



**City of Sutherlin**  
**Planning Commission Meeting**  
**Tuesday, June 21, 2022**  
**7:00 p.m. – Sutherlin Civic Auditorium**  
**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

May 24, 2022 – Regular Meeting

**Approval of Findings of Fact**

1. **CENTRAL AVENUE INVESTMENTS, LLC** – request for a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (CC) Community Commercial to (R-3) Multifamily Residential on a 0.52 acre property. **PLANNING DEPARTMENT FILE NO. 22-S007.**

**Quasi-Judicial Hearing(s)**

1. **PREMIER HOME CONSTRUCTION, INC**, request for a 29-lot Subdivision, Class B Variance to Housing Density Standard and Class C Variance to road standards on an 8.13 acre property located on the south side of Fort McKay Road, inside the City of Sutherlin. The subject property is described as Tax Lot 1700 in Section 24A, T25S, R6W, W.M., and Property I.D. No. R46405. It is designated Low Density by Sutherlin Comprehensive Plan and zoned (R-1) Low density residential. A portion of the property contains identified wetlands. **PLANNING DEPARTMENT FILE NO. 22-S009.**

**Monthly Activity Report**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7:00 PM  
TUESDAY, MAY 24, 2022**

**COMMISSION MEMBERS PRESENT:** Lisa Woods, Alan Woods, Tom Maloney, Norm Davidson, Adam Sarnoski

**COMMISSION MEMBERS EXCUSED:** None

**COMMISSION MEMBERS ABSENT:** None

**CITY STAFF:** Jamie Chartier, City Planner and Kristi Gilbert, Community Development Supervisor

**AUDIENCE:** None

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

**FLAG SALUTE**

**APPROVAL OF MINUTES**

A motion made by Commissioner Sarnoski to approve the minutes of the March 15, 2022 Planning Commission meeting; second made by Commissioner Davidson.

In favor: Commissioners A. Woods, Sarnoski, Davidson, Maloney and Chair L. Woods

Opposed: None

Excused: None

Motion carried unanimously

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

- 1. CENTRAL AVENUE INVESTMENTS, LLC** – request for a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (CC) Community Commercial to (R-3) Multifamily Residential on a 0.52 acre property located on the north side of E Everett Avenue on the corner with Waite Street, inside the City of Sutherlin. The subject property is described as Tax Lot 500 in Section 16CC, T25S, R5W, W.M., and Property I.D. No. R42547.  
**PLANNING DEPARTMENT FILE NO. 22-S007.**

Chair L. Woods opened the hearing, with reading of the disclosure (legal) statement; app 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 L. Woods asked the Commission if there were any conflicts of interest or personal bias; L. Woods asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, L. Woods asked for the Staff Report.

**Jamie Chartier, City Planner**, identified Fair Housing Council of Oregon (Sarah Bermudez) and the applicant as having party status. Then entered Staff Exhibits 1-11, along with the Staff Report into the record. Mrs. Chartier then proceeded to summarize the Staff Report, with the recommendation of action alternative number 1.

Chair L. Woods while reviewing the entered staff exhibits noticed Thomas McIntosh, is the property owner's representative whom she stated is a land use representative that her and A. Woods have met with regarding their own property.

**APPLICANT'S TESTIMONY** - No testimony present.

**TESTIMONY IN FAVOR** - No testimony in favor.

**TESTIMONY IN OPPOSITION** - No testimony in opposition.

**RECEIVE NEUTRAL** - No neutral testimony.

**APPLICANT'S REBUTTAL**

No rebuttal necessary, questions were answered throughout the hearing.

Closed public portion of the Hearing

**DISCUSSION** – none

A motion was made by Commissioner Davidson to recommend to the City Council approval of the proposed Comprehensive Plan Map Amendment and Zone Change applications per staff's recommendation of Action Alternative No. 1; Commissioner A. Woods seconds the motion.

In favor: Commissioners Davidson, Sarnoski, A. Woods, Maloney and Chair L. Woods

Opposed: None

Excused: None

Motion carried unanimously

**MONTHLY ACTIVITY REPORT** – Chair L. Woods had questions regarding the multi-use stage (half shell), city staff informed her (and the commission) that the decision to rent the multi-use stage would be a decision City Council would have to make. Mrs. Chartier stated that we would let the Commission know the outcome of when and what City Council decides.

**PUBLIC COMMENT** – None

**COMMISSION COMMENTS** – None

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:17 pm.

Respectfully submitted,

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Jamie Chartier, City Planner

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

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Lisa Woods, Commission Chair

DRAFT

**BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN**

IN THE MATTER of a request for a Plan Map  
Amendment and Zone Map Change for a parcel  
located on the corner of Waiter Street and E  
Everett Avenue and identified by the Douglas  
County Assessor as T25S, R5W, S16CC, Tax  
Lot 500, Property ID No. R42547  
Property owner: Central Avenue Investments,  
LLC

] **FINDINGS OF FACT AND DECISION**  
] Applicant: Central Avenue Investments, LLC  
] Subject: Plan Amendment and Zone Change  
] File No.: 22-S007  
]  
]  
]

**PROCEDURAL FINDINGS OF FACT**

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on March 30, 2022 and were deemed complete on April 19, 2022.
2. DLCDC Notice of Proposed Amendment was submitted electronically to the Department of Land Conservation and Development on April 19, 2022 which was at least 35 days prior to the first evidentiary public hearing on May 24, 2022. DLCDC did not provide comments on the application.
3. Pursuant to Sections 4.2.140.C and 4.2.150.D of the Sutherlin Development Code, notice of the public hearing was given by publication in the *News Review* on May 10, 2022, 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 and Zone Map Change before the Planning Commission was given in accordance with Sections 4.2.140.C and 4.2.150.D. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on April 20, 2022. One (1) written comment was received.
5. The Planning Commission held a public hearing on this matter on May 24, 2022.
6. At the public hearing on May 24, 2022, 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. Fair Housing Council of Oregon, Sarah Bermudez
8. Reference was made to the May 17, 2022 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 May 17, 2022 and entered Staff Exhibits 1-11 into the record.

10. Planning Staff referred to the emailed concerns that were raised by the Fair Housing Council of Oregon. To address the concerns, staff explained that the proposed application to a high density comprehensive plan and zone designation would allow the property owner to develop the property at a multifamily level, where as it is today is not an option. Sutherlin (and most of Douglas County) are facing a housing shortage, this would help alleviate the lack of houses in the community and also Sutherlin has minimal multifamily residential zoned property that is buildable.
11. The representative for the applicant and titleholder, Thomas McIntosh, concurred with the Staff Report submitted via an emailed response.
12. The Planning Commission provided an opportunity for clarifying oral testimony about the requested plan amendment and zone change. No persons were present.
13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor and in opposition to the application. No persons were present.
14. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. No testimony was given.
15. 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 Comprehensive Plan Map and Zoning Map Amendments.

### **FINDINGS OF FACT**

Finding No. 1. The Planning Commission finds the subject property is designated Community Commercial in the Sutherlin Comprehensive Plan and zoned Community Commercial (C-3) in the Sutherlin Development Code.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated May 17, 2022.

Finding No. 3. The Planning Commission finds, based upon the staff report, application materials and testimony (email) provided, that the requested Comprehensive Plan Map amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily 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 (emailed) testimony provided, that the proposed amendment is consistent with the applicable criteria of Section 4.11 [Amendments] and Section 4.8 [Zoning Amendments] of the Sutherlin Development Code. The applicant has demonstrated consistency with the Comprehensive Plan, including inventory documents and facility plans. Public facilities and services are available, but currently do not serve 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 and commercial 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 Commercial Community to High Density is not the result of a mistake or inconsistency, but will be consistent with the existing residential and commercial uses surrounding the subject property.

### CONCLUSION

1. A motion was made by Commissioner Davidson to recommend approval and seconded by Commissioner A. Woods to approve the requested Comprehensive Plan Map Amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on the 0.52 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 Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on the 0.52 acre property located on the eastern corner of Waite Street and E. Everett Avenue.

DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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LISA WOODS, CHAIR

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# City of Sutherlin

*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)

June 14, 2022

## **STAFF REPORT**

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **PREMIER HOME CONSTRUCTION, INC**, request for a 29-lot Subdivision, Class B Variance to housing density Standards and Class C Variance to road standards on an 8.13 acre property located on the south side of Fort McKay Road, inside the City of Sutherlin. The subject property is described as Tax Lot 1700 in Section 24A, T25S, R6W, W.M., and Property I.D. No. R46405. It is designated Low Density by Sutherlin Comprehensive Plan and zoned (R-1) Low density residential. A portion of the property contains identified wetlands. **PLANNING DEPARTMENT FILE NO. 22-S009.**

## **STAFF EXHIBITS**

1. Notice of Public Hearing
2. Copy of Legal Notice for the News Review
3. Property Owners within 100 Feet
4. Staff Report with Responses Attached and labels
5. Subdivision, Class B Variance and Class C Variance applications and attachments
6. Vicinity Map
7. Assessor Maps
8. Zoning Map
9. Aerial Photograph



## **INTRODUCTION**

The applicant, Premier Home Construction, INC, is requesting a 29-lot subdivision, a Class B Variance to housing density and a Class C Variance to road standards to extend the length of the proposed cul-de-sac on a 8.13 acre parcel.

