



City of Sutherlin
Planning Commission Meeting
Tuesday, December 18, 2018
7:00 p.m. – Sutherlin Civic Auditorium
Agenda

Pledge of Allegiance

Introduction of Media

Approval of Minutes

November 20, 2018 – Regular Meeting

Approval of Findings of Fact and Decision

WESTSIDE CENTER, INC., request for a Planned Unit Development (PUD) to be developed in two phases that total 22-zero lot line duplex lots, with open space on a 18.92 acre parcel. **PLANNING DEPARTMENT FILE NO. 18-S017.**

Quasi-Judicial Hearing(s)

1. **CHRISTOPHER OWENS**, request for a Conditional Use Permit to reauthorize a Church within an existing building on property located on the west side of Hawthorne Street in the City of Sutherlin. Churches and Places of Worship are conditionally permitted use in the R-1 zone. The subject 6.35 acre property is described as Tax Lot 200 in Section 19AD, T25S, R5W, W.M.; Property ID No. R50794; and is addressed as 450 Hawthorne Street. It is designated Light Industrial and Low Density by the Sutherlin Comprehensive Plan and zoned (M-1) Light Industrial and (R-1) Low Density Residential. **PLANNING DEPARTMENT FILE NO. 18-S025.**

DLCD Code Audit Discussion

Monthly Activity Report(s)

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7PM
TUESDAY, NOVEMBER 20, 2018**

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

COMMISSION MEMBERS EXCUSED: None

COMMISSION MEMBERS ABSENT: None

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

AUDIENCE: Peggy Frazier, Gladys Robinson, Tristian Bounds, Jim Leininger, Jeanne Hefner, Dan and Rhonda Dry, Trixy and Dave Moser, John Muck, Charles Pikas, Julia Allen, Jack Allen, Ralph Klein and Jennifer Green

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 October 16, 2018 Planning Commission meeting; second made by Commissioner Robinson.

In favor: Commissioners Price, Sarnoski, Frazier, Robinson, Swanson and Chair Lusby
Opposed: None

Motion carried unanimously with Commissioner Lee abstaining

APPROVAL OF FINDINGS OF FACT

STEPHANIE WANSLEY, petition to vacate the entire Ault Court right-of-way (approximately 50 feet wide, 240± feet in length). **PLANNING DEPARTMENT FILE NO. 18-S015.**

A motion was made by Commissioner Price to approve the Findings of Fact for the Stephanie Wansley, petitioned the City of Sutherlin to vacate the entire Ault Court right-of-way (File No. 18-S015) presented at the October 16, 2018 Planning Commission meeting; motion seconded by Commissioner Frazier.

In favor: Commissioners Robinson, Price, Frazier, Sarnoski, Swanson and Chair Lusby
Opposed: None

Motion carried unanimously with Commissioner Lee abstaining

QUASI-JUDICIAL PUBLIC HEARING

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 an 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.**

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 1-12, entering the Staff Report into the record. She then identified the parties in the matter, noting that Oregon Department of Transportation was the only written comment received as of the mailing of the Staff Report, indicating they had no comment. Mrs. Chartier summarized the Staff Report into the record, with the recommendation of action alternative number 1.

APPLICANT'S TESTIMONY

Tristian Bounds, Applicant's Representative for Westside Center, LLC, indicated that he did not have any testimony to add.

TESTIMONY IN FAVOR

Tristian Bounds, Applicant's Representative for Westside Center, LLC, 1790 W. Hill Terrace, Roseburg, stepped forward and explained that the development was privately funded. He added that the proposed houses would be affordable housing units consisting of approximately 1200 – 1300 sq. ft. per unit, zero lot line duplexes. Discussion ensued regarding the size and style of homes.

Phil Washburn, Property Owner/Developer, 845 Becker Rd, Roseburg, stated that he was available to answer any questions.

TESTIMONY IN OPPOSITION

Julie Allen, 734 Magnolia Street, Sutherlin, stepped forward and stated that she was an adjacent property owner. She expressed her concerns with the proposed lot size. The proposed lots are smaller and if the buildout is sixty (60) lots, the fire danger will be greater in a condensed area. She then asked about the road improvements that will be required.

John Muck, 733 Magnolia Street, Sutherlin, stepped forward and stated he was an adjacent property. He stated his concerns regarding how narrow and steep the road is and that there was no room for widening.

