



**City of Sutherlin  
Planning Commission Meeting  
Tuesday, May 15, 2018  
7:00 p.m. – Sutherlin Civic Auditorium**

**Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

March 20, 2018 – Regular Meeting

**Approval of Findings of Fact and Decision**

- 1. DANIEL R. LANG**, request for a Conditional Use Permit to bring into compliance Vehicle repair, sales and rental. **PLANNING DEPARTMENT FILE NO. 18-S002.**

**Monthly Activity Report(s)**

**Public Comment**

**Commission Comments**

**Adjournment**

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

**COMMISSION MEMBERS PRESENT:** John Lusby, William Lee, Richard Price, Sam Robinson, Collin Frazier and Michelle Sumner

**COMMISSION MEMBERS EXCUSED:** None

**COMMISSION MEMBERS ABSENT:** None

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

**AUDIENCE:** Gladys Robinson, Carey Gaskins and Gerald Rian

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 February 20, 2018 Planning Commission meeting; second made by Vice-Chair Sumner.

In favor: Commissioners Price, Lee, Vice-Chair Sumner and Chair Lusby

Opposed: None

Motion carried unanimously with Commissioner Frazier abstaining.

**QUASI-JUDICIAL PUBLIC HEARING**

1. **DANIEL R. LANG**, request for a Conditional Use Permit to bring into compliance a Vehicle repair, sales and rental services on property located on the south side of S. Calapooia Street in the City of Sutherlin. Vehicle Repair, sales, rental, storage, service and fuel sales are a conditionally permitted use in the M-2 zone. The proposed use will be located in the northeast section of the property and within the existing building. The subject 5.72 acre property is described as Tax Lot 1000 in Section 29B, T25S, R5W, W.M.; Property ID No(s). R45376; and is addressed as 1378 S. Calapooia Street. It is designated Heavy Industrial by the Sutherlin Comprehensive Plan and zoned (M-2) General Industrial. A portion of the subject property contains identified wetlands. **PLANNING DEPARTMENT FILE NO. 18-S002.**

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 1-11, including the Staff Report into the record. She then identified the parties in the matter and summarized the Staff Report into the record.

## **APPLICANT'S TESTIMONY**

Gerald Rian, employee with Bubba's Tire and Wheels, stepped forward as a neutral party and explained that the business is no longer licensed with the DMV for the sales of vehicles. He informed city staff and Planning Commission members that the business is currently only a rental service and automobile repair shop; but the U-Haul rental portion might be going away soon. And that they are working on trying to make the appearance of the business better for the city.

Commissioner Sumner asked why they might discontinue the rental portion of the business. Mr. Rian answered that the rental portion of the business is becoming very competitive and with the necessary company requirements that Bubba's Tire and Wheels may soon be discontinue having it because it's not cost affective for them.

Chair Lusby closed the public hearing portion for this application.

Chair Lusby asked Jamie Chartier, City Planner about the requirements of the M-2 (General Industrial) zone. Mrs. Chartier explained that this use in the past was not permitted; with the 2017 Code Amendment it is now a Conditional Use Permit review process in the M-2 zone to operate a vehicle repair, sales, and rental, storage, service and fuel sales.

Commissioner Sumner motioned to approve the application per staff's recommendation of Action Alternative No. 1. Commissioner Robinson seconds the motion.

## **MONTHLY ACTIVITY REPORT**

**Brian Elliott, Community Development Director**, asked the Commissioners if they had any questions with the Activity Report that was given to them in their packets. Commissioner Lusby asked what development was taking place on S. Calapooia Street since he did not see it on the activity report. Mrs. Chartier answered his question stating it was Bruce Cortez, with Barnes Heating and Cooling, is building a new shop for his business to relocate. The Planning Clearance worksheet was approved last fall 2017 so that is why it's not on the activity report.

Commissioner Sumner asked about the Valentine Road improvement project and the existing pot holes present. Mr. Elliott will talk to the Public Works staff about fixing the pot holes for the "quick fix". Mr. Elliott then explained the construction timeframe for the Valentine Road improvement project.

