



City of Sutherlin

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www.cityofsutherlin.com

NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO.

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE SUTHERLIN COMPREHENSIVE PLAN AND THE SUTHERLIN DEVELOPMENT CODE

**THIS ORDINANCE WILL BE CONSIDERED BY COUNCIL AT THE REGULAR
COUNCIL MEETING OF**

**MONDAY, MARCH 13, 2017 @ 7PM
CIVIC AUDITORIUM - 175 E. EVERETT AVENUE**

Questions or copies of this Ordinance may be viewed by interested persons at the office of City Recorder, 126 E. Central Avenue, Sutherlin, Oregon, between the hours of 9:00 a.m. and 5:00 p.m., weekdays. A copy of this Ordinance may be purchased by interested persons for a sum determined to cover the City's expense for providing the copy.

Pursuant to Section 30 (b) (c) of the Sutherlin City Charter, this notice has been posted at the following locations: Sutherlin City Hall; Sutherlin Post Office; Sutherlin Visitor's Center and the City's website (www.cityofsutherlin.com).

Posted this day, March 6, 2017
By Debbie Hamilton
City Recorder

ORDINANCE NO. ____

**AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE SUTHERLIN
COMPREHENSIVE PLAN AND THE SUTHERLIN DEVELOPMENT CODE**

The City Council of the City of Sutherlin finds that:

A. In consideration of proposed legislative amendments to the text of the Sutherlin Comprehensive Plan and the Sutherlin Development Code, the Sutherlin Planning Commission held three workshops and conducted a public hearing on December 20, 2016, and the Sutherlin City Council held a workshop on February 27, 2017, and conducted a public hearing on March 13, 2017 to consider the following legislative amendments:

- Legislative amendments to the text of the Sutherlin Comprehensive Plan to add language that was previously adopted by the City in 2002 by City Ordinances 638 and 642, but was never incorporated. This new text includes updating plan policy A12 and adding new plan policy B15 in the Public Facilities Element, and adding a new “Conservation/Open Space” plan designation.
- Legislative amendments to the text of the Sutherlin Development Code (SDC) include several general revisions to update, clarify and/or streamline the code to make it more effective and easier to administer; add revisions to the SDC that were previously adopted by the City in 2009 for the Interchange Area Management Plan (IAMP) for Exit 136, but were never incorporated into the SDC; add a new mixed use zoning district to address mixed use development in the (C-3) Community Commercial and (M-1) Light Industrial zoning districts; and update the City’s sign code standards.

B. The Sutherlin Planning Commission held a properly noticed public hearing on December 20, 2016. Following the public hearing, the Planning Commission passed a motion to recommend that the City Council approve the proposed amendments, which included only minor revisions. Opportunity was provided for public participation during the hearing. No members of the public were present to provide written comment or oral testimony.

C. Notice of a public hearing before the City Council was given, and the public hearing on the legislative amendments was conducted on March 13, 2017. Opportunity was provided for public participation during the hearing.

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. The amendments to the text of the Sutherlin Comprehensive Plan and the Sutherlin Development Code are hereby attached to this ordinance and identified as Exhibit “A”, Adoption Draft dated March 27, 2017, and by this reference made part of this ordinance. This adoption draft has the same contents as the Fourth Draft, dated March 13, 2017, presented at the City Council public hearing, except for the updated cover sheet and footers to acknowledge adoption.

Section 2. The text of the Sutherlin Comprehensive Plan and Sutherlin Development Code is hereby amended and shall be revised to depict the adopted amendments.

Section 3. The Sutherlin Comprehensive Plan and Sutherlin Development Code heretofore and herein amended, remain in full force and effect.

PASSED BY THE COUNCIL ON THIS ___ DAY OF MARCH, 2017.

APPROVED BY THE MAYOR ON THIS ___ DAY OF MARCH, 2017.

Todd McKnight, Mayor

Attest:

Debra L. Hamilton, CMC, City Recorder

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APPROVED BY THE MAYOR ON THIS ___ DAY OF MARCH, 2017.

Todd McKnight, Mayor

Attest:

Debra L. Hamilton, CMC, City Recorder

EXHIBIT “A”

**DRAFT
2016 LEGISLATIVE
AMENDMENTS TO THE**

**CITY OF SUTHERLIN
DEVELOPMENT CODE**

**CITY COUNCIL
PUBLIC HEARING**

**FOURTH DRAFT
MARCH 13, 2017**

PLANNING COMMISSION

Workshop	Jan 19, 2016
Workshop	Aug 16, 2016
Workshop	Oct 18, 2016
Public Hearing	Dec 20, 2016

CITY COUNCIL

Council Work Session	Feb 27, 2017
Council Public Hearing	Mar 13, 2017
Council First Reading	Mar 13, 2017
Council Second Reading	Mar 27, 2017

LEGEND

- Deletion ~~Deletion~~ is marked with strike out function
- Addition **Addition** is marked with bold and underline
- Comments *Comments are provided in italics*

LEGISLATIVE AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE

The following amendments are proposed to the text of the Sutherlin Development Code, including general revisions to update or streamline the code to make it more effective, adding a new Mixed Use zone to address mixed use development, and updating the sign code language.

Part I – Miscellaneous General Amendments

Purpose of Amendment: *The following general amendments are proposed to the Sutherlin Development Code to make it more streamlined and effective.*

1. Update Chapter 1, including several definitions:

1.2.120 Pre-Existing Approvals. Development for which approvals were granted prior to ~~[insert the effective date of this code]~~ **July, 2007** may occur pursuant to such approvals; except that modifications to development approvals shall comply with section 4.7, Modifications to Approved Plans and Conditions of Approval.

Accessory building or use - The use of land or a subordinate building or a portion of a principal building, such use or building being secondary to or incidental to the principal use or structure, except for accessory dwellings as defined by this code. **(See section 2.1.130)**

Arterial - ~~An arterial street.~~ **The primary function of an arterial is to provide through movement to traffic, distributing it to collector streets and principal highways, and providing limited land access. These streets are generally characterized by a three to five lane cross section, and should accommodate pedestrian and bicycles movements. Signalization should be provided at intersections with other arterials and collector streets, as warranted. Sutherlin's arterials are designed with large rights-of-way (68-100 feet wide) with pavement widths of at least 48 feet. Arterial streets have limited or controlled access to them and have little or no on-street parking. Oregon's Transportation Planning Rule requires bicycle lanes and sidewalks along arterials. Bicycle lanes are required on arterials even if they do not generate significant bicycle traffic.** (See section 3.5.110(F))

Bed and breakfast inn - Provides accommodations (two (2) or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. **(See section 2.6.120)**

Block - ~~An parcel area of land or group of lots~~ **which may be bounded on all sides by streets, railroad rights-of-way, unsubdivided land, or water courses.** ~~by intersecting streets.~~ (See also, section 3.2.110.L.)

