



City of Sutherlin
Planning Commission Meeting
Tuesday, June 20, 2023
7:00 p.m. – Sutherlin Civic Auditorium
Agenda

Pledge of Allegiance

Introduction of Media

Welcome New Planning Commission Member

Approval of Minutes

May 16, 2023 – Regular Meeting

Quasi-Judicial Hearing(s)

1. **FOREVER GREEN FOREST MANAGEMENT, LLC**, request for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 76.87± acre property located on the north of E Sixth Avenue, inside the City of Sutherlin. The subject property is described as Tax Lot(s) 400, 700 & 800 in Section 16B and part of Tax Lot 100 in Section 17A, all in T25S, R5W, W.M., and Property I.D. No(s). R43275, R43355, R43379, (pt) R21376 and (pt) R131744. **PLANNING DEPARTMENT FILE NO. 23-S005.**

Recreational Vehicle (RV) Discussion

Monthly Activity Report

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7:00 PM
TUESDAY, MAY 16, 2023**

COMMISSION MEMBERS PRESENT: Norman Davidson (via Zoom), Michael Hogsett, Tom Maloney, and Adam Sarnoski

COMMISSION MEMBERS EXCUSED: None

COMMISSION MEMBERS ABSENT: Alan Woods

CITY STAFF: Kristi Gilbert, Community Development Supervisor and Jamie Chartier, City Planner

AUDIENCE: None

Meeting called to order at 7:00 pm by Chair Davidson

FLAG SALUTE

APPROVAL OF MINUTES

A motion made by Commissioner Sarnoski to approve the minutes of the March 21, 2023, Planning Commission meeting; second made by Commissioner Hogsett.

In favor: Commissioners Sarnoski, Hogsett, Maloney, and Chair Davidson

Opposed: None

Excused: None

Motion carried unanimously

WORKSHOP - UPDATES

Jamie Chartier, City Planner, discussed the recent survey that was mailed out and posted on social media, to obtain feedback from the community regarding whether someone “Should you be allowed to live in a Recreation Vehicle (RV) within the City of Sutherlin.” She then reviewed the survey results with the Commission. Discussions ensued regarding the pros, cons and concerns. Additional discussion took place in relation to potential code changes (i.e., temporary use permits, application processes, length of stay, parking, design standards, etc.). System Development Charges and the impacts RVs would have on the City’s water and wastewater systems were additional issues raised by the Commission. It was also noted that if there was an application process for someone to live in an RV temporarily, that a property owner should be required to sign an application.

Ms. Chartier informed the Commission of the next steps for residing in an RV. There is a public forum being held on May 24, 2023, followed by a workshop/public meeting before the Planning Commission at the regular scheduled meeting on June 20, 2023. The Planning Commission would then hold an additional open house or make a recommendation to the City Council.

MONTHLY ACTIVITY REPORT – Ms. Chartier went over the monthly activity report. There were no questions or comments.

PUBLIC COMMENT – None

COMMISSION COMMENTS – None

ADJOURNMENT - With no further business the meeting was adjourned at 8:01 pm.

Respectfully submitted,

Jamie Chartier, City Planner

APPROVED BY COMMISSION ON THE _____ **DAY OF** _____, **2023.**

Norman Davidson, Commission Chair



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City of Sutherlin

June 13, 2023

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **FOREVER GREEN FOREST MANAGEMENT, LLC**, request for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on property located on the north of E Sixth in the City of Sutherlin. A Tree Falling Permit on property greater than 5 acres within the city limits is conditionally permitted use per the Sutherlin Municipal Code, Chapter 5.16. The subject 76.87± acre property is described as Tax Lot(s) 400, 700 and 800 in Section 16B, and part of Tax Lot 100 in Section 17A, all in T25S, R5W, W.M.; Property ID No(s) R43275, R43355, R43379, (pt) R21376 and (pt) R131744; and is addressed as 0 E Sixth Avenue. It is designated Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (RH) Residential Hillside. **PLANNING DEPARTMENT FILE NO. 23-S005.**

STAFF EXHIBITS

1. Notice of Public Hearing
2. Property Owners within 100 Feet and those properties affected by this decision
3. Staff Report with responses attached
4. Conditional Use Permit application and attachments
5. Tree Falling Permit – greater than 5 acres application and attachments
6. Vicinity Map
7. Assessor Map
8. Zoning Map
9. Aerial Photograph

INTRODUCTION

The applicant, Forever Green Forest Management, LLC, is requesting a Conditional Use Permit and Tree Falling Permit (greater than 5 acres). The subject property is located north of E. Sixth Avenue in the City of Sutherlin. A Tree Falling Permit on property greater than 5 acres is a conditionally permitted use as outlined in Chapter 5.16 of the Sutherlin Municipal Code.

