



**City of Sutherlin**  
**Planning Commission Meeting**  
**Tuesday, November 21, 2023**  
**7:00 p.m. – Sutherlin Civic Auditorium**  
**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

October 17, 2023 – Regular Meeting

**Approval of Findings of Fact(s)**

1. **SAM ROBINSON, ET/AL**, request for a Comprehensive Plan Map Amendment from Low Density Hillside to Medium Density and Zone Map Change from (RH) Residential Hillside to (R-2) Medium Density Residential on a 3.81 acre property located on the east side of Fir Grove Lane and inside the City of Sutherlin. The subject property is described as Tax Lot(s) 201, 300 and 400 in Section 19C, T25S, R5W, W.M., and Property I.D. Nos. R46993, R47000 and R47007. **PLANNING DEPARTMENT FILE NO. 23-S010.**
  
2. **GOODFELLAS OF SUTHERLIN**, request for a Subdivision to be developed in three phases that total 91 lots on a 22.00± acre portion of the 193.11 acre subject property. The subject property is located north of Scardi Blvd in the City of Sutherlin. The subject property is described as Tax Lot 1500 in Section 7, and Tax Lot(s) 100 and 203 in Section 18, all in T25S, R5W, W.M; Property ID Nos. R20392; R21680 and R138405. It is designated Low Density and Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential and (RH) Residential Hillside. **PLANNING DEPARTMENT FILE NO. 23-S009.**

**Monthly Activity Report**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7:00 PM  
TUESDAY, OCTOBER 17, 2023**

**COMMISSION MEMBERS PRESENT:** Michael Hogsett, John Banducci, Tom Schaub, Alan Woods, Adam Sarnoski and Norman Davidson

**COMMISSION MEMBERS EXCUSED:** Tom Maloney

**COMMISSION MEMBERS ABSENT:** None

**CITY STAFF:** Brandan McGarr, Division Chief (Sutherlin Fire Department), 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 Davidson

**MEDIA PRESENT:** None

**AUDIENCE:** Dian and Larry Cox, Terry and Carole Wells, Gary and Lorrie Lee, Larry Bangs, Jim and Mary Dennis, Kevin and Karen Butcher, Carol Freeman, Mary Nordeen, Carolyn Reeves, Lisa Werts, Jerry Tilley, Marcie Tilley, John Lahley, Khari Gates, Richard Lundstrom, Chuck and Peggy Brummel, Lucus Main, Rick Edwards, Bruce and Lonnee Harris, Roland Berrie, Alex Palm, Kelly Sandow, John Stimac, Jessie Larner, Dave Guyer, Bob Merrill, Carter Boehm, Adam and Vicky Morgan, Nanette Haley, Mark Garrett and Gary Fugate

**VIA ZOOM:** Josh Soper, Beery, Elsner and Hammond, LLP, Ashleigh Dougill, Beery, Elsner and Hammond, LLP and Amy

**FLAG SALUTE**

**APPROVAL OF MINUTES**

A motion made by Commissioner Banducci to approve the minutes of the September 19, 2023 Planning Commission meeting; second made by Commissioner Schaub.

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

Opposed: None

Excused: None

Motion carried unanimously

**APPROVAL OF FINDINGS OF FACT(S)**

1. **FOREST EDGE INVESTMENTS, LLC**, Findings of Fact for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 14.40± acre portion of the 240.24 acre subject property located south of S. State Street. 119.71± acres of the subject

property are inside the City of Sutherlin, with the remaining located outside city limits.  
**PLANNING DEPARTMENT FILE NO. 23-S011.**

A motion was made by Commissioner Woods to approve the Finding of Facts and Decision for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 14.40± acre portion of the subject property. **PLANNING DEPARTMENT FILE NO. 23-S011.** Motion seconded by Commissioner Banducci.

In favor: Commissioners Banducci, Schaub, Hogsett, Woods, Sarnoski and Chair Davidson  
Opposed: None  
Excused: None  
Motion carried unanimously

### **QUASI-JUDICIAL PUBLIC HEARING(S)**

1. **SAM ROBINSON, ET/AL**, request for a Comprehensive Plan Map Amendment from Low Density Hillside to Medium Density and Zone Map Change from (RH) Residential Hillside to (R-2) Medium Density Residential on a 3.81 acre property located on the east side of Fir Grove Lane and inside the City of Sutherlin. The subject property is described as Tax Lot(s) 201, 300 and 400 in Section 19C, T25S, R5W, W.M., and Property I.D. Nos. R46993, R47000 and R47007. **PLANNING DEPARTMENT FILE NO. 23-S010.**

Chair Davidson opened the hearing, with reading of 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 and Sutherlin Municipal Code specify applicable criteria to be relied upon in making a decision.

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

**Jamie Fugate, City Planner**, identified the parties; Kathy Wall, Senior Planner, Douglas County Planning and Mathew Hogan, Fair Housing Council of Oregon. Then proceeded to enter Staff Exhibits 1-11 including the staff report. Mrs. Fugate then proceeded to summarize the Staff Report, with the recommendation of action alternative number 1.

**APPLICANT'S TESTIMONY – Mark Garrett, representative for the property owner/applicant**, stated he (and his client) concur with the staff report submitted and request approval as submitted.

