



City of Sutherlin
Planning Commission Meeting
Tuesday, March 20, 2018
7:00 p.m. – Sutherlin Civic Auditorium

Agenda

Pledge of Allegiance

Introduction of Media

Approval of Minutes

February 20, 2018 – Regular Meeting

Quasi-Judicial Hearing(s)

- 1. 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 in the City of Sutherlin. Vehicle repair, sales and rental services is a conditionally permitted use in the M-2 zone. 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-SO02.**

Monthly Activity Report(s)

Public Comment

Commission Comments

Adjournment

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

COMMISSION MEMBERS PRESENT: John Lusby, William Lee, Richard Price, and Michelle Sumner

COMMISSION MEMBERS EXCUSED: Sam Robinison

COMMISSION MEMBERS ABSENT: None

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

AUDIENCE: None

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 December 19, 2017 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.

UGB UPDATE – TRANSPORTATION IMPACT STUDY (TIS)

Jamie Chartier, City Planner, provided the Planning Commission a brief update to the UGB Exchange. She stated that the City Council approved the 1st Reading of the ordinance at the February 12th meeting. The 2nd reading will be at the February 26th meeting; once this is done it will go before the Board of Commissioners on March 7th and from there get submitted to DLCD for their review and adoption. The TIS was completed and ODOT concluded that a “significant effect” would not result from the proposed annexations and zone change. Member of the Planning Commission were thankful for the update.

MONTHLY ACTIVITY REPORT

Brian Elliott, Community Development Director, started with an introduction of Jamie Chartier, City Planner. Then provided updates to several City projects, beginning with Central Avenue. He indicated that the construction is moving along with some cost saving measures started prior to October with utility conflict work and has continued to move forward. The project is currently on schedule with the reconstruction of the ADA ramps. Work on the ramps is currently rotating from the east end of Central to the west end of Central Avenue due to utility conflicts. Mr. Elliott noted that there have not been any traffic control complaints; however, the City continues to receive complaints regarding pot holes.

Mr. Elliott stated that N. Comstock was 100% complete; however, discussions continue regarding the installation of speed bumps/humps and signage.

Mr. Elliott provided an update to the Wastewater Treatment Plant (WWTP), stating that the project will go out to bid in late January or early February, 2018. He stated that the Department of State Lands (DSL) have been great to work with; however the US Army Corp of Engineers (USACE) has caused some major hiccups throughout the project. Three concerns they raised were the Ford's Pond Discharge Line, Staging Area and the Wastewater Treatment Plant Construction Site.

Mr. Elliott concluded his Activity Updates by informing the Commission that the Ford's Pond Community Park Masterplan was adopted by Council on December 11, 2017. Partnering with Friends of Ford's Pond, the City will now pursue grants for Phase 1 and Phase 2.

PUBLIC COMMENT - None

COMMISSION COMMENTS

Commissioner Sumner asked about S. State Street paving repair; Mr. Elliot explained he had spoken to Public Works and it is on their list to get fixed.

ADJOURNMENT - With no further business the meeting was adjourned at 7:20 pm.

Respectfully submitted,

Jamie Chartier, City Planner

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

John Lusby, Commission Chair



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City of Sutherlin

March 13, 2018

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **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.**

STAFF EXHIBITS

1. Notice of Public Hearing with affidavit of mailing
2. Property Owners within 100 Feet
3. Staff Report with Responses Attached
4. Conditional Use Permit application and attachments
5. Vicinity Map
6. Assessor Map
7. Zoning Map
8. Water Utility Map
9. Sewer Utility Map
10. Aerial Photograph
11. Wetlands Map

INTRODUCTION

The applicant, Daniel R. Lang, is requesting a Conditional Use Permit to authorize Vehicle repair, sales and rental services that is currently operating on the subject property and within an existing building 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 (General Industrial) zone.

The proposed use will be located in the northeast portion of the subject property and within the existing building located at 1378 S. Calapooia Street. The industrial property is currently leased by Bubba's Tire and Wheel (Carey Gaskins). The subject property is described as Tax Lot 1000 in Section 29B, T25S, R5W, W.M.; Property I.D. No. R45376. The property is designated Heavy Industrial by the Sutherlin Comprehensive Plan and zoned M-2 by the Sutherlin Development Code. The surrounding properties are all industrial zoned.