Mr. Elliott informed the Commission members of the Waste Water Treatment Facility (WWTF) bid opening will be held March 22, 2018; construction to begin April 2018 and continue for 20 months.

**PUBLIC COMMENT** - None

## **COMMISSION COMMENTS**

Commissioner Frazier asked staff about storm sewer on Sixth Avenue and a pot hole needing patched near Tanglewood Street and Sixth Avenue.

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:18 pm.

Respectfully submitted,

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Jamie Chartier, City Planner

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

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John Lusby, Commission Chair

DRAFT



**Community Development**

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# City of Sutherlin

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May 16, 2018

TO: Applicant and All Parties

FROM: Jamie Chartier, City Planner

RE: **DANIEL R. LANG**, request for a Conditional Use Permit to bring into compliance Vehicle repair, sales and rental services on property located on the south side of S. Calapooia Street in the City of Sutherlin. Vehicle repair, sales and rental services are a conditionally permitted use in the M-2 zone. The proposed use will be located in the east side of the existing building. The subject 5.72 acre property is described as Tax Lot 1000 in Section 29B, T25S, R5W, W.M.; Property ID No(s). R45376; and is addressed as 1378 S. Calapooia Street. It is designated Heavy Industrial by the Sutherlin Comprehensive Plan and zoned (M-2) General Industrial. **PLANNING DEPARTMENT FILE NO. 18-S002.**

Official notice is hereby given of the decision of the Sutherlin Planning Commission in the above referenced request for which a public hearing was held on March 20, 2018.

The Planning Commission took action on the requested Conditional Use Permit on the subject 5.72 acre property. The Conditional Use Permit was **APPROVED subject to conditions.**

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

Enclosures

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

IN THE MATTER of a Conditional Use Permit to bring into compliance Vehicle repair, sales and rental services on the subject property in the M-2 zone on a 5.72 acre parcel located on S. Calapooia Street. The property is identified as Tax Lot 1000 in Section 29B, T25S, R5W, W.M.; Property I.D. No. R45376; and is addressed as 1378 S. Calapooia Street; Owner: Daniel R. Lang.

**FINDINGS OF FACT AND DECISION**

Applicant: Daniel R. Lang  
Re: Conditional Use Permit (Vehicle repair, sales and rental services)  
File No.: 18-S002

**PROCEDURAL FINDINGS OF FACT**

1. The Conditional Use Permit application was filed with the City on January 24, 2018, and was deemed complete on February 20, 2018.
2. Notice of the Public Hearing on the requested application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was mailed to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on February 21, 2018. One written comment was received.
3. The Planning Commission held a public hearing on this matter on March 20, 2018.
4. At the public hearing on March 20, 2018, there were no declarations of ex parte contact, bias or other conflicts of interest made by the Planning Commission. No objections were raised by the audience, and the Commission was qualified to hear the matter.
5. The Planning Commission declared the following as parties to the hearing:  
Carey Gaskins, Business Owner, Bubba's Tire and Wheel  
Gerald Rian, employee of Bubba's Tire and Wheel
6. Reference was made to the March 13, 2018 Staff Report, and findings of fact addressing consistency to the applicable criteria of the Sutherlin Development Code, including Section 2.5 [M-2 zone] and Section 4.5 [Conditional Use Permits].
7. Planning Staff presented a summary of the Staff Report dated March 13, 2018, and entered Staff Exhibits 1-11 into the record.
8. The Planning Commission provided opportunity to receive clarifying oral testimony from an employee of the leased business, Gerald Rian, who clarified the nature of the existing business and stated that the applicant concurred with the findings and recommendation of the staff report.
9. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor or neutral to the application. No persons were present.

10. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application.
11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. None was provided.
12. 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 had some questions regarding the zone of the property and why a conditional use permit application was required, but otherwise did not express any objections to the proposed request.

