



**City of Sutherlin
Planning Commission Meeting
Tuesday, October 16, 2018
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Approval of Minutes

September 18, 2018 – Regular Meeting

Quasi-Judicial Hearing(s)

1. **STEPHANIE WANSLEY**, has petitioned the City of Sutherlin to vacate the entire Ault Court right-of-way. Ault Court is a platted, unimproved right-of-way platted as part of Grace Subdivision (Volume 15, Page 12). The said street is described on Douglas County Assessor's Map, Section 16CC, T25S, R5W, W.M. The street is located in a Medium Density Comprehensive Plan and Medium Density Residential (R-2) zone district. **PLANNING DEPARTMENT FILE NO. 18-S015.**

Monthly Activity Report(s)

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7PM
TUESDAY, SEPTEMBER 18, 2018**

COMMISSION MEMBERS PRESENT: John Lusby, Sam Robinson, Richard Price, Collin Frazier, Adam Sarnoski and Elainna Swanson

COMMISSION MEMBERS EXCUSED: William Lee, Sam Robinson

COMMISSION MEMBERS ABSENT: None

CITY STAFF: Jamie Chartier, City Planner

AUDIENCE: Peggy Frazier

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 Sarnoski to approve the minutes of the August 21, 2018 Planning Commission meeting; second made by Commissioner Price.

In favor: Commissioners Price, Frazier, Sarnoski, Swanson and Chair Lusby

Opposed: None

Motion carried unanimously

APPROVAL OF FINDINGS OF FACT

A motion made by Commissioner Price to approve the Findings of Fact for Rodney Linton's request for a Conditional Use Permit (File No. 18-S010) presented at the June 19, 2018 Planning Commission meeting; second made by Commissioner Sarnoski.

In Favor: Commissioners Price, Frazier, Swanson and Chair Lusby

Opposed: None

Motion carried unanimously.

MONTHLY ACTIVITY REPORT

Mrs. Chartier asked the Commissioners if they had any questions with the Activity Report that was given to them in their packets. No questions were asked with regards to the activity report.

PUBLIC COMMENT - None

COMMISSION COMMENTS - None

ADJOURNMENT - With no further business the meeting was adjourned at 7:04 pm.

Respectfully submitted,

Jamie Chartier, City Planner

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

John Lusby, Commission Chair

DRAFT



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City of Sutherlin

October 9, 2018

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **STEPHANIE WANSLEY**, has petitioned the City of Sutherlin to vacate the entire Ault Court right-of-way (approximately 50 feet wide, 240± feet in length). Ault Court is a platted, unimproved right-of-way platted as part of Grace Subdivision (Volume 15, Page 12). The said street is described on Douglas County Assessor's Map, Section 16CC, T25S, R5W, W.M. The street is located in a Medium Density Comprehensive Plan and Medium Density Residential (R-2) zone district.
PLANNING DEPARTMENT FILE NO. 18-S015.

STAFF EXHIBITS

1. Notice of Public Hearing with affidavit of mailing
2. Copy of Legal Notice posted in the News Review
3. Staff Report with Responses Attached
4. Vacation of Street application and attachments (petitions of property owners per ORS 271.08)
5. Vicinity Map
6. Assessor Map
7. Zoning Map
8. Water Utility Map
9. Sewer Utility Map
10. Aerial Photograph

INTRODUCTION

The applicant, Stephanie Wansley, is requesting to vacate the entire Ault Court right-of-way. Ault Court is a platted, unimproved right-of-way, approximately 50 feet wide, 240± feet in length platted as part of Grace Subdivision (Volume 15, Page 12).

The said street is described on Douglas County Assessor's Map as Section 16CC, T25S, R5W, W.M. The subject properties are described as Tax Lot(s) 3600, 3700, 3800, 4100, 4200, 4300 and 4400 all in Section 16CC, T25S, R5W, W.M.; Property I.D. No.'s R49212, R49219, R49226, R49233, R49240, R49247 and R49254. The property is designated Medium Density by the Sutherlin Comprehensive Plan and zoned R-2 by the Sutherlin Development Code. The surrounding properties to the north, east and west are all residentially zoned, while the property to the south is zoned Public/Semi-Public.

During the public hearing, the Planning Commission will accept public testimony and make a recommendation on the application after the hearing. The proposed right-of-way vacation is evaluated in this report against the criteria and procedures for approving a right-of-way vacation as provided in Oregon State Statute (ORS 271). Each applicable criterion is addressed separately, and proposed findings are provided to assist the Planning Commission in deciding on this matter. The Planning Commission will review the applicant's request for compliance with the applicable criteria and render a recommendation to City Council on the matter.