The subject property is located on the south side of Fort McKay Road, at its intersection with Schudeiske Road in the City of Sutherlin. It is described as Tax Lot 1700 in Section 24A, T25S, R6W, W.M.; Property I.D. No. R46405. A portion of the subject property contains identified wetlands. There are no structures located on the property.

The subject property is designated Low Density by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential by the Sutherlin Development Code (SDC). It is located in an area of mixed residential, commercial to the northeast and properties located within Douglas County's jurisdiction to the south. Adjacent properties to the north are zoned R-1 and C-3. The property to the northwest is a developed residential neighbor, to the northeast with an existing recreational vehicle (RV) park, while the property to the south are located outside city limits.

The applications are being processed as a Type III procedure for a subdivision, Class B variance to housing density and a Class C variance to road standards. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2 (R-1 zone), Chapter 3 (Design Standards), Chapter 4, Section 4.4 (Land Divisions), and Chapter 5, Section 5.2.120 (Class B Variance), Section 5.2.130 (Class C Variances) of the SDC.

During the public hearing on June 21, 2022, the Planning Commission will accept public testimony and make a decision on the application after the public hearing. Upon rendering a decision, the Planning Commission must make a written Findings of Fact and Decision document, which justifies its decision.

## **PROCEDURAL FINDINGS OF FACT**

1. The Subdivision, Class B and Class C Variance applications were deemed complete by the City on May 17, 2022. All applicable application fees were paid to the City.
2. Pursuant to Section 4.2.140.C of the SDC, notice of the public hearing was given by publication in the News Review on June 7, 2022, which was at least fourteen (14) days prior to the date of the public hearing.
3. Notice of a Public Hearing for the Subdivision, Class B Variance and Class C Variance applications before the Planning Commission was given in accordance with Section 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 May 23, 2022.
  - a. Mark Moffett, Senior Planner, Douglas County Planning, commented that they have reviewed the notice and have no comments of concerns with the application.
  - b. Michael Lane, Fire Chief, City of Sutherlin, commented the following:

*I have no problems with the variance to Density or Cul-de-sac length as long as there are two hydrants. I see the one about halfway down but will need another at the intersection with Schudeiske.*

- The requirement and concerns from the City Fire Department will be addressed throughout the Staff Report and be a condition of approval.

c. Joshua Heacock, Douglas County Public Works (DCPW), commented in part as follows:

*Our records indicate that the County Classification for Schudeiske is "Local". Here are our comments:*

- *All access to proposed lots will be via interior streets. No individual access for lots will be granted along Schudeiske or Ft. Mckay*
- *The County has no objections to the proposed ROW dedications along Schudeiske and Ft. Mckay*
- *The applicant shall submit a stamped Drainage Memo showing that the proposed drainage does not impact County's existing facilities along Schudeiske and Ft. Mckay*
- *The County has no objections to the proposed frontage improvements along Schudeiske, and the County will not require additional frontage improvements along Schudeiske south of the proposed intersection with "New Street", other than the curb return*
- *No improvements are required along Ft. Mckay*
- *The 100' offset of "New Street" from Ft. Mckay meets minimum County Standards for a Local Rd, but I wasn't sure if it was worth considering future development and subsequent re-classification of Schudeiske. 100' might not be enough distance, but we'll default to the City if they want to push for greater separation from the intersection.*
- *Applicant shall install stop sign/street sign for "New St" that meets MUTCD standards*
- *Applicant shall obtain a ROW permit from Douglas County Public Works prior to starting any work within County Right of Way*
- The comments received from DCPW will be address throughout this staff report.

d. Aaron Swan, Public Works Director, City of Sutherlin, commented the following: *For the application (file no. 22-S009) purposes, the subject property can be served by City Water and Sewer.*

*Proposed street as follows (required 50' ROW):*

- *Two (2) 11 ft travel lanes*
- *Two (2) 7' parking lanes*
- *Two (2) 6 ft sidewalks*
- *Two (2) 6" curbs*
- *Follow construction guidelines for road section (ag base, asphalt, etc)*

*City water as follows:*

- *minimum of an 8" water main line (to city standards)*
- *City standards for required materials and specifications*
- *Minimum of two (2) Fire Hydrants are required*

*City sewer services as follows:*

- *8" sewer main line w/4" laterals (to city standards) at property line*
- *Three (3) manholes*
- *Prefer sewer main to follow road ROW instead of easements between two lots*

*City Storm Water as follows:*

- *Detailed storm water plan must be discussed and approved by the City and DCPW's*

- e. 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 vacant and undeveloped.
5. Plan Designation: Low Density.
6. Zone Designation: Low Density Residential (R-1).
7. Public Water: The subject property has access to public water from the City of Sutherlin within the ROW of Fort McKay Road. Public water will have to be extended to accommodate the development of the site.
8. Sanitary Sewer: The subject property has access to sanitary sewer from the City of Sutherlin within the ROW of Fort McKay Road. Sanitary sewer will have to be extended from the east to accommodate the development of the site.
9. Transportation System: Fort McKay Road (County Road No. 9) is designated a Major Collector Road, Schudeiske Road is designated a Local Road both within the Douglas County Transportation System Plan and jurisdiction.
10. Overlay: The subject property is not located within the 100 year flood plain, a portion of the property contains identified wetlands.

**FINDING:** The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Subdivision and Variance applications.

### **FINDINGS OF FACT**

#### **RESIDENTIAL DISTRICTS**

1. Residential Zone District, Low Density Residential, R-1 Zone (Section 2.2.100):
  - a. The subject 8.13 acre parcel is vacant of structures, and is zoned (R-1) Low Density Residential. The minimum lot area is 7,000 sq.ft. for a single family non-attached

lot, with a minimum lot width at frontage 50 feet for a standard lot and 20 feet for a flag lot, and a minimum lot depth of 100 feet where there is no alley right-of-way. The maximum lot coverage for development is 50 percent, with a minimum dwelling unit size of 1,000 sq.ft.

2. **FINDINGS:**

a. As proposed, the City finds:

i. The applicant is proposing a 29-lot, subdivision (Fort Schudieske Subdivision). The subdivision consists of 29 lots, with an average lot size of 8,720± sq.ft. Due to topography on the subject property the minimum lot proposed is 6,000 sq. ft. with the maximum lot size being 18,880 sq. ft. Lot width frontage of each lot will be at least 50+ feet. Except in the cul-de-sac, Lot 18 the lot frontage will be 25± feet.

b. The applicant will be advised that at the time of a new building proposal for each parcel, compliance with the setbacks and lot coverage standards of the R-1 zone will be required.

**DESIGN STANDARDS**

3. **Design Standards**

- a. 3.2.100 Vehicular Access and Circulation
- b. 3.5.100 Infrastructure Standards

4. The access to each proposed parcel will be via a proposed local residential street as indicated on the preliminary map. Each proposed lot will have direct access onto the proposed internal local residential street. No lots are proposed or approved to access directly onto Fort McKay Road or Schudeiske Road.

Section 3.2 Vehicle Access and Circulation

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

3.2.110 Vehicular Access and Circulation. This section is intended to manage vehicle access to development through a connected street system with shared driveways, where practicable, and circulation systems that allow multiple transportation modes and technology, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. This section applies to all public roads, streets, and alleys within the city and to all properties abutting them.

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

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

**FINDING:** Upon completion of the subdivision, Ryan Street will be a local residential street. Access to the individual lots will need to be coordinated with the City for review and approval to ensure access locations meet access separation and other applicable city standards. An access permit for the existing and/or proposed accesses and necessary work to be performed within Douglas County's ROW will need to be obtained from DCPW's.

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

**FINDING:** A traffic impact study (TIS) is not required for the subdivision proposal. A traffic impact analysis was completed in 2018 as part of the Urban Growth Boundary (UGB) amendment, which included development of the subject property.

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

**FINDING:** The proposed development is not expected to require closing any existing curb cuts along Fort McKay Road and Schudeiske Road. The proposed access entrance from Schudeiske Road into the subdivision must be a minimum of 100' from its intersection with Fort McKay Road, this portion and an additional 100' south will be required to be improved (i.e. storm drainage, curb, gutter, sidewalk and asphalt) as part of that project. The property owner will be required to dedicate additional ROW (15') along Schudeiske Road to help facilitate those improvements and to dedicate an additional 5' of ROW along Fort McKay Road. The proposed subdivision lots will all have frontage onto the new local residential street (Ryan Street) and will not be permitted to access directly onto Fort McKay Road or Schudeiske Road. An access permit for existing and/or proposed access and necessary work within the Fort McKay Road and Schudeiske Road ROW will be required to be obtained from DCPW's.

