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When a fence or wall is built adjacent to the street in this case, a landscape buffer with trees and/or shrubs and ground cover not less than ten (10) feet wide shall be provided between the fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).*

6. *Important Cross-References to Other Code Sections.* Section 3.6 requires that buildings be placed at or near the front property line in some zones, and driveways and parking areas be oriented to the side or rear yard for multiple family and commercial uses. Section 3.5.110 contains private street standards.

FINDING: The subject parcel is not a double frontage lot, so there is only the option for 4th Avenue to provide access to the land. Future residential development of a single family dwelling on each the three parcels will be required to have off-street parking in accordance with residential standards. Each parcel has access to a public street after crossing a city-owned tax lot. East 4th Avenue is a residential collector street that does not prohibit new access, but controlled access is preferred. The three parcels have adequate street frontage and will be required to locate a driveway that meets the driveway separation standard of 25 feet from another driveway. Parcel 3 is a proposed large flag lot with a 25' wide frontage for a private access driveway to the street.

A reciprocal access easement is not required with this request, but may be later if the large Parcel three in rear is divided again in the future. The development of street frontage improvements on 4th Avenue are not necessary as the street is currently in relatively good condition with pavement, curb and sidewalks that provide a safe, functional and efficient operation of the street system.

- H. *New Street.* The city may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when access cannot otherwise be provided from an existing street, in conformance with city standards. The city considers the development impact in considering whether a new street is needed. See also Section 3.5 Infrastructure Standards.

FINDING: The City finds that proposed parcels have access to East 4th Avenue by way of a city-owned tax lot in the configuration of a street. East 4 Street has a 60' right-of-way. The street is not constructed to complete collector street standards. The right-of-way width needs to be increased to accommodate collector street design standards. The City Engineer recommends an additional four (4) feet of right-of-way dedication across the subject parcel's frontage.

According to the City TSP, E. 4th Avenue will extend west to State Street and eventually further west to 6th Avenue terminating at Comstock Road. 4th Avenue is designated a collector street and is planned to upgrade to collector street standards including bike lanes and sidewalks.

Since the subject area is generally developed and streets are improved, the most likely method for future 4th Avenue street improvements to meet collector design standards would be through a city-funded project, or a local improvement district. It may not be practical or desirable to require said improvements on a parcel-by-parcel basis. A Waiver of Remonstrance for participation by the three parcels in future street improvements to 4th Avenue will assure all adjoining properties in an improvement district pay their fair share.

- I. *Access Spacing.* Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of twenty-five (25) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials).
2. Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the city's transportation system plan.
3. Special Provisions for All Streets. Direct street access may be restricted for some land use types. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the city, county or ODOT for the purpose of protecting the function, safety and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

FINDING: A driveway access location for the parcels will not be determined until a building is proposed on the parcel. The Development Code requires that driveway access separation widths comply with the Sutherlin TSP. But the TSP does not have additional driveway separation standards for a collector street. Therefore as described above, a future driveway onto 4th Avenue must be separated from another driveway by 25'. Parcels 2, 3 and future parcels to the north will access a city street or share one driveway and can satisfy the 25' separation distance. As described in this report other code provisions restrict full development of Parcel 3 without city street frontage.

- J. Number of Access Points.** For single-family (detached and attached), two (2) family, and three (3) family housing types, one (1) street access point is permitted per lot; except that two (2) access points may be permitted for two (2) family and three (3) family housing on corner lots (i.e., no more than one (1) access per street), subject to the access spacing standards in subsection I, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with section K, below, in order to maintain the required access spacing, and minimize the number of access points.

FINDING: The City finds that proposed three single family parcels will be allowed one access point onto 4th Avenue, subject to the 25'street driveway access separation width minimum.

- K. Shared Driveways.** The number of driveways intersecting a public street shall be minimized by the use of shared driveways on adjoining lots where feasible. The city may require shared driveways as a condition of land division or site plan review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. *Access easements and joint maintenance agreements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including any pathways and landscaping along such driveways, at the time of final plat approval (section 4.4) or as a condition of site development approval (section 4.3).*

FINDING: The City finds the proposed 3 parcels can each have legal access to 4th Avenue.

