



**City of Sutherlin**  
**Planning Commission Meeting**  
**Tuesday, November 19, 2019**  
**7:00 p.m. – Sutherlin Civic Auditorium**  
**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

August 12, 2019 – Workshop/Meeting

**Quasi-Judicial Hearing(s)**

1. **ADAM and NANETTE HALEY**, request for a Comprehensive Plan Map Amendment from Low Density Hillside to Commercial Community and Zone Map Change from (RH) Residential Hillside to (CC) Community Commercial on a 2.51 acre property located south of W. Duke Road on Park Hill Lane and inside the City of Sutherlin. The subject property is described as Tax Lot 1102 in Section 19CD, T25S, R5W, W.M.; Property I.D. No. R122808. **PLANNING DEPARTMENT FILE NO. 19-S013.**

**Monthly Activity Report(s)**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
JOINT COUNCIL AND PLANNING  
COMMISSION WORKSHOP  
CIVIC AUDITORIUM – 6:00 PM  
MONDAY, AUGUST 12, 2019**

**SEE ATTACHED CITY COUNCIL MINUTES**

**COMMISSION MEMBERS PRESENT:** William Lee, Richard Price, Sam Robinson, Collin Frazier and Norm Davidson

**COMMISSION MEMBERS EXCUSED:** None

**COMMISSION MEMBERS ABSENT:** Adam Sarnoski and Elainna Swanson

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

**AUDIENCE:** Linda Lee

Meeting called to order at 7:23 pm by Chair Lee.

**APPROVAL OF MINUTES**

A motion made by Commissioner Price to approve the minutes of the July 16, 2019 Planning Commission meeting; second made by Commissioner Davidson.

In favor: Commissioners Robinson, Price, Davidson and Chair Lee

Opposed: None

Excused: None

Motion carried unanimously, with Commissioner Frazier abstaining

**APPROVAL OF FINDINGS OF FACT**

**MOBILE DIESEL SERVICE, INC**, approval of Findings of Fact for Conditional Use Permit (CUP) to authorize Vehicle Service (repair) within an existing building on property located at 239 W. First Avenue. **PLANNING DEPARTMENT FILE NO. 19-S012.**

A motion was made by Commissioner Price to approve the Findings of Fact for **MOBILE DIESEL SERVICE, INC**, request for a Conditional Use Permit to authorize Vehicle Service (repair) within an existing building (File No. 19-S012) presented at the July 16, 2019 Planning Commission meeting; motion seconded by Commissioner Frazier.

In favor: Commissioners Robinson, Price, Frazier, Davidson and Chair Lee

Opposed: None

Motion carried unanimously

**COMMISSION COMMENTS** – None

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:24 pm.

Respectfully submitted,

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Jamie Chartier, City Planner

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

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William Lee, Commission Chair

DRAFT

**CITY OF SUTHERLIN**  
**Joint City Council & Planning Commission Workshop Meeting**  
**Sutherlin Civic Auditorium**  
**Monday, August 12, 2019 – 6:00 to 8:00p.m.**

**COUNCIL MEMBERS:**

Tom Boggs, Forrest Stone, Michelle Sumner, Travis Tomlinson, Seth Vincent and Becky Wattles

**MAYOR:** Todd McKnight

**PLANNING COMMISSION MEMBERS:**

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

**CITY STAFF:** City Manager, Jerry Gillham

Finance Director/Asst. City Manager, Dan Wilson

City Recorder, Diane Harris

Deputy City Recorder, Melanie Masterfield

Community Development Director, Brian Elliott

Community Development Specialist, Kristi Gilbert

City Planner, Jamie Chartier

**Audience:** Chuck & Peggy Brummel, Terry Brock, Nancy Rodriguez, Evelyn Alexander, Linda Lee and Dian Cox

Meeting called to order by Mayor, Todd McKnight at 6:00p.m.