**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.

Chair Davidson closed public portion of the hearing

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

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

Opposed: None

Excused: None

Motion carried unanimously

2. **GOODFELLAS OF SUTHERLIN**, request for a Subdivision to be developed in three phases that total 91 lots on a 22.00± acre portion of the 193.11 acre subject property. The subject property is located north of Scardi Blvd in the City of Sutherlin. The subject property is described as Tax Lot 1500 in Section 7, and Tax Lot(s) 100 and 203 in Section 18, all in T25S, R5W, W.M; Property ID Nos. R20392; R21680 and R138405. It is designated Low Density and Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (R-1) Low Density Residential and (RH) Residential Hillside. **PLANNING DEPARTMENT FILE NO. 23-S009.**

Chair Davidson opened the hearing, with reading of 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 and Sutherlin Municipal Code specify applicable criteria to be relied upon in making a decision.

Chair Davidson asked the Commission if there were any conflicts of interest, exparte contacts or personal bias. Commissioner Schaub stated that at the advice of the City's Attorney, he will recuse himself from the hearing. Commissioner Banducci noted that he lives in a nearby development, but does not feel he has a conflict of interest and can make a fair decision in the matter. There were no other declarations of exparte contact or other conflicts of interest made by the Planning Commission. Chair Davidson asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, Chair Davidson then asked staff for the Staff Report.

**Jamie Fugate, City Planner**, identified 71 responses received to the administrative land use and public hearing notice, this includes adjacent property owners as well as public utility and governmental agencies as having party status. She then proceeded to enter Staff Exhibits 1-10 including the staff report. She then identified Staff Exhibit No. 11, an amended comment from Micah Horowitz, Region 3 Development Review Planner, Oregon Department of Transportation received after the mailing of the staff report. Mrs. Fugate stated Applicants Exhibit No. 1, Tech Memo from Kelly Sandow, Traffic Engineer, Sandow Engineering. Mrs. Fugate then proceeded to summarize the Staff Report, with the recommendation of action alternative number 1.

## **APPLICANT'S TESTIMONY –**

**Khari Gates, property owner/applicant**, thanked the city, the citizens for being here, and has read all the letters submitted and the concerns. Mr. Gates understands the short impact on the construction of the subdivision and long-term impacts on traffic in the community. He recognizes Sutherlin and its citizens may have witnessed a number of development struggles in the last few years, that have left citizens fatigue and weary of developers. Mr. Gates and his partners have many years of experience in all aspects of development, along with aligning with their vow to local resources (engineering and materials). Oregon is in the midst of a housing crisis and the governor has asked for over 550,000 units (houses) to be built over the next 20 years, per the Oregon Housing Needs Analysis. Their goal is hoping to do their part and help build homes that are needed for the community.

**Alex Palm, i.e. Engineering, applicant's representative**, stated he is familiar with many of the west side (of Sutherlin) developments. i.e. Engineering has been the engineer firm that did all engineering phases of the Knolls Estates, Fairway Ridge Estates, Fairway Estates, Fort McKay PUD to name a few. Mr. Palm stated they are asking for approval of a standard, single family subdivision that is a permitted use that conforms to all rules and documents, no variance application is necessary. In previous approvals on the subject property, the development of housing has already been addressed and planned for. He noted the civil construction plans and erosion/sediment control plans have already been submitted to city for review, along with the construction of the secondary EMS access road. The storm drainage will be engineered, just like all other developments have done. They will provide detention and treatment that meet city standards. Mr. Palm went on to state that the EMS road will be used for construction equipment ingress and egress to alleviate traffic in the adjacent residential neighborhoods (along Dovetail Lane and Scardi Blvd). Mr. Palm then shared the preliminary layout design on the TV screen in civic auditorium, and explained the way the proposed development is laid out, with an existing 100' power easement to the west that will buffer adjacent properties from the proposed development, along with a buffer that will be in place to the properties to the east (Slazenger Ct). This buffer and layout were to be respectful to the neighbors, yet it is costing the developers buildable lots. As the governor and Mr. Gates pointed out, the governor has asked the State of Oregon to develop housing to help with the housing crisis.

**Kelly Sandow, Traffic Engineer, Sandow Engineering**, had a power point presentation that was displayed on the TV screen in civic auditorium. Mrs. Sandow gave an overview and scope of work of the traffic impact analysis (TIA) that she conducted for the proposed development. Mrs. Sandow continued to discuss the impacts and differences in congestion. ODOT (Oregon Department of Transportation) sets very specific standards and criteria to evaluate the impacts of a specific development; when those impacts are exceeded, then those improvements are needed. The process begins with coordinating not only with the City of Sutherlin, but ODOT for the scope of work that needs to be evaluated. The scope of work included the intersection of State Hwy 138W and Dovetail Lane, and intersections (Dakota St, Park Hill Ln, etc) along Hwy 138W. In the previous zone change of this property, ODOT had placed specific mitigation measures and trigger mechanisms. Mrs. Sandow went through the slideshow, describing measures used in the TIA, which include volume to capacity (V/C), along with evaluating queuing and crash patterns. This analysis concluded that this proposed development does not trigger measures that require additional road improvements. The proposed development does not exceed/trigger any queuing problems, no crashes were associated with geometric issues (crashes that did occur were due to driver error). She also looked at the emergency access, and stated in her professional opinion will be sufficient. Current mitigation by ODOT is still within

Phase 1 (prior zone change requirements put in place) and will be below the threshold. Future development (next phase) will require another study (TIA) to be completed.

**TESTIMONY IN FAVOR** - No testimony in favor.

**TESTIMONY IN OPPOSITION –**

**John Lahley, 2070 Culver Loop, Sutherlin**, prior superintendent of the Sutherlin Schools, stepped forward and asked if the commissioners live in the area or travel out Hwy 138W. Speed increases from 35 MPH to 40 MPH to 50 MPH. Mr. Lahley stated he has spent four (4) occasions watching traffic. The city goal noted on the back wall (in civic) is public safety. Mr. Lahley noted that a gated locked road does not make sense. Mr. Lahley entered opposition no. 1 into the record, which was a map that outlined the existing speed limits along Hwy 138W. He went on to state he is not opposed to more homes, homes are good for families, kids, the community, the school, etc. The only fatality is at the intersection of Dovetail Lane and Hwy 138W and adding 91 more homes with one way in and one way out is not safe. He knows it's not the Planning Commissions job to change the speed limit, its city's job to change the speed limit. Mr. Lahley indicated that has however talked to ODOT about changing the speed limit. He concluded by asking the Planning Commission to please think about and ask about safety.