Jim Leininger, 150 Arch Ave, Sutherlin, stepped forward and stated he was an adjacent property owner and had concerns that the road was not wide enough for two (2) cars to pass, and the amount of traffic on one (1) lane would be dangerous. He then asked if the entrance would be closed to the water tank.

Ralph Klein, 345 E. Sixth Ave, Sutherlin, stepped forward and stated he was an adjacent property owner. He stated that he had concerns with the increase in traffic, the amount of impervious surface and water runoff that would be created, noting he resides downhill from the proposed development. Mr. Klein stated that Arch Avenue was not wide enough to accommodate the increase in traffic. He also expressed concerns with the size of the waterline and sewer lines within the road. He stated he has existing access to his property via Arch Avenue and Sixth Avenue and wanted to confirm that he will he still retain both accesses to his property.

Charles Pikas, 855 Magnolia, Sutherlin, stepped forward and stated he was an adjacent property owner. He then noted that Arch Avenue is a one (1) lane street, inquiring what the developers are proposing in order to tie Arch Avenue into Magnolia, which is also a not such a great road. Mr. Pikas also stated that the subject property is a forested area, not meant for houses.

Trixy Moser, 350 Arch Avenue, Sutherlin, stepped forward and stated she was an adjacent property owner and had questions regarding the culvert on the property (that runs into the Murphy's property). She discussed the change of water direction, drainage, and the huge difference a development at a greater density, with narrow roads and utilities would have.

Dan Ory, 259 E Sixth Ave, Sutherlin, stepped forward and stated he was an adjacent property owner with concerns regarding the removal of trees, causing the dirt to come down onto his property (into his home). He indicated that he currently has issues, and this development would increase that. His house is built into hillside with sandstone.

Deborah Muck, 733 Magnolia, Sutherlin, stepped forward and stated that she is an adjacent property owner and had questions concerning the legal publishing's and mailings of the application. She then asked if they (the adjacent property owners) would incur any of the cost of widening the road.

Dave Moser, 350 Arch Avenue, Sutherlin, stepped forward and stated he was an adjacent property owner and had concerns with the existing infrastructure in place and with the increase in traffic and the water run-off that would be created, there will be issues.

Rhonda Ory, 259 E. Sixth Avenue, Sutherlin, stepped forward and stated that she is an adjacent property and that traveling from N. State Street, onto E. Sixth Avenue the road is full of pot holes. With the proposed development, E. Sixth Avenue needed widening and improved.

Jim Leininger, stated that cars drive fast in the area and cause bad car crashes at the bottom of Sixth Avenue and Arch Avenue. With the increased traffic, the issue will just get worse.

Chair Lusby asks for procedural clarifications. Mrs. Chartier provided information about the zoning requirements on the property that allow for this type of application to be applied for, the Sutherlin Development (SDC) requirements for legal notice mailings and publications.

Brian Elliott, Community Development Director, clarified the existing Arch Avenue right-of-way is 40'; the current road is not built to its full right-of-way width. Mr. Elliott described the existing utilities and their locations on Arch Avenue. The sewer will be connecting to a manhole, drainage will go into a catch basin, existing water meters that need to be relocated would also take place. He then addressed the intersection of Magnolia Street and E. Sixth Avenue, stating the developers would be responsible for the road improvements as stated in the Staff Report (sidewalks, curbs, gutters, roads, etc.) beyond that scope of work would be up to individual property owners. The existing power poles could potentially be relocated if they are found (after engineering/surveying) to be in the way.

APPLICANT'S REBUTTAL

Mr. Bounds stated that the development plans were environmentally friendly, and that each part of development would be engineered (the road, infrastructure, etc). He stated that they will address the storm water and discharge rates that the impervious surface would create and collect. With the existing steep slope, they will consider the road design.

With no further testimony, Chair Lusby closed the public hearing portion for this application. The Planning Commissioner's deliberated, Commissioner Robinson had questions regarding the school buses and runoff; Commissioner Swanson stated the Staff Report is overwhelming to read its entirety and the conditions that will be in place will help make this a good development.

Commissioner Price motioned to approve the Planned Unit Development (PUD) application per staff's recommendation of Action Alternative No. 1; Commissioner Swanson seconds the motion.

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

Opposed: None

Motion carried unanimously.