L. *Street Connectivity and Formation of Blocks Required.* *In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:*

1. *Block Length and Perimeter. The maximum block length and perimeter, measured along the property/right-of-way line, shall not exceed:*
 - a. *Residential Zoning. Six hundred (600) feet length and one thousand eight hundred (1,800) feet perimeter unless the previous adjacent layout or topographical conditions justify a variation;*
 - b. *C-1 Zoning. Four hundred (400) feet length and one thousand four hundred (1,400) feet perimeter;*
 - c. *C-3 Zoning. Six hundred (600) feet length only.*
 - d. *Industrial Zoning. No Standard.*

Figure 3.2.110L Street Connectivity and Formation of Blocks

2. *Exception. Exceptions to standards in subsection L1 may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of section 3.2.120.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.*

FINDING: The above standard does not apply to the proposed land division because there is no planned street connectivity through the subject parcel or undeveloped land on or adjoining the subject parcel. There is an adequate street grid in place in the subject area.

M. *Driveway Openings.* *Driveway openings shall be the minimum width necessary to provide the required number of vehicle travel lanes (ten (10) feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:*

1. *Single family, two (2) family, and three (3) family uses shall have a minimum driveway width of ten (10) feet, and a maximum width of twenty-four (24) feet, except that one (1) recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than seven thousand (7,000) square feet of area.*
2. *Multiple family uses with between four (4) and seven (7) dwelling units shall have a minimum driveway width of twenty (20) feet, and a maximum width of twenty-four (24) feet.*
3. *Multiple family uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more parking spaces, shall have a minimum driveway width of twenty-four (24) feet, and a maximum width of thirty (30) feet. These dimensions may be increased if the City determines that more than two (2) lanes are required based on the number of trips generated or the need for turning lanes.*

4. *Access widths for all other uses shall be based on ten (10) feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in chapter 3.4.*
5. *Driveway aprons (when required) shall be constructed of concrete to city standards and shall be installed between the street and the driveway or private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three (3) feet in width, with a cross slope not exceeding two (2) percent.*

FINDING: The above standard permits one driveway for each parcel that is a minimum of 10 wide and a maximum of 25' wide, which is required to be illustrated at the time of a building permit. If Parcel 3 becomes a flag lot the driveway must be 25' wide. The proposed partition illustrates 26' of width but there is actually an existing 25' easement, which provides the minimum width.

- N. *Fire Access and Parking Area Turn-Arounds.*** *A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than one hundred fifty (150) feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.*

FINDING: The Fire District has been notified and had no comments or concerns with this request. The proposed re-division plan illustrates that a shared driveway to the northernmost parcel will exceed 150 feet. Therefore, future division of Parcel 3 will be required to illustrate adequate fire equipment access and turn around area.

- O. *Vertical Clearances.*** *Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of thirteen (13) feet six (6) inches for their entire length and width.*

FINDING: This standard is not applicable.

- P. *Vision Clearance.*** *No signs, structures or vegetation in excess of three (3) feet in height shall be placed in "vision clearance areas", as shown in figure 3.2.110P. The minimum required vision clearance area may be increased by the city upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).*

FINDING: This standard is not applicable since new signs or structures are not proposed.

- Q. *Flag Lots.*** *Flag lots may be created where the configuration of a parcel does not allow for standard width lots. A flag pole access drive may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots. A drive serving more than one lot shall conform to the standards in subsections 1-4 below:*

1. *Driveway and Lane width of all shared drives and lanes shall be twenty (20) feet of pavement with a minimum lot frontage width of twenty-five (25) feet wide throughout the driveway;*

2. Easement. Where more than one (1) lot is to receive access from a flag pole drive, the owner shall record an easement granting access to all lots that are to receive access. The easement shall be so indicated on the preliminary plat;
3. Maximum Drive Lane Length. The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty (150) feet without an emergency turnaround approved by the city; and
4. Area Calculation. The flag pole portion of a lot shall not be counted for the purpose of meeting lot area requirements or determining setbacks.