**FINDING:** Reimbursement District option for ½ street improvements to Schudeiske Road. Current code requires ½ street improvements (i.e. storm drainage, curb, gutter, sidewalk, asphalt, etc) to the remaining portion along Schudeiske Road prior to final approval of the subdivision and recording of the plat. It is recognized by that ½ street improvements to Schudeiske Road at this time is premature considering the rural nature and current use of this road. Therefore, the property owner/developer agrees to the enactment of a pre-established Improvement District in which the City shall place a lien on each individual lot created by the property owner/developer in an amount proportional to the divided costs of future ½ street improvements to each lot prior to the City fully executing this agreement.

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

**FINDING:** The proposed lots are for single family homes; therefore, the back-up access restrictions, as described in the above standard, are not required.

**G. Access Standards and Options.** *When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten (10) feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by the city as a condition of approval.*

1. Option 1. *Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*

2. Option 2. *Access is from a private street or driveway developed to city standards and connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A joint maintenance agreement and reciprocal access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. The city may approve a private street under this option by a planned unit development (PUD), provided that public funds shall not be used to construct or maintain a private road, street, or drive. The city may require a public access easement as needed for emergency response access or refuse access.*

3. Option 3. *Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access if the site abuts an arterial or collector street. Street accesses shall comply with the access spacing standards in subsection I, below.*

4. Subdivisions Fronting Onto an Arterial Street. *Subdivision lots fronting onto an arterial street shall not receive access onto the arterial street, except when alternate access (i.e., alleys or secondary streets) cannot be provided due to topographic or other physical constraints. In such cases, the city may require that access be provided by consolidating*

driveways for clusters of two (2) or more lots or for multiple buildings on a lot (e.g., includes flag lots and mid-block lanes).

5. Double-Frontage Lots. When a lot has frontage onto two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. A second access may be permitted only as necessary to accommodate projected traffic volumes. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the residential district, unless topographic or physical constraints require the formation of such lots. When a fence or wall is built adjacent to the street in this case, a landscape buffer with trees and/or shrubs and ground cover not less than ten (10) feet wide shall be provided between the fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

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

**FINDING:** The proposed 29 lots will each access onto the new City street, as outlined above in Option 3. Upon completion of this development, the proposed street will be dedicated to the City of Sutherlin as a public street and will be incorporated into the City's street maintenance system. The development does not front onto an arterial street and no double-frontage lots are proposed. Future residential development of a single family dwelling on each proposed lot will require off-street parking in accordance with residential standards. Each lot will have access to a public local residential street via an individual driveway. Any shared driveways will require compliance with the applicable driveway standards, including the 25 foot access separation between driveways, and any necessary reciprocal access easement(s), to insure access to the proposed Ryan Street.

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

**FINDING:** With this application the property owner/developer is proposing an internal local residential road. The proposed local residential street shall be constructed and dedicated to the City meeting the standards listed above.

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

1. Local Streets. *A minimum of twenty-five (25) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials.*

2. Arterial and Collector Streets. *Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign*

*or traffic signal) shall be determined based on the policies and standards contained in the city's transportation system plan.*

*3. Special Provisions for All Streets. Direct street access may be restricted for some land use types. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the city, county or ODOT for the purpose of protecting the function, safety and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.*

**FINDING:** Each lot will have access onto the newly developed local residential street via an individual driveway as depicted on the preliminary plan. Any shared driveways will require compliance with the applicable driveway standards, including the 25 foot access separation between driveways, and any necessary reciprocal access easement(s), to insure access to the proposed Ryan Street.

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

**FINDING:** As proposed, the applicant proposes a maximum of 29 individual access points onto the new City local residential street being constructed. Shared driveways may be required, as necessary in order to meet the requirements stated above.

***K. Shared Driveways.** The number of driveways intersecting a public street shall be minimized by the use of shared driveways on adjoining lots where feasible. The city may require shared driveways as a condition of land division or site plan review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*

*1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*



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

**FINDING:** Each lot will have access to Ryan Street via an individual driveway. Any shared driveways will require compliance with the applicable driveway standards, if a shared driveway is proposed the necessary reciprocal access easement(s), to insure access to the proposed Ryan Street.

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

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

*Figure 3.2.110L Street Connectivity and Formation of Blocks*

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

**FINDING:** This standard does not apply to the proposed subdivision since the subject parcel is not large enough to create a new block or area-wide pedestrian circulation. In addition, the property area to the north is located outside city limits and due to topography constraints does not provide for additional street connectivity to surrounding streets.

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

1. *Single family, two (2) family, and three (3) family uses shall have a minimum driveway width of ten (10) feet, and a maximum width of twenty-four (24) feet, except that one (1) recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than seven thousand (7,000) square feet of area....*

**FINDING:** As proposed, each proposed lot will access directly onto the new local residential street. Shared driveways may be required, as necessary, to ensure the required 25 foot driveway separation is maintained. Driveways shall be a minimum of 10 feet wide and a maximum of 24 feet wide, complying with the above standard(s).

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

**FINDING:** As part of this request, the property owner/developer has coordinated with the City Fire Department and the State Fire Marshall on the proposed cul-de-sac. The proposed street will exceed the maximum length allowed under the Oregon Uniform Fire Code and the SDC. The applicant is requesting a Variance to road standards to permit a longer cul-de-sac that will comply with fire access codes. The circular turnaround (cul-de-sac) shall meet the requirements outlined in the Oregon Fire Code, Appendix D. The findings on the requested Class C variance are addressed later in this report.

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

**FINDING:** The proposed development will have to meet the standards of vertical clearances as stated above.

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

**FINDING:** Future residential development will require compliance with the applicable vision clearance standards.

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

- 1. Driveway and Lane width of all shared drives and lanes shall be twenty (20) feet of pavement with a minimum lot frontage width of twenty-five (25) feet wide throughout the driveway;*
- 2. Easement. Where more than one (1) lot is to receive access from a flag pole drive, the owner shall record an easement granting access to all lots that are to receive access. The easement shall be so indicated on the preliminary plat;*

3. Maximum Drive Lane Length. *The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty (150) feet without an emergency turnaround approved by the city; and*
4. Area Calculation. *The flag pole portion of a lot shall not be counted for the purpose of meeting lot area requirements or determining setbacks.*

**FINDING:** Lot 18 on the preliminary plan is proposed to be constructed as a flag lot with the requested subdivision and must comply with the above flag lot standards.

**R. Construction.** *The following standards shall apply to all driveways and private streets:*

1. Surface Options. *Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable surfacing; alternatively, a durable non-paving material such as pavers, or other materials approved by the city may be used to reduce surface water runoff and protect water quality.*
2. Driveway Aprons. *When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be constructed to city standards and paved with concrete surfacing. See subsection M, above.*

**FINDING:** As construction occurs, each lot will be required to meet the driveway, parking area and driveway apron requirements listed above. This will be an advisory condition of approval.

## 5. INFRASTRUCTURE STANDARDS

### **SECTION 3.5.100 Purpose and Applicability.**

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

**FINDING:** Development of the proposed subdivision will be required to meet the City of Sutherlin standards and specifications and Section 3.5 of the SDC. Development will

require the extension of the sanitary sewer main from its existing main approximately 800' east of the subject property and water service is available from an existing line within the ROW of Fort McKay Road. Utilities will be required to be extended underground from Fort McKay Road. The design for the installation of the utilities will have to be coordinated with Sutherlin Public Works. The property owner/developer is required to submit engineered plans of the proposed infrastructure, these plans will be reviewed by City Staff as well as the City's Engineer of Record. Also, a stamped Drainage Memo from an Oregon License engineer indicating the proposed drainage does not impact Douglas County's existing facilities along Fort McKay Road and Schudeiske Road will be a condition of approval.

**SECTION 3.5.110: Transportation Standards.**

*A. Purpose. The purpose of this section is to implement the Transportation System Plan and protect the City's investment in the public street system. Upon dedication of streets to the public, the City accepts maintenance responsibility for the street. Failure to meet City standards may place an undue maintenance burden on the public, which may be only marginally benefited by the street improvement. Variances to street standards must be evaluated in this context.*

*B. Development Standards. No development shall occur unless the development has frontage onto or approved access from a public street, in conformance with the provisions of section 3.2, Access and Circulation, and the applicable standards of Section 3.5.110.B are met.*

**FINDING:** The proposed subdivision will create 29-lots that will each access directly onto a newly created public street (Ryan Street), which will be constructed as part of the development to meet or exceed City standards for a local residential street. The preliminary plan, typical street section, indicates 48' of right-of-way with two 6' curbs and sidewalks (not separate). Aaron Swan, City Public Works Director, commented that the City will require 50' of ROW for the proposed local residential road, that will be comprised of two 11' travel lanes, two 7' parking lanes, two 6' sidewalks, 6" curbs, gutter and cut/fill slopes. Additional ROW will be necessary to modify the sidewalk and curb width. As part of this request, the applicant is requesting a variance to road standards to extend the length of the cul-de-sac. Findings for the variance request are addressed later in this report

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

**FINDING:** The City finds that one (1) new local residential street will be created as part of this development. Dedication of the street as public ROW will occur in conjunction with the recording of the final subdivision plat. The dedication of additional ROW from Fort McKay Road and Schudeiske Road is also being required from DCPW. Fort McKay Road has an existing 60' ROW where it fronts the subject property, an additional 5' of

right-of-way from the subject property adjoining Fort McKay Road is to be dedicated. Schudeiske Road has an existing 30' ROW where it borders the subject property on the eastern side, an additional 15' of ROW from the subject property adjoining Schudeiske Road is to be dedicated. The proposed local residential street and dedication of additional ROW will be a condition of approval and meet the above stated requirement.

