



**City of Sutherlin  
Planning Commission Meeting  
Tuesday, October 18, 2022  
7:00 p.m. – Sutherlin Civic Auditorium  
Agenda**

**Pledge of Allegiance**

**Introduction of Media**

**Approval of Minutes**

September 20, 2022 – Regular Meeting

**Psilocybin Code Amendment Workshop**

**Monthly Activity Report**

**Public Comment**

**Commission Comments**

**Adjournment**

**CITY OF SUTHERLIN  
PLANNING COMMISSION MEETING  
CIVIC AUDITORIUM – 7:00 PM  
TUESDAY, SEPTEMBER 20, 2022**

**COMMISSION MEMBERS PRESENT:** Lisa Woods, Alan Woods, Norm Davidson, Adam Sarnoski and Michael Hogsett

**COMMISSION MEMBERS EXCUSED:** Tom Maloney

**COMMISSION MEMBERS ABSENT:** None

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

**AUDIENCE (via Zoom):** None

Meeting called to order at 7:00 pm by Chair L. Woods

**FLAG SALUTE**

**INTRODUCTION OF MEDIA:** None

**APPROVAL OF MINUTES**

A motion made by Commissioner Sarnoski to approve the minutes of the September 20, 2022 Planning Commission meeting; second made by Commissioner A. Woods.

In favor: Commissioners A. Woods, Sarnoski, and Chair L. Woods

Opposed: None

Excused: None

Motion carried unanimously with Commissioner Hogsett and Davidson abstaining.

**INTRODUCTION OF NEW PLANNING COMMISSION MEMBER**

Chair L. Woods welcomed Michael Hogsett to the Planning Commission. Mr. Hogsett then introduced himself and gave a brief background about himself.

**PSILOCYBIN REGULATIONS (DISCUSSION)**

**Jamie Chartier, City Planner**, gave the Commissioners a brief background on Measure 109 (ORS 475A, Psilocybin Regulation) that was passed by Oregon state voters in the 2020 election. Staff informed the commission members that City Council has proposed a two-year prohibition on locating psilocybin facilities within City limits, but that prohibition must be approved by the voters. If the measure is approved, the state will not issue any psilocybin manufacturing or service center licenses in the City until January 2025. However, if the measure fails, the state will be able to issue licenses for such facilities in January 2023.

Because it is unknown if the voters will approve a temporary two-year prohibition, it has been recommended by our City Attorney to have time, place and manner requirements and restrictions in place within our development code for any licensees who see a license in January 2023. With this being said our City Attorney is asking Councilors, Planning Commission Members and staff to compile comments, questions or suggestions that may be imposed regarding time, place and manner restrictions that they would like to see imposed for psilocybin manufacturing facilities and service centers.

Mrs. Chartier gave an example of placing a restriction of 500' from residential zoned property. Chair L. Woods asked if dance schools, karate studios and parks have distance requirements as well and be included in the 1000' requirement that is listed within ORS 475A from public or private schools. It was also asked from the commission to staff if other states allowed psilocybin to be legal. Staff present is not currently aware of psilocybin being permitted in other states. Commissioner Sarnoski stated that he feels it should not be permitted within the Downtown Commercial (C-1) zone and conditionally permitted within the Community Commercial (C-3) zone. Another idea discussed was to not permit psilocybin related business within the Light Industrial (M-1) zone and conditionally permitted in the General Industrial (M-2) zone.

Discussing ensued with commission members and staff, **Brian Elliott, Community Development Director**, did ask that if they had any questions, comments or suggestions to please send him an email by September 30<sup>th</sup>. Those questions, comments and suggestions will get forwarded to our City Attorney.

**ACTIVITY REPORT – Jamie Chartier, City Planner**, asked the commission if they had a chance to review the activity report and if they had any questions. Mrs. Chartier also explained to the new member about the activity report and if they have any questions to please reach out to one of us (or all three) in Community Development.