FINDING: Flag lots may be created where the configuration of parcel does not allow for standard width lots. A flag lot is not necessary for this parcel that has an estimated 190' of frontage. If Parcels 1 and 2 were each redrawn with a narrower lot frontage then Parcel 3 would not need to be a flag lot because it too would have at least 50' of frontage. In addition, Parcel 3 could be divided into more than two additional parcels in the future. If a future partition is proposed to Parcel 3 the driveway length will exceed the maximum length of 150' and will only be allowed to divide into two parcels because of the two-lot shared driveway maximum and the requirement for a fire turnaround. In order to avoid the need for code variances in the future, it is recommended that Parcel 3 be re-drawn with a minimum 50' street frontage.

- R. Construction.** The following standards shall apply to all driveways and private streets:
1. Surface Options. Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable surfacing; alternatively, a durable non-paving material such as pavers, or other materials approved by the city may be used to reduce surface water runoff and protect water quality.
 2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.
 3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be constructed to city standards and paved with concrete surfacing. See subsection M, above.

FINDING: Future homes on the proposed parcels are required to meet the requirements of the surface and storm water improvements of this section.

INFRASTRUCTURE STANDARDS

SECTION 3.5.100 Purpose and Applicability.

- A. **Purpose.** This section provides planning and design standards for transportation, sewer, water, and storm drainage infrastructure.
- B. **When Standards Apply.** All development shall be served with adequate infrastructure including transportation, sewer, water, and storm drainage, in conformance with this section and consistent with the city's engineering design criteria.
- C. **Standard Specifications.** The city of Sutherlin general engineering requirements and standard specifications for street, storm drain, sewer, and waterline construction are incorporated in this code by reference.
- D. **Conditions of Development Approval.** No development may occur unless required public infrastructure is in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not

voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

FINDING: City sanitary sewer and water service is available to the parcels from existing lines in 4th Avenue. There are two water lines shown on the applicant's Re-Division Plan that should be corrected to be one line.

Section 3.5.110: Transportation Standards.

- A. Purpose.** *The purpose of this section is to implement the Transportation System Plan and protect the City's investment in the public street system. Upon dedication of streets to the public, the City accepts maintenance responsibility for the street. Failure to meet City standards may place an undue maintenance burden on the public, which may be only marginally benefited by the street improvement. Variances to street standards must be evaluated in this context.*
- B. Development Standards.** *No development shall occur unless the development has frontage onto or approved access from a public street, in conformance with the provisions of section 3.2, Access and Circulation, and the following standards are met:*
 - 1. Private streets shall not be permitted, except as approved by a PUD. In approving a private street as part of a PUD the city must find that construction of a public street is impractical and the street will be constructed to a standard that approximates the city standards for public streets, except as modified to address physical site constraints. The city shall not be responsible for maintaining or improving any private street.*
 - 2. Streets within and/or adjacent to a development shall be improved in accordance with the comprehensive plan, transportation system plan and the provisions of this section, as determined by the city.*
 - 3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County or County jurisdiction.*
 - 4. New streets and private streets shall be paved.*
 - 5. The city may accept a future improvement guarantee (e.g. owner signs and records a city approved agreement to participate in local improvement assessment) in lieu of street improvements if one (1) or more of the following conditions exist:*
 - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;*
 - b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*
 - c. The improvement would be in conflict with an adopted capital improvement plan;*
 - d. Requiring the applicant to bear the full cost of improvement would exceed the rough-proportionality standard in section 3.5.100D; or*
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new street.*

FINDING: The City finds that since the subject area is generally developed and streets are improved, the most likely method for future 4th Avenue street improvements to meet collector design standards would be through a city-funded project, or a local improvement district. It may not be practical or desirable to require said improvements on a parcel-by-parcel basis. A Waiver of Remonstrance for participation by the three parcels in future street improvements to 4th Avenue will assure all adjoining properties in an improvement district pay their fair share.