**RECEIVE NEUTRAL –**

**Terry Wells, 1827 Culver Loop, Sutherlin**, stated he has lived in an adjacent neighborhood for three (3) years now and is not opposed to development, thinks it's good that we need more single family dwellings. Mr. Wells expressed concerns with safety and traffic, the additional cars and pressure it will put on Scardi. Along with no sidewalks along Scardi and people walking could cause more need for safety. Mr. Wells noted that there are an additional 171 acres that Goodfellas owns and can develop. He stresses to the commission the need for a secondary permanent ingress/egress.

**Kevin Butcher, 811 Pebble Creek St, Sutherlin**, expressed his concerns with water and sewer. The city indicates there is adequate water and sewer. His concerns are with safety (driving and walking), he spent hours talking to ODOT, that they are saying that 3,000 vehicles a day have to drive State Highway 138 to put a light at the intersection. Not only that, but 400-500 vehicles have to drive down Dovetail and Scardi. The right turn lane that is existing, people are using it as a pullout, not a turn lane and ODOT informed him that if you put a light in you will get more re-end accidents because of the light and the speed. Mr. Butcher stated the problem is there is no other way out. A road needs to be built that connects over towards the freeway and down to Dakota Street. No one will use a road to Stearns, people want to go directly to the city, not to the freeway. If the secondary road is opened up, then we will get every kid from Oakland and person coming into our neighborhood. They stated they will use the secondary access road for their construction traffic, but if Avery and Goodfellas are building that is a lot of construction traffic down Pebble Creek, he expressed concerns about the safety.

**Jerry Tilley, 1724 Scardi Blvd, Sutherlin**, expressed the biggest concern is public safety. They've talked about everyone's safety concerns and the secondary EMS road. Mr. Tilley stated he worked in public safety and has for the last 27 years. Mr. Tilley stated that if when we have a natural disaster, we aren't going to open a Knox box, they are going to save lives and take care of people. They have had disasters in nearby communities and look around, we are surrounded

by timber. Mr. Tilley stated that what we want and are asking for is a fulltime secondary access road. It is not a matter of if a disaster occurs, but when. He referred to Kelly Sandow's analysis and stated their neighborhood has the only neighborhood that as a single ingress and egress and urges the commission to require a permanent secondary ingress and egress.

**Robert Merrill, 1951 Scardi Blvd, Sutherlin**, stepped forward and stated one way in/out, if they open up the road at the end of Pebble Creek, there will be people who use it. I only ask that we get a permanent road.

**John Stimac, 713 Sandpiper, Sutherlin**, stated he has the same concerns as others - safety. If there are 91 homes, that's an average of two vehicles per each home, if there is an emergency, people will take the shortest way out. He doesn't see people hustling to go down Stearns, they will travel down Scardi. Looking at the plans, all their streets exit out on Scardi, like most people will travel down Scardi to Dovetail, he doesn't believe they will go down and up and over. His concern is for the community, the houses up there and the people that live there. There have been presentations of what it will be like theoretically. Mr. Stimac just wanted to add progress can appear to be good, but can also be a comfortable disease.

#### **APPLICANT'S REBUTTAL -**

**Kelly Sandow, Sandow Engineering, representative for the property owners/applicant**, came back to the podium to address the question regarding traffic signals. Mrs. Sandow stated that ODOT will not put a traffic signal in unless the threshold (LOS – level of service) is met. What they have found in the past if you put a traffic signal in and the threshold is too low, then more crashes tend to happen due to people disregarding them or don't see them coming. She, stated the threshold is 9,000 daily trips and currently is at 7,590 on the main line, so it is not very far off in warranting a signal. Dovetail's threshold is 500 daily trips. With the subdivision going in will be at 350 daily trips, this warrant is not far off either. She went on to explain how you derive at 500 daily trips by explaining the number of cars traveling at the peak hours of the day. In the report it shows that the intersection can be operated safely and efficiently, along with the secondary EMS road. As development occurs and future property is developed, the road connectivity will continue to build out towards Stearns. The current property owners don't own any land to the south of them to be able to construct a road, and the golf course is there. Ms. Sandow reiterated that if a roadway was built, people are not likely to use it, they tend to use the fastest and shortest route available to them.

Chair Davidson closed public portion of the hearing

Chair Davidson allowed additional testimony from those in opposition

#### **TESTIMONY IN OPPOSITION –**

**Jerry Tilley, 1724 Scardi Blvd, Sutherlin**, stepped forward and state that they understand the majority of people will continue to use Scardi and Dovetail, however they are talking about the secondary access is not available, and they must have a dedicated access. Mr. Tilley stated he is not opposed to the building of homes, that's the American dream right. He stated that they want a dedicated, permanent road built, in the case they don't have access to Dovetail or Scardi.

**Karen Butcher, 811 Pebble Creek St, Sutherlin**, asked about the traffic on Dovetail and Scardi. She says the numbers aren't that far off, if this development (which she is not opposed to), continues on when will a secondary access be required. The turnoff onto the highway, is not used as a turnoff, people use it to stop. She lives there and has been in comparable situations a lot. It is very dangerous turning onto the highway. In addition, we need a second road out. She asked what if a fire road going down Stearns is blocked with a fire? At what point will it be required to put in another road.