**COMMISSION COMMENTS – None**

**ADJOURNMENT** - With no further business the meeting was adjourned at 7:38 pm.

Respectfully submitted,

\_\_\_\_\_  
Jamie Chartier, City Planner

**APPROVED BY COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Lisa Woods, Commission Chair



# City of Sutherlin

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October 11, 2022

## MEMORANDUM

**TO:** Planning Commission Members

**FROM:** Jamie Chartier, City Planner

**RE:** Draft Legislative amendments to the Sutherlin Development Code (per ORS 475A – Psilocybin Regulation)

At the September 12, 2022 council meeting, City Attorney, Chad Jacobs, provided an explanation to Measure 109, which legalized the use of psilocybin in Oregon under certain circumstances. Pursuant to Measure 109, the Council has proposed a temporary two-year prohibition on locating psilocybin facilities within the city in order to provide additional time to work on regulating such facilities.

In the event the voters do not approve the temporary two-year moratorium, language for the development code has been drafted to meet necessary notification requirements, in order to start the public hearing process and have reasonable time, place and manner restrictions implemented by January 1, 2023.

Draft language was compiled from feedback staff received from Planning Commission members, City Councilors and staff. Draft language will be submitted to the Department of Land Conservation and Development (DLCD) no later than October 12, 2022 in order to meet the 35 day notice requirements of a public hearing, followed by a 20 day public notice to Public Agencies and parties of interest no later than October 27, 2022. If the voters do not approve the prohibition, the first public hearing, before the Planning Commission, will held at their regular meeting on November 15, 2022. City Council will then hold a public hearing at their regular meeting on December 12, 2022, followed by an emergency ordinance at the same meeting.

Attached to this memo is a copy of the proposed legislative amendments to the Sutherlin Development Code (SDC).

Chapter 1

INTRODUCTION

Sections:

1.1 Sutherlin Development Code

1.2 General Administration

- 1.2.100 Interpretation of Purpose Sections
- 1.2.110 Most Restrictive Regulations Apply
- 1.2.120 Pre-Existing Approvals
- 1.2.130 Building Permit and Certificate of Occupancy

1.3 Definitions

1.4 Enforcement

- 1.4.100 Minimum Requirements
- 1.4.110 Violations
- 1.4.120 Penalty
- 1.4.130 Complaints Regarding Violations
- 1.4.140 Abatement of Violations
- 1.4.150 Stop-Order Hearing

Section 1.3

DEFINITIONS

**Psilocybin** – means psilocybin or psilocin. ORS 475A.220 for ORS 475A.210 to 475A.722.

**Psilocybin Manufacturing Facility** – building(s) and structures, including machinery and equipment, designed, intended or used for purposes of manufacturing psilocybin products as defined in ORS 475A. Manufacturing psilocybin includes:

- a. The manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical syntheses, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.

**Premises** – relates to a licensed psilocybin service centers licensed by the Oregon Health Authority and means all areas of location that are licensed under the Oregon Revised Statutes including:

- a. All public and private enclosed areas at the location that are used in the licensed business operation at the location, including offices, kitchens, rest rooms and storerooms; and
- b. All areas outside a building that are used in the licensed business operated at the location including those used to operate the psilocybin service center and provide psilocybin services to clients.

**Psilocybin Product** – psilocybin-producing fungi, mycelium and mixtures or substances containing a detectable amount of psilocybin, including whole fungi, homogenized fungi, psilocybin extract and edible psilocybin products. This includes products manufactured and administered at psilocybin service centers and other related psilocybin businesses as regulated by the Oregon Health Authority (OHA) and defined in Oregon Revised Statutes (ORS).

**Psilocybin Service Center** – an establishment at which administration sessions are held; and at which other psilocybin services may be provided as provided for in ORS 475A.

**Psilocybin Service Operator** – a person that is licensed through the Oregon Health Authority (OHA) to operate a psilocybin service center in this state as provided for in ORS 475A.

**Psilocybin Service Facilitator** – an individual that facilitates the provision of psilocybin services in this state as provided for in ORS 475A.

## Chapter 2

### Zoning Districts

#### Sections:

- 2.1 Zoning District Administration**
  - 2.1.100 Classification of Zoning Districts
  - 2.1.110 Zoning District Map
  - 2.1.120 Determination of Zoning District Boundaries
  - 2.1.130 Accessory Uses and Structures
  
- 2.2 Residential Districts**
  - 2.2.100 Purpose and Applicability
  - 2.2.110 Permitted Uses, Conditional Uses, and Structures
  - 2.2.120 Development Standards
  - 2.2.125 Garages and Carports
  
- 2.3 Commercial Districts**
  - 2.3.100 Purpose and Applicability
  - 2.3.110 Permitted Uses, Conditional Uses, and Structures
  - 2.3.130 Development Standards
  - 2.3.135 Special Use Status for Single Family Residences
  
