



**City of Sutherlin**  
**Planning Commission Meeting**  
**Tuesday, July 16, 2019**  
**7:00 p.m. – Sutherlin Civic Auditorium**  
**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

May 21, 2019 – Regular Meeting

**Approval of Findings of Fact and Decision**

**DEBBIE ROBERTSON-SHAW**, request for a Conditional Use Permit to authorize a Office within an existing building. **PLANNING DEPARTMENT FILE NO. 19-S007.**

**Quasi-Judicial Hearing(s)**

1. **MOBILE DIESEL SERVICE, INC**, request for a Conditional Use Permit to authorize Vehicle Service within an existing building on property located on the west side of N. Calapooia Street in the City of Sutherlin. Vehicle Sales and Services, including fuel sales are conditionally permitted use in the C-1 zone. The subject 0.46 acre property is described as Tax Lot(s) 5900 and 6000 in Section 17DC, T25S, R5W, W.M.; Property ID No(s) R56030 and R56023; and is addressed as 239 W. First Avenue. It is designated Commercial Business District by the Sutherlin Comprehensive Plan and zoned (C-1) Downtown Commercial. **PLANNING DEPARTMENT FILE NO. 19-S012.**

**Monthly Activity Report(s)**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7PM  
TUESDAY, MAY 21, 2019**

**COMMISSION MEMBERS PRESENT:** Richard Price, Collin Frazier, Elainna Swanson and Sam Robinson

**COMMISSION MEMBERS EXCUSED:** William Lee

**COMMISSION MEMBERS ABSENT:** Adam Sarnoski

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

**AUDIENCE:** Debbie Robertson-Shaw, Peggy Frazier and Gladys Robinson

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

**FLAG SALUTE**

**INTRODUCTION OF MEDIA:** None

**APPROVAL OF MINUTES**

A motion made by Commissioner Robinson to approve the minutes of the April 16, 2019 Planning Commission meeting; second made by Commissioner Frazier.

In favor: Commissioners Robinson, Frazier, Swanson, and Vice Chair Price

Opposed: None

Motion carried unanimously

**QUASI-JUDICIAL PUBLIC HEARING**

1. **DEBBIE ROBERTSON-SHAW**, request for a Conditional Use Permit to authorize an office within an existing building on property located on the east side of S. Comstock Road in the City of Sutherlin. Personal and Professional services are conditionally permitted use in the M-1 zone. The subject 0.38 acre property is described as Tax Lot 2506 in Section 19AC, T25S, R5W, W.M.; Property ID No. R138462; and is addressed as 446 S. Comstock Road. It is designated Light Industrial by the Sutherlin Comprehensive Plan and zoned (M-1) Light Industrial. **PLANNING DEPARTMENT FILE NO. 19-S007.**

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

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

**Jamie Chartier, City Planner**, entered Staff Exhibits 1-10, entering the Staff Report into the record. She then identified there were no written comment received as of the mailing of the Staff Report. Mrs. Chartier enter the Staff Report into the record and then summarized the Staff Report, with the recommendation of action alternative number 1.

## **APPLICANT'S TESTIMONY**

**Debbie Robertson-Shaw**, applicant, stated she was available for any questions.

## **TESTIMONY IN FAVOR**

No testimony in favor.

## **TESTIMONY IN OPPOSITION**

No testimony in opposition.

## **APPLICANT'S REBUTTAL**

No rebuttal by the applicant.

With no further testimony, Vice Chair Price closed the public hearing portion for this application. Commissioner Swanson stated it's great to have the building filled up.

Commissioner Swanson motioned to approve the Conditional Use Permit (CUP) application per staff's recommendation of Action Alternative No. 1; Commissioner Robinson seconds the motion.

In favor: Commissioners Frazier, Robinson, Swanson, and Vice Chair Price

Opposed: None

Motion carried unanimously.

## **MONTHLY ACTIVITY REPORT**

**Jamie Chartier, City Planner**, asked the Commissioners if they had any questions with the Activity Report that was given to them in their packets. There were no comments.

**PUBLIC COMMENT** - None

**COMMISSION COMMENTS** - None

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:12 pm.

Respectfully submitted,

\_\_\_\_\_  
Jamie Chartier, City Planner

***APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.***

\_\_\_\_\_  
William Lee, Commission Chair

## BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a Conditional Use  
Permit to authorize an office within an  
existing building on the subject property in  
the M-1 zone on a 0.38 acre parcel located  
on S. Comstock Road. The property is  
identified as Tax Lot 2506 in Section 19AC,  
T25S, R5W, W.M.; Property I.D. No.  
R138462; and is addressed as 446 S.  
Comstock Road; Owner: Carefree Heart  
LLC

### FINDINGS OF FACT AND DECISION

Applicant: Debbie Robertson-Shaw  
Re: Conditional Use Permit (Office)  
File No.: 19-S007

### PROCEDURAL FINDINGS OF FACT

1. The Conditional Use Permit application was filed with the City on April 23, 2019, and was deemed complete on April 23, 2019.
2. Notice of the Public Hearing on the requested application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was mailed to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on April 26, 2019. No written comments were received.
3. The Planning Commission held a public hearing on this matter on May 21, 2019.
4. At the public hearing on May 21, 2019, there were no declarations of ex parte contact, bias or other conflicts of interest made by the Planning Commission. No objections were raised by the audience, and the Commission was qualified to hear the matter.
5. The Planning Commission declared the following as parties to the hearing:  
Debbie Robertson-Shaw, applicant
6. Reference was made to the May 14, 2019 Staff Report, and findings of fact addressing consistency to the applicable criteria of the Sutherlin Development Code, including Section 2.5 [M-1 zone] and Section 4.5 [Conditional Use Permits].
7. Planning Staff presented a summary of the Staff Report dated May 14, 2019, and entered Staff Exhibits 1-10 into the record.
8. The Planning Commission provided opportunity to receive clarifying oral testimony from the applicant, Debbie Robertson-Shaw, who clarified the proposed church and stated that he concurred with the finds and recommendation of the staff report.
9. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor or neutral to the application. No persons were present.
10. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application. No persons were present.

11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. No testimony in rebuttal was needed.
12. 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 request.

### **FINDINGS OF FACT**

Finding No. 1. The Planning Commission finds the subject property is designated Light Industrial by the Sutherlin Comprehensive Plan and zoned (M-1) Light Industrial by the Sutherlin Development Code. In the M-1 personal and professional services are conditionally permitted uses.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated May 14, 2019.

Finding No. 3. The Planning Commission finds the requested Conditional Use Permit was processed as a Type III procedure, subject to the applicable criteria of Section 2.5 [M-1 zone] and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code.

Finding No. 4. The Planning Commission finds the proposed use is compatible on the subject property in the M-1 zone. As indicated in the application, parking spaces are available around the existing building. The Planning Commission finds that the amount of available parking spaces is consistent with the parking requirement of the SDC.

Finding No. 5. The Planning Commission finds, based upon the staff report and submitted application materials that the proposed administrative office along with training and education classes to operate within an existing building and parking area on the subject property. No physical changes or alterations to the building are proposed. Furthermore, the Planning Commission finds that based upon the nature of the proposed use on the subject property and within the existing building, no negative impacts due to noise, exhaust/emissions, light, glare, erosion, odor, dust, visibility or safety are anticipated.

Finding No. 6. The Planning Commission finds, based upon the staff report and submitted application materials, that the subject property, including the area for the proposed authorization of an administrative office within an existing building, is surrounded by mixed existing residential and industrial zoned properties. No negative impacts are anticipated as part of this development, including to the adjacent commercial or residential properties and the surrounding transportation system. The application states that north portion of the existing building will be used for an administrative office, while the south portion of the building will be utilized for trainings and education classes will have minimal impact on the surrounding properties and their hours of business operations. The applicant has also demonstrated compliance with the applicable parking requirements.

Finding No. 7. The Planning Commission finds, based upon the staff report and

submitted application materials that the subject property is currently served by existing public water and sewer. The Planning Commission further finds that no physical changes or alterations to the building are proposed, including any new extension of public services. The Planning Commission finds that no negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.

Finding No. 8. The Planning Commission finds, based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application will comply with the applicable provisions of the M-1 zoning district; and the applicable design standards of Chapter 3, including parking. The Planning Commission finds that authorizing an administrative office and training/education classes within the currently building will be beneficial to the property; and that the proposed use is not considered a non-conforming use or development on the property, and is not part of a phased development.

Finding No. 9. The Planning Commission finds, based upon the staff report and submitted application materials, and oral testimony provided, that due to the nature of the proposed use, it is found to be compatible with the existing uses in the vicinity.