Boundary line – **The property line abutting a lot or parcel.**

Collector - ~~Type of street.~~ **The primary function of a collector is to move traffic between arterials and local streets, and to provide access to adjacent uses. The collector street is generally characterized by a two or three lane cross section. Oregon's Transportation Planning Rule requires bicycle lanes and sidewalks along major collectors. Bicycle lanes are required on major collectors even if they do not generate significant bicycle traffic. Intersections with other collectors and arterials may be signalized, as warranted.**

Sutherlin’s collectors have a minimum right-of-way width of 60 feet with a minimum pavement width of 40 feet. Property access from a collector streets should be discouraged.
(See section 3.5.110.F.)

Facility – A structure that is constructed, placed, or erected for the purpose of furthering a permitted or conditional use.

Kennel - Any lot used for breeding or boarding ~~A use providing for the accommodation of~~ four (4) or more dogs or cats which are six (6) months old or older, where such animals are kept for board, propagation, training or sale.

Property line adjustment - means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel; has the same meaning as Boundary Line Adjustment.

Recreational vehicle - A vacation trailer or other unit with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than four hundred (400) square feet. “Recreational vehicle” includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer or converter. A recreational vehicle is not a single family dwelling or a dwelling unit under the provisions of this code.

Sign - Any face of any lettered or pictorial device or structure designed to inform or attract attention. (See Section 3.7)

Temporary Commercial Vendor – A commercial business operating within a pre-fabricated structure that is constructed for movement on the public highway. Such a use may locate in any commercial zone so long as 1) the structure has been reviewed by the County Building Department; 2) the structure remains road ready with chassis, wheels and trailer tongue attached; 3) the parking requirements of Section 3.4 have been met; and 4) the County Health Department has licensed the vendor for food and beverage handling.

OTHER MISCELLANEOUS AMENDMENTS

2. *Add language to the Development Code to address uses not specifically listed in the zone. If the use is not specifically listed, then it is not permitted or conditionally permitted in the zoning district. Add to Section 1.2.100 the following: **The Community Development Director may permit in any zone a use not listed in this ordinance if the requested use is of the same general type and is similar to the uses permitted within the zone. The decision of the Community Development Director may be reviewed by the Planning Commission on its own motion or appealed to the Planning Commission.***

3. *Add back to the Sutherlin Development Code the text for the Forestry Resource – 75 zone (FR-75), which appears to have been inadvertently deleted from the Development Code when legislative amendments were completed around 2007-2008. The text was removed, but there were no modifications to the City zoning map. DLCD has advised that since the City will be proposing the removal of land (Ford’s Pond) from the UGB and city limits, which is zoned on the City’s zoning map as FR-75, it was important that the text for the FR-75 zoning district be added back into the Development Code.*

In November 2016, based upon further research, staff found that the current 1991 City Comprehensive Plan has a recognized “Residential–Agriculture/Forestry” land use designation, which specifically stated that “Resource use (agriculture or forestry) is to be allowed in this area, as is residential development up to one dwelling per ten acres.” It was not intended for this designation that urban level of services be provided to this area. Based upon this additional information, staff finds that it is unclear where the 75 acre minimum in the previous zoning district originated. Staff has determined that a forest or resource designation, which allows ten (10) acre minimum parcel sizes, is too urban and not appropriate under current state law. Staff proposes a minimum of one dwelling per 20 acres, which would still be consistent with state law and the intent of the FR plan designation. With this revision, the zoning designation on the city’s zoning map will be revised to FR-20 for consistency. The provisions of the City’s Conservation/Open Space plan designation, as adopted in 2002 by City Ordinance No. 938, are being implemented through the Forestry Resource zoning district. This would also meet the City’s comprehensive plan policies to provide UGB buffer areas and maintain larger units for open space use.

Section 2.7

FORESTRY RESOURCE (FR-20) DISTRICT

2.7.100 Purpose and Applicability.

- A. Purpose. The purpose of this classification is intended to preserve lands with high forest potential or lands not immediately available for development. The zone is applied to areas in the urban growth boundary and to property inside the city limits but outside of the UGB where urbanization is untimely and services cannot be provided in the immediate future.**
- B. Applicability. The forestry resource district applies to lands that have been so designated on the zoning map and designated as Forestry Resource (FR-20).**

2.7.110 Permitted Uses and Structures. Single family dwelling associated with resource management activities.

2.7.120 Conditional Uses and Structures. In the FR-20 zone, the following uses are conditionally permitted subject to the development standards in Sections 2.7.130 after hearing and, if necessary, attachment of conditions according to the procedures listed in

Section 4.5 [Conditional Use Permits], as necessary to ensure compatibility with adjacent land uses.

Table 2.7.120 – Conditional Uses	
<u>Uses</u>	<u>Status of Use in District</u>
<u>Traditional Home Uses</u>	<u>P</u>
<u>Public facilities; except not allowing public business offices, repair, or storage facilities.</u>	<u>C</u>
<u>Public parks, recreation areas, and publicly owned and operated properties</u>	<u>C</u>
<u>Uses similar to those listed above in nature and intent, as deemed by the Planning Commission</u>	<u>C</u>

Key:

- P = Permitted
- S = Permitted with special standards or limitations
- C = Conditional use permit required
- N = Not permitted

2.7.130 Development Standards. All development within the forestry resource district must comply with the development standards listed in Table 2.7.130.

Table 2.4.130 – Development Standards	
<u>Standard</u>	<u>P</u>
<u>Lot size minimum (acres)</u>	<u>20 acres</u>
<u>Lot depth minimum (feet)</u>	<u>None</u>
<u>Lot frontage minimum (feet)</u>	<u>None</u>
<u>Lot Coverage maximum (percent)</u>	<u>None</u>
<u>Yard Setback minimums (feet)</u>	
- <u>front setback</u>	<u>30 feet</u>
- <u>side setbacks</u>	<u>25 feet, side and rear</u>
- <u>rear setbacks</u>	
<u>Building Height maximum (feet)</u>	<u>50 feet, except increased height allowed subject to Conditional Use Permit</u>

4. On page 2-5, modify Table 2.2.110 [Permitted Uses] in the Residential Districts to:
 - a. Add a listing under residential uses, Single Family Dwellings, for Temporary Medical Hardship Dwelling as Permitted with Special Standards (S-P) in the residential zones (a hardship requires a Type II procedure per Sec 4.10.110).
 - b. Add listing under residential uses for Home Occupation as a Permitted with Special Standards (S-P) in the residential zones (per Section 2.6.150). This action will also delete reference to Home Occupations in Section 4.10.120 and move it to Section 2.6.150 to clarify that home occupations are permitted by right in all residential zones.

- c. Modify listing for Accessory Dwelling to modify status of use from “S-PUD” to “S-P” since an accessory dwelling can be permitted as part of a single family dwelling and doesn’t have to be part of a PUD.
 - d. Modify listing for Agriculture, Horticulture (and livestock) to delete reference to “existing use” and modify status of use from “P” to “S-P” to note use is permitted subject to the special standards of Section 2.6.240 [Agriculture, Livestock].
 - e. Modify listing for Manufactured Home Park from “N”, not permitted to “C”, conditional use permit to provide for the use in the R-2 zoning district.
5. On page 2-11, correct formatting for Table 2.3.130 [Development Standards] for the side and rear setbacks for the commercial zoning districts.
6. On page 2-11, add text to the end of Section 2.3.135 [Special Status for Single Family Residences] to clarify that “**for permitted uses and development standards of the commercial districts**”. This is in reference to nonconforming existing single family residences which are converted to a permitted commercial use and are subject to the development standards of the zone.