**Flag Salute:**

**Roll Call:** Councilor Vincent – excused; Tom Boggs arrived at 6:35pm

**Introduction of Media:** None

**Planning Commission Members not in attendance:** Adam Sarnoski and Elainna Swanson

**CONSENT AGENDA**

- July 8, 2019 Minutes – Regular Meeting
- July 22, 2019 Minutes – Workshop Meeting

**MOTION** made by Councilor Sumner to approve Consent Agendas as presented; second by Councilor Tomlinson.

Discussion: None

In Favor: Councilors Wattles, Tomlinson, Sumner, Stone and Mayor McKnight.

Opposed: None

Motion carried unanimously.

**WORKSHOP**

- **Urban Renewal 101**

City Manager, Jerry Gillham introduced Elaine Howard from Elaine Howard Consulting, who discussed the purpose and benefits of Urban Renewal (UR) during her power point presentation..

- Helps provide housing and improve living conditions for citizens in the community.
- Provides greater property tax revenues needed to pay for public safety, parks and street reconstruction.
- Provides funds to pay for infrastructure.
- UR is an economic development tool.

- Used all over Oregon.
  - Doesn't increase property taxes, it uses the increase in property taxes that's already happening.
  - Schools are indirectly impacted by UR.
  - Bonds and local option levies won't be impacted by the proposed UR plan.
  - UR doesn't provide new money, it diverts funds that would go to other property tax districts.
  - UR is available to cities with a population under 50,000
- Councilor Stone – What is the cost of indebtedness? **Howard – 5-8% is average for admin costs.** At what point does the city stop receiving tax funds from UR? **Howard – As long as the district is designated as UR, it will continue. The baseline stops when the UR closes. For example, if the UR is for 20 years, the tax funds will stop in 20 years. If a non-profit business moves in, it will be non-taxable forever.**
- Elaine Howard and Councilor Tomlinson continued discussion about Springfield and Downtown Roseburg UR improvements.
- Councilor Boggs - Will businesses be mandated to maintain their property and/or business under the Urban Renewal District (URD)? **Howard – Yes, but UR can't require it.**
- Councilor Stone – Does the UR loan go through the property owner or the business owner? **Howard - If it's a property loan, it will go to the building owner.**

### **PUBLIC COMMENT**

- Citizen/Business Owner, Terry Brock agrees that Urban Renewal could really help downtown.
- Citizen, Evelyn Alexander would like to see Urban Renewal take place as well but to also keep the “old town community living” feel. Thinks that getting the community involved will give more support towards becoming a URD.
- Citizen/Planning Commission Member/Business Owner, Sam Robinson commented that the Splash Pad has made a great improvement. Wants to keep forward momentum to keep improving the city.

### **ADJOURNMENT**

With no further business meeting adjourned at 7:20 pm.

A BRIEF PLANNING COMMISSION MEETING CONVENED DIRECTLY FOLLOWING THE COUNCIL MEETING.

Approved:

\_\_\_\_\_  
Jerry Gillham, City Manager

Respectfully submitted by,

\_\_\_\_\_  
Melanie Masterfield, Deputy City Recorder

\_\_\_\_\_  
Todd McKnight, Mayor



# City of Sutherlin

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

November 12, 2019

## STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **ADAM and NANETTE HALEY**, request for a Comprehensive Plan Map Amendment from Low Density Hillside to Commercial Community and Zone Map Change from (RH) Residential Hillside to (C-3) Community Commercial on a 2.51 acre property located south of W. Duke Road on Park Hill Lane and inside the City of Sutherlin. The subject property is described as Tax Lot 1102 in Section 19CD, T25S, R5W, W.M.; Property I.D. No. R122808. **PLANNING DEPARTMENT FILE NO. 19-S013.**

## INTRODUCTION

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 Plan and Zoning Maps. The property owners requested the Plan Amendment and Zone Change from a Low Density Hillside (Residential) plan designation to a Community Commercial plan designation together with a change of current zoning from RH (Residential Hillside) to C-3 (Community Commercial) for a parcel containing 2.51 acres to allow for sales and rental yard (Retail Sales and Commercial Storage), both permitted uses within the C-3 zone. The site is located south of the intersection of W. Duke Road on Park Hill Lane and inside the city limits. The subject property is described as Tax Lot 1102 in Section 19CD, T25S, R5W, W.M.; Property I.D. No. R122808. There are no structures located on the property. The property is owned by Adam and Nanette Haley. Mark Garrett Land Use Planning Services, representative for the property owner in this matter.