MONTHLY ACTIVITY REPORT

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

PUBLIC COMMENT - None

COMMISSION COMMENTS - None

ADJOURNMENT - With no further business the meeting was adjourned at 8.05 pm.

Respectfully submitted,

Jamie Chartier, City Planner

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

John Lusby, Commission Chair

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a two (2) phased,
22-zero lot line duplex lot Planned Unit
Development (PUD), along with open space
on an 18.92 acre parcel located on the north
side of Arch Avenue. The property is
identified 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.

FINDINGS OF FACT AND DECISION

Applicant: Westside Center Inc
Subject: Planned Unit Development (PUD)
File No.: 18-S017

PROCEDURAL FINDINGS OF FACT

1. The Planned Unit Development (PUD) application was deemed complete by the City on October 10, 2018.
2. Pursuant to Section 4.2.140.C.2 of the Sutherlin Development Code, notice of the public hearing was given by publication in the *News Review* on October 30, 2018, which was a least 14 days prior to the date of the public hearing.
3. Notice of a Public Hearing on the PUD application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on October 12, 2018. One written comment on the proposal was received.
4. The Planning Commission held a public hearing on this matter on November 20, 2018.
5. At the public hearing on November 20, 2018, there were no declarations of ex parte contact or other conflicts of interest made by the Planning Commission. No objections were raised and the Commission was qualified to hear the matter.
6. The Planning Commission declared the following as parties to the hearing:
 - a. Phil Washburn, Westside Center Inc., Titleholder and Applicant
 - b. Tristian Bounds, Applicant's Representative and Authorized Agent
 - c. John McDonald, Development Review Planner, ODOT
7. Reference was made to the December 13, 2016, and findings of fact addressing 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 Development) of the Sutherlin Development Code.
8. Planning Staff presented the Staff Report dated November 13, 2018 and entered Staff Exhibits 1-12 into the record.
9. The Planning Commission received clarifying testimony about the requested planned unit development from the Applicant's Representative, Tristian Bounds, who explained about the planned unit development being privately funded, the proposed houses (duplexes) would be affordable housing units consisting of approximately 1200 – 1300 sq. ft. per unit. He further stated that the applicant concurred with the staff report and the proposed conditions of approval.

10. The Planning Commission received clarifying oral testimony from Phil Washburn (property owner of Westside Center, Inc.), who state he is available to answer any questions the Commissioners or audience members might have about the development.
11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor to the application. No persons were present.
12. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application. Julie Allen spoke on behalf of herself, along with Trixy Moser, Deborah Muck and Rhonda Ory, John Muck spoke on behalf of himself, along with Jim Leininger, Ralph Klein, Charles Pikas, Dan Ory and Dave Moser.
13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. Jamie Chartier, City Planner and Brian Elliott, Community Development Director responded with answers pertaining to Sutherlin Development Code requirements.
14. The Planning Commission provided opportunity to receive clarifying response and oral rebuttal from the applicant. Tristian Bounds, Applicant's Representative, addressed these questions and concerns.
15. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

FINDINGS OF FACT RELATED TO DECISION

Commissioner Robinson expressed concerns about school buses and runoff; Commissioner Swanson state the Staff Report is overwhelming to read its entirety and the conditions that will be in place will help make this a good development.

FINDINGS OF FACT

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

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated November 13, 2018.

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

Finding No. 4. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed planned unity development is designed to meet the requirements of Section 2.2 (RH zone) with regard to

minimum lot area, lot width and lot depth for each lot. As proposed, the planned unit development will be developed in two phases with Phase 1 being 10 lots and Phase 2 being 12 lots. The average lot size for both phases will be 3,000± sq. ft.; lot frontage width of at least 24 feet.

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

Finding No. 6. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided that the proposed development will substantially meet the approval criteria outlined in Chapter 4, Section 4.4.140 for the tentative plan for the PUD proposal and that appropriate conditions of approval have been imposed to ensure continued compliance.

Finding No. 7. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided that the proposed development will substantially meet the approval criteria outlined in Chapter 4, Section 4.6 (Planned Unit Development) for the PUD proposal and that appropriate criteria and conditions of approval have been imposed to ensure continued compliance.

Finding No. 8. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided that the applicant is trying to make reasonable use of the 18.92 acre property and improve the existing unimproved street to meet City standards and the Uniform Fire Code.