- 2.4 Public / Semi- Public District**
  - 2.4.100 Purpose and Applicability
  - 2.4.110 Permitted Uses
  - 2.4.120 Accessory Uses and Structures
  - 2.4.130 Development Standards
  
- 2.45 Mixed Use District**
  - 2.45.100 Purpose and Applicability
  - 2.45.110 Permitted Uses, Conditional Uses, and Structures
  - 2.45.120 Development Standards
  
- 2.5 Industrial Districts**
  - 2.5.100 Purpose and Applicability
  - 2.5.110 Permitted Uses
  - 2.5.120 Development Standards
  - 2.5.125 Special Status for Single Family Residences
  
- 2.6 Forestry Resource (FR-20) District**
  - 2.6.100 Purposed and Applicability
  - 2.6.110 Permitted Uses and Structures
  - 2.6.120 Conditional Uses and Structures
  - 2.6.130 Development Standards
  
- 2.7 Special Use Standards**

2.7.100	Accessory Dwellings
2.7.110	Accessory Uses and Structures
2.7.120	Bed and Breakfast
2.7.130	Drive-Through Facilities
2.7.140	Special Residences
2.7.150	Home Occupation
2.7.160	Manufactured Homes on Lots
2.7.170	Manufactured Home Parks
2.7.180	Residential Sales Office, Temporary
2.7.190	Lighting
2.7.200	Wireless Telecommunication Facilities
2.7.210	RH Zone – Hillside Development Standards and Slopes over 12%
2.7.220	Site Development, Excavation and Grading in all Zones
2.7.230	Watercourse Protection
2.7.240	Agriculture, Livestock
<u>2.7.250</u>	<u>Psilocybin Service Center</u>
<u>2.7.260</u>	<u>Psilocybin Manufacturing Facility</u>



## Section 2.3

### COMMERCIAL DISTRICTS

#### 2.3.100 Purpose and Applicability.

- A. Purpose.** The purpose of the commercial districts is to:
1. Allow a mixture of complimentary land uses that may include, retail, offices, commercial services, civic uses, and housing to create economic and social vitality and to encourage the linking of trips;
  2. Develop commercial and mixed-use areas that encourage walking as an alternative to driving, and provide more employment and housing options;
  3. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
  4. Provide both formal and informal community gathering places;
  5. Provide roadway and pedestrian connections from the commercial districts to neighborhoods and other employment areas;
  6. Maintain, preserve and enhance the distinct storefront character, which identifies the downtown commercial district;
  7. Encourage efficient land use by facilitating compact development and minimizing the amount of land needed for surface parking;
  8. Facilitate development (land use mix, density and design) that can be served by public transit where applicable;
  9. Provide appropriate locations and design standards for automobile and truck-dependent uses;
  10. Maintain mobility along traffic corridors and statewide highways; and
  11. Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.
- B. Applicability.** Commercial zoning districts fall under two categories:
1. Downtown Commercial (C-1); and
  2. Community Commercial (C-3).

#### 2.3.110 Permitted Uses, Conditional Uses, and Structures.

- A. Permitted, Conditional Uses and Structures.** The land uses listed in Table 2.3.110 are permitted in the commercial districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.3.110 and the land uses that are approved as “similar” to those in Table 2.3.110 may be permitted. The land uses identified with a “C” in Table 2.3.110 require conditional use permit approval prior to development, in accordance with section 4.5 Conditional Use Permits.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in section 4.9 Code Interpretations.

