



**City of Sutherlin**  
**Planning Commission Meeting**  
**Tuesday, September 21, 2021**  
**7:00 p.m. – Sutherlin Civic Auditorium**  
**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Welcome New Planning Commission Member**

**Approval of Minutes**

August 31, 2021 – Regular Meeting

**Approval of Findings of Fact**

1. **THOMAS McINTOSH (representative for the property owners)**, request for a Planned Unit Development (PUD) to be developed in two phases that total 53 lots, along with open space on a 9.85 acre parcel, which is located on the south side of Fort McKay Road in the City of Sutherlin. The subject property is described as Tax Lot 2000 in Section 24A in T25S, R6W, W.M.; Property I.D. No. R46139. The property is designated Low Density by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential. **PLANNING DEPARTMENT FILE NO. 21-S012.**

**Quasi-Judicial Hearing(s)**

1. **CLARK PROPERTY MANAGEMENT, LLC**, request for a Comprehensive Plan Map Amendment from Community Commercial and Low Density to High Density and Zone Map Change from (CC) Community Commercial and (R-1) Low Density Residential to (R-3) Multifamily Residential on a 3.75 acre property located on the west side of Dakota Street and inside the City of Sutherlin. The subject property is described as Tax Lot 323 in Section 19B, T25S, R5W, W.M., and Property I.D. No. R148651. **PLANNING DEPARTMENT FILE NO. 21-S013.**

**Monthly Activity Report**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7:00 PM  
TUESDAY, AUGUST 31, 2021**

**COMMISSION MEMBERS PRESENT:** William Lee, Richard Price, Adam Sarnoski, Gary Dagel, Lisa Woods, Alan Woods and Norm Davidson

**COMMISSION MEMBERS EXCUSED:**

**COMMISSION MEMBERS ABSENT:**

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

**AUDIENCE:** Ben Tatone, Thomas McIntosh, Ashley Zwijacz, Mavis Ecker, Salina O'Banion and Bruce Cortes

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

**FLAG SALUTE**

**WELCOME NEW PLANNING COMMISSION MEMBER** – Alan Woods. Commissioner A. Woods gave a brief background.

**APPROVAL OF MINUTES**

A motion made by Commissioner Davidson to approve the minutes of the June 15, 2021 Planning Commission meeting; second made by Commissioner Price.

In favor: Commissioners Sarnoski, Dagel, L. Woods, Price, Davidson, A. Woods and Chair Lee

Opposed: None

Excused: None

Motion carried unanimously

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

1. **Thomas McIntosh (representative for the property owners)**, request for a Planned Unit Development (PUD) to be developed in two phases that total 53 lots, along with open space on a 9.85 acre parcel, which is located on the south side of Fort McKay Road in the City of Sutherlin. The subject property is described as Tax Lot 2000 in Section 24A in T25S, R6W, W.M.; Property I.D. No. R46139. The property is designated Low Density by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential. **PLANNING DEPARTMENT FILE NO. 21-S012.**

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

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

**Jamie Chartier, City Planner**, identified Brandan McGarr (Sutherlin Fire Department), Josh Heacock (Douglas County Public Works and the applicant as having party status. Then entered Staff Exhibits 1-12, 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.

## **APPLICANT'S TESTIMONY**

**Thomas McIntosh, representative/applicant for property owners**, appreciates staffs work and concurs with the submitted Staff Report. Commissioner L. Woods asked what the anticipated timeframe for each phase will be. Commissioner A. Woods asked for elaboration on the overall plan (create each lot and the developer build or is the plan to sell vacant lots?).

**Ben Tatone, property owner/developer**, concurred with the Staff Report submitted and gave an example of the neighborhood he and the other property owner envision and build (homes to be a Toyota Camry vs Lexus). Commissioner A. Woods asked Mr. Tatone what the average home value within the proposed development be. Mr. Tatone responded that Tabor Building builds a nice house, beyond entry level, while making it affordable housing development. The development will also include a play area for kids to congregate, along with a pavilion and BBQ area.

Commissioner Davidson asked if fire conditions or the fire department been addressed that where raised within the Staff Report. Mrs. Chartier stated that the fire codes and requirements will have to be addressed with development and design. When the engineered plans for design are submitted the Fire Department and State Fire Marshall will review them for compliance. Chair Lee asked Mr. Tatone how this development fits in with the current housing market. Mr. Tatone replied that he has been involved with Tabor Building through many different housing markets and they adapt to the current market conditions as needed along the way. Commissioner Dagele asked if there would be any provisions to someone buying and/or selling. Mr. Tatone informed the commission that the only provisions to someone buying one of their lots is that is not permitted until the home is completely built and sold to the home buyer under contract. Once the property is sold, it is out of their hands.

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

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

## **RECEIVE NEUTRAL**

**Mavis Ecker, 249 Plat M Road, Sutherlin**, informed the commission and audience that her property abuts the subject property and asked when will development start? Mr. Tatone answered Mrs. Ecker stating that they hope to have Phase 1 finished within two (2) years or less. There is a drainage across the property that is considered wetlands and Phase 1 will stop just prior to that. He also stated that they would like to start the construction part by next spring/summer 2022. Mr. Tatone is estimating approximately five (5) years for full buildout. Mrs. Ecker asked about city services, their location and what direction are they coming from. Mr. Tatone informed her the utilities will come from the infrastructure lines within the right-of-way of Fort McKay Road.

**Ashley Zwijacz, 141 Plat M Road, Sutherlin**, stated that her property is directly adjacent to the subject property and per the preliminary map would have eight (8) houses along her fence line. Mrs. Zwijacz asked what the average home cost (sales) would be, Mr. Tatone replied, "If it was in todays

market and conditions the house sizes would be a minimum size of 1,500-1,600 sq ft, up to between 2,000 – 2,200 sq ft and in the \$340,000-370,000 price range. Mrs. Zwijacz has a concern with existing water runoff and stated that her property floods each year, and they have worked to get it under control. What will be done to prevent additional drainage? Mr. Tatone informed her (and the commission) that a home and land with impervious surface is approximately 4,000 sq ft that must go into a dedicated storm water drainage. Within the proposed development a detention pond (or two) will be required in their engineered design to handle the storm water and will in turn help with flooding. Mrs. Chartier also added that one of the conditions of approval and requirement within the Sutherlin Development Code is an engineered stamped letter certifying the proposed storm water drainage will not increase as a result of development and there will be no impact to neighboring properties.