During the public hearing, the Planning Commission will accept public testimony and make a decision on the application after the hearing. This application is being processed as a Type III procedure for a Conditional Use Permit, subject to the applicable criteria of Section 2.5 [M-2 zone] and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable criteria and render a decision on the matter.

PROCEDURAL FINDINGS OF FACT

1. The requested application was filed with the City on January 24, 2018, and deemed complete on February 20, 2018.
2. Notice of a Public Hearing on the Conditional Use Permit application before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on February 21, 2018.
 - a. John McDonald, ODOT Development Review Planner, commented that ODOT reviewed the conditional use permit and had no comments.
 - b. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.
3. Present Situation: The subject property is developed with an existing industrial building and parking lot. The proposed vehicle repair, sales and rental services are operating on the subject property and within the existing building without necessary approvals.
4. Plan Designation: Heavy Industrial (HI).
5. Zone Designation: General Industrial (M-2).
6. Public Water: The subject property has existing public water from the City of Sutherlin.
7. Sanitary Sewer: The subject property has existing sanitary sewer system.

8. Transportation System: The subject property fronts onto S. Calapooia Street and adjacent to a Central Oregon Pacific Railroad (C.O.P.R.) crossing. S. Calapooia Street is a designated Collector road where it fronts the subject property, and currently under the jurisdiction of Douglas County.
9. Overlay: The subject property has a portion of identified wetlands.

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

APPLICABLE CRITERIA & FINDINGS

The proposed Conditional Use Permit is considered a Type III procedure, subject to the applicable criteria of Sutherlin Development Code, including Section 2.5 [M-2 zone] and Section 4.5 [Conditional Use Permits].

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

DEVELOPMENT STANDARDS (SECTION 2.5, M-2 ZONE)

1. The subject property is designated Heavy Industrial (HI) by the Sutherlin Comprehensive Plan and zoned (M-2) General Industrial by the Sutherlin Development Code. Vehicle repair, sales, rental, storage, service and fuel sales are conditionally permitted uses in the M-2 zone.
 - a. Table 2.5.120A provides the following development standards for the M-2 zone:
 - i. Minimum zone size: None
 - ii. Maximum building height: Buildings shall be no more than three (3) stories or thirty-five (35) feet in height, whichever is greater.
 - iii. Yard Setbacks: Front – 20 feet (minimum); standard shall be increased by one foot for every one foot of building height in excess of 35 feet; Side & Rear – 0 feet, except shall be setback from residential districts by a minimum of 40 feet and from other non-industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 35 feet.
 - iv. Lot Size & Dimensions: No standard
 - v. Lot Coverage: 80% maximum

FINDING: The proposed application is to bring into compliance the Vehicle repair, sales and rental services that is currently operating on the subject property and inside the existing industrial building. The existing building height is less than 35 feet. No improvements are currently proposed with this application to the existing building. At the time any improvements or alteration are proposed the applicant and permit shall be in compliance with the Sutherlin Development Code Section 2.5 M-2.

2. The requested application requires review of the vehicle and bicycle parking standards in Section 3.4 of the Sutherlin Development Code.

3. Table Section 3.4.120.A outlines the required vehicle parking standards. Industrial uses, except warehousing require one (1) space per two (2) employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus one (1) space per company vehicle.

a. As indicated in the application, there are two (2) employees; the existing industrial building is approximately 2,160 sq. ft., including a waiting area, two (2) bay shop and restroom.

FINDING: Based upon the size of the industrial building and the number of employees, one (1) off-street parking space is required for the proposed use. The application states that four (4) customer parking spaces are available on the west side of the building. The amount of available parking spaces is consistent with the parking requirements of the SDC.

CONDITIONAL USE PERMIT CRITERIA (SECTION 4.5)

4. The requested conditional use permit is subject to the applicable criteria of Section 4.5 of the Sutherlin Development Code. As indicated previously, vehicle repair, sales and rental services, are conditionally permitted uses in the M-2 zone.
5. Pursuant to Section 4.5.120, the applicant has provided the following narrative as part of their request, which states, in part:

Narrative documenting compliance:

Bubba's Tire and Wheel owned and operated by Carey Gaskins, is currently leasing the existing building and subject property from the applicant/property owner. The business is primarily an auto repair shop; it is also a satellite U-Haul truck rental center and certified U-Haul road repair facility.

