



**City of Sutherlin
Planning Commission Meeting
Tuesday, November 20, 2018
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Approval of Minutes

October 16, 2018 – Regular Meeting

Approval of Findings of Fact and Recommendation

STEPHANIE WANSLEY, petitioned the City of Sutherlin to vacate the entire Ault Court right-of-way. **PLANNING DEPARTMENT FILE NO. 18-S015.**

Quasi-Judicial Hearing(s)

1. **WESTSIDE CENTER, INC.**, request for a Planned Unit Development (PUD) to be developed in two phases that total 22-zero lot line duplex lots, along with open space on a 18.92 acre parcel, which is located on the north side of Arch Avenue in the City of Sutherlin. The subject property is described as Tax Lot 200 in Section 17AC and Tax Lot 1200 in Section 17AD both in T25S, R5W, W.M.; Property I.D. No(s). R43891 and R43875. The property is designated Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (RH) Residential Hillside. **PLANNING DEPARTMENT FILE NO. 18-S017.**

Monthly Activity Report(s)

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7PM
TUESDAY, OCTOBER 16, 2018**

COMMISSION MEMBERS PRESENT: John Lusby, Richard Price, Sam Robinson, Collin Frazier, Adam Sarnoski and Elainna Swanson

COMMISSION MEMBERS EXCUSED: William Lee

COMMISSION MEMBERS ABSENT: None

CITY STAFF: Brian Elliott, Community Development Director, Jamie Chartier, City Planner

AUDIENCE: Michael McFarland, Gladys Robinson, Bea Buchanan

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

FLAG SALUTE

INTRODUCTION OF MEDIA: None

APPROVAL OF MINUTES

A motion made by Commissioner Price to approve the minutes of the September 18, 2018 Planning Commission meeting; second made by Commissioner Frazier.

In favor: Commissioners Robinson, Price, Frazier, Sarnoski, Swanson and Chair Lusby

Opposed: None

Motion carried unanimously

QUASI-JUDICIAL PUBLIC HEARING

STEPHANIE WANSLEY, has petitioned the City of Sutherlin to vacate the entire Ault Court right-of-way. Ault Court is a platted, unimproved right-of-way platted as part of Grace Subdivision (Volume 15, Page 12). The said street is described on Douglas County Assessor's Map, Section 16CC, T25S, R5W, and W.M. **PLANNING DEPARTMENT FILE NO. 18-S015.**

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

Jamie Chartier, City Planner, entered Staff Exhibits 1-10, including the Staff Report into the record. She then identified the parties in the matter and summarized the Staff Report into the record.

APPLICANT'S TESTIMONY

There was no testimony by the applicant.

TESTIMONY IN FAVOR

Bea Buchanan, property owner on the corner of Glen Avenue and Ault Court, stated she is in favor of the Street Vacation. Her only concern was that only single story dwellings be approved on the remaining lots in Grace Subdivision. Chair Lusby clarified with city staff that this request is not something we could dictate. Per the Sutherlin Development Code as long as all development standards are met, the property owner can construct a two-story dwelling. Staff did ask Mrs. Buchanan if the properties had any covenants (CC&R's) recorded on them stipulating her request. Mrs. Buchanan was unsure of any. Chair Lusby wanted to make sure Mrs. Buchanan was aware that her request to put a restriction on the remaining two (2) lots could not happen.

TESTIMONY IN OPPOSITION

There was no testimony in opposition of the matter.

With no further testimony, Chair Lusby closed the public hearing portion of the hearing.

A motion was made by Commissioner Price to **recommend** to City Council **approval** of the Ault Court right-of-way vacation request (Action Alternative No. 1 per the Staff Report); second made by Commissioner Robinson.

In Favor: Commissioners Robinson, Price, Frazier, Sarnoski, Swanson and Chair Lusby

Opposed: None

Motion carried unanimously

MONTHLY ACTIVITY REPORT

Mrs. Chartier asked the Commissioners if they had any questions with the Activity Report that was given to them in their packets. Commissioner Sarnoski asked about the length of work for Waite Street outlined in the Safe Routes to School Grant. Brian Elliott, Community Development Director, responded that it would be from its intersection with Central Avenue to South Side Road (approximately 2,200 feet). Commissioner Price asked if the sidewalks on the south side of Central Avenue continue. Mr. Elliott responded that as funds are available the plan is to continue the entire length of Central Avenue. No other questions were asked with regards to the activity report.

PUBLIC COMMENT - None

COMMISSION COMMENTS – None

ADJOURNMENT - With no further business the meeting was adjourned at 7:15 pm.

Respectfully submitted,

Jamie Chartier, City Planner

APPROVED BY COMMISSION ON THE ____ DAY OF _____, 2018.

John Lusby, Commission Chair

DRAFT



Community Development

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City of Sutherlin

November 13, 2018

TO: Applicant and All Parties

FROM: Jamie Chartier, City Planner

RE: **STEPHANIE WANSLEY**, has petitioned the City of Sutherlin to vacate the entire Ault Court right-of-way (approximately 50 feet wide, 240± feet in length). Ault Court is a platted, unimproved right-of-way platted as part of Grace Subdivision (Volume 15, Page 12). The said street is described on Douglas County Assessor's Map, Section 16CC, T25S, R5W, and W.M. The street is located in a Medium Density Comprehensive Plan and Medium Density Residential (R-2) zone district. **PLANNING DEPARTMENT FILE NO. 18-S015.**

Official notice is hereby given of the decision of the Sutherlin Planning Commission in the above referenced request for which a public hearing was held on October 16, 2018.

