



**City of Sutherlin  
Planning Commission Meeting  
Tuesday, January 17, 2017  
7:00 p.m. – Sutherlin Civic Auditorium**

**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Welcome New Planning Commission Members**

**Election of Chair and Vice-Chair**

**Approval of Minutes**

December 20, 2016 - Regular Meeting

**Update on City Projects**

**Monthly Activity Report(s)**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7PM  
TUESDAY, DECEMBER 20, 2016**

**COMMISSION MEMBERS PRESENT:** Mike Flick, William Lee, Adam Sarnoski, Michelle Sumner and Floyd Van Sickle

**COMMISSION MEMBERS EXCUSED:** Patricia Klassen and John Lusby

**COMMISSION MEMBERS ABSENT:** None

**CITY STAFF:** Brian Elliott, Community Development Director and Kristi Gilbert, Community Development Specialist, Keith Cubic, City Planner (Douglas County Planning Director) and Lisa Hawley, City Planner

**AUDIENCE:** Sam and Gladys Robinson, Steve Houde, Nanette and Adam Haley and Steve Lovemark

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

**FLAG SALUTE**

**INTRODUCTION OF MEDIA:** None

**APPROVAL OF MINUTES**

A motion made by Commissioner Lee to approve the minutes of the October 18, 2016 Planning Commission meeting; second made by Commissioner Sarnoski.

In favor: Commissioners Flick, Lee, Sarnoski and Chair Sumner

Opposed: None

Motion carried unanimously, with Commissioner Van Sickle abstaining.

A motion made by Commissioner Sarnoski to approve the minutes of the October 18, 2016 Planning Commission workshop; second made by Commissioner Lee

In favor: Commissioners Flick, Lee, Sarnoski and Chair Sumner

Opposed: None

Motion carried unanimously, with Commissioner Van Sickle abstaining.

**QUASI-JUDICIAL PUBLIC HEARING(S)**

1. **HOUDE LIVING TRUST**, request for a 21-lot subdivision to be developed in two phases, and a Class C variance to road standards to extend the length of the dead end street on a 5.40 acre parcel, which is located on the west side of N. Comstock Rd, south of W. Sixth Street and across from the intersection with Robinson Street in the City of Sutherlin. The subject property is described as Tax Lot 800 in Section 18, T25S, R5W, W.M.; Property I.D. No(s). R21776. The property is designated Medium Density Residential by the Sutherlin Comprehensive Plan and zoned (R-2) Medium Density Residential. A portion of the subject property contains identified wetlands. **PLANNING DEPARTMENT FILE NO. 16-S014.**

Chair Sumner opened the hearing, with the disclosure statement; all persons testifying shall be deemed parties to appeal the application and must provide full name and mailing address if they wish to be notified of the decision, continuances, appeals, or procedural actions required by the Code. The Sutherlin Development Code specifies applicable materials to be relied upon in making a decision.

Sumner asked the Commission if there were any conflicts of interest or personal bias; hearing none, she asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, Sumner asked for the Staff Report.

**Lisa Hawley, City Planner**, entered Staff Exhibits 1-11, including the Staff Report into the record. She then indicated that after discussion with Gayle McKillop, Douglas County E911 Addressing, she asked for a written response, which was identified as Staff Exhibit no. 12. Ms. Hawley distributed copies of the letter to the Commission. She then identified the parties in the matter and summarized the Staff Report into the record.

### **APPLICANT'S TESTIMONY**

**Steve Lovemark, Applicant's Representative, i.e. Engineering, 809 SE Pine Street, Roseburg, OR**, stepped forward stated that the subject 5.40 acres would be developed on both sides of the proposed street. He indicated that he and his client worked with the City, Fire Department and State Fire Marshal to reach street development requirements for their proposed street in order to exceed the Development Code and Fire Code length requirements, which exceeded the 20' residential street requirements. Mr. Lovemark expressed concern if the residential street was to connect through to Myrtle Street. It would allow a lot of commercial traffic traveling through a residential neighborhood, so they opted to apply for the Variance to Road Standards. Mr. Lovemark discussed the wetlands on the subject property, noting that they are working to designate one lot specifically to wetlands. Upon receiving their removal-fill permit from the Department of State Lands, they anticipate starting phase one of the subdivision during the summer of 2017. Mr. Lovemark then stated that they concur with the Staff Report and will work with City staff in regards to proposing a new street name.

