



**City of Sutherlin
Planning Commission Meeting**

Tuesday, February 18, 2020

7:00 p.m. – Sutherlin Civic Auditorium

Agenda

Pledge of Allegiance

Introduction of Media

Approval of Minutes

January 21, 2020 – Regular Meeting

Approval of Findings of Fact and Decision

1. **NICK ALLISON**, request for a Comprehensive Plan Map Amendment from Medium Density to High Density and Zone Map Change from (R-2) Medium Density Residential to (R-3) Multi-family Residential, along with a 20-Lot Subdivision on a 1.71 acre property. **PLANNING DEPARTMENT FILE NO. 19-S016**
2. **MID OREGON BUILDERS**, request for a Major Amendment to Lot 68 of Fairway Estates at Umpqua Golf Resort PUD (PUD-2007-03-16) to the required exterior side (15' to 13'9") and front (15' to 11'8") setbacks. **PLANNING DEPARTMENT FILE NO. 19-S018**

Quasi-Judicial Hearing(s)

1. **BENJAMIN CLAPA**, request for a Zone Map Change from (M-1) Light Industrial to (MU) Mixed Use on a 13.07 acre property located south of State Hwy 138W on Crestview Street and north of W. Duke Road inside the City of Sutherlin. The subject property is described as Tax Lot(s) 1800 and 1898 in Section 19B and Tax Lot(s) 100 and 500 in Section 19BC all T25S, R5W, W.M.; Property I.D. Nos. R22048, R22064, R47105 and R47098. **PLANNING DEPARTMENT FILE NO. 19-S015**

Monthly Activity Report(s)

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7:00 PM
TUESDAY, JANUARY 21, 2020**

COMMISSION MEMBERS PRESENT: William Lee, Richard Price, Adam Sarnoski, Collin Frazier, Elainna Swanson and Norm Davidson

COMMISSION MEMBERS EXCUSED:

COMMISSION MEMBERS ABSENT: Sam Robinson

CITY STAFF: Kristi Gilbert, Community Development Supervisor and Brian Elliott, Community Development Director

AUDIENCE: David Thomas, Steven Montpas, Briann Mantpas, Mike Carlson, Dave Duncan, Walt and Carol Lindner, Luke Van Acker, Tami Normand, Sharon Meyer, Deon Meyer, Steve and Christy Simmons and Nicholas Allison

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

APPROVAL OF MINUTES

A motion made by Commissioner Price to approve the minutes of the December 17, 2019 Planning Commission meeting; second made by Commissioner Frazier.

In favor: Commissioners Sarnoski, Frazier, Swanson, Price, Davidson and Chair Lee

Opposed: None

Excused: None

Motion carried unanimously

QUASI-JUDICIAL PUBLIC HEARING(s)

1. **NICK ALLISON**, request for a Comprehensive Plan Map Amendment from Medium Density to High Density, Zone Map Change from (R-2) Medium Density Residential to (R-3) Multi-family Residential, along with a 20-Lot Subdivision on a 1.71 acre property. **PLANNING DEPARTMENT FILE NO. 19-S016**

Chair Lee opened the hearing, with the disclosure (legal) 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 criteria to be relied upon in making a decision.

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

Kristi Gilbert, Community Development Supervisor, entered Staff Exhibits 1-11, along with the Staff Report into the record. She then identified there were four (4) written comments received as of the mailing of the Staff Report and proceeded to summarize the Staff Report, with the recommendation of option number 1

APPLICANT'S TESTIMONY

Nick Allison, applicant, concurred with the Staff Report submitted and explained the requested change is to accommodate similar amount of units, but with the zone change to R-3 would allow a slightly reduced setback in the rear and side. With clarification from Commissioners, Mr. Allison states they will be meeting and exceeding the requirement. Homes to be built are approximately 1,500 – 1,700 square feet in size. Also proposing to fence the perimeter of the property.

TESTIMONY IN FAVOR

No testimony in favor.

TESTIMONY IN OPPOSITION

Dave Thomas, 1448 Duke Avenue, Sutherlin, stepped forward asking if the City of Sutherlin has a shortage of high density residential? And if so, does this alleviate or improve that. Commissioner Sarnoski responded that yes there is, plus a lot of vacant land within the City is on hillsides with the Residential Hillside (RH) zone. Mr. Thomas then asked if the zone was changed and this proposal was not constructed, could it turn into a trailer park. Mrs. Gilbert responded that the city has already authorized the construction of one (1) structure with the current zoning and the subject property being one (1) tax lot (unit of land), the applications submitted would allow the developer/property owner to be able to build an additional unit, this does not authorize a manufactured home park and the development code (Sutherlin Development Code) does address Mr. Thomas's concerns.

Steve Montpas, 1440 Duke Ave, Sutherlin, had questions or wanting clarification regarding the zoning more specifically to meet easements from property lines. Also had the same concerns as Tom Hammersmith (written comments), if more than a fence for screening could be required. Mr. Montpas also has concerns with the increase traffic and parking per dwelling. Commissioner Price talked about the fence requirements and limitations that are permitted in the Sutherlin Development Code.

RECEIVE NEUTRAL

No neutral testimony present.

APPLICANT'S REBUTTAL

Mr. Allison, stated that their proposal does have adequate parking, each dwelling unit will have a garage, with a full-size driveway, along with street parking and designated parking spaces within the development. He also clarified that they will be fencing the border of the subject property.

With no further testimony, Chair Lee closed the public hearing portion for this application. Commissioner Davidson asked staff about the location of the fire hydrant on the proposed plan, Mrs. Gilbert responded that the fire department commented on the Staff Report and the fire hydrant will be located at the end of phase 1, beginning of phase 2.

A motion was made by Commissioner Price to recommend to the City Council approval of the proposed Plan Map Amendment, Zone Change and 20-Lot Subdivision applications per staff's recommendation of Action Alternative No. 1, with the 25 conditions of approval; Commissioner Davidson seconds the motion.

In favor: Commissioners Price, Frazier, Swanson, Sarnoski, Davidson and Chair Lee

Opposed: None

Motion carried unanimously

2. MID OREGON BUILDERS, request for a Major Amendment to Lot 68 of Fairway Estates at Umpqua Golf Resort PUD (PUD-2007-03-16) to the required exterior side (15' to 13'9") and front (15' to 11'8") setbacks.
PLANNING DEPARTMENT FILE NO. 19-S018

Chair Lee opened the hearing, with the disclosure (legal) 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 criteria to be relied upon in making a decision.

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

Kristi Gilbert, Community Development Supervisor, entered Staff Exhibits 1-11, along with the Staff Report into the record. She then identified there were no written comments received as of the mailing of the Staff Report. Mrs. Gilbert summarized the Staff Report, with the recommendation of action alternative number 1.

APPLICANT'S TESTIMONY

Dave Duncan, representative for the applicant and titleholder, concurred with the Staff Report submitted, but stated that the County (Building Department) standards did not meet the City standards during inspection. He also stated that new standards (procedures) have been put in place so this error does not occur in the future.

Commissioner Davidson asked if visibility was an issue and no vision clearance is an issue. He also asked if these setbacks are altered, does this mean the garage is not meeting the required setback? Mr. Duncan replied that it is still confirming to the required 20' setback. Mrs. Gilbert did explain the process that was in place and that the City has since implemented a new process with all builders to avoid having a situation like this occur in the future.

TESTIMONY IN FAVOR

No testimony in favor.

TESTIMONY IN OPPOSITION

No testimony in opposition.

