



**City of Sutherlin
Planning Commission Meeting
Tuesday, April 16, 2024
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Approval of Minutes

March 19, 2024 – Regular Meeting

Approval of Findings of Fact

- 1. RYAN SHORT and BRENT SHORT**, request for a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (C3) Community Commercial to (R3) Multifamily Residential on a 0.13± acre portion of the 0.26 acre property. **PLANNING DEPARTMENT FILE NO. 24-S002.**

Monthly Activity Report

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7:00 PM
TUESDAY, MARCH 19, 2024**

COMMISSION MEMBERS PRESENT: Michael Hogsett, John Banducci, Tom Schaub, Adam Sarnoski, Alan Woods and Norman Davidson (via ZOOM)

COMMISSION MEMBERS EXCUSED: Tom Maloney

COMMISSION MEMBERS ABSENT:

CITY STAFF: Jamie Fugate, City Planner, Brandi Medeiros, Community Development Assistant and Kristi Gilbert, Community Development Director

Meeting called to order at 7:00 pm by Chair Banducci

MEDIA PRESENT: None

AUDIENCE: Keith Cubic

FLAG SALUTE

APPROVAL OF MINUTES

A motion made by Commissioner Schaub to approve the minutes of the January 16, 2024 Planning Commission meeting; second made by Commissioner Woods.

In favor: Commissioners Sarnoski, Schaub, Hogsett, Woods, Davidson and Chair Banducci

Opposed: None

Excused: None

Motion carried unanimously

QUASI-JUDICIAL PUBLIC HEARING(S)

1. **RYAN SHORT and BRENT SHORT**, request for a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (C3) Community Commercial to (R3) Multifamily Residential on a 0.13± acre portion of the 0.26 acre property located on the south side of E. Central Avenue and inside the City of Sutherlin. The subject property is described as Tax Lot 400 in Section 16CC, T25S, R5W, W.M., and Property I.D. No. R137065. **PLANNING DEPARTMENT FILE NO. 24-S002.**

Chair Banducci opened the hearing, with reading of the disclosure (legal) statement; app 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 and Sutherlin Municipal Code specify applicable criteria to be relied upon in making a decision.

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

Jamie Fugate, City Planner, identified Mathew Hogan, Fair Housing Counsel of Oregon as having party status. Mrs. Fugate then proceeded to summarize the Staff Report, with the recommendation of action alternative number 1. Mrs. Fugate then proceeded to enter Staff Exhibits 1-11 listed within the staff report into the record.

APPLICANT'S TESTIMONY – No applicant's testimony given.

TESTIMONY IN FAVOR - No testimony in favor.

TESTIMONY IN OPPOSITION – No testimony in opposition.

RECEIVE NEUTRAL - No neutral testimony.

APPLICANT'S REBUTTAL – No applicant's rebuttal testimony given.

Chair Banducci closed the public portion of the Hearing.

DISCUSSION – Commissioner Davidson asked if the proposed remaining commercial portion of the property will be large enough to accommodate commercial development. Jamie Fugate, City Planner, replied to Commissioner Davidson's question and stated that there is not a minimum lot size in the C-3 (Community Commercial) zone and the community commercial zone has a wide variety of permitted uses that could possibly be developed on this site. No other objections to the proposed request were stated.

A motion was made by Commissioner Hogsett to recommend to the City Council approval of the proposed Comprehensive Plan Map Amendment and Zone Change applications per staff's recommendation of Action Alternative No. 1; Commissioner Schaub seconds the motion.

In favor: Commissioners Sarnoski, Schaub, Hogsett, Woods, Davidson and Chair Banducci.

Opposed: None

Excused: None

Motion carried unanimously

WORKSHOP – Planning Commissioner Training

Jamie Fugate, City Planner, let the Commissioner's know that typically the Department of Land Conservation and Development (DLCD) typically puts on a yearly Planning Commissioner training. Since COVID-19 and the Pandemic, trainings have been minimal or not an option. City Staff felt it's important for not only the newer commission members, but a refresher for all (including staff) to get a review of the existing rules, laws, requirements and public meeting laws to name a few. With that being said, the city hired Keith L. Cubic, retired Douglas County Planning Director and now a consulting and advisory service to local government agencies. Mr. Cubic has 53 years of service as an Oregon Planner and public administrator.

Mr. Cubic provided the commissioners and staff with an in-depth handout of information; a copy of the handout is filed with the Planning Commission records. Mr. Cubic proceeded to go through

the handout which covered the following topics: Organization and Duties, Oregon Revised Statutes as they pertain to Planning Commission, Sutherlin Local Law, Oregon Public Records Law, Oregon Public Meeting Law and Government Ethics Law. During the workshop, Mr. Cubic allowed commissioners or staff to ask questions and receive clarification as needed.