**D. Creation of Access Easements.** *Access easements are only allowed with a private street or drive meeting city standards for one single family unit. Access easements are discouraged in all residential districts, unless they are an integral part of a PUD, or required by the city for access management reasons (i.e., shared driveways along arterial streets). The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with section 3.2.110 (K), Access and Circulation. Access easements shall be created and maintained in accordance with the uniform fire code, section 10.207, and shall be shown and described on any final subdivision or partition plat that requires them.*

**FINDING:** The City finds that each lot will have access to Ryan Street via an individual driveway. If any shared driveways are proposed, they will require reciprocal access easement(s) and driveway maintenance agreement(s) between the affected lots and be identified on the face of the final plat, in accordance with the above requirements.

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

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

**FINDING:** As part of that project, the property owner/developer will be required to dedicate additional ROW to Fort McKay Road and Schudeiske Road to the existing roadways. An additional 5' of ROW is to be dedicated to Fort McKay Road, with an additional 15' of ROW is to be dedicated to Schudeiske Road. The improvement of the proposed local residential street (Ryan Street) will be required to meet City standards for street widths and improvement, along with the design, engineering and construction in accordance with the standards above.

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

**FINDING:** Fort McKay Road has an existing 60' ROW where it abuts the subject property, Schudeiske Road has an existing 30' ROW. As indicated by DCPW, additional 5' for Fort McKay Road and an additional 15' for Schudeiske Road ROW will be required by the property owner/developer to be dedicated to facilitate with improvements of said roads. The new residential street (Ryan Street) will be required to have a 50' ROW width with parking on both sides. The ROW is within the range for a local residential street width of 48 feet to 64 feet.

**FINDING:** Reimbursement District option for ½ street improvements to Schudeiske Road. Current code requires ½ street improvements (i.e. storm drainage, curb, gutter, sidewalk, asphalt, etc) to the remaining portion along Schudeiske Road prior to final approval of the subdivision and recording of the plat. It is recognized by that ½ street improvements to Schudeiske Road at this time is premature considering the rural nature and current use of this road. Therefore, the property owner/developer agrees to the enactment of a pre-established Improvement District in which the City shall place a lien on each individual lot created by the property owner/developer in an amount proportional to the divided costs of future ½ street improvements to each lot prior to the City fully executing this agreement.

**H. Future Street Plan and Extension of Streets.**

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

2. *Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the city determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. Developers are encouraged to also install conduits for other utilities in coordination with those utilities. The point where the streets temporarily end shall conform to a-c, below:*

a. *These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.*

b. A reflective barricade (e.g., fence, bollards, or similar vehicle barrier) shall be constructed at the end of the street by the partitioner or subdivider and shall not be removed until authorized by the city or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.

c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over one hundred (150) feet in length.

**FINDING:** The property owner/developer has indicated on their preliminary plan the creation of one (1) cul-de-sac (dead end) street. No planned extension or future streets will be required due to topography and layout of the proposed subdivision.

**I. Street Alignment and Connections.**

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than three hundred (300) feet on such streets are created, as measured from the centerline of the intersecting streets.

2. Spacing between local street intersections shall have a minimum separation of one hundred twenty-five (125) feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.

3. All local and collector streets that abut or stub to a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen (15) percent for a distance of two hundred fifty (250) feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in chapter 3.2, Access and Circulation. The maximum block length shall not exceed:

a. Residential districts – Six hundred (600) feet; . . .

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

**FINDING:** The City finds that due to the existing property constraints (terrain and wetlands) and adjacent property to the south being outside city limits, alignment for future streets is not required. The property owner/developer has applied for a variance to road standards to extend the length of the dead-end street to serve the proposed development.

**K. *Intersection Angles.*** *Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:*

- 1. Streets shall have at least twenty-five (25) feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;*
- 2. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle; and*
- 3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than twenty (20) feet.*

**FINDING:** The intersection of the proposed street will need to be designed and constructed to meet the standards above.

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

**FINDING:** As indicated previously, the property owner/developer will be required to dedicate additional ROW to facilitate future improvements to Fort McKay Road and Schudeiske Road. The property owner/developer is required to dedicate 5' of ROW to Fort McKay Road and 15' of ROW to Schudeiske Road. This dedication of ROW will allow Fort McKay Road to meet Douglas county's designated Major Collector standards and Schudeiske Road to meet Local Road standards.

**M. *Cul-de-sacs.*** *A dead-end street shall be no more than four hundred (400) feet long, and shall only be used when open space (e.g., street ends at park or greenway), environmental, or topographical constraints; existing development patterns; or compliance with other standards in this code preclude street extension and through circulation. Such dead-end-street shall conform to all of the following standards:*

- 1. The city may require a dead-end or cul-de-sac street to stub to the outer property line of the development when future street extension may be possible through redevelopment of an adjacent property (e.g., existing development on adjacent property could redevelop and allow extension in foreseeable future).*
- 2. All cul-de-sacs exceeding one hundred fifty (150) feet shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a radius of no less forty (40) feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they*



*contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and*

*3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

**FINDING:** The length of the proposed cul-de-sac will exceed 400'. The property owner/developer has requested a variance to road standards to extend the length of the street and comply with fire department requirements. As proposed, the street will be approximately 618± feet in length from its intersection with Schudeiske Road to the south end of the cul-de-sac. The proposed turnaround must comply with the above standard and with the Oregon Uniform Fire Code. Findings on the proposed variance to road standards is discussed later in this report.

***N. Grades and Curves.** Grades shall not exceed ten (10) percent on arterials, twelve (12) percent on collector streets, or twelve (12) percent on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet) when approved by the city engineer, and:*

*1. Curb radii shall not be less than seven hundred (700) feet on arterials, five hundred (500) feet on major collectors, three hundred fifty (350) feet on minor collectors, or one hundred (100) feet on other streets; and*

*2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization shall provide a landing averaging five percent or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement.*

**FINDING:** The City finds the proposed new local residential streets shall be constructed and improved to conform and meet the grade and curb radii listed above.

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

**FINDING:** Construction of the future driveway accesses for each lot will be required to comply with the applicable standards outlined above.

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

**FINDING:** The property owner/developer proposes “Ryan Street” as the street name for the subdivision. After consulting with Douglas County Addressing section, the City finds that the street name, as proposed, would be a sufficient road name.

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

**FINDING:** The property owner/developer will have to comply with this section upon completion of the street improvements and prior to acceptance by the City.

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

**FINDING:** The City finds that the property owner/developer is required to install and pay for new street signage as needed with the proposed subdivision. Coordination of street signs with DCPW’s and the City of Sutherlin Public Works is required (the City will order the street sign(s)). The installation of street signs within the ROW of Schudeiske Road will need to meet the Manual on Uniform Traffic Control Devices (MUTCD) standards and be approved by DCPW’s. These will be conditions of approval.

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

**FINDING:** Prior to final approval, mail boxes to be used for the development will be required to be approved by the U.S. Postal Service, as outlined above.

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

**FINDING:** The preliminary subdivision plat indicates three (3) street lights will be installed. Property owner/developer shall install streetlights within the subdivision per city street light policy (Resolution No. 2006-03). Location of the street lights will require coordination with the Community Development Department.

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

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

**FINDING:** The final plans and construction of the new local residential street will require compliance with the above street cross-sections prior to final city acceptance of the roadway.

6. **SECTION 3.5.120 PUBLIC USE AREAS**

**A. Dedication Requirements.**

1. *Where a proposed park, open space, playground, public facility, or other public use shown in a plan adopted by the city is located in whole or in part in a partition or subdivision, the city may require the dedication or reservation of this area on the final plat for the partition or subdivision.*
2. *If determined by the planning commission to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the city does not indicate proposed public use areas, the city may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.*
3. *All required dedications of public use areas shall conform to section 3.5.100D regarding conditions of approval and proportionality of exactions.*

**B. Acquisition by Public Agency.** *If the developer is required to reserve land area for a park, playground, or other public use, the land shall be conveyed to a public agency or other entity approved by the city for management and maintenance within twelve (12) months of final plat approval, or the reservation shall be released to the property owner.*

**C. System Development Charge Credit.** *Dedication of land to the city for public use areas shall be eligible as a credit toward any required system development charge for parks, water, sewer, or storm water, as applicable.*

**FINDING:** As proposed, no public use areas, including parks, open space, playground, public facility or other public use, are proposed to be dedicated as part of this subdivision.