Chair Sumner asked if they anticipated removing the mature fir trees. Mr. Lovemark stated that it would depend on the locations; for example, if it was located where the road would go, then yes it would be removed. The lot dimensions would also be a deciding factor.

Commissioner Van Sickle asked if they were planning to mitigate the lot with the wetlands in order to develop. Mr. Lovemark indicated that they were planning to mitigate all the wetlands to one lot.

Commissioner Van Sickle asked if they are planning to put up a perimeter fence around the entire subdivision. Mr. Houde stated that they plan on putting a fence between the subject property and the mobile home park, but have no plans to fence the entire subdivision. The fencing would depend on the aesthetics around the individual lots. Commissioner Van Sickle asked the commission to consider a wood fence around the perimeter of the subdivision. Mr. Lovemark stated that the fence should be left up to the developer. Discussion ensued and at the consensus of the commission, they agreed to leave the fencing to the developer's discretion.

## TESTIMONY IN FAVOR

**Sam Robinson, Sutherlin, OR**, stepped forward and stated that he was in favor of the proposed subdivision. He also indicated that there was an existing fence on the north property line, between the subject property and the mobile home park.

## TESTIMONY IN OPPOSITION

There was no testimony in opposition.

With no further testimony, Chair Sumner closed the public portion of the hearing and commenced discussion on the application.

Commissioner Van Sickle asked if they could require a sign that restricted parking during certain times for the street sweeper. Mr. Elliott stated that it would be too difficult to enforce the restricted parking, which is part of the reason for the wider street requirements.

A motion was made by Commissioner Sarnoski and seconded by Commissioner Van Sickle to approve, subject to conditions, the request for a 21-lot subdivision to be developed in two phases, and a Class C variance to road standards to extend the length of the dead end street on a 5.40 acre parcel, which is located on the west side of N. Comstock Rd, south of W. Sixth Street and across from the intersection with Robinson Street in the City of Sutherlin. Planning Department File No. 16-S014.

In favor: Commissioners Flick, Lee, Sarnoski, Van Sickle and Chair Sumner

Opposed: None

Motion carried unanimously

## LEGISLATIVE PUBLIC HEARING(S)

1. **Legislative Amendments** to the text of the Sutherlin Development Code (SDC) include several general revisions to update and/or streamline the code to make it more effective; add a new mixed use zoning district to address mixed use development in the (C-3) Community Commercial and (M-1) Light Industrial zoning districts; and update the City's sign code language.

Chair Sumner opened the hearing, with the disclosure statement; all persons testifying shall be deemed parties to appeal the application and must provide full name and mailing address if they wish to be notified of the decision, continuances, appeals, or procedural actions.

Sumner asked the Commission if there were any conflicts of interest or personal bias; hearing none, and identifying there was no public present she asked for the Staff Report.

**Lisa Hawley, City Planner**, distributed copies of the revised schedule for the legislative amendments, noting that the City Council was scheduled to hold their public hearing on March 13, 2017. She then distributed a summary of the legislative amendments. Ms. Hawley stated the Planning Commission held three workshops on January 19, 2016, August 16, 2016 and October 18, 2016 to review and discuss various items to be included in the proposed amendments. Notice of Proposed Amendments was mailed to the Oregon Department of Land Conservation and Development (DLCD) on November 15, 2016 and mailed to interested agencies and utility providers on November 30, 2016.

To date, Ms. Hawley identified that one written comment was received on the proposed amendments from John McDonald, Development Review Planner, ODOT Southwestern Region. He commented on the proposed new policy to the Public Facilities Element of the Comprehensive Plan regarding the City's support of the future improvement of the Interstate 5/Hwy 138 interchange. This policy was originally adopted by the City in 2002 and had never been added to the Comprehensive Plan. Mr. McDonald recommended changing the language to broaden the policy and simplify it. Ms. Hawley provided a copy of the comments to the Commission.