- C. *Creation of Rights-of-Way for Streets and Related Purposes.*** *Streets shall be created through the approval and recording of a final subdivision or partition plat, or quit claim deed, provided that the street is deemed essential by the city for the purpose of implementing the comprehensive plan / transportation system plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the city and shall name "the public," as grantee.*

FINDING: The City finds that no new streets are proposed by the subject land partition. East 4th Avenue has an existing 60 foot right-of-way which is within the collector street right-of-way range of 58' to 62' for a residential street. However, the City finds that an additional dedication from the subject site frontage adjoining 4th Avenue is required to provide for the planned residential collector street improvements that include two travel lanes, two parking lanes, two planter strips, two sidewalks and a bike lane. Therefore an additional four (4) feet of right-of-way shall be dedicated to 4th Avenue on the subject parcel's street frontage.

In addition, the City finds that the planned flag lot for Parcel 3 is not necessary due to the existing lot configuration and would restrict re-division of that parcel to meet flag lot specifications. Further, a narrow private driveway to Parcel 3 will exceed the maximum private driveway length without a turnaround when it is divided in the future.

- E. *Street Location, Width and Grade.*** *Except as noted below, the location, width and grade of all streets shall conform to the transportation system plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:*

1. *Street grades shall be approved by the city, in accordance with the design standards in subsection N, below; and*
2. *Where the location of a street is not shown in an existing street plan (see subsection H), the location of streets in a development shall either:*
 - a. *Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this section; or*
 - b. *Conform to a street plan adopted by the city council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

FINDING: The City finds widening the Parcel 3 frontage to meet the minimum R-1 standard will better serve the full development of that parcel in the future.

Further, the City finds that right-of-way dedications along the parcel's 4th Avenue frontage is necessary and practical to meet the Transportation System Plan and street Capital Improvement planned upgrade to 4th Avenue. However, due to the limited frontage and good condition of the existing street it is impractical to require 4th Avenue street improvements with this partition proposal. In the event that a local improvement district is formed in the future to upgrade the 4th Avenue improvements to meet full city street standards, the applicant is required to participate in the improvements as provided for in the local improvement district provisions of the City. This should be a condition of approval.

F. Minimum Rights-of-Way and Street Sections. *Street rights-of-way and improvements shall be the widths in Table 3.5.110. A variance shall be required in conformance with section 5.2.110 to vary the standards in Table 3.5.110. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:*

1. *Street classification in the comprehensive plan/transportation system plan;*
2. *Anticipated traffic generation;*
3. *On-street parking needs;*
4. *Sidewalk and bikeway requirements based on anticipated level of use;*
5. *Requirements for placement of utilities;*
6. *Street lighting;*
7. *Minimize drainage, slope, and wetland impacts;*
8. *Street tree location, as provided for in section 3.3;*
9. *Protection of significant vegetation, as provided for in section 3.3;*
10. *Safety and comfort for motorists, bicyclists, and pedestrians;*
11. *Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;*
12. *Access needs for emergency vehicles; and*
13. *Transition between different street widths (i.e., existing streets and new streets), as applicable.*

(See Table 3.5.110F Street and Parkway Design Standards)

FINDING: The existing 60 feet of 4th Avenue right-of-way adjoining the subject site needs to be widened to provide proper alignment and width for the planned upgrade to 4th Avenue described in the City Transportation System Plan.

H. Future Street Plan and Extension of Streets.

1. *The City shall require the submittal of a future street plan in conjunction with an application for a subdivision or partition when the subject request could affect development of the city's future street system. The purpose of the future street plan is to facilitate orderly development of an interconnected street system, provide greater certainty to the city and neighboring property owners, and allow for future growth in conformance with the comprehensive plan and transportation system plan. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within six hundred (600) feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development*

2. *Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the city determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. Developers are encouraged to also install conduits for other utilities in coordination with those utilities. The point where the streets temporarily end shall conform to a-c, below:*
 - a. *These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.*
 - b. *A reflective barricade (e.g., fence, bollards, or similar vehicle barrier) shall be constructed at the end of the street by the partitioner or subdivider and shall not be removed until authorized by the city or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.*
 - c. *Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over one hundred (150) feet in length.*

FINDING: The City finds there are no planned street connections on or adjoining the subject property at this time.