Mrs. Zwijacz also asked if there will be any type of buffer built to ensure adjacent properties that are located outside the city limits still have that privacy. Can a privacy fence be built on the proposed lots for this? Also, a two-story house would eliminate privacy with the limitation of a 6' fence. Mr. Tatone informed Mrs. Zwijacz that in all his and Tabor Building's subdivisions and homes they have built, they do construct a 6' fence with front yard landscaping. They sell a "finished" product so the proposed subdivision (or PUD) is uniform and looks nice. Thomas McIntosh did add that fencing falls outside of the scope of this application and approval criteria. So, it cannot be added as a condition of approval. But the developer has stated they do plan to build a fence and are sensitive to the privacy issue.

**Bruce Cortes, PO Box 1405, Sutherlin**, stated he is in favor of the development proposal and knows the city has to continue to grow. Questions the additional traffic on Fort McKay Road, is Douglas County aware of this development? Is Fort McKay Road built to a level to handle the additional traffic? Will the access into this development affect other properties access onto Fort McKay Road? Mr. McIntosh stated that a traffic impact analysis (TIA) was conducted and was concluded that Fort McKay Road is well within the capacity to handle the additional traffic. Douglas County Public Works has been and is very involved and informed with the proposal. Douglas County Public Works is also requiring an additional 5' right-of-way (ROW) to be dedicated so ultimately Fort McKay Road is a 70' ROW, increased from it's existing 60'. Mrs. Chartier added that with Fort McKay Road being classified as a major collector road, 250' is the required spacing for accesses onto it. With this requirement being in place, the EMS access will be required to be locked and not a utilized by the homeowners within the development. Mr. Cortes asked, "Will this requirement affect other driveways on the north side of Fort McKay Road?" Mrs. Chartier answered that it will not.

## **APPLICANT'S REBUTTAL**

No rebuttal necessary, questions were answered throughout the hearing.

Chair Lee closed the public portion of the hearing.

A motion was made by Commissioner Price to approve the Planned Unit Development (PUD) application per staff's recommendation of Action Alternative No. 1 with the 37 conditions of approval; Commissioner Davidson seconds the motion.

In favor: Commissioners Dagel, L. Woods, A. Woods, Sarnoski, Price, Davidson and Chair Lee

Opposed: None

Excused: None

Motion carried unanimously

**MONTHLY ACTIVITY REPORT - Jamie Chartier, City Planner**, informed the new commission member what the activity report is and asked the commission if they had a chance to review the activity report and if they had any questions.

Mrs. Chartier had placed an updated Sutherlin Development Code notebook at each commissioner's seat prior to the meeting. She informed them that these are complete SDC's and their previous notebooks can now be replaced.

**PUBLIC COMMENT – None**

**COMMISSION COMMENTS – None**

**CHAIR APPOINTMENT** - William Lee had submitted his resignation to City Staff prior to tonight's meeting. With this an appointment of Commission Chair is needed. Mrs. Chartier presented Mr. Lee with a certificate of recognition for his time.

A motion was made by Commissioner Davidson stated that he would step up to take the role of Chair from Vice Chair, second was made by Commissioner Price.

In favor: Commissioners Dagel, L. Woods, A. Woods, Sarnoski, Price and Davidson  
Opposed: None  
Excused: None  
Motion carried unanimously

A motion was made by Commissioner Price to nominate himself as vice-chair; second made by Commissioner Davidson.

In favor: Commissioners Dagel, L. Woods, A. Woods, Sarnoski, Price and Davidson  
Opposed: None  
Excused: None  
Motion carried unanimously

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:58 pm.

Respectfully submitted,

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

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Norman Davidson, Commission Chair

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

IN THE MATTER of a two (2) phased, 53 lot	]	<b>FINDINGS OF FACT AND DECISION</b>
Planned Unit Development (PUD), along with	]	
open space on an 9.85 acre parcel	]	Applicant: Thomas McIntosh
located on the south side of Fort McKay	]	Subject: Planned Unit Development
Road. The property is identified as Tax Lot	]	(PUD)
2000 in Section 24A, T25S, R6W, W.M.;	]	File No.: 21-S012
Property I.D. No. R46139.	]	

**PROCEDURAL FINDINGS OF FACT**

1. The Planned Unit Development (PUD) application was deemed complete by the City on July 27, 2021.
2. Pursuant to Section 4.2.140.C of the Sutherlin Development Code (SDC), notice of the public hearing was given by publication in the *News Review* on August 3, 2021, which was a least 14 days prior to the date of the public hearing.
3. Notice of a Public Hearing on the PUD 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 July 28, 2021. Two (2) written comments on the proposal were received.
4. The Planning Commission held a public hearing on this matter on August 31, 2021.
5. At the public hearing on August 31, 2021, 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.
6. The Planning Commission declared the following as parties to the hearing:
  - a. Ben Tatone, Property Owner and Developer
  - b. Thomas McIntosh, Applicant’s Representative
  - c. Brandan McGarr, Battalion Chief, Sutherlin Fire Department
  - d. Josh Heacock, Engineer, Douglas County Public Works
7. Reference was made to the August 24, 2021 Staff Report and findings of fact addressing compliance with the applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2 (R-1 zone), Chapter 3 (Design Standards) and Chapter 4, Section 4.6 (Planned Development) of the Sutherlin Development Code.
8. Planning Staff presented the Staff Report dated August 24, 2021 and entered Staff Exhibits 1-12 into the record with the recommendation of action alternative number 1.
9. The Planning Commission received clarifying testimony about the requested planned unit development from the one of the property owners/developer, Ben Tatone, who explained about the planned unit development being privately funded, the proposed development would have homes built by Tabor Building. These

homes would be beyond entire level houses, yet making it an affordable housing development. The development will also include a play area for kids, along with a pavilion. He also estimated the proposed house sizes will be a range from 1,500 sq ft to 2,200 sq ft. He further stated that he (and the applicant) concurred with the staff report and the proposed conditions of approval.

10. The Planning Commission received clarifying oral testimony from Thomas McIntosh (representative/applicant for the property owners), which stated he (and his client) appreciate staffs work and concurs with the submitted staff report.
11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor to the application. No persons were present.
12. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application. No persons were present.
13. The Planning Commission provided opportunity to receive neutral comments, questions and/or oral testimony from persons to the application. Mavis Ecker spoke on behalf of herself, along with Ashley Zwijacz and Bruce Cortes.
14. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. None was provided.
15. The Planning Commission provided opportunity to receive clarifying response and oral rebuttal from the applicant. Thomas McIntosh (representative) responded to Mrs. Zwijacz and Mr. Cortes's' comments and questions. Also, Jamie Chartier, City Planner responded with answers pertaining to Traffic requirements and Sutherlin Development Code requirements.
16. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

### **FINDINGS OF FACT RELATED TO DECISION**

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 Low Density by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential by the Sutherlin Development Code.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated August 24, 2021.