The Planning Commission took action on the requested Street Vacation on the subject property. The Planning Commission **RECOMMEND** to the City Council approval of the Ault Court right-of-way vacation.

A copy of the Sutherlin Planning Commission Findings of Fact and Decision are enclosed with this notice. This decision will become effective fifteen (15) days from the date the decision was mailed unless review is sought pursuant to Section 4.2.140.H of the Sutherlin Development Code. An information sheet for appeal is attached to this notice.

Enclosures

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of the City of Sutherlin
receiving a petition to vacate the entire Ault
Court right-of-way (approximately 50 feet
wide, 240± feet in length). Ault Court is a
platted, unimproved right-of-way platted as
part of Grace Subdivision (Volume 15, Page
12). The said street is described on Douglas
County Assessor's Map, Section 16CC,
T25S, R5W, and W.M.

] **FINDINGS OF FACT AND DECISION**
] Applicant: Stephanie Wansley
] Re: Street Vacation (Ault Court)
] File No.: 18-S015
]

PROCEDURAL FINDINGS OF FACT

1. The requested application was filed with the City on August 27, 2018, and deemed complete on September 5, 2018.
2. The petitioner provided documented consent of 33 property owners totaling more than the required 2/3 of the land area within the designated distance described in ORS 271.080, including all owners of property abutting the Ault Court right-of-way.
3. The application was reviewed by the City of Sutherlin Public Works, Police, Fire and Community Development Departments. Each department recommended that the requested Ault Court right-of-way vacation be approved.
4. Notice of a Public Hearing on the Vacation of a Street application before the Planning Commission was given in accordance with ORS 271 procedure. Notice was sent to affected property owners of record within 300 feet of the subject property, service providers, and governmental agencies on September 18, 2018.
5. The Planning Commission held a public hearing on this matter on October 16, 2018.
6. At the public hearing on October 16, 2018, there were no declarations of ex parte contact, bias or other conflicts of interest made by the Planning Commission. No objections were raised by the audience, and the Commission was qualified to hear the matter.
7. The Planning Commission declared the following as parties to the hearing:
Bea Buchanan, adjacent land owner
John McDonald, Oregon Department of Transportation
8. Reference was made to the October 9, 2018 Staff Report, and criteria and procedures for approving a right-of-way vacation as provided in Oregon State Statue (ORS 271).
9. Planning Staff presented a summary of the Staff Report dated October 9, 2018, and entered Staff Exhibits 1-10 into the record.
10. The Planning Commission provided opportunity to receive clarifying oral testimony from the applicant. No persons were present.

11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor or neutral to the application. Bea Buchanan, adjacent land owner was present and gave testimony in favor.
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 clarifying questions and oral testimony in rebuttal to the application. None was provided.
14. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

FINDINGS OF FACT RELATED TO DECISION

1. The Planning Commission expressed no objections to the proposed request.
2. The procedural findings noted above are adequate to support the Planning Commission's recommendation to City Council on the petition to vacate the Ault Court right-of-way.

FINDINGS OF FACT

Finding No. 1. Stephanie Wansley has petitioned the City to vacate the entire Ault Court right-of-way, which is located south of Glen Avenue. Mrs. Wansley contends that the proposed vacation is necessary to facilitate residential development of this property. The petitioner states that the unnecessary and unimproved right-of-way which bisects the property creates a greater obstacle to effectively develop the property.

Finding No. 2. The Planning Commission finds the subject property is designated Medium Density by the Sutherlin Comprehensive Plan and zoned (R-2) Medium Density Residential by the Sutherlin Development Code.

Finding No. 3. The Planning Commission adopts by reference the findings of the Staff Report dated October 9, 2018.

Finding No. 4. The Planning Commission finds the requested Street Vacation was processed in accordance with Oregon Revised Statue (ORS 271) applicable criteria.

Finding No. 5. The subject property is approximately 50 feet wide and approximately 240 feet long, constituting the entire platted Ault Court right-of-way.

Finding No. 6. Access to the proposed reconfigured lots will be via direct access onto Glen Avenue (flag lot, proposed Parcel 1), while proposed Parcel 2 will be via a 25 foot easement across proposed Parcel 2 (per File No. 18-S016).

Finding No. 7. The Planning Commission finds, based upon the staff report and submitted application materials, and oral testimony provided, that due to the nature of the proposed use, it is found to be compatible with the existing uses in the vicinity.

CONCLUSION

Based on the evidence received, a motion was made by Commissioner Price and seconded by Commissioner Robinson to approve the application per Action Alternative #1 and **RECOMMEND** to City Council approval of the Ault Court right-of-way vacation requested by Stephanie Wansley; the motion passed unanimously.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission **RECOMMENDS** to the City Council **approval** of the Ault Court right-of-way vacation request.

DATED THE _____ DAY OF _____, 2018.