I. *Street Alignment and Connections.*

1. *Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than three hundred (300) feet on such streets are created, as measured from the centerline of the intersecting streets.*
2. *Spacing between local street intersections shall have a minimum separation of one hundred twenty-five (125) feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.*
3. *All local and collector streets that abut or stub to a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen (15) percent for a distance of two hundred fifty (250) feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.*
4. *Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.*
5. *In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in chapter 3.2, Access and Circulation. The maximum block length shall not exceed:*
 - b. *Commercial districts – Four hundred (400) feet;*

Exceptions to the standards in a-b may be granted when an access way is provided at or near mid-block, in conformance with the provisions of section 3.2.120A.

FINDING: The City finds that no new streets, subdivisions or developments are proposed with this partition request, therefore this criterion is not applicable. If a public street is ever extended to Parcel 3 it will be separated from the next public street by 150 feet, which meets the above street separations policy.

- K. *Intersection Angles.*** *Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:*
- 1. Streets shall have at least twenty-five (25) feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;*
 - 2. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle; and*
 - 3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than twenty (20) feet.*

FINDING: This section is not applicable because no new street sections are planned to be built. If a local public street is ever extended to Parcel 3 it will be at a right-angle to 4th Avenue. It will be required to have a corner radius of not less than 20 feet at the intersection.

- L. *Existing Rights-of-Way.*** *Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of partition, subdivision, or development, subject to the provision of section 3.5.100D.*

FINDING: The city has found that an additional 4 feet of dedicated right-of-way is required for East 4th Avenue as discussed in this report.

- M. *Cul-de-sacs.*** *A dead-end street shall be no more than four hundred (400) feet long, and shall only be used when open space (e.g., street ends at park or greenway), environmental, or topographical constraints; existing development patterns; or compliance with other standards in this code preclude street extension and through circulation. Such dead-end-street shall conform to all of the following standards:*
- 1. The city may require a dead-end or cul-de-sac street to stub to the outer property line of the development when future street extension may be possible through redevelopment of an adjacent property (e.g., existing development on adjacent property could redevelop and allow extension in foreseeable future).*
 - 2. All cul-de-sacs exceeding one hundred fifty (150) feet shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a radius of no less forty (40) feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and*
 - 3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

FINDING: A cul-de-sac or dead end street is not proposed at this time.

- N. *Grades and Curves.*** *Grades shall not exceed ten (10) percent on arterials, twelve (12) percent on collector streets, or twelve (12) percent on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet) when approved by the city engineer, and:*
- 1. Curb radii shall not be less than seven hundred (700) feet on arterials, five hundred (500) feet on major collectors, three hundred fifty (350) feet on minor collectors, or one hundred (100) feet on other streets; and*
 - 2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization shall provide a landing averaging five percent or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement.*

FINDING: This section is not applicable at this time.

- O. *Curbs, Curb Cuts, Ramps, and Driveway Approaches.*** *Concrete curbs, curb cuts, wheelchair and bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in section 3.2 Access and Circulation.*

FINDING: This section is not applicable because no new curb cuts or driveways are to be built.

- P. *Street Names.*** *No street name shall be used that duplicates or could be confused with the names of existing streets in the vicinity of the city, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers. Street names shall conform to section 12.24, as amended, of the Sutherlin Municipal Code.*

FINDING: This section is not applicable because there are no new streets proposed that need to be named.

- Q. *Filed Street Survey and Survey Monuments Required.*** *Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be reestablished and protected and required street survey(s) have been filed.*

FINDING: This section is not applicable because there are no proposed street improvements.

- R. *Street Signs.*** *The city, county or county with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.*

FINDING: This section is not applicable.