**Kevin Butcher, 811 Pebble Creek St, Sutherlin**, came back to the podium and stated that he has talked to ODOT for many hours and they stated that we will probably never get a light in there, so whatever that means. Also, before they do put a light in there they will put in a right in/right out, when you come in you turn right, if your coming out you will turn right. ODOT indicated that will happen long before they install a light.

Chair Davidson re-closed public portion of the hearing

**DISCUSSION** – Commissioner Hogsett asked what the basic timeline was for development. Lucas Main, Lucas Main Construction (property owner/applicant) asked if your referring to the lots or the home construction. Commissioner Hogsett said the whole thing. Lucas Main said it is hard to determine, but is hoping for December 2024. Commissioner Sarnoski stated he has an assumption, but was only an assumption that this is phase 1 and there are more phases to come. He asked if the secondary access would become a permanent road for the future phases. Lucas Main responded that this initial approval is for 91-lots to be developed in three phases total. No it will not become a permanent road with these phases. It will remain an emergency access. Mr. Main also stressed that they will not be accessing onto Pebble Creek with their construction traffic, they will use the emergency access road and then veer east keeping on their property. Kristi Gilbert, Community Development Director, stated she believes what is asked by Commissioner Sarnoski is regarding the future development of the 171 acres and the plans to construct a permanent road. Commissioner Sarnoski stated, yes with future development is there intent to connect to some other access road. Mr. Main responded by saying that would have to be discussed with the city. Commissioner Woods asked a question of the staff, if safety and access getting out is the issue, what can the city do to work with the builder to maybe change the speed zones through that area in a way to help mitigate and control traffic along the highway. Commissioner Sarnoski stated that as far as he knows, that is a state highway and out of city control. Jamie Fugate, City Planner stated that from the intersection of Comstock Road west is under ODOT's jurisdiction. Mrs. Gilbert did add that we (city) do request speed analysis to be conducted every so often and they have extended the slower speeds out each time and we will continue this over time. Commissioner Woods then asked if the issue of a fulltime ingress/egress is the cost or what the problem is? Commissioner Sarnoski said it is probably just because it's a State Highway and if the State doesn't determine it's a valid expense, they won't allow it. Mrs. Gilbert did note that as the entire site, including the industrial portion, gets developed, she would anticipate it all connecting, along with internal circulation. No other objections to the proposed request were stated.

A motion was made by Commissioner Sarnoski to approve Action Alternative Number 1 the request for a 91-lot subdivision to be developed in three phases on a 22.00± acre portion of the subject property. **PLANNING DEPARTMENT FILE NO. 23-S009.** Motion seconded by Commissioner Hogsett.

In favor: Commissioners Hogsett and Sarnoski



Opposed: Woods, Banducci and Chair Davidson

Excused: None

Motion denied with a 2-3 vote

**DISCUSSION** – After the vote, further discussion ensued from Commissioner Sarnoski asked what the big hang up was if it was the access road. He noted that if they don't own the property and the State won't allow a change, then he didn't know what an alternative was? Commissioner Hogsett stated that as things progress, the houses won't be put up overnight it will take years and as progression occurs it will get looked into. Commissioner Woods asked staff if it will be looked into or condition put in place to address another access. Commissioner Sarnoski stated he was not sure how they would make that a condition. Commissioner Sarnoski went on to say they have met all their legal requirements, and he doesn't necessarily agree with the traffic requirements, but it is what it is and the applicants are meeting the requirements. Commissioners agreed there are a lot of houses and will be more.

**Brandan McGarr, Division Chief, Sutherlin Fire Department**, stated for the record the Fire Department is not opposed to anything the public is speaking about. From the fire departments standpoint is legal right. The fire department has to follow fire code, and the state code allows them to comment for new development on two things: water supply and access. Access for the fire department is for ingress and not egress. Again, for the fire department the only legal requirement is access and it is gated is because it does not meet city standards for a street. Mr. McGarr went on to explain a new fire code that is being developed (and not adopted yet) that will have additional requirements for egress and has no idea of when this code will be complete. Commissioner Banducci stated that he understands it will take a long time to develop the proposed properties and, his reasoning for saying no to the approval goes back to the state highway and the speed limit. The speed limit needs to be changed. Staff and Commissioner Sarnoski stated the city cannot require the speed limit to be changed. Commissioner Banducci replied that the state can authorize and lower the speed and install the blinking speed signs. Commissioner Banducci went on to say he does not oppose the development. Discussion continued about altering their votes, with the understanding as a developer they are limited on access, land and the state (ODOT) may or may not lower the speed limit. Lucas Main, Lucas Main Construction stepped up to the podium and stated they've met all the legal requirements of the city, and state, how could the application be denied. Commissioner Sarnoski agreed, the legal criteria were addressed, but also the Planning Commission has a requirement to the community to keep them safe. Mr. Main then asked, "Again they have met the legal requirements?" Commissioner Sarnoski stated, that's why he doesn't see how they can vote no. Kristi Gilbert, Community Development Director, stated that potentially the Planning Commission can do a revote, asked for the guidance of Legal Counsel via ZOOM to speak to that. Josh Soper, City Attorney, Beery Elsner & Hammond, LLP, stated however this is certainly unusual but doesn't see that they cannot do revote after deliberation. Chair Davidson asks the question is whether there is any way that they can set a condition or not really a condition that any future development occurs that they get a permanent secondary access? Mrs. Gilbert responded by stating that we would have to have the internal circulation and redevelopment plan submitted, along with the development of the industrial site to the north to be able to construct a road that's feasible. Mrs. Gilbert went on to say that she cannot speak to how that would look today with these variables, but it will be looked at as development continues, along with future development will have road improvement requirements that will need to take place. Chair Davidson reiterated that as development occurs (the next 91, next 91, etc) how will we get another complete access to help eliminate the concerns. Mrs. Gilbert stated that when this property was brought into the city in 2007, this property did have the connectivity to Stearns, we are a small community it is not that far around and their access points where to Stearns. Chair Davidson asked if this approval can be conditioned to require traffic safety to be looked at with future phases. Staff indicated yes, due

to traffic is part of the criteria and requirements that are addressed with any application (development).