7. **SECTION 3.5.130 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS**

**A. Sewers and Water Mains Required.** *Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the city's construction specifications and the applicable comprehensive plan policies.*

**B. Sewer and Water Plan Approval.** *Development permits for sewer and water improvements shall not be issued until the city engineer of record has approved all sanitary sewer and water plans in conformance with city standards.*

**C. Over-sizing.** *Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the comprehensive plan. The developer shall be entitled to system development charge credits for the over-sizing.*

**D. Permits Denied.** *Development permits may be restricted by the city through moratoria, in conformance with ORS 197.505, where a deficiency exists in the existing water or sewer system that cannot be rectified by the development, and*

*which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of county or federal standards pertaining to operation of domestic water and sewerage treatment systems.*

**FINDING:** The condition(s) of approval will require the property owner/developer to coordinate with Sutherlin Public Works for the design, engineering and installation of the required sanitary sewer and water service improvements, along with the submittal of engineered plans meeting the above standards. Sanitary sewer shall come from an existing 8” diameter line approximately 800’ to the east within the ROW of Fort McKay Road; with installation of a minimum three (3) manholes approximately 300’-400’ apart. The 8” sewer main will need to include 4” lateral clean outs at each property line. An existing 10” water mainline is located within the ROW of Fort McKay Road and will need to be extended at a minimum of 8” to serve the proposed development. The property owner/developer shall install sanitary sewer and/or water mains approved by the City of Sutherlin and the Department of Environmental Quality (DEQ) within public ROW or minimum 15’ wide utility easements to serve all proposed lots. The proposed infrastructure requires three (3) sets of engineered plans submitted to the Community Development Department. The City Engineer of Record is required to review the plans, the fee for this review is the responsibility of the property owner/developer.

#### 8. SECTION 3.5.140 STORM DRAINAGE

- A. **General Provisions.** *The city shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made.*
- B. **Accommodation of Upstream Drainage.** *Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development, in conformance with the city’s storm drainage master plan. Such facilities shall be subject to review and approval by the city engineer.*
- C. **Effect on Downstream Drainage.** *The effect on downstream drainage shall be evaluated in all project proposals, and all projects shall conform to the storm drainage master plan. Where it is anticipated by the city that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.*
- D. **Easements.** *Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way provided for conveyance of storm water. The easement shall be subject to review and approval by the city engineer and shall include at a minimum the watercourse and such further width as will be adequate for conveyance and maintenance.*
- E. **Certification of No Impact to Neighboring Property.** *Developers 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.*

**FINDINGS:** Surface and storm water management will have to be addressed by the property owner/developer as part of the design, engineering and construction of the development. The design for construction of the improvements will have to be coordinated with DCPW's and the City of Sutherlin Public Works and be engineered. Future development on each lot will be required to meet the standards for the surfacing of driveways and parking areas, and surface water management. 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. Thus, demonstrating there will be no impact to neighboring properties and also stating the proposed drainage does not impact the current Douglas County system. The conditions of approval require the developer to submit a stamped certification by a licensed engineer stating that the rate storm water drainage during and after development will not increase as a result of the proposed development and does not impact the existing system as outlined above. This report will need to be submitted to DCPW's and the City of Sutherlin.

## 9. SECTION 3.5.150 UTILITIES

- A. *Underground Utilities.*** *Except where above-ground utility lines already exist, all new or relocated utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground. This requirement does not apply to surface mounted connection boxes and meter cabinets, temporary utility service facilities during construction, and high capacity electric lines operating at fifty thousand (50,000) volts or above. In order to facilitate underground placement of utilities as required by this section, the following additional standards apply to all new subdivisions:*
- 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (section 3.2);*
  - 2. The city reserves the right to approve the location of all surface mounted facilities;*
  - 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and*
  - 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*
- B. *Easements.*** *Easements shall be provided for all underground utility facilities.*
- C. *Exception to Under-Grounding Requirement.*** *Pursuant to a Type II process, an exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (section 3.6), or existing development conditions.*

**FINDING:** The conditions of approval require the property owner/developer to provide and/or install underground utilities to serve the proposed lots, as outlined above, including any necessary utility easements.

## 10. SECTION 3.5.160 EASEMENTS

**Easements.** Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, section 4.3 Development Review and Site Plan Review, and chapter 4.4 Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The city's standard minimum width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or city engineer.

**FINDING:** The conditions of approval require that any necessary easements for public utilities, as outlined above, be dedicated on the final plat or provided for in the deed restrictions.

#### 11. SECTION 3.5.170 CONSTRUCTION PLAN APPROVAL AND ASSURANCES

**Construction Plan Approval and Assurances.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued. The permit fee shall be set by city council. The city may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, section 4.3 Development Review and Site Plan Review, and section 4.4 Land Divisions and Property Line Adjustments.

**FINDING:** The conditions of approval require that construction plan approval for the public improvements be undertaken as outlined above.

#### 12. SECTION 3.5.180 INSTALLATION

- A. Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.
- B. Adopted Installation Standards.** The city's general engineering requirements and standard specifications and the Oregon Chapter A.P.W.A. standard specifications shall be a part of the city's adopted installation standard(s). Where conflict occurs, the A.P.W.A standards shall prevail. Other standards may also be required upon recommendation of the city engineer of record.
- C. Commencement.** Work shall not begin until the city has been notified in advance.
- D. Resumption.** If work is discontinued for more than one (1) month, it shall not be resumed until the city is notified.
- E. Engineer's Certification and As-Built Plans.** A registered civil engineer (or as appropriate) licensed in Oregon shall provide written certification in a form required by the city that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to city acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) set(s) of "as-

*built” plans, in conformance with the city engineer’s specifications, for permanent filing with the city.*

- F. City Inspection.** *Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to review and approval under section 4.7, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.*

**FINDING:** The conditions of approval require that improvements installed by the property owner/developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of Chapter 3 of the SDC, approved construction plans, and to improvement standards and specifications adopted by the city, as specified above.

### 13. ADDITIONAL CRITERIA

**Site Analysis (Section 4.4.130.B.7):** *Wetland and floodplain, including wetland areas, streams, wildlife habitat and other areas identified by the city or natural resource regulatory as requiring protection.*

**FINDING:** Mapping from the City of Sutherlin shows that a portion of the subject property contains identified wetlands. The wetlands appear to impact primarily Lots 4, 5 and 6. The property owner/developer will be advised that prior to any structural development on either of the proposed lots within this area, the applicant shall coordinate with the Oregon Department of State Lands to address any necessary mitigation of wetlands on the subject lots.

### 14. APPROVAL CRITERIA – TENTATIVE PLAN

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

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

**FINDING:** The City finds, according to the County Surveyor, that the proposed plat name (Fort Schudeiske Subdivision) is not already recorded for another subdivision within the County, and satisfies the provisions of ORS Chapter 92.

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

**FINDING:** As previously stated with this report, the 29-lot subdivision will be developed with an internal local residential street that due to topography and city limits boundary will not adjoin or extend to an adjacent property for future development. The property owner/developer will be required to improve the proposed street to City standards prior to

final acceptance by the City.

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

**FINDING:** The City finds the R-1 residential lot size standards have been or will be met, as discussed earlier in this report. The applicant is proposing the development of 29 lots to be developed and a variance (to housing density) has been submitted and will be addressed later in this report.

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

**FINDING:** As proposed, the subdivision will create 29 lots to be developed. Upon completion of the development, there will not be sufficient area to permit further redevelopment of the parcels. No redevelopment plan is required for this project.

*E. Block and lot standards. All proposed blocks (i.e., one (1) or more lots bound by public streets), lots and parcels conform to the specific requirements below:*

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

**FINDING:** The City finds the proposal complies with the R-1 zoning development standards as described earlier in this report. The property owner/developer are requesting approval of a concurrent variance to road standards to extend the length of the cul-de-sac and still comply with Oregon Fire Code and City standards for the proposed street.



**F. *Minimize Flood Damage.*** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a one hundred (100) year flood plain shall comply with federal emergency management agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.

**FINDING:** The City finds the subject property is not located in a designated flood plain, as indicated on the FEMA maps dated February 17, 2010.

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

**FINDING:** Although more than ten (10) lots are proposed, the City finds that the subject property is not located within a designated floodplain, as indicated on the FEMA maps dated February 17, 2010.

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

**FINDING:** The City finds public and private utilities can be made available to the proposed lots. The subject property is not located in a designated floodplain.

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

**FINDING:** The City finds that surface drainage and storm water will have to be addressed as part of the development of this subdivision, and the grading and construction of the proposed street. The subject property is not located in a designated floodplain.

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

3.5.100.D in particular.

**FINDING:** The City finds the Sutherlin Comprehensive Plan does not designate the property as floodplain, or as a future park or open space development. The proposed lots are planned for single family residential development.

**K. *Phased Development.*** *The city may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two (2) years without reapplying for a tentative plan approval. The criteria for approving a phased land division proposal are:*

1. *Public facilities shall be constructed in conjunction with or prior to each phase;*
2. *The development and occupancy of any phase dependent on the use of temporary public facilities shall require city receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.4.180. A temporary public facility is any facility not constructed to the applicable city standard;*
3. *The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal.*

**FINDING:** As proposed, the property owner/developer does not plan to develop the proposed 29-lot subdivision in phases.