CONCLUSION

1. A motion was made by Commissioner Price and seconded by Commissioner Swanson to approve Action Alternative #1 and **APPROVE** the requested Planned Unit Development (PUD) to be developed in two phases that total 22-zero lot line duplex lots, along with open space on an 18.92 acre parcel on the north side of Arch Avenue. The motion passed unanimously.
2. The Commission adopts the findings of the staff report in support of their decision.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission **APPROVES** the requested PUD to be developed in two phases that total 22-zero lot line duplex lots, along with open space on an 18.92 acre parcel for Westside Center Inc., subject to the following conditions of approval:

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 Planning 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) years, 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:
 - i. 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.
 - ii. 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 payments, etc) suitable to the city; or
 - iii. Homeowners Association bylaws and CC&R's 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 monument 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.

DATED THE _____ DAY OF _____, 2018.

JOHN LUSBY, CHAIR



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City of Sutherlin

December 11, 2018

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **CHRISTOPHER OWENS**, request for a Conditional Use Permit to reauthorize a Church within an existing building on property located on the west side of Hawthorne Street in the City of Sutherlin. Churches and Places of Worship are conditionally permitted use in the R-1 zone. The subject 6.35 acre property is described as Tax Lot 200 in Section 19AD, T25S, R5W, W.M.; Property ID No. R50794; and is addressed as 450 Hawthorne Street. It is designated Light Industrial and Low Density by the Sutherlin Comprehensive Plan and zoned (M-1) Light Industrial and (R-1) Low Density Residential. **PLANNING DEPARTMENT FILE NO. 18-S025.**

STAFF EXHIBITS

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

INTRODUCTION

The applicant, Christopher Owens, is requesting a Conditional Use Permit to reestablish a church within the existing church facility, along with the intent to operate a pre-K school, daycare and a home school group on the subject property.

The subject 6.35 acre property is located on the east side of Hawthorne Street at its intersection with Duke Avenue in the City of Sutherlin. The subject property is described as Tax Lot 200 in Section 19AD, T25S, R5W, W.M.; Property I.D. No. R5079; and is addressed as 450 Hawthorne Street. The existing development of the property includes the primary building (sanctuary and classrooms).

The property is designated Light Industrial and Low Density Residential by the Sutherlin Comprehensive Plan and zoned (M-1) Light Industrial and (R-1) Low Density Residential by the Sutherlin Development Code. The existing church facility is situated on the R-1 zoned portion of the subject property.

This application is being processed as a Type III procedure for a Conditional Use Permit, subject to the applicable criteria of Sections 2.2 [R-1 zone], Chapter 4, Section 4.5 [Conditional Use Permit], and Section 4.2.140 [Type III actions] of the Sutherlin Development Code. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable criteria and render a decision on the matter.

During the public hearing on December 18, 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 meeting all the applicable criteria.

PROCEDURAL FINDINGS OF FACT

1. The requested application was filed with the City on October 29, 2018, and deemed complete on November 8, 2018.
2. Notice of a Public Hearing on the Conditional Use Permit application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on November 20, 2018.
 - a. John McDonald, ODOT Development Review Planner, commented that ODOT reviewed the conditional use permit and had no comments.
 - b. At the time of the mailing of this staff report, no other written comments or remonstrance have been received.
3. Pursuant to Section 4.2.140(C)(1b), notice of the public hearing was given by publication in the News Review on December 4, 2018, which was at least fourteen (14) days prior to the date of the public hearing.
4. Present Situation: The subject property is currently developed with an existing church sanctuary building. This building has been vacant for a period of time greater than twelve (12) months.

5. Plan Designation: Light Industrial (LI) and Low Density (RL).
6. Zone Designation: (M-1) Light Industrial and (R-1) Low Density Residential.
7. Public Water: The subject property has existing public water from the City of Sutherlin.
8. Sanitary Sewer: The subject property has existing sanitary sewer from the City of Sutherlin.
9. Transportation System: The subject property is located east side of the intersection of Hawthorne Street and Duke Avenue. Both streets are classified as existing local streets under the City's Transportation System Plan.
10. Overlay: The subject property has a portion of identified wetlands on the east side.

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

APPLICABLE CRITERIA & FINDINGS

The proposed Conditional Use Permit is considered a Type III procedure, subject to the applicable criteria of Sutherlin Development Code, including Section 2.2 [R-1 zone] and 4.5 [Conditional Use Permits].