Finding No. 3. The Planning Commission finds that the requested planned unit development standard was processed as a Type III procedure, subject to the applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2 (R-1 zone), Chapter 3 (Design Standards) and Chapter 4, Section 4.6 (Planned Development) of the Sutherlin Development Code.

Finding No. 4. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed planned unit development is designed to meet the requirements of Section 2.2 (R-1 zone) with regard to minimum lot area, lot width and lot depth for each lot. As proposed, the planned unit development will be developed in two phases with Phase 1 being 27 lots and Phase 2 being 26 lots. The minimum lot size within the development will be 2,784± sq. ft., up to 5,991± sq. ft.; lot frontage width of at least 50 feet.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed planned unit development will substantially meet the design standards outlined in Chapter 3, Sections 3.2.100 (Vehicle Access and Circulation) and 3.5.100 (Infrastructure Standards) and that appropriate conditions of approval have been imposed to ensure continued compliance. The Commission further finds the proposed PUD will necessitate the improvement of two (2) public streets within the development and be in conformance with the city's local residential street standards.

Finding No. 6. The Planning Commission finds, base upon the staff report, application materials and oral testimony provided, that the property owners/developer is trying to make reasonable use of the 9.85 acre property, while constructing two (2) internal streets to meet City local residential standards, along with the requirements of the Oregon Fire Code.

Finding No. 7. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided that the proposed development will substantially meet the approval criteria outlined in Chapter 4, Section 4.4.140 for the tentative plan for the PUD proposal and that appropriate conditions of approval have been imposed to ensure continued compliance.

Finding No. 8. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided that the proposed development will substantially meet the approval criteria outlined in Chapter 4, Section 4.6 (Planned Unit Development) for the PUD proposal and that appropriate criteria and conditions of approval have been imposed to ensure continued compliance.

## CONCLUSION

1. A motion was made by Commissioner Price and seconded by Commissioner Davidson to approve action alternative number 1 and **APPROVE** the requested 53-lot Planned Unit Development (PUD) to be developed in two phases, along with



open space on an 9.85 acre parcel on the south side of Fort McKay. 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 PUD to be developed in two phases that total 53-lots, along with open space on an 9.85 acre parcel of land, subject to the following conditions of approval:

1. The property owner(s)/developer shall submit a concept plan per Section 4.6.190, within one (1) year after the date of approval. The detailed development plan may be for one (1) or more phases of the project.
2. The property owner(s)/developer shall submit a final PUD Plat which substantially conforms to the preliminary plan submitted with the application and the approved concept plan (condition no. 1 above). As well as the general standards and survey plat requirements prescribed by the SDC. Any alterations shall be reviewed by the Community Development Department.
3. The property owner(s)/developer shall meet all requirements of final plat submission and approval criteria in Section 4.4.140.K(4) of the SDC. Each phase is approved for a period of two (2) year, for a total of four (4) years for this approval, unless an extension to the applicable phase is granted pursuant to Section 4.4.120 of the SDC.
4. PUD's in residential districts shall contain at least twenty-five (25) percent open space. Where common open space is designated, the following standards apply:
  - a. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
  - b. The open space shall be conveyed in accordance with one of the following methods:
    1. By dedication to the city as publicly-owned and maintained open space. Open space proposed for dedication to the city must be acceptable to the city with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
    2. By leasing or conveying title (including beneficial ownership) to a corporation, home owners association or other legal entity, with the city retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, enforcement, property tax payment, etc.) suitable to the city; or

3. Homeowners Association bylaws and CC&Rs shall specifically recognize that the city has open space maintenance, enforcement, and assessment capabilities.
5. The property owner(s)/developer shall dedicate a 5' strip of land along the frontage of Fort McKay Road to bring the half ROW width up to the ultimate standard for a Rural Major Collector to Douglas County.
  - a. The final location and width of the land to be dedicated shall be determined by Douglas County Public Works, with coordination with the City of Sutherlin.
  - b. The property owner(s)/developer shall provide a title report showing clear title to the affected strip of land.
6. Prior to final plat approval property owner(s)/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.
7. The property owner(s) shall improve and dedicate the required ROW for the interior local residential streets (50' right-of-way). The design of the new street(s) shall include two 11 ft travel lanes, two 7 ft parking lanes, two 6 ft sidewalks and two 6 inch curbs. The new streets shall be designed, engineered and constructed in accordance with the standards of the Sutherlin Development Code, along with meeting the requirements of the Oregon 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.

8. The property owner(s)/developer shall submit the proposed street names for the interior streets. The final street names within the PUD shall be coordinated with and approved by the City of Sutherlin.
9. Property owner(s)/developer shall coordinate with the City of Sutherlin Public Works for the design and installation of water lines with valves and fire hydrants, and water meters at the property line to city standards. 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(s)/developer at time of review. Water main is required to be sized at 8" diameter; however, the City of Sutherlin would participate in having a 12" diameter water main installed (upsized improvement) and have a minimum depth of 36" to allow for future connections. Prior to submitting a final PUD plat, the developer shall install water infrastructure approved by the City of Sutherlin within public rights-of-way or minimum 15-foot wide utility easements to serve all proposed lots.
10. Property owner(s)/developer shall coordinate with the City of Sutherlin Public Works for the design and installation of sanitary sewer improvements to city standards to serve the proposed PUD. Prior to submitting a final PUD plat, the developer shall install sewer improvements, with installation of a manhole every 300' to 400' approved by the City of Sutherlin and DEQ within public rights-of-way or minimum 15-foot wide utility easements to serve all proposed lots. 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(s)/developer at time of review.
11. Prior to beginning construction, the property owner(s) of the subject property shall sign a Development Agreement with the City to complete approved improvements located in city right-of-way to city standards. Prior to final plat approval the developer shall install all required improvements as directed by the City, or submit to the City an acceptable agreement for improvements and Irrevocable Letter of Credit or bond mechanism as specified in Section 4.3.170 of the Sutherlin Development Code.
12. The property owner(s)/developer shall obtain an access permit(s) from the Douglas County Public Works for the existing and/or proposed access locations onto Fort McKay Road.
13. The property owner(s)/developer shall obtain the necessary ROW activity permit(s) for improvements within the ROW of Fort McKay Road from the Douglas County Public Works.