Ms. Hawley reviewed the three part summary of legislative amendments (See Attached).

Commissioner Van Sickle asked about the maximum height of a fence. He recalled that the maximum height of fences was increased to seven (7) feet tall years prior, so why were those not reflected. Mrs. Gilbert indicated that the current code allows for a maximum of a four (4) foot fence in the front yard and six (6) foot fence on the sides and rear. She stated that through research she had come across proposed amendments that went through the public hearing process at the Planning Commission level, but were never processed through the City Council for adoption; therefore, those proposed amendments were never adopted. She was not certain to the specifics of those proposed amendments, but if the fence was one of the amendments, then that would be why it is not reflected in today's code. Mr. Cubic stated that the fencing code was an urban issue to enhance and maintain visual appearance within a neighborhood and that a six (6) foot fence is pretty standard.

It was the consensus of the Commission to continue with the current fencing code provisions and not increase them to seven (7) feet.

Commissioner Van Sickle expressed concerns with the City Manager having the authority to make minor text corrections to the Comprehensive Plan, Zoning and Subdivision Ordinances and Transportation System Plan as proposed on the summary sheet as amendment number 32, which was to modify Section 4.2.160.D (Scriveners' Errors). Ms. Hawley explained that the current code gave the Planning Director the authority to correct scrivener's errors in adopted findings of fact and decision documents, but no reference was made to enable the Planning Director or City Manager to correct scrivener's errors or make minor text corrections to the City Comprehensive Plan and its association documents or the Sutherlin Development Code. Staff proposed to enable the City Manager to make the minor text corrections, in order to clean up typos or other miscellaneous scrivener's errors. Ms. Hawley clarified that these were minor corrections, which would not change the meaning of the context, but would allow simple fixes without having to go through the entire process that is currently being done.

Discussion ensued regarding who should have the authority to make the corrections.

A motion made by Commissioner Van Sickle to revise proposed amendment item no. 32 on the legislative summary sheet to replace City Manager with Community Development Director; second made by Commissioner Flick.

In favor: Commissioners Flick, Lee, Sarnoski, Van Sickle and Chair Sumner

Opposed: None

Motion carried unanimously

Ms. Hawley continued her review through the legislative amendment summary, noting that item number 33, Update Comp Plan policies and modify Section 2.5.120 in the Industrial district to reflect changes that were adopted by the City in 2002 as part of the UGB expansion to add the 200 acre

industrial site along Stearns Lane. Also, modify the industrial zoning district to add a temporary minimum parcel size required by DLCDD for the 200-acre industrial site along Stearns Lane. Both amendments were adopted by City Ordinances 938 and 942 but were never added to the Comprehensive Plan or Development Code. As stated previously, John McDonald with ODOT commented on the matter, providing a recommendation to update the Comprehensive Plan and Public Facility Plan Policy to read, "The City shall support improvements to Highway 138, and Interstate 5 Interchange 136, as expressed in the "136 Interchange Area Management Plan." As deemed appropriate by the City Council, the City shall identify ways to assist in funding improvements." Mr. McDonald indicated that his concern was that the improvements in the policy are very specific, and we want to avoid specificity in what should be a broad policy statement.

The Commission expressed consensus to making the modification as proposed by ODOT.

A motion made by Commissioner Van Sickle to make the modification, based on ODOT's comments, to amendment item no. 33 on the legislative summary sheet; second made by Commissioner Sarnoski.

In favor: Commissioners Flick, Lee, Sarnoski, Van Sickle and Chair Sumner

Opposed: None

Motion carried unanimously

Mr. Cubic discussed in greater detail the proposed Mixed Use Zone, indicating that he drafted it specific to the City of Sutherlin. Discussion ensued regarding the range of uses it would allow for within the industrial and commercial zones. Individual property owners would have the ability to apply for a zone change giving them the opportunities allowed in the proposed zone.

Chair Sumner identified that there was no one in the audience for public testimony; therefore, she closed the public portion of the hearing.

A motion made by Commissioner Flick to recommend the proposed legislative amendments to City Council for adoption as proposed by Staff, to include the additional changes as referenced in items 32 and 33 of the summary sheet; second made by Commissioner Sarnoski.