The subject property is described as Tax Lot(s) 400, 700 and 800 in Section 16B and part of Tax Lot 100 in Section 17A, all in T25S, R5W, W.M.; Property I.D. No's R43275, R43355, R43379, (pt) R21376 and (pt) R131744. The property is designated Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (RH) Residential Hillside by the Sutherlin Development Code. The surrounding properties to the east, west and south are zoned Low Density Residential (R-1) or Residential Hillside (RH), properties to the north are located outside city limits under Douglas County's jurisdiction.

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 Chapter 5.16 [of the Sutherlin Municipal Code (SMC) and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code (SDC). 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 May 24, 2023, and deemed complete on May 31, 2023.
2. Notice of a Public Hearing on the Conditional Use Permit and Tree Falling Permit (greater than 5 acres) applications 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, property owners affected by this decision, service providers, and governmental agencies on May 31, 2023.
 - a. Joshua Heacock, Douglas County Public Works Engineering, commented that they have reviewed the notice and have no concerns.
 - i. *Just as an fyi to the land owner, we wanted point out the load posted bridges on S. Calapooia St. They will need to haul west on Central (Avenue) to access I-5 Southbound (or Northbound).*
 - b. Brandan McGarr, Sutherlin Fire Department Division Chief, commented:
 - i. *We would need 24/7 Emergency Contact information for project management on site.*
 - ii. *They would be required to follow all rules from DFPA (Douglas Forest Protective Association) during Fire Season.*
 - c. Aaron Swan, City of Sutherlin Public Works Director, had the following comments in regards to the proposed logging north of E. Sixth Avenue (Forever Green Forest Management):

While not opposed to the harvest of the timber on said property the City of Sutherlin does have grave concerns about the log hauling. The proposed route for getting the logs off of the property is to the west down the access road to our (City of Sutherlin) upper Umpqua Tank. That wouldn't be a problem but for the fact that our water line runs down the west wheel track of that road. The water line is an older line that constructed of Asbestos Cement pipe. This pipe is known to be brittle and this particular pipe was not buried very deep (approximately 36 inches). I spoke with Mr. Washburn, the property owner of the property the City's easement and the logging company's temporary access is granted on and while he did give permission to Forever Green (applicant) to haul the logs via our access road (legal easement per Deed Reference Number 71-10682), he recognizes that over a hundred and fifty (150) loads with extremely heavy trucks could pose a serious threat to our water line repeatedly of comping through this property on an alternate route. The City proposes that one of these options be explored before the hauling process begins.

- d. David Roell and Casandra Roell, adjacent property owners have submitted a comment requested party status.
 - i. Staff has dually noted this comment.
 - e. Venita Ames, adjacent property owner submitted comments and pictures, copies of the submitted documents are attached to this staff report.
 - i. Ms. Ames are primary concerns are: *traffic, erosion and soil retention, slopes (topography), wildlife, water runoff, harvesting of trees will leave houses visible, and a negative incident with the property owner.*
 - 1. The neighbor's concerns are duly noted. With regards to vehicular traffic safety, erosion and soil retention, slopes and water runoff, these will be address throughout the staff report. As far as the statement pertaining to logging this area would leave the houses visible and a negative incident with the property owner, these are not applicable criteria to the submitted applications.
 - f. 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 undeveloped (no structures) hillside that contains a mix of conifer and hardwood timber.
 - 4. Plan Designation: Low Density Hillside (RLH).
 - 5. Zone Designation: (RH) Residential Hillside.
 - 6. Public Water: Public Water currently does not serve the subject property.
 - 7. Sanitary Sewer: Public Sanitary Sewer currently does not serve the subject property.
 - 8. Transportation System: The subject property fronts onto E. Sixth Avenue in two (2) locations, just north of Mardonna Way and also Sherwood Drive. E. Sixth Avenue is designated Local Street where it borders the subject property. The property owner/responsible party however intends to utilize a "haul route" that access onto Arch Avenue.

9. Transportation Connectivity: Connectivity is provided in the surrounding area to the south.
10. Overlay: The subject property is not located within the 100 year flood plain or subject to any other overlays.

FINDING: The procedural findings noted above are adequate to support the Planning Commission's decision on the request Conditional Use Permit application to authorize Tree Falling on greater than 5 acres.