14. Property owner(s)/developer shall provide city standard fire hydrants at the locations meeting 2019 Oregon Fire Code (OFC) Appendix C and approved by the City of Sutherlin Fire Department to City standards.
15. Property owner(s)/developer shall coordinate with the City of Sutherlin Fire Department the 20' EMS entrance, gate (OFC Appendix D, Section D103.5) and Knox box meeting the Oregon Fire Code requirements. The property owner(s)/developer shall provide a letter from City of Sutherlin Fire Department that all requirements have been installed and constructed to Fire Code and standards have been met. The secondary access will be required to be locked following Sutherlin Municipal Code Chapter 15.04.096.
  - a. Gate location to be noted on the face of the final plat and be located outside of ROW.
16. All utilities shall be designed per standards to be located underground, pursuant to Section 3.5.150 of the SDC.
17. Property owner(s)/developer shall install street signs in accordance with city standards. The cost of signs and installation of the signs required for new development shall be the responsibility of the property owner(s)/developer.
18. Property owner(s)/developer shall coordinate with Douglas County Public Works for the proposed street sign(s) that will be located within the ROW of Fort McKay Road. These signs need to meet MUTCD standards.
19. Property owner(s)/developer shall install mailboxes in accordance with city standards. Plans for mail boxes shall be approved by the US Postal Service.
20. Property owner(s)/developer shall install streetlights in or near the PUD per city street light policy (Resolution No. 2006-03). Location of the streetlights will require coordination with the Community Development Department.
21. Any shared driveways shall be identified on the face of the final plat. Property owner(s)/developer shall provide and record on the plat any reciprocal access and maintenance agreements for any affected lots.
22. Prior to submitting a final PUD 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 PUD's storm sewer system shall be designed and constructed to accommodate the existing runoff volumes from the contributory slopes uphill of the subject property.

23. Property owner(s)/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.
24. Property owner(s)/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.
25. Property owner(s)/developer shall obtain a 1200-C NPDES Storm Water Discharge Permit prior to construction as required by the Oregon Department of Environmental Quality (DEQ).
26. In order to assure future extensions of public streets remain available as proposed, the property owner(s)/developer will be required to install reflective barricades in accordance with city standards and be coordinated with the City of Sutherlin Public Works Director.
27. Fire turnaround must be installed between construction of Phase 1 and Phase 2. Coordination with the Sutherlin Fire Department is required and shall provide a letter from the Sutherlin Fire Department that all required improvements have been constructed.
28. All necessary easements shall be shown and referenced on the final PUD plat. Required recorded easements and agreements, reciprocal easements and maintenance agreements for the shared private drives, storm water drainage easements, public and private utility easements.
  - a. All easements outside of dedicated rights-of-way must be shown and described as to type and use on the face of the final plat.
  - b. EMS access gate shall be noted on the face of the final plat.
29. If any covenants are to be recorded on the PUD, the property owner(s)/developer shall provide a copy, including the volume and page(s) of the recording with Douglas County, to the City. These documents shall be referenced on the final plat indicating any covenant restrictions governing the development of the proposed subdivision.
30. The property owner(s)/developer shall provide a letter from the Sutherlin Public Works Director that all required improvements have been constructed and installed to City Construction Specifications.
31. PUD 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.

32. 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.
33. 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.
34. The approved PUD 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 PUD plat shall bear the stamp and signature of the Professional Land Surveyor, and shall include a signature line for the Sutherlin Community Development Director, the Planning File Number, along with the signature line(s) for the Douglas County Board of Commissioners.
35. An electronic copy (pdf) of recorded final PUD plat and as-built drawings, shall be submitted to the Sutherlin Community Development Department within 10 days after recording.

#### **ADVISORY STATEMENTS**

36. The property owner(s)/developer shall comply with applicable local, county, state and federal regulations as applicable to the PUD.
37. At the time of a building permit proposal on any of the new lots, the permit shall indicate compliance with SDC Section 2.2 R-1 building development standards and requirements; and the driveway separation, surface improvement and storm water runoff requirements of Development Code Section 3.2.110 Vehicle Access and Circulation.
  - a. Where a street or driveway is to be paved, the building permit application shall include provisions for on-site storm water collection or infiltration in accordance with city specifications.

DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

---

NORMAN DAVIDSON, CHAIR

N:\Planning\2021 Land Use\21-S012 Fort McKay PUD\21-S012\_FORT MCKAY\_PUD\_PCfindings.docx



*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

---

September 14, 2021

## **STAFF REPORT**

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **CLARK PROPERTY MANAGEMENT, LLC**, request for a Comprehensive Plan Map Amendment from Community Commercial and Low Density to High Density and Zone Map Change from (CC) Community Commercial and (R-1) Low Density Residential to (R-3) Multifamily Residential on a 3.75 acre property located on the west side of Dakota Street and inside the City of Sutherlin. The subject property is described as Tax Lot 323 in Section 19B, T25S, R5W, W.M., and Property I.D. No. R148651. **PLANNING DEPARTMENT FILE NO. 21-S013.**

## **STAFF EXHIBITS**

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

## **INTRODUCTION**

The applicant, Clark Property Management, LLC, is requesting a Comprehensive Plan Map Amendment from Community Commercial and Low Density to High Density and Zone Map Change from (C-3)

Community Commercial and (R-1) Low Density Residential to (R-3) Multifamily Residential on a 3.75 acre property.

This staff report concerns a proposed Plan Amendment and Zone Change. Current law requires Planning Commission and City Council approval of any amendment to the Sutherlin Comprehensive Plan and Zoning Maps. The property owners request a Plan Amendment and Zone Change from a Community Commercial (CC)/Residential Low-Density (RL) plan designation to a High-Density (RA) plan designation together with a change of current zoning from Community Commercial (C-3) and Low Density Residential (R-1) to (R-3) Multifamily Residential on a parcel containing 3.75 acres to allow for future development of a 100-unit apartment complex. The subject property proposed for amendment is located directly off Dakota Street, directly north of its intersection with State Highway 138W and is in an area of mixed residential and commercially zoned properties. The subject property is described as Tax Lot 323 of Section 19B, T25S, R05W, W.M.; Property ID No. R148651. The subject property is owned by the applicant who is making this request.

During the public hearing on September 21, 2021, the Planning Commission will accept public testimony and make a recommendation to City Council on the application after the public hearing. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the Statewide Planning Goals and the general goals and policies of the Sutherlin Comprehensive Plan and the applicable criteria of the Sutherlin Development Code (SDC) and adopt Findings of Fact.