In favor: Commissioners Flick, Lee, Sarnoski, Van Sickle and Chair Sumner

Opposed: None

Motion carried unanimously.

## **MONTHLY ACTIVITY REPORT**

**Brian Elliott, Community Development Director**, provided a report in an effort to keep the Planning Commission apprised of recent land use and other relevant activities. (See Attached).

**PUBLIC COMMENT** - None

**COMMISSION COMMENTS** – Commissioners brought various potholes to Staff's attention and inquired about the time frame for construction of Valentine Avenue. Mr. Elliott stated that he would follow up with Public Works regarding the pot holes. He then indicated that he believed the design phase for Valentine Avenue was scheduled for fiscal year 2017/18 and construction during the fiscal year of 2018/19.

Chair Sumner expressed addressing concerns with current addresses on Schoon Mountain Road. A majority of the addresses do not access from Schoon Mountain, rather they access from Mountain View. Mrs. Gilbert stated that she would look into the matter.

**ADJOURNMENT** - With no further business the meeting was adjourned at 9:25 pm.

Respectfully submitted,

---

Kristi Gilbert

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

---

John Lusby, Commission Chair

DRAFT





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

# City of Sutherlin

January 12, 2017

**TO:** Sutherlin Planning Commission  
**FROM:** Lisa Hawley, Community Planner  
**RE:** Additional Modification to the Proposed Legislative Amendments

After last month's Planning Commission meeting, city staff discovered one additional item which needs to be included in the proposed legislative amendments, which will be going to public hearing before the City Council on March 13, 2017.

In addressing the enforcement provisions of the Sutherlin Development Code, we realized that Section 1.4.120 [Penalty] needs to be updated to remove the words "a misdemeanor" from the text. The term "misdemeanor" implies some sort of criminal activity and city staff didn't feel that a violation to the land use development code should constitute a criminal action.

We recommend modifying the text as follows and adding the proposed change to the list of recommended legislative amendments.

**1.4.110 Violations.** *No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this code or any amendment thereto.*

**1.4.120 Penalty.**

- A. Penalty.** *A violation of this chapter is declared to be ~~a misdemeanor~~ punishable by a fine not to exceed \$1,000.00.*
- B. Each violation a separate infraction.** *Each violation of a provision of this code shall constitute a separate infraction, and each day that a violation of this code is committed or permitted to continue shall constitute a separate infraction.*
- C. Abatement of violation required.** *A finding of a violation of this code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.*
- D. Responsible party.** *If a provision of this code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.*

If you have any questions, please feel free to contact me.

See you next week!



# **FOR YOUR INFORMATION**

## **LAND USE ACTIVITY WORKSHEETS**

2016-70	145 Myrtle St, Suite 106
2017-01	1625 W Duke
2017-02	262 Pine St



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

CITY OF SUTHERLIN  
PRE-APPLICATION WORKSHEET  
**CONSTRUCTION**

WORKSHEET NUMBER  <b>2016-70</b>	APPLICANT SIGNS ETC INC 1343 JUSTICE RD CENTRAL POINT OR 97502 541-779-9483	OWNER GARY & LAUREN CAMPBELL/OAK ACRE FARMS 354 CHAMPAGNE CREEK DR ROSEBURG OR 97471 541-733-1618
--	---	--

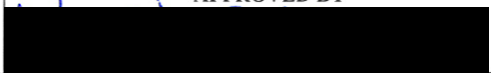
**SITE INFORMATION**

SITE ADDRESS <b>145 MYRTLE ST SUITE 106</b>	TAX ACCOUNT NUMBER <b>R125315</b>	M-TL <b>25-05-19AB-8900</b>	SIZE (ACRES) <b>1.56</b>
IMPROVEMENT <b>WALL SIGN INSTALLATION ON EXISTING COMMERCIAL BUILDING WITHIN COMPLEX</b>			
EXISTING STRUCTURES (NUMBER AND TYPE) <b>COMMERCIAL BLDG COMPLEX</b>		DISTANCE OF BUILDING SITE FROM SURFACE WATER <b>&gt; 50 FEET</b>	
DIRECTIONS FROM CENTRAL AVENUE <b>CENTRAL TO MYRTLE, TO 145 MYRTLE, SUITE 106</b>			
As, for, or on behalf of, all property owners:  Applicant Signature: <u>SEE ATTACHED</u> Date: _____			