RECEIVE NEUTRAL

Deon Meyer, 556 Wildcat Canyon Road, stated he is the chairman for this subdivision. He does not have any concerns with this proposal, but wanted to make sure this does not change the setback requirements on the additional vacant lots. Chair Lee stated that this application is specific to the property stated on the application.

Carol Lindner, 586 Wildcat Canyon Road, wanted to make sure a precedence is not set with this proposal. Chair Lee replied that it does not, this application is strictly for this property. Mrs. Gilbert clarified that other properties have gone through different types of Variance applications because of topography, that each unit of land is different and could possibly go through a process if allowed in the Sutherlin Development Code.

APPLICANT'S REBUTTAL

No rebuttal by the applicant.

With no further testimony, Chair Lee closed the public hearing portion for this application.

A motion was made by Commissioner Sarnoski to approve the Major Modification of Lot 68 of Fairway Estates at Umpqua Golf Resort PUD (PUD-2007-03-16) to the exterior and front setbacks per staff's recommendation of Action Alternative No. 1; Commissioner Davidson seconds the motion.

In favor: Commissioners Price, Frazier, Swanson, Sarnoski, Davidson and Chair Lee

Opposed: None

Motion carried unanimously

COMMISSION COMMENTS – Commissioner Frazier asked about the pot hole on Central Avenue. Staff stated it will be fixed, along with the ADA ramps currently being corrected.

ADJOURNMENT - With no further business the meeting was adjourned at 7:53 pm.

Respectfully submitted,

Jamie Chartier, City Planner

APPROVED BY COMMISSION ON THE ____ DAY OF _____, 2020.

William Lee, Commission Chair

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for a Plan Map]	FINDINGS OF FACT AND DECISION
Amendment, Zone Map Change and 20-Lot]	Applicant: Nick Allison
Subdivision for a parcel located S. Comstock]	Subject: Plan Amendment, Zone Change
Road and identified by the Douglas County]	and 20-Lot Subdivision
Assessor as T25S, R5W, S19AC, Tax Lot 5800,]	File No.: 19-S018
Property ID No. R22360]	
Property owner: Jade Dunlap]	

PROCEDURAL FINDINGS OF FACT

1. The Comprehensive Plan Map Amendment, Zone Map Change and 20-Lot Subdivision applications were filed with the City on November 19, 2019, and were deemed complete on December 5, 2019.
2. DLCD Notice of Proposed Amendment was submitted electronically to the Department of Land Conservation and Development on December 12, 2019, which was at least 35 days prior to the first evidentiary public hearing on January 21, 2020. DLCD did not provide comments on the application.
3. Pursuant to Sections 4.2.150.D.4 and 4.2.140.C of the Sutherlin Development Code, notice of the public hearing was given by publication in the *News Review* on January 7, 2020, which was at least fourteen (14) days prior to the date of the public hearing.
4. Notice of a Public Hearing on an application for the Comprehensive Plan Map Amendment, Zone Map Change and 20-Lot Subdivision before the Planning Commission was given in accordance with Sections 4.2.150.D.4 and 4.2.140.C. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on December 12, 2019 and a corrected notice mailed on December 31, 2019. Three (3) written comments on the proposal were received.
5. The Planning Commission held a public hearing on this matter on January 21, 2020.
6. At the public hearing on January 21, 2020, there were no declarations of ex parte contact or other conflicts of interest made by the Planning Commission. No objections were raised and the Commission was qualified to hear the matter.
7. The Planning Commission declared the following as parties to the hearing:
 - a. Nick Allison, Applicant
 - b. Oregon Department of Transportation (ODOT), Micah Horowitz
 - c. City of Sutherlin Public Works, Aaron Swan
 - d. Thomas Hammerschmith, adjacent property owner
8. Reference was made to the January 14, 2020 Staff Report, and findings of fact addressing conformance to the applicable criteria of the Statewide Planning Goals, the applicable goals and policies of the Sutherlin Comprehensive Plan, and the applicable criteria of the Sutherlin Development Code.

9. Planning Staff presented the Staff Report dated January 14, 2020 and entered Staff Exhibits 1-11 into the record.
10. The Planning Commission received clarifying testimony about the proposed development from applicant, Nick Allison. He described the type of dwellings they propose on the property, along with the plan to fence the perimeter. He further stated that the applicant concurred with the staff report and the proposed conditions of approval.
11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from person in favor to the application. No persons were present.
12. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from person in opposition to the application. Dave Thomas spoke on behalf of himself, along with Steven Montpas.
13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. Kristi Gilbert, Community Development Supervisor responded with answers pertaining to the Sutherlin Development Code requirements.
14. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from the applicant. Nick Allison, applicant, addressed these questions and concerns. He went into more detail about the design of each single family dwelling, the parking will exceed the requirements and the fencing will be around the entire boundary of the subject property.
15. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

FINDINGS OF FACT RELATED TO DECISION

Commissioner Davidson expressed concerns with the proposed location of the fire hydrant, city staff noted that the Fire Department responded to the Staff Report requiring the location to be changed. No further objections or concerns were expressed with the proposed Comprehensive Plan Map, Zoning Map Change and 20-Lot Subdivision.

FINDINGS OF FACT

Finding No. 1. The Planning Commission finds the subject property is designated Medium Density in the Sutherlin Comprehensive Plan and zoned Medium Density Residential (R-1) in the Sutherlin Development Code.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated January 14, 2020.

Finding No. 3. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested Comprehensive Plan Map amendment from Medium Density to High Density and Zoning Map Amendment from Medium Density Residential (R-1) to High Density Residential (R-3) is consistent with the applicable Statewide Planning Goals, and that no exceptions to the goals were proposed.

Finding No. 4. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested plan map and zoning map amendment is consistent with the applicable general goals and policies of the Sutherlin Comprehensive Plan and its implementing ordinances, including those related to Natural Features, Population, Air Water and Land Resource Quality, Natural Hazards, Recreational Needs, Economy, Housing, Public Facilities and Services, Transportation System, including Pedestrian and Bicycle Transportation, Energy Conservation and Land Use and Urbanization.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed amendment is consistent with the applicable criteria of Section 4.11 [Amendments] and Section 4.8 [Zoning Amendments] and Section 4.4 [Land Divisions] of the Sutherlin Development Code. The applicant has demonstrated consistency with the Comprehensive Plan, including inventory documents and facility plans. The subject 1.71 acre property is surrounded on all sides by development with residential use(s). Public facilities and services are available to the subject property.

Finding No. 6. The Planning Commission further finds that the applicant has demonstrated that the most intense uses and density that would be allowed outright in the proposed R-3 zone, considering the existing residential development in the area, can be or are already served by the orderly extension of urban services, and that the proposed amendment is consistent with OAR 660-012-0060.

Finding No. 7. The Planning Commission finds that the proposed amendment from Medium Density to High Density is not the result of a mistake or inconsistency, but will be consistent with the existing residential uses surrounding the subject property.

Finding No. 8. The Planning Commission finds that the requested 20-Lot Subdivision was processed along with a Comprehensive Plan Map Amendment and Zone Map Change as a Type IV procedure, subject to applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2, Chapter 3 (Design Standards) and Chapter 4, Section 4.4 (Land Divisions) of the Sutherlin Development Code.

Finding No. 9. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided that the proposed development will substantially meet the approval criteria outline in Chapter 4, Section 4.4 (Land Divisions) for the 20-Lot Subdivision proposal and that appropriate criteria and conditions of approval have been imposed to ensure continued compliance.