### CONCLUSION

1. A motion was made by Commissioner Swanson and seconded by Commissioner Robinson to approve Action Alternative #1 and **APPROVE subject to condition(s)** the requested Conditional Use Permit; the motion passed unanimously.

2. The Commission adopts the findings of the staff report in support of their decision.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission **APPROVES** the requested Conditional Use Permit, subject to the following condition(s) of approval:

- a. Existing and/or proposed signs shall comply with the Sutherlin Development Code Section 3.7. The applicant shall obtain a Planning Clearance Worksheet approval from Community Development for each proposed sign.
- b. Applicant shall pay \$25.00 fee to the City of Sutherlin for the issuance of an address for "Unit A" and to coordinate with Community Development.
- c. Obtain the necessary Planning Clearance Worksheet approval from the Community Development Department, once all above conditions has been met authorizing the Conditional Use Permit.

DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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William Lee, CHAIR



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

# City of Sutherlin

July 9, 2019

## STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **MOBILE DIESEL SERVICE, INC**, request for a Conditional Use Permit to authorize Vehicle Service (repair) within an existing building on property located on the corner of W. First Avenue and N. Calapooia Street in the City of Sutherlin. Vehicle Sales and Services, including fuel sales are conditionally permitted use in the C-1 zone. The subject 0.46 acre property is described as Tax Lot(s) 5900 and 6000 in Section 17DC, T25S, R5W, W.M.; Property ID No(s) R56030 and R56023; and is addressed as 239 W. First Avenue. It is designated Commercial Business District by the Sutherlin Comprehensive Plan and zoned (C-1) Downtown Commercial. **PLANNING DEPARTMENT FILE NO. 19-S012.**

## STAFF EXHIBITS

1. Notice of Public Hearing
2. Property Owners within 100 Feet
3. Staff Report with Responses Attached
4. Conditional Use Permit application and attachments
5. Vicinity Map
6. Assessor Map
7. Zoning Map
8. Water Utility Map
9. Sewer Utility Map
10. Aerial Photograph

## **INTRODUCTION**

The applicant, Mobile Diesel Service, Inc., requesting a Conditional Use Permit to authorize Vehicle Service (repair) within an existing building located on the corner of W. First Avenue and N. Calapooia Street in the City of Sutherlin. Vehicle Sales and Services, including fuel sales are conditionally permitted use in the C-1 (Downtown Commercial) zone.

The proposed use will be located within the existing building located at 239 W. First Avenue. The commercial building is currently unoccupied at the present time. The subject property is described as Tax Lot(s) 5900 and 6000 in Section 17DC, T25S, R5W, W.M.; Property I.D. No(s) R56030 and R56023. The property is designated Central Business District by the Sutherlin Comprehensive Plan and zoned C-1 by the Sutherlin Development Code. The surrounding properties to the north and west are zoned M-1, while to the south and east are zoned C-1.

During the public hearing, the Planning Commission will accept public testimony and make a decision on the application after the hearing. This application is being processed as a Type III procedure for a Conditional Use Permit, subject to the applicable criteria of Section 2.3 [C-1 zone] and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable criteria and render a decision on the matter.

## **PROCEDURAL FINDINGS OF FACT**

1. The requested application was filed with the City on June 17, 2019, and deemed complete on June 18, 2019.
2. Notice of a Public Hearing on the Conditional Use Permit application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on June 21, 2019.
  - a. John McDonald, ODOT Development Review Planner, commented that ODOT reviewed the conditional use permit and had no comments.
  - b. Dana Wells, adjacent property owner and owner of Black Slate Brands LLC, sent an email comment with concerns with semi-truck's exiting the facility and the use of the alley. The concerns will be addressed within the Staff Report.
  - c. At the time of the mailing of this staff report, no other written comments or remonstrance have been received.
3. Present Situation: The subject property is developed with an existing commercial building and parking lot. The proposed vehicle service (repair) use will be within an existing building located on the eastern half of the property.
4. Plan Designation: Central Business District (CBD).
5. Zone Designation: (C-1) Downtown Commercial.
6. Public Water: The subject property has existing public water from the City of Sutherlin.



7. Sanitary Sewer: The subject property has existing sanitary sewer from the City of Sutherlin.
8. Transportation System: The subject property fronts onto W. First Avenue on the corner of N. Calapooia Street in downtown Sutherlin; there is an existing alley located on the south side of the commercial building, that will not be used to access the subject property. W. First Avenue is a designated City Local Roadway in the City's Transportation System Plan (TSP) where it fronts the subject property.
9. Transportation Connectivity: Connectivity is provided in the surrounding downtown area.
10. Pedestrian & Bicycle Access: W. Central Avenue to the south is a designated pedestrian path and bicycle way under the Transportation System Plan.
11. Overlay: The subject property is not located within the 100 year flood plain or subject to any other overlays.

**FINDING:** The procedural findings noted above are adequate to support the Planning Commission's decision on the request Conditional Use Permit.

### **APPLICABLE CRITERIA & FINDINGS**

The proposed Conditional Use Permit is considered a Type III procedure, subject to the applicable criteria of Sutherlin Development Code, including Section 2.3 [C-1 zone] and Section 4.5 [Conditional Use Permits].

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:

### **DEVELOPMENT STANDARDS (SECTION 2.3, C-1 ZONE)**

1. The subject property is designated Central Business District by the Sutherlin Comprehensive Plan and zoned (C-1) Downtown Commercial by the Sutherlin Development Code. Vehicle Sales and Services, including fuel sales are conditionally permitted uses in the C-1 zone.
  - a. Table 2.3.130 provides the following development standards for the C-1 zone:
    - i. Minimum zone size: None
    - ii. Maximum building height: 50 feet, or 60 feet when at least 10,000 sq. ft. of floor area is residential
    - iii. Yard Setbacks: Front – 0 feet (minimum) or 10 feet (may be increased to provide a pedestrian plaza, extra sidewalk, or outdoor seating area (maximum); Side & Rear – 0 feet, except 10 feet minimum adjacent to a residential district.
    - iv. Lot Size & Dimensions: No standard
    - v. Lot Coverage: 80% maximum

**FINDING:** The proposed Vehicle Service use will be going into an existing building. The existing building height is less than 50 feet. Partial sidewalks are located on the east property line and will be required along with landscaping along W. First Avenue and N. Calapooia Street.

2. The requested application requires review of the vehicle and bicycle parking standards in Section 3.4 of the Sutherlin Development Code.
3. Table Section 3.4.120.A outlines the required vehicle parking standards. Vehicle Sales and Services require one space per every 350 square feet of gross floor area.
  - a. As indicated in the application, the area of the existing building with the proposed addition for Vehicle Service and an office is approximately 7,500 sq. ft.

**FINDING:** Based upon the size of the Vehicle Service space, 22 off-street parking spaces and two (2) bicycle spaces are required for the proposed use. The application states that parking spaces are available in the proposed parking lot and within the building. The amount of available parking spaces is consistent with the parking requirements of the Sutherlin Development Code.

#### **CONDITIONAL USE PERMIT CRITERIA (SECTION 4.5)**

4. The requested conditional use permit is subject to the applicable criteria of Section 4.5 of the Sutherlin Development Code. As indicated previously, vehicle sales and services, including fuel sales, are conditionally permitted uses in the C-1 zone.
5. Pursuant to Section 4.5.120, the applicant has provided the following narrative as part of their request, which states, in part:

*Narrative documenting compliance:*

*After much consideration, we at Mobile Diesel Service, Inc. have determined that this property will adequately meet our operational needs, where we provide service to a wide array of diesel powered vehicles; including heavy, medium and light duty diesel trucks. We offer our services with a focus on our mobile capabilities, which means a great deal of work is done off-site, at a specific location, with one of our two service trucks. However, the need for an operational home base is a key component to providing service to our customers.*

*Our goal is to create a clean, professional appearance, both inside and out. The current condition of the property will require some modifications in order to achieve this goal. As displayed in the provided drawing, not only will the structure be expanding to both the SW and SE sides of the property, but we also intend to replace the existing roofing and siding, construct an appealing entrance, as well as undergo an interior remodel to meet our office needs. In addition, we plan to install concrete sidewalks, ramps and landscaping at the property entrance as well as the office entry, including adequate lighting throughout the property for both security as well as ambience. Any service being done to vehicles will be done in the service area to the rear of the building and NOT visible from Central Avenue.*