2.3.135 Special Status for Single Family Residences. Existing uses granted special status (allowed) in commercial districts: Notwithstanding the restrictions of any other section of the Sutherlin Municipal Code, all single-family residential dwellings built before January 1, 2006, on commercial zoned properties are considered conforming to the base district. If any building on these properties is substantially destroyed, as defined in 5.3.110, it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted commercial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of section 2.3.110 and 2.3.130 **for permitted uses and development standards of the commercial districts.**

7. On page 2-16, add text to the end of Section 2.5.125 [Special Status for Single Family Residences] to clarify that “**for permitted uses and development standards of the industrial districts**”. This is in reference to nonconforming existing single family residences which are converted to a permitted industrial use and are subject to the development standards of the zone.

2.5.125 Special Status for Single Family Residences. Existing uses granted special status (allowed) in industrial districts: Notwithstanding the restrictions of any other section of the Sutherlin Municipal Code, all single-family residential dwellings built before January 1, 2006, on industrial zoned properties are considered conforming to the base district. If any building on these properties is substantially destroyed, as defined in 5.3.110, it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted industrial use, the special status granted here is rescinded, and the use of the

property must thereafter conform to the requirements of Section 2.5.110 and 2.5.120 **for permitted uses and development standards of the industrial districts.**

8. In conjunction with the two above changes, on page 5-7, correct references in Section 5.3.110.D [Non-conforming Development], which refer to the commercial and industrial zones. Change “~~Section 2.3.115 and 2.5.105~~” to correctly state “**Sections 2.3.135 and 2.5.125**”.
9. On page 2-14, modify Table 2.5.110 [Permitted Uses] to separate item 1 under Industrial Uses into two separate uses: (1) Heavy manufacturing and assembly, and (2) Processing of raw materials. This is currently listed as one use; proposed change would provide options to allow both uses together or separately. Both uses would remain not permitted in the M-1 zone and conditionally permitted in the M-2 zone.
10. On page 2-17, copy reference from Section 2.1.130.D (Outdoor Sales/Display) to add an item D to Section 2.6.110 (Accessory Uses and Structures), so there is a cross-reference and consistency with the standards listed for Accessory Uses and Structures.
11. On page 2-27, correct Section reference, so it reads “as defined in **this** section ~~3.29.040~~”. Section 3.29.040 does not exist.
12. On page 2-29, correct Section 2.6.190.D.2 [Building Code Compliance] to reference to the Roseburg code and delete words “~~Roseburg code chapter 16.05 and~~”.
13. On page 2-37, add reference to Section 2.6.240 [Agriculture, Livestock] to clarify which zones allow agricultural uses and livestock. **The uses are only allowed in the FR-20 and the residential zones and subject to section 2.6.240.**
14. On page 3-21, consider modifying Section 3.3.140.B.2 [Fences and Walls] to delete reference to “etc.” as part of the exception to the four (4) foot height limitation for the height of fences and walls along or within the front yard setback. Current exception states “(except decorative arbors, gates, etc.)”

3.3.140 Fences and Walls. The following standards shall apply to all fences and walls except for fences in industrially designated lands: ...

B. Dimensions.

1. The maximum allowable height of fences and walls is six (6) feet as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six (6) feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding six (6) feet in height, in conformance with the uniform building code.

2. The height of fences and walls along or within a front yard setback shall not exceed four (4) feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.
3. Fences and walls shall comply with the vision clearance standards of section 3.2.110.O.

15. On page 3-23, modify Table 3.4.120.A [Vehicle Parking, Minimum Standards Option] to delete reference to no parking required for Accessory Dwellings, and add requirement for one parking space per dwelling unit. This will be consistent with the standards listed in Section 2.6.100.D [Accessory Dwellings], which states that one off-street parking space is required for an accessory dwelling unit.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option	
Use	Parking Standard
Residential Uses	
Single family detached housing.	2 parking spaces per detached single family dwelling or manufactured home on an individual lot.
Two- and three-family housing	1.5 spaces per dwelling unit.
Multi-family and single family attached housing. a. Studio units or 1-bedroom units less than 500 sq. ft b. 1-bedroom units 500 sq. ft. or larger c. 2-bedroom units d. 3-bedroom or greater units e. Retirement complexes for seniors 55-years or greater f. Visitor Parking	a. 1space/unit. b. 1.50 spaces/unit. c. 1.75 spaces/unit. d. 2 spaces/unit e. 1 space per unit. f. 1 space for every 10 dwellings; no visitor parking requirement for projects with 1-9 dwellings where on-street parking is present.
Rooming and boarding houses, dormitories.	2 spaces for each 3 guest rooms, or one per three beds, whichever is more;
Senior housing.	Same as for retirement complexes
Manufactured home parks.	Same as for single family detached housing.
Accessory dwelling.	None required. 1 space per unit

16. On pages 3-33 & 3-34, modify Table 3.5.110F [Street and Pathway Design Standards] for Local Residential Streets with parking on both sides to state 10' instead of 9'-10' for motor vehicle travel lanes.
17. On page 3-40, correct typo in Section 3.5.110.H [Future Street Plan and Extension of Streets] for length of temporary turnarounds for street stubs over 150 feet in length.

18. On page 3-42, modify Section 3.5.110.M.2 [Cul-de-sacs] to revise requirements for circular and hammerhead turnarounds for dead end streets. Based upon recent discussions with the City Fire Department and the County Building Official, modify language to state that such turnarounds shall be consistent with the Uniform Fire Code, Section 503, Appendix D.
 2. All cul-de-sacs exceeding one hundred fifty (150) feet shall terminate with a circular or hammer-head turnaround. Circular **and hammer-head** turnarounds shall **be consistent with the requirements of the Oregon Uniform Fire Code, Section 503, Appendix D [Fire Apparatus Access Roads]** ~~have a radius of no less forty (40) feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width;~~ and
19. On Page 4-3, modify Section 4.2.110 [Description of Permit Procedures] to add descriptive names to the types of land use procedures as follows:
 - a. Type I (**ministerial**) Procedure...
 - b. Type II (**administrative**) Procedure...
 - c. Type III (**quasi-judicial**) Procedure...
 - d. Type IV (**quasi-judicial**) Procedure...
20. For Type II, Type III and Type IV application procedures (Sections 4.2.130, 4.2.140 & 4.2.150), modify references to sections on Notice of Application, Notice of Public Hearing, Notice of Decisions, Appeal of Decisions, Who May Appeal and Appeal Procedures, as applicable, to add the titleholder of the subject property to the list of those notified and those who can appeal an application. Currently, the Development Code only lists the applicant. However, there are times when the applicant may be different than the titleholder of the subject property. Amending the text would clarify that the applicant and/or titleholder of the subject property both have legal standing in the application process.
21. On page 4-7, correct Section 4.2.130.G.2.a [Notice of Appeal, Type II Decision] to clarify the deadline for filing an appeal, and state that a notice of appeal shall be filed with the planning director by 5 p.m. of the **14th** day after the notice of decision was mailed.
22. On page 4-9, modify Section 4.2.140.C.1.c [Notice of Planning Commission Hearing] to delete item c., which requires posting of notice of the hearing on the subject property, at least 14 days before the public hearing. Posting of notices are still required for certain actions under statute, such as vacations, annexations and withdrawals from special district, etc. However, ORS 197.763 does not require the posting of notices of public hearing as part of the notice requirements for quasi-judicial land use actions.
23. On page 4-13, modify Section 4.2.150.D.2.c [Type IV Procedure] to update and correct reference to notices sent to DLCDC. DLCDC notices no longer require at least 45 days'

notice. Under current state law, DLCDC must receive notices at least 35 days prior to first evidentiary public hearing.