<b>Table 2.3.110 – Permitted Uses</b>		
<b>Uses</b>	<b>Status of Use in District</b>	
	<b>C-1</b>	<b>C-3</b>
<i>Residential</i> , provided that the residential component comprises not more than 50% of the building floor area.	P	P
Residential Home	C/S	C/S
Residential Facility	P	P
Residential Center	P	P
<b>Commercial</b>		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
Brewery		
- Macro	C	P
- Micro	C	P
- Tap Room	P	P
Office and Clinics (Professional, Medical, Dental, etc., including Medical Laboratories)	P	P
Mortuaries, Crematoriums and Columbarium excluding outside storage or display	P	P
Lodging, including Bed and Breakfast	P	P
<b>Psilocybin Service Center (Section 2.7.250)</b>	<b><u>N</u></b>	<b><u>C</u></b>
Vehicle Sales and Services, Including fuel sales	C	P
Commercial and Public Parking	P	P
Commercial Storage		
- enclosed in an upper story of a building	P	P
- not enclosed in building or on ground floor	C	P
Entertainment		
- enclosed in building (e.g., theater, bowling, alley, dance hall, skating rink)	P	P
- not enclosed (e.g., amusement)	C	C
Recreational Vehicle Sales, Services and Parks	C	P
Wholesale		
- enclosed in a building	C	P
- not enclosed in a building	N	P
Mixed Use (residential with commercial or civic use) See Residential, above.	P	P
<b>Civic</b>		
Government	P	P
Parks and Open Space	P	P
Private Utilities	P	P
Schools		

**Section 2 - Zoning Districts**

- pre-school, daycare, and primary	C	C
- secondary, colleges, and vocational	C	C
Clubs and Religious Institutions	C	C
<b><i>Industrial</i></b>		
Manufacturing and Production		
- greater than 5,000 sq. ft.	N	C
- not enclosed in a building or on ground floor	C	C
Warehouse		
- enclosed in an upper story of a building	P	P
- not enclosed in a building or on ground floor	N	P
Telecommunications structures, including wireless (Section 2.7.200)	C/S	C/S
Transportation, Freight and Distribution	N	C
Industrial Service (e.g., cleaning, repair)	C	C
Processing of Raw Materials	N	C
<u>Psilocybin Manufacturing Facility (Section 2.7.260)</u>	<u>N</u>	<u>C</u>

**Key:**

P = Permitted

S = Permitted with special standards or limitations

C = Conditional use permit required

N = Not permitted

C-1 =

C-3 =

Downtown Commercial District  
Community Commercial 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:

USES	STATUS IN MU DISTRICT
<b><i>RESIDENTIAL</i></b>	
Single family & duplex residential, not exceeding 50% of area of mixed use project	P
Group living units, multi-family residential home/facility	C
Watchman's Quarter	P
<b><i>COMMERCIAL</i></b>	

Section 2 - Zoning Districts

Retail Sales & Service	P
Offices & Office Space	P
Drive through Facilities	C
Vehicle Repair	P
Recreational Uses	P
Entertainment Buildings	C
<u>Psilocybin Service Center (Section 2.7.250)</u>	<u>C</u>
<b><i>INDUSTRIAL</i></b>	
Manufacturing & Production	P
Wholesale Businesses	P
Industrial Services	P
Research & Laboratories	P
Government Facilities	P
Public & Private Utilities	P
<u>Psilocybin Manufacturing Facility (Section 2.7.260)</u>	<u>C</u>
Telecommunications structures, including wireless (Section 2.7.200)	P
<b><i>ACCESSORY</i></b>	
Accessory Uses & Structures	P

**Key:**

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

## Section 2.5

## INDUSTRIAL DISTRICTS

**2.5.100 Purpose and Applicability.**

- A. Purpose.** The industrial districts accommodates a range of heavy manufacturing, assembly, and processing of raw materials, junk yard, motor vehicle wrecking yards, light manufacturing, warehousing and distribution, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in the downtown. The district’s standards are based on the following principles:
1. Ensure efficient use of land and public services.
  2. Provide a balance between jobs and housing, and encourage mixed-use development.
  3. Provide transportation options for employees and customers.
  4. Provide business services close to major employment centers.
  5. Ensure compatibility between industrial uses and nearby residential areas.
  6. Provide appropriately zoned land with a range of parcel sizes for industry.
  7. Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.
- B. Applicability.** Industrial zoning districts fall under two categories:
1. Light industrial (M-1); and
  2. General industrial (M-2).

**2.5.110 Permitted Uses.**

- A. Permitted Uses.** The land uses listed in Table 2.5.110 are permitted in the industrial districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.5.110, and land uses that are approved as “similar” to those in Table 2.5.110, may be permitted. The land uses identified with a “C” in Table 2.5.110 require Conditional Use Permit approval prior to development or a change in use, in accordance with section 4.5.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in section 4.9 Code Interpretations.