*Mobile Diesel has been operating in the Sutherlin/Oakland area for nearly 20 years. Our focus of helping truckers with breakdowns along I-5 means we spend a considerable amount of time on the freeway. This location on First Ave will provide us fast and direct access to respond to disabled trucks on the freeway with both north/south bound, on/off ramps a short distance away at the 135 mile marker. It*

*will also provide our business better visibility and accessibility for potential customers.*

*Mobile Diesel recognizes the importance of operating within reasonable parameters. Our shop is open during normal business hours, Monday-Friday, 8am – 5pm. After hours and weekend work is available for emergency roadside service only. Even though we advertise as a 24 hour roadside service, our shop is not 24 hour operation. Our proposed layout takes noise control into consideration, as the expansion of our service area will be along the SW side of the alley, placing the office, parts area and parking area as a noise buffer between our residential neighbors to the NE. In addition, we've place a storage bay in furthest SW corner providing an additional noise buffer to those commercial neighbors to the SW. With our neighbor to the North being zoned Industrial; our plan is to utilize First Ave as the service area's primary entrance/exit.*

*Once the addition to our office, sidewalks and landscaping is complete, the remaining paved parking area will provide at least 17 parking spaces, including two ADA parking stalls, which would be more than adequate for both employee and customer parking. On average, we have 2 to 3 vehicles waiting for either repairs to begin or customers to pick up.*

*Per the current county development map; power, water and sewer are readily available within the alley and will be our first order of business upon the commencement of construction.*

*Impact study:*

*1. Mobile Diesel Service's effect on public facilities and services*

- Minimal effect on facilities and services*
- 5-10 individuals on property during business hours*
- Currently operating business at other location*
- Opportunity for increased awareness of city's existence*
- Increased business for lodging and food companies*

*2. Mobile Diesel Service's Impact:*

- Slight increase on street traffic to location*
- Increased awareness of city by outside customers*
- Improvement of locations appearance*
- Slight increase on water and sewer systems with approximately 5-10 individuals*
- Minimal noise with shop openings toward First Avenue*

**FINDINGS:**

6. Section 4.5.130 of the Sutherlin Development Code identifies the applicable criteria and standards for a conditional use permit: The planning commission City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following:
7. Conditional Use Criteria (Section 4.5.130.A)

a. *The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*

- i. The applicant will utilize an existing commercial building, with a proposed 50' x 50' addition to the west side, along with a covered entry on the east, new roofing, siding and interior remodel. Based upon the size of the structure, 22 off-street parking spaces are required for the proposed use. The vehicle service use will have eight (8) parking spaces inside the building, 17 spaces in the parking area and need two (2) bicycle spaces. The amount of parking spaces provided will be consistent with the requirements of the Sutherlin Development Code.
- ii. As part of this application, the applicant/developer will be required to comply with construction standards in Section 3.2.110(R), driveway, and parking area pavement standards. Furthermore, based upon the nature of the proposed use within the building, no negative impacts due to noise, exhaust/emissions, light, glare, erosion, odor, dust, visibility or safety are anticipated.

b. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and*

- i. The subject property, including the area for the proposed vehicle service use, is surrounded by existing properties within the City's central business district and industrial zone. No negative impacts are anticipated as part of this development, including to the adjacent commercial properties and the surrounding transportation system. The application states that vehicle service business will operate Monday – Friday, 8am – 5pm. This is similar to surrounding properties and businesses and will have minimal impact on the surrounding properties business operations. No mitigating conditions are necessary for the requested use.

c. *Public facilities have adequate capacity to serve the proposal or will be made adequate by the applicant.*

- i. The subject property has public utilities, including public water and sanitary sewer adjacent to the property. Coordination with the City of Sutherlin Public Works is required for improvement and/or connection to the public utilities. No negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.

8. Site Plan Criteria (Section 4.5.130.B), which states the criteria for site plan review approval (Section 4.3.150) shall be met.

- a. Based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application and applicant's exhibit will comply with the applicable provisions of the C-1 zoning district; and the applicable design standards of Chapter 3, including off-street parking and landscaping. The existing

structure is not considered a non-conforming use or development on the property, and is not part of a phased development.

9. Conditions of Approval (Section 4.5.130.C)

- a. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.
  - i. The applicant/property owner shall obtain the necessary Planning Clearance approvals from the City to proceed with construction and/or remodel of the proposed addition(s).
  - ii. The applicant/property owner shall provide documentation (i.e. final plan) for the proposed development demonstrating compliance with the parking area landscaping and buffering standards of the Sutherlin Development Code Section 3.3.110
  - iii. The applicant/property owner shall provide documentation (i.e final plan) for the proposed development demonstrating compliance with vehicle and bicycle parking standards as outlined in the Sutherlin Development Code Section 3.4.120.A
  - iv. The applicant/property owner shall obtain an access permit from the Director of Public Works for the existing and/or proposed access locations onto W. First Avenue and N. Calapooia Street.
  - v. The applicant and/or property owner shall meet all the requirements of Section 3.2.110(R), Construction of driveways, parking areas, etc of the Sutherlin Development Code.
  - vi. The applicant and/or property owner shall meet the requirements of Section 3.5.110(J), sidewalks, planter strips, bicycle lanes of the Sutherlin Development Code.
  - vii. Proposed signs shall comply with the Sutherlin Development Code Section 3.7. The applicant and/or property owner shall obtain a Planning Clearance Worksheet approval from Community Development Department for any/all proposed sign(s).
  - viii. Inoperable and/or dismantled vehicle(s) shall be stored within an enclosed building per Sutherlin Municipal Code, Chapter 8.08
  - ix. The approved use shall comply with the City Nuisance Ordinance of the Sutherlin Municipal Code, Chapter 8.16.
  - x. Obtain necessary Planning Clearance approval and subject to City of Sutherlin System Development Charges (SDC's) from Community Development Department authorizing the Vehicle Service use once all above conditions have been met.

## ADVISORY STATEMENT(S)

- xi. No parking is permitted within the public right-of-way of the alley.
- xii. Business Hours to be Monday – Friday, from 8am – 5pm.

## **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:

1. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 239 W. First Avenue, based upon the findings of the staff report and/or testimony brought forward through the public hearing process, which recognize the approval criteria can be met at this time, subject to the following conditions:
  - i. The applicant/property owner shall obtain the necessary Planning Clearance approvals from the City to proceed with construction and/or remodel of the proposed addition(s).
  - ii. The applicant/property owner shall provide documentation (i.e. final plan) for the proposed development demonstrating compliance with the parking area landscaping and buffering standards of the Sutherlin Development Code Section 3.3.110
  - iii. The applicant/property owner shall provide documentation (i.e. final plan) for the proposed development demonstrating compliance with vehicle and bicycle parking standards as outlined in the Sutherlin Development Code Section 3.4.120.A
  - iv. The applicant/property owner shall obtain an access permit from the Director of Public Works for the existing and/or proposed access locations onto W. First Avenue and N. Calapooia Street.
  - v. The applicant and/or property owner shall meet all the requirements of Section 3.2.110(R), Construction of driveways, parking areas, etc of the Sutherlin Development Code.
  - vi. The applicant and/or property owner shall meet the requirements of Section 3.5.110(J), sidewalks, planter strips, bicycle lanes of the Sutherlin Development Code.
  - vii. Proposed signs shall comply with the Sutherlin Development Code Section 3.7. The applicant and/or property owner shall obtain a Planning Clearance Worksheet approval from Community Development Department for any/all proposed sign(s).
  - viii. Inoperable and/or dismantled vehicle(s) shall be stored within an enclosed building per Sutherlin Municipal Code, Chapter 8.08

- ix. The approved use shall comply with the City Nuisance Ordinance of the Sutherlin Municipal Code, Chapter 8.16.
- x. Obtain necessary Planning Clearance approval and subject to City of Sutherlin System Development Charges (SDC's) from Community Development Department authorizing the Vehicle Service use once all above conditions have been met.

### **ADVISORY STATEMENT(S)**

- xi. No parking is permitted within the public right-of-way of the alley.
  - xii. Business Hours to be Monday – Friday, from 8am – 5pm.
- 2. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 239 W. First Avenue, based on Findings of Fact and/or testimony brought forward through the public hearing, which recognize the approval criteria can be met at this time.
  - 3. **CONTINUE THE PUBLIC HEARING** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal; or
  - 4. **DENY** the requested Conditional Use Permit on the subject property, based on Findings of Fact and/or testimony brought forward through the public hearing, on the grounds that the proposal does not satisfy the applicable approval criteria.

### **STAFF RECOMMENDATION**

City Staff recommends that the Planning Commission select Action Alternative #1 and **APPROVE** the requested Conditional Use Permit, as outlined in the application, on the subject property addressed 239 W. First Avenue.