### **FINDINGS OF FACT**

Finding No. 1. The Planning Commission finds the subject property is designated Heavy Industrial by the Sutherlin Comprehensive Plan and zoned (M-2) General Industrial by the Sutherlin Development Code. In the M-2 zone, vehicle repair, sales and rental services, together with their accessory uses, are conditionally permitted uses.

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

Finding No. 3. The Planning Commission finds the requested Conditional Use Permit was processed as a Type III procedure, subject to the applicable criteria of Section 2.5 [M-2 zone] and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code.

Finding No. 4. The Planning Commission finds bringing the proposed use into compliance on the subject property in the M-2 zone. As indicated in the application, parking spaces are available in front of and besides the existing building. The Planning Commission finds that the amount of available parking spaces is consistent with the parking requirement of the SDC.

Finding No. 5. The Planning Commission finds, based upon the staff report and submitted application materials, that the proposed vehicle repair, sales and rental services will utilize an existing building and fenced area on the subject property. No physical changes or alterations to the building are proposed. Furthermore, the Planning Commission finds that based upon the nature of the proposed use on the subject property and within the existing building, no negative impacts due to noise, exhaust/emissions, light, glare, erosion, odor, dust, visibility or safety are anticipated.

Finding No. 6. The Planning Commission finds, based upon the staff report and submitted application materials, that the subject property, including the area for the proposed vehicle repair, sales and rental services use, is surrounded by existing properties within industrial zoned properties. No negative impacts are anticipated as part of this development, including to the adjacent commercial properties and the surrounding transportation system. The application states that business services will be Monday - Saturday, from 9 a.m. to 5

p.m. and will have minimal impact on the surrounding properties and their hours of business operations. The applicant has also demonstrated compliance with the applicable parking requirements. The Planning Commission finds that the business hours will be listed as a condition necessary for the requested use.

Finding No. 7. The Planning Commission finds, based upon the staff report and submitted application materials that the subject property is currently served by existing public water and private sanitary sewer system. The Planning Commission further finds that no physical changes or alterations to the building are proposed, including any new extension of public services. The Planning Commission finds that no negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.

Finding No. 8. The Planning Commission finds, based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application will comply with the applicable provisions of the M-2 zoning district; and the applicable design standards of Chapter 3, including parking. The Planning Commission finds that bringing the proposed vehicle repair, sales and rental services business into compliance will be beneficial to the property; and that the proposed use is not considered a non-conforming use or development on the property, and is not part of a phased development.

Finding No. 9. The Planning Commission finds, based upon the staff report and submitted application materials, and oral testimony provided, that due to the nature of the proposed use, it is found to be compatible with the existing uses in the vicinity.

## **CONCLUSION**

1. A motion was made by Commissioner Sumner and seconded by Commissioner Robinson to approve Action Alternative #1 and **APPROVE subject to conditions** the requested Conditional Use Permit; 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 Conditional Use Permit, subject to the following conditions of approval:

1. The applicant and/or property owner shall provide documentation (i.e. final plan) for the proposed use demonstrating continued compliance with the landscaping and vehicle parking standards of the Sutherlin Development Code (SDC).
2. Operating Hours to be 9 a.m. to 5 p.m., Monday through Saturday.
3. Inoperable and/or dismantled vehicle(s) shall be stored within the fenced area.
4. The approved use shall comply with the City Nuisance Ordinance of the Sutherlin Municipal Code, Chapter 8.16.
5. Existing and/or proposed signs shall comply with the Sutherlin Development Code, Section 3.7. The applicant shall obtain Planning Clearance Worksheet approval from the Community Development Department for each existing and/or proposed sign.



6. The applicant and/or property owner shall meet all the requirements of Section 3.2.110(R) of the Sutherlin Development Code.
7. Obtain necessary Planning Clearance approval(s) from the Community Development Department once all above conditions have been met.

DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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JOHN LUSBY, CHAIR

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## City of Sutherlin

Date: May 8, 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** is progressing through downtown with sidewalks, streetscaping and decorative street lights. We are currently still on schedule for paving at the end of July, 2018.