DEVELOPMENT STANDARDS (SECTION 2.2, RH ZONE)

1. The subject property is designated Low Density Hillside by the Sutherlin Comprehensive Plan and zoned (RH) Residential Hillside by the SDC.
 - a. Table 2.2.130 provides the following development standards for the RH zone:
 - i. Minimum zone size: 12,000 sq ft
 - ii. Maximum building height: 35 feet (primary structure) and 20 feet (accessory structure)
 - iii. Yard Setbacks: Front – 15 feet (house) and 20 feet (garage entrance); Side – 5 feet (one story); Street Side – 10 feet (one story) & Rear – 10 feet
 - iv. Lot Size & Dimensions: 50 feet at frontage for a standard lot
 - v. Lot Coverage: 35% maximum with a Geotechnical Report Required

FINDING: As stated in the application, no development is proposed however in the future the property owner may submit the necessary application(s) for development approval.

APPLICABLE CRITERIA & FINDINGS

The proposed Conditional Use Permit is considered a Type III procedure, subject to the applicable criteria of Chapter 5.16 [Tree Falling Permit] of the SMC and Section 4.5 [Conditional Use Permits] of the SDC.

Based upon the application materials and information submitted by the applicant and other evidence provided, staff addresses the applicable criteria within this staff report.

SUTHERLIN MUNICIPAL CODE (CHAPTER 5.16)

The purpose of this chapter is to provide general guidelines to assist the city staff, the planning commission and the council in regulating timber harvesting activities within the incorporated boundaries of the city and its urban growth boundary.

SECTION 5.16.050 CRITERIA FOR TREE FALLING

Any person proposing to harvest more than ten trees within a calendar year must apply for a permit through the city planning commission. The city planning commission, through the conditional use permit (CUP) process, may require more restrictive requirements than this chapter to mitigate any negative impacts upon the neighboring property owners or the city as a whole. If a permit is authorized, the conditions, if any, shall be set forth on the permit.

FINDING: As indicated with the submitted applications, the property owner/responsible party has submitted the necessary Conditional Use Permit and Tree Falling Permit – greater than 5 acres for authorization through the required process as stated above. The criteria for the Tree Falling Permit – greater than 5 acres will be addressed within this staff report.

SECTION 5.16.060 CRITERIA FOR TREE FALLING

A. In determining whether a proposed falling is consistent with the provisions of this chapter, the city manager, planning commission or city council, as the case may be, shall consider and base their decision on one or more of the following:

1. The condition of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety;
2. The topography of the land and the effect of falling on erosion, soil retention, stability of earth, impacts upon storm drainage systems and the quantity, quality and character of surface waters and streams, and protection of nearby trees and windbreaks;
3. The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a reasonable manner;
4. The effect of the trees' removal upon the environmental quality of the area;
5. The adequacy of the applicant's proposals, if any, in meeting generally accepted practices of horticulture, silviculture or landscape architecture;
6. The falling is within the guidelines set forth in the Field Guide to Oregon Forestry Practices Rules published by the state of Oregon, Department of Forestry, as they apply to the northwest region of Oregon, or the corresponding future publication of the state of Oregon Department of Forestry.

FINDING: The property owner/responsible party has stated within the submitted applications that once the tree harvesting is complete they will be starting the process for development on the subject property. Also, submitted with the CUP and Tree Falling Permit applications is the property owner/responsible party Oregon Department of Forestry (ODF) application. The property owner/applicant must comply with Section 5.16.060 of the SMC.

FINDING: The topography of the subject property consists of hillsides with slopes up to 25%. For preventive erosion control, soil retention, stability of earth the property owner/responsible party shall submit a Geotechnical Report, meeting the requirements of Section 2.7.210 of the SDC. This will be a condition of approval.

FINDING: The property owner/responsible party shall adhere to the guidelines set forth in the Field Guide to Oregon Forestry Practices Rules, state of Oregon Department of Forestry rules and conditions of approval set by the Planning Commissions decision.

B. Whenever the Forest Practices Act as provided in ORS [526.041](#), [527.721](#) and OAR [629-24-101](#) to and including [629-55-200](#), conflicts with the terms of this chapter, the Sutherlin zoning ordinance, other city ordinances, or any conditional use permits issued by the city. The more restrictive conditions shall prevail unless specifically waived in writing by the planning commission or city council.

FINDING: The property owner/responsible party shall comply with the Forest Practices Act as outlined above and conditions of approval outlined within this staff report and as the Planning Commission deems fit.