N:\Planning\2019 Land Use\19-S012 Mobile Diesel CUP\19-S012\_ Mobile Diesel Service\_CUP Staff Report.docx



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: July 9, 2019  
To: Sutherlin Planning Commission  
From: Community Development  
Re: Monthly Activity Report

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

### **COMMUNITY DEVELOPMENT**

#### **Code Audit Update**

Final Code Audit was completed on May 31, 2019. A copy is attached to this activity report. Staff will prepare a draft code update, incorporating proposed changes for a workshop at the September 17, 2019 Planning Commission Meeting.

#### **Urban Renewal Feasibility Study**

As part of the City Council 2019-2020 Strategic Plan, Council identified the exploration of an Urban Renewal District as a high priority for the City. On April 5, 2019 the City issued a Request for Proposal (RFP) for the provision of consulting services in support of the creation of a feasibility study. One proposal was received from Elaine Howard Consulting. This firm is well qualified to perform the necessary work; therefore, the City has awarded the contract to Elaine Howard Consulting. The Study will begin August 1, 2019, with an expected completion date of December 19, 2019.

#### **SDC Feasibility Study**

As part of the City Council 2019-2020 Strategic Plan, Council identified an analysis of the City's System Development Charges (SDC's) as a high priority for the City. The City issued a Request for Proposal (RFP) for the provision of consulting services in support of the creation of a feasibility study. Two proposals were received. Council awarded the contract to Donovan Enterprises at their Council Meeting on July 8, 2019. The Analysis is scheduled to begin in September and be completed by the end of January 2020.

### **TRANSPORTATION**

#### **Central Avenue Paving Improvement**

Guido Construction final punch list on-going.

#### **Valentine Ave Paving Improvement**

Construction started June 19, 2019 and is on schedule and is expected to be completed within 90 days.

#### **Transportation System Plan (TSP)**

Consultants are working on Task Memo #5, addressing Transportation System Alternatives Analysis.



## **UTILITIES**

**Tapani Construction, Inc.** is in full swing of construction on the Wastewater Treatment Facility. Construction of the new Everett Pump Station started on March 11, 2019. We are still on schedule. Project is expected to be completed by the end of November, 2019.

### **NPWTP Disinfection system improvement**

Preconstruction meeting was held on June 27, 2019 and project is expected to be completed within 120 days.

**Schoon Mountain Storage Tank and Sixth Avenue & Oak Street Pump station improvements.** Still on schedule: design has started, preliminary surveying is complete; Geo-Tech work is complete.

Start Design	Mar. 12, 2019
Complete Design	Sept. 27, 2019
Start Construction (Tentative)	Mar. 2020
Complete Construction (Tentative)	Nov. 2020

## **LAND USE ACTIVITY**

### **Building Worksheets**

- 2019-001 - 2019-053 on previous Activity Report(s)
- 2019-054 – 646 Divot Loop – Single Family Dwelling
- 2019-055 – 873 W Central Ave – Change in Use
- 2019-056 – 768 Pebble Creek St – Single Family Dwelling
- 2019-057 – 773 Pebble Creek St – Single Family Dwelling
- 2019-058 – 1000 E Central Ave, Sp 21 – remodel
- 2019-059 – 719 Slazenger Ct – Single Family Dwelling
- 2019-060 – 719 Slazenger Ct – retaining wall
- 2019-061 – 333 Church Rd – Sign
- 2019-062 – 1311 Page Ave – Single Family Dwelling
- 2019-063 – 114 Eagle Ct – Change in Use - Church
- 2019-064 – 0 Cedar St – Single Family Dwelling
- 2019-065 – 620 Jade St – shed
- 2019-066 – 1000 E Central Ave, Sp 31 - carport
- 2019-067 – 1000 E Central Ave, Sp 49 - carport
- 2019-068 – 818 Sand Pines Ave – SFD
- 2019-069 – 755 Pebble Creek St – SFD
- 2019-070 – 899 Sand Pines Ave – SFD
- 2019-071 – 479 S. State St – patio w/cover
- 2019-072 – 170 Addison Ave – SFD
- 2019-073 – 179 Addison Ave – SFD
- 2019-074 – 856 Sand Pines Ave – SFD
- 2019-075 – 1966 Kapella Ct – deck
- 2019-076 – 303 Eddy St – carport
- 2019-077 – 1972 Ridge View Dr – foundation repair
- 2019-078 – 910 Swallow Ave – accessory bldg.
- 2019-079 – 165 S Comstock Rd – deck
- 2019-080 – 200 Addison Ave - SFD

**Active Land Use Applications**

- 19-S001 – 19-S007 on previous Activity Report(s)
- 19-S008 – Robinson – Land Partition
- 19-S009 – Robinson – Land Partition
- 19-S010 – Russi – Class A Variance
- 19-S011 – Russi – Class A Variance
- 19-S012 – Mobile Diesel Service, Inc - CUP

**Right of Way Applications**

- 19-01 – 19-06 on previous Activity Report(s)
- 19-07 – 563 Oak St - Avista



# SUTHERLIN HOUSING CODE AUDIT

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Final Code Audit - May 2019



# Acknowledgements

## ***Planning Commissioners:***

Norman Davidson  
Elainna Swanson  
Richard Price  
Adam Sarnoski  
Sam Robinson  
Collin Frazier  
William Lee

## ***City Staff:***

Brian Elliott, Community Development Director  
Kristi Gilbert, Community Development Specialist  
Jamie Chartier, City Planner

## ***Department of Land Conservation and Development:***

Josh LeBombard, Southern Oregon Regional Representative, Community Services Division

## ***Consultant Team:***



Heather Austin, AICP, Project Manager, 3J Consulting



Elizabeth Decker, Project Planner, JET Planning



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## INTRODUCTION

The City of Sutherlin is pursuing an audit of the development code and related regulations pertaining to residential development. State law requires a “clear and objective” review path for all housing, which may not cause “unreasonable cost or delay.” This requirement applies to all housing types within residential and mixed-use zones in Sutherlin, referred to in state law very broadly as “needed housing.” A “clear and objective” review path means that there is only one way to interpret a standard, so that there is no discretion when applying it. However, cities may also develop an optional review path with discretionary standards as an alternative to the clear and objective review path and there are limited exemptions to the clear and objective requirement, notably for historic districts.

The Sutherlin code audit will review all applicable development code standards to identify concerns about whether a clear and objective review option exists for all residential development, to identify significant regulatory barriers to residential development, and to identify additional regulatory opportunities to support the development of desired types identified in the City’s Housing Needs Analysis. The overarching goal for the code audit is to identify regulatory barriers to the development of a wide variety of housing types in compliance with both the letter and the spirit of Oregon’s clear and objective requirements, to better meet the City’s identified needs for housing.

The project will include an audit of the City’s regulations to determine whether the code:

- ◆ Complies with the statutory requirements for a clear and objective path for approval of residential development, per ORS §197.307(4);
- ◆ Includes criteria or procedures that may hinder development of needed housing; and
- ◆ Contains permitted use lists and development standards that ensure the mix and density of allowed housing can accommodate needed housing.

The City is working to understand the existing barriers and future solutions to promote housing development for current and future residents through the code audit project. The project includes a thorough review of housing-related development standards. Though not part of the scope of this project, a brief analysis is provided of the City’s policies, fees, and procedures, in an attempt to identify other pertinent issues related to housing development in the city. This project is funded by a Department of Land Conservation and Development (DLCD) Oregon Housing Planning Project technical assistance grant.

# PROJECT APPROACH

The Sutherlin Housing Code Audit analyzes current standards, conditions, procedures or zoning designations to identify those that are out of compliance with state law or areas for improvements based on best practices or City staff suggestions. The project begins to recommend changes to the Sutherlin Development Code (SDC) and department practices that are needed to address issues identified in the audit and develop a draft schedule for completing a code update.

The audit process began with review of adopted plans, regulations, policies and internal procedures. Information sources included:

- ◆ Development code, land division standards, and engineering standards;
- ◆ Background documents including long-range planning documents;
- ◆ Development review procedures including available informational materials for developers;
- ◆ Development review fees including permit fees and System Development Charges (SDCs); and

This audit incorporates input from the City's Staff and Planning Commission to better understand how the development regulations and policies impact the review process and production of housing units. These discussions and input were important to understanding the development context, and helped to identify both specific opportunity areas, such as Planned Unit Developments, Mixed-Use Zoning and a stand-alone Zoning Map, and general themes, such as needed changes to the way non-conforming uses are addressed in various zoning districts.