<b>Table 2.5.110 – Permitted Uses</b>		
<b>Uses</b>	<b>M-1</b>	<b>M-2</b>
<i>Industrial</i>		
(1) Heavy manufacturing and assembly, and (2) Processing of raw materials	N N	C C
Light manufacture (e.g., electronic equipment, electronic vehicles, printing, bindery, furniture, and similar goods)	P	P
Warehousing and distribution	P	P
Junk yard, motor vehicle wrecking yard, and similar uses	N	P
Research facilities	P	N

<b>Table 2.5.110 – Permitted Uses</b>		
<b>Uses</b>	<b>M-1</b>	<b>M-2</b>
<u>Psilocybin Manufacturing Facility (Section 2.7.260)</u>	<u>N</u>	<u>C</u>
Mini-warehouse and storage	P	N
<b><i>Residential</i></b>		
Watchman's Quarter	S-P	S-P
<b><i>Commercial</i></b>		
Offices and other commercial uses that are incidental to a primary industrial use	P	P
Vehicle repair, sales, rental, storage, service and fuel sales	P	C
Entertainment (e.g., theaters, amusement uses)	C	N
Hotels and motels	P	N
Medical and dental clinics and laboratories	P	N
<u>Psilocybin Service Center (Section 2.7.250)</u>	<u>N</u>	<u>C</u>
Outdoor commercial uses (e.g., outdoor storage and sales)	P	N
Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, convenience stores/mini-marts, banks and financial institutions, and similar uses)	C	N
Brewery	P	P
- Macro	P	C
- Micro	C	C
- Tap Room		
Repair services	P	C
Wholesale trade and services	P	N
<b><i>Public and Institutional Uses</i></b>		
Government facilities (e.g., public safety, utilities, school district bus facilities, public work yards, and similar facilities)	P	P
Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	P	P
Parks and open space	P	P
Vocational schools	P	P
Telecommunication structures, including wireless (Section 2.7.200)	C	C
Accessory Uses and Structures	P	P

**Key:**

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

**2.7.250 Psilocybin Service Center.** Psilocybin Service Centers or related business are allowed in General Commercial (C-3), Mixed Use (MU) and General Industrial (M-2) districts subject to approval of a conditional use permit, conformance to the following local standards and per OAR 475A (Psilocybin Regulation):

- A. A psilocybin service center or related business is prohibited from locating in any residential district.
- B. A psilocybin service center or related business is prohibited from locating on any publicly owned lands.
- C. A psilocybin service center or related business may locate in an approved land use zone if:
  - 1. The site is located a minimum of 1,000 feet from a public, private, or parochial elementary or secondary school (as defined in ORS 339.020 and ORS 339.030);  
or
  - 2. The site is located a minimum of 500 feet from a public, private, or parochial elementary or secondary school (as defined in ORS 339.020 and ORS 339.030);  
and there is a physical or geographic barrier capable of preventing school-age persons from traversing to the premise, such as a freeway or body of water.
  - 3. The site is located a minimum of 500 feet from a daycare, preschool, or pre-kindergarten facility.
  - 4. The site is located a minimum of 500 feet from a public park.
  - 5. The site is located a minimum of 500 feet of residential zoned property or otherwise lawfully used for residential purposes.
- D. A psilocybin service center or related business shall not be located within 1,000 feet of another psilocybin service center or related business.
- E. Colocation. Psilocybin Service Center or related business may not be located at the same location as:
  - 1. Any residence;
  - 2. Any business licensed for the retail sale of alcohol;
  - 3. Any business preparing or selling prepared food (ORS 624);
  - 4. Any health care facility (ORS 441);
  - 5. Manufacturer, service center, or laboratory
- F. A copy of the Oregon Health Authority (OHA) approved license for the psilocybin service center and/or related business must be provided to operate in Sutherlin and the service center owner and/or operator must maintain the license throughout its operation (as defined in ORS 475A).