PROCEDURAL FINDINGS OF FACT

1. The requested application was filed with the City on August 27, 2018, and deemed complete on September 5, 2018.
2. The petitioner provided documented consent of 33 property owners totaling more than the required 2/3 of the land area within the designated distance described in ORS Chapter 271.080, including all owners of property abutting the Ault Court right-of-way.
3. The application was reviewed by the City of Sutherlin Public Works, Police, Fire and Community Development Departments. Each department recommended that the requested Ault Court right-of-way vacation be approved.
4. Notice of a Public Hearing on the Vacation of a Street application before the Planning Commission was given in accordance with ORS 271 procedure. Notice was sent to affected property owners of record within 300 feet of the subject property, service providers, and governmental agencies on September 18, 2018.
 - a. John McDonald, ODOT Development Review Planner, commented that ODOT has no comments on the proposed vacation.
 - b. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.
5. Present Situation: Two (2) of the seven (7) lots approved in Grace Subdivision are improved with single family dwellings. The remainder of the subdivision is undeveloped. Ault Court is platted as approximately 50± feet wide and 240± feet in length and is currently undeveloped.
6. Plan Designation: Medium Residential (RM).
7. Zone Designation: Medium Density Residential (R-2).
8. Public Water: Public water is available from the City of Sutherlin.

9. Sanitary Sewer: Public sanitary sewer system is available from the City of Sutherlin.
10. Transportation System: The subject property fronts on Glen Avenue. Glen Avenue is designated as a residential Local Street where it fronts the subject properties.
11. Overlay: The subject property has no identified overlays.

FINDING: The procedural findings noted above are adequate to support the Planning Commission’s recommendation on the request for the Vacation of Ault Court right-of-way.

APPLICABLE CRITERIA & FINDINGS

The proposed Vacation of road right-of-way procedure set by state statute, subject to the applicable criteria of ORS 271, including Section 2.2 [R-2 zone], Section 3.2 [Access and Circulation] and Section 4.4.200(F) [Vacation of Streets].

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 2.2, R-2 ZONE)

1. **Development Standards (Section 2.2.120)**: The Residential zoning districts fall into four categories: RH, R-1, R-2, and R-3, as denoted in SDC Section 2.2.120, and includes minimum lot area and dimensions, as well as minimum setbacks and maximum lot coverage.
 - a. For the R-2 zone, the minimum lot area is 6,000 sq. ft. for a single family non-attached lot, with the minimum lot width of 40 feet at the frontage and lot depth of 90 feet. The maximum lot coverage for development is 60 percent.
 - b. The setbacks in the R2 zone are: Front – 15 feet for house (20 feet for a garage entrance); Side – 5 feet for one story, 7 feet for two story, 0 feet for townhouse; Street Side – 10 feet for one and 15 feet for two story; and Rear – 10 feet.

FINDING: The proposed application is to vacate the existing unimproved, platted right-of-way known as Ault Court. No improvements are currently proposed with this application to the existing developed lots. At the time any improvements or alteration are proposed the applicant and permit shall be in compliance with the Sutherlin Development Code Section 2.2, R-2 zone.

DESIGN STANDARDS CRITERIA (SECTION 3.1)

1. **Access and Circulation (Section 3.2)**
 - a. 3.2.100 Vehicular Access and Circulation

Applicability. All development in the city must comply with the provisions of chapter 3, Design Standards. Development projects requiring land division, conditional use permit, and/or site design review approval require detailed findings demonstrating compliance with each section of chapter 3, as applicable. For smaller, less complex projects, fewer code provisions may apply and detailed findings may not be required where no discretionary land use or development permit decision is made.

1. Access to the proposed reconfigured lots will be via direct access onto Glen Avenue. Proposed Parcel 1 will have direct access, while proposed Parcel 2 will be via a 25' easement across proposed Parcel 2 (per File No. 18-S016).

Section 3.2.110 Vehicle Access and Circulation

Q. Flag Lots. *Flag lots may be created where the configuration of a parcel does not allow for standard width lots. A flag pole access drive may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots. A drive serving more than one lot shall conform to the standards in subsections 1-4 below:*

1. Driveway and Lane width of all shared drives and lanes shall be twenty (20) feet of pavement with a minimum lot frontage width of twenty-five (25) feet wide throughout the driveway;
2. Easement. Where more than one (1) lot is to receive access from a flag pole drive, the owner shall record an easement granting access to all lots that are to receive access. The easement shall be so indicated on the preliminary plat;
3. Maximum Drive Lane Length. The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty (150) feet without an emergency turnaround approved by the city; and
4. Area Calculation. The flag pole portion of a lot shall not be counted for the purpose of meeting lot area requirements or determining setbacks

FINDING: With the vacation of Ault Court, and replat application submitted (File No. 18-S016) depicts a flag lot will be created and be required to meet the requirements of this section.