24. On page 4-22 (Section 4.3.150.E, site plan reviews) and page 4-28 (Section 4.4.140.K, subdivisions), add language to clarify the length of time for phased development. Phased development allows improvements to coincide with phasing and improvements on the same schedule. Example: For 3 phases, two years each for the first two phases and one year for the third phase, for a total of five years, each phase with platting and improvements both authorized in the phasing. Applicable extensions to either site plan review or subdivision development will now be subject to Section 4.4.120.D.2.

Add item 4 to Section 4.4.140.K to clarify the approval period for phased development.

4. Time limitations for the various phases must meet the following requirements:

- (1) Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.**
- (2) Phase 2 final plat shall be approved within forty-eight (48) months of preliminary approval.**
- (3) Phase 3 final plat shall be approved within sixty (60) months of preliminary approval.**

25. Extensions of approval periods for Subdivisions/Land Partitions and Planned Unit Developments. On page 4-24, modify Section 4.4.120.D.2 [Modifications and Extensions] to allow more than one 1-year extension for a subdivision or land partition. Currently, only a one year extension of the tentative approval is permitted. Add item 2.d. that **“Additional one-year extensions may be granted, up to a maximum of three (3) extensions, provided the criteria of the above section D.2 are met for the extension.”**

On page 4-39, modify Section 4.6.180.B [Administrative Procedures, Extensions] to allow more than one 1-year extension for an approval for Planned Unit Development. Currently, only a one-year extension of the approval period is permitted. Add item 5. that **“Additional one-year extensions may be granted, up to a maximum of three (3) extensions, provided the criteria of the above section B are met for the extension.”**

26. On page 4-30, update Section 4.4.180.A to provide an additional means of guarantee for the installation of public improvement. Add item 4. “Cash deposit with an escrow company”.
27. On page 4-33, modify Section 4.4.210.D.1 [Recording Property Line Adjustments] to change length of time for approval of a property line adjustment from 90 days to one (1) year to provide ample time to complete the tentative approval and applicable conditions of approval. The current tentative approval time of 90 days is unusually short and the extension is for one year. This change extends the original tentative approval to one (1) year.

28. On page 4-42, modify Section 4.7.130.B [Minor Modification Approval Procedures] to provide that minor modifications to a land use action are just a Type I procedure. They are nominal by definition, previously reviewed and designed to expedite completion of an application. The requirement to make certain minor modifications a Type II procedure should be deleted. Modify Section 4.7.130.B as follows:

Minor Modification Approval Procedures. An application for approval of a minor modification is reviewed using Type I procedures ~~if the minor modification would modify a development to which Type I procedures would apply. All other minor modifications shall be reviewed using Type II procedures.~~ A minor modification shall be approved, approved with conditions, or denied by the planning director based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the development code; and
 2. The modification is not a major modification as defined in section 4.7.120, above.
29. On pages 5-2 to 5-4, modify variances to clarify that Class A Variance is a Type I (ministerial) procedure, a Class B Variance is a Type II (administrative) Procedure, and that a Class C Variance is a Type III (quasi-judicial) Procedure.
30. On page 5-2, modify Section 5.2.110.A [Class A Variances] to clarify the language for approval of a Class A Variance. The existing language, as worded, is very confusing. The proposed change will help simplify the criteria, as follows:

Class A Variances. The following variances are reviewed using a Type ~~II~~ **I** procedure, as governed by section 4.2, using the approval criteria in subsection B, below:

1. Front yard setbacks. Up to a fifty (50) ~~ten (10)~~ percent ~~change~~ **reduction** to the front yard setback standard in the zoning district.
2. Interior setbacks. Up to a fifty (50) ~~ten (10)~~ percent reduction, **but in no case less than 5 (five) feet**, of the dimensional standards for the side and rear yard setbacks required in the ~~base land use zoning~~ district.
3. Lot coverage. Up to ~~fifty (50) ten (10)~~ **twenty-five (25)** percent increase of the maximum lot coverage required in the ~~base zone zoning~~ district. **This does not include nonstructural impervious surfaces.**
4. Landscape area. Up to twenty-~~five (20)~~ **(25)** ~~ten (10)~~ percent reduction in landscape area (overall area or interior parking lot landscape area).
5. Sign surface area or height. Up to ~~ten (10)~~ **twenty-five (25)** percent increase in area or height.

Variance requests exceeding items 1-5 shall be reviewed as a Class C Variance.

31. On page 5-3, modify Section 5.2.120.A [Class B Variances] to clarify that Class B variances are a Type II variance only. Modify Section 5.2.120.A as follows:

Due to their discretionary nature, the following types of variances shall be reviewed using a Type II ~~or Type III~~ procedure, in accordance with section 4.2: . . .

32. On page 4-16, modify Section 4.2.160.D [General Provisions, Scriveners' Errors). Currently, Section 4.2.160.D states: "*The planning director has the authority to correct scrivener's errors in adopted findings of fact and decision documents*". No reference is made to enable the Community Development Director or City Manager to correct scrivener's errors or make minor text corrections to the City Comprehensive Plan and its associated documents or the Sutherlin Development Code. Based upon the recommendation from the Planning Commission, modify to say Community Development Director.

Change Section 4.2.160.D to add language to enable minor text corrections as follows:

Scrivener's Errors.

A. The **Planning Community Development** Director has the authority to correct scrivener's errors in adopted findings of fact and decision documents.

B. Minor Text Corrections.

The Community Development Director may correct the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan, without prior notice or hearing, so long as the Community Development Director does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the Community Development Director may:

- 1. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies of Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan;**
- 2. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;**
- 3. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;**
- 4. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals objectives, and policies;**

5. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy numbers;
6. Change capitalization and spelling for the purpose of uniformity;
7. Correct manifest clerical, grammatical or typographical errors; and,
8. Change the name of an agency by reason of a name change prescribed by law.

The Community Development Director shall maintain a record, available for public access, of all corrections made under this Section.

Corrections to the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan made by the Community Development Director pursuant to this Section are prima facie evidence of the law, but they are not conclusive evidence. If any correction to the Zoning and Subdivision Ordinances, the Comprehensive Plan and the Transportation System Plan made pursuant to this Section differs in sense, meaning, effect, or substance from any adopted ordinance, the adopted ordinance shall prevail.