A motion was made by Commissioner Sarnoski to reconsider the previous vote. Motion seconded by Commissioner Banducci.

In favor: Commissioners Banducci, Hogsett, Sarnoski and Chair Davidson  
Opposed: Woods  
Excused: None  
Motion approved with a 4-1 vote

A motion was made by Commissioner Sarnoski to approve Action Alternative Number 1 request for a 91-lot subdivision to be developed in three phases on a 22.00± acre portion of the subject property. **PLANNING DEPARTMENT FILE NO. 23-S009.** Motion seconded by Commissioner Hogsett.

In favor: Commissioners Banducci, Hogsett, Sarnoski and Chair Davidson  
Opposed: Woods  
Excused: None  
Motion approved with a 4-1 vote

**MONTHLY ACTIVITY REPORT** – no questions/comments stated.

**PUBLIC COMMENT** – No public comments.

**COMMISSION COMMENTS** – No commissioner comments.

**ADJOURNMENT** - With no further business the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

\_\_\_\_\_  
Jamie Fugate, City Planner

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Norman Davidson, 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 3.81	]	Applicant: Sam Robinson, et/al
acre subject properties located on the east side	]	Subject: Plan Amendment and Zone Change
of Fir Grove Lane and identified by the Douglas	]	File No.: 23-S010
County Assessor as T25S, R5W, S19C, Tax	]	
Lots 201, 300 & 400, Property ID No's.	]	
R46993, R47000 and R47007	]	

**PROCEDURAL FINDINGS OF FACT**

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on August 17, 2023 and were deemed complete on August 21, 2023.
2. DLCD Notice of Proposed Amendment was submitted electronically to the Department of Land Conservation and Development on September 11, 2023 which was at least 35 days prior to the first evidentiary public hearing on October 17, 2023. 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, notice of the public hearing was given by publication in the *News Review* on September 29, 2023, 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 properties, service providers, and governmental agencies on September 25, 2023. Two (2) written comments were received.
5. The Planning Commission held a public hearing on this matter on October 17, 2023.
6. At the public hearing on October 17, 2023, 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. Kathy Wall, Douglas County Planning Department
  - b. Mathew Hogan, Fair Housing Council of Oregon
  - c. Mark Garrett, applicant's representative
8. Reference was made to the October 10, 2023 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 October 10, 2023 and entered Staff Exhibits 1-11 into the record.

10. The representative for the applicant and titleholder, Mark Garrett, concurred with the Staff Report and asked for approval as submitted.
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 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 properties are 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 October 10, 2023.

Finding No. 3. The Planning Commission finds, based upon the staff report, application materials and testimony provided, that the requested Comprehensive Plan Map amendment from Low Density Hillside to Medium Density and Zoning Map Amendment from Residential Hillside (RH) to Medium Density Residential (R-2) 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.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and 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. Public facilities and services are available, but currently do not serve the subject properties.

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-2 zone, considering the existing residential 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 Low Density Hillside to Medium Density is not the result of a mistake or inconsistency, but will be consistent with the existing residential uses surrounding the subject properties.

**CONCLUSION**

- 1. A motion was made by Commissioner Banducci to recommend approval and seconded by Commissioner Hogsett to approve the requested Comprehensive Plan Map Amendment from Low Density Hillside to Medium Density and Zoning Map Amendment from Residential Hillside (RH) to Medium Density Residential (R-2) on the 3.81 acre subject properties 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 Medium Density and Zoning Map Amendment from Residential Hillside (RH) to Medium Density Residential (R-2) on the subject 3.81 acre properties located on the east side of Fir Grove Lane.

DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
NORMAN DAVIDSON, CHAIR

N:\Planning\2023 Land Use\23-S010 ROBINSON PA ZC\23-S010\_Robinson\_PAZC\_PC FFO.docx

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

IN THE MATTER of a 91-lot Subdivision to be developed in three phases on a 22.00± acre portion of the 193.11 acre subject property. The property is located on the north side of Scardi Blvd. The property is identified as Tax Lot 1500 in Section 7, and Tax Lots 100 and 203 in Section 18, all in T25S, R5W, W.M.; Property I.D. Nos. R20392, R21680 and R138405.