SECTION 5.16.070 REFORESTATION

- A. Any person harvesting timber subject to this chapter in the city limits or urban growth boundary shall be responsible for reforestation of that area with a minimum of two hundred fifty (250) trees planted per acre within one year of the tree falling unless excepted by the planning commission or city council. At the end of a twelve (12) month period following tree planting the site must demonstrate a minimum of seventy-five (75) percent survival rate. The planning commission may grant a one-year extension for reforestation if, and only if, the proper justification is provided.

The application states: *“20,000 seedlings have been purchased and contractor secured to plant the harvested area within 1-year after harvesting the timber. Thus, if the planned harvest occurs in 2023, then the property will be planted in the winter of 2024. The planting will result in 275-375 seedlings & residual trees per acre.”*

FINDING: As stated above, the property owner/responsible party is responsible (and planning for) for reforestation of the subject property identified in this staff report meeting the requirements within Section 5.16.070.A. After twelve (12) month period the property owner/applicant shall demonstrate (and submit documentation) a minimum of seventy-five (75) percent survival rate, this will be a condition of approval.

- B. All debris and slash realized from the tree falling shall be either removed or piled and burned within sixty (60) days following the removal of the harvested trees unless a time extension is granted by the planning commission due to unusual or extenuating circumstances; however, such time extension shall not exceed a maximum of twelve (12) months from the date of the completed harvest.

The application states: *“Slash disposal will occur as soon as allowed by state agencies and the city planning commission. Section 5.16.070 states slash removal time frame of 60 days after harvest. However, this time period will be discussed with the city/state to ensure fire safety and other consideration.”*

FINDING: The City finds that the property owner/responsible party shall confirm to the above criteria. As a condition of approval, the property owner/responsible party shall submit documentation when the proposed tree harvesting is completed and also submit documentation sixty (60) days following the all debris and slash have either been removed, piled and/or burned.

- C. The city manager, planning commission or city council may require grass seeding, water break trails or unharvested buffer zones if the tree falling presents a reasonable potential for negatively impacting adjoining properties due to soil erosion or water runoffs. (Ord. 789 § 7, 1991)

The application states: *“The owner understands and will follow the guidance of the city manager, planning commission or city council if they require grass seeding, water break trails or*

unharvested buffer zones if tree falling presents a reasonable potential for negatively impacting adjoining properties due to soil erosion or water runoff.”

FINDING: The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs. As a condition of approval, the property owner/responsible party must submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after will not increase as a result of the proposed harvesting of timber.

TREE FALLING PERMIT – GREATER THAN 5 ACRES APPLICATION CRITERIA

Any person proposing to harvest more than ten trees within a calendar year must apply for a permit through the city planning commission. The city planning commission, through the conditional use permit (CUP) process, may require more restrictive requirements than this chapter to mitigate any negative impacts upon the neighboring property owners or the city as a whole. If a permit is authorized, the conditions, if any, shall be set forth on the permit.

The application narrative states:

- a. The requested tree falling subject property is approximately 76.87 +/- acres in size.*
- b. The species of trees to be removed are all Douglas Fir, Ponderosa Pine, Grand Fir and White Oak; approximate size trees ranging from 6” and larger in diameter. Approximately 120 loads, primarily conifers.*
- c. 70.00 +/- acres of the subject property will be harvested.*
- d. The anticipated removal will be from June – October 2023.*

Public and Environmental safety and care:

- The timber shall be harvested in a manner that is safe and does not interfere with utility services, pedestrian or vehicular traffic safety. The timber will be hauled west through the owner’s property and out Arch Avenue, in order to reduce truck traffic through longer stretches of populated areas.*
- As posted by ODF, the slope of the steepest areas are approximately 25% and no landslide concerns have been noted. Thus, the property contains no known risks of in-stable slopes or erosion prone areas. The owner and operators have many years of experience with similar projects and will operate and construct roads and timber harvest operations in a professional manner, which allows for property water drainage and does not promote erosion.*
- Timber harvest will be necessary for the owner to further develop the property.*
- The tree removal shall not negatively impact the environmental quality of the area.*
- The owner and operators have worked under the rulings of the Oregon Forest Practices Rules for many years, and operations on this property will meet and exceed all expectations.*
- The owner has hired a consulting forester to assist with timber harvest, rules, reforestation and otherwise as needed to ensure compliance with city and state rulings.*

FINDING: The property owner/responsible party has submitted the necessary applications to the city with the intent of harvesting more than ten (10) trees in calendar year. As stated above

the conditions of approval will be outlined within this staff report and as the Planning Commission deems fit.