JOHN LUSBY, CHAIR

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City of Sutherlin

November 13, 2018

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **WESTSIDE CENTER INC**, request for a Planned Unit Development (PUD) to be developed in two phases that total 22-zero lot line duplex lots, along with open space on a 18.92 acre parcel, which is located on the north side of Arch Avenue in the City of Sutherlin. The subject property is described as Tax Lot 200 in Section 17AC and Tax Lot 1200 in Section 17AD, T25S, R5W, W.M.; Property I.D. No(s). R43891 and R43875. The property is designated Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (RH) Residential Hillside. **PLANNING DEPARTMENT FILE NO. 18-S017.**

STAFF EXHIBITS

1. Notice of Public Hearing with affidavit of mailing
2. Legal Notice for the News Review
3. Property Owners within 100 Feet
4. Staff Report with Responses Attached
5. Planned Unit Development (PUD) application and attachments
6. Vicinity Map
7. Assessor Maps
8. Zoning Map
9. Aerial Photograph Map
10. Water Utility Map
11. Sewer Utility Map
12. Situs Map

INTRODUCTION

The applicant, Westside Center, Inc, is requesting a Planned Unit Development (PUD) to be develop in two phases that total 22-zero lot line duplex lots, together with open space on an 18.92 acre unit of land.

The subject property is located on the north side of Arch Avenue in the City of Sutherlin. It is described as Tax Lot 200 in Section 17AC and Tax Lot 1200 in Section 17AD, T25S, R5W, W.M.; Property I.D. No(s). R43891 and R43875. There are no structures located on the property.

The subject property is designated Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (RH) Residential Hillside by the Sutherlin Development Code. It is located north of Arch Avenue in an area of residential properties with the City Limit Boundary as the north border. Adjacent properties to the east, west and south are zoned RH. The property immediately to the north is located outside of the City Limits of Sutherlin, in Douglas County's jurisdiction. Surrounding properties zoned RH and developed with mixed residential uses. The City of Sutherlin owns a 0.23 acre tax lot surrounded by the subject property that contains a 75,000 gallon water storage tank.

The application is being processed as a Type III procedure for a planned unit development (PUD). As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2 (RH zone), Chapter 3 (Design Standards) and Chapter 4, Section 4.6 (Planned Developments) of the Sutherlin Development Code.

During the public hearing on November 20, 2018, the Planning Commission will accept public testimony and deliberate to a decision on the application after closing the public hearing. Upon rendering a decision, the Planning Commission must make a written Findings of Fact and Decision document, which justifies its decision.

PROCEDURAL FINDINGS OF FACT

1. The Planned Unit Development (PUD) application was deemed complete by the City on October 10, 2018. All applicable application fees were paid to the City.
2. Pursuant to Section 4.2.140.C of the Sutherlin Development Code, notice of the public hearing was given by publication in the News Review on October 30, 2018, which was at least fourteen (14) days prior to the date of the public hearing.
3. Notice of a Public Hearing for the Planned Unit Development (PUD) before the Planning Commission was given in accordance with Section 4.2.140.C. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on October 12, 2018.
 - a. John McDonald, Development Review Planner, ODOT Southwestern Region, stated that ODOT has no comments on the proposed PUD.

- b. At the time of the mailing of this staff report, no other written comments or remonstrance's have been received.
- 4. Present Situation: The subject property is currently vacant and undeveloped.
- 5. Plan Designation: Low Density Hillside.
- 6. Zone Designation: Residential Hillside (RH).
- 7. Public Water: The subject property has access to public water from the City of Sutherlin along Arch Avenue. Public water will have to be improved to accommodate the development of the site.
- 8. Sanitary Sewer: The subject property has access to sanitary sewer from the City of Sutherlin along Umpqua Street. Sanitary sewer will have to be extended to accommodate the development of the site.
- 9. Transportation System: Arch Avenue is designated a Necessary Local Road under the City's Transportation System Plan, and is currently unimproved.
- 10. Overlay: The subject property is not located within the 100 year flood plain and has no identified wetlands.

FINDING: The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Planned Unit Development (PUD).

FINDINGS OF FACT

RESIDENTIAL DISTRICTS

- 1. Residential Zone District, Medium Density Residential, RH Zone (Section 2.2.100):
 - a. The subject 18.92 acre parcel is vacant of structures, and is zoned (RH) Residential Hillside. The minimum lot area is not applicable for a duplex lot, with a minimum lot width at frontage 24 feet for a townhouse lot, and a minimum lot depth of 100 feet where there is alley right-of-way. The maximum lot coverage for development is 35 percent, with a minimum dwelling unit size of 1,200 sq.ft. Attached Townhouses are permitted with a Planned Unit Development application.
- 2. **FINDINGS:**
 - a. As proposed, the City finds:
 - i. The applicant is proposing a 22 zero lot line duplex lots in a two phased planned unit development (Sutherlin Heights). Phase 1 will consist of 10 lots, Phase 2 will consist of 12 lots, with an average lot size of 3,000± sq.ft.; lot frontage width of at least 24 feet.

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

DESIGN STANDARDS

- 3. **Design Standards**
 - a. 3.2.100 Vehicular Access and Circulation
 - b. 3.5.100 Infrastructure Standards
- 4. The access to each proposed parcel will be via Arch Avenue, an existing unimproved necessary local street. Each proposed lot will have direct access onto Arch Avenue.

Section 3.2 Vehicle Access and Circulation

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

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

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

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

FINDING: Upon completion of the planned unit development, Arch Avenue will be an improved local residential street. Access to the individual lots will need to be

coordinated with the City for review and approval to ensure access locations meet access separation and other applicable city standards.

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

FINDING: A traffic study is not required for the planned unit development proposal since there will only be minor traffic impacts on area streets with the potential for only 22 single family dwellings.

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

FINDING: The proposed development is not expected to require closing any existing curb cuts, street closures along Arch Avenue. The frontage of the subject property will be improved as part of that project. Access requirements shall be a condition of approval to aid and ensure the safety and efficient operation is maintained.