**FINDINGS OF FACT AND DECISION**

Applicant: Goodfellas of Sutherlin  
Subject: Subdivision  
File No.: 23-S009

**PROCEDURAL FINDINGS OF FACT**

1. The Subdivision application was deemed complete by the City on August 8, 2023.
2. Pursuant to Section 4.2.130.C of the Sutherlin Development Code (SDC), administrative land notice before the Community Development Director was given on August 11, 2023. 59 written comments from adjacent property owners and three (3) written comments from public utility/governmental agencies were received during the administrative land use notice period. Three (3) additional responses were received after the notice period.
3. Upon referral of the Community Development Director, the Notice of a Public Hearing for the Subdivision 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, property owners who may be affected by this decision, service providers, and governmental agencies on September 21, 2023. All responses from the administrative notice were carried forward to the public hearing notice, along with three (3) adjacent property owner responses and two (2) public utility/governmental agency comments received during the public hearing notice.
4. Notice of the public hearing was given by publication in the *News Review* on September 29, 2023, which was at least 14 days prior to the date of the public hearing.
5. The Planning Commission held a public hearing on this matter on October 17, 2023.
6. At the public hearing on October 17, 2023, Commissioner Schaub stated that at the advice of the City's Attorney, he will recuse himself from the hearing. Commissioner Banducci noted that he lives in a nearby development, but does not feel he has a conflict of interest and can make a fair decision in the matter. 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 with Commissioner Schaub stepping down.
7. The Planning Commission declared the following as parties to the hearing:
  - a. Khari Gates, Property Owner and Developer
  - b. Alex Palm, i.e. Engineering and Applicant's Representative

- c. Kelly Sandow, Sandow Engineering
  - d. Brandan McGarr, Division Chief, Sutherlin Fire Department
  - e. Kathy Wall, Senior Planner, Douglas County Planning
  - f. Aaron Swan, Sutherlin Public Works Director
  - g. John Lahley, adjacent property owner
  - h. Terry Wells, adjacent property owner
  - i. Kevin Butcher, adjacent property owner
  - j. Jerry Tilley, adjacent property owner
  - k. Robert Merrill, adjacent property owner
  - l. John Stimac, adjacent property owner
  - m. Karen Butcher, adjacent property owner
8. Reference was made to the October 10, 2023 Staff Report and findings of fact addressing compliance with the applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2 (R-1 zone), Chapter 3 (Design Standards) and Chapter 4, Section 4.4 (Land Divisions) of the Sutherlin Development Code.
  9. Planning Staff presented the Staff Report dated October 10, 2023, identified 71 responses received, entered Staff Exhibits 1-10 into the record along with staff exhibit 11 and applicants exhibit 1. Staff summarized the staff report presented, with the recommendation of action alternative number 1.
  10. The Planning Commission received clarifying testimony about the requested subdivision from the one of the property owners/developer, Khari Gates, who thanked the citizens of Sutherlin, understands the short and long term impacts and the addressed the current housing shortage crisis the state of Oregon is.
  11. The Planning Commission received clarifying oral testimony from Alex Palm, i.e. Engineering (representative/applicant for the property owners), which stated he (and his client) are asking for approval of a permitted use within the zone, they will conformed to all the rules, with documentation to support that and already have submitted the civil plans for review. Stormwater drainage will be addressed as this is a typically condition of approval they are familiar with, along with the other subdivision conditions outlined in the Staff Report. The property owners/developers have already constructed the secondary EMS access road to also utilize for construction. Mr. Palm also stated that they reviewed the Staff Report and concur with the recommended conditions.
  12. The Planning Commission received clarifying oral testimony from Kelly Sandow, Traffic Engineer, Sandow Engineering (representative of applicants/property owners). Mrs. Sandow discussed in detail the Traffic Impact Analysis and applicant's exhibit 1 that was submitted into the record.
  13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor to the application. No persons were present.

14. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application. John Lahley, Terry Wells, Kevin Butcher, Jerry Tilley, Robert Merrill, John Stemac and Karen Butcher spoke in opposition due to safety and traffic concerns.
15. The Planning Commission provided opportunity to receive neutral comments, questions and/or oral testimony from persons to the application. No persons were present.
16. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. No person were present.
17. The Planning Commission provided opportunity to receive clarifying response and oral rebuttal from the applicant. Kelly Sandow, Sandow Engineering, further explained the traffic thresholds per Oregon Department of Transportation (ODOT).
18. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

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

Commissioner Hogsett asked the property owners/developer what the anticipated timeframe was to complete development. Commissioner Sarnoski asked about the possibility of a permanent road to Stearns Lane and Commissioner Woods stressed traffic safety will be an issue on the State Highway. Kristi Gilbert, Community Development Director stated that we have conducted and continue to have a speed analysis done, also as the overall site is developed we can anticipate internal circulation. Brandan McGarr, Division Chief Sutherlin Fire Department also commented on the requirements for the EMS road, and Oregon Fire Code requirements that must be met.

### **FINDINGS OF FACT**

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

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated October 10, 2023.

Finding No. 3. The Planning Commission finds that the requested subdivision standard was processed as a Type III procedure upon referral from the Community Development Director, subject to the applicable provisions of the Sutherlin Comprehensive Plan, Chapter 2, Section 2.2 (R-1 zone), Chapter 3 (Design Standards) and Chapter 4, Section 4.4 (Land Divisions) 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 subdivision designed to meet the requirements of Section 2.2 (R-1 zone) with regard to minimum lot area, lot width and lot depth for each lot. As proposed, the 91-lot subdivision will be developed in three phases with Phase 1 being 38 lots, Phase 2 being 34 lots and Phase 3 being 19 lots. The minimum lot size within the development will be a minimum 7,000 sq. ft., up to approximately 12,424± sq. ft.; lot frontage width of at least 50 feet.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed 91-lot subdivision will substantially meet the design standards outlined in Chapter 3, Sections 3.2.110 (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 subdivision will necessitate the improvement of five (5) public streets within the development and be in conformance with the city's local residential street standards.

Finding No. 6. The Planning Commission finds, base upon the staff report, application materials and oral testimony provided, that the property owners/developer is trying to make reasonable use of a 22.00± acre portion of the 193.11 acre subject property, while constructing five (5) internal streets to meet City local residential standards, along with the construction of a secondary EMS access road meeting the requirements of the Oregon Fire Code.