Applicant's proposal requires amendments to the City's official City of Sutherlin Plan and Zoning Maps as the subject property is currently planned and zoned for residential use. Applicant must demonstrate compliance with the Comprehensive Plan and to ensure consistency between the Plan and its implementing ordinances (i.e. zoning).

The surrounding properties are comprised of mixed uses and zones. Lands directly adjacent to the subject property are zoned residential (Residential Hillside per the City of Sutherlin or Rural Residential per Douglas County). Interstate 5 (I-5) is to the east of the subject property and Douglas County zoning Farm-Forest (FF) is to the west and south.

During the public hearing on November 19, 2019, the Planning Commission will accept public testimony and make a decision 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 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 September 4, 2019, and were deemed complete on September 11, 2019.
2. DLCD Notice of Proposed Amendment was submitted electronically to the Department of Land Conservation and Development on October 8, 2019, which was at least 35 days prior to the first evidentiary public hearing on November 19, 2019.
3. Pursuant to Sections 4.2.150.D.4 and 4.2.140.C, notice of the public hearing was given by publication in the News Review on November 5, 2019, 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 Section Sections 4.2.150.D.4 and 4.2.140.C. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on October 10, 2019.
  - a. At the time of the mailing of this staff report, no written comments or remonstrance have been received.
5. Present Situation: The subject property is currently undeveloped.
6. Plan Designation: Low Density Hillside. The applicant is requesting a plan map amendment to the Community Commercial plan designation.
7. Zone Designation: Residential Hillside (RH). The applicant is requesting a zone map amendment to the Community Commercial (C-3) zoning designation.
8. Public Water: The subject property has access to public water from the City of Sutherlin; no infrastructure to the property is present at this time.
9. Sanitary Sewer: The subject property has access to sanitary sewer from the City of Sutherlin; no infrastructure to the property is present at this time.

10. Transportation System: The subject 2.51 acre property is located on the west side of Park Hill Lane south of its intersection with W. Duke Avenue. Park Hill Lane is currently designated as local street under Douglas County's Transportation System Plan, and under County jurisdiction.
11. Overlay: The subject property does not have any identified overlays.

**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

The City staff finds the applicant has provided a thorough set of findings in response to the approval criteria to demonstrate that the proposed request is consistent with the Statewide Planning Goals and the Sutherlin Comprehensive Plan and implementing ordinances. In order to avoid duplication and unnecessary time and expense, the staff has not provided a separate staff analysis and findings.

## CONCLUSION

City Staff recommends that the Commission forward a recommendation for approval to the Sutherlin City Council of the requested Comprehensive Plan Map Amendment from Low Density Hillside to Community Commercial and Zone Map Change from (RH) Residential Hillside to (C-3) Community Commercial on the subject 2.51 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 2.51 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.



## **STAFF EXHIBITS**

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

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

IN THE MATTER of a request for a Plan  
Amendment and Zone Change for a parcel  
located near the intersection of Park Hill Lane  
and Haley Lane and identified by the Douglas  
County Assessor as T25S, R5W, S19CD, Tax  
Lot 1102, Property ID No. R122808

**] FINDINGS OF FACT AND DECISION**  
] Applicant: Adam and Nanette Haley  
] Subject: Plan Amendment and Zone Change  
] File No.: 19-S013  
]  
]

## **I. OFFICIAL NOTICE**

The Planning Commission of the City of Sutherlin takes official notice of the following:

1. The Sutherlin Comprehensive Plan, Sutherlin Municipal Code, and Sutherlin Development Code.
2. The Statewide Planning Goals.
3. The public notice records of the City of Sutherlin concerning this matter.
4. The records of the City of Sutherlin concerning the deliberations on this matter before the Sutherlin Planning Commission, including the Staff Report and all evidence and testimony submitted for consideration.