**2.7.260 Psilocybin Manufacturing Facility.** Psilocybin Manufacturing Facility are allowed in General Commercial (C-3), Mixed Use (MU) and General Industrial (M-2) districts subject to approval of a conditional use permit, conformance to the following local standards and per OAR 475A (Psilocybin Regulation):

- A. A psilocybin manufacturing facility is prohibited from locating in any residential district.
- B. A psilocybin manufacturing facility is prohibited from locating on any publicly owned lands.
- C. A psilocybin manufacturing facility may locate in an approved land use zone if:
  - 1. The site is located a minimum of 1,000 feet from a public, private, or parochial



- elementary or secondary school (as defined in ORS 339.020 and ORS 339.030);  
or
- 2. The site is located a minimum of 500 feet from a public, private, or parochial elementary or secondary school (as defined in ORS 339.020 and ORS 339.030); and there is a physical or geographic barrier capable of preventing school-age persons from traversing to the premise, such as a freeway or body of water.
- 3. The site is located a minimum of 500 feet from a daycare, preschool, or pre-kindergarten facility.
- 4. The site is located a minimum of 500 feet from a public park.
- 5. The site is located a minimum of 500 feet of residential zoned property or otherwise lawfully used for residential purposes.
- D. A psilocybin manufacturing facility shall not be located within 1,000 feet of another psilocybin service center or related business.
- E. Colocation. Psilocybin Manufacturing Facility may not be located at the same location as:
  - 1. Any residence;
  - 2. Any business licensed for the retail sale of alcohol;
  - 3. Any business preparing or selling prepared food (ORS 624);
  - 4. Any health care facility (ORS 441);
  - 5. Manufacturer, service center, or laboratory
- F. A copy of the Oregon Health Authority (OHA) approved license for the psilocybin manufacturing facility or related business must be provided to operate in Sutherlin and the manufacturer facility must maintain the license throughout its operation (as defined in ORS 475A).



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## City of Sutherlin

Date: October 11, 2022  
To: Planning Commission  
From: Community Development  
Re: Monthly Activity Report

This report is provided in an effort to keep you apprised of recent land use and other relevant activities.

### **COMMUNITY DEVELOPMENT**

#### **Residential Uses in the Commercial zoned areas**

In the fall of 2019, concerns were raised, and discussions began regarding residential uses in commercial zones. Staff was asked to look at ordinances, development code and interpretations to address the concern of our storefronts turning into boarded up living quarters. After working with our city attorney and obtaining an interpretation of the “residential component” in the commercial zone, staff can now proceed with actions. We began communications with property owners by sending a letter to all commercial buildings within both C-1 (Downtown Commercial District) and C-3 (Community Commercial District), with a 14-day response time. Following the 14-days, staff has sent out a second letter and reached out to individuals that were reported to be out of compliance. A third letter has been sent to two properties that continue to be out of compliance indicating that a citation will be issued if they are not within compliance within ten days of the writing of the letter. Pending court date for 311 East Central Avenue.

#### **Ford’s Pond Grant update**

**LGGP Application # 8218 presentation July 13, 2022, amount \$600,978 for Inclusive playground equipment, RV/Overflow-ADA parking area.**

**City of Sutherlin received Notice to Proceed from LWCF 2020 and the RTP 2020 on August 18, 2022. At the September 12, 2022, City Council meeting, council approved Resolution 2022.11 to amend the current scope of work with DLA. With the approval of resolution 2022.11 staff will be moving forward with a new scope of work and negotiate a new fee with DLA. We anticipate this project to be completed late fall of 2023.**

- Land and Water Conservation Fund (LWCF) 2020 grant application (\$205,775.00) is pending Notice to proceed (NTP). We’re anticipating the NTP by the end of May/June 2022. Because of the delay in receiving funding, construction of the additional 0.9-mile paved path won’t happen in 2022. Once we receive the funding, we will still need to submit a joint wetland delineation application for the additional 0.9-mile paved path. It’s estimated that this application process will take at least six months.
- Recreational Trails Program (RTP) 2020 grant application (\$240,808.00) was also for the 0.9-mile paved path, because of the LWCF’s NTP delay. The RTP grant was delayed as well. The RTP grant was identified as matching funds for the LWCF and vice versus.
- Local Government Grant Program (LGGP) 2019 grant application (\$388,531.00). This project should be finalized in February 2022. Scope of work consisted of ADA-accessible parking, signage, picnic tables, benches, site utilities,
- LGGP 2020 grant application (\$517,814.00). Scope of work; ADA-accessible restrooms and

600 feet connectivity sidewalk, two inclusive natural children's play area (design only), three shaded picnic pavilions, site furnishings, landscaping, and security cameras. These funds have been secured, but because of the pandemic, price escalation and securing material and supplies. This project could also be delayed, or scope of work scaled back.