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 4.4.130 for the tentative plan for the subdivision proposal and that appropriate 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 proposed development will substantially meet the approval criteria outlined in Chapter 4, Section 4.4 (Land Divisions) for the subdivision proposal and that appropriate criteria and conditions of approval have been imposed to ensure continued compliance.

## CONCLUSION

1. A motion was made by Commissioner Sarnoski and seconded by Commissioner Hogsett to approve action alternative number 1 and **APPROVE** the requested 91-lot Subdivision to be developed in three phases, on a 22.00± acre portion of the 193.11 acre subject property. The motion was denied with a 2-3 vote.
2. Commissioner discussion ensued regarding the need for additional access. Commissioner Sarnoski stressed that the application and submitted documents

meet the applicable criteria. Staff stated that as development occurs and warrants are met, a permanent secondary access will be required.

3. A motion was made by Commission Sarnoski to reconsider the last vote and a seconded by Commissioner Banducci to have a revote after clarifying information was stated regarding the secondary access and applicable criteria is being met. The motion to reconsider the last vote was approved with a 4-1 vote.
4. A motion was made by Commissioner Sarnoski and seconded by Commissioner Hogsett to approve action alternative number 1 and APPROVE the requested 91-lot subdivision to be developed in three phases, on a 22.00± acre portion of the 193.11 acre subject property. The motion was passed on a 4-1 vote, with Commissioner Woods opposing.
5. 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 Subdivision to be developed in three phases that total 91-lots, on a 22.00± acre portion of the 193.11 acre subject property, subject to the following conditions of approval:

1. The property owner(s)/developer shall submit a final Subdivision 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 SDC. Any alterations shall be reviewed by the Community Development Department.
2. The property owner(s)/developer shall meet all requirements of final plat submission and approval criteria in Section 4.4.160 of the SDC. Each phase is approved for a period of two (2) year, for a total of six (6) years for this approval, unless an extension to the applicable phase is granted pursuant to Section 4.4.120 of the SDC.
3. Prior to final plat approval property owner(s)/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. Three (3) sets of detailed engineered plans are required to be submitted to the Community Development Department and be routed to the appropriate City Departments; along with a review conducted by the City Engineer of Record. The fee for the review conducted by the City Engineer of Record is required to be paid by the property owner(s)/developer at time of review.
4. Property owner(s)/developer shall coordinate with the City Public Works for the design and installation of water lines with valves, laterals and water meters at the property line to city standards. The water main(s) are required to be sized at 8"

diameter; and have a minimum depth of 36" to allow for future connections. Three (3) sets of detailed engineered plans are required to be submitted to the Community Development Department and be routed to the appropriate City Departments; along with a review conducted by the City Engineer of Record. The fee for the review conducted by the City Engineer of Record is required to be paid by the property owner(s)/developer at time of review.

5. Property owner(s)/developer shall coordinate with the City Public Works for the design and installation of sanitary sewer improvements to city standards. This requires an extension of the 4" pressure sewer main that is located within the right-of-way of Scardi Blvd, along with the installation of a manhole every 300' to 400'. Three (3) sets of detailed plans (main and lateral detail) of engineered plans are required to be submitted to the Community Development Department and be routed to the appropriate City Departments; along with a review conducted by the City Engineer of Record. The fee for the review conducted by the City Engineer of Record is required to be paid by the property owner/developer at time of review.
6. Prior to submitting a final subdivision 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 subdivision's storm drainage system shall be designed and constructed to accommodate the existing runoff volumes from the contributory slopes uphill of the subject property.
7. The property owner(s)/developer shall improve and dedicate the required ROW for the interior local residential streets (60' ROW). The design of the proposed streets shall include two 11' travel lanes, two 7' parking lanes, two 6' sidewalks and two 6" curbs. The new streets shall be designed, engineered and constructed in accordance with the standards of the SDC, along with meeting the requirements of the Oregon Fire Code, Appendix D and
  - i. **Prior to** commencing excavation, site preparation or construction of the road, the applicant shall submit three (3) copies of the design plan for the road, prepared by an Oregon Licensed Professional Engineer, to Community Development for routing to necessary departments for review and consistency with the City's design standards.
  - ii. The City (staff) may require additional information to ensure full compliance with design requirements.
  - iii. The City's Engineer of Record will review the plans submitted, fee is the responsibility of the property owner/developer and they can require additional information/changes to ensure full compliance with city standards.
  - iv. The applicant shall provide a title report showing clear title to the affected strip of land.

8. Prior to beginning construction, the property owner 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 SDC.
9. Property owner(s)/developer shall install city standard fire hydrants meeting the requirements of the Sutherlin Fire Department and Oregon Fire Code, Appendix C.
10. The property owner(s)/developer is required to construct an Emergency Access Road meeting the width, load, sign requirements, along with gate(s), keyed Knoxbox padlocks installed meeting the requirements in the Oregon Fire Code, Appendix D, Chapter 15.04 of the Sutherlin Municipal Code and the Sutherlin Fire Department.
11. The property owner(s)/developer shall install an 8' landscape strip along Scardi Blvd, outlined in Table 3.5.110, Figure 10 of the SDC.
12. Temporary fire turn-arounds must be installed between construction of Phase 1, Phase 2 and Phase 3. Coordination with the Sutherlin Fire Department is required and shall provide a letter from the Sutherlin Fire Department that all required improvements have been constructed.
13. The property owner(s)/developer shall submit a redevelopment plan for the subject property not included in the proposed subdivision application, meeting the standards of Section 4.4.130.D of the SDC.
14. All utilities shall be designed per standards and to be located underground, pursuant to Section 3.5.150 of the SDC.
15. The property owner(s)/developer shall obtain the necessary ROW activity permit(s) for improvements and access within the ROW of Scardi Blvd from the City of Sutherlin.
16. Property owner(s)/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. Property owner(s)/developer shall submit an Engineer's Certification by a registered civil engineer (or as appropriate) license 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.