33. Update the City Comprehensive Plan and Sutherlin Development Code to add text language that was previously adopted by the City in 2002 but was never added to the Comprehensive Plan or Zoning/Development Ordinance. As part of the annexation and expansion of the City's UGB in 2002 to add a 200.07 acre industrial park off Stearns Lane to the city limits, the City adopted Ordinance No. 938 [for the UGB amendment, annexation and redesignation/rezoning of said property] and Ordinance No. 942 [for adoption of temporary minimum parcel size for the 200-acre industrial area, as required by DLCD]. Both city ordinances required the adoption of amending text to the Comprehensive Plan and Zoning/Development Ordinance.
 - a. Update page 37 of the Comprehensive Plan to amend Public Facilities Plan Policy A12 to read as follows:
 12. ~~The City shall provide sewer and water service to areas within the Urban Growth Boundary.~~ The City shall provide sewer and water service as appropriate within the city limits. In the case of a demonstrated public health threat, the City may, at its own discretion, provide sewer and water service to lands outside the city limits but within the Urban Growth Boundary.
 - b. Update page 41 of the Comprehensive Plan to add a new policy B15 to the Public Facilities Plan Policy as follows and modify as recommended by the Planning Commission as the Dec 20, 2016 public hearing:

The City shall support improvements to Highway 138, and Interstate 5 Interchange 136, as expressed in the “136 Interchange Area Management Plan”. As deemed appropriate by the City Council, the City shall identify ways to assist in funding improvements.

- c. Update page 66 [Comprehensive Plan Designations] to add a new land use designation, “Conservation/Open Space” as follows:

Conservation/Open Space. This designation may be applied to lands within the urban growth boundary that are not immediately available for development at urban densities for any of the following reasons:

- a. **The land is being held in reserve until needed for urban development, and until full City services can be provided without adversely impacting service to developed areas of the City;**
 - b. **The land contains wetlands, natural hazard areas, or other significant natural features or development constraints;**
 - c. **The land is identified as a planned buffer between potentially incompatible land uses; or,**
 - d. **The land is in agricultural use.**
- d. Update page 2-16 to add item C to Section 2.5.120 [Development Standards] to add the follow language to the Industrial Zoning District to address the adopted temporary minimum parcel size for the 200-acre industrial site along Stearns Lane:

C. Special Lot Size and Development Standard. A minimum parcel size of 50 acres shall apply to the 200-acre Oak Hills Industrial site located between Stearns Lane and Interstate-5 until one major industrial facility is constructed, after which a 10-acre minimum lot size shall apply up to 100 acres of the site to promote related industries.

34. This new amendment will incorporate some Development Code amendments that were originally adopted by the City in 2009 as part of the Interchange Area Management Plan for Exit 136 (IAMP), but were never incorporated in the SDC. These revisions affect Section 3.2 Access and Circulation, Section 3.5.110 Transportation Standards, and Chapter 4, Sections 4.3 and 4.8.

Section 3.2.110 Vehicular Access and Circulation

A. Intent and Purpose.

1. The intent of this section is to manage vehicle access to development through a connected street system with shared driveways, where practicable, and circulation systems that allow multiple transportation modes and technology, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways [See Transportation System Plan adopted November 2006 **and amended in April 2009**]. Major roadways, including highways, arterials, and collectors, serve as the primary system for

moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This section balances the right of reasonable access to private property with the right of the public to safe and efficient travel.

2. To achieve this policy intent, county and local roadways have been categorized in the comprehensive plan by function and classified for access purposes based upon their level of importance and function. (See section 3.5, Infrastructure Standards) Regulations apply to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. The regulations are also intended to protect the substantial public investment in the transportation system, facilitate economic development, and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned **development , such as developments that generate more traffic than assumed in the Transportation System Plan, or the** subdivision of land **designated for agricultural use in the Comprehensive Plan.**

- D. **Traffic Study Requirements.** The city or other agency with access jurisdiction may require a traffic study prepared by a traffic engineer to determine access, circulation and other transportation requirements **including identification of projects needed to implement the Transportation System Plan or other projects needed to mitigate for traffic impacts resulting from development that exceeds assumptions from the Transportation System Plan.** (See also, section 3.5, Infrastructure.)

Section 3.5.110 Transportation Standards.

- A. **Purpose.** The purpose of this section is to implement the Transportation System Plan **(including the Interchange Area Management Plan, which was incorporated into the TSP in April 2009)** and protect the ~~City's~~ investment **of the City, the County, and ODOT** in the public street system. Upon dedication of streets to the public, the City accepts maintenance responsibility for the street. Failure to meet City standards, may place an undue maintenance burden on the public, which may be only marginally benefited by the street improvement. Variances to street standards must be evaluated in this context.
- B. **Development Standards.** No development shall occur unless the development has frontage onto or approved access from a public street, in conformance with the provisions of section 3.2, Access and Circulation, and the following standards are met: . . .
 3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County or ~~County~~ **ODOT** jurisdiction.

Section 4.8.4.3.120 Development Review Approval Criteria. Applications for development review shall be conducted as a Type I procedure, as described in section 4.2.120. Prior to issuance of building permits, the following standards shall be met:

- A. The proposed land use is permitted by the underlying zoning district (chapter 2);
- B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying zoning district and any overlay zone are met (chapter 2);
- C. All applicable building and fire code standards are met; ~~and~~
- D. Approval shall lapse, and a new application shall be required, if a building permit has not been issued within one (1) year of development review approval; **and**
- E. **Traffic impacts from the proposed development are consistent with the traffic impacts for the subject parcel prescribed in Table 9 of the Interchange Area Management Plan or the development will mitigate for the increased traffic beyond that described in Table 9 of the IAMP. Those zone changes within the Interchange 136 IAMP area that deferred compliance with OAR 660-012-0060 must demonstrate consistency with OAR 660-012-0060.**

4.8.100 Purpose. The purpose of this section is to provide standards and procedures for legislative and quasi-judicial amendments to the zoning district map. These will be referred to as “zoning map amendments.” Map amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

4.8.110 Approval Procedures.

C. Criteria for Amendment. The planning commission shall approve, approve with conditions or deny an application for a quasi-zoning map amendment based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;
2. Demonstration that the most intense uses and density that would be allowed, outright in the proposed zone, considering the sites characteristics, can be served through the orderly extension of urban facilities and services, including a demonstration of consistency with OAR 660-012-0060. **The determination of consistency with OAR 660-012-0060 can be deferred to development review pursuant to 4.3.120 for those zone changes that are located within the approved interchange 136 IAMP area and do not require a comprehensive plan amendment;** and . . .

35. On page 1-20, modify Section 1.4.120.A [Penalty for Enforcement] to remove the words “a misdemeanor” from the text. The term “misdemeanor” implies some sort of criminal activity and city staff didn’t feel that a violation to the land use development code should constitute a criminal action. This item was added by the Planning Commission at their January 17, 2017 meeting, and approved by the City Attorney on January 25, 2017.

1.4.110 Violations. *No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this code or any amendment thereto.*

1.4.120 Penalty.

A. Penalty. A violation of this chapter is declared to be ~~a misdemeanor~~ punishable by a fine not to exceed \$1,000.00.