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

### **PROCEDURAL FINDINGS OF FACT**

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on July 29, 2021, and were deemed complete on August 8, 2021.
2. DLCD Notice of Proposed Amendment was electronically submitted to the Department of Land Conservation and Development on August 17, 2021, which was at least 35 days prior to the first evidentiary public hearing on September 21, 2021.
3. Pursuant to Sections 4.2.140.C and 4.2.150.D, notice of the public hearing was given by publication in the News Review on September 7, 2021, 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 August 27, 2021.
  - a. Jean Dahlquist, Fair Housing Council of Oregon submitted an email stating that they will be looking at the staff report for 21-S013 whenever it is available.
  - b. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.



5. Present Situation: The subject property is currently developed as a golf driving range and accessory building that will be removed.
6. Plan Designation: Community Commercial and Low Density. The applicant is requesting a plan map amendment to the High Density plan designation.
7. Zone Designation: Community Commercial (C-3) and Low Density Residential (R-1). The applicant is requesting a zone map amendment to the Multifamily Residential (R-3) zoning designation.
8. Public Water: The subject property has access to public water from the City of Sutherlin within the right-of-way of Dakota Street; no new service connections are proposed with this request.
9. Sanitary Sewer: The subject property has access to sanitary sewer from the City of Sutherlin within the right-of-way of Dakota Street; no new service connections are proposed with this request.
10. Transportation System: Dakota Street where it fronts the subject property is designated a minor collector under the City's Transportation System Plan (TSP).
11. Overlay: A portion of the subject property may contain wetlands, per the Department of State Lands (DSL) wetlands inventory map.

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

### **APPLICABLE CRITERIA & FINDINGS**

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

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

### **CONSISTENCY WITH THE STATEWIDE PLANNING GOALS**

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

**Finding:** Statewide Planning Goal 1 requires cities and counties to create and use a citizen involvement process designed to include affected area residents in planning activities and decision-making. Since acknowledgement of the City's Comprehensive Plan, the Sutherlin Planning Commission has been responsible for ensuring continued citizen involvement in planning matters and land use decisions. On August 27, 2021, City staff mailed copies of a Notice of Public Hearing to all owners of property within 100 feet of the subject property. The same notice was published in the News-Review, a local newspaper of general circulation, on September 7, 2021. Written evidence relied on by the land use decision-making bodies (i.e. the applications and supporting material) was available for public review at Sutherlin City Hall seven days prior to the first public hearing. Sutherlin has fulfilled its citizen involvement process through

early direct notification of nearby property owners, publication of a public hearing notice and contact information in the newspaper, and by facilitating informed public participation during the public hearing itself.

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

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

3. **Goal 3- Agricultural Lands:** To preserve and maintain agricultural lands.
4. **Goal 4- Forest Lands:** To conserve forest lands for forest by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land....

**Finding:** The subject property proposed for amendment is currently designated CC/RL by the City of Sutherlin Comprehensive Plan and is zoned C-3/R-1. The subject property is not agricultural or forest land as defined by Statewide Goals 3 and 4. The property is situated within the urban area and has been designated for urban use by the Sutherlin Comprehensive Plan. The proposed amendment does not involve the conversion of designated farm or forest land to urban use. Statewide Goals Nos. 3 and 4 are not applicable to this requested amendment.

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

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

Goal 5 resources within Douglas County and the City of Sutherlin have previously been inventoried and evaluated, and the City has completed a Local Wetlands Inventory. A portion of the property may contain wetlands, per the DSL wetlands inventory map. The subject property does not contain a riparian corridor or significant wildlife habitat. No known historic or cultural resources exist on the site, and the property contains no open spaces or scenic areas as identified by the City of Sutherlin. The elevation of the property puts it well outside the flood plain of any area streams.

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

**Finding:** Statewide Planning Goal 6 requires that waste and process discharges from future development combined with that of existing development do not violate State or Federal environmental quality regulations. Rezoning the subject parcel to R-3 is not expected to result in any additional development with

the typical associated waste stream characteristics. The proposed R-3 zoning is an acknowledgement of the existing development pattern near the subject property and surrounding area and its suitability for residential zoning due to its proximity to other R-1 zoned property and the clear need for more housing units as demonstrated in the housing needs analysis. Any further development of the property will undergo the required City of Sutherlin site development review process which will help assure that future waste streams that occur will be no more averse to the environment and the City's treatment capacity than would be the case under the current zoning.

The City has regulations in place to control the generation and disposal of commercial wastes. The site is not currently served by City water and sewer services. However, the proposed rezoning is not expected to have any deleterious effects on the quality of the air, water, or land resources of the State. Existing state, federal, and local land use and environmental standards will be sufficient to ensure that subsequent land use activities at the subject site will be conducted in a manner that is consistent with, and will achieve the purpose of Goal 6.

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

**Finding:** The site has flat to sloping topography and is not within a special overlay zone or in an area that is designated as susceptible to flooding or other natural hazards. Any new development on the site will comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property rendering the request consistent with Goal 7.

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

**Finding:** The subject property has not been designated by the City of Sutherlin as land needed to meet the recreational needs of the citizens of, or visitors to, the state of Oregon. The property is currently zoned for commercial and residential use and has no special geographic or natural advantages for recreational use. The property previously consisted of a driving range operation directly associated with the golf course located to the west, however, the recreational use concluded long before the submission of the subject application and; therefore, the requested amendment does not conflict with Goal 8.

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

**Finding:** The subject property is currently inside the city limits and planned and zoned for commercial development. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future economic development in the area is enhanced as discussed below in more detail under the local planning policies. The application for Plan Amendment and Zone Change affects 3.19± acres of commercial zoned land and conversion of said land will go from commercial to residential in order to offer more housing units which will in turn potentially allow more residents to see employment opportunities locally allow the Sutherlin community to be more economically stimulated. This will have some positive impact on the economic development and is therefore consistent with Goal 9.