18. Property owner(s)/developer shall provide two (2) set(s) of “as-built” plans, in conformance with the city’s engineers specifications, for permanent filing with the city.
19. 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.
20. Property owner(s)/developer shall obtain a 1200-C NPDES Storm Water Discharge Permit prior to construction as required by the Oregon Department of Environmental Quality.
21. Any shared driveways shall be identified on the face of the final plat. Property owner/developer shall provide and record on the plat any reciprocal access and maintenance agreements for any affected lots
22. Property owner(s)/developer shall install eight (8) streetlights as indicated on the preliminary plan and per city street light policy (Resolution No. 2006-03). Coordination of the street lights with the Sutherlin Community Development Department is required,
23. Property owner(s)/developer shall install mailboxes in accordance with city standards. Plans for mail boxes shall be approved by the US Postal Service.
24. Property owner(s)/developer shall submit the proposed street names to the City of Sutherlin Community Development Department. The proposed street names will need to be verified that they are not in conflict with existing street names with the Douglas County’s Addressing section.
25. In order to assure future extensions of public streets remain available as proposed, the property owner(s)/developer will be required to install reflective barricades in accordance with city standards and be coordinated with the City of Sutherlin Public Works Director.
26. Any dead-street greater than 150’ in length is required to install a fire apparatus turn-around meeting the requirements of Appendix D of the Oregon Fire Code.

27. The cost of all necessary street signs is the responsibility of the property owner(s)/developer. Coordination with the Sutherlin Community Development Department is required for the ordering of the necessary street signs. Sutherlin Public Works Department will be responsible for the installation of the necessary street signs.
28. The property owner(s)/developer shall pay \$25.00 fee to the City of Sutherlin for each lot for the issuance of an address and to coordinate this with Community Development.
29. 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 ROW must be shown and described as to type and use on the face of the final plat.
30. The approved subdivision 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.
31. If any covenants are to be placed on the subdivision, 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.
32. The property owner(s)/developer shall provide a letter from the Sutherlin Public Works Director that all required improvements have been constructed and installed to City Construction Specifications.
33. Subdivision 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.
34. 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.

35. An electronic copy (pdf) of recorded final subdivision plat, shall be submitted to the Sutherlin Community Development Department within 10 days after recording.

**ADVISORY STATEMENTS**

36. The property owner(s)/developer shall comply with applicable local, county, state and federal regulations as applicable to the Subdivision.
37. For the development of the individual lots, developer must meet City of Sutherlin private driveway standards stated in Chapter 3 of the SDC. Driveways must maintain a minimum separation of 25 feet.
38. At the time of a building permit proposal on any of the new parcels, the permit shall indicate compliance with SDC Section 2.2 R-1 building setbacks and lot coverage requirements; and Vehicle Access and Circulation listed in section 3.2.110 of the SDC.
  - 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
NORMAN DAVIDSON, CHAIR



126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.ci.sutherlin.or.us](http://www.ci.sutherlin.or.us)

## City of Sutherlin

Date: November 14, 2023  
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 5<sup>th</sup> and has made great progress this summer. 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).

It has not gone unnoticed that construction has recently slowed. We have experienced multiple delays which have had an impact on the contractor's construction schedule. The delays include receipt of play equipment and back ordered components to the 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. City staff will open the two northern restrooms (restrooms closest to the entrance of the path) and remove the outhouses.

With our focus on keeping the project moving forward, the contractor will continue to work where they can throughout the winter. We recognize a majority of the remaining work will be delayed with the anticipation of re-commencing construction in the Spring 2024 and 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 is as follows:



Start Design Nov. 14, 2023  
 Complete Design May 31, 2024  
 Present Final Design to Council Jun. 10, 2024  
 Bid process July, 2024  
 Council Consideration of Contract Aug. 12, 2024  
 Award Contract Notice to Proceed Aug. 13, 2024  
 Start Construction Aug. 14, 2024  
 Complete Construction Aug. 31, 2025  
 Present Final Report to Council Sept. 8, 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.

The schedule is as follows:

<del>Contract Negotiation w/ Selected Consultant</del>	<del>August 1, 2023</del>
<del>Award of Project</del>	<del>August 14, 2023</del>
<del>Start Design</del>	<del>August 15, 2023</del>
Complete Design	TBD
Present Final Design to Council	TBD

**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 is 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:**

- 2023-67- 2023-76 on previous Activity Report(s)
- 2023-77 – 138 Elkton St – SFD
- 2023-78 – 623 Tanglewood St – Acc Bldg
- 2023-79 – 1435 Gleason Ave – Interior Remodel
- 2023-80 – 123 W Central Ave – Façade improvement
- 2023-81 – 125 W Central Ave – Façade Improvement
- 2023-82 – 125 W Central Ave – Façade Improvement
- 2023-83 – 505 S State St – SFD
- 2023-84 – 358 N Umatilla St – ADU – Accessory Dwlg Unit
- 2023-85 – 1748 E Fourth Ave – solar panels

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

- 23-S013 – 23-S015 – on previous Activity Report(s)
- 23-S016 – Arts – Land Partition (LP)

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

- 23-19 – 23-20 – on previous Activity Report(s)
- 23-21 – 378 E Second Ave – Avista Utilities
- 23-22 – Waite Street – Avista Utilities
- 23-23 – 908 W First Ave – Avista Utilities
- 23-24 – 333 Dakota St – Clark Contracting LLC/Umpqua Aggregate Resources