The audit compares the existing development plans and regulations against legal requirements and best practices. Most notably, the audit reviews SDC standards for compliance with the requirements of ORS §197.307(4), generally referred to as the clear and objective standards requirement herein. The state statutes prohibit development regulations for housing that have the effect either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay or by not providing enough flexibility for development. Additional audit review criteria included:

- ◆ **Compliance** with state regulations, including but not limited to clear and objective standards requirements
- ◆ **Efficiency**, including best practices for zoning code and reducing review requirements
- ◆ **Clarity**, to improve understanding
- ◆ **Affordability**, identifying standards that have significant impacts on project costs
- ◆ **Flexibility**, flagging opportunities to add more options for residential development

*Please note, 3J Consulting and JET Planning are not law firms and therefore cannot provide legal advice. This memorandum is intended for general information. The City should discuss these issues with its legal counsel.*



## APPLICABLE PLANS, POLICIES, & REGULATIONS

This audit reviewed the wide universe of plans, policies, and regulations at federal, state and local levels that impact the availability and affordability of housing choices, with a particular focus on local development regulations that can be analyzed and revised as part of the Housing Code Audit Project. Those development regulations are designed to implement adopted long-range and housing plans.

The majority of audit findings are recommended changes to the development regulations and development review process. Long-range plan revisions are generally not recommended at this time based on audit findings; the long-range vision as articulated in adopted plans is in line with providing the needed variety of housing units, and the focus for this project is facilitating development of that vision through development regulations.

### Long-Range Plans

- ◆ *Comprehensive Plan (1990-1991)*. The Comprehensive Plan is the cornerstone document for all land use policies and regulations. The Housing Section of the Comprehensive Plan states, “Although everyone needs a place to live, the housing needs of people change over time. Variety in the housing market is essential to meet the changing needs of people”. In addition, Goal B. of the Housing Section is “to enable all members of the community to live in housing appropriate to their needs”.
- ◆ *Sutherlin Buildable Lands Inventory and Economic Opportunities Analysis (2005)*. This inventory and analysis identified a projected population growth exceeding the capacity of residential land within the City limits and the Urban Growth Boundary (UGB).
- ◆ *Sutherlin Economic Opportunities Analysis (2014)*. The EOA states, “Sutherlin’s population increased nearly 20% over 2000-2013, up from 6,669 residents in 2000 to 7,930 in 2013. The Compound Annual Growth Rate (CAGR) suggests that the population growth in Sutherlin has consistently outpaced the growth rate exhibited by Douglas County and the State of Oregon”.
- ◆ *City of Sutherlin Zoning Map (last updated 4/2018)*. The zoning map mirrors the land use map in the Comprehensive Plan with the zoning designations matching the comprehensive plan map designations.
- ◆ *Public Works Master Plans*. Infrastructure plans are designed to support development by providing needed services.
  - Transportation System Plan (2005)
  - Wastewater Facilities Plan Amendment (2013)
  - Storm Drainage Master Plan (2014)
  - Water System Master Plan (2017)



## Implementing Regulations

The concepts and policies identified in long-range and housing plans are translated into regulations that are often collectively referred to as “zoning” but include a range of land use, engineering and building standards. These regulations are fully explored in Sections 4 and 5 of this report.

- ◆ Sutherlin Development Code (2017)
- ◆ Resolution No. 2018.17 Establishing the City’s Fee Schedule, which includes land use review fees and System Development Charges (SDCs)

## Outside Factors









Additional policy areas beyond the scope of this review affect availability and affordability of housing opportunities, including:















- ◆ Accessibility requirements for multifamily buildings and federally funded projects, including the Fair Housing Act, Uniform Federal Accessibility Standards, and the Americans with Disabilities Act (ADA) requirements.
- ◆ Building code requirements for energy efficiency promulgated by the state, included in the Oregon Residential Specialty Code.
- ◆ Design and durability requirements for housing projects receiving state funding promulgated by the Oregon Housing and Community Services agency.
- ◆ Market forces including costs for land, construction materials and labor.
- ◆ Consumer preferences, both preferences of households looking for new housing opportunities and those of existing households concerned about changes within existing neighborhoods.
- ◆ Financing and lending institutions, which tend to direct funding towards traditional types of housing development while limiting risk associated with financing nontraditional products such as ADUs or mixed-use projects in unproven markets.



# SUMMARY AUDIT FINDINGS

Key audit findings are summarized below for reference. Green indicates no concerns about the identified section, yellow indicates opportunities for updates, and red indicates need for update to comply with state regulations and/or city priorities.

SECTION	SUMMARY	CONDITION
<b><u>Section 1.3: Definitions</u></b>	<ul style="list-style-type: none"> <li>Consider update to residential definitions where needed.</li> <li>Also consider placing all residential terms together</li> </ul>	
<b><u>Section 2.1: Zoning Administration</u></b>	No concerns noted.	
<b><u>Section 2.2: Residential Districts</u></b>	<ul style="list-style-type: none"> <li>Recommended expansion of permitted residential uses scaled across zones to permit a full spectrum of missing middle housing options.</li> <li>Recommended addition of minimum density standard, reductions to minimum lot sizes calibrated to the density standards, and removing minimum dwelling size standards.</li> </ul>	
<b><u>Section 2.3: Commercial Districts</u></b>	<ul style="list-style-type: none"> <li>Clarify standards for existing single-family residences and allow ADUs.</li> </ul>	
<b><u>Section 2.45: Mixed Use District</u></b>	<ul style="list-style-type: none"> <li>Consider exempting Mixed Use development from density calculations for the residential portions of development.</li> </ul>	
<b><u>Section 2.5: Industrial Districts</u></b>	<ul style="list-style-type: none"> <li>Clarify standards for existing single-family residences and allow ADUs.</li> </ul>	
<b><u>Section 2.6: Special Use Standards</u></b>	<ul style="list-style-type: none"> <li>Revise ADU standards to meet state regulations and provide greater flexibility.</li> <li>Establish standards for residential care homes and facilities.</li> <li>Revise individual manufactured home standards to meet state regulations and provide greater flexibility.</li> <li>Develop clear and objective review option for residential development in RH zone and slopes greater than 12%.</li> </ul>	
<b><u>Section 3.2: Access and Circulation</u></b>	No concerns noted.	

<b><u>Section 3.3: Parking Area Screening, Landscaping, Street Trees, Fences and Walls</u></b>	No concerns noted.	
<b><u>Section 3.4: Vehicle and Bicycle Parking</u></b>	<ul style="list-style-type: none"> <li>Opportunity to revise vehicle and bike parking standards to better align with residential use categories in base zones for consistency and clarity. No significant changes to parking ratios recommended at this time.</li> </ul>	
<b><u>Section 3.5: Infrastructure Standards</u></b>	<ul style="list-style-type: none"> <li>Additional review recommended to identify the infrastructure improvement standards that should be located in the development code, and the more technical specifications that should be located in the engineering design criteria. (Full review outside of the scope of this audit.)</li> </ul>	
<b><u>Section 4.2: Types of Applications and Review Procedures</u></b>	<ul style="list-style-type: none"> <li>Develop fast track permitting process for regulated affordable housing projects, to meet the requirements of SB 1051.</li> </ul>	
<b><u>Section 4.3: Development Review and Site Plan Review</u></b>	No concerns noted.	
<b><u>Section 4.4: Land Divisions and Property Line Adjustments</u></b>	<ul style="list-style-type: none"> <li>Develop clear and objective landscaping screening standards in place of discretionary criteria.</li> </ul>	
<b><u>Section 4.5: Conditional Use Permits</u></b>	No concerns noted.	
<b><u>Section 4.6: Planned Unit Developments</u></b>	<ul style="list-style-type: none"> <li>Consider opportunities to increase density and reduce open space to maximum residential development opportunities for development electing this optional, discretionary review path.</li> </ul>	
<b><u>Section 4.7: Modifications to Approved Plans and Conditions of Approval</u></b>	No concerns noted.	
<b><u>Section 4.8: Zoning District Map Amendments</u></b>	<ul style="list-style-type: none"> <li>Consider an update to the Comprehensive Plan Map to create more generalized land use designations implemented by multiple zoning districts, which would simplify future map changes between zones.</li> </ul>	
<b><u>Section 4.10: Miscellaneous Permits</u></b>	No concerns noted.	
<b><u>Section 4.11: Amendments to the Sutherlin Development Code and Land Use Plans</u></b>	No concerns noted.	
<b><u>Section 5.2: Variances</u></b>	No concerns noted.	
<b><u>Section 5.3: Non-Conforming Uses and Development</u></b>	<ul style="list-style-type: none"> <li>Create greater flexibility for use, expansion and reconstruction of nonconforming residential uses.</li> </ul>	

# DETAILED CODE AUDIT FINDINGS

Within the City's adopted code, this audit identified potential barriers, constraints and incentives to be explored and updated in a future code amendment project. Findings are organized numerically to mirror the organization of the Sutherlin Development Code (SDC). Specific findings include a general description of the existing code features as needed, followed by itemized opportunities for future review and revision.