**Valentine Ave Paving Improvement** Engineering/Design and Construction contract was approved by Council on April 9, 2018. The surveying portion is being conducted and then onto the Design, with final plans submitted December 2018. Actual construction anticipated to begin May of 2019.

**Transportation System Plan (TSP)** ODOT is currently negotiating the contract with Kittelson and Associates.

### **UTILITIES**

Council awarded the Wastewater Treatment Facility contract to Tapani, Inc out of Battle Ground, WA on March 26, 2018. Pre-Construction meeting is scheduled for May 16, 2018.

### **PARKS**

Ford's Pond Community Park – In partnership with Friends of Ford's Pond, the City is seeking grant funding for the construction of Phases 1 and 2a of the Master Plan.

### **OTHER**

We are working with Council to update the Community Development portion of the fee schedule.

### **LAND USE ACTIVITY**

#### **Building Worksheets**

- 2018-01 – 2018-27 on previous Activity Report
- 2018-28        538 Tanglewood – Single Family Dwelling
- 2018-29        1379 W Central – Sign
- 2018-30        1379 W Central – Remodel
- 2018-31        633 Wildcat Canyon - Single Family Dwelling
- 2018-32        604 Wildcat Canyon - Single Family Dwelling
- 2018-33        1461 Duke Ave – Accessory Building
- 2018-34        119 W Central – Commercial Bldg Remodel
- 2018-35        484 Fairway Estates – Zero Lot Line Townhouse

- 2018-36 492 Fairway Estates – Zero Lot Line Townhouse
- 2018-37 572 Fairway Estates – Zero Lot Line Townhouse
- 2018-38 574 Fairway Estates – Zero Lot Line Townhouse
- 2018-39 1829 Culver Loop - Deck
- 2018-40 667 W Central - Signs
- 2018-41 0 Bunker Rd – Electrical Pole
- 2018-42 248 S Calapooia – Sign
- 2018-43 561 Wildcat Canyon - Single Family Dwelling
- 2018-44 569 Wildcat Canyon – Single Family Dwelling
- 2018-45 2074 Culver Loop – Single Family Dwelling
- 2018-46 162 Mardonna Way – Single Family Dwelling
- 2018-47 142 E First Ave - Demolition
- 2018-48 1000 E Central #30 - Carport
- 2018-49 895 Valley Vista – Carport
- 2018-50 318 Johnson St – Solar Panels
- 2018-51 592 Wildcat Canyon - Single Family Dwelling
- 2018-52 602 Wildcat Canyon – Single Family Dwelling
- 2018-53 556 Fairway Estates – Zero Lot Line Townhouse
- 2018-54 538 Fairway Estates – Zero Lot Line Townhouse
- 2018-55 315 N Calapooia St – Micro Bulk Oxygen Tank
- 2018-56 200 W Central Ave – Commercial Bldg Remodel
- 2018-57 551 Agate St – Foundation Repair

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

- 18-S001 – Blocher Property Line Adjustment
- 18-S002 – Daniel Lang Conditional Use Permit
- 18-S003 – Land Mark Surveying Land Partition
- 18-S004 – Dagele Home Occupation
- 18-S005 – Wolford Home Occupation
- 18-S006 – Kostner Tree Falling Permit
- 18-S007 – Kostner Property Line Adjustment
- 18-S008 – Perkins Class A Variance

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

- 18-01 – Avista – 1269 W Central Ave
- 18-02 – Avista – 119 W Central Ave
- 18-03 – Avista – 121 W Central Ave
- 18-04 – Avista – 1458 E Central Ave
- 18-05 – W.A. Westbrook – 203 Johnson
- 18-06 – Avista – 765 Tanglewood
- 18-07 – Avista – 554 Cedar
- 18-08 – Avista – 563 Oak
- 18-09 – Avista – Third & Pine
- 18-10 – Avista – E Central & Umatilla
- 18-11 – Avista – 203 E. Everett
- 18-12 – Avista – 201 Spence
- 18-13 – Avista – 112 Raintree