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

**Finding:** The 3.75 acres is currently designated CC/RL by the Sutherlin Comprehensive Plan and is zoned C-3/R-1 for commercial and residential uses. The property is currently being used for a driving range

operation (golf), which includes minor poles and netting to facilitate to the recreational activity. There is no structural development associated with the existing commercial operation. The City has a buildable lands inventory that was adopted in 2005 which states the following, in relevant parts, *“The ECO Northwest Buildable Lands Inventory (June 2005) finds that Sutherlin’s Urban Growth Boundary had a total housing capacity of 1,214 dwelling units in 2005. Based on the current mix of zoning, approximately 372 of the units could be accommodated in the Medium Density (9 units per acre) and High Density Residential (15 units per acre) zones; another 423 units in the Low Density Residential (5 units per acres) zone; and 419 units in the Hillside Residential (2 units per acre) zone. The distribution appears to be consistent with Sutherlin’s housing mix, which contained approximately 72 percent owner-occupied (single-family) housing in 2000. (US Census, Table DP-1) This high proportion of single-family housing is, in part, a reflection of Sutherlin’s place in the regional housing market...to accommodate a population of 12,878, the City of Sutherlin needs an additional 256 acres of buildable land for housing, and another 90 acres for streets, parks, school sites, and other public and institutional uses. The total shortfall of residential lands through the 2025 planning period is 345 acres. The shortage beyond 2025 is estimated to be 741-1,753 acres at different growth benchmarks.* The BLI for the City of Sutherlin illustrates a clear need for more housing units and; therefore, the subject application is consistent with the findings in the BLI and will help the City accomplish the underlying goal and intent of the analysis. The aforementioned analysis demonstrates a full need for residential zoning due to a housing shortage that will be evident by the year 2025. The application for Plan Amendment and Zone Change will have a significant impact on helping the current inventory of land needed for residential development (in a positive manner) and is consistent with Goal 10.

**Finding:** The proposal submitted would allow the property to be zoned at a higher density. Thus, allowing for more housing within the city limits and help with the need for residential housing. This application is consistent with Goal 10 and benefit the needs of the citizens.

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

**Finding:** The subject property is within Sutherlin City Limits. The lands are not currently served by City water and sewer services. Applicant proposes a large 100-unit apartment complex on the total 3.75 acre ownership referenced in the introduction as a result of this proposal. Applicant has fully coordinated with the City regarding public facilities to assure adequate services. Sanitary sewer is available within the right-of-way of Dakota Street as required by the City for development. Public water is currently located within the right-of-way of Dakota Street as well. The water main is a 12” mainline that the property owner/developer will be able to access. The City will review the specific development plans for the site to determine any additional infrastructure requirements. The City will assure both capacity and ability to provide the required level of public facilities, as available, with sufficient infrastructure investment on the part of the owners. It can be expected that the property will be served by city water and sewer in the future, as well as other necessary public utilities. The proposed amendment affecting the subject property is not in conflict with Goal 11.

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

**Finding:** The statewide transportation goal is generally intended to be applied on a city-wide basis. Specific transportation-related policies and development standards are included within the Sutherlin Comprehensive Plan, TSP and SDC to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1)

requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility".

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

- (1) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the City TSP.
  - (a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the City TSP.
  - (b) The jurisdiction providing direct access (County or ODOT) may require the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).

The functional classifications of transportation facilities within the City of Sutherlin TSP are identified on Page 4-11 of that document. There is one street identified as Dakota Street under the TSP that is part of this proposal. Dakota Street is designated a "Minor Collector" along the frontage of the total property.

**Finding:** As previously noted, the subject 3.75 acre site is situated on the west side of the City road with a direct access onto a public street. Dakota Street is improved to a two-lane paved street with curbs/gutters and sidewalks (on the north side) along its entire length. The property will continue to have direct access to the identified street upon completion of the proposed development of the site. At the present time, the public roads in the area are and have been adequate to accommodate existing traffic volumes generated by the use on the properties along Dakota Street.

Dakota Street is directly north of State Highway 138W, approximately 1,300 feet west of Interstate 5 exit 136. The street is entirely within the city limits and they maintain full jurisdiction over it. Applicant has fully coordinated the proposed development with all jurisdictions.

**Finding:** In conjunction with the subject application, the property owner has submitted a copy of the traffic impact analysis (TIA) supplied by the City. As previously stated, the purpose of the plan amendment and zone change is to prepare the property for a large multifamily residential development. Developments that create more than 300 additional average daily trips can be considered significant, although it has been well established that AM/PM daily trips on commercial properties can be much higher than residential due to the underlying intent of the land. The applicant is proposing a 100-unit apartment complex which will have an impact on the traffic patterns in the area. The attached TIA (Sandow Engineering) was performed in accordance with the City of Sutherlin and ODOT standards and more specifically focused on the following areas:

Hwy 138W @ Dakota Street  
Hwy 138W @ Park Hill Lane  
Hwy 138W @ Northbound Ramp  
Dakota Street @ Clover Leaf Loop/MOB Access

Dakota Street @ Development access

The TIA concludes that the addition of the development does not substantially increase traffic conditions and there is no off-site mitigation needed for the development (see attached TIA, Sandow Engineering). Further, existing development standards in place in the City of SDC will help to insure any future residential development approval of the property and its associated impacts will be in compliance with the TSP and IAMP. The requested amendment meets the requirements of Goal 12.

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

**Finding:** Statewide Planning Goal 13 requires that land uses shall be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. The subject property currently has an existing commercial operation that doesn't involve significant structural development (driving range) and any future residential development on the property will be completed under City standards for the specific use. The proposed map amendment includes changing the zoning on the property from C-3/R-1 to R-3 in conformance with the requested RA plan designation under the City of Sutherlin Comprehensive Plan. The 3.75 acre property will also be subject to development standards and building codes that provide for a minimum level of energy efficiency. The proposal is consistent with principles of efficient land use and energy efficiency and Goal 13.

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

**Finding:** There will be no negative impact or change in the density as a result of the proposed amendment, and the proposed change will not adversely affect the existing land use pattern of the area. The subject property is located within the Sutherlin City Limits and is currently designated by the City of Sutherlin as urban commercial land. There is an existing golf course to the west (Umpqua Golf Resort) with an additional large single family residential development (zoned R-1 and RH, Residential Hillside), as well as an area of commercial development to the east (zoned C-3, Community Commercial). The state has previously acknowledged the lands within Sutherlin as following Goal 14.

## **CONSISTENCY WITH SUTHERLIN COMPREHENSIVE PLAN POLICIES**

### **1. PUBLIC FACILITIES ELEMENT**

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

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

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

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

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

**Finding:** The purpose of the Zone Change is to facilitate new residential use of the subject property according to the standards prescribed in the R-3 zone. The subject property is within the City of Sutherlin. There are existing water and sanitary sewer lines located near the subject property (within the right-of-way of Dakota Street). The property owners/developer will be responsible for installing any necessary infrastructure dictated by future development on the property as appropriate in accordance with the Public Facilities Plan and the SDC.