**Finding: The procedural and substantive findings noted herein are adequate to support the Planning Commission's recommendation on the Comprehensive Plan Map amendment and Zoning Map amendment.**

## **II. SUBSTANTIVE FINDINGS OF FACT**

1. Adam and Nanette Haley, herein called Applicant, submitted applications for Plan and Zoning Map amendments on September 4, 2019. Applicant has requested to change the plan and zone designations of the subject property to allow establishment of a storage container sales and leasing facility on the subject site owned by Applicant. The total parcel comprises 2.51 acres as set out as Parcel 1, Land Partition 2019-0015, Surveyor's Records of Douglas County Oregon.
2. A Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD) on October 8, 2019.

3. A copy of the Notice of Public Hearing was mailed to affected agencies and jurisdictions on October 10, 2019, along with a letter describing the proposal.
4. On October 10, 2019, a Notice of Public Hearing before the Sutherlin Planning Commission was mailed to all record owners of property within 100 feet of the property proposed to be rezoned. The notice was published in the *News-Review* on November 5, 2019.
5. **The Planning Department did not receive correspondence from neighboring property owners or affected agencies concerning the proposed map amendment and zone change. (This will need to be adjusted according to responses.)**
6. This matter came before the Sutherlin Planning Commission for consideration on November 19, 2019. The Planning Commission heard the staff report, listened to public testimony, and passed a motion to recommend that the City Council approve the proposed Plan and Zoning Map amendments as submitted.

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

### **III. EXECUTIVE SUMMARY**

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 Plan and Zoning Maps. The property owners requested the Plan Amendment and Zone Change from a Residential Low Density Hillside (RLH) plan designation to a Community Commercial (CC) plan designation together with a change of current zoning from (RH) Residential Hillside to (C-3) Community Commercial for a parcel containing 2.51 acres to allow for establishment of a storage container sales and rental business. The subject property proposed for amendment is located at just north of the intersection of Park Hill Lane (County Road 155C) and Haley Lane and is identified by the Douglas County Assessor as T25-R05-S19CD, Tax Lot(s) 1102, Property ID No. R122808. (See Assessor's map enlargement next page) The property is owned by Applicant who is making this request.

Applicant's proposal is evaluated in this report against the procedures and criteria for approving amendments to the Plan and Zoning Maps as provided in state statute and Sutherlin Development Code Sections 4.8 and 4.11. Each applicable criterion is addressed separately, and proposed findings are provided to assist the Planning Commission in making a recommendation on this matter.

The Planning Commission finds that the Plan Amendment and Zone Change proposed by Applicant satisfy the applicable approval criteria for these land use actions. Based on the

following Findings, the Planning Commission **recommends approval** of the requested Plan Amendment and Zoning Map amendments to the City Council.

#### **IV. GENERAL INFORMATION**

Applicant submitted applications for Plan and Zoning Map Amendments on August 30, 2019 (Exhibit A). The applications were deemed complete on September 11, 2019. Applicant requested the Plan Amendment from RLH to a CC plan designation with a concurrent Zone Change from RH to C-3 for a parcel comprising 2.51 acres to allow establishment of a storage container sales and leasing business. The subject property is located just north of the intersection of Park Hill Lane and Haley Lane and is identified by the Douglas County Assessor map T25-R05-S19CD, Tax Lot(s) 1102, Property ID No. R122808.

The subject property is vacant and is within the city limits boundary. The proposed Plan Amendment and Zone Change will allow commercial use of the property as a permitted use under the requested C-3 zone.

**Applicant:**

Adam and Nanette Haley  
420 Myrtle Street  
Sutherlin, OR 97459  
(541) 817-3088

**Subject Properties:**

Property located at Parkhill Lane and Haley Lane  
commonly identified as 0 Park Hill Lane  
Identified on the Douglas County Assessor's  
Map as Tax Lot(s) 1102, 19CD, T25S, R5W.

Applicant's proposal requires amendments to the City's official City of Sutherlin Plan and Zoning Maps as the subject property is currently planned and zoned for residential use. Applicant must demonstrate compliance with the Comprehensive Plan and to ensure consistency between the Plan and its implementing ordinances (i.e. zoning).