The shop consists of an office, waiting room space and has a two bay repair stations equipped with two post lifts. Bubba's Tire and Wheel is also capable of tire mounting and balancing and owns the machinery to affect this.

Bubba's Tire and Wheel is invested in bettering the property and boosting its appeal. To that end, the building is in the process of being repainted. Any automobiles on the lot for repair of U-Haul rental trucks are being placed carefully. The field and surrounding property is getting groomed and neatened up.

Conditional use application:

Application for vehicle repair, auto sales, tire sales and vehicle rental at 1378 S. Calapooia St.

- *The 2,160 sq ft building is currently designed and being utilized for vehicle repair including a two-bay repair stations equipped with post lifts.*
- *Bubba's Tire and Wheel is also a satellite U-Haul truck rental center and certified U-Haul road repair facility. With adequate graveled parking area.*
- *Hours of operation to be six (6) days a week (Monday – Saturday); 9:00 am to 5:00 p.m.*
- *Auto Repair, Vehicle sales and truck rental will use the existing building, fenced area for storage and parking area for vehicle display.*
- *Auto Repair, Vehicle sales and rental will use the existing building with no structural changes or improvements to building or street. No changes to*

number of people typically using facility on any given day. No changes to lighting, power, sewer or any other modification.

FINDINGS:

6. Section 4.5.130 of the SDC identifies the applicable criteria and standards for a conditional use permit: The City Planning Commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following:
7. Conditional Use Criteria (Section 4.5.130.A)
 - a. *The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*
 - i. The applicant/property owner and lessees will utilize the existing industrial building, fenced area and parking. No physical changes or alterations to the building are proposed. Based upon the size of the industrial building and number of employees, two (2) parking spaces are required for the proposed use. The truck rental use will utilize existing parking space as currently available on the subject property. The amount of parking spaces provided will be consistent with the requirements of the Sutherlin Development Code. Furthermore, based upon the nature of the proposed use within the existing building, no negative impacts due to noise, exhaust/emissions, light, glare, erosion, odor, dust, visibility or safety are anticipated.
 - b. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and*
 - i. The subject property, including the area to be used, is surrounded by existing industrial zoned properties. No negative impacts are anticipated as part of this use, including to the adjacent industrial properties and the surrounding transportation system. The application states that business will have operating hours from 9 a.m. to 5 p.m., Monday through Saturday. The applicant has demonstrated compliance with the applicable parking requirements. No mitigating conditions are necessary for the requested use.
 - c. *Public facilities have adequate capacity to serve the proposal or will be made adequate by the applicant.*
 - i. The subject property is currently served by existing utilities, including public water and sanitary sewer system. With this proposal, the applicant will continue to utilize the existing industrial building. No physical changes or alterations to the building are proposed, including any new extension of public services. No negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.

8. Site Plan Criteria (Section 4.5.130.B), which states the criteria for site plan review approval (Section 4.3.150) shall be met.
 - a. Based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application will comply with the applicable provisions of the M-2 zoning district; and the applicable design standards of Chapter 3, including off-street parking. The application for vehicle repair, sales and rental services is an existing use that hasn't previously been reviewed by the city on the property. The use will complement the current use of the property and adjacent manufacturing business to the east. The existing industrial building is not considered a non-conforming development on the property, and is not part of a phased development.

9. Conditions of Approval (Section 4.5.130.C)
 - a. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.

 - b. If approved, the conditions of approval should require the applicant to:
 - i. The applicant and/or property owner shall provide documentation (i.e. final plan) for the proposed use demonstrating continued compliance with the landscaping and vehicle parking standards of the Sutherlin Development Code (SDC).

 - ii. Operating Hours to be 9 a.m. to 5 p.m., Monday through Saturday.

 - iii. Inoperable and/or dismantled vehicle(s) shall be stored within the fenced area.

 - iv. The approved use shall comply with the City Nuisance Ordinance of the Sutherlin Municipal Code, Chapter 8.16

 - v. Existing and/or proposed signs shall comply with the Sutherlin Development Code Section 3.7. The applicant shall obtain a Planning Clearance approval from Community Development Department for each existing and/or proposed sign.

 - vi. The applicant and/or property owner shall meet all the requirements of Section 3.2.110(R) of the Sutherlin Development Code.

 - vii. Obtain necessary Planning Clearance approval(s) from Community Development Department once all above conditions have been met.