B. Each violation a separate infraction. Each violation of a provision of this code shall constitute a separate infraction, and each day that a violation of this code is committed or permitted to continue shall constitute a separate infraction.

C. Abatement of violation required. A finding of a violation of this code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

D. Responsible party. If a provision of this code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

36. On page 2-14, modify Table 2.5.110 [Industrial Permitted Uses] to change two uses from not permitted to conditionally permitted in the (M-2) Heavy Industrial zone: (1) vehicle repair, sales, rental, storage, service and fuel sales, and (2) repair services. **This item was added by City Council at the CC workshop on February 27, 2017.**

Part II – New Mixed Use Zoning

Purpose of Amendment: *The following text is being added to the Sutherlin Development Code. The intent behind this mixed use district is to provide areas in which a variety of land use activities may be blended together with special locational conditions related to transportation facilities, existing uses on larger properties, reuse areas, and buffers between industrial, commercial and residential areas. Add the following language for a new land use district to be added to the code as 2.45 Mixed Use District.*

Section 2.45 Mixed Use District

2.45.100 Purpose and applicability

A. Purpose. The mixed use district is intended to provide areas in which a variety of land use activities may be blended together with special locational conditions related to transportation facilities, existing uses on larger properties, reuse areas, and buffers between industrial, commercial and residential areas. In mixed use districts special care is needed to ensure compatibility and to reduce adverse impacts on existing land uses. The mixed use district is designed to:

1. To create small centers and corridors of mixed use.
2. To blend residential uses in proximity with both commercial and industrial employment opportunities.
3. To buffer by less intensive use arrangements of uses that mitigate off site impacts.
4. To promote multi-modal transportation connections to surrounding downtown and residential areas.
5. To promote creativity in urban design.
6. To provide affordable housing units, commercial and industrial spaces.

B. Applicability. The mixed use district (MU) may be applied through a zone change to areas designated as (M-1) Light Industrial or (C-3) Community Commercial.

2.45.110 Permitted uses, conditional uses and structures

A. The following land uses are permitted in the MU designation:

<u>USES</u>	<u>STATUS IN MU DISTRICT</u>
<u>RESIDENTIAL</u>	
<u>Single family & duplex residential, not exceeding 50% of area of mixed use project</u>	<u>P</u>

<u>Group living units, multi-family residential home/facility</u>	<u>C</u>
<u>Caretaker/Watchman</u>	<u>P</u>
<u>COMMERCIAL</u>	
<u>Retail Sales & Service</u>	<u>P</u>
<u>Offices & Office Space</u>	<u>P</u>
<u>Drive through Facilities</u>	<u>C</u>
<u>Vehicle Repair</u>	<u>P</u>
<u>Recreational Uses</u>	<u>P</u>
<u>Entertainment Buildings</u>	<u>C</u>
<u>INDUSTRIAL</u>	
<u>Manufacturing & Production</u>	<u>P</u>
<u>Wholesale Businesses</u>	<u>P</u>
<u>Industrial Services</u>	<u>P</u>
<u>Research & Laboratories</u>	<u>P</u>
<u>Government Facilities</u>	<u>P</u>
<u>Public & Private Utilities</u>	<u>P</u>
<u>Communication Facilities</u>	<u>P</u>
<u>ACCESSORY</u>	
<u>Accessory Uses & Structures</u>	<u>P</u>
<u>Key:</u>	

- P = Permitted
S = Permitted with special standards or limitations
C = Conditional use permit required
N = Not permitted

B. Similar Uses. Similar uses in the MU zone shall be a Type I procedure as outlined in Code 4.2.120 and determined by the Planning Director.

2.45.120 Development Standards. All development in the MU District shall be subject to standards applicable found in the related districts for the individual use listed in the MU District. These standards include:

- 1. Residential 2.2.120**
- 2. Commercial 2.3.130**
- 3. Industrial 2.5.120**

Part III – Amendments to Section 3.7 [Sign Code]

Purpose of Amendment: *Based upon feedback from the public and City Council, consider amendments to Section 3.7 of the Sutherlin Development Code (SDC) to update the sign code standards adopted in October 2008 as part of City Ordinance No. 991, to address suggestions such as modifying the definition of a sign and abandoned signs. State law limits jurisdictions from regulating content.*

Pages 3-50 – 3-62, Sutherlin Development Code

SECTION 3.7 SIGNS

3.7.110 Sign Definitions.

“Sign” means any message, identification, description, illustration, symbol, device or sculptured matter, including forms shaped to resemble any human, animal or product, which is affixed directly or indirectly upon a building, vehicle, structure, or land. This definition is not to include architectural facades, or lighting features. **Any letter, figure, character, marquee, pictorial, picture, logo, trademark, reading matter, or illuminated service which is constructed, placed, attached, painted, erected, fastened, or manufactured in any manner so that it shall be used for the attraction of the public to any place, subject, person, firm, corporation, performance, article, machine, merchandise which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification of this code.**

“Sign, abandoned” means a sign which pertains to a time, event, or purpose which no longer applies. **Those signs and/or structures not used in conjunction with a business, event, or purpose for more than 90 days.**

3.7.160 Issuance of Permits.

- A. City personnel shall examine applications for permits. If it appears from the application, drawings, and specifications therewith that the requested sign(s) and all existing signs on the premises conform with all the provisions of this chapter, a permit shall be issued. ~~But, if city personnel find that any requested or existing sign(s) violates this chapter or any other chapter of the city code or ordinance related thereto, a permit shall not be issued until necessary corrections are made.~~ **If signs met previous zoning standards they will be grandfathered as a pre-existing permitted use and can continue to have that sign even through it is not in compliance with the new code.**
- B. No additional permits shall be issued for signs on businesses or uses with signs not already in compliance with this section, including overdue sign regulation fees or unpaid inspection charges.
- C. All signs, except for signs painted directly upon a building, are also subject to building department requirements.

3.7.180 Abandoned Signs. Any abandoned sign and supporting structure shall be removed by the owner of the sign or owner of the premises within six (6) months following the date of abandonment; except that any owner of an abandoned sign which is otherwise in conformance with this chapter may apply to the city for an extension of the removal date (Type I review). If the city determines that the continued maintenance of the sign is consistent with the purpose of chapter 3.7 of this code, an extension of up to one (1) year may be granted.