The surrounding properties are comprised of mixed uses. Lands surrounding the subject property are zoned RH with some C-3 zoning just to the north. (See Zoning Map next page)

#### **V. PROCEDURES**

Applicant has requested a Plan Amendment from RLH to a CC plan designation with a concurrent Zone Change from RH to C-3 for the ownership comprising 2.51 acres to allow use of the property for commercial purposes. This change requires an amendment to the City's official Comprehensive Plan and Zoning Maps. The proposed amendment to the city's Plan and Zoning Maps is necessary because it ties specific parcels and lots to the particular intent of the plan and zoning designations and subsequent development restrictions.

The requested changes are specific to the identified property only. Because a decision must be reached by applying existing criteria in the City's Plan and Zoning ordinances, approval of the Plan Amendment and Zone Change request requires quasi-judicial map amendments. Before the Sutherlin Planning Commission can make a formal recommendation to the City Council

concerning this request, a quasi-judicial public hearing must be held in which the Planning Commission reviews a staff report, takes written and oral testimony, considers the facts, applies the appropriate criteria (in this case, the Statewide Planning Goals, and the City's Comprehensive Plan and implementing ordinances), and adopts Findings of Fact which justify its decision and recommendation.

The Findings of Fact must demonstrate compliance with Oregon's Statewide Planning Goals and address pertinent criteria from Sutherlin's Comprehensive Plan and implementing ordinances. After relating the facts to the criteria, the Planning Commission must recommend approval, denial, or approval with conditions concerning the request to change the designation of the subject property on the Plan map from RLH to CC and the designation on the Zoning map from RH to C-3.

After the public hearing, the Planning Commission must make a written recommendation to the City Council in the form of a *Findings of Fact and Decision* document. This document is formatted to facilitate that action per staff request. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the request.

A Notice of Proposed Amendment was sent to the Department of Land of Conservation and Development (DLCD) at least 35 days before the first evidentiary hearing as required. DLCD has the right to comment on the proposal prior to city council approval at a final hearing. In addition, the City's decision can be appealed to the Land Use Board of Appeal (LUBA).

## **VI. CRITERIA AND FINDINGS**

### **DECISION CRITERIA AND SUBSTANTIVE FINDINGS OF FACT**

State statute requires that proposed amendments to Sutherlin's Comprehensive Plan and Zoning Maps be consistent with the Statewide Planning Goals. Finally, Sections 4.8 and 4.11 of the Sutherlin Development Code (*Plan Amendments and Zone Changes*) provide specific local criteria for approving a Plan Amendment and Zone Change.

The requested amendments to the Plan and Zoning Maps are measured here against these state and local criteria. The results of this analysis are presented as proposed Findings of Fact below.

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

**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 October 10, 2019, 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 November 5, 2019. 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.

**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 was judged. The subject property is within the Sutherlin City Limits Boundary, no exception to statewide planning goals is necessary.

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

**Goal 4: Forest Lands.** To conserve forest lands 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 RLH by the City of Sutherlin Comprehensive Plan and is zoned RH. 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.

**Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources.** To protect natural resources and conserve scenic and historic areas and open spaces.

**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. (Copy of Wetlands Map following this page) The property contains no wetlands, 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.

**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 C-3 is not expected to result in any additional development with the typical associated waste stream characteristics. The proposed C-3 zoning is an acknowledgement of the existing development pattern near the subject property and surrounding area and its suitability for commercial zoning due to its proximity to other C-3 zoned property and immediate access to Interstate 5. 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 adverse 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.

**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.

**Goal 8: Recreational Needs.** To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the citing of necessary recreational 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 residential use and has no special geographic or natural advantages for recreational use. The requested amendment does not conflict with Goal 8.

**Goal 9: Economy of the State.** 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 residential 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 2.51 acres of land and conversion of this ownership will have some positive impact on the current inventory of land needed for economic development and is therefore consistent with Goal 9.

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

**Finding:** The 2.51 acres is currently designated RLH by the Sutherlin Comprehensive Plan and is zoned RH for residential uses. The property is vacant and has not been used for residential purposes in the past. The rezoning proposed by Applicant will not result in a significant reduction in residential housing opportunities in the city. The application for Plan Amendment and Zone Change will have no significant impact on the current inventory of land needed for residential development and is consistent with Goal 10.