**Finding:** The Plan Amendment and Zone Change will not create additional need for public facilities at this time (beyond the typical extensions on to the subject property in conjunction with residential utilities facilities that will serve the proposed 100-unit apartment complex). Any improvements for those public facilities necessary as a result of future residential development at the site will require the property owners to participate in funding those improvements. The extent to which public facilities and services are required to serve the property will be determined at the time a specific development proposal is reviewed. Upon future development of the subject property, all public facility improvements required to service the property shall be consistent with the plan.

## 2. HOUSING ELEMENT

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

Housing Element Policy C3: *Ensure that city ordinances provide the maximum opportunity for a variety of housing types by using innovative residential development techniques such as planned unit development and cluster development:*

**Finding:** The subject application is consistent with the vision of this particular policy. The subject property is uniquely shaped and the property owner intends to maximize its potential by building out a 100-unit apartment complex which falls in line with the intent of Sutherlin Housing Element Policy C3 (innovative residential development techniques in order to accomplish facilitating more housing units to the Sutherlin area). The City of Sutherlin recently completed an adjustment of the city limits and urban growth boundary, including an exchange of lands for both residential and commercial uses. The City determined that there is 2,211.96 acres of residentially zoned land (54% of lands within the city) and 250.52 acres of commercially zoned land (6% of lands within the City). The 2005 Buildable Lands Inventory anticipates a need for 1,221 additional dwelling units, as shown on Table 2 (Eco Northwest) and the City's 2005 twenty-year supply of residential land is insufficient to accommodate the population forecast in order to facilitate to such a need. The proposed residential development will allow the full 3.75 acres to be utilized in a residential capacity. The development of this site is consistent with the need for more dwelling units in the Sutherlin area as set out in the BLI and the most recent City findings and analysis referenced in the urban growth boundary adjustments for Sutherlin.

## 3. LAND USE & URBANIZATION ELEMENT

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

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

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

**Finding:** The subject property is inside Sutherlin’s city limits. The property has commercial zoning adjacent to the south, east and west, however the northern portion of the property (0.56 acres) is zoned R-1 and the intent of this zoning to remain committed to residential use, although this portion of the property is vacant of development. Upon reaching the northern portion of the property all surrounding properties are zoned residential and the land is committed to residential uses. As discussed previously under *Consistency with the Statewide Planning Goals*, public facilities and services are readily available to the site except as noted. Also, the property is located in immediate proximity to the other R-1 zoning to the north. The proposed R-3 zoning will support the proposed residential uses on the site.

The subject property and surrounding properties, as mentioned previously, are currently designated CC/RL land in the Comprehensive Plan. Applicant proposes to change the existing CC/RL designations to RA on 3.75 acres to allow high density residential development of the property. Applicant has also submitted a Zone Change request to allow implementation of the proposed RA plan designation via the R-3 zone. The Zoning Map amendment to R-3 will be consistent with the requested RA plan designation.

**Finding:** The proposed Plan Amendment and Zone Change will conform to the Sutherlin Comprehensive Plan, including the land use map and written policies.

#### **4. TRANSPORTATION ELEMENT & PEDESTRIAN & BICYCLE TRANSPORTATION**

The subject 3.75 acre property is located on the east side of Dakota Street; north of its intersection with State Hwy 138W. State Hwy 138W is a urban minor arterial roadway under ODOT jurisdiction, while Dakota Street is under City jurisdiction as a minor collector roadway.

As stated within the staff report, a traffic impact analysis (TIA) was conducted on behalf of the City of Sutherlin and completed by Sandow Engineering and submitted with these applications. The TIA evaluated the intersection of Dakota Street and State Hwy 138W, considering the proposed medical facility (24,000± sq. ft.) and proposed 100-unit apartment complex both accessing off of Dakota Street.

**Finding:** The TIA submitted concluded that the intersections involved operate within the mobility standards with and without the development traffic. The addition of development traffic does not substantially increase queuing conditions and so no off-site mitigation is needed for the proposed developments.

**Findings:** The City’s TSP and Interchange Area Management Plan (IAMP) for Exit 136 identify future plans for expansion and widening of West Central Ave (State Hwy 138W) from the interchange to Fort McKay Road to five lanes, with an upgrade continuing westerly from Fort McKay Road to Stearns Lane to three lanes. These planned improvements would also include the installation of identified pedestrian and bicycle path improvements.



**Finding:** The traffic impacts from the proposed plan amendment and zone change will be consistent with the traffic impacts and trip rates identified in Table 9 of the City's IAMP. The identified trip rate from commercial community/low density residential to high density (0.6 trips/dwelling and 12 dwellings/acre), this is significantly less than with a commercial development. A commercial development has a trip rate of 56 trips/acre. The traffic generation potential within Table 9 indicates that the proposed plan amendment and zone change applications will have a lesser impact on traffic, than the current potential permitted zoning uses.

## **COMPLIANCE WITH THE SUTHERLIN DEVELOPMENT CODE CRITERIA**

Sections 2.2.100 through 2.2.120 of the SDC (Residential Districts) provide the development criteria for residential uses and structures within the City of Sutherlin. The proposed residential development of the subject property will comply with all development standards set out in the requested R-3 zone. The purpose of the proposed amendment is to allow development of the site with uses not currently allowed under the present C-3 and/or R-1 zoning. The proposed residential development will comply with all development standards within the requested R-3 zone.

**Finding:** The proposed residential development on the subject property will be in substantial compliance with the SDC for the City of Sutherlin. The proposed amendment will change the planned development and use on the subject property. The Plan Amendment and Zone Change are in satisfactory compliance with the SDC.

## **ZONING MAP AMENDMENT STANDARDS**

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

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

**Finding:** The proposed zone map amendment is being reviewed in conjunction with a Comprehensive Plan amendment to change the subject 3.75 acres from community commercial and low density to high density. As noted in previous findings, the applicant's proposal will be consistent with all the applicable comprehensive plan policies and implementing ordinances.

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

**Finding:** The application explains how the requested proposal to high density, including the most intense uses and density that would be allowed under the R-3 zoning, can be served through the orderly extension of urban services. Public utilities (i.e. water and sanitary sewer) are located within the existing right-of-way of Dakota Street. A TIA was conducted and concluded the additional traffic from the proposed development does not substantially increase queuing conditions.

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

**Finding:** The requested application is not the result of a mistake or inconsistency between the comprehensive plan or zoning district map. This property was originally designated with both community commercial and low density in the 1980's. Over the years, the area between has been primarily developed as a golf course and specifically the subject property as a driving range area.