Finding No. 10. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed 20-Lot Subdivision development will substantially meet the design standards outlined in Chapter 3, Sections 3.2.100 (Vehicle Access and Circulation) and 3.5.100 (Infrastructure Standards) and the appropriate conditions of approval have been imposed to ensure continued compliance. The Commission further finds the proposed Subdivision will necessitate the construction of a new street, that will be in conformance with the city's residential street standards.

Finding No. 11. The Planning Commission finds, based upon the staff report, application materials and oral testimony provided that the applicant/property owner is trying to make reasonable use of the 1.71 acre property and improve the subject property to meet City Standards, Uniform Fire Code and Sutherlin Development Code.

CONCLUSION

1. A motion was made by Commissioner Price to recommend and seconded by Commissioner Davidson to approve the requested Comprehensive Plan Map Amendment from Medium Density to High Density, Zoning Map Amendment from Medium Density Residential (R-2) to High Density Residential (R-3), along with a 20-Lot Subdivision on the 1.71 acre property and forward the recommendation to City Council. The motion passed unanimously.
2. The Commission adopts the findings of the staff report in support of their decision.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission recommends to City Council the **ADOPTION** of the requested Comprehensive Plan Map Amendment from Medium Density to High Density, Zoning Map Amendment from Medium Density Residential (R-2) to High Density Residential (R-3) and 20-Lot Subdivision on the 1.71 acre property located at 773 S. Comstock Road, subject to the following conditions:

1. The property owner/developer shall submit a final Subdivision Plat which substantially conforms to the approved preliminary Plan in all aspects except as specifically conditioned by the Planning Commission, as well as the general standards and survey plat requirements prescribed by the Sutherlin Development Code. Any alterations shall be reviewed by Community Development Department.
2. The property owner/developer shall meet all requirements of final plat submission and approval criteria in Section 4.4.160 of the Sutherlin Development Code. Each phase is approved for a period of two (2) years, for a total of four (4) years for this approval, unless an extension to the applicable phase is granted pursuant to Section 4.4.120 of the SDC.
3. The property owner(s) shall improve and dedicate the required right-of-way for the interior subdivision street (60 foot right-of-way). The design of the new street shall be modified to include two 11 ft travel lanes, two 7 ft parking lanes, two 6 ft sidewalks and two 6 inch curbs. The new street shall be designed, engineered and constructed in accordance with the standards of the Sutherlin Development Code and
 - i. **Prior to** commencing excavation, site preparation or construction of the road, the applicant shall submit three (3) copies of the design plan for the road, prepared by an Oregon Licensed Professional Engineer, to Community Development for routing to necessary departments for review and consistency with the City's design standards.
 - ii. The City (staff) may require additional information to ensure full compliance with design requirements.
 - iii. The City's Engineer of Record will review the plans submitted, fee is the responsibility of the property owner/developer and they can require additional information/changes to ensure full compliance with city standards.
 - iv. The applicant shall provide a title report showing clear title to the affected strip of land.

4. Prior to final plat approval, property owner/developer shall provide detailed engineered construction plans to be approved by the City of Sutherlin prior to construction. These plans include but are not limited to design of water, sewer, storm water, grading, and erosion control and
 - i. **Prior to** commencing the applicant shall submit three (3) copies of the design plan for the infrastructure improvements, prepared by an Oregon Licensed Professional Engineer, to Community Development for routing to necessary departments for review and consistency with the City's design standards.
 - ii. The City (staff) may require additional information to ensure full compliance with design requirements.
 - iii. The City's Engineer of Record will review the plans submitted, fee is the responsibility of the property owner/developer and they can require additional information/changes to ensure full compliance with city standards.
5. Prior to beginning construction, the property owner(s) of the subject property shall sign a Development Agreement with the City to complete approved improvements located in city right-of-way to city standards. Prior to final plat approval the developer shall install all required improvements as directed by the City, or submit to the City an acceptable agreement for improvements and Irrevocable Letter of Credit or bond mechanism as specified in Section 4.3.170 of the Sutherlin Development Code.
6. Property owner/developer shall install a city standard fire hydrant at the location (at end of Phase 1), as indicated and approved by the City Fire Department to City standards.
7. All utilities shall be designed per standards to be located underground, pursuant to Section 3.5.150 of the Sutherlin Development Code, unless a Type II permit for an exception is filed and approved.
8. Property owner/developer is responsible for and shall install street signs and mailboxes in accordance with city standards.
9. Property owner/developer is responsible for and shall install streetlights within the subdivision, as indicated on preliminary map submitted per city street light policy (Resolution No. 2006-03).
10. Any shared driveways shall be identified on the face of the final plat. Property owner/developer shall provide and record on the plat any reciprocal access and maintenance agreements for any affected lots.
11. Property owner/developer must meet driveway requirements per Sutherlin Development Code Section 3.2.100(M) and 3.2.100(R).
12. Prior to submitting a final subdivision plat, the property owner/developer shall install an engineered, properly sized, and City approved storm drainage system that captures all street and rooftop runoff in the subdivision and pipes it into the existing storm drainage system. The subdivision's storm sewer system shall be designed and constructed to accommodate the existing runoff volumes from the contributory slopes uphill of the subject property.

13. Property owner/developer shall submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after development will not increase as a result of the proposed development. The certification shall further state that the developer will adhere to all applicable storm drainage, grading, erosion, and sediment control requirements. The City may impose conditions of approval and/or require submittal of engineered plans that demonstrate there will be no impact to neighboring properties.
14. Property owner/developer shall obtain a 1200-C NPDES Storm Water Discharge Permit prior to construction as required by the Oregon Department of Environmental Quality.
15. Property owner/developer shall coordinate with the City Public Works for the design and installation of water lines with valves and fire hydrants, and water meters at the property line to city standards.
16. Property owner/developer shall coordinate with the City Public Works for the design and installation of sanitary sewer improvements to city standards.
17. The property owner/developer shall obtain an access permit from the City Director of Public Works for the existing and/or proposed access locations onto S. Comstock Road.
18. All necessary easements shall be shown and referenced on the final subdivision plat. Required recorded easements and agreements, reciprocal easements and maintenance agreements for the shared private drives, storm water drainage easements, public and private utility easements.
 - a. All easements outside of dedicated rights-of-way must be shown and described as to type and use on the face of the final plat.
19. The approved subdivision shall be surveyed and monumented as required by ORS Chapter 92, and a final submission plat prepared for City signature. The final plat shall comply with all applicable provisions of ORS Chapter 92, including the standards of ORS 92.050, the survey and monumenting provisions of ORS 92.060, and the declaration requirements of ORS 92.075. The final subdivision plat shall bear the stamp and signature of the Professional Land Surveyor, and shall include a signature line for the Sutherlin Community Development Director, the Planning File Number, along with signature line(s) for the Douglas County Board of Commissioners.
20. If any covenants are to be placed on the subdivision, the applicant shall provide a copy, including the volume and page(s) of the recording with Douglas County, to the City. The applicant shall place a reference on the final plat indicating any covenant restrictions governing the development of the proposed subdivision.
21. The property owner/developer shall pay \$25.00 fee to the City of Sutherlin for each lot for the issuance of an address and to coordinate this with Community Development.
22. An electronic copy (pdf) of recorded final subdivision plat, to include as-built drawings, shall be submitted to the Sutherlin Community Development Department within 10 days after recording.