**L. *Lot Size Averaging.*** *The city may allow residential lots or parcels less than the minimum lot size under the applicable zoning district for projects that provide common open space or active recreation land and facilities. Such open space shall provide public access easements containing paved trails. The lot or parcel sizes shall meet the following:*

1. *The average area for all residential lots or parcels shall not be less than that allowed by the underlying zone; and*
2. *No lot or parcel created under this provision shall be less than eighty (80) percent of the minimum lot size allowed in the underlying zone. For example, if the minimum lot size is seven thousand (7,000) square feet, the following three (3) parcels could be created as part of a single partition application: six thousand (6,000) square feet, seven thousand (7,000) square feet, and nine thousand (9,000) square feet.*

**FINDING:** The City finds this criterion for lot averaging is not applicable because the subdivision is applying for a variance to minimum housing density as well. The proposed lots created will not be less than the 6,000 sq.ft. minimum parcel size.

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

**FINDING:** The property owner/developer has not requested a temporary sales office as part of their request. The City finds this criterion is not applicable.

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

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

**4.4.160 Final Plat Submission Requirements and Approval Criteria.**

**A. Submission Requirements.** *Final plats shall be reviewed and approved by the city prior to recording with Douglas County. The applicant shall submit the final plat within two (2) years of the approval of the tentative plan as provided by section 4.4.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city. The city will not accept as complete an application for final plat until the tentative plan has been approved.*

**B. Approval Criteria.** *By means of a Type I procedure, the Community Development Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:*

- 1. The final plat complies with the approved tentative plan, and all conditions of approval have been satisfied;*
- 2. All public improvements required by the tentative plan have been installed and approved by the Community Development Director. Alternatively, the developer has provided a performance guarantee in accordance with section 4.4.180;*
- 3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;*
- 4. The streets and roads held for private use have been approved by the city as conforming to the tentative plan and, where applicable, the associated PUD;*
- 5. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.*
- 6. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and sewage disposal, storm drainage, and water supply systems;*
- 7. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat;*
- 8. Water and sanitary sewer service is available to each and every lot, is provided; or bond, contract or other assurance has been provided*

*by the subdivider to the city that such services will be installed in accordance with section 3.5, Infrastructure Standards, and the bond requirements of section 4.4.180. The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to review and approval by the city; and 9. The plat contains an affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.*

**FINDING:** The City finds the property owner/developer shall meet the final plat submission requirements and approval criteria in the SDC, section 4.4.160 listed above. The property owner/developer shall conform to all applicable requirements of section 3.5 Infrastructure Standards of the SDC as well.

**4.4.170 Public Improvement Approval.** *Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved, or the subdivier shall provide a performance guarantee, in accordance with section 4.4.180.*

**FINDING:** Prior to the Community Development Director signature on the final plat, the property owner/developer shall meet the above referenced public improvement requirements.

### **CLASS B VARIANCE CRITERIA**

The proposed Variance to minimum housing density (Chapter 2) is considered a Type II procedure for a Class B Variance, subject to the applicable criteria of the SDC, including Sections 2.2.120 [Development Standards] and 5.2.120 [Class B Variances].

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

**Variance to Minimum Housing Density Standard (Chapter 2).** The city may approve a variance after finding that the minimum housing density provided in chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. “Physical constraint” means steep topography, wetland and floodplain, unusual parcel configuration, or a similar constraint. The variances approved shall be the minimum variance necessary to address the specific physical constraint on the development.

### **DEVELOPMENT STANDARDS (SECTION 2.2.120 AND TABLE)**

1. Section 2.2.120 of the SDC outlines in the table the minimum standards for lot area (square feet) for a single family non-attached lot and states as follows:

**Minimum Lot Area (square feet).** *Single family non-attached lot: 7,000 s.f.*

**FINDING:** The property owner/developer have requested a variance to the minimum housing density on Lot(s) 1, 2 and 19-29 from the minimum 7,000 s.f. requirement to 6,000 s.f. This is due to the existing wetlands on a 0.49 acre portion of the subject property and the terrain increase on the southern portion. By requesting the Class B Variance this will allow full utilization of the existing property.

**FINDING:** The City finds that the Class B Variance will allow a more economic use of the subject property and is a reasonable use of the land. The City finds the general hardship and physical constraints to develop the land due to wetlands and topography exists at no control of the property owner/developer.

### **CLASS C VARIANCE CRITERIA**

The proposed Variance to road standards is considered a Type III procedure for a Class C Variance, subject to the applicable criteria of SDC, including Sections 3.5.110.M [Cul-de-sacs standards] and 5.2.130 [Class C Variances].

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:

#### **CUL-DE-SAC STANDARDS (SECTION 3.5.110.M)**

1. Section 3.5.110.M of the Sutherlin Development Code outlines standards for development of a cul-de-sac for dead-end streets in the City and states as follows:

***Cul-de-sacs.** A dead-end street shall be no more than four hundred (400) feet long, and shall only be used when open space (e.g., street ends at park or greenway), environmental, or topographical constraints; existing development patterns; or compliance with other standards in this code preclude street extension and through circulation. Such dead-end-street shall conform to all of the following standards:*

1. *The city may require a dead-end or cul-de-sac street to stub to the outer property line of the development when future street extension may be possible through redevelopment of an adjacent property (e.g., existing development on adjacent property could redevelop and allow extension in foreseeable future).*
2. *All cul-de-sacs exceeding one hundred fifty (150) feet shall terminate with a circular or hammer-head turnarounds shall be consistent with the requirements of the Oregon Uniform Fire Code, Section 503, Appendix D [Fire Apparatus Access Roads]; and.*
3. *The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

2. The proposed local residential street for the requested subdivision will be approximately 618± feet in length, from its intersection with Schudeiske Road to the south end of the cul-de-sac. It will exceed the maximum length of the dead-end street by 218± feet. In addition, the circular turnaround (cul-de-sac) at the end of the street must conform to the Oregon Uniform Fire Code, Section 503, Appendix D (Fire Apparatus Access Roads).

**FINDING:** The property owner/developer have requested a variance to road standards to extend the length of the cul-de-sac. As part of the requested variance, the property owner/developer are required to comply with the applicable Oregon Uniform Fire Code, Section 503, Appendix D (Fire Apparatus Access Roads) standards for the new local residential street to serve the development.

**VARIANCE CRITERIA (CLASS C VARIANCE)**

3. The requested variance is subject to the applicable criteria of Section 5.2.130 of the SDC for a Class C Variance. The purpose of Section 5.2 (Variances) is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met.
4. Class C Variances (Section 5.2.130) may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create hardship to development which is peculiar to the lot size or shape, topography, wetland and floodplain, or other similar circumstances related to the property over which the applicant has no control, and which is not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to “permitted uses” shall be granted.
5. Section 5.2.130.B states the following for applicability:
  1. The variance standards are intended to apply to individual platted and recorded lots only.
  2. An applicant who proposes to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure.
  3. A variance shall not be approved which would vary the “permitted uses” of a zoning district (chapter 2).

**FINDING:** The City finds that the Class C variance is applicable to the proposed request to allow the length of the proposed cul-de-sac to be extended and meet Oregon Uniform Fire Code standards. Section 5.2.120.C [Variances to Transportation Improvement Requirements (Section 3.5.100) states in part, that “When a variance request [to transportation improvements] cannot be supported by the provision of that Section [Section 3.5.110], then the request shall be reviewed as a Class C variance.”

6. Pursuant to Section 5.2.130.C.1, the applicant has explained that the street length is needed to better utilize the land and reasonably develop the subject property. The property owner had twelve (12) conceptual plans drafted and considered the submitted preliminary plan to be the best.
7. Pursuant to Section 5.2.130.C.2, the City shall approve, approve with conditions, or deny an application for a variance based on finding that all of the following criteria are satisfied:

- a. *The proposed variance will not be material detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;*

- i. To address this criterion, the applicant states:

*This particular area was recently included in an urban growth boundary (UGB) swap and now resides inside the UGB and has the underlying Comprehensive Plan goal for residential development. The surrounding areas are of similar nature, some areas already consisting of development in a residential capacity. There are no identifiable policies or standards the subject application would cause confliction but given the intent of the land being zoned Residential-low density, the application would help facilitate directly towards the applicable policies and standards when fully build out in residential fashion.*

**FINDING:** The City finds that the proposed variance will not be materially detrimental to the purpose of the SDC. The applicant has coordinated the design of the proposed street with the City Public Works and the City Fire Department to ensure compliance with the Oregon Uniform Fire Code. As designed, the roadway will conform to the local residential street standards, allowing it to accommodate fire apparatus. The street will have a minimum of 36' of pavement for travel lanes and on-street parking. The City finds the variance, as proposed, will be consistent with the purposes of the Sutherlin Comprehensive Plan and its Development Code, and will not be materially detrimental to any property in the zone or vicinity.