ACTION ALTERNATIVES

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

1. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 1378 S. Calapooia Street, based upon the findings of the staff report and/or testimony brought forward through the public hearing process, which recognize the approval criteria can be met at this time, subject to the following conditions
 - i. 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).
 - ii. Operating Hours to be 9 a.m. to 5 p.m., Monday through Saturday.
 - iii. Inoperable and/or dismantled vehicle(s) shall be stored within the fenced area.
 - iv. The approved use shall comply with the City Nuisance Ordinance of the Sutherlin Municipal Code, Chapter 8.16
 - v. Existing and/or proposed signs shall comply with the Sutherlin Development Code Section 3.7. The applicant shall obtain a Planning Clearance approval from Community Development Department for each existing and/or proposed sign.
 - vi. The applicant and/or property owner shall meet all the requirements of Section 3.2.110(R) of the Sutherlin Development Code.
 - vii. Obtain necessary Planning Clearance approval(s) from Community Development Department once all above conditions have been met.
2. **APPROVE** the requested Conditional Use Permit on the subject property addressed as 1378 S. Calapooia Street, based on Findings of Fact and/or testimony brought forward through the public hearing, which recognize the approval criteria can be met at this time.
3. **CONTINUE THE PUBLIC HEARING** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal; or
4. **DENY** the requested Conditional Use Permit on the subject property, based on Findings of Fact and/or testimony brought forward through the public hearing, on the grounds that the proposal does not satisfy the applicable approval criteria.

STAFF RECOMMENDATION

City Staff recommends that the Planning Commission select Action Alternative #1 and **APPROVE subject to conditions** the requested Conditional Use Permit, as outlined in the application, on the subject property addressed 1378 S. Calapooia Street.



City of Sutherlin

Date: March 13, 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 has progressed into the downtown streetscaping portion of the project and are currently still on schedule for paving at the end of July, 2018.

Valentine Ave Paving Improvement Engineering/Design and Construction contract will be presented to Council on April 9, 2018.

Transportation System Plan (TSP) updates process has started. Two bids were received in response to the RFP that ODOT advertised for. The selection committee has met and selected Kittelson and Associates. Contract negotiations with Kittelson and Associates are now under way.

UTILITIES

Wastewater Treatment Facility went out to bid on February 14, 2018. The pre-bid meeting was held on February 28, 2018. 36 individuals attended the pre-bid meeting. Bids are due by 11:00 a.m. on March 22, 2018. Contract to be awarded by Council on March 26, 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.

LAND USE ACTIVITY

Building Worksheets

- 2018-01 500 E Fourth Ave – Accessory Building
- 2018-02 668 Divot Lp – Single Family Dwelling
- 2018-03 146 Sunset – Addition to Existing Single Family Dwelling
- 2018-05 431 Backwater Loop – Single Family Dwelling
- 2018-06 436 Fairway Estates - Single Family Dwelling
- 2018-07 440 Fairway Estates - Single Family Dwelling
- 2018-08 439 Backwater Loop - Single Family Dwelling
- 2018-09 508 Fairway Estates - Single Family Dwelling
- 2018-10 528 Fairway Estates - Single Family Dwelling
- 2018-11 530 Fairway Estates - Single Family Dwelling
- 2018-12 119 W Central Ave – Sign
- 2018-13 145 Myrtle St 104 – Interior Remodel
- 2018-14 422 Bentgrass Ct - Single Family Dwelling

- 2018-15 1476 E Central Ave - Single Family Dwelling
- 2018-16 1458 E Central Ave - Single Family Dwelling
- 2018-17 1071 South Side Rd - Single Family Dwelling
- 2018-18 818 Valley Vista - Single Family Dwelling
- 2018-19 126 E Central Ave – Interior Remodel
- 2018-20 1200 E Central Ave Sp #30 – Manufactured Dwelling
- 2018-21 682 W Sixth Ave – Fence
- 2018-22 429 Backwater Loop - Single Family Dwelling
- 2018-23 426 Fairway Estates - Single Family Dwelling
- 2018-24 420 Fairway Estates - Single Family Dwelling
- 2018-25 425 Backwater Loop - Single Family Dwelling
- 2018-26 569 S. State St - Single Family Dwelling
- 2018-27 1930 W Duke – Manufactured Dwelling

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

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