**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



establishment of a shipping container sales and leasing business on the total 2.51 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. The business will include an office and storage lot for the containers. Onsite sanitation will be provided as required by the City. 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.

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

**Findings:** 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 and land use ordinances 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 County Transportation System Plan.

(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 County Transportation System Plan.”

(b) The jurisdiction providing direct access (County or ODOT) may required 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 Transportation System Plan (TSP) are identified on Page 4-11 of that document. There is one street identified as Park Hill Lane (County Road No. 155C) under the TSP that is part of this proposal. Park Hill Lane is designated a “Local” along the frontage of the total property.**

**As previously noted, the subject 2.51 acre site is situated on the west side of the County Road with a direct access onto the street. Park Hill Lane is improved to a two lane paved street with no curbs or gutters 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 Park Hill Lane.**

**Park Hill Lane is inside the right-of-way for Interstate 5. However, the Oregon Department of Transportation (ODOT) transferred jurisdiction of the road to Douglas County. Although the street is entirely within the city limits, Douglas County controls access along the entire street. Applicant has fully coordinated the proposed development with all jurisdictions. ODOT, Douglas County and the City have reviewed Applicant’s development proposal and determined that the planned development is consistent with Goal 12 and will not have any deleterious effect on the area transportation facilities.**

**The proposed amendment will not generate a significant level of traffic and will be well under the suggested 200 ADT (Average Daily Trips) trip-cap suggested by ODOT. Traffic generated by the proposed development is slightly higher than the use levels associated with residential use of the property and area road capacities. According to the 7<sup>th</sup> Edition Volumes 2 and 3 of the Trip Generation Manual, the current RH zoning at buildout would generate 67 ADT while a use such as the proposed shipping container business will generate approximately 68 ADT resulting in an overall decrease of ADT based on the current trip generation manual figures. Uses generating under 300 ADT are generally considered to be insignificant in terms of impact the area transportation system. The proposed amendment will not create an unacceptable increase in traffic on the area road system per ODOT, the County and the City of Sutherlin. Therefore, there will be no potential for unacceptable traffic generation on the area road system as a result of Applicant’s request.**

**The Planning Commission finds that the map amendments will not cause a change in the existing level of service of the area road system. Further, existing development standards in place in the City of Sutherlin Development Code will help to insure any future commercial 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**

**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 is vacant and any future commercial 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 RH to C-3 in conformance with the requested CC plan designation under the City of Sutherlin Comprehensive Plan. The 2.51 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.

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

**Finding:** The subject property is located within the Sutherlin City Limits and was previously designated by the City of Sutherlin as urban residential land. The state has previously acknowledged the lands within Sutherlin as being in compliance with Goal 14.

## **COMPLIANCE WITH CITY OF SUTHERLIN DEVELOPMENT CODE CRITERIA**

Sections 2.3.100 through 2.5.135 of the Sutherlin Development Code (Commercial Districts) provide the development criteria for commercial uses and structures within the City of Sutherlin. The proposed commercial development of the subject property will comply with all development standards set out in the requested C-3 zone. The purpose of the proposed amendment is to allow development of the site with uses not currently allowed under the present RH zoning. The proposed commercial development will comply with all development standards of the requested C-3 zone.

**Finding:** The Commission finds that the proposed commercial development on the subject property will be in substantial compliance with the Development Code 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 City of Sutherlin Development Code.

Section 4.11.110.C of the Sutherlin Development Code (*Zone Changes and Annexations*) provides the following criteria for approving a Zone Change:

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

1. *The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and*
2. *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

**City Zone Change Criteria #1:** *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.

**City Zone Change Criteria #2:** *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

#### **Population and Economy Element Conformance**

Policy A4: *The City shall supply an adequate amount of land with suitable soils and drainage qualities to accommodate projected commercial needs.*

The proposed Zone Change will convert 2.51 acres from RH zoning to C-3 zoning in accordance with the requested CC plan designation which essentially imposes the anticipated commercial zoning. 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 100 acres of commercial land through 2025. The BLI states that, *...the City has a lands in all designations...Sutherlin will need about 100 additional acres in its UGB to accommodate commercial use...over the next 20 years.* (See insert Pgs. 5-4 and 5-5 of BLI following this page). The conversion of this site to a CC designation is consistent with the need for commercial lands in the Sutherlin area as set out in the BLI and the most recent City findings and analysis referenced in the boundary adjustments for Sutherlin. In addition, the introduction of a new commercial enterprise will provide some employment opportunities for Sutherlin and the surrounding area. Applicant's proposal therefore conforms to this policy and the Population and Economy Element of the Comprehensive Plan.