- LWCF 2021 application (\$595,878.70). Submitted, presentation was on February 10, 2022, Scope of work; design/construct additional ADA-parking for RVs/buses, sidewalks, ramps, bioswale, lighting, furnishings, landscaping, security cameras and inclusive play equipment. **City of Sutherlin has been recommended by the Oregon Outdoor Recreation Committee. Recommendations for grant fund distribution will be presented to the Oregon Parks and Recreation Commission for approval at the April 2022 meeting. Recommendations will then be submitted to the National Park Service for final approval.**
- LGGP 2022 presentation July 13, 2022, application # 8218 (\$600,978.00) Inclusive Play Equipment, RV/Overflow ADA – Parking Area. Pending OPRD recommendation and approval.

### **Exit 135 sign improvements**

- Cooper Creek Creative is currently working on Exit 135 sign improvements, it is expected to be completed within 30 days.

### **Downtown Parking Lot**

- Design and Construction management TBD 2022

## **TRANSPORTATION**

### **E Central Avenue sidewalk extension improvements (Grove Lane to Opal Street)**

E. Central Avenue sidewalk extension improvement project will consist of constructing 850 +/- linear feet of new six-foot-wide sidewalk, including one (1) ADA ramp and eight (8) driveways along the south side of E. Central Ave, from east of S. Grove Lane to Opal Street.

Design is complete. Bids were opened September 22, 2022. Staff will be presenting a staff report at the October 10, 2022 council meeting, asking council to consider to award the project to the lowest qualified contractor for this project. Construction expected to be complete, March of 2023.

## **UTILITIES**

### **Nonpareil Water Treatment Plant Improvement – No update**

**Construction update:** With shut down No. 2 being postponed, we're moving forward with shutdown No.3 which started May 2, 2022 and will go through the middle of June. Projects involve in shutdown No. 3 will be replacing the intake pump piping, raw flow meter and some other miscellaneous item. We're not anticipating any water curtailment at this time.

**New construction schedule:** Shut down No. 2 has been postponed from March 1, 2022, through June 30, 2022, to March 1, 2023, to June 30, 2023. Because of major equipment items related to the Nonpareil WTP Improvement project are not scheduled to arrive on site until April or May of 2022. it was mutually agreed with the contractor and the city to postpone shut down No. 2 until 2023. The details regarding this mutually agreed upon change are in process. Delay in equipment items is due to the pandemic.

The Design Contract was awarded on January 27, 2020, to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management. On February 24, 2021 @ 2:00pm bids were opened, Stettler Supply & Construction submitted the lowest bid in the amount of \$4,810,485 and has sufficient experience and qualifications to satisfactorily construct the project. On March 8, 2021, City Council Awarded the Construction Contract to Settler Supply Company in the amount of \$4,810,485. Construction started April 2021 and is expected to be completed in 2023.

Construction update: Concrete backwash basins are complete, currently backfilling around basin, removed old stand-by generator, and rewired in temporary location, starting electrical submittals for review.

Water curtailment restrictions were lifted on October 5, 2021. We do anticipate water curtailment measures to be implemented again in 2023 for phase II.

### **Revised schedule**

- ~~Start design February 2020~~
- ~~60% design meeting September 2, 2020~~
- ~~90% design meeting October 7, 2020~~
- ~~Present Final design to City Council January 11, 2021~~
- ~~Bid process and contract award February/March 2021~~
- ~~Council Consideration of Contract March/April 2021~~
- ~~Construction NTP April/May 2021~~
- Complete construction May/June 2023

### **LAND USE ACTIVITY**

#### **Building Worksheets:**

- 2022-69- 2022-77 on previous Activity Report(s)
- 2022-78 – 151 W Sixth Ave – ADU
- 2022-79 – 106 E Central Ave – CIU (tax preparation business)
- 2022-80 – 1807 Montclair – accessory bldg
- 2022-81 – 609 E Central Ave – Interior Remodel to Commercial bldg
- 2022-82 – 101 W Central Ave – Historic Building Rehabilitation
- 2022-83 – 1200 E Central Ave, Sp 80 - carport

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

- 22-S010 – 22-S013 on previous Activity Report(s)
- 22-S014 – City of Sutherlin – Code Amendments
- 22-S015 – Bangs - PLA

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

- 22-26 – 22-32 on previous Activity Report(s)
- 22-33 – W Central Ave to Comstock – Pacific Power
- 22-34 – 1378 Sunset Lane - Avista