23. Subdivision plan or plat approval does not constitute home construction approval. Development of the site shall be subject to review and approval of the City of Sutherlin prior to commencing any home construction or site development work.
24. Development of the property shall be subject to City of Sutherlin System Development Charges (SDCs), as well as applicable SDC credits, and such other permits and fees as may apply.
25. Development of the subject property shall comply with state and federal environmental rules, regulations, and standards, and shall conform to all requirements of the Sutherlin Municipal Code.

ADVISORY STATEMENTS:

1. For the development of the individual lots in each phase, property owner/developer must meet City of Sutherlin private driveway standards of Section 3.2.110.
2. At the time of a building permit proposal on any of the new parcels, the permit shall indicate compliance with Development Code Section 2.2 R-3 building setbacks and lot coverage requirements; and the driveway separation, surface improvement, storm water runoff requirements of Development Code Section 3.2.110 Vehicle Access and Circulation and Section 3.4 Vehicle and Bicycle Parking.
 - a. 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.

DATED THE _____ DAY OF _____, 2020.

WILLIAM LEE, CHAIR

N:\Planning\2019 Land Use\19-S016 Allison PZ, ZC & SUBD\19-S016_Allison_PAZCSUBD_PC FFO.docx

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a Major Modification to
Lot 68 of Fairway Estates at Umpqua Golf
Resort PUD (PUD-2007-03-16) to the
required exterior side (15' to 13'9") and front
setbacks (15' to 11'8"). The 0.21 acre unit of
land located on the corner of Wildcat Canyon
Road and Fairway Estates Drive. The
property is identified as Tax Lot 4800 in
Section 18CA, T25S, R5W, W.M.; Property
I.D. No. R135185; and is addressed as 591
Wildcat Canyon Road.

FINDINGS OF FACT AND DECISION

Applicant: Mid Oregon Builders
Re: Major Modification
File No.: 19-S018

PROCEDURAL FINDINGS OF FACT

1. The Major Modification application was filed with the City on December 6, 2019, and was deemed complete on December 16, 2019.
2. Pursuant to Section 4.2.140.C.b of the Sutherlin Development Code, notice of the public hearing was given by publication in a newspaper of general circulation in the City 14 days prior to the public hearing.
3. Notice of the Public Hearing on the Major Modification application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was mailed to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on December 18, 2019. No written comments were received.
4. The Planning Commission held a public hearing on this matter on January 21, 2020.
5. At the public hearing on January 21, 2020, there were no declarations of ex parte contact, bias or other conflicts of interest made by the Planning Commission. No objections were raised and the Commission was qualified to hear the matter.
6. The Planning Commission declared the following as parties to the hearing:
 - a. Dave Duncan, representative for Titleholder
7. Reference was made to the January 14, 2020 Staff Report, and findings of fact addressing consistency to the applicable criteria of the Sutherlin Development Code, including Sections 2.2.120 [Residential Development Standards] and 4.7.120.A [Major Modification].
8. Planning Staff presented the Staff Report dated January 14, 2020, and entered Staff Exhibits 1-11 into the record.
9. The Planning Commission asked questions and received clarifying oral testimony about the requested major modification from Titleholders representative, Dave Duncan.
10. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor to the application. No persons were present.

11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application. No persons were present.
12. The Planning Commission provided an opportunity to receive neutral testimony. Deon Myer spoke on behalf of himself, along with Carol Lindner adjacent neighbors.
13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. None were present.
14. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

FINDINGS OF FACT RELATED TO DECISION

1. The Planning Commission expressed no objections to the proposed Major Modification request. Commission members asked staff if the garage setback is also an issue.
 - a. The garage is meeting the required 20' garage entrance setback.

FINDINGS OF FACT

Finding No. 1. The Planning Commission finds the subject property is designated Low Density by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential by the Sutherlin Development Code

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated January 14, 2020.

Finding No. 3. The Planning Commission finds that the requested Major Modification was processed as a Type III procedure for a Planned Unit Development (PUD), subject to the applicable criteria of Sections 2.2.120 [Residential Development Standards] and 4.7.120 [Major Modification] of the Sutherlin Development Code.

Finding No. 4. The Planning Commission finds the applicant is requesting a major modification to Lot 68 of Fairway Estates at Umpqua Golf Resort PUD to the required exterior side (15' to 13'9") and front (15' to 11'8") setbacks per standards in Section 2.2.120.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the decrease in the exterior side and front house setback will not be materially detrimental to the purposes of the Sutherlin Development Code or to other properties in the same zone or vicinity.

Finding No. 6. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the applicant is requesting a major modification to exterior and front setbacks on a corner lot. The decrease in the required setback will not adversely affect vision clearance. All other development shall meet the requirements of Section 3.2.110.P (Vision Clearance).

Finding No. 7. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed major modification will not adversely affect traffic along the road, nor adversely impact drainage, natural resources or parks any more than would occur if the proposed dwelling were constructed as specified in the development code.

CONCLUSION

1. A motion was made by Commissioner Price and seconded by Commissioner Sarnoski to approve Action Alternative #1 and **APPROVE** the requested Major Amendment to Lot 68 of Fairway Estates at Umpqua Golf Resort PUD to the required exterior side (15' to 13'9") and front (15' to 11'8") setbacks; the motion passed unanimously.
2. The Commission adopts the findings of the staff report in support of their decision.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission **APPROVES** the requested Major Amendment to Lot 68 of Fairway Estates at Umpqua Golf Resort PUD to the required exterior side (15' to 13'9") and front (15' to 11'8") setbacks at 591 Wildcat Canyon Road on the subject 0.21 acre property.

DATED THE _____ DAY OF _____, 2020.

William Lee, CHAIR

19-S018_Mid Oregon_Major Mod_PCfindings.docx



City of Sutherlin

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

February 11, 2020

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **BENJAMIN CLAPA**, request for a Zone Map Change from (M-1) Light Industrial to (MU) Mixed Use on a 13.07 acre property located south of State Hwy 138W on Crestview Street and north of W. Duke Road inside the City of Sutherlin. The subject property is described as Tax Lot(s) 1800 and 1898 in Section 19B and Tax Lot(s) 100 and 500 in Section 19BC all T25S, R5W, W.M.; Property I.D. Nos. R22048, R22064, R47105 and R47098. **PLANNING DEPARTMENT FILE NO. 19-S015.**

INTRODUCTION

The applicant, Benjamin Clapa, is requesting a Zone Map Change from (M-1) Light Industrial to (MU) Mixed on a 13.07 acre property.

The subject property located on the south side of State Hwy 138W on Crestview Street and inside the city limits. The subject property is described as Tax Lot(s) 1800 and 1898 in Section 19B and Tax Lot(s) 100 and 500 in Section 19BC all T25S, R5W, W.M.; Property I.D. Nos. R22048, R22064, R47105 and R47098. A portion of the property contains identified wetlands. There are multiple industrial structures and a caretaker residential home located on the property.

The subject property is designated Light Industrial by the Sutherlin Comprehensive Plan and is zoned (M-1) Light Industrial by the Sutherlin Development Code. It is located in an area of mixed residential, commercial and industrial properties. To the southwest, there are existing single family dwellings (Low Density Residential), to the north adjacent to State Hwy 138W, are vacant commercial zoned properties (Community Commercial) and to the southeast are residential zoned properties developed with single family dwellings.

During the public hearing on February 18, 2020, the Planning Commission will accept public testimony and make a decision on the application after the public hearing. This application is being processed as a Type III procedure for a Zone Change, subject to the criteria of Section 4.8 [Zoning District Map Amendments] of the Sutherlin Development Code. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the Statewide Planning Goals and the general goals and policies of the Sutherlin Comprehensive Plan and the applicable criteria of the Sutherlin Development Code and render a decision on the matter.