#### **Public Facilities Plan Conformance**

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 commercial use of the subject property according to the standards prescribed in the C-3 zone. The subject property is within the City of Sutherlin. There are no existing water and sewer lines located near the subject properties at this time. The trip-cap suggested by ODOT will control the intensity of commercial enterprise possible on the subject property until such time a full range of public facilities and services are available for more intensive uses. It is important to note that sewer and water services are currently in place to Duke Road and will likely be extended from their current location to the area surrounding Trails End Lane, just south of the subject property in the near future. The property owners will be responsible for installing any future infrastructure dictated by future development on the property as appropriate in accordance with the Public Facilities Plan and the Sutherlin Development Code.

The Plan Amendment and Zone Change will not create additional need for public facilities at this time. Any improvements for those public facilities necessary as a result of future commercial development at the site will require the 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. The requested Plan Amendment and Zone Change are consistent with the Public Facilities Plan.

#### **Land Use Element Conformance**

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 is surrounded on all sides by residential land in various stages of development with commercial lands just to the north along Park Hill Lane. 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 C-3 zoning to the north. The proposed C-3 zoning will support the proposed commercial uses on the site.

The subject property and surrounding properties, as mentioned previously, are currently designated RLH land in the Comprehensive Plan. Applicant proposes to change the existing RLH designation to CC on 2.51 acres to allow commercial development of the property. Applicant has also submitted a Zone Change request to allow implementation of the proposed CC plan designation via the C-3 zone. The Zoning Map amendment to C-3 will be consistent with the requested CC 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.

## VII. ACTION ALTERNATIVES

1. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Plan and Zoning Map amendments.
2. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Plan and Zoning Map amendments with specified **conditions**.
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.
4. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend denial** of the requested Plan and Zoning Map amendments on the grounds that the proposal does not satisfy the applicable approval criteria.

The Planning Commission determined to recommend approval of Applicant's request as submitted. The Planning Commission made a motion to authorize the Chairman of the Planning Commission to review and sign the *Findings of Fact and Decision* document on its behalf.

## **VIII. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission passed a motion to recommend that the City Council **approve** the requested Plan and Zoning Map amendments **as submitted**. (NOTE: Trip-cap condition may be added here)

## **VII. EXHIBITS**

- A. Applications for Plan and Zoning Map amendments filed with the City on September 4, 2019, with map attachments.
- B. Planning Commission Public Hearing notice.
- C. Correspondence
- D. Existing Plan Map
- E. Proposed Zone Map
- F. Staff Report

***This recommendation for approval is issued in accordance with the Sutherlin Development Code (ORD 976).***

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

\_\_\_\_\_  
William Lee  
Sutherlin Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Diane Harris  
Deputy, CMC, Deputy City Recorder





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## City of Sutherlin

Date: November 12, 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. Staff will prepare a draft code update, incorporating proposed changes for a workshop in Spring 2020. Staff will coordinate the Code Audit Update with additional proposed changes prior to bringing them to Planning Commission.

#### **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. The Study began in August, 2019, and has an expected completion date of December, 2019. Project is on schedule.

#### **SDC Feasibility Study**

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

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#### **Ford's Pond**

City received two grants from Oregon Parks and Recreation Dept for the Ford's Pond Community Park and Trail Improvements. The Local Government Grant \$388,531 and the RPT \$243,555. These funds, along with other donation and in kind match funds, will finance the improvements for Project 1 and Project 2A (Phase 1).

Services will include; Design, Bidding and Construction Management. Improvements will include ADA accessibility for approximately 0.8 miles of the existing 1.7 mile shared-use trail, including trailhead parking, wetland mitigation, wayfinding pathway signage, bonds, insurance, contractor fees, ADA parking signage, picnic tables, benches, site utilities and create 900 feet of paved access to the pond perimeter path.