MONTHLY ACTIVITY REPORT – Commissioner Schaub asked staff if the walk way at Ford’s Pond will go all away around. **Kristi Gilbert, Community Development Director**, stated that the walk way will go around the entire pond, weather restricted/limited development last fall and once weather permits construction will begin again with plans of it being completed this summer. Commissioner Schaub then noted he sees a completion date of July 31, 2024 listed in the activity report. Mrs. Gilbert explained that they have given the contractors a substantial competition date of July 31, 2024, with the final completion date of August 31, 2024 due to the grant funding requiring the project to be completed. Mrs. Gilbert informed the Commission that another species of turtle was found at Ford’s Pond and with this the city is taking all the necessary precautions with the current wetlands permits and are taking the necessary steps to proceed the correct way.

PUBLIC COMMENT – none.

COMMISSION COMMENTS – none.

ADJOURNMENT - With no further business the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Jamie Fugate, City Planner

APPROVED BY COMMISSION ON THE _____ DAY OF _____, 2024.

John Banducci, Commission Chair

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for a]	FINDINGS OF FACT AND DECISION
Comprehensive Plan Map Amendment and]	Applicant: Ryan Short and Brent Short
Zone Map Change for a 0.13± acre portion of]	Subject: Plan Amendment and Zone Change
the 0.26 acre subject property, described by the]	File No.: 24-S002
Douglas County Assessor as T25S, R5W,]	
S16CC, Tax Lot 400, Property ID No. R137065]	
Property owner: Ryan Short and Brent Short]	

PROCEDURAL FINDINGS OF FACT

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on September 25, 2023 and were deemed complete on January 17, 2024.
2. Department of Land Conservation and Development (DLCD) Notice of Proposed Amendment was submitted electronically to DLCD on February 12, 2024 which was at least 35 days prior to the first evidentiary public hearing on March 19, 2024. DLCD did not provide comments on the applications.
3. Pursuant to Sections 4.2.140.C and 4.2.150.D of the Sutherlin Development Code (SDC), notice of the public hearing was given by publication in the *News Review* on March 1, 2024, which was at least fourteen (14) days prior to the date of the public hearing.
4. Notice of a Public Hearing on an application for the Comprehensive Plan Map Amendment and Zone Map Change before the Planning Commission was given in accordance with Sections 4.2.140.C and 4.2.150.D. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on February 27, 2024. One (1) written comment was received.
5. The Planning Commission held a public hearing on this matter on March 19, 2024.
6. At the public hearing on March 19, 2024, 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.
7. The Planning Commission declared the following as parties to the hearing:
 - a. Fair Housing Council of Oregon, Mathew Hogan
8. Reference was made to the March 12, 2024 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 March 12, 2024 and entered Staff Exhibits 1-11 into the record.

10. The Planning Commission provided an opportunity for the applicant, titleholder and/or representative to provided testimony. No persons were present.
11. The Planning Commission provided an opportunity for clarifying oral testimony about the requested plan amendment and zone change. No persons were present.
12. 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.
13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. No testimony was given.
14. The Planning Commission closed the public portion of the hearing and commenced discussion on the applications.

FINDINGS OF FACT RELATED TO DECISION

1. Commissioner Davidson asked if the proposed remaining commercial portion of the property would be large enough to accommodate commercial development. Jamie Fugate, City Planner, replied to Commissioner Davidson’s question and stated that there is not a minimum lot size in the C-3 (Community Commercial) zone and the community commercial zone has a wide variety of permitted uses that could possibly be developed on this site. No other concerns or objections to the proposed Comprehensive Plan Map and Zoning Map Amendments were raised.

FINDINGS OF FACT

Finding No. 1. The Planning Commission finds the subject property is designated Community Commercial in the Sutherlin Comprehensive Plan and zoned Community Commercial (C-3) in the Sutherlin Development Code.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated March 12, 2024.

Finding No. 3. The Planning Commission finds, based upon the staff report and application materials submitted, that the requested Comprehensive Plan Map amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on a portion of the subject property 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 and application materials 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.

Finding No. 5. The Planning Commission finds, based upon the staff report and application materials provided, that the proposed map 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. Public facilities and services are available, and currently serve the subject property.

Finding No. 6. 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 R-3 zone portion of the subject property, considering the existing residential and commercial 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. 7. The Planning Commission finds that the proposed amendment from Commercial Community to High Density on a portion of the subject property, is not the result of a mistake or inconsistency, but will be consistent with the existing residential and commercial uses surrounding the subject property.

CONCLUSION

1. A motion was made by Commissioner Hogsett to recommend approval and seconded by Commissioner Schaub to approve the requested Comprehensive Plan Map Amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on the 0.13± acre portion of the 0.26 acre subject 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 Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on a 0.13± acre portion of the 0.26 acre subject property located on the south side of E. Central Avenue.

DATED THE _____ DAY OF _____, 2024.

John Banducci, CHAIR

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126 E. Central Avenue
Sutherlin, OR 97479
541-459-2856
Fax: 541-459-9363
www.cityofsutherlin.com

City of Sutherlin

Date: April 9, 2024
To: Planning Commission
From: Community Development
Re: Monthly Activity Report

This report is provided in an effort to keep you apprised of recent land use and other relevant activities.