PROCEDURAL FINDINGS OF FACT

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on November 18, 2019, and were deemed complete on December 3, 2019.
2. Pursuant to Sections 4.2.150.D.4 and 4.2.140.C, notice of the public hearing was given by publication in the News Review on January 7, 2020, which was at least fourteen (14) days prior to the date of the public hearing.
3. Notice of a Public Hearing on an application for the Zone Map Change before the Planning Commission was given in accordance with Section Sections 4.2.140.C. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on December 11, 2019. Applicant requested a continuance on January 7, 2020, a memo was sent out to all applicable parties on January 7, 2020 noting the hearing change to February 18, 2020.
 - a. Micah Horowitz, Senior Transportation Planner, ODOT Southwestern Region, provided comments on the applicant's proposal as follows:
 - I. *The applicant proposes a zone change of approximately 13 acres described in Zone Change application 19-S015 ("Subject Property"). Compliance with OAR 660.012.0060 requires a Traffic Impact Analysis to assess the impacts to ODOT of the trip generation difference between the existing M-1 zone and the proposed MU zone to ODOT facilities.*
 - II. *Table 9 of the Exit 136 Interchange Area Management Plan identifies Light Industrial Land Use as generating a trip rate of 3 trips per acre. As approximately 10 acres of the Subject Property are undeveloped, these lands shall not exceed 30 trips. In addition, the applicant reports an existing facility generating approximately 40 PM peak hour trips on about 3-acres of site. As such, a full Traffic Impact Analysis shall be conducted by the applicant at such time as the Subject Property exceeds 70 PM peak hour trips.*

Suggested Condition of Approval: Future Development shall not exceed 70 PM Peak hour trips.

- b. Bobbie Jo Srikureja, Brenda A. Robinson and Michael Robinson all adjacent property owner(s)/neighbors' commented as follows:
 - I. *Regarding the City of Sutherlin's vote on Benjamin Clapa's request to rezone his property.*
I stand in opposition to this property being rezoned. Benjamin Clap can only legitimately rezone because of the sewer line I put in. Yet, he continues to hold my development hostage by withholding the promised easement agreement until his demands are met.
When I stepped forward to fund this sewer line, I did so with the verbal agreement from city development that I would be protected.
I request that the city only grant his request to rezone conditioned on his granting the promised easement for the existing sewer line, that he pay his full share of the sewer line costs, that he only be given limited use of the sewer line, as originally specified.

II. Regarding the City of Sutherlin's vote on Benjamin Clapa's request to rezone his property.

I stand in opposition to this property being rezoned. Benjamin Clap can only legitimately rezone because of the sewer line put in by Bobbie Jo Srikureja. Yet, he continues to hold recently constructed houses (such as my homes at 1774 W Duke, 1798 W Duke) hostage by withholding the promised easement agreement until his demands are met.

I request that the city only grant his request to rezone conditioned on his granting the promised easement for the existing sewer line, that he pay his full share of the sewer line costs, that he only be given limited use of the sewer line, as originally specified.

III. Regarding the City of Sutherlin's vote on Benjamin Clapa's request to rezone his property.

Dear City of Sutherland,

I stand in opposition to his property being rezoned.

Benjamin Clap can only legitimately rezone because of the sewer line put in by Bobbie Jo Srikureja. Yet, he continues to hold recently constructed homes (such as my home at 1798 W Duke) hostage by withholding the promised easement agreement until his demands are met.

I request that the city only grant his request to rezone, conditional on his granting the promised easement for the existing sewer line, that he pay his full share of the sewer line costs, that he only be given limited use of the sewer line, as originally specified.

- The property owners/neighbors' concerns are duly noted. The approval criteria for this zone change application is outlined in the Sutherlin Development Code and address through out this Staff Report.

- c. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.
4. Present Situation: The subject property is currently developed with multiple industrial shops and a caretaker dwelling.
5. Plan Designation: Light Industrial. The applicant is not requesting a Comprehensive Plan map change with this application.
6. Zone Designation: Light Industrial (M-1). The applicant is requesting a zone map amendment to the Mixed Use (MU) zoning designation.
7. Public Water: The subject property has access to public water from the City of Sutherlin along State Hwy 138W and from W. Duke Road. No additional water service connections are proposed with this request.

8. Sanitary Sewer: The subject property has sanitary sewer from the City of Sutherlin along from an existing sewer line in the right of way of Crestview Street; no new service connections are proposed with this request.
9. Transportation System: State Hwy 138W (W. Central Avenue) is designated an Urban Minor Arterial under the City's Transportation System Plan, and is under ODOT's jurisdiction. W. Duke Road is designated a Local Street under the City's TSP and is currently under joint jurisdiction with the City and Douglas County. Crestview Street is an indentured access and classification at one time was classified as a local street. In history the City vacated a portion of Crestview Street.
10. Transportation Connectivity: The subject 13.07 acre property is currently developed. At this time, direct access onto State Highway 138W via Crestview Street. The IAMP does call for changes on location of access to the subject property. Connectivity will be provided to W. Duke Road, as part of the future development of the property.
11. Pedestrian & Bicycle Access: State Hwy 138W is a designated bicycle and pedestrian ways under the Transportation System Plan (TSP).
12. Overlay: A portion of the subject property contains identified wetlands and is not located within the 100-year flood plain.

Finding: The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Zone Map Change.

APPLICABLE CRITERIA & FINDINGS

Pursuant to Section 4.11.110.C of the Sutherlin Development Code, the proposed amendment to the land use plan's text or map must be (1) consistent to the applicable statewide planning goals as adopted by the Land Conservation and Development Commission (LCDRC), and (2) consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.

Based upon the application materials and information submitted by the applicant and other evidence provided, staff presents the following findings to address the applicable criteria:

CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

1. 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. The City of Sutherlin notifies nearby property owners, publishes a public hearing notice and contact information in the newspaper, and facilitates public participation during the public hearing itself.

2. 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 will be reviewed. The subject property is within the Sutherlin Urban Growth Boundary, no exception to statewide planning goals is necessary.

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

Finding: The subject property is located within the City Limits of Sutherlin and are currently designated for light industrial use. No agricultural lands are affected by this proposal.

4. Goal 4- Forest Lands: To conserve forest lands for forest uses.

Finding: The subject property is located within the City Limits of Sutherlin and are currently designated for light industrial use. No designated commercial or productive timber lands are affected by this proposal.

5. Goal 5- Open Spaces, Scenic and Historic Area, and Natural Resources: To conserve open space and protect natural and scenic resources.

Finding: This proposal will have no significant impact on any of the items of issue in Goal 5. The subject properties are not in an area designated for any of the above goals, and are currently designated for light industrial uses.

Finding: The subject property is not designated in the Comprehensive Plan as an identified or protected open space or scenic and historic area. There are minimal wetlands along the western boarder of a portion of the property that may or may not be located on the subject properties without proper survey. These if located on the subject property (wetlands) will need to be addressed and/or mitigated as part of the future development of the property.

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

Finding: The subject property will not affect the quality of air, water and land resources of the area. This request may actually down zone the properties from light industrial to Mixed Use Industrial, and many of the industrial uses that were previously permitted, which could have most negatively affected air, water and land quality in the area, which may not be utilized with the new Mixed Use Industrial zone. The property is partially developed with no areas of steep slopes. It has available water and sanitary service from the City of Sutherlin.