CONDITIONAL USE PERMIT CRITERIA (SECTION 4.5)

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “conditional uses” in chapter 2, Zoning Districts. The purpose of section 4.5 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

FINDING: While not all of the criteria for a CUP apply to the timber harvest permit, staff feels that the most applicable apply and should be addressed. Traffic, erosion, noise, safety, and aesthetic considerations are pertinent and should be considered by the Planning Commission.

1. The requested CUP is subject to the applicable criteria of Section 4.5 of the SDC. As indicated previously, Tree Falling Permit for greater than 5 acres, is a conditionally permitted use per the SMC, Chapter 5.16.

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:

The owners plan to harvest a portion of the timber on the parcel described above (within submitted applications). The timber harvest will be conducted in a manner that meets City and State guidance, but will also aim to further develop the property and retain aesthetics. The timber harvest plan has been notified with the Oregon Department of Forestry (NOPA: 2023-730-05195), and ODF granted approval to complete the harvest.

The property contains a mixed conifer and hardwood forest. The timber harvest will remove nearly all the merchantable Douglas fir and Grand fir. The Ponderosa Pine and hardwoods (predominantly White Oak) will be left standing except where removal is necessary for development and/or danger.

Impact study (plans and adherence to the Sutherlin Municipal Code):

- *The timber shall be harvested in a manner that is safe and does not interfere with utility services, pedestrian or vehicular traffic safety. The timber will be hauled west through the owners property and out Arch Avenue, in order to reduce truck traffic through longer stretches of populated areas.*
- *As posted by ODF, the slope of the steepest areas are ~25% and no landslide concerns have been noted. Thus, the property contains no known risks of unstable slopes or erosion prone areas. The owner and operators have many years of experience with similar projects and will operate and construct roads and timber harvest operations in a professional manner, that allows for (for) proper water drainage and does not promote erosion.*
- *Timber harvest will be necessary for the (the) owner to further develop the property.*

- *The tree removal shall not negatively impact the environmental quality of the area.*
- *The owner and operators have worked under the rulings of the Oregon Forest Practices Rules for many years, and operations on this property will meet and exceed all expectations.*
- *The owner has hired a consulting forester to assist with timber harvest, rules, reforestation and otherwise as needed to ensure compliance with city and state rulings.*

FINDINGS:

Section 4.5.130 of the SDC identifies the applicable criteria and standards for a CUP. The 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:

A. Conditional Use Criteria (Section 4.5.130.A)

1. *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 subject property is 76.87 +/- acres in size, the proposed timber harvest area is approximately 70.00 +/- acres. The property is located north of E. Sixth Avenue, with hillside topography and slopes up to 25%.
 - ii. Access for the proposed timber harvest will be via a “haul route” with ingress and egress onto Arch Avenue.

FINDING: Traffic impacts (ingress and egress) of the proposed harvesting of timber on the subject property is a concern for the Sutherlin Public Works. The proposed “haul route” as submitted with the applications utilizes the existing City of Sutherlin “Upper Umpqua Tank” gravel road (legal access per Deed Reference Number 71-10682). The City of Sutherlin has an existing easement to utilize the gravel Upper Umpqua Tank access road, which has an existing (older) Asbestos Cement pipe water line in the western wheel track, that is relatively shallow in depth (approximately 36 inches). Sutherlin’s Public Works Director did have a conversation with the current property owner in which the city has a legal easement across, the property owner stated, “I granted them (Forever Green) temporary access to haul the logs via our (city’s) access road” He recognizes that over hundred-fifty loads with extremely heavy trucks could pose a serious threat to our (city) water line and he wouldn’t be opposed to the logging company widening the road to the east to avoid running over the water line repeatedly or coming through his property on an alternate route. The use of this gravel road as the only “haul route” poses a concern to the water line and an alternate “haul route” should be considered. Conditions of approval will be included to address the property owner/responsible party utilizing the gravel road that access the city’s Upper Umpqua Tank.

FINDING: As an advisory statement, Douglas County Public Works noted the local posted bridge restrictions on S. Calapooia Street. The property owner/responsible party will need to haul west on Central Avenue to access I-5 (north or southbound).

FINDING: The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC). The hours of operation in residential districts is permitted between the hours of seven (7) a.m. and six (6) p.m.

FINDING: The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC). The hours of operation in residential districts is permitted between the hours of seven (7) a.m. and six (6) p.m.

2. *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*

FINDING: As mentioned previously, the proposed timber harvesting of approximately 70.00+/- acres for future residential development is zoned Residential Hillside (RH). As with a lot of Residential Hillside properties within the City of Sutherlin the ground is not suitable for residential development, and effectively more suitable for forest uses. The RH zone is intended to preserve the visual and physical identity of the hills, as well as the native geologic conditions so far as practicable, while yet permitting controlled residential development. The ODF application states that the steepest slopes on the subject property does not exceed 25%.

As stated previously, the current status of the subject property remains inundated with trees and vegetation. In order to prepare the property for development that is consistent with the purpose of the underlying zone, vegetation and timber removal is necessary. Of course, any feasibility of future development is and will be determined by the availability of city services.

Future residential needs for the city will need to be realized in the coming years. At present time, the City is not looking east to annex land into the city limits beyond its present borders. This decision translates into the development or redevelopment of available land on the north and east sides within the city limits. Several subdivisions located on the west side (of I-5) are presently taking shape and will eventually be mirrored on the north hills.

FINDING: The proposed timber harvesting of approximately 70.00 +/- acres for future residential development and forest uses is consistent with the purpose of the underlying zone and should enhance the operational characteristics of the particular adjoining neighborhoods.

3. *Public facilities have adequate capacity to serve the proposal or will be made adequate by the applicant.*

- i. The subject property is currently unimproved, existing public utilities, including public water and sanitary sewer would need to be extended to city standards and requirements for residential development. The subject property has two (2) access locations via city streets, Sherwood Drive and E. Sixth Avenue. No negative impacts from the proposed use are anticipated to the existing public facilities serving the subject property.

FINDING: As stated within this staff report, the subject property has public road frontage and access via two (2) locations, E. Sixth Avenue and Sherwood Drive. However, to avoid log trucks through dense residential neighborhoods, the property owner/responsible party has submitted plans to utilize adjacent property to the southwest as their proposed "haul route." Staff has

recommended within the staff report that a separate gravel road be utilized due to the risk posed on the existing Upper Umpqua Tank water line located in the City of Sutherlin's easement (Deed Reference Number 71-10682).

After reviewing the proposed timber harvest request and discussing the matter with Public Works, it was determined that due to the substandard streets to be utilized by the logging project, Arch Avenue and E. Sixth Avenue, a condition of approval stating that any street being utilized for purposes of transferring harvested timber to and from the subject property must be videotaped prior to and upon completion of the project.

Any subsequent damage caused from the excessive weight of the equipment will result in the City recovering from the property owner/responsible party any costs of rehabilitation or repair to city Streets and/or water line which may be damaged by this activity. For this reason, property owner/responsible party will be required to obtain a City of Sutherlin Overweight Truck Hauling Permit that is to be approved pursuant to Section 10.32.030 of the SMC.

B. Site Plan Criteria (Section 4.5.130.B), which states the criteria for site plan review approval (Section 4.3.150) shall be met.

1. Based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application complies with the applicable provisions of the RH zoning district; and the applicable standards of Chapter 5.16 of the SMC. Finally, the proposed Conditional Use Permit is not part of a phased development.

C. Conditions of Approval (Section 4.5.130.C)

1. 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.
2. If approved, the conditions of approval should require the property owners/responsible party to:
 - i. The property owner/responsible party shall provide video documentation of the proposed haul route prior to the start of the proposed timber harvesting to the Sutherlin Public Works Director. The property owner/responsible party shall notify the Sutherlin Public Works Director when the proposed timber harvesting is complete. Once the timber harvest is complete the Sutherlin Public Works Director will re-evaluate by additional video footage along with visual inspection the "haul route" and affected city streets.
 1. Video footage shall include the City of Sutherlin's water line and access easement as outlined in Deed Reference Number 1971-10682.
 2. The property owner/responsible party is responsible for any damages that may occur to the existing gravel road (City of Sutherlin easement) and shall repair gravel road to beginning condition.

- ii. The property owner/responsible party shall provide a reciprocal easement/maintenance agreement to the city for review and then record the reciprocal easement/maintenance agreement with the Douglas County Clerk.
- iii. The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC). The hours of operation in residential districts is permitted between the hours of seven (7) a.m. and six (6) p.m.
- iv. Property owner/responsible party shall submit a Geotechnical Report prior to the start of the proposed timber harvesting, meeting the requirements of Section 2.7.10 of the Sutherlin Development Code (SDC).
- v. Property owner/responsible party shall submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after the harvesting of timber will not increase as a result of the proposed improvement. The certification shall further state that the property owner/responsible party will adhere to all applicable storm drainage, grading, erosion, and sediment control requirements. This statement will also state that there will be no impact to neighboring properties.
- vi. Property owner/responsible party must submit an approved permit from the Oregon Department of Forestry (ODF).
- vii. The property owner/responsible party shall comply with the Forest Practices Act.
- viii. The property owner/responsible party is responsible (and planning) for reforestation of the subject property meeting the requirements within Section 5.16.070.A of the SMC. A minimum of two hundred fifty (250) trees planted per acre within one year. After twelve (12) month period the property owner/responsible party shall demonstrate (and submit documentation) a minimum of seventy-five (75) percent survival rate.
- ix. All debris and slash realized from the tree falling shall be either removed or piled and burned within sixty (60) days following the removal of the harvested trees unless a time extension is granted by the planning commission due to unusual or extenuating circumstances; however, such time extension shall not exceed a maximum of twelve (12) months from the date of the completed harvest. Property owner/responsible party shall submit documentation compliance with this requirement.
- x. Property owner/responsible party must submit a 24/7 Emergency Contact information document for project management on site provided by the Sutherlin Fire Department.
- xi. Property owner/responsible party is required to follow all rules from DFPA (Douglas Forest Protective Association) during Fire Season.

- xii. The property owner/responsible party is advised by the Sutherlin Public Works Director the potential risk of utilizing the existing gravel access road for the “haul route” as described in the applications submitted. The property owner/responsible party is advised to explore alternate routes that don’t put the city’s water line at risk of being damaged. If the existing graveled road is utilized as the “haul route,” the property owner/responsible party is to notify the Public Works Director within 24 hours if damage occurs and is responsible to repair the damaged water line.
- xiii. Obtain a City of Sutherlin Overweight Truck Hauling Permit that is to be approved pursuant to Section 10.32.030 of the Sutherlin Municipal Code (SMC).
- xiv. Obtain the necessary Planning Clearance Worksheet approval from the Community Development Department, once the above conditions have been met authorizing the proposed Timber Harvesting.

ADISORY STATEMENTS:

- xv. The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs.
- xvi. The property owner/responsible party shall comply with all applicable local, county, state and federal regulations as applicable to the Tree Falling.

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 and Tree Falling Permit – greater than 5 acres on the subject property addressed as 0 E. Sixth Avenue, 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. Sutherlin Public Works Director shall provide video documentation of the proposed haul route prior to the start of the proposed timber harvesting. The property owner/responsible party shall notify the Sutherlin Public Works Director when the proposed timber harvesting is complete. Once the timber harvest is complete the Sutherlin Public Works Director will re-evaluate by additional video footage along with visual inspection the “haul route” and affected city streets.
 1. Video footage shall include the City of Sutherlin’s water line and access easement as outlined in Deed Reference Number 1971-10682.
 2. The property owner/responsible party is responsible for any damages that may occur to the existing gravel road (City of Sutherlin easement) and shall repair gravel road to beginning condition.

- ii. The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC). The hours of operation in residential districts is permitted between the hours of seven (7) a.m. and six (6) p.m.
- iii. Property owner/responsible party shall submit a Geotechnical Report prior to the start of the proposed timber harvesting, meeting the requirements of Section 2.7.10 of the Sutherlin Development Code (SDC).
- iv. Property owner/responsible party shall submit a stamped certification by a licensed engineer stating that the rate of storm water drainage during and after the harvesting of timber will not increase as a result of the proposed improvement. The certification shall further state that the property owner/responsible party will adhere to all applicable storm drainage, grading, erosion, and sediment control requirements. This statement will also state that there will be no impact to neighboring properties.
- v. Property owner/responsible party must submit an approved permit from the Oregon Department of Forestry (ODF).
- vi. The property owner/responsible party shall comply with the Forest Practices Act.
- vii. The property owner/responsible party is responsible (and planning) for reforestation of the subject property meeting the requirements within Section 5.16.070.A of the SMC. A minimum of two hundred fifty (250) trees planted per acre within one year. After twelve (12) month period the property owner/responsible party shall demonstrate (and submit documentation) a minimum of seventy-five (75) percent survival rate.
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- xiii. Obtain the necessary Planning Clearance Worksheet approval from the Community Development Department, once the above conditions have been met authorizing the proposed Timber Harvesting.