## **Section 1.3: Definitions**

Consider update to residential definitions where needed. Also consider placing all residential terms together, such as defining "Dwelling Unit", and subsequently defining "single-family detached dwelling", "single-family attached dwelling", etc. Terms to address are:

### *Affordable:*

Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than thirty (30) percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

### *Duplex:*

A building with two attached housing units on one lot or parcel.

### *Dwelling Unit:*

A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

### *Cottage/Cottage Cluster:*

Small, single-level, detached units, often on their own lots and sometimes clustered around pockets of shared open space. A cottage is typically under 1,000 square feet in footprint. Cottages are required to meet the minimum dwelling unit size standards of the underlying zoning district and all construction standards required by the City of Sutherlin and Douglas County. Cottages clusters are required to meet all underlying setback and lot development standards.

### *Family:*

Consider deleting the definition of family given that the definitions for different dwelling types can be based on dwelling units, defined by common cooking facilities, not the residents and their relationships to one another.

### *Lot Frontage (consider revising to "Lot line, front"):*

A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. If a lot does not abut a street, then the front lot line is the line which runs perpendicular to the driveway providing vehicular access to the lot.



*Multi-family housing:*

A structure or grouping of structures containing three or more dwellings on the same lot. The land underneath the structure(s) is not divided into separate lots. (See section 2.2.110.)

*Residence:*

See “dwelling unit”.

*Residential Care Center:*

A residential care, residential training, or residential treatment facility as defined in ORS 443.705, that is licensed by the Department of Human Services and provides residential care alone or in conjunction with treatment or training or a combination thereof for sixteen (16) or more individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

*Residential Facility:*

A residential facility is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

*Residential Home:*

A residential home is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.).

*Senior Housing:*

Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.



*Setback:*

The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

*Single-family attached housing (townhouse):*

A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

*Single-family detached dwelling:*

A detached dwelling unit located on its own lot.

*Single-family detached zero-lot line house:*

A single family detached house with one (1) side yard setback equal to zero (0).

*Triplex:*

A building with three (3) attached housing units on one (1) lot or parcel.

## **Section 2.1: Zoning Administration**

Sections 2.1.100, 110, and 120 establish zoning districts, maps and district boundaries; no significant concerns noted.

Section 2.1.130 establishes accessory structure standards; no significant concerns noted.

## **Section 2.2: Residential Districts**

Table 2.2.110- Permitted Uses establishes allowed uses in all four residential zones, and should provide for a full spectrum of housing choices to meet the community's needs consisted with the needed housing requirements. Generally the table provides variety of uses appropriately scaled across the zones, with the following additional recommendations:

- ◆ Generally the use table allows a broad mix of housing choices including “missing middle” housing options like corner duplexes and townhomes. Consider adding Senior Housing (defined but not permitted), and cottage cluster housing (with proposed definition) types for greater variety, with accompanying special use standards as needed.
- ◆ Accessory dwellings must be permitted in any zone where single-family detached homes are permitted. This standard is largely met, but accessory dwellings should be permitted as an S-P use in the RH zone, not S-PUD.
- ◆ Consider whether there is a meaningful difference between attached townhomes with 4 or 8 units attached, and in which zones to permit a specific number of units.
- ◆ Manufactured homes on individual lots are “permitted with special standards or limitations” or “permitted with Planned Unit Development” in all residential zones. Manufactured homes must be permitted under the same circumstances as single-family detached uses, so individual manufactured homes should be permitted as an S-P use in the RH zone, not S-PUD.
- ◆ Residential care homes must be permitted in any zone where single-family detached homes are permitted. This standard is largely met, but residential care homes should be permitted as an S-P use in the RH zone, not a conditional use.

- ◆ For all “S” uses permitted with special standards or limitations, consider adding a footnote or table note referencing applicable standards for greater clarity.

Table 2.2.120- Development Standards establishes dimensional and density standards for all zones. Generally these standards are clear and objective and support a variety of residential developments, with the following additional recommendations:

- ◆ Currently, the density ranges for the residential zones are: RH (0-3 du/acre), R1 (0-6 du/acre), R2 (0-12 du/acre) and R3 (8-27 units/acre). Consider adding minimum density standards for the RH, R-1 and R-2 zoning districts. This allows development in each zone to meet its stated purpose and use land more efficiently. A 6 du/acre minimum is generally considered consistent with urban densities within a UGB, with exceptions for resource conflicts such as the RH zone.
- ◆ Consider increasing the minimum density for the R3 zone to at least 12 du/acre to avoid overlap with the R2 density range, and consider a higher minimum of 14 to 18 du/acre for more efficient use of land within this district.
- ◆ Consider reducing minimum lot size of single-family non-attached lots in R-1 to 7,000 sf in order to achieve the allowed maximum density of 6 du/acre. Consider reducing minimum lot sizes in the R-3 zoning district, as this is the City’s high-density residential district.
- ◆ Similarly, consider replacing minimum lot sizes for different dwelling types in the R3 zone with a single standard allowing one dwelling per 1,300 square feet of lot area, which would permit densities of up to the allowed maximum of 27 du/net acre regardless of residential type. Currently, duplexes in this zone require a 6,000 square foot lot, resulting in a maximum density of 1.6 du/net acre after subtracting 20% of gross site area for infrastructure, less than half of the allowed maximum. A minimum of 1,300 square feet per dwelling unit assumes 20% of the gross site will be roadways and other infrastructure, resulting in an achievable density of 27 du/net acre.
- ◆ Consider removing the minimum dwelling size regulations for the RH, R1 and R2 zones, which limit housing choice and variety, with impacts for affordability of homes as well.



## **Section 2.3: Commercial Districts**

Table 2.3.110- Permitted Uses: Residential uses are permitted as part of a mixed-use project, not to exceed 50% of the floor area.

Table 2.3.110- Permitted Uses: Consider adding “single family residences built before January 1, 2006” as a permitted use, subject to 2.3.135 for clarity and consistency with Special Status standards in Section 2.3.135. Add ADUs as a permitted use, limited to homes meeting these standards.

Section 2.3.135- Special Status for Single Family Residences: Consider updating to include consistency with proposed changes to Section 5.3- Non-conforming uses and development.

## **Section 2.45: Mixed Use District**

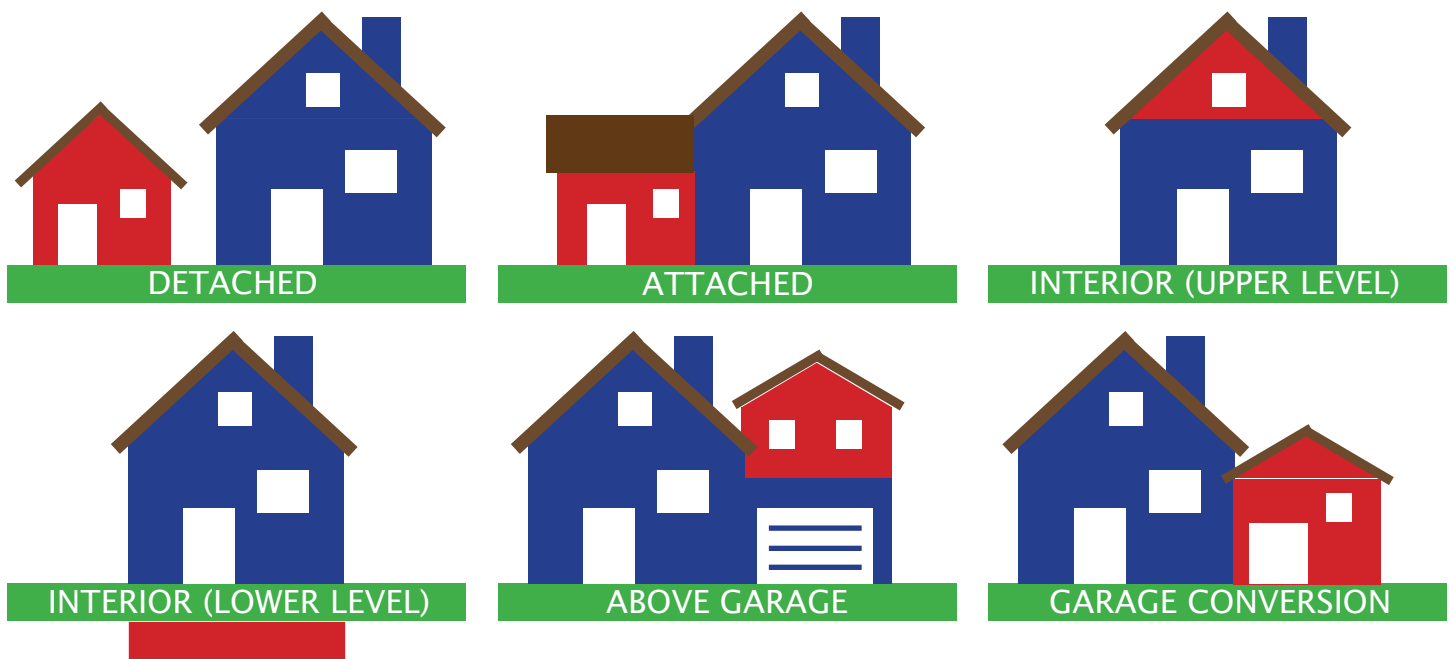
Section 2.45.110- Permitted Uses, Conditional Uses and Structures: Consider revising this section to table format such as Table 2.2.110, 2.3.110 and 2.5.110.