- S. *Mail Boxes.*** *Plans for mail boxes to be used shall be approved by the United States Postal Service.*

FINDING: This section is not applicable because no structures are proposed.

T. *Street Light Standards.* *Street lights shall be installed in accordance with city standards.*

FINDING: This section is not applicable because new development of the site is not being considered.

U. *Street Cross-Sections.* *The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final city acceptance of the roadway.*

1. *Sub-base and leveling course shall be of select crushed rock;*
2. *Surface material shall be of Class C or B asphaltic concrete;*
3. *The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and*
4. *No lift shall be less than one and one half (1 ½) inches in thickness.*

FINDING: This section is not applicable because there are no proposed streets.

4.4.140 Approval Criteria - Tentative Plan. The city shall approve, approve with conditions or deny a tentative plan based on the following approval criteria:

A. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

FINDING: The City finds this criterion is not applicable because a subdivision is not proposed and partitions are not named.

B. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to uniformly transition to such facilities in existing or approved subdivisions and partitions on adjoining property as to width, general direction and in all other respects.*

FINDING: The City finds that East 4th Avenue is an east-west residential collector street and the Sutherlin TSP designates this section of the street is to be upgraded with sidewalks and bike lanes. The City finds that a 4-foot dedication on the 4th Avenue frontage is required to meet the planned upgrade improvements and waiver of remonstrance attached to the title of each proposed parcel for a possible future LID to finance the improvements is required as a condition of approval.

C. *Lot Size and Residential Density.* *The subdivision meets the lot size and residential density standards required by the zoning district (chapter 2)*

FINDING: The City finds the R-1 residential lot size standards have been met as discussed earlier in this report. The R-1 density standards encourage up to 6 dwelling units per net acre of land. The 1.6 acre parcel is adding 2 potential dwelling units to the housing inventory which is within the R-1 density minimum-maximum of 0-6 dwellings per acre. However, up to 9 or 10 lots are permitted on the site. It is recommended that the frontage width for Parcel 3 be widened to R-1 width standards, which will also maximize re-division opportunities for that parcel in the future.

- D. When dividing a tract into large lots or parcels (i.e. greater than two times or 200 percent the minimum lot size allowed in the underlying zoning district, the lots parcels are of such size, shape and orientation as to facilitate future re-division in accordance with the requirements of the zoning district and this code.*

FINDING: The City finds the underlying minimum lot size in the R-1 zone is 7,500 square feet and that the above lot averaging standard does apply because the proposed lots are between 50% and 300% larger than the minimum. The applicant has provided a Potential Re-division Plan that allows only one more additional lot. Several lots could be built on the 1.66 acre parcel but as proposed the partition is limiting the number of lots due to the flag lot configuration and the wide frontages for Parcels 1 and 2. Further division of this configuration will result in the need for Variances to the flag lot and driveway length limitations.

- E.** *Block and lot standards. All proposed blocks (i.e., one (1) or more lots bound by public streets), lots and parcels conform to the specific requirements below:*
- 1. All lots and blocks shall comply with the lot area, setback, and dimensional requirements of the applicable zoning district (chapter 2), and the standards of section 3.2 Access and Circulation, and the flag lot standards of section 3.2.110 (Q), if applicable.*
 - 2. Setbacks shall be as required by the applicable zoning district (chapter 2).*
 - 3. Every lot shall conform to the standards of section 3.2, Access and Circulation.*
 - 4. The applicant may be required to install landscaping, walls, fences, or other screening as a condition of subdivision approval. See also, chapter 2 Zoning Districts, and section 3.3, Landscaping, Street Trees, Fences and Walls.*
 - 5. In conformance with the uniform fire code, a twenty (20) foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty (150) feet from a public right-of-way or approved access drive. See also, section 3.2 Access and Circulation.*
 - 6. Where a common private drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat and the county clerk's reference number shown on the face of the plat.*

FINDING: The City finds the proposal can comply with the R-1 zone development standards as described earlier in this report. In order to meet the intent of flag lots and comply with the R-1 minimum lot frontage requirements, Parcel 3 shall have 50 feet of street frontage. The proposal has raised no fire access concerns at this time. A fire access turnaround may be required when Parcel 3 is redeveloped in the future.