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

DEVELOPMENT STANDARDS (SECTION 2.2, R-1 ZONE)

1. The portion of the subject property the existing church is located on is designated Low Density by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential by the Sutherlin Development Code. Churches and places of worship, together with their accessory uses, are conditionally permitted uses in the R-1 zone.
 - a. The R-1 zone provides the following development standards:
 - i. Minimum lot area is 7,500 sq.ft. for a single family non-attached lot, with a minimum lot width at frontage 50 feet for a standard lot and 20 feet for a flag lot.
 - ii. Minimum lot depth of 90 feet where there is no alley right-of-way; 100 feet where there is no alley right-of-way.
 - iii. Maximum lot coverage for development is 50 percent.
 - iv. Maximum height of structures is 35 feet.
 - v. Minimum property setbacks: Front - 15 feet for a house (20 feet for garage entrance), Side (one story) – 5 feet, Side (two story) – 10 feet, and Side (township-style) – 0 feet, and Rear – 10 feet.

FINDING: As indicated in the application, the applicant proposes to utilize an existing church structure on the property that has been vacant for a period of time (greater than twelve (12) months). No new structures or additions are proposed with this application. The existing structure complies with the R-1 zone development standards.

DESIGN STANDARDS (CHAPTER 3)

2. The requested application requires review of the vehicle and bicycle parking standards in Section 3.4 of the Sutherlin Development Code.
3. Table Section 3.4.120.A outlines the required vehicle parking standards. Churches and similar places of worship require one space per every 100 square feet of combined sanctuary and school spaces (and accessory uses). Per Section 3.4.130, a minimum of two (2) bicycle parking spaces per use is required for all uses greater than ten (10) vehicle parking spaces.
 - a. To address parking, the application states, in part, the existing structure area is 14,412 sq. ft., which requires 145 off-street parking spaces. The development includes parking area around the church structure that accommodates 145 parking spaces. The church office parking spaces may be utilized by the sanctuary because church gatherings are not typically held during office hours. A minimum of two (2) bicycle parking spaces are required.

FINDING: As indicated in the application, a total of 145 parking spaces will be provided for the church facility, which meets the code requirements. In addition a minimum of two (2) bicycle parking spaces will be provided.

CONDITIONAL USE PERMIT CRITERIA (SECTION 4.5)

4. The requested conditional use permit is subject to the applicable criteria of Section 4.5 of the Sutherlin Development Code. As indicated previously, churches and places of worship, together with their accessory uses, are conditionally permitted uses in the R-1 zone.
 - a. The City's records are unclear of when the church facility was initially approved and/or constructed on the subject property. The application states the existing facilities were constructed approximately 45 years ago. The purpose of this application is to ensure compliance with the applicable criteria for the proposed use and future intentions of the facility.
5. Pursuant to Section 4.5.120, the applicant has provided the following narrative as part of their request, which states, in part:

Christ Community Center LLC intends to use the building at 450 Hawthorne St. Sutherlin OR 97479 as a church facility. We have 2 non-profit Christian Church congregations wanting to use this building for their worship center. This building will be used for what it was purposely built for some 45 years ago. The building is in move in ready condition and could be used immediately.

In the future we intend to have a pre-K school, day care and home school group utilities the facilities. This letter documents the compliance of the applicant, Christopher Owens, CUP application with Sutherlin Development Code section 4.5130(A) "Use Criteria" as stated below in the Findings.

FINDINGS:

6. Section 4.5.130 of the SDC identifies the applicable criteria and standards for a conditional use permit: The planning commission City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following:
7. Conditional Use Criteria (Section 4.5.130.A)
 - a. *The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*
 - i. The subject property is already developed with an existing church facility; no new development is proposed with this application. The existing structure is adequately sized and designed on the property. Adequate parking is consistent with the Sutherlin Development Code requirements.
 - ii. Section 3.4.120 "Vehicle Parking Standards" covers the minimum vehicle parking standards. According to table 3.4.120.A, churches are required to have one off-street parking space per every 100-sf of gross floor area. The total development on the subject property includes adequate parking spaces to accommodate the use. The total number of parking spaces utilized by the church building is 145, which meets the code requirement. A minimum of two (2) bicycle parking spaces are required.
 - b. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and*
 - i. No negative impacts are anticipated as part of this application, including the adjacent residential neighborhood and the surrounding transportation system. The applicant proposes to reestablish an existing church structure that has been vacant for more than twelve (12) months. The applicant has stated that two (2) other non-profit Christian congregations and also operating a pre-K school, daycare and home school group would utilize this facility. With the additional operations, it is still anticipated to have minimal impact on the surrounding properties due to its size and location. The applicant has demonstrated compliance with the applicable parking requirements. There will be no change in the traffic impact on the adjacent streets..
 - c. *Public facilities have adequate capacity to serve the proposal or will be made adequate by the applicant.*