- A. **Once a sign has been identified as being abandoned (see definitions), the City can, at its discretion, allow the Sutherlin Chamber of Commerce to utilize the said abandoned sign for civic enhancement, with the permission of the property owner(s).**

SUMMARY
CITY OF SUTHERLIN LEGISLATIVE AMENDMENTS
TO THE SUTHERLIN COMPREHENSIVE PLAN & DEVELOPMENT CODE
FOURTH DRAFT– MARCH 13, 2017

Planning Commission Hearing: December 20, 2016
City Council Work Session: February 27, 2017
City Council Hearing: March 13, 2017
City Council Adoption: March 27, 2017
Effective date of Amendments: April 26, 2017

Subject	Summary	Effect
PART I – MISCELLANEOUS GENERAL AMENDMENTS		
1. Revise Section 1.3 (Definitions)	Revise and/or add definitions to the Sutherlin Development Code (SDC) to clarify and make the SDC more effective	Update and Clarification
2. Update Section 1.2.100	Add language to Section 1.2.100 to address uses not specifically listed in the zone. Normally, if the use is not specifically listed, then it is not permitted or conditionally permitted in the zoning district. This addition allows the Community Development Director to permit in any zone a use not listed in the SDC if the requested use is of the same general type and is similar to the uses permitted within the zone.	Clarify and Streamline
3. Add Section 2.7 for new FR-20 zone	Add back into the SDC the Forestry Resource zoning district, which had been previously removed from the SDC. The proposal is one dwelling unit for 20 acres. It was originally a FR-75 zone (75 acre zone), but was modified to FR-20 (20 acres) to be consistent with the Comprehensive Plan and current state law and to mirror the provisions for the new Conservation/Open Space plan designation (adopted in 2002 as part of the Stearns Lane site).	Clarify and Update Code
4. Modify Table 2.2.110 in the Residential Districts	Modify Table 2.2.110 [Permitted Uses] in the Residential Districts to add listings for Temporary Medical Hardship Dwelling and Home Occupation, and clarify listings for Accessory Dwelling, Agriculture/Horticulture et al, and Manufactured Home Park.	Clarification
5. Table 2.3.130 in the Commercial Districts	Correct formatting for Table 2.3.130 [Development Standards] for the side and rear setbacks for the commercial zoning districts.	Clarification
6. Update Section 2.3.135 (commercial districts)	Add text to Section 2.3.135 to clarify standards for nonconforming single family residences in the commercial districts.	Clarification
7. Update Section 2.5.125 (industrial districts)	Add text to Section 2.5.125 to clarify standards for nonconforming single family residences in the industrial districts.	Clarification
8. Correct Section 5.3.110.D	In conjunction with items 7 & 8, correct cross-references in Section 5.3.110.D for nonconforming development.	Code Consistency

<p>9. Modify Table 2.5.110 (Permitted Uses in Industrial District)</p>	<p>Modify Table 2.5.110 [Permitted Uses] to separate item 1 under Industrial Uses into two separate uses: (1) Heavy manufacturing and assembly, and (2) Processing of raw materials. This is currently listed as one use; proposed change would provide options to allow both uses together or separately. Both uses would remain not permitted in the M-1 zone and conditionally permitted in the M-2 zone.</p>	<p>Clarification</p>
<p>10. Modify Section 2.1.130.D (Outdoor Sales/Display)</p>	<p>Modify Section 2.1.130.D (Outdoor Sales/Display) to add cross-reference to Section 2.6.110 (Accessory Uses and Structures) for consistency within the SDC</p>	<p>Code Consistency</p>
<p>11. & 12. Code Corrections</p>	<p>Correct Section reference and typographic error: (1) to code section that doesn't exist; and (2) reference to Roseburg municipal code.</p>	<p>Code Corrections</p>
<p>13. Modify Section 2.6.240</p>	<p>Modify Section 2.6.240 to clarify which zones allow agricultural uses and livestock. The uses are only allowed in the FR-20 and the residential zones, and subject to the standards of Section 2.6.240.</p>	<p>Clarification</p>
<p>14. Modify Section 3.3.140.B.2 (Fences and Walls)</p>	<p>Modifying Section 3.3.140.B.2 [Fences and Walls] to delete reference to "etc." as part of the exception to the four (4) foot height limitation for the height of fences and walls along or within the front yard setback. Current exception states "(except decorative arbors, gates, etc.)"</p>	<p>Clarification</p>
<p>15. Modify Section 3.4.120.A</p>	<p>Modify Table 3.4.120.A [Vehicle Parking, Minimum Standards Option] to delete reference to no parking required for Accessory Dwellings, and add requirement for one parking space per dwelling unit. This will be consistent with the standards listed in Section 2.6.100.D [Accessory Dwellings], which states that one off-street parking space is required for an accessory dwelling unit.</p>	<p>Clarification</p>
<p>16. Modify Table 3.5.110.F (Street Design Standards)</p>	<p>Modify Table 3.5.110F [Street and Pathway Design Standards] for Local Residential Streets with parking on both sides to state 10' instead of 9'-10' for motor vehicle travel lanes. This change is recommended by City Public Works to be consistent with design standards for travel lanes.</p>	<p>Clarification</p>
<p>17. Correct Section 3.5.110.H (Extension of Streets)</p>	<p>Correct typo in Section 3.5.110.H.2.c [Future Street Plan and Extension of Streets] for length of temporary turnarounds for street stubs over 150 feet in length. Currently states "Temporary turnarounds... for stub streets over one hundred (150) feet in length."</p>	<p>Code Correction</p>
<p>18. Modify Section 3.5.110.M.2 (Cul-de-sacs)</p>	<p>Modify Section 3.5.110.M.2 [Cul-de-sacs] to revise requirements for circular and hammerhead turnarounds for dead end streets. Based upon recent discussions with the City Fire Department and the County Building Official, modify language to state that such turnarounds shall be consistent with the Uniform Fire Code, Section 503, Appendix D.</p>	<p>Clarification</p>

<p>19. Modify Section 4.2.110 (Permit Procedures)</p>	<p>Modify Section 4.2.110 [Description of Permit Procedures] to add descriptive names to the types of land use procedures as follows:</p> <ul style="list-style-type: none"> a. Type I (ministerial) Procedure... b. Type II (administrative) Procedure... c. Type III (quasi-judicial) Procedure... d. Type IV (quasi-judicial) Procedure... 	<p>Clarification</p>
<p>20. Modify Sections 4.2.130, 4.2.140 and 4.2.150</p>	<p>For Type II, Type III and Type IV application procedures (Sections 4.2.130, 4.2.140 & 4.2.150), modify references to sections on Notice of Application, Notice of Public Hearing, Notice of Decisions, Appeal of Decisions, Who May Appeal and Appeal Procedures, as applicable, to add the titleholder of the subject property to the list of those notified and those who can appeal an application. Currently, the SDC only lists the applicant.</p>	<p>Clarification</p>
<p>21. Correct Section 4.2.130.G.2.a (Notice of Appeal)</p>	<p>Correct Section 4.2.130.G.2.a [Notice of Appeal, Type II Decision] to clarify the deadline for filing an appeal, & state that a notice of appeal shall be filed with the planning director by 5 p.m. of the <u>14th</u> day after the decision was mailed.</p>	<p>Update and Correction</p>
<p>22. Modify Section 4.2.140.C.1.c (Notice of Planning Commission Hearing)</p>	<p>Modify Section 4.2.140.C.1.c [Notice of Planning Commission Hearing] to delete item c., which requires posting of notice of the hearing on the subject property, at least 14 days before the public hearing. Posting of notices are still required for certain actions under statute, such as vacations, annexations and withdrawals from special districts, etc. However, ORS 197.763 does not require the posting of notices of public hearing as part of the notice requirements for quasi-judicial land use actions.</p>	<p>Update Code</p>
<p>23. Modify Section 4.2.150.D.2.c</p>	<p>Modify Section 4.2.150.D.2.c [Type IV Procedure] to update and correct reference to notices sent to DLCD. DLCD notices no longer require at least 45 days' notice. Under current state law, DLCD must receive notice at least 35 days prior to first evidentiary public hearing.</p>	<p>Update code</p>
<p>24. Clarify time limits for phased development</p>	<p>Add language Section 4.3.150.E, Site Plan Reviews , and Section 4.4.140.K, Subdivisions, to clarify the length of time for phased development. Phased development allows improvements to coincide with phasing and improvements on the same schedule. Example: For 3 phases, two years each for the first two phases and one year for the third phase, for a total of five years, each phase with platting and improvements both authorized in the phasing.</p>	<p>Update and Clarification</p>
<p>25. Modify extensions for approval periods for Subdivision/Land Partitions and PUDs</p>	<p>Modify Section 4.4.120.D.2 & Section 4.6.180.B to allow more than one 1-year extension for an approval of a subdivision, land partition or a planned unit development. As proposed, additional one-year extensions may be granted, up to a maximum of three (3) extensions, provided the applicable criteria for the extension have been met.</p>	<p>Update and Streamline</p>
<p>26. Update Section 4.4.180.A</p>	<p>Update Section 4.4.180.A to provide an additional means of performance guarantee for the installation of public improvements in conjunction with a land division. Add item 4. "Cash deposit with an escrow company"</p>	<p>Update</p>