- b. *A hardship to development exists which is peculiar to the lot size or shape, topography, wetland and floodplain, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);*

- i. To address this criterion, the applicant states:

*The subject property has two main factors that are beyond the applicant's control, and which are not necessarily relevant on other properties in the same vicinity. 1) there is an existing wetland located in the northwest corner of the property that restricts a total of 0.49 acres. This particular area cannot be developed and exists as a development encumbrance. In order to maximize the residential capacity of the property all areas must be utilized however, the aforementioned wetland will disallow the property owner from the full utilization that would otherwise be available to other properties in the same vicinity where a wetland does not exist. 2) the southern portion of the property inclines at a steady rate (Oakland Silt Loam; NRCS series 170D) at an increase that exceeds 12 percent. This type of incline creates a developmental detriment that will sometimes make the project financially not viable. However, the proposed variance would allow for the configuration of the lots and access as to mitigate some of those detrimental effects.*

**FINDING:** The subject property is approximately 1,022± feet long by 350± feet wide. The applicant is desiring to make reasonable use of the property to accommodate all the lots, but still address the existing wetlands located in the northwestern corner and the sloping topography to the

south. A cul-de-sac at the maximum length of 400' would not allow the applicant to maximize the density of the R-1 zoning on the property (up to six (6) dwelling units per acre). The City finds that a general hardship to development exists related to the property over which the applicant has no control.

c. *The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent possible while permitting reasonable economic use of the land;*

i. To address this criterion, the applicant states:

*The proposed use is for a 29-lot subdivision and because of the existing nature of the land the applicant is requesting a variance to cul-de-sac length requirements. As previously stated, the underlying intent of the land is residential and this is the central goal of the application. Upon approval of the application, the property owner can then carry a viable subdivision conceptual plan that would otherwise be impossible.*

**FINDING:** The applicant is requesting a variance to allow more economic use of the subject property and is asking to extend the length of the cul-de-sac by 218± feet in order to accommodate the development of the lots. The proposed street will be constructed to meet or exceed City standards. The City finds that the proposed variance to road standards will allow the applicant to make reasonable use of the land.

d. *Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;*

i. To address this criterion, the applicant states:

*None of the above items will be adversely affected by this variance. The proposed application is being filed concurrently with a subdivision application that will facilitate directly to traffic, drainage and natural resources. Findings towards connecting access and mitigating drainage have been factored into the subdivision application. The proposed development will cause no detriment to any of the aforementioned areas but will complement the existing residential development in the surrounding areas.*

**FINDING:** The City finds the requested variance to lengthen the proposed street will not adversely affect traffic along the Schudeiske Road and/or Fort McKay Road, nor adversely impact drainage, natural resources or parks any more than would occur if the proposed street was built a maximum of 400' long, as specified in the development code.

e. The hardship is not self-imposed; and

i. To address this criterion, the applicant states:

*The subject property is vacant of structural development and therefore, subsection e is not applicable. Also, the variance to lengthen the road will allow*



*for reasonable economic use of the tract which is dictated by the shape and dimensions of the tract as well as existing wetlands.*

**FINDINGS:** The subject 8.13 acre property is currently vacant and undeveloped. The applicant is trying to make reasonable use of the property and still construct the new street to meet City standards and the Oregon Uniform Fire Code. The existing wetlands and sloping topography are out of the property owner/developer control. The City finds the proposed variance is not the result of a self-imposed hardship.

- f. The variance requested is the minimum variance, which would alleviate the hardship.
  - i. To address this criterion, the applicant states:

*The requested variance to cul-de-sac length requirements are the minimum provisions requested as subject of variance in order to make reasonable use of the property and move forward with the conceptual plan. The proposed plan would allow for 29-lots with a new residential cul-de-sac while attributing to the existing wetland and the steep incline toward the south end of the property.*

**FINDING:** The City finds that the applicant is requesting a variance extend the length of the cul-de-sac by 218± feet in order to accommodate the development of the lots and make reasonable economic use of the property. The proposed street will be constructed to meet or exceed City standards and Oregon Uniform Fire Codes.

### **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 close the public hearing and move to either:

**Action Alternative No. 1** **Approve** the requested 29-lot Subdivision, Class B Variance to Housing Density and Class C Variance to Road Standards applications on the subject 8.13 acre property, 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 SDC. Any alterations shall be reviewed by the Planning Department.
2. The applicant shall meet all requirements of final plat submission and approval criteria in Section 4.4.160 of the SDC. The final plat shall be filed within two (2) years of this approval, unless an extension is granted pursuant to Section 4.4.120.D of the SDC.
3. The property owner/developer shall dedicate a 5' strip of land along the frontage of Fort McKay Road to bring the half ROW width up to the Douglas County ultimate standard for a Rural Major Collector road classification.
  - a. The final location and width of the land to be dedicated shall be determined by DCPW's, with coordination with the City of Sutherlin.

- b. The property owner/developer shall provide a title report showing clear title to the affected strip of land.
4. The property owner/developer shall dedicate a 15' strip of land along the Schudeiske Road ROW to bring the half ROW width up to the Douglas County ultimate standard for a Local Road classification.
  - a. The final location and width of the land to be dedicated shall be determined by DCPW's, with coordination with the City of Sutherlin.
  - b. The property owner/developer shall provide a title report showing clear title to the affected strip of land.
5. 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 streets, water, sewer, storm water, grading, and erosion control.
6. Property owner/developer shall coordinate with the City Public Works for the design and installation of water lines with valves and two (2) fire hydrants, and water meters at the property line to city standards. Engineered plans are required to be submitted to the Community Development Department and be routed to the appropriate City Departments; along with review by the City Engineer of Record. The fee for the review conducted by the City Engineer of Record is required to be paid by the property owner/developer at time of review. The water main is required to be sized at 8" diameter; and have a minimum depth of 36" to allow for future connections.
7. Property owner/developer shall coordinate with the City Public Works for the design and installation of sanitary sewer improvements to city standards. This requires an extension of the 8" gravity sewer main that is located approximately 800' east of the subject property with installation of a manhole every 300' to 400' and 4" lateral clean outs required at each property line. An 8" sewer main will need to be installed to serve the proposed development. Prior to submitting a final subdivision plat, the developer shall install sewer improvements, approved by the City of Sutherlin and DEQ within public ROW or minimum 15' wide utility easements to serve all proposed lots. Three (3) sets of engineered plans are required to be submitted to the Community Development Department and be routed to the appropriate City Departments; along with a review conducted by the City Engineer of Record. The fee for the review conducted by the City Engineer of Record is required to be paid by the property owner/developer at time of review.
8. Prior to submitting a final subdivision plat, the 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 drainage system shall be designed and constructed to accommodate the existing runoff volumes from the contributory slopes uphill of the subject property.
9. The property owner/developer shall improve and dedicate the required ROW for the interior local residential street (50' ROW). The design of the new street shall include two 11' travel lanes, two 7' parking lanes, two 6' sidewalks and two 6" curbs. The new street

shall be designed, engineered and constructed in accordance with the standards of the SDC, along with meeting the requirements of the Oregon Uniform Fire Code, Appendix D 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.
10. Reimbursement District option for ½ street improvements to Schudeiske Road. Current code requires ½ street improvements (i.e. storm drainage, curb, gutter, sidewalk, asphalt, etc) to the remaining portion along Schudeiske Road prior to final approval of the subdivision and recording of the plat. It is recognized by that ½ street improvements to Schudeiske Road at this time is premature considering the rural nature and current use of this road. Therefore, the property owner/developer agrees to the enactment of a pre-established Improvement District in which the City shall place a lien on each individual lot created by the property owner/developer in an amount proportional to the divided costs received from an Oregon Licensed Engineers estimate of future ½ street improvements to each lot prior to the City fully executing this agreement. This agreement will include a recommended cost estimate plus a specified percentage per each year the road improvement is not completed.
11. Prior to beginning construction, the property owner 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 SDC.
12. Property owner/developer shall improve the western half of Schudeiske Road from Fort McKay Road to the entrance of the proposed local residential street and an additional 100' south of the proposed road. This to include: storm drainage, curb, gutter, sidewalk, asphalt, etc) meeting Douglas County standards for a local road.
13. Property owner/developer shall provide two (2) city standard fire hydrants at the locations, as indicated and approved by the City Fire Department to City and Oregon Uniform Fire Code standards.
14. All utilities shall be designed per standards and to be located underground, pursuant to Section 3.5.150 of the SDC.

15. The property owner/developer shall obtain the necessary ROW activity permit(s) for improvements and access within the ROW of Fort McKay Road and/or Schudeiske Road from the DCPW's.
16. 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.
17. Property owner/developer shall submit a stamped Drainage Memo by a licensed engineer stating the proposed drainage during and after development will not impact the current Douglas County storm system.
18. 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.
19. 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
20. Property owner/developer shall install three (3) streetlights as indicated on the preliminary plan and per city street light policy (Resolution No. 2006-03).
21. Property owner/developer shall install mailboxes in accordance with city standards. Plans for mail boxes shall be approved by the US Postal Service.
22. Property owner/developer shall install street signs in accordance with MUTCD standards. The cost of signs and installation of the signs required for new development shall be the responsibility of the property owner/developer, coordination with the City is required for the ordering of the street sign.
23. 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.
24. 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 ROW must be shown and described as to type and use on the face of the final plat.
25. 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 and the Planning File Number.