## **AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE AND LAND USE PLANS**

Section 4.11.110.C of the SDC (*Approval Criteria*) provides the following criteria for Amendments to the SDC and Land Use Plans:

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

1. *For a proposed amendment to the city's development code, the proposed amendment is consistent with applicable provisions of the comprehensive plan, including inventory documents and facility plans incorporated therein.*
2. *For a proposed amendment to a land use plan's text or map:*
  - a. *The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and*
  - b. *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

**Criteria A:** *The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.*

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

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

**Finding:** As stated throughout this staff report document, the proposed amendment is consistent with the necessary comprehensive plan, inventory documents and facility plans.

## **CONCLUSION**

City Staff recommends that the Planning Commission forward a recommendation for approval to the Sutherlin City Council of the requested Comprehensive Plan Map Amendment from Community Commercial/Low Density to High Density and Zone Map Change from (C-3) Community Commercial and (R-1) Low Density Residential to (R-3) Multifamily Residential on the subject 3.75 acre property.

## **DECISION OPTIONS**

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

1. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Comprehensive Plan Map and Zoning Map Amendments on the subject 3.75 acre property; or

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

N:\Planning\2021 Land Use\21-S013 CLARK PA ZC\20-S013\_Clark\_PAZC\_PC 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: September 14, 2021  
 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

### Ford's Pond

We are expecting for construction to be finished for Project 1 and Project 2A (Phase 1) by late summer early Fall 2021.

The improvements will consist of: new asphalt parking area with a total of 39 spaces including four ADA spaces, curbs, gutters, storm water drainage, utilities (water, low pressure sewer and electrical), a new trail from parking area to perimeter trail, perimeter trail 0.8 miles (length will depend on bid amount), interpretative areas, signage, landscaping and seating.

Request for Proposal (RFP) for Project 1 (Phase 2) and Project 2A & 2B was advertisement on April 16<sup>th</sup> and 19<sup>th</sup>. This RFP is for Design and Construction management for construction of an ADA-accessible restrooms, 600 feet of connectivity sidewalk, two inclusive natural children's play area, three shaded picnic pavilions, site furnishings, security cameras and 0.9 miles of the perimeter path.

## SCHEDULE FOR RFP EVENTS

RFP Advertised	April 16 and 19, 2021
Deadline for Additional Information Request	April 26, 2021, by 3:00 p.m. (PDT)
Site Visit with city staff and the Friends	April 27, 2021, 10 a.m. to 12 p.m. (PDT)
Response to Additional Information Requests	April 28, 2021, by 3:00 p.m. (PDT)
Proposal Package due	April 30, 2021, by 1:00 p.m. (PDT)
Interviews Scheduled (subject to city's discretion)	April 30, 2021
Interviews (subject to city's discretion)	May 5-6, 2021
Contract Negotiation w/ Selected Consultant	May 7-10, 2021
Council Consideration of Contract	May 17, 2021
Award of Project	May 18, 2021
Start Design	May 18, 2021
Complete Design	July 23, 2021-December 2021
Present Final Design to City Council	August 9, 2021-December 13, 2021
Bid process	August 2021-Jan/Feb 2021
Council Consideration of Contract	September 13, 2021
Award Contract Notice to Proceed	September 14, 2021
Start Construction	September 30, 2021
Complete Inclusive Playground Area	November 30, 2021
Complete Construction	June 30, 2022

Below is a list of grants that have been submitted in 2020 for additional improvements at Ford's Pond.

- RTP due June 15, 2020 Pending Notice to Proceed- \$240,808; construction of 0.9 miles of the path.
- LGGP due April 8, 2020 - \$517,814; ADA Restrooms, sidewalks, two natural play areas and three shaded picnic pavilions.
- LWCF due April 13, 2020 **Sub-Surface Archeologist Survey is completed, Archaeological Services, LLC indicated that nothing was found in the field and will be submitting a draft report soon, the final report the city should receive within the first two weeks of August. The city has informed LWCF coordinated of the results and the city is pending comment back from the LWCF coordinator.** and Notice to Proceed - \$205,775; construction of 0.9 miles path. On January 14, 2021 City of Sutherlin was notified that the National Park Service would be delaying their grant approval procedures. The delay is due to reduced funds from lottery dollars; do to the repercussions of COVIC-19.
- OSMB grant application was submitted on March 8, 2021 in the amount of \$383,500. If successful, this grant would be for a launch ramp with dock, gravel parking area and a vaulted toilet with concrete ADA parking. **On June 3, 2021 City of Sutherlin was notified that we were unsuccessful with our OSMB grant. OSMB staff encourages the City to seek additional matching funds and have permits approved (archaeological survey).**

## TRANSPORTATION

### UTILITIES

#### **Nonpareil Water Treatment Plant Improvement**

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 June of 2022.

NPWTP Schedule has been delayed because of several reasons. The primary reason was the epoxy coating on the clarifier did not pass the minimum thickness requirement. With the epoxy coating failing inspection and the additional material needed to recoat the clarifier, we didn't meet our July 5<sup>th</sup> start-up date. With the delay of start-up of the NPWTP, we had to continue to use the Cooper Creek Water Treatment plant and we exceeded our 500 acre feet water right. With that said, the City was required to implement the City's water curtailment plan.

#### **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 2022

## **LAND USE ACTIVITY**

### **Building Worksheets**

- 2021-01 -86 on previous Activity Report(s)
- 2021-87 – 1424 Gleason Ave - SFD
- 2021-88 – 601 Arnie Ct - SFD
- 2021-89 – 960 W Second Ave - interior remodel
- 2021-90 – 1951 W Duke Rd - SFD
- 2021-91 – 1750 E Central Ave – accessory bldg.
- 2021-92 – 249 Dakota St – Commercial Bldg.
- 2021-93 – 451 St. Johns St – accessory bldg.
- 2021-94 – 1700 Scardi Blvd – accessory bldg.

### **Active Land Use Applications**

- 21-S001 – 21-S012 on previous Activity Report(s)
- 21-S013 – Clark – Plan Amendment and Zone Change
- 21-S014 – Tatone – Property Line Adjustment
- 21-S015 – Chavez-Cortes – Class A Variance

### **Right of Way Applications**

- 21-01 – 21-17 on previous Activity Report(s)
- 21-18 – 960 E Central Ave – Robinson Bros
- 21-19 – 1004 S Comstock – Pacific Power
- 21-20 – 457 S State St – Avista Utilities
- 21-21 – 1400 Hospitality Way – Robinson Bros
- 21-22 – 215 W Central Ave – Robinson Bros
- 21-23 – 1311 Page Ave – Robinson Bros
- 21-24 – E Second & E Third Alley – Robinson Bros