**PLANNING DEPARTMENT INFORMATION**

ZONING <b>C3</b>	OVERLAYS <b>None</b>			
<b>SETBACKS</b>				
FRONT GARAGE <b>0FT</b>	FRONT PROPERTY LINE <b>0FT</b>	REAR <b>0FT</b>	SIDE <b>0FT</b>	EXT. SIDE <b>0FT</b>
SIGN CODE <b>SEE CONDITIONS</b>	SPECIAL SETBACK <b>N/A</b>	PARKING SPACES REQUIRED <b>N/A</b>		
BUILDING HEIGHT <b>35 FT</b>	FLOOD PLAIN <b>NO</b>	FLOOR HEIGHT ABOVE GRADE <b>N/A</b>		

CONDITIONS OF APPROVAL: REFER TO: **Douglas County**  
INSTALL 3' X 12' WALL SIGN ON REAR SIDE OF BUILDING AND 3' X 10' WALL SIGN ON FRONT OF BUILDING FOR PHYSICAL THERAPY CLINIC AUTHORIZED WITHIN EXISTING COMMERCIAL BUILDING COMPLEX (PER WS 2016-56). PRINCIPLE FAÇADE WALL SIGN NOT TO EXCEED 1 ½ SQ FT FOR EACH LINEAR FOOT OF BUSINESS FRONTAGE & SECONDARY FAÇADE NOT TO EXCEED 2 SQ FT FOR EACH LINEAR FOOT OF BUSINESS FRONTAGE. SIGN SHALL BE PLACED FLAT AGAINST THE BLDG SUPPORTING THE SIGN AND SHALL NOT BE HIGHER THAN THE ALLOWABLE BUILDING HEIGHT. MUST MEET ZONING REQUIREMENTS.

APPROVED BY 	DATE <b>DECEMBER 21, 2016</b>	EXPIRATION DATE <b>DECEMBER 21, 2017</b>	
PUBLIC UTILITIES	CITY WATER <b>NO</b>	CITY SEWER <b>NO</b>	ACCESS PERMIT <b>NO</b>

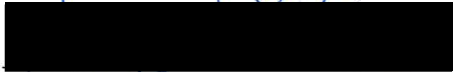


Community Development  
126 E Central Avenue  
Sutherlin, OR 97479  
(541) 459-2856


CITY OF SUTHERLIN  
PRE-APPLICATION WORKSHEET  
**CONSTRUCTION**

WORKSHEET NUMBER  <b>2017-01</b>	APPLICANT <b>HJR CONSTRUCTION 523 TROOST ST ROSEBURG OR 97471 541-784-7900</b>	OWNER <b>SMALLEY TRUCKING 1625 W DUKE RD SUTHERLIN OR 97479 541-459-4838</b>
--	---	---

**SITE INFORMATION**

SITE ADDRESS <b>1625 W DUKE</b>	TAX ACCOUNT NUMBER <b>R44865</b>	M-TL <b>25-05-19BD-03000</b>	SIZE (ACRES) <b>1.09</b>
IMPROVEMENT <b>CONSTRUCT COVERED SIDEWALK ONTO EXISTING SHOP</b>			
EXISTING STRUCTURES (NUMBER AND TYPE) <b>TRUCKING SHOP AND OFFICE</b>		DISTANCE OF BUILDING SITE FROM SURFACE WATER <b>&gt;50 FEET</b>	
DIRECTIONS FROM CENTRAL AVENUE <b>I-5 EXIT 136, PARKHILL RD TO 1625 W DUKE</b>			
As, for, or on behalf of, all property owners:			
Applicant Signature: 		Date: <u>1/3/2017</u>	