- i. The subject property is currently served by existing public utilities, including public water and sanitary sewer. With this proposal, the applicant will utilize the existing church facility that has previously been used for another congregation in the past. No negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.
8. Site Plan Criteria (Section 4.5.130.B), which states the criteria for site plan review approval (Section 4.3.150) shall be met
 - a. Based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application complies with the applicable provisions of the R-1 zoning district; and the applicable design standards of Chapter 3, including vehicle and bicycle parking and landscaping. The proposed church facility is considered a non-conforming use or development on the property. The existing facility has been vacant for a period of twelve (12) month period per Section 5.3.100(C), requiring the applicant to submit this Conditional Use Permit application.
9. Conditions of Approval (Section 4.5.130.C)
 - a. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.
 - b. If approved, the conditions of approval should require the applicant to:
 - i. The applicant and/or property owner shall provide documentation (i.e. final plan) for the proposed use demonstrating continued compliance with the landscaping, vehicle and bicycle parking standards of the Sutherlin Development Code (SDC).
 - ii. Existing and/or proposed signs shall comply with the Sutherlin Development Code Section 3.7. The applicant shall obtain a Planning Clearance approval from Community Development Department for each proposed sign.
 - iii. Obtain the necessary Planning Clearance Worksheet approval(s) from the Community Development Department, once all above conditions have been met authorizing the Conditional Use Permit.

ACTION ALTERNATIVES

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

1. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 450 Hawthorne Street, based upon the findings of the staff report and/or testimony brought forward through the public hearing process, which recognize the approval criteria can be met at this time, subject to the following conditions:

- a. Obtain the necessary Planning Clearance Worksheet approval, authorizing the Conditional Use Permit approval.
2. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 450 Hawthorne Street, with modifications and/or additional conditions, based on Findings of Fact and/or testimony brought forward through the public hearing, which recognize the approval criteria can be met at this time.
3. **CONTINUE THE PUBLIC HEARING** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal; or
4. **DENY** the requested Conditional Use Permit on the subject property, based on Findings of Fact and/or testimony brought forward through the public hearing, on the grounds that the proposal does not satisfy the applicable approval criteria.

STAFF RECOMMENDATION

City Staff recommends that the Planning Commission select Action Alternative #1 and **APPROVE** the requested Conditional Use Permit, as outlined in the application, on the subject property addressed as 450 Hawthorne Street.

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Sutherlin, OR 97479
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City of Sutherlin

Date: December 11, 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)

First Pack Advisory Committee (PAC) meeting scheduled for December 18, 2018.

Code Audit Update

First meeting held on December 10, 2018.

UTILITIES

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

On December 10, 2018 City Council approved the IFA loan for Schoon Mountain Storage Tank and 6th and Oak Pump Station Upgrade. Construction is scheduled to start March of 2020 with a completion date of July 2021.

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. Currently being review by the review committee and should be notified by the end of February on whether we were successful or not.

LAND USE ACTIVITY

Building Worksheets

- 2018-01 - 2018-119 on previous Activity Report(s)
- 2018-120 - 1030 Forest Heights – Single Family Dwelling

- 2018-121 - 835 Forest Heights – Single Family Dwelling
- 2018-122 - 845 Forest Heights – Single Family Dwelling
- 2018-123 - 534 Tanglewood – Demolition
- 2018-124 - 185 Sunnyside St – Addition to Single Family Dwelling
- 2018-125 - 727 Pebble Creek St – Single Family Dwelling
- 2018-126 – 773 S Comstock Rd – Demolition

Active Land Use Applications

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

Right of Way Applications

- 18-01 – 18-33 on previous Activity Report(s)
- 18-34 – Avista Utilities – 1339 E Third Ave
- 18-35 – Avista Utilities – 211 E Third Ave
- 18-36 – Avista Utilities – 569 S State St
- 18-37 – Avista Utilities – 563 S State St