<p>27. Modify Section 4.4.210.D.1</p>	<p>Modify Section 4.4.210.D.1 [Recording Property Line Adjustments] to change length of time for approval of a property line adjustment from 90 days to one (1) year to provide ample time to complete the tentative approval and applicable conditions of approval. The current tentative approval time of 90 days is unusually short and the extension is for one year. This change extends the original tentative approval to one (1) year.</p>	<p>Update and Streamline</p>
<p>28. Modify Section 4.7.130.B</p>	<p>Modify Section 4.7.130.B [Minor Modification Approval Procedures] to provide that minor modifications to a land use action are just a Type I procedure. They are nominal by definition, previously reviewed and designed to expedite completion of an application. The requirement to make certain minor modifications a Type II procedure will be deleted.</p>	<p>Streamline</p>
<p>29. Clarify Section 5.2 (Variances)</p>	<p>Modify variances to clarify that a Class A Variance is a Type I (ministerial) procedure, a Class B Variance is a Type II (administrative) Procedure, and that a Class C Variance is a Type III (quasi-judicial) Procedure.</p>	<p>Clarify and Streamline</p>
<p>30. Modify Section 5.2 (Variances)</p>	<p>Modify Section 5.2.110.A [Class A Variances] to clarify the language for approval of a Class A Variance. The existing language, as worded, is very confusing. The proposed change will help simplify the criteria.</p>	<p>Clarify and Streamline</p>
<p>31. Modify Section 5.2.120.A</p>	<p>Modify Section 5.2.120.A [Class B Variances] to clarify that Class B variances are a Type II variance only.</p>	<p>Clarification</p>
<p>32. Modify Section 4.2.160.D (Scriveners' Errors)</p>	<p>Currently, Section 4.2.160.D [General Provisions, Scriveners' Errors] states: "<i>The planning director has the authority to correct scrivener's errors in adopted findings of fact and decision documents</i>". No reference is made to enable the Planning Director or City Manager to correct scrivener's errors or make minor text corrections to the City Comprehensive Plan and its associated documents or the Sutherlin Development Code.</p> <p>Change Section 4.2.160.D to add language to enable the Community Development Director to make minor text corrections to the Comprehensive Plan, Zoning and Subdivision Ordinances and Transportation System Plan</p>	<p>Update and Streamline</p>
<p>33. Update Comp Plan policies and modify Section 2.5.120 in the Industrial district</p>	<p>Add language to the Comprehensive Plan to incorporate policies that were updated or added when adopted by the City in 2002 as part of the UGB expansion to add the 200 acre industrial site along Stearns Lane. Also, modify the industrial zoning district to add a temporary minimum parcel size required by DLCD for the 200-acre industrial site along Stearns Lane. Both of the amendments were adopted by the City in 2002 by City Ordinances 638 and 642, but were never added to the Comprehensive Plan or SDC.</p> <p>For the Comp Plan, Public Facilities Plan Policies, this action will amend policy A12 and add new policy B15, and for the land use element, it will add a new "Conservation/Open Space" plan designation.</p> <p>For the SDC, this action will add language to Section 2.5.120 [Development Standards] of the Industrial district to address the adopted temporary minimum parcel size.</p>	<p>Adopted plan policies and standards</p> <p>Add regulation for Stearns Lane industrial site (temporary minimum parcel size)</p>

<p>34. Incorporate amendments adopted in 2009 with the Exit 136 IAMP</p>	<p>Update several sections of the SDC with development code amendments that were originally adopted by the City in 2009 as part of the Interchange Area Management Plan for Exit 136 (IAMP), but were never incorporated in the SDC. These revisions affect Section 3.2 Access and Circulation, Section 3.5.110 Transportation Standards, and Chapter 4, Sections 4.3 and 4.8.</p>	<p>Update and Clarify</p>
<p>35. Update Section 1.4.120.A (Penalty for Enforcement)</p>	<p>Modify Section 1.4.120.A [Penalty for Enforcement] to remove the words “a misdemeanor” from the text. This item was added by the Planning Commission at their January 17, 2017 meeting, and approved by the City Attorney on January 25, 2017.</p>	<p>Update and Clarify</p>
<p>36. Modify Table 2.5.110 (Industrial Permitted Uses)</p>	<p>Modify Table 2.5.110 [Permitted Uses] to change two uses from not permitted to conditionally permitted in the (M-2) Heavy Industrial zone; (1) vehicle repair, sales, rental, storage, service and fuel sales, and (2) repair services. <u>This item was added by City Council at the CC workshop on February 27, 2017.</u></p>	<p>Update</p>
<p>PART II – NEW MIXED USE ZONING DISTRICT</p>		
<p>Add new mixed use zoning district</p>	<p>Add a new mixed use zoning district to the Sutherlin Development Code. The intent behind this mixed use district is to provide areas in which a variety of land use activities may be blended together with special locational conditions related to transportation facilities, existing uses on larger properties, reuse areas, and buffers between industrial, commercial and residential areas. This mixed use district (MU) may be applied through a zone change to areas designated as (C-3) Community Commercial and (M-1) Light Industrial.</p>	<p>Streamline</p>
<p>PART III – AMENDMENTS TO SECTION 3.7 [SIGN CODE]</p>		
<p>Modify Section 3.7 (Signs)</p>	<p>Based upon feedback from the public and City Council, amend Section 3.7 of the SDC to update the sign code standards adopted in October 2008 as part of City Ordinance No. 991. This action will modify the definitions of sign and abandoned sign; update standards for issuance of permit to address grandfathered signs, and add provision for abandoned signs where the City can, at its discretion, allow the Sutherlin Chamber of Commerce to utilize an abandoned sign for civic enhancement, with the permission of the property owner(s). It is noted that state law limits jurisdictions from regulating sign content.</p>	<p>Update and Clarify</p>