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

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

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

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

2. Option 2. Access is from a private street or driveway developed to city standards and connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A joint maintenance agreement and reciprocal access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. The city may approve a private street under this option by a planned unit development (PUD), provided that

public funds shall not be used to construct or maintain a private road, street, or drive. The city may require a public access easement as needed for emergency response access or refuse access.

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

4. Subdivisions Fronting Onto an Arterial Street. *Subdivision lots fronting onto an arterial street shall not receive access onto the arterial street, except when alternate access (i.e., alleys or secondary streets) cannot be provided due to topographic or other physical constraints. In such cases, the city may require that access be provided by consolidating driveways for clusters of two (2) or more lots or for multiple buildings on a lot (e.g., includes flag lots and mid-block lanes).*

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

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

FINDING: The proposed 22 lots will each access onto the unimproved City Street, as outlined above in Option 3. The development does not front onto an arterial street and no double-frontage lots are proposed. Future residential development of an attached townhouse on each proposed lot will require off-street parking in accordance with residential standards. Each parcel will have access to a public residential street via an individual driveway. Any shared driveways will require compliance with the applicable driveway standards, and any necessary reciprocal access easement(s), to insure access to Arch Avenue.

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

FINDING: No new streets are proposed with this application.

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

1. Local Streets. *A minimum of twenty-five (25) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials).*
2. Arterial and Collector Streets. *Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the city's transportation system plan.*
3. Special Provisions for All Streets. *Direct street access may be restricted for some land use types. For example, access consolidation, shared access, and/or access separation greater than that specified by Subsections 1-2, may be required by the city, county or ODOT for the purpose of protecting the function, safety and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.*

FINDING: Each lot will have access onto Arch Avenue via an individual driveway. Any shared driveways will require compliance with the applicable driveway standards, including the 25 foot access separation between driveways, and any necessary reciprocal access easement(s), to insure access onto Arch Avenue.

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

FINDING: As proposed, the applicant proposes a maximum of 22 individual access points onto the newly improved City residential street. Shared driveways may be permitted meeting the above requirement(s).

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

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

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

FINDING: Each lot will have access to Arch Avenue via an individual driveway. Any shared driveways will require compliance with the applicable driveway standards, including the 25 foot access separation between driveways, and any necessary reciprocal access easement(s), to insure access to Arch Avenue.

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

1. *Block Length and Perimeter. The maximum block length and perimeter, measured along the property/right-of-way line, shall not exceed:*

a. *Residential Zoning. Six hundred (600) feet length and one thousand eight hundred (1,800) feet perimeter unless the previous adjacent layout or topographical conditions justify a variation;*

b. *C-1 Zoning. Four hundred (400) feet length and one thousand four hundred (1,400) feet perimeter;*

c. *C-3 Zoning. Six hundred (600) feet length only.*

d. *Industrial Zoning. No Standard.*

Figure 3.2.110L Street Connectivity and Formation of Blocks

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

FINDING: This standard does not apply to the proposed planned unit development since the subject parcel is not large enough to create a new block or area-wide pedestrian circulation. In addition, the residential area to the south and east is already physically developed and with this development require additional street connectivity to surrounding streets.

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

1. Single family, two (2) family, and three (3) family uses shall have a minimum driveway width of ten (10) feet, and a maximum width of twenty-four (24) feet, except that one (1) recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than seven thousand (7,000) square feet of area.
2. Multiple family uses with between four (4) and seven (7) dwelling units shall have a minimum driveway width of twenty (20) feet, and a maximum width of twenty-four (24) feet.
3. Multiple family uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more parking spaces, shall have a minimum driveway width of twenty-four (24) feet, and a maximum width of thirty (30) feet. These dimensions may be increased if the City determines that more than two (2) lanes are required based on the number of trips generated or the need for turning lanes.
4. Access widths for all other uses shall be based on ten (10) feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in chapter 3.4.
5. Driveway aprons (when required) shall be constructed of concrete to city standards and shall be installed between the street and the driveway or private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three (3) feet in width, with a cross slope not exceeding two (2) percent.

FINDNG: As proposed, each proposed lot will access directly onto Arch Avenue. Driveways shall be a minimum of 10 feet wide and a maximum of 24 feet wide. Driveway aprons shall be constructed of concrete to city and ADA standards. This shall be a condition of approval. Shared driveways are proposed, as necessary, to ensure the required 25 foot driveway separation is maintained.

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

FINDING: As part of this request, the developer shall coordinate with the City Fire Department and meet the above requirement. No building is proposed to be located further than 150 feet from the existing public street.

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

FINDING: For any existing trees within the development that will be located in areas of proposed driveways, aisles or turn-around areas, the minimum vertical clearance will have to be maintained.

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

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

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

- 1. Driveway and Lane width of all shared drives and lanes shall be twenty (20) feet of pavement with a minimum lot frontage width of twenty-five (25) feet wide throughout the driveway;*
- 2. Easement. Where more than one (1) lot is to receive access from a flag pole drive, the owner shall record an easement granting access to all lots that are to receive access. The easement shall be so indicated on the preliminary plat;*
- 3. Maximum Drive Lane Length. The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty (150) feet without an emergency turnaround approved by the city; and*
- 4. Area Calculation. The flag pole portion of a lot shall not be counted for the purpose of meeting lot area requirements or determining setbacks.*

FINDING: No flag lots are proposed with the requested planned unit development.