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

Finding: The subject property is currently under developed and they're not in an area of any known natural hazards. They are not located in a flood hazard zone or in an area of steep slopes. There will be no impact to natural hazards if the plan designation and rezoning are granted.

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

Finding: There are no master plans, identified parks, or recreational areas specifically planned for the subject property. It is not anticipated that the rezoning of the subject property from light industrial to mixed use industrial will negatively impact planned future park sites. In addition, there are currently other parks and recreational facilities within the City of Sutherlin that will meet the recreational needs of the City. There is the Sutherlin Central Park, Hartley Park, and the newly developed Wayne Calder Wetland Conservation Area that borders Sutherlin Creek, as well as the future development of the Ford's Pond recreational site located due west of the subject properties off Church Road.

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

There are no commercially designated lands involved in the proposed application. As identified in the City's 1991 Comprehensive Plan, the City has approximately 630± acres of lands designated for future industrial development. Of this total, 440± acres are designated for heavy industrial and 190± acres is designated for light industrial. The vast majority of these heavy industrial lands are currently located south of the central business district between Calapooia Street and Comstock/Taylor Streets in the south-central portion of the urban growth boundary, while another 200± acre portion is located north-east of the subject property off Stearns Lane.

Finding: The proposed amendment involves amending the zone map from a light industrial use to a more diverse and mixed light industrial use, which will allow a variety of limited commercial uses. The proposed amendment will remove 13.07 acres from light industrial, leaving adequate acres in zoned light industrial, which will have minimal impact on the amount of lands zone for light industrial use within the City and urban growth boundary. The proposed zone change does not remove light industrial uses, just allows for additional commercial and residential components within the zone.

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

Finding: Since the initial adoption of the City's Comprehensive Plan in the early 1980s and the adoption of the current Comprehensive Plan in 1991, the subject properties has been planned and zoned for light industrial uses. Neither were ever planned or proposed for residential development. The rezoning proposed by the applicant will result in a possible increase in residential housing in the due to 50% of the land is eligible for residential use under the zone map change. This is a positive impact on the ability to provide additional residential uses.

11. 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 are located within the City and already have public water and sanitary sewer services available from the City of Sutherlin. Existing fire and police protection are also provided by the City.

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

Finding: The subject property has existing frontage onto W. Central Avenue (State Highway 138W), Crestview Street, and W. Duke Avenue. Per discussion with ODOT, Region 3, access management is planned in the IAMP with an indentured access to HWY 138W. Access/connectivity will be analyzed as part of any future development. The applicant states that under its current use, and using ITE peak hour trip

generation the current use has 6.55 peak hour trips per 1000 sq. ft. being a truck terminal. Using the general light industrial generation .99 trips per 1000 sq. ft. or 1 trip per dwelling in residential there could be a decrease in trip generation. To be transparent a fast food with a drive thru also could be built on the subject property creating a much higher trip generation, but with no frontage a most unlikely use for the property. The application states that no further division of the properties is proposed at this time and no development plans. The applicant following city process that ODOT has concurred on the code traffic impact will be evaluated at the time of development (see next finding).

Finding: Micah Horowitz, Senior Transportation Planner, ODOT Southwestern Region 3, stated in his correspondence dated 2/11/2020:

- I. The applicant proposes a zone change of approximately 13 acres described in Zone Change application 19-S015 (“Subject Property”). Compliance with OAR 660.012.0060 requires a Traffic Impact Analysis to assess the impacts to ODOT of the trip generation difference between the existing M-1 zone and the proposed MU zone to ODOT facilities.
- II. Table 9 of the Exit 136 Interchange Area Management Plan identifies Light Industrial Land Use as generating a trip rate of 3 trips per acre. As approximately 10 acres of the Subject Property are undeveloped, these lands shall not exceed 30 trips. In addition, the applicant reports an existing facility generating approximately 40 PM peak hour trips on about 3-acres of site. As such, a full Traffic Impact Analysis shall be conducted by the applicant at such time as the Subject Property exceeds 70 PM peak hour trips.

Suggested Condition of Approval: Future Development shall not exceed 70 PM Peak hour trips.

Future development of the subject property will require coordination with ODOT to ensure compliance with the access and development standards.

13. Goal 13- Energy Conservation: To conserve energy.

Finding: The subject property is currently used as a truck terminal and repair facility along with a few other light industrial uses and under developed. With this request, the zone designation will change from light industrial to mixed use industrial to accommodate mixed light industrial, commercial, and residential uses. The proposed change will not impact energy conservation.

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

Finding: There will be no negative impact or change in the density as a result of the proposed change and will not adversely affect the existing land use pattern of the area. The subject 13.07 acres are located within the city limits and the Sutherlin Urban Growth Boundary (UGB) and is located in an area of mixed residential, commercial and industrial properties. As noted in previous proposed findings there is a mix of commercial, industrial and residential properties adjacent or near the subject property.

CONSISTENCY WITH SUTHERLIN COMPREHENSIVE PLAN POLICIES & FINDINGS

1. NATURAL & CULTURAL RESOURCES ELEMENT

This subject 13.07 acre site is currently under-developed. The property is located within the City of Sutherlin and is not located in an identified flood zone, with a portion of the property contains identified wetlands. There are no identified geologic hazards or steep slopes on the property. The properties are also not identified as historic sites. They will also have no impact on preservation of any identified mineral and aggregate resources. The application states that the designated wetlands naturally drain into the Cook Creek located west of the property, and without survey may not be located on the subject property at all. Cook Creek drains into the Calapooia Creek.

With regard to conserving vegetation, wildlife and water resources, Policy 5 states that “*residential, commercial and industrial development should be designed and located where it will not burden the area’s water resources or the community’s water delivery system.*”

Finding: It is anticipated that subject property will not adversely burden the City’s water resources. As stated previously, the City currently has an excess of three plus million gallons of potable water available. City water services are available as follows:

- Northside of HWY 138 there is an 18” water main that parallels HWY (available);
- West Duke has an 8” watermain in the centerline abuts the property

With regard to conserving open spaces and promoting the protection of historic sites, structures and objects, Policy 1 states that the “*city shall promote the conservation of open spaces that serve as buffer areas separating residential areas from wholesale commercial, industrial, and other conflicting land uses through the establishment of development covenants and zone designations.*”

Finding: The proposed change from light industrial to mixed use will help to promote Policy 1 by providing an additional buffer area for the nearby residential properties and by no longer permitting the light industrial uses that would have most negatively impacted these nearby residential areas.

2. POPULATION & ECONOMIC ELEMENT

These subject properties are currently under developed. As part of the City’s current comprehensive plan (1991) Economic Element, Land Use Element and Appendix I, the subject sites were designated as light industrial in the original industrial lands inventory.

In the City’s current industrial lands inventory (from the City’s website, www.sutherlinlands.com), there was no mixed use industrial land because it is a recent addition as a zone map. The comprehensive plan is not changed the zone change is still industrial. The language of the development code allows for the same light industrial use with additional commercial and residential(limited) opportunities.

Converting the properties from light industrial to mixed use industrial will allow a mixed variety of light industrial, commercial, and residential uses on the subject property. The Comp Plan, page 30, describes the City’s industrial needs forecast, noting there was a total of 189 acres planned for Light Industrial land and 441 acres planned for heavy industrial for the planning period.

Finding: With regard to the goal to broaden, improve, and diversify the economy while enhancing the environment.