COMMUNITY DEVELOPMENT

Ford's Pond Grant update

At the May 8, 2023, City Council awarded the bid to JRT Construction, LLC in the amount of \$1,884,038.16. Construction started on June 5th, 2023. Improvements to date include: excavating, grading, construction of the pavilions, restrooms, ADA access ramps, sidewalks, concrete seating area, raised planters, installation of Boulder Scramble, logs and log stack, fishing pier, lake boat, beaver ford, two embankment slides, Oodle swing, We-Go-Round, talking tubes, musical instruments, Pump-N-Play & concrete stone, bottle filling station, and wetland mitigation (removal of the blackberry islands).

Construction slowed through the winter due to weather and multiple delays which have had an impact on the contractor's construction schedule. The delays include receipt of and back ordered components of play equipment, receipt of the Nationwide 42 Wetlands Permit from the Army Corp of Engineers to conduct work within the wetlands, and grade design discrepancies.

During the winter construction, the playground site will remain closed to the public with signs and barricades around the playground.

With our focus on keeping the project moving forward, the contractor has continued to work where they could throughout the winter. Weather pending, the remaining work will be re-commencing in April, 2024 with project completion by July 2024.

Seismic Rehabilitation of Fire Station #1 and Police Station

In December 2022, the City applied for and received Seismic Rehabilitation Grants ("SRG") for the projects through Business Oregon, Infrastructure Finance Authority, based on the applications prepared by ZCS Engineering & Architecture, Inc. The City was awarded \$2,492,700 for the design and construction of Fire Station #1 Seismic Rehabilitation, and \$2,479,180 for the design and construction of the Police Station Seismic Rehabilitation.

City Council awarded the contract for Engineering, Architectural, and Construction Management Services for the Seismic Rehabilitation of Fire Station #1 and the Police Station to ZCS Engineering & architecture at their city council meeting on November 13, 2023. The schedule for the Engineering, Architectural, and Construction Management Services updated (as per the RFP) as follows:

Pre-Design	January - March, 2024
Schematic Design	February - May, 2024
CM/GC Selection	May 2024

Design Development	May - July, 2024
Construction Documents	July - September, 2024
Permitting	September – October, 2024
Bid Period Services	September – October, 2024
CM/GC Max Price	September – October, 2024
Construction Period	October, 2024 – February, 2025

TRANSPORTATION

Downtown Parking Lot

- Design and Construction Estimate
 - Start date: December 12, 2022
 - Completion date: August 31, 2023
 - Bidding TBD Spring, 2024
 - Construction is estimated to begin TBD Spring/Summer 2024

Waite Street Improvements

Civil Solutions Engineering, LLC continues to work through the design and engineering of Waite Street and is working closely with Wetlands and Wildlife, LLC to delineate and define the necessary process with the wetlands as they are identified. The design has been delayed due to the potential necessary wetland impacts to accommodate the improvements to meet street standards and the criteria of Safe Routes to School Standards. Phase I of the Safe Routes to School Grant Application has been submitted, Phase II of the grant application will be submitted in July, 2024.

UTILITIES

Nonpareil Water Treatment Plant Improvement:

The Design Contract was awarded on January 27, 2020, to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management. On February 24, 2021 @ 2:00pm bids were opened, Stettler Supply & Construction submitted the lowest bid in the amount of \$4,810,485 and has sufficient experience and qualifications to satisfactorily construct the project. On March 8, 2021, City Council Awarded the Construction Contract to Settler Supply Company in the amount of \$4,810,485. Construction started April 2021 and was expected to be completed in 2023.

A walk through for substantial completion was held on September 8, 2023. Project funding close-out activities will begin once the punch list has been accepted by the contractor and punch list items have been completed.

LAND USE ACTIVITY

Building Worksheets:

- 2024-04- 2024-26 on previous Activity Report(s)
- 2024-27 – 944 Medina Ave – SFD
- 2024-28 – 324 Dakota St – Food Truck Lot
- 2024-29 – 116 Quail Run – Exterior repair to SFD
- 2024-30 – 1200 E Central Ave, Sp 20 – MH replacement

- 2024-31 – 593 S Calapooia St – TUP – Circus
- 2024-32 – 563 Oak Terrace – addition to SFD
- 2024-33 – 910 E Central Ave – Sign
- 2024-34 – 208 Greyfox Dr – Foundation repair
- 2024-35 – 1427 Gleason Ave – Foundation repair

Active Land Use Applications:

- 24-S001 – 24-S003 – on previous Activity Report(s)
- 24-S004 – Miller – Property Line Adjustment (PLA)
- 24-S005 – Premier Homes – Property Line Adjustment (PLA)
- 24-S006 – Lux – Temporary Use Permit (TUP) – Family Medical Hardship
- 24-S007 – Miller – Property Line Adjustment (PLA)

Right of Way Applications:

- 24-01 – 24-02 – on previous Activity Report(s)
- 24-03 – 173 E Everett – Avista
- 24-04 – 180 W Second Ave – Avista
- 24-05 – 119 E Central Ave - Avista
- 24-06 – 122 W Central Ave – Avista
- 24-07 – 204 Robinson St – Pacific Power