- E. Minimize Flood Damage.** *All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created*

entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a one hundred (100) year flood plain shall comply with federal emergency management agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.

FINDING: The City finds the property is not located in a designated flood plain.

F. Determination of Base Flood Elevation. *Where a development site consists of ten (10) or more lots, or is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the Director.*

FINDING: The City finds that the subject site is not within a floodplain as indicated on the FEMA map dated 2010. There are no known wetlands on the site.

G. Need for Adequate Utilities. *All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.*

FINDING: The City finds public and private utilities can be made available to the proposed three parcels. The re-division plan shall be revised to illustrate one water line to the rear, rather than two.

H. Need for Adequate Drainage. *All subdivision and partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.*

FINDING: The City finds this criterion is not applicable until such time as a home is proposed on each parcel and provisions for drainage are determined. Generally collection or infiltration of storm water from paved areas is required.

I. Floodplain, Park, and Open Space Dedications. *Where land filling and/or development is allowed within or adjacent to the one hundred (100) year flood plain outside the zero-foot rise flood plain, and the comprehensive plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the city's adopted trails plan or pedestrian and bikeway plans, as applicable. The city shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with section 3.5, and section 3.5.100.D in particular.*

FINDING: The City finds the Sutherlin Comprehensive Plan does not designate the property as flood plain, a future park or open space development. Further no development is proposed on the vacant lots at this time.

- K. *Phased Development.*** *The city may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two (2) years without reapplying for a tentative plan approval. The criteria for approving a phased land division proposal are:*
- 1. Public facilities shall be constructed in conjunction with or prior to each phase;*
 - 2. The development and occupancy of any phase dependent on the use of temporary public facilities shall require city receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.4.180. A temporary public facility is any facility not constructed to the applicable city standard;*
 - 3. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal.*

FINDING: The City finds a development phasing plan is not applicable to the request. The applicant will have two years to finalize the proposed plan, as stated in the conditions of approval.

- L. *Lot Size Averaging.*** *The city may allow residential lots or parcels less than the minimum lot size under the applicable zoning district for projects that provide common open space or active recreation land and facilities. Such open space shall provide public access easements containing paved trails. The lot or parcel sizes shall meet the following:*
- 1. The average area for all residential lots or parcels shall not be less than that allowed by the underlying zone; and*
 - 2. No lot or parcel created under this provision shall be less than eighty (80) percent of the minimum lot size allowed in the underlying zone.*
For example, if the minimum lot size is seven thousand five hundred (7,500) square feet, the following three (3) parcels could be created as part of a single partition application: six thousand (6,000) square feet, seven thousand five hundred (7,500) square feet, and nine thousand (9,000) square feet.

FINDING: The City finds this criterion is not applicable because the partition is for a total of three parcels which exceed the minimum R-1 lot size therefore there is no reason for the applicant to request lot averaging.

- M. *Temporary Sales Office.*** *A temporary sales office in conjunction with a subdivision may be approved as set forth in section 4.10.100, Temporary Uses.*

FINDING: The City finds this criterion is not applicable because a Temporary Sales Office is not proposed for the partition.

- N. *Conditions of Approval.*** *The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require landscape screening between uses, or access reserve strips granted to the city for the purpose of controlling access to adjoining undeveloped properties. See also, section 3.5.100.D (Infrastructure).*

FINDING: The City finds there are conditions necessary to assure the land division is recorded in compliance with City requirements as stated in this report. The conditions are listed below in the decision.