**PLANNING DEPARTMENT INFORMATION**

ZONING <b>C3</b>		OVERLAYS <b>None</b>		
<b>SETBACKS</b>				
FRONT GARAGE <b>0 FT</b>	FRONT PROPERTY LINE <b>0 FT</b>	REAR <b>10 FT</b>	SIDE <b>0 FT</b>	EXT. SIDE <b>0 FT</b>
SIGN CODE <b>N/A</b>	SPECIAL SETBACK <b>N/A</b>	PARKING SPACES REQUIRED <b>N/A</b>		
BUILDING HEIGHT <b>20 FT</b>	FLOOD PLAIN <b>NO</b>	FLOOR HEIGHT ABOVE GRADE <b>NA</b>		
CONDITIONS OF APPROVAL: <b>CONSTRUCT COVERED SIDEWALK ONTO EXISTING SHOP BUILDING. NO INCREASE IN EMPLOYEES. MUST MEET ZONE AND SETBACK REQS.</b>				
APPROVED BY 		DATE <b>JANUARY 3, 2017</b>		EXPIRATION DATE <b>JANUARY 3, 2018</b>
PUBLIC UTILITIES		CITY WATER <b>NO</b>	CITY SEWER <b>NO</b>	ACCESS PERMIT <b>NO</b>






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


CITY OF SUTHERLIN  
PRE-APPLICATION WORKSHEET  
**CONSTRUCTION**

WORKSHEET NUMBER  <b>2017-02</b>	APPLICANT <b>KEITH &amp; KARA ENOS 262 PINE ST SUTHERLIN OR 97479 541-817-9222</b>	OWNER <b>KEITH &amp; KARA ENOS 262 PINE ST SUTHERLIN OR 97479 541-817-9222</b>
--	---	---

**SITE INFORMATION**

SITE ADDRESS <b>262 PINE ST</b>	PROPERTY ID NO. <b>R52453</b>	M-TL <b>25-05-17CD-04000</b>	SIZE (ACRES) <b>0.17</b>
IMPROVEMENT <b>INTERIOR REMODEL TO CONVERT EXISTING ATTIC SPACE INTO A BEDROOM</b>			
EXISTING STRUCTURES (NUMBER AND TYPE) <b>EXISTING 1945 SFD, SHED, CHICKEN COOP</b>		DISTANCE OF BUILDING SITE FROM SURFACE WATER <b>&gt;50 FEET</b>	
DIRECTIONS FROM CENTRAL AVENUE <b>CENTRAL TO PINE TO SFD ON THE RIGHT ( ON CORNER OF PINE &amp; SECOND AVE).</b>			
As, for, or on behalf of, all property owners:			
Applicant Signature: 		Date: <u>1/3/17</u>	

**PLANNING DEPARTMENT INFORMATION**

ZONING <b>R2</b>	OVERLAYS <b>None</b>			
<b>SETBACKS</b>				
FRONT GARAGE <b>20FT</b>	FRONT PROPERTY LINE <b>15FT</b>	REAR <b>10FT</b>	SIDE <b>5FT-1 STORY 7FT -2STORY</b>	EXT. SIDE <b>10FT-1STORY 15FT-2STORY</b>
SIGN CODE <b>N/A</b>	SPECIAL SETBACK <b>N/A</b>	PARKING SPACES REQUIRED <b>N/A</b>		
BUILDING HEIGHT <b>35FT</b>	FLOOD PLAIN <b>NO</b>	FLOOR HEIGHT ABOVE GRADE <b>N/A</b>		
CONDITIONS OF APPROVAL:		REFER TO: <b>Douglas County</b>		
<b>INTERIOR REMODEL TO CONVERT EXISTING ATTIC SPACE INTO BEDROOM IN EXISTING 1945 SFD. NO NET INCREASE IN EXTERIOR FOOTPRINT OF SFD. MUST MEET ZONE/SETBACK REQS.</b>				
APPROVED BY 	DATE <b>JANUARY 3, 2017</b>	EXPIRATION DATE <b>JANUARY 3, 2018</b>		
FEES	25.00	RECEIPT #		
PUBLIC UTILITIES	CITY WATER <b>NO</b>	CITY SEWER <b>NO</b>	ACCESS PERMIT <b>NO</b>	