Policy 4 states *“the city shall supply an adequate amount of land with suitable soil and drainage qualities in order to accommodate projected industrial and commercial needs.”*

Finding: Surface water drains into Cook Creek then into the Calapooia Creek. The wetlands will need to be addressed and/or mitigated as part of the future development of the property. Drainage and surface water will have to be addressed as part of any future development and/or site plan review of the two subject properties as a means to minimize any adverse drainage impacts.

Policy 7 states *“the city shall identify and preserve sites for future industrial development.”*

Finding: Converting the proposed 13.07 acres to mixed use industrial will have minimal impact or zero impact on the amount of light industrial lands available within the City. Ample area will still be preserved and set aside of future industrial development along with the zone change does not affect the light industrial uses, but allows for a broadened use of the subject property.

Policy 9 states *“the city shall maintain its capacity of its water, drainage, sewerage, and transportation systems to ensure that a proper infrastructure attractive to industry is in place.”*

Finding: There is existing water and sanitary sewer located along State Highway 138W. Future development of the property has been planned with a new sanitary sewer main running through the subject property. Additional access will be managed by the approved IAMP ensure traffic circulation and safe development of the site. Since there are no development plans for the subject property these systems will need to be evaluated at the time of development.

3. PUBLIC FACILITIES ELEMENT

The public facilities required for the City to function properly include such systems as water, sewer, transportation, solid waste, emergency services, parks and recreation, as well as other public facilities. The purposed of the public facilities element is to systems are designed to provide for needed service expansion in an orderly manner.

With regard to the public facilities goal to provide efficient public facilities and services in an orderly, planned manner so as to meet the needs of City’s residents and businesses, the following policies are applicable to the requested amendment:

Policy 1 states *“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.”*

Finding: City water and sewer, and fire hydrants are located near to or along the property and are maintained by City of Sutherlin.

Policy 2 states *“all large construction projects shall be planned to meet ISO recommended fire flow requirements.”*

Finding: ISO requirements will be reviewed for compliance when future construction plans are being considered.

Policy 12 states *“the city shall provide sewer and water service to areas within the Urban Growth Boundary.”*

Finding: As noted previously, the subject parcel has city water and sewer available. Existing water and sanitary sewer are located near to or along State Hwy 138W and/or W. Duke Road.

Policy 13 states *“the city shall require utilities to use the public right-of-way for future service ways and require utilities to coordinate activities in order to prevent unnecessary duplication.”*

Finding: Upon future development, the city will require utilities to use the public rights-of-way and/or utility easements over the subject properties, as needed for future service. Permits or submissions will be filed at the appropriate time when development is planned.

Policy 14 states *“ensure that as new development occurs, public facilities and services to support the development are available or will be available in a reasonable time.”* Water/sewer, gas, and fire hydrants are already in place. Electricity, internet/cable are available for future development.

Policy 15 states *“all public facility improvements in the Sutherlin Urban Growth Boundary shall be consistent with this plan.”*

Finding: Upon future development of either of the subject property, all public facility improvements required to service the property shall be consistent with the plan.

4. HOUSING ELEMENT

Under the Housing Element’s goal “to locate future housing so that available land is both used efficiently and developed for a high degree of livability,” the following policies are applicable to the requested amendment:

Policy 1 states to *“encourage infilling of the existing residential areas by incentives for new construction in already-serviced areas.”*

Finding: The requested zone change is from light industrial to mixed use industrial. Under the new zone there is a possibility to infill with 50% of the subject property roughly 5 acres of additional residential lands. No additional dwelling sites are planned or requested with this proposal.

Policy 2 states to *“provide buffer zones between residential areas and conflicting land uses (i.e., industrial, certain kinds of commercial, residential, etc.) in order to protect the overall livability of these areas.”*

Finding: The subject property is under singular ownership and is in an area of immense land use diversity with commercial, residential, county industrial all present in the direct vicinity. The zone change will continue the same pattern based on economics of best use for the land that is allowed under the mixed use industrial zone. The reason for the addition to the code is believed to protect the overall livability of the area. This is the first application of such zone change, but in order to approve the amendment to the development code the applicant states that this requirement had to be met for its approval.

5. LAND USE & URBANIZATION ELEMENT

Converting the properties from light industrial to mixed use industrial will allow a mixed variety of light industrial, commercial, and 50% residential uses on the site. In describing the industrial land needs of the city, the 1991 Comp Plan, pages 64-65, describes the inventory process and states that a total of 630 acres of land have been designated by the Comp Plan for future industrial development. Of this total, 470 acres

are located inside the city limits and 160 acres in the unincorporated portion of the UGB; of which 281 acres inside the city limits are designated for heavy industry and 189 acres are designated for light industry. All of the industrially designated land outside of the city limits is planned for heavy industrial use.

In Appendix I [Industrial Lands Inventory Maps] of the 1991 Comp Plan, the subject properties are identified on Map F as part of industrial lands site C-18, with associated Site Evaluation Sheet, and designated as vacant Heavy Industrial land.

Finding: With the zone map change 13.07 acres will be removed from light industrial, which will have minimal or no impact on industrial use because all such uses are available after the zone change.

Under the Land Use Element's goal "to ensure that the development of Sutherlin is properly phased and orderly so that urban sprawl is avoided, livability is enhanced, and enough suitable land is available for future development," the following policies are applicable to the requested amendment:

Industrial Land Use Policies

Policy 1 states to "*provide appropriate public facilities in a timely manner to support industrial development in major manufacturing areas and other compatible locations.*"

Finding: Public water and sewer, and fire protection are already in place to the properties and maintained by the City of Sutherlin.

Policy 2 states to "*encourage industrial uses to locate in the Industrial Park in order to reduce site development costs, maximize operating economies, and achieve a harmonious land use pattern.*"

Finding: The applicant states that their proposal to re-zone the subject property to mix use industrial will be beneficial to the residents, businesses, and the City as a whole in the area and help to achieve a more harmonious land use pattern with the existing uses in the area.

6. TRANSPORTATION ELEMENT & PEDESTRIAN & BICYCLE TRANSPORTATION

Finding: The City's TSP and Interchange Area Management Plan (IAMP) for Exit 136 identify future plans for expansion and widening of W. Central Ave (State Hwy 138W). The planned improvements would also include the installation of identified pedestrian and bicycle path improvements. Future development of the subject properties will require access to largely conform to the IAMP. A TIS or TIA may be required at the time of development. The zone change does not affect the already approved and adopted plans of the City of Sutherlin.

Finding: The traffic impacts from the proposed zone change will be consistent with the traffic impacts and trip rates identified in Table 9 of the City's IAMP. The identified trip rate from light industrial to mixed use (which is three trips/acre for both heavy and light industrial) will remain the same with the zone change. In the future any proposed development on the subject property will need to coordinate all transportation, pedestrian and bicycle improvements with the Oregon Department of Transportation and the City of Sutherlin.

ZONING MAP AMENDMENT STANDARDS

Pursuant to Section 4.8.110.C of the Sutherlin Development Code, the proposed zone map amendment is subject to the following criteria:

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;

Finding: As noted in previous findings, the applicant's proposal will be consistent with all the applicable comprehensive plan policies and implementing ordinances. The City of Sutherlin has adopted the mixed use industrial zone that is consistent with the comprehensive plan.

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

Finding: The application states the proposal to mixed use industrial including the most intense uses and density that would be allowed under the M-1 zoning. There is no expansion of services required due to they were recently upsized or installed on or adjacent to the property. There is adequate capacity in the system. There is no development proposed with this application, but impacts to the systems would be evaluated at the time of development. The applicant states that in conversation with ODOT traffic impact would be consistent with the development code where a TIS or TIA would be required upon development.