R. Construction. *The following standards shall apply to all driveways and private streets:*

1. Surface Options. *Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt, concrete or comparable surfacing; alternatively, a durable non-paving material such as pavers, or other materials approved by the city may be used to reduce surface water runoff and protect water quality.*
2. Surface Water Management. *When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.*
3. Driveway Aprons. *When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be constructed to city standards and paved with concrete surfacing. See subsection M, above.*

FINDING: Private Streets and driveways to any future homes on the proposed parcels are required to meet the requirements of the above construction and surface water improvements of this section.

REPLATTING AND VACATION OF PLATS (SECTION 4.4.200)

F. Vacation of Streets. All street vacations shall comply with the procedures and standards set forth in this section and ORS Chapter 271.

FINDING: The application submitted met the requirements and procedures of this section and ORS 271. City Staff has followed the required procedures for publishing, posting of public notice and public hearing of the petition per this section and ORS 271; these procedures govern the approval of this request for right-of-way vacation.

Conclusion: The proposed Ault Court right-of-way vacation requested Stephanie Wansley has the consent of the record owners of property in the required notice area. Furthermore, with the provision of access requirements and/or easements, the public interest will not be prejudiced by approval of the proposed right-of-way vacation. The vacation does not appear to conflict with the Sutherlin Comprehensive Plan or the Sutherlin Development Code (SDC).

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. **RECOMMEND** to the City Council **approval** of the Ault Court right-of-way vacation request.
2. **RECOMMEND** to the City Council **approval** of the Ault Court right-of-way vacation, **with specified conditions**.
3. **RECOMMEND** to the City Council **denial** the requested of the Ault Court right-of-way vacation, 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.
4. **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

STAFF RECOMMENDATION

City Staff recommends that the Planning Commission select Action Alternative #1 and **RECOMMEND** to the City Council **approval** of the requested Ault Court right-of-way vacation, as outlined in the application, on the subject property.



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City of Sutherlin

Date: October 9, 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

Guido Construction is working on completing the final punch list.

Valentine Ave Paving Improvement

50% plans sheets have been submitted by I.E. Engineering. They are currently being reviewed by city staff

Transportation System Plan (TSP) ODOT has completed the negotiations to the contract with Kittelson and Associates. Kick-Off Meeting/Site Visit is tentatively scheduled for November 1st.

UTILITIES

Tapani Construction, Inc is in full swing of construction on the Wastewater Treatment Facility. No changes, still on schedule.

Safe Routes To School Grant Application

Working closely, with the Sutherlin School District, Waite Street has been identified as a safety hazard area for kids to walk and/or bike to school. The intent of this grant would be to provide a wider street, bike lanes, curbs, gutters, sidewalks, crosswalks and a flashing beacon within the existing right of way to create a safe route to school for our children. Grant Application deadline is October 15, 2018.

LAND USE ACTIVITY

Building Worksheets

- 2018-01 – 2018-97 on previous Activity Report(s)
- 2018-98 550 S State St, Sp 147 – MH Placement
- 2018-99 219 N Umpqua St – Addition to Commercial Bldg
- 2018-100 1200 E Central Ave, Sp 83 – Carport
- 2018-101 1021 E Central Ave – Interior Remodel (existing commercial bldg.)
- 2018-102 1798 W Duke Ave – Single Family Dwelling
- 2018-103 142 E Fifth Ave – Single Family Dwelling
- 2018-104 289 Sunnyside Ct – Patio Cover
- 2018-105 538 Oak Terrace – Interior Remodel

- 2018-106 1200 E Central Ave, Sp 121A - Carport
- 2018-107 461 Fairway Estates – Single Family Dwelling

Active Land Use Applications

- 18-S001 – 18-S014 on previous Activity Report(s)
- 18-S015 – Wansley - Street Vacation
- 18-S016 – Wansley – Replat & PLA
- 18-S017 – Westside Center Inc – PUD
- 18-S018 – City of Sutherlin – Withdrawal of Territory
- 18-S019 – City of Sutherlin – Withdrawal of Territory
- 18-S020 – Rogers, Timothy & Leoni – LP (3 Parcels)
- 18-S021 – Rogers, Timothy & Leoni – Major Amendment
- 18-S022 – Robinson, Brenda – LP (3 Parcels)
- 18-S023 – Robinson, Brenda – LP (2 Parcels)
- 18-S024 – Cross, Ron - PLA

Right of Way Applications

- 18-01 – 18-24 on previous Activity Report(s)
- 18-25 – C-2 Utilities – 1347 and 1355 E Third St to Casa de Loma
- 18-26 – Avista Utilities – 162 Mardonna Way
- 18-27 – Avista Utilities – 470 E Everett Ave
- 18-28 – Avista Utilities – 351 St John
- 18-29 – Avista Utilities – 316 Terrace St (north)
- 18-30 – Avista Utilities – Hawthorne to Dean
- 18-31 – Avista Utilities – 150 Lane St south to end
- 18-32 – Avista Utilities – 219 N Umpqua St