Consider specifically exempting the Mixed Use District from any type of density calculations for the residential portions of development, allowing the market to guide the number and size of dwelling units proposed with a project. This has the potential to increase the number of dwelling units provided with mixed use developments.

## **Section 2.5: Industrial Districts**

Table 2.5.110- Permitted Uses: Consider adding “single family residences built before January 1, 2006” as a permitted use, subject to 2.5.125, for clarity and consistency with Special Status standards in Section 2.5.125. Add ADUs as a permitted use, limited to homes meeting these standards.

Section 2.5.125- Special Status for Single Family Residences: Consider updating to include consistency with proposed changes to Section 5.3- Non-conforming uses and development.



▲ Accessory dwelling units come in many shapes and styles.



## **Section 2.6: Special Use Standards**

Section 2.6.100- Accessory Dwellings: one attached or detached ADU is allowed per single-family lot, through building permit (Type I) review. ADUs may have a floor area of up to 600 SF, must provide one off-street parking space, must comply with underlying lot development standards and must be designed and constructed of “similar or better quality and type of materials as used in the principal structure on the same lot”, with additional design standards.

- ◆ As stated in the Commercial and Industrial sections above, consider expanding the zones in which ADUs are permitted to include all zones where single-family detached housing is permitted for compliance with SB 1051, or as accessory to any existing dwelling in any zoning district, even nonconforming uses.
- ◆ Allow one (or more) ADU per single family detached dwelling unit, rather than per lot to comply with updated state law (SB 1051).
- ◆ Explore feasibility of allowing one attached and one detached ADU per house.
- ◆ Review maximum square footage for ADUs, consider increasing the maximum size to 800 SF consistent with industry best practices, with additional allowance for the entire floor area of a converted level or floor for internal ADUs. If there is concern about the relative size of ADUs and the primary dwelling, consider adding a standard that ADUs may not exceed 75% of the primary dwelling’s square footage.
- ◆ Remove portion of 2.6.100.C that states, “Second dwellings on a lot or parcel are not permitted in the RH or R-1 zones” to comply with SB 1051, or at a minimum revise to state that second *primary* dwellings are not permitted. Consider eliminating all language around duplexes and second dwellings for greater clarity, and simply applying the maximum size standard for ADUs.
- ◆ Revise the architectural standards for compliance with the clear and objective requirement. Remove the statement in 2.6.100.F that, “Accessory dwellings in all residential zones shall be constructed of similar or better quality and type of materials as used in the primary structure on the same lot,” because it is not clear and objective. The specific materials standards themselves appear to be clear and objective.
- ◆ Consider removing the statement in 2.6.100.F that states, “Accessory dwellings shall not be in a manufactured home. Accessory dwellings shall be stick-built,” which limits more affordable options such as manufactured homes or pre-fabricated ADUs.

Section 2.6.140- Special Residences: Establishes standards for residential care homes and facilities, including requirement for Type I Development Review. Standards comply with state requirements; no changes recommended.

Section 2.6.160- Manufactured Homes on Individual Lots: Establishes standards for manufactured homes on individual lots, such as floor plan minimums, roof pitch, building materials, garages and carports, thermal envelope and placement.

- ◆ Update ORS reference to ORS 197.307(8).
- ◆ Revise the size minimums for manufactured homes in subsection (B) that require an enclosed floor area of not less than 1,000 SF in R-2 and R-3 zones and 1,200 SF in RH zones to a 1,000 SF minimum in all zones, or eliminate minimum size requirements entirely. ORS 197.307(8)(a) does not permit a city to establish a minimum enclosed floor area greater than 1,000 SF.



- ◆ Consider revisions to subsections (D) and (E) that regulate building materials and garages/ carports for greater clarity. Because code language mirrors state statute in ORS 197.307(8), the discretionary elements of these sections do not appear to violate the clear and objective requirements for housing generally, but add complexity for staff to administer to try to determine what predominate construction types are in surrounding residences. Consider expanding examples provided in subsection (D), perhaps in table format, for ease of use by staff. Consider adding clear specifications for when a carport or garage is required, such as when 50% of residences within 200 feet of the lot have carports or garages.

Section 2.6.170- Manufactured Home Parks: Establishes standards for manufactured home parks. Standards are generally compliant with ORS 446.100. No significant changes anticipated.

Section 2.6.210- RH Zone and slopes greater than 12% - Development Standards: Establishes geotechnical review requirements and approval criteria for development on steep slopes.

- ◆ Subsections (C) and (D) allow for a ministerial and discretionary review option, based on the review required for the underlying development. Consider revising the requirement for a project subject to administrative review (Type II) to be reviewed as Type III or IV hillside development permit, and instead allow projects subject to a Type II permit to also be reviewed as a Type II hillside development permit, to ensure residential projects have a clear and objective review option.
- ◆ Criteria in subsections (E), (F) and (G) include discretionary language that could be difficult to apply to residential projects in a clear and objective manner. Consider developing alternative approval criteria for residential projects with a clear and objective pathway.

Section 2.6.240- Agriculture, Livestock: Establishes type of animals permitted in FR-20 zoning district. Though not related specifically to housing, consider adding types of agriculture permitted in addition to livestock.

### **Section 3.2: Access and Circulation**

Establishes standards for access and circulation for pedestrians and vehicles. No significant changes anticipated.

### **Section 3.3: Parking Area Screening, Landscaping, Street Trees, Fences and Walls**

Establishes standards for parking area screening, landscaping, street trees, fences and walls. No significant changes anticipated.

### **Section 3.4: Vehicle and Bicycle Parking**

Table 3.4.120.A- Vehicle Parking Minimum Standards: Provides required minimum number of parking spaces per use type. Single family detached housing requires 2 parking spaces per detached unit or manufactured home on an individual lot. Two- and three-family housing requires 1.5 spaces per dwelling unit. Multi-family and single-family attached housing requires spaces based on unit configuration:

- ◆ Studio, 1-br units > 500 sq. ft., 55+ and ADUs require 1 space/du
- ◆ 1-bedroom units 500 sq. ft. or larger require 1.5 spaces/du
- ◆ 2-bedroom units require 1.75 spaces/du
- ◆ 3-bedroom or greater units require 2 spaces/du
- ◆ Visitor parking is required for over 10 units (and 1-9 units with no on-street parking) at a rate of 1 space/10 du
- ◆ On-street parking credits, off-site parking and shared parking permitted.
- ◆ Maximum parking in ground surface parking lots may not exceed minimum required by more than 30%.

No significant changes anticipated for vehicle parking standards for residential uses, based on staff feedback that standards are not perceived as a barrier to housing development and that on-street parking alternatives are extremely limited.

Consider renaming and expanding the standard for “Two- and three-family housing” to “Duplexes and Multifamily dwellings with 3 or 4 dwellings” for consistency with the use categories in Table 2.2.110.

Section 3.4.130- Bicycle Parking Requirements: Bicycle parking is required for multifamily uses of 4 or more dwellings at a rate of 1 sheltered bicycle space per dwelling unit. No bicycle parking requirements for single-, two- and three-family developments.

No significant changes anticipated for bicycle parking standards.