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

- 1. Surface Options. Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable surfacing; alternatively, a durable non-paving material such as pavers, or other materials approved by the city may be used to reduce surface water runoff and protect water quality.*
- 2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site*

collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.

3. *Driveway Aprons.* *When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be constructed to city standards and paved with concrete surfacing. See subsection M, above.*

FINDING: Surface and storm water management will have to be addressed by the applicant as part of the design, engineering and construction of each proposed driveway. The design for construction of the improvements will have to be coordinated with City Public Works and be engineered. Future attached townhouses on each lot will be required to meet the standards for the surfacing of driveways and parking areas, and surface water management.

5. **INFRASTRUCTURE STANDARDS**

SECTION 3.5.100 Purpose and Applicability.

A. Purpose. *This section provides planning and design standards for transportation, sewer, water, and storm drainage infrastructure.*

B. When Standards Apply. *All development shall be served with adequate infrastructure including transportation, sewer, water, and storm drainage, in conformance with this section and consistent with the City’s engineering design criteria.*

C. Standard Specifications. *The City of Sutherlin general engineering requirements and standard specifications for street, storm drain, sewer, and waterline construction are incorporated in this code by reference.*

D. Conditions of Development Approval. *No development may occur unless required public infrastructure is in place or guaranteed, in conformance with the provisions of this code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.*

FINDING: City sanitary sewer and water service are available to the lots from existing lines in Arch Avenue and Umpqua Street. The design for the installation of the utilities will have to be coordinated with City Public Works and are listed as a condition of approval.

SECTION 3.5.110: Transportation Standards.

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

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

FINDING: The City finds the proposed lots created by this PUD will each have frontage onto Arch Avenue. Arch Avenue improvements will be address in Street, Location and Grade section of this report. In addition, no private streets are proposed as a part of this PUD request.

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

FINDING: The City finds that no new right-of-ways for streets will be created with the proposed PUD. Arch Avenue has an existing 40 foot right-of-way where it fronts the subject property. The city finds that an additional dedication of right-of-way from the subject property's frontage adjoining Arch Avenue is not required.

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

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

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

- 1. Street grades shall be approved by the city, in accordance with the design standards in subsection N, below; and*

2. *Where the location of a street is not shown in an existing street plan (see subsection H), the location of streets in a development shall either:*

a. *Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this section; or*

b. *Conform to a street plan adopted by the city council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*

FINDING: The City find as part of this project, the developer will be required to improve Arch Avenue (40 foot right-of-way) to help facilitate the project. The improvement of the proposed residential street (Arch Avenue) will be required to meet City standards for street widths and improvement. Phase 1 of the design of the unimproved street shall include 32.5' of paved roadway with 6" curb, gutter and six (6) foot sidewalk on the north side of Arch Avenue to the intersection of Sixth Avenue. Phase 2 of the PUD, the applicant/property owner(s) shall improve the required right-of-way of Arch Avenue (40 foot right-of-way). The design of the unimproved street shall include 32.5' of paved roadway with 6" curb, gutter and six (6) foot sidewalk on the north side of Arch Avenue from its intersection at Umpqua Street to its intersection at Magnolia Street with a 6" curb, gutter on the south side of Arch Avenue. The unimproved street shall be designed, engineered and constructed in accordance with the standards above.

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

FINDING: Arch Avenue has an existing 40 foot right-of-way where it fronts the subject property. No additional right-of-way will be required by the developer to facilitate the improvement. A variance application was not submitted as part of this request.

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

1. *The City shall require the submittal of a future street plan in conjunction with an application for a subdivision or partition when the subject request could affect development of the city's future street system. The purpose of the future street plan is to facilitate orderly development of an interconnected street system, provide greater certainty to the city and neighboring property owners, and allow for future growth in conformance with the comprehensive plan and transportation system plan. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within six hundred (600) feet surrounding and adjacent to the proposed*

land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development

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

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

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

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

FINDING: The developer shall submit a future street plan as a condition of approval meeting the above requirements.

I. *Street Alignment and Connections.*

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

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

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

4. *Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.*
5. *In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the following standards in chapter 3.2, Access and Circulation. The maximum block length shall not exceed:*
 - a. *Residential districts – Six hundred (600) feet; . . .*
Exceptions to the standards in a-b may be granted when an access way is provided at or near mid-block, in conformance with the provisions of section 3.2.120A.

FINDING: The City finds that no new street(s) are proposed with this application. However the improvement of Arch Avenue to its intersection(s) of Sixth Avenue and Magnolia Street are and must be designed, engineered and constructed in accordance with the standard above.

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

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

FINDING: The improvement of Arch Avenue to its intersection of Sixth Avenue in Phase 1 and east to the intersection of Magnolia Street in Phase 2 shall confirm to the above standard.

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

FINDING: No additional right-of-way is proposed or required to be dedicated with this application.

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

1. *The city may require a dead-end or cul-de-sac street to stub to the outer property line of the development when future street extension may be possible through redevelopment of an adjacent property (e.g., existing development on adjacent property could redevelop and allow extension in foreseeable future).*
2. *All cul-de-sacs exceeding one hundred fifty (150) feet shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a radius of no less forty (40) feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and*
3. *The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*

FINDING: A cul-de-sac or dead end street is not proposed or applicable with this request.

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

1. *Curb radii shall not be less than seven hundred (700) feet on arterials, five hundred (500) feet on major collectors, three hundred fifty (350) feet on minor collectors, or one hundred (100) feet on other streets; and*
2. *Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization shall provide a landing averaging five percent or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement.*

FINDING: The construction and improvement of Arch Avenue shall confirm and meet the grade and curb radii listed above.

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

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

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

service providers. Street names shall conform to section 12.24, as amended, of the Sutherlin Municipal Code.

FINDING: This section is not applicable because no new streets are proposed that need to be named with this PUD application.

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

FINDING: The developer will have to comply with this section upon completion of the street improvements and be made a condition of approval.

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

FINDING: The City finds that the developer is required install and pay for new street signage if needed with the proposed PUD. This will be a condition of approval.

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

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

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

FINDING: Developer shall install streetlights in or near the PUD per city street light policy (Resolution No. 2006-03).

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

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

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

SECTION 3.5.120 PUBLIC USE AREAS

A. Dedication Requirements.

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

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

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

FINDING: As proposed, no public use areas, including parks, open space, playground, public facility or other public use, are proposed to be dedicated as part of this PUD. Open Space is proposed with this PUD, but at this time not being required to dedicate to the City.

6. SECTION 3.5.130 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS

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

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

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

D. Permits Denied. *Development permits may be restricted by the city through moratoria, in conformance with ORS 197.505, where a deficiency exists in the*

existing water or sewer system that cannot be rectified by the development, and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of county or federal standards pertaining to operation of domestic water and sewerage treatment systems.

FINDING: The condition(s) of approval will require the developer to coordinate with Sutherlin Public Works for the design, engineering and installation of the required sanitary sewer and water service improvements. Phase 1 of the PUD the developer will be required to extend the sewer line and install four (4) manholes from Arch Avenue to the alley between Fifth Avenue and Sixth Avenue. Water Service shall come from an existing 8" diameter water line. Phase 2 shall include a sewer extension including three (3) manholes east to Magnolia Street, water service to come from an existing 8" pressure line. The developer shall install sewer mains approved by the City of Sutherlin and the Department of Environmental Quality (DEQ) within public rights-of-way or minimum 15-foot wide utility easements to serve all proposed lots.

7. SECTION 3.5.140 STORM DRAINAGE

- A. **General Provisions.** *The city shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made.*
- B. **Accommodation of Upstream Drainage.** *Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development, in conformance with the city's storm drainage master plan. Such facilities shall be subject to review and approval by the city engineer.*
- C. **Effect on Downstream Drainage.** *The effect on downstream drainage shall be evaluated in all project proposals, and all projects shall conform to the storm drainage master plan. Where it is anticipated by the city that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.*
- D. **Easements.** *Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way provided for conveyance of storm water. The easement shall be subject to review and approval by the city engineer and shall include at a minimum the watercourse and such further width as will be adequate for conveyance and maintenance.*
- E. **Certification of No Impact to Neighboring Property.** *Developers shall submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after development will not increase as a result of the proposed development. The certification shall further state that the developer will adhere to all applicable storm drainage, grading, erosion, and sediment control requirements. The city may impose conditions of approval and/or require submittal of engineered plans that demonstrate there will be no impact to neighboring properties*

FINDINGS: Storm drainage must be evaluated as part of this development, including the effect on downstream drainage and the need for drainage easements/right-of-way for the conveyance of

storm water. The conditions of approval require the applicant/property owner(s) to submit a stamped certification by a licensed engineer stating that the rate storm water drainage during and after development will not increase as a result of the proposed development, as outlined above.

8. SECTION 3.5.150 UTILITIES

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

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

9. SECTION 3.5.160 EASEMENTS

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

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

10. **SECTION 3.5.170 CONSTRUCTION PLAN APPROVAL AND ASSURANCES**

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

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

11. **SECTION 3.5.180 INSTALLATION**

- A. Conformance Required.** *Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the city.*
- B. Adopted Installation Standards.** *The city's general engineering requirements and standard specifications and the Oregon Chapter A.P.W.A. standard specifications shall be a part of the city's adopted installation standard(s). Where conflict occurs, the A.P.W.A standards shall prevail. Other standards may also be required upon recommendation of the city engineer.*
- C. Commencement.** *Work shall not begin until the city has been notified in advance.*
- D. Resumption.** *If work is discontinued for more than one (1) month, it shall not be resumed until the city is notified.*
- E. Engineer's Certification and As-Built Plans.** *A registered civil engineer (or as appropriate) licensed in Oregon shall provide written certification in a form required by the city that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to city acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) set(s) of "as-built" plans, in conformance with the city engineer's specifications, for permanent filing with the city.*
- F. City Inspection.** *Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to review and approval under section 4.7, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.*

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

12. APPROVAL CRITERIA – TENTATIVE PLAN

4.6.160 Concept Plan Submission.

A. General Submission Requirements. *The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 4.2.140. In addition, the applicant shall submit the following:*

1. *A statement of planning objectives to be achieved by the planned unit development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.*

FINDING: Per the application submitted, Sutherlin Heights PUD will focus on the relationship between living space and nature through the expansive open space and utilization of green building products. Through thoughtful design and a focus on environmental impact the Sutherlin Heights PUD will provide affordable housing with Green products, walking trails and open spaces.

2. *A development schedule indicating the approximate dates when construction of the planned unit development and its various phases are expected to be initiated and completed.*

FINDING: Phase 1: Initiated 2018, completed 2018
Phase 2: Initiated 2019, completed 2019

3. *A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned unit development.*

FINDING: Per the application, at this point there is no intention of selling or leasing any portion of the PUD.

4. *A narrative report or letter documenting compliance with the applicable approval criteria contained in section 4.6.170.*

FINDING: Engineering plans have been included (per application).

5. *Special studies prepared by qualified professionals may be required by the planning director, planning commission or city council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.*

FINDING: Any special studies will be completed upon request, stated in the application.

4.6.170 Concept Plan Approval Criteria. The planning commission shall make findings addressing the following criteria when considering a concept plan:

A. Consistency with the Purpose. The plan is consistent with the purposes of the planned unit development code, as provided under section 4.6.100, and it provides superior design and amenities as compared to a typical development built under the standard code requirements;

FINDING: The City finds the plan submitted by the developer is consistent with the purpose of a planned unit development.

B. Comprehensive Plan. The plan is consistent with the policies contained in the city's comprehensive plan;

FINDING: The City finds the proposed the 22-zero lot line duplex lot planned unit development is consistent with the comprehensive plan.

C. Land Division Section. All of the requirements for proposed land divisions, as applicable, are met (section 4.4);

FINDING: All requirements for the proposed PUD have been met with the submitted application.

D. Space Requirement. Planned unit developments in residential districts shall contain at least forty (40) percent open space. Where common open space is designated, the following standards apply:

- 1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and*
- 2. The open space shall be conveyed in accordance with one of the following methods:*
 - a. 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;*
 - b. 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*

FINDING: As proposed, the subdivision will create 22 lots to be developed in two phases with Open Space meeting the requirement of at least forty (40) percent; meeting

the above requirements.

4.6.180 Administrative Procedures.

- A. *Time Limit on Filing of Detailed Development Plan.*** *Within one (1) year after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the city a detailed development plan, in conformance with Section 4.6.190. The detailed development plan may be for one (1) or more phases of the project.*
- B. *Extension.*** *The planning director shall, upon written request by the applicant and payment of the required fee; grant an extension of the approval period not to exceed one (1) year provided that:*
- 1. No changes have been made on the original conceptual development plan as approved;*
 - 2. The applicant has submitted a written intent to apply for detailed development plan review within the one (1) year extension period;*
 - 3. There have been no changes to the applicable comprehensive plan policies or code provisions on which the approval was based; and*
 - 4. The extension request is made before expiration of the original approval period.*
 - 5. Additional one-year extensions may be granted, up to a maximum of three (3) extensions, provided the criteria of the above section B are met for the extension.*

FINDING: As proposed, the applicant plans to develop the planned unit development in two (2) phases that total 22-zero lot line duplex lots and shall confirm to the filing requirements for a phased development.

ACTION ALTERNATIVES

Based on the applicant's findings, the city staff report and the testimony and evidence provided during the public hearing, the Planning Commission can close the public hearing and move to either:

Action Alternative No. 1 APPROVE the requested Planned Unit Development (PUD) for 22-zero lot line duplex lots to be developed in two phases (Phase 1, 10 zero-lot line duplex lots and Phase 2, 12 zero-lot line duplex lots) on the subject 18.92 acre property, subject to the following conditions:

1. The 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 developer shall submit a final PUD Plat which substantially conforms to the approved preliminary Plan in all aspects except as specifically conditioned by the Planning Commission, as well as the general standards and survey plat requirements prescribed by the

Sutherlin Development Code. Any alterations shall be reviewed by the Community Development Department.

3. The developer shall meet all requirements of final plat submission and approval criteria in Section 4.4.160 of the Sutherlin Development Code. Each phase is approved for a period of two (2) 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. The developer shall submit a statement prepared by a qualified geotechnical engineer or geological consultant certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and the proposed construction will not adversely affect the site and adjacent properties.
5. PUD's in residential districts shall contain at least forty (40) 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.
6. The developer shall improve the required right-of-way of Arch Avenue (40 foot right-of-way). The design of the unimproved street shall include 32.5' of paved roadway with 6" curb, gutter, and six (6) foot sidewalk on the north side of Arch Avenue to the intersection of Sixth Avenue with a 6" curb, gutter on the south side of Arch Avenue from the intersection of Sixth Avenue to its intersection with Magnolia Street. The unimproved street shall be designed, engineered and constructed in accordance with the standards of the Sutherlin Development Code.
 - a. Prior to commencing excavation, site preparation or construction of the road, the applicant shall submit the design plan for the road, prepared by an Oregon Licensed Professional Engineer, to City Public Works for review for consistency with the City's design standards.
 - b. City Public Works Director may require additional information to ensure full compliance with design requirements.

7. Prior to final plat approval 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.
8. Prior to beginning construction the 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.
9. Developer shall provide city standard fire hydrants at the locations, as indicated and approved by the City Fire Department to City standards.
10. All utilities shall be designed per standards to be located underground, pursuant to Section 3.5.150 of the Sutherlin Development Code, unless a Type II permit for an exception is filed and approved.
11. Developer shall install street signs in accordance with city standards. The cost of signs required for new development shall be the responsibility of the developer.
12. Developer shall install mailboxes in accordance with city standards. Plans for mail boxes shall be approved by the US Postal Service.
13. Developer shall install streetlights in or near the PUD per city street light policy (Resolution No. 2006-03).
14. Any shared driveways shall be identified on the face of the final plat. Developer shall provide and record on the plat any reciprocal access and maintenance agreements for any affected lots.
15. 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.
16. Developer shall submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after development will not increase as a result of the proposed development. The certification shall further state that the developer will adhere to all applicable storm drainage, grading, erosion, and sediment control requirements. The City may impose conditions of approval and/or require submittal of engineered plans that demonstrate there will be no impact to neighboring properties.
17. Developer shall obtain a 1200-C NPDES Storm Water Discharge Permit prior to construction as required by the Oregon Department of Environmental Quality.
18. Developer shall coordinate with the City Public Works for the design and installation of water lines with valves and fire hydrants, and water meters at the property line to city

standards. Prior to submitting a final PUD plat, the developer shall install water mains approved by the City of Sutherlin within public rights-of-way or minimum 15-foot wide utility easements to serve all proposed lots. Water mains shall be sized at eight (8) inches in diameter and have a minimum depth of 36" to allow for future connections.

19. Developer shall provide fire flow calculations, provided by engineer for review, to the City of Sutherlin.
20. Developer shall coordinate with the City Public Works for the design and installation of sanitary sewer improvements to city standards. Prior to submitting a final PUD plat, the developer shall install sewer mains approved by the City of Sutherlin and the Department of Environmental Quality (DEQ) within public rights-of-way or minimum 15-foot wide utility easements to serve all proposed lots. The upper end of sanitary sewers may terminate in a clean-out, but the lines shall be sized at eight (8) inches in diameter and have a minimum depth of 36" to allow for future connections; lateral lines shall be a minimum 4" diameter with a minimum depth of 24". Each such clean-out shall be located within the right-of-way.
21. All necessary easements shall be shown and referenced on the final subdivision plat. Required recorded easements and agreements, reciprocal easements and maintenance agreements for the shared private drives, storm water drainage easements, public and private utility easements.
 - a. All easements outside of dedicated rights-of-way must be shown and described as to type and use on the face of the final plat.
22. 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 subdivision plat shall bear the stamp and signature of the Professional Land Surveyor, and shall include a signature line for the Sutherlin Community Development Director and the Planning File Number.
23. If any covenants are to be placed on the planned unit development, the applicant shall provide a copy, including the volume and page(s) of the recording with Douglas County, to the City. The applicant shall place a reference on the final plat indicating any covenant restrictions governing the development of the proposed subdivision.
24. An electronic copy (pdf) of recorded final subdivision plat, to include as-built drawings, shall be submitted to the Sutherlin Community Development Department within 10 days after recording.
25. 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 (to include site specific Geologic Impact Statement).
26. 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.

27. 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.
28. The developer shall provide a letter from the Director of Public Works that all required improvements have been constructed and installed to City Construction Specifications.

ADVISORY STATEMENTS

29. For the development of the individual lots in each phase, developer must meet City of Sutherlin private driveway standards of twenty (20) feet improved surface. Driveways must maintain a minimum separation of 25 feet.
30. At the time of a building permit proposal on any of the new parcels, the permit shall indicate compliance with Development Code Section 2.2 RH building setbacks and lot coverage 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.

Action Alternative No. 2 APPROVE the requested Planned Unit Development (PUD), subject to modifications or additional conditions of approval;

Action Alternative No. 3 CONTINUE THE PUBLIC HEARING to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal; or

Action Alternative No. 4 DENY the requested Subdivision and Variance on the subject property on the grounds that the proposal does not satisfy the applicable approval criteria.

STAFF RECOMMENDATION

City Staff recommends that the Planning Commission select Action Alternative No. 1 and **APPROVE** the requested application on the subject 18.92 acre property, subject to the conditions of approval.



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City of Sutherlin

Date: November 13, 2018
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.

TRANSPORTATION

Central Avenue Paving Improvement

Guido Construction is working on completing the final punch list.

Valentine Ave Paving Improvement

50% plans sheets have been submitted by I.E. Engineering. They are currently being reviewed by city staff

Transportation System Plan (TSP) ODOT has completed the negotiations to the contract with Kittelson and Associates. Kick-Off Meeting/Site Visit is tentatively scheduled for November 1st.

UTILITIES

Tapani Construction, Inc is in full swing of construction on the Wastewater Treatment Facility. No changes, still on schedule.

Safe Routes To School Grant Application

Working closely, with the Sutherlin School District, Waite Street has been identified as a safety hazard area for kids to walk and/or bike to school. The intent of this grant would be to provide a wider street, bike lanes, curbs, gutters, sidewalks, crosswalks and a flashing beacon within the existing right of way to create a safe route to school for our children. Grant Application deadline is October 15, 2018.

LAND USE ACTIVITY

Building Worksheets

- 2018-01 – 2018-107 on previous Activity Report(s)
- 2018-108 1200 E Central, Sp 92 – Carport
- 2018-109 835 Forest Heights – Single Family Dwelling
- 2018-110 845 Forest Heights – Single Family Dwelling
- 2018-111 330 Dakota St – Temporary Outdoor Sales in parking lot
- 2018-112 224 N State St – Awning
- 2018-113 327 Kruse St – Single Family Dwelling
- 2018-114 327 Kruse St – Accessory Bldg
- 2018-115 305 Waite St – Interior Remodel

- 2018-116 1100 W Central Ave – Change in Business (The Lunchbox)
- 2018-117 944 E Third Ave – Accessory Bldg
- 2018-118 434 Casa de Loma – Family Room addition
- 2018-119 762 Fir Grove Lane – Single Family Dwelling

Active Land Use Applications

- 18-S001 – 18-S024 on previous Activity Report(s)
- 18-S025 – Owens - CUP

Right of Way Applications

- 18-01 – 18-32 on previous Activity Report(s)
- 18-33 – Avista Utilities – 400 Block of N Comstock Rd