The City received three Requests for Proposals (RFP) for Engineering and Architect Services. All three firms were interviewed with a consensus of the interview team to recommend awarding the contract to The Dyer Partnership Engineers and Planners, Inc. Council will make a decision to award or not to award the contract at their City Council meeting November 12, 2019.

## **TRANSPORTATION**

### **Central Avenue Paving Improvement**

Guido Construction final punch list is near completion.

### **Valentine Ave Paving Improvement**

Knife River final punch list is near completion.

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

Consultants are working Task 7, Draft TSP and Tech Memo 7, Transportation Policy and Code Alternatives.

### **Sidewalk Replacement/Repair**

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

## **UTILITIES**

**Tapani Construction, Inc.** is in full swing of construction on the Wastewater Treatment Facility. Construction of the new Everett Pump Station started on March 11, 2019. We are still on schedule; however, the project has been extended 80 days to March, 2020.

### **NPWTP Disinfection system improvement**

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

**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. Project is expected to go out to bid in mid-January, 2020

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

### **S. Calapooia Low Pressure Force Main Sewer Extension Project**

Project has been engineered and will be going out to bid in January, 2020.

## **LAND USE ACTIVITY**

### **Building Worksheets**

- 2019-001 - 2019-080 on previous Activity Report(s)
- 2019-081 – 161 Oak St – lean-to onto existing bldg
- 2019-082 – 458 Fairway Estates Dr – SFD
- 2019-083 – 892 Sand Pines Ave – SFD
- 2019-084 – 1004 Laurel Ave – SFD
- 2019-085 – 215 Valentine Ave – light pole
- 2019-086 – 1625 W Duke Ave – sign
- 2019-087 – 407 Mardonna Way – solar panels
- 2019-088 – 915 W Central Ave – reroofing of commercial bldg
- 2019-089 – 819 S Comstock, Sp 2 – demo of MH
- 2019-090 – 819 S Comstock, Sp 8 – demo of MH

- 2019-091 – 819 S Comstock, Sp 11 – demo of MH
- 2019-092 – 819 S Comstock, Sp 12 – demo of MH
- 2019-093 – 819 S Comstock, Sp 16 – demo of MH
- 2019-094 – 819 S Comstock, Sp 20 – demo of MH
- 2019-095 – 819 S Comstock, Sp 22 – demo of MH
- 2019-096 – 819 S Comstock, Sp 28 – demo of MH
- 2019-097 – 819 S Comstock, Sp 44 – demo of MH
- 2019-098 – 819 S Comstock, Sp 49 – demo of MH
- 2019-099 – 824 Fir Grove Ln – SFD
- 2019-100 – 800 Fir Grove Ln – SFD
- 2019-101 – 832 Sand Pines Ave – SFD
- 2019-102 – 505 S State St – SFD
- 2019-103 – 239 W First Ave – reroofing commercial bldg
- 2019-104 – 773 S Comstock Rd – 4-plex (multifamily dwlg unit)
- 2019-105 – 160 N Oak St – accessory bldg.
- 2019-106 – 215 W Central Ave – sign
- 2019-107 – 184 Addison Ave – SFD
- 2019-108 – 895 Valley Vista – Accessory Bldg
- 2019-109 – 1101 S Comstock Rd – reroofing commercial building
- 2019-110 – 609 E Central Ave – change in use (new business) mortuary
- 2019-111 – 115 N First Ave – change in use (new business) reflexology

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

- 19-S001 – 19-S012 on previous Activity Report(s)
- 19-S013 – Haley – Plan Amendment and Zone Change

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

- 19-01 – 19-07 on previous Activity Report(s)
- 19-08 – 563 Oak St – Avista
- 19-09 – Sixth and Oak Pump Station – Pacific Power
- 19-10 – 1311 Page Ave – Pacific Power
- 19-11 – 1724 E Fourth Ave - Avista
- 19-12 – 251 W Everett – Pacific Power
- 19-13 – 305 Waite St – Douglas Fast Net