Consider changing applicability of bicycle parking standards to apply to multifamily uses of 5 or more dwellings consistent with the use categories in Table 2.2.110.

### **Section 3.5: Infrastructure Standards**

The City should determine the balance between the infrastructure improvement standards that should be located in this chapter of the development code, and those that should be located in the engineering design criteria. While a complete audit of infrastructure standards is outside the scope of this land use audit, some general guidelines include:

- ◆ Design issues that relate to land use approvals, such as tentative subdivision plans and site plan approval, should be included in the development code, while design and construction details should be located in the engineering design criteria. For example, street spacing and widths should be included in the Sutherlin Development Code (SDC), but street cross sections could be located in the engineering design criteria and referenced in the SDC. This would allow the city more flexibility in updating street design standards without a zoning code text

- amendment but hold developments accountable to meet the minimum right-of-way standards.
- ◆ Some regulatory requirements are driven by state and federal standards, such as stormwater, and may change more quickly than the development code is updated. Where possible, reference outside standards rather than integrating into the development standards.

## **Section 4.2: Types of Applications and Review Procedures**

Develop fast track permitting process for regulated affordable housing projects, to meet the requirements of SB 1051. “Affordable” is defined as projects where 50% of the units are priced at 60% MFI or below for a minimum of 60 years, and such projects should have an option to be reviewed in 100 days or less, rather than the typical 120-day rule that applies to most land use permits. Standards could potentially be located in Section 4.2.170, Special Procedures.

A sample of the Development Code language for a fast track permitting process is: “A one-hundred day maximum review period from the date at which the application is deemed complete applies for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Douglas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.”

The City may also consider general land use decision timeframe language, such as: “Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise.”

## **Section 4.3: Development Review and Site Plan Review**

Section 4.3.110 identifies two processes, a Type I Development Review and a Type II Site Plan Review. No significant changes anticipated; approval criteria for each review type are generally clear and objective.





#### **Section 4.4: Land Divisions and Property Line Adjustments**

Requires a two-stage review process for subdivisions and partitions: Type II review for preliminary plat and Type I review for final plat. Final plat must be filed within two years of approval of the preliminary plat. The approval criteria and standards are generally clear and objective, with the following additional recommendations:

- ◆ Section 4.4.140.E.4 states, “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.” Consider revising to a clear and objective standard and limit criterion to apply to referenced standards.
- ◆ Section 4.4.140.N states, “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).” Consider revising to clear and objective standard that establishes where and what type of landscape screening and access reserve strips are required.

#### **Section 4.5: Conditional Use Permits**

Requires a Type III review for conditional use permits. The Conditional Use Permit process allows the City to require discretionary standards and additional conditions when an applicant proposes certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. No significant changes anticipated.

#### **Section 4.6: Planned Unit Developments**

A three-step review process for a PUD applies upon submittal for review of a PUD- no minimum site size is required. The three steps may be combined for notification and public hearings. PUDs in residential districts are required to contain at least forty percent (40%) open space. PUDs are an optional process for projects that desire more flexibility than a subdivision, and are permitted to apply discretionary criteria. City staff indicated that the PUD process is used with some frequency.

- ◆ Consider clarifying allowed uses in the underlying commercial and industrial zoning districts (4.6.130.B and .C).
- ◆ Consider allowing maximum density to be adjusted through the PUD process, which is a common feature of PUDs and allow for greater flexibility and efficiency in land development. (4.6.140.A.1) Consider reducing the amount of open space required in a PUD in residential districts. (4.6.170.D)

#### **Section 4.7: Modifications to Approved Plans and Conditions of Approval**

Establishes a minor (Type I) and major (same type as original review) review procedure for modifications to approved plans and conditions of approval. Review threshold between minor and major modifications. No significant changes anticipated.

#### **Section 4.8: Zoning District Map Amendments**

Establishes Type III review procedure for quasi-judicial zoning map amendments. The review procedure for a zoning map amendment is appropriate. However, City staff has identified the issue that the Zoning Map and Comprehensive Plan Land Use Designation are the same, and therefore a Type III quasi-judicial zoning map amendment *always* requires a Type IV comprehensive plan map amendment.

The City could consider an update to the Comprehensive Plan Map to generalize land use designations. For example, the Comprehensive Plan Map can be updated to identify land uses generally, such as “residential”, as opposed to zone-specifically, such as “RH, R-1, R-2 and R-3”.

#### **Section 4.10: Miscellaneous Permits**

Identifies process for obtaining temporary use permits and temporary manufactured dwelling medical hardship permit. No significant changes anticipated.

#### **Section 4.11: Amendments to the Sutherlin Development Code and Land Use Plans**

Requires a Type IV review for amendments to the city’s development code or a land use plan, including amendments to the comprehensive plan text or map, annexations and amendments to the urban growth boundary. No significant changes anticipated.

#### **Section 5.2: Variances**

Establishes three classes of variance: Class A (Type I review), Class B (Type II review) and Class C (Type III review). No significant changes anticipated.

#### **Section 5.3: Non-Conforming Uses and Development**

Prohibits expansion of non-conforming uses and developments. Limits ability to rebuild non-conforming uses in situations where more than 75% of structure is destroyed. Requires full compliance with code and underlying zone if use is discontinued or abandoned for any reason for a period of more than 12 months.

- ◆ City staff has identified this as an area of the Code needing review and potential revision. The City has many pre-existing non-conforming residential uses in commercial and industrial zones. The City would like to allow the owners of these uses some latitude in the use and development of their property.
- ◆ Consider allowing residential structures that are non-conforming to be reconstructed if destroyed.
- ◆ Consider allowing residential structures that are non-conforming to expand in floor area by not more than twenty percent (20%) and in lot coverage by not more than ten percent (10%), subject to underlying zoning district standards for setbacks, height, lot coverage, etc. This is similar to the standard utilized by the City of Medford, identified as a potential model for Sutherlin by DLCDD staff.
- ◆ Consider requiring a Type II review process for expansion of a non-conforming residential use, including ADUs.

# ADDITIONAL AUDIT FINDINGS

The City can ensure effective application of the development code during the residential development review process by implementing supportive policies, such as:

## Coordination between City departments



The departments tasked with development review (Community Development/Planning and Public Works) coordinate closely in the City of Sutherlin. Like many cities in Oregon, Sutherlin does not have a City Engineer on staff and utilizes a contracted professional engineer (PE) to review and approve public improvements. Currently, the consulting PE is generally not engaged to review a project until after land use approval. The City may consider bringing the consulting PE into the project earlier in the process, at time of land use review or even pre-application. This would allow the PE to identify any major engineering issues with the development proposal that may be costly, timely or ultimately fatal to the development proposal at a later stage in the process.

## Informational materials



Develop new or amend existing informational materials available for residential projects, including typical development projects and annexation procedures. Materials should be specific to the type of residential construction (e.g., ADUs or multifamily development) and written for the typical developers of such projects (e.g. homeowners constructing an ADU may require greater detail, but a developer building a 200-unit mixed-use project may require limited but precise information). Consider including review requirements, timelines, fees, SDCs, and applicable code sections. Recognize limitations of one-size-fits-all guides, and also focus resources on providing site-specific information through over-the-counter advice and pre-application conferences. Consider providing developers and property owners written summary notes after pre-application conferences.

## System Development Charges (SDCs)



SDCs are currently under \$4,000 per dwelling unit in Sutherlin. There is no differentiation between types of dwelling units- a single-family detached home is charged the same SDCs as a unit within a multifamily housing development, a manufactured home or an accessory dwelling unit. The City is currently undertaking a feasibility study for a potential SDC rate increase. The City may consider charging different SDC rates for single-family residential than for other housing types, consistent with other jurisdictions in the state.

## **Land Use Fee Structure**



The land use review fees in Sutherlin are typically lower than comparably sized and located jurisdictions. While high land use review fees can have a negative impact on a project's feasibility, they are typically a small percentage of the project's overall budget. The City may consider increasing fees as needed to recover City land use review costs, a common practice in many cities to ensure that "development pays for itself." For example, the above recommendation to include the consulting professional engineer (PE) at an earlier stage in the land use review process may result in the need to increase the pre-application conference fee. Private developers may also receive better value from services funded through higher review costs, such as the above recommendation to provide a written summary of the pre-application conference notes that would add value and knowledge to the project, allowing the property owner or developer to fully weigh the development cost against the projected revenue of the project at the feasibility stage.



# PROPOSED CODE UPDATE SCHEDULE

The City of Sutherlin will be preparing code updates to address the recommendations in this audit. Although exact dates may shift to accommodate workload and public meeting agendas, the proposed code update schedule is as follows:

