



**City of Sutherlin  
Planning Commission Meeting  
Tuesday, December 17, 2019  
7:00 p.m. – Sutherlin Civic Auditorium  
Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

November 19, 2019 – Regular Meeting

**Approval of Findings of Fact and Decision**

**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.  
**PLANNING DEPARTMENT FILE NO. 19-S013.**

**Monthly Activity Report(s)**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7:00 PM  
TUESDAY, NOVEMBER 19, 2019**

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

**COMMISSION MEMBERS EXCUSED:** Adam Sarnoski

**COMMISSION MEMBERS ABSENT:** None

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

**AUDIENCE:** Gladys, Robinson, Nanette & Adam Haley and Mark Garrett

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

**APPROVAL OF MINUTES**

A motion made by Commissioner Price to approve the minutes of the August 12, 2019 Joint City Council/Planning Commission workshop; second made by Commissioner Robinson.

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

Opposed: None

Excused: None

Motion carried unanimously, with Commissioner Frazier abstaining

**QUASI-JUDICIAL PUBLIC HEARING**

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.**

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

Chair Lee asked the Commission if there were any conflicts of interest or personal bias; Commission Robinson stated ex parte contact (stated property owner is a relative) and stepped down from voting on the hearing, Lee asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, Lee asked for the Staff Report.

**Jamie Chartier, City Planner**, entered Staff Exhibits 1-12, along with the Staff Report into the record. She then identified there were no written comment received as of the mailing of the Staff Report, since then two (2) agencies submitted written comments. Mrs. Chartier then entered Staff Exhibit 13 (Oregon Department of Transportation let from Micah Horowitz) and Staff Exhibit 14 (Fair Housing Council of Oregon) letters, along with four (4) Applicant's Exhibits that were inadvertently left out of the mailing of the staff report. Mrs. Chartier then summarized the Staff Report and referred to the Goal 10 concerns that were raised by the Fair Housing Council of Oregon. Staff explained to the Planning Commission the City's current Buildable Land Inventory was produced in 2005 and concluded that they recommended the City needs an additional 311-345 acres of residentially zoned land to meet the 20-year supply. Since the conclusion of the Land Needs Analysis in 2005; approximately 394.67+/- acres of residential land has been annexed into the city limits – exceeding the figure needed by 2025. Staff also referred to HB 2001, which requires all City's over the population of 10,000 to require the development of multi-family housing on single family dwelling lots; Sutherlin's population is at approximately 8,200 with a growth rate of 0.8% per year, by 2025 with the growth rate the City's population will be approximately 8,500. Staff then stated to the commission that Goal 10 sigillary cannot justify the denial or approval of this application; all 14 Goals need to be address to support the decision.

### **APPLICANT'S TESTIMONY**

Mark Garrett, representative for the applicant and titleholder, concurred with the Staff Report submitted and addressed the focus of the Fair Housing Council's letter. Stating that all 14 Goals were addressed in the Staff Report, not just singling out the housing needs goal, but addressing all goals as a whole. He also stated that the Buildable Lands Inventory also shows a shortage of commercial lands; so, there is a need for commercial zoned land and economic growth within the City.

The Planning Commission asked clarifying questions to staff and applicant regarding transportation. Mr. Garrett relayed his coordination with the City and ODOT on the proposal. He stated this proposal will not generate a significant level of traffic and be well under the suggested 200 ADT trip-cap suggested by ODOT.

### **TESTIMONY IN FAVOR**

No testimony in favor.

### **TESTIMONY IN OPPOSITION**

No testimony in opposition.

### **RECEIVE NEUTRAL**

No neutral testimony present.

### **APPLICANT'S REBUTTAL**

No rebuttal by the applicant.

With no further testimony, Chair Lee closed the public hearing portion for this application.

A motion was made by Commissioner Price to recommend to the City Council approval of the proposed Plan Amendment and Zone Change applications per staff's recommendation of Action Alternative No. 2, with the advisory ODOT condition; Commissioner Davidson seconds the motion.

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

Opposed: None

Motion carried unanimously with Commissioner Robinson abstaining

**COMMISSION COMMENTS** – Commissioner Robinson asked staff about a possible 33 acres of land being converted to residential. Staff has not spoke to anyone or know what property is in question.

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:29 pm.

Respectfully submitted,

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

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

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

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

IN THE MATTER of a request for a Plan Map	]	<b>FINDINGS OF FACT AND DECISION</b>
Amendment and Zone Map Change for a parcel	]	Applicant: Adam and Nanette Haley
located at near the intersection of Park Hill Lane	]	Subject: Plan Amendment and Zone Change
and Haley Lane and identified by the Douglas	]	File No.: 19-S013
County Assessor as T25S, R5W, S19CD, Tax	]	
Lot 1102, Property ID No. R122808	]	
Property owner: Adam and Nanette Haley	]	

**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. DLCDC 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. DLCDC did not provide comments on the application.
3. Pursuant to Sections 4.2.150.D.4 and 4.2.140.C of the Sutherlin Development Code, 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 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. Two written comments were received after the mailing of the Staff Report.
  - a. Micah Horowitz, Senior Transportation Planner with Oregon Department of Transportation (ODOT), responded that they do not have any concerns with the proposal.
  - b. Fair Housing Council of Oregon, responded that the findings did not demonstrate sufficient evidence to support Goal 10.
5. The Planning Commission held a public hearing on this matter on November 19, 2019.
6. At the public hearing on November 19, 2019, Planning Commissioner Sam Robinson declared an actual conflict of interest and recused himself from the hearing. There were no other declarations of ex parte contact or other conflicts of interest made by the Planning Commission. No objections were raised and the Commission was qualified to hear the matter.
7. The Planning Commission declared the following as parties to the hearing:
  - a. Mark Garrett Land Use Planning Services, Representative for Applicant/Titleholder

8. Reference was made to the November 12, 2019 Staff Report, and findings of fact addressing conformance to the applicable criteria of the Statewide Planning Goals, the applicable goals and policies of the Sutherlin Comprehensive Plan, and the applicable criteria of the Sutherlin Development Code.
9. Planning Staff presented the Staff Report dated November 12, 2019 and entered Staff Exhibits 1-12 into the record. Along with additional Staff Exhibits 13 and 14, comments from ODOT and the Fair Housing Council of Oregon that were submitted after the Staff Report was sent out.
10. Planning Staff entered Applicant's Exhibits 1-4 into the record; these exhibits were inadvertently left out of the Staff Report.
11. Planning Staff referred to the Goal 10 concerns that were raised by the Fair Housing Council of Oregon. Staff explained to the Planning Commission the City's current Buildable Land Inventory was produced in 2005 and concluded that they recommended the City needs an additional 311-345 acres of residentially zoned land to meet the 20-year supply. Since the conclusion of the Land Needs Analysis in 2005; approximately 394.67+/- acres of residential land has been annexed into the city limits – exceeding the figure needed by 2025. Staff also referred to HB 2001, which requires all City's over the population of 10,000 to require the development of multi-family housing on single family dwelling lots. Sutherlin's population is at approximately 8,200 with a growth rate of 0.8% per year, by 2025 with the growth rate the City's population will be approximately 8,500. Staff then stated to the commission that Goal 10 singularly cannot justify the denial or approval of this application; all 14 Goals need to be addressed to support the decision.
12. The representative for the applicant and titleholder, Mark Garrett, concurred with the Staff Report submitted and addressed the focus of the Fair Housing Council's letter. Stating that all 14 Goals were addressed in the Staff Report, not just singling out the housing needs goal, but addressing all goals as a whole. He also stated that the Buildable Lands Inventory also shows a shortage of commercial lands; so, there is a need for commercial zoned land and economic growth within the City.
13. The Planning Commission asked clarifying questions of staff and the applicant mainly regarding transportation. Mr. Garrett mentioned how the applicant has fully coordinated with the City and ODOT on the proposal. He stated this proposal will not generate a significant level of traffic and be well under the suggested 200 ADT trip-cap suggested by ODOT.
14. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor and in opposition to the application. No persons were present.
15. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. No testimony was given.
16. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

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

1. The Planning Commission expressed no objections to the proposed Comprehensive Plan Map and Zoning Map Amendments.

## **FINDINGS OF FACT**

Finding No. 1. The Planning Commission finds the subject property is designated Low Density Hillside in the Sutherlin Comprehensive Plan and zoned Residential Hillside (RH) in the Sutherlin Development Code.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated November 12, 2019 adding an advisory condition reflecting the suggestion by ODOT that the development on the subject property shall result in the level of traffic will remain under 200 ADT (Average Daily Trips) trip-cap.

Finding No. 3. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested Comprehensive Plan Map amendment from Low Density Hillside to Commercial Community and Zoning Map Amendment from Residential Hillside (RH) to Community Commercial (C-3) is consistent with the applicable Statewide Planning Goals, and that no exceptions to the goals were proposed.

Finding No. 4. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested plan map and zoning map amendment is consistent with the applicable general goals and policies of the Sutherlin Comprehensive Plan and its implementing ordinances, including those related to Natural Features, Population, Air Water and Land Resource Quality, Natural Hazards, Recreational Needs, Economy, Housing, Public Facilities and Services, Transportation System, including Pedestrian and Bicycle Transportation, Energy Conservation and Land Use and Urbanization.

The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed amendment is consistent with the applicable criteria of Section 4.11 [Amendments] and Section 4.8 [Zoning Amendments] of the Sutherlin Development Code. The applicant has demonstrated consistency with the Comprehensive Plan, including inventory documents and facility plans. The subject 2.51 acre property is surrounded on all sides by developed, or partially developed, residential land with pre-existing commercial use(s). Public facilities and services are available, but currently do not serve the subject property.

Finding No. 5. The Planning Commission further finds that the applicant has demonstrated that the most intense uses and density that would be allowed outright in the proposed C-3 zone, considering the existing commercial/industrial development in the area, can be or are already served by the orderly extension of urban services, and that the proposed amendment is consistent with OAR 660-012-0060.

Finding No. 6. The Planning Commission finds that the proposed amendment from Low Density Hillside to Commercial Community is not the result of a mistake or inconsistency, but will be consistent with the existing pre-existing commercial and light industrial uses surrounding the subject property.

## **CONCLUSION**

1. A motion was made by Commissioner Price to recommend approval with the advisory condition and seconded by Commissioner Davidson to approve the requested Comprehensive Plan Map Amendment from Low Density Hillside to Community Commercial and Zoning Map Amendment from Residential Hillside (RH) to Community Commercial (C-3) on the 2.51 acre property and forward the recommendation to City Council. The motion passed unanimously.

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

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission recommends to City Council the **ADOPTION** of the requested Comprehensive Plan Map Amendment from Low Density Hillside to Community Commercial and Zoning Map Amendment from Residential Hillside (RH) to Community Commercial (C-3) on the 2.51 acre property located at 0 Park Hill Avenue, subject to the following advisory condition:

**ADVISORY CONDITION:**

1. Approved Development on subject property shall not generate more than 200 ADT (Average Daily Trips) trip-cap.

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

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WILLIAM LEE, CHAIR

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## City of Sutherlin

Date: December 10, 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**

#### **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 was presented to Council on December 9, 2019. The next steps will be to pursue the development of an urban renewal plan.

#### **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.

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

City received three Requests for Proposals (RFP) for Engineering and Architect services for Design, Bidding and Construction Management. Szoba Landscape Architecture, Cameron McCarthy Landscape Architecture & Planning and The Dyer Partnership Engineers and Planners Inc.

In conclusion all three firms were interviewed and it was the consensus of the interview team to recommend awarding the contract for Engineering and Architect services for Design, Bidding and Construction Management to The Dyer Partnership Engineers and Planners Inc., in the amount of and not to exceed 115,000.00.

On November 12, 2019 City Council Awarded the Contract to The Dyer Partnership Engineers and Planners Inc., in the amount of and not to exceed 115,000.00.

The kick-off meeting is scheduled for December 17<sup>th</sup> from 12:00pm to 1:00pm.

### **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 - 2019-111 on previous Activity Report(s)
- 2019-112 – 1101 S Comstock – reroofing a commercial bldg
- 2019-113 – 1967 Scardi Blvd – SFD
- 2019-114 – 1951 Scardi Blvd – SFD
- 2019-115 – 534 Tanglewood – SFD
- 2019-116 – 343 Pine St – solar panels
- 2019-117 – 204 S Calapooia St – demolition of sfd
- 2019-118 – 1464 Duke Ave – demolition of sfd
- 2019-119 – 1352 E Central Ave – sign (ws on hold)
- 2019-120 – 1692 Scardi Blvd – SFD
- 2019-121 – 239 W First Ave – remodel & authorizing business
- 2019-122 – 706 W Sixth Ave - gazebo

**Active Land Use Applications**

- 19-S001 – 19-S013 on previous Activity Report(s)
- 19-S014 – Haley – Plan Amendment and Zone Change
- 19-S015 – Russi – Class A Variance
- 19-S016 – Allison – Plan Amendment, Zone Change and Subdivision

**Right of Way Applications**

- 19-01 – 19-13 on previous Activity Report(s)
- 19-14 – 161 Mardonna – Douglas Fast Net
- 19-15 – 854 W Sixth Ave – Douglas Fast Net
- 19-16 – 878 W Sixth Ave – Avista