26. 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.
27. The property owner/developer shall provide a letter from the Sutherlin Public Works Director that all required improvements have been constructed and installed to City Construction Specifications.
28. 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.
29. 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.
30. 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.

#### **ADVISORY STATEMENTS**

31. 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.
32. For the development of the individual lots, developer must meet City of Sutherlin private driveway standards stated in chapter 3 of the SDC. Driveways must maintain a minimum separation of 25 feet.
33. No access for the individual lot(s) is permitted along Fort McKay Road or Schudeiske Road.
34. At the time of a building permit proposal on any of the new parcels, the permit shall indicate compliance with SDC Section 2.2 R-1 building setbacks and lot coverage requirements; and Vehicle Access and Circulation listed in section 3.2.110 of the SDC.
  - 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.

**Action Alternative No. 2**    **Approve** the requested Subdivision, Class B Variance and Class C Variance applications, subject to modifications or additional conditions of approval;

**Action Alternative No. 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

**Action Alternative No. 4** Deny the requested Subdivision, Class B Variance and Class C Variance applications on the subject property on the grounds that the proposal does not satisfy the applicable approval criteria.

**STAFF RECOMMENDATION**

City Staff recommends that the Planning Commission select Action Alternative No. 1 and **APPROVE** the requested application on the subject 8.13 acre property, subject to the conditions of approval.



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

Date: June 14, 2022  
To: 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**

#### **Residential Uses in the Commercial zoned areas**

In the fall of 2019, concerns were raised, and discussions began regarding residential uses in commercial zones. Staff was asked to look at ordinances, development code and interpretations to address the concern of our storefronts turning into boarded up living quarters. After working with our city attorney and obtaining an interpretation of the “residential component” in the commercial zone, staff can now proceed with actions. We began communications with property owners by sending a letter to all commercial buildings within both C-1 (Downtown Commercial District) and C-3 (Community Commercial District), with a 14-day response time. Following the 14-days, staff has sent out a second letter and reached out to individuals that were reported to be out of compliance. A third letter has been sent to two properties that continue to be out of compliance indicating that a citation will be issued if they are not within compliance within ten days of the writing of the letter.

#### **Ford’s Pond Grant update**

#### **NO UPDATE AT THIS TIME, STILL PENDING NOTICE TO PROCEED FROM OPRD**

- Land and Water Conservation Fund (LWCF) 2020 grant application (\$205,775.00) is pending Notice to proceed (NTP). We’re anticipating the NTP by the end of May/June 2022. Because of the delay in receiving funding, construction of the additional 0.9-mile paved path won’t happen in 2022. Once we receive the funding, we will still need to submit a joint wetland delineation application for the additional 0.9-mile paved path. It’s estimated that this application process will take at least six months.
  - Recreational Trails Program (RTP) 2020 grant application (\$240,808.00) was also for the 0.9-mile paved path, because of the LWCF’s NTP delay. The RTP grant was delayed as well. The RTP grant was identified as matching funds for the LWCF and vice versus.
  - Local Government Grant Program (LGGP) 2019 grant application (\$388,531.00). This project should be finalized in February 2022. Scope of work consisted of ADA-accessible parking, signage, picnic tables, benches, site utilities,
  - LGGP 2020 grant application (\$517,814.00). Scope of work; ADA-accessible restrooms and 600 feet connectivity sidewalk, two inclusive natural children’s play area (design only), three shaded picnic pavilions, site furnishings, landscaping, and security cameras. These funds have been secured, but because of the pandemic, price escalation and securing material and supplies. This project could also be delayed, or scope of work scaled back.
  - LWCF 2021 application (\$595,878.70). Submitted, presentation was on February 10, 2022, Scope of work; design/construct additional ADA-parking for RVs/buses, sidewalks, ramps, bioswale, lighting, furnishings, landscaping, security cameras and inclusive play equipment.
- City of Sutherlin has been recommended by the Oregon Outdoor Recreation**

**Committee. Recommendations for grant fund distribution will be presented to the Oregon Parks and Recreation Commission for approval at the April 2022 meeting. Recommendations will then be submitted to the National Park Service for final approval.**

### **Downtown Parking Lot**

- Design and Construction management TBD 2022
- At the March 14, 2022, Urban Renewal Agency meeting, the UR Agency approved Resolution 2022.02 to purchase the 0.11-acre vacant lot, located in the downtown area, adjacent to the previously purchased parking lot. This purchase will help with additional parking for the downtown area. Purchase price was \$40,000 plus title fees. Urban Renewal/TIF funds will be used to purchase said property. City staff is currently working with Western Title & Escrow with finalizing the purchase. **This transaction has been finalized.**

### **Central Park Multi-Use Stage – Currently on schedule – No update**

On December 20, 2021, city council approved the Multi-Use Stage design and construction.

On January 10, 2022, city council approved the purchase of the Stagecover and color (blue and white)

#### Schedule

Design Services Start	December 21, 2021
Draft Completion Date (Plans, Specs & Bid Documents)	January 31, 2022
Final Completion Date (Plans, Specs & Bid Documents)	February 14, 2022
Advertise for Bids	March 14, 2022
Receive Bids	April 11, 2022
Start of Construction	May 16, 2022
Completion of Construction	July 11, 2022

## **TRANSPORTATION**

### **Everett Street Improvements**

Everett Avenue will be improved from HWY 99 to S. State Street and S. State Street from Central Ave south to the bridge. The improvements will include overlay / inlay of road where possible, full rebuild of road and storm sewer, when required, reconstruction of up to eight (8) ADA ramps to meet current standards, and possible additional sidewalk or rebuilding of sidewalk.

City Council awarded the bid to JRT construction at their May 9, 2022 meeting.

Preconstruction meeting was held on May 25, 2022 and construction began on June 6, 2022.

## **UTILITIES**

### **Nonpareil Water Treatment Plant Improvement – No update**

**Construction update:** With shut down No. 2 being postponed, we're moving forward with shutdown No.3 which started May 2, 2022 and will go through the middle of June. Projects involve in shutdown No. 3 will be replacing the intake pump piping, raw flow meter and some other miscellaneous item. We're not anticipating any water curtailment at this time.



**New construction schedule:** Shut down No. 2 has been postponed from March 1, 2022, through June 30, 2022, to March 1, 2023, to June 30, 2023. Because of major equipment items related to the Nonpareil WTP Improvement project are not scheduled to arrive on site until April or May of 2022. it was mutually agreed with the contractor and the city to postpone shut down No. 2 until 2023. The details regarding this mutually agreed upon change are in process. Delay in equipment items is due to the pandemic.

The Design Contract was awarded on January 27, 2020, to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management. On February 24, 2021 @ 2:00pm bids were opened, Stettler Supply & Construction submitted the lowest bid in the amount of \$4,810,485 and has sufficient experience and qualifications to satisfactorily construct the project. On March 8, 2021, City Council Awarded the Construction Contract to Settler Supply Company in the amount of \$4,810,485. Construction started April 2021 and is expected to be completed in 2023.

Construction update: Concrete backwash basins are complete, currently backfilling around basin, removed old stand-by generator, and rewired in temporary location, starting electrical submittals for review.

Water curtailment restrictions were lifted on October 5, 2021. We do anticipate water curtailment measures to be implemented again in 2023 for phase II.

#### **Revised schedule**

- ~~Start design February 2020~~
- ~~60% design meeting September 2, 2020~~
- ~~90% design meeting October 7, 2020~~
- ~~Present Final design to City Council January 11, 2021~~
- ~~Bid process and contract award February/March 2021~~
- ~~Council Consideration of Contract March/April 2021~~
- ~~Construction NTP April/May 2021~~
- Complete construction May/June 2023

#### **LAND USE ACTIVITY**

##### **Building Worksheets:**

- 2022-23- 2022-48 on previous Activity Report(s)
- 2022-49 – 107 W Central Ave – Gazebo (Plaza Park)
- 2022-50 – 1921 W Duke Rd - SFD
- 2022-51 – 1927 W Duke Rd – SFD
- 2022-52 – 144 N Calapooia St – solar panels
- 2022-53 – 856 Medina Ave – SFD
- 2022-54 – 645 W First Ave – interior remodel
- 2022-55 – 246 Mardonna Way – addition to duplex
- 2022-56 – 123 Ponderosa Dr – interior remodel
- 2022-57 – 708 Slazenger Ct – SFD

##### **Active Land Use Applications:**

- 22-S006 – 22-S0010 on previous Activity Report(s)

##### **Right of Way Applications:**

- 22-09 – 22-21 on previous Activity Report(s)
- 22-22 – 326 Opal St – property owner
- 22-23 – 1430 W Central Ave - Avista