4.4.160 Final Plat Submission Requirements and Approval Criteria.

- A. *Submission Requirements.*** *Final plats shall be reviewed and approved by the city prior to recording with Douglas County. The applicant shall submit the final plat within two (2) years of the approval of the tentative plan as provided by section 4.4.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city. The city will not accept as complete an application for final plat until the tentative plan has been approved.*
- B. *Approval Criteria.*** *By means of a Type I procedure the director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:*
- 1. The final plat complies with the approved tentative plan, and all conditions of approval have been satisfied;*
 - 2. All public improvements required by the tentative plan have been installed and approved by the planning director. Alternatively, the developer has provided a performance guarantee in accordance with section 4.4.180;*
 - 3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;*
 - 4. The streets and roads held for private use have been approved by the city as conforming to the tentative plan and, where applicable, the associated PUD;*
 - 5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and sewage disposal, storm drainage, and water supply systems;*
 - 6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat;*
 - 7. Water and sanitary sewer service is available to each and every lot, is provided; or bond, contract or other assurance has been provided by the subdivider to the city that such services will be installed in accordance with section 3.5, Infrastructure Standards, and the bond requirements of section 4.4.180. The amount of the bond, contract or other assurance by the subdivider shall be*

determined by a registered professional engineer, subject to review and approval by the city; and

8. *The plat contains an affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.*

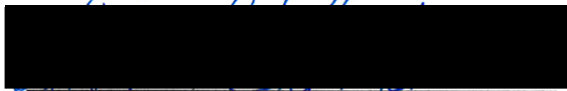
FINDING: The City finds the applicant shall meet final plat submission requirements and approval criteria in the Sutherlin Development Code Section 4.4.160 listed above. The applicant shall conform to all applicable requirements of Section 3.5 Infrastructure Standards of the Sutherlin Development Code.

The City of Sutherlin Community Development Director has approved PAR-14-03 Tentative Partition Plan dated October 2014 as submitted by Gordon Avery and with conditions set forth in the above findings and summarized as follows.

CONDITIONS OF APPROVAL

1. The applicant shall meet all requirements of final plat submission and approval criteria in section 4.4.160 of the Sutherlin Development Code. The final plat shall be filed within two (2) years of this approval.
2. The applicant shall comply with applicable local, county, state and federal regulations as applicable to the partition. At the time of a building permit proposal on any of the three new parcels, the permit shall indicate compliance with Development Code Section 2.2 R-1 building setbacks and lot coverage requirements.
3. A City driveway access permit is required for each parcel in conjunction with a building permit. There shall be a minimum 25' of separation between driveways.
4. Where a street or driveway is to be paved, the building permit application shall include provisions for on-site storm water collection or infiltration in accordance with city specifications.
5. The final partition plat shall be revised to widen Parcel 3's 4th Avenue frontage to 50 feet in order to meet the intent of a flag lot and to avoid the need for Variances in the future re-division of that parcel.
6. For each new parcel, the owner shall enter in a Waiver of Remonstrance Agreement with the City agreeing to participate in a local improvement district to upgrade East 4th Avenue to collector street standards if said district is formed in the future. The waivers shall be recorded at Douglas County with the final partition plat.

Decision for Approval:



Vicki Luther
Community Development Director

Jan 13, 2015
Date Approved

Date Mailed Jan 13, 2015

Appeal

The director's decision may be appealed to the planning commission as follows:

1. Whom May Appeal

- a. The applicant;
- b. Any person who was mailed written notice of the director's decision;
- c. Any person who is adversely affected or aggrieved by the director's decision; or
- d. Any other person who participated in the proceeding by submitting written comments.

2. Notice of Appeal

- a. Time for Filing. A notice of appeal shall be filed with the director by 5 p.m. of the 14th day after the date of the notice of decision was mailed.
- b. Content of Notice of Appeal. The content of the appeal shall contain:
 - (1) The appeal form provided by the city;
 - (2) An identification of the planning director decision being appealed, including the date of the decision;
 - (3) A statement demonstrating the person filing the notice of appeal has standing to appeal; and
 - (4) The filing fee

3. **Appeal Procedures.** The notice and hearing procedures for an appeal of the director's decision on a *Type II* application as provided in section 4.2.140.C. - G.

Copies of all evidence used by the director are available for review, and copies can be obtained at cost.