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.

Finding: The requested application is not the result of a mistake or inconsistency between the comprehensive plan or zoning district map. This property was originally designated light industrial in the 1980's, when the subject property was a manufacturing facility. Over the years, the area around the subject property has been primarily developed as commercial with a zone change occurring on two adjacent parcels to commercial and one to residential. (Robinson and SutherlinLand,LLC). Those two approvals further quantify the need for the mixed use industrial in this specific area.

Finding: The applicant states the following, in part, to address the impact of the proposal.

"The proposed zone change will allow the same industrial uses before and after the zone change. It is the applicants hope to allow a diverse copasetic development pattern with a mix of commercial, industrial, and residential. The property being highly visible from I-5 and Hwy 138 the current use of a truck terminal is an underutilization of the property. If the approval of the zone change the applicant believes a more attractive commercial use property will probably occur. It may include more residential that fits the pattern along Duke road with commercial along the HWY 138 corridor and I-5. The zone allows each of these uses and the industrial without partitioning and doing a comprehensive plan change".

ACTION ALTERNATIVES

Based on the Applicant's findings, the City Staff Report and the testimony and evidence provided during the public hearing, the Planning Commission can move to either:

1. **APPROVE** the requested Zoning Map Change on the subject 13.07 acre property; subject to the following condition(s):

- a. Future development on the subject property shall not exceed 70 PM peak hour trips. As such, a full Traffic Impact Analysis shall be conducted by the property owner/developer at such time as the subject property exceeds the 70 PM peak hour trips and reviewed and approved by Oregon Department of Transportation (ODOT).
2. **APPROVE** the requested Zoning Map Change with modifications and/or conditions of approval, based on Findings of Fact and/or testimony brought forward through the public hearing, which recognize the approval criteria can be met at this time.
3. **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; or
4. **DENY** the requested Zone Map Change on the subject property, based on Findings of Fact and/or testimony brought forward through the public hearing, on the grounds that the proposal does not satisfy the applicable approval criteria.

CONCLUSION

City Staff recommends that the Planning Commission select Action Alternative No. 1 and **APPROVE** the requested Zone Map Change from (M-1) Light Industrial to (MU) Mixed Use on the subject 13.07 acre property.

STAFF EXHIBITS

1. Notice of Public Hearing with affidavit of mailing
2. Copy of legal notice posted in the *News Review*
3. Property Owners within 100 Feet
4. Staff Report with Responses Attached
5. Zone Change applications and attachments
6. Vicinity Map
7. Assessor Map
8. Comprehensive Plan Map
9. Zoning Map
10. Aerial Photograph
11. Wetlands Map

N:\Planning\2019 Land Use\19-S015 CLAPA ZC\19-S015_Clapa_PAZC_PC staff report.docx



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

City of Sutherlin

Date: February 11, 2020
To: Sutherlin Planning Commission
From: Community Development
Re: Monthly Activity Report

This report is provided in an effort to keep you apprised of recent land use and other relevant activities.

COMMUNITY DEVELOPMENT

Urban Renewal Feasibility Study

The City completed a feasibility study for a Urban Renewal District in December, 2019. Based on the findings of the feasibility study, the City is now moving forward with the Urban Renewal Plan to create the district. Task force meetings will be held in February, March and April. An Urban Renewal Agency meeting will be held in June. The proposed district will also be presented to the Planning Commission in June, followed by potential adoption by the City Council in July and August, 2020.

SDC Feasibility Study

As part of the City Council 2019-2020 Strategic Plan, Council identified an analysis of the City's System Development Charges (SDC's) as a high priority for the City. The Analysis has begun and is anticipated to be completed by late spring, 2020. In order to utilize the most up to date information, staff has recommended postponing the hearing until the Transportation System Plan has been completed. The public hearing is scheduled for May 11, 2020.

Ford's Pond

The 30% design meeting was successful on January 22, 2020 and a 60% design meeting is scheduled for February 12th.

Central Plaza Park

The City of Sutherlin acquired a 25' x 100' lot via a land donation. This subject property is located within our downtown. As a community project, the city reached out to the Sutherlin School District and Sutherlin FFA Chapter, to design a park setting for this property. The students have completed the design and now wish to keep the momentum and enthusiasm going; therefore, would like to construct the project. The design concept involves students of all ages and the community, and will be led by the Sutherlin FFA Chapter. The mission behind this project is to have a place that kids can take ownership by creating and constructing the project from start to finish. Students from the Sutherlin FFA Chapter have presented their design to City Council and with the consensus of Council, the students are ready to carry their positive energy and momentum onto the construction phase of the project. The Sutherlin FFA received Champion FFA Landscape Display at the Douglas County Fair on their design of the project. They did a fantastic job! The City has received a \$25,000 grant in addition to donations to assist with funding the project. This project is scheduled to be completed in June, 2020.

TRANSPORTATION

Central Avenue Paving Improvement

Guido Construction final punch list is near completion.

Valentine Ave Paving Improvement

Knife River final punch list is near completion.

Transportation System Plan (TSP)

Consultants have completed the Draft TSP and Tech Memo 7, Transportation Policy and Code Alternatives. DLCD 35-Day notice was submitted on February 11, 2020. Planning Commission will hold a public hearing on the Draft TSP and Code Alternatives on March 17, 2020.

Sidewalk Replacement/Repair

Central Park and south side of Central Avenue from Beecroft east, sidewalk replacement/repair is under construction.

UTILITIES

Tapani Construction, Inc. is in full swing of construction on the Wastewater Treatment Facility. Construction of the new Everett Pump Station started on March 11, 2019. We are still on schedule; however, the project has been extended 120 days to April, 2020.

NPWTP Disinfection system improvement

Preconstruction meeting was held on June 27, 2019 and project is expected to be completed by March, 2020.

Schoon Mountain Storage Tank and Sixth Avenue & Oak Street Pump station improvements. Bid opening for Construction February 19th @ 2:00 pm

Start Construction (Tentative) Mar. 2020

Complete Construction (Tentative) Nov. 2020

South Calapooia Low Pressure Force Main Sewer Extension Project. Bid opening for Construction February 18th @ 2:00 pm. Should be completed by the end of late summer 2020.

Nonpareil Water Treatment Plant Improvement. Contract awarded on January 27, 2020 to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management.

LAND USE ACTIVITY

Building Worksheets

- 2020-001 on previous Activity Report(s)
- 2020-002 – 271 W Everett Ave – interior remodel of existing Commercial Bldg
- 2020-003 – 2288 Chi Chi Lane – solar panels
- 2020-004 – 2044 Sawgrass Ct – solar panels
- 2020-005 – 1716 Scardi Blvd – SFD
- 2020-006 – 327 S Calapooia St – addition to existing Industrial Bldg
- 2020-007 – 210 Crestview – CIU (existing industrial bldg.)
- 2020-008 – 450 Hawthorne – Accessory Bldg

Active Land Use Applications

- 19-S001 – 19-S018 on previous Activity Report(s)
- 20-S001 – Faith Baptist Church – Class A Variance (sign size)
- 20-S002 – Cooper Creek Estates – P/A; Z/C & LP

Right of Way Applications

- 19-01 – 19-19 on previous Activity Report(s)
- 20-01 – 707 S Comstock Rd - CenturyLink
- 20-02 – 226 Waite St – Avista Utilities