ADISORY STATEMENTS:

- xiv. The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs.
 - xv. The property owner/responsible party shall comply with all applicable local, county, state and federal regulations as applicable to the Tree Falling.
- 2. **APPROVE** the requested Conditional Use Permit and Tree Falling Permit – greater than 5 acres the subject property addressed as 0 E. Sixth Avenue, with modifications and/or conditions of approval, 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 and Tree Falling Permit – greater than 5 acres 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** the requested Conditional Use Permit and Tree Falling Permit – greater than 5 acres, as outlined in the application, subject to the conditions listed above, on the subject property addressed 0 E. Sixth Avenue.

N:\Planning\2023 Land Use\23-S005 FOREVER GREEN FOREST CUP TREE FALLING PERMIT\23-S005_FOREVER GREEN MANG_CUP_PC Staff Report.docx



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City of Sutherlin

PLANNING COMMISSION STAFF REPORT					
Re: Recreational Vehicles (RV's) as Temporary Housing				Meeting Date:	06-20-2023
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Jamie Chartier, City Planner & Kristi Gilbert, Community Development Director				City Manager Review	<input type="checkbox"/>
Attachments:	1) Summary of Survey Results 2) Summary of RV Open House (5-24-2023) 3) Overview of Options presented to Council 4-10-2023				

WHAT IS BEING ASKED OF THE PLANNING COMMISSION?

This staff report is in follow up to the Recreation Vehicle (RV) workshop during the May 16, 2023 Planning Commission meeting. This staff report will provide the Planning Commission with the five (5) available options in order to move forward with, "Should you be allowed to live within a Recreational Vehicle (RV) in the city of Sutherlin." We will hold discussions, answer questions, receive public input and vote on how to proceed.

EXPLANATION

Staff was directed by Council at the December 12, 2022 City Council meeting to research the possibility of allowing RV's to be resided in as temporary housing within the city limits. Staff provided information to the council at the February 13, 2023 meeting and Council directed staff to take the topic to the Planning Commission and conduct public outreach.

Planning Commission held a discussion at their March 21, 2023 meeting and a Workshop was conducted at the May 16, 2023 meeting. Public Outreach was conducted which included a survey (mailed to all within 97479 zip code, posted on City social media pages, website, distributed throughout the city, etc). Approximately 657 responses were received (summary attached), an Open House was held on May 24, 2023 with 79 citizens in attendance (summary attached).

Currently, Recreational Vehicle (RV) occupancy is not a permitted use in the Sutherlin Development Code (SDC), other than within an approved RV or Manufactured Home Park with designated RV spaces. Within Section 1.3 of the SDC a Recreational Vehicle is defined as, "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." RV's also do not meet the development standards listed within section 2.2.110 of the SDC, that are required for single family dwelling approval.

JUNE 20, 2023 PLANNING COMMISSION MEETING

RV DISCUSSION and PROCESSES

Below is an overview of each of the requirements and procedures for the different review types. The Planning Commission will issue a written recommendation to the City Council with the option they elect to move forward with.

1. Continue to not permit recreational vehicle (RV) occupancy as identified in the Sutherlin Development Code (SDC) and continue the Code Enforcement process.
 - a. This would retain the current verbiage in the SDC
2. Propose an Ordinance that would amend the Sutherlin Municipal Code (SMC) to prohibit the occupancy of an RV and enforce the rules and regulations.
 - a. Staff would prepare an Ordinance to present to City Council for approval that would allow the verbiage be included into the SMC that would prohibit the occupancy of an RV
3. Proceed with the Code Enforcement process by enforcing the existing rules and regulations outlined within the SDC.
4. Move forward with allowing RV's to be occupied as Temporary Housing. To include:
 - a. Workshop to discuss guidelines for RV Occupancy on Private Property
 - b. Creation of Guidelines for RV Occupancy
 - c. Locations Allowed
 - d. Rules and Regulations such as: sanitation and water facilities, garbage service, electrical, setback requirements, no accessory structures, no storage of belongings visible from the public street, etc
 - e. Fee's – system development charges, separate utilities connection, application
 - f. Registration requirements
 - g. Resolution with attached Temporary Guidelines for RV Occupancy on Private Property
5. Legislative Amendment to permit RV occupancy on enacted, "time, place and manner" restrictions within the SDC. The process would include:
 - o Legislative Code Amendment. A Code Amendment is a Type IV process that can take approximately six (6) months to complete. Staff would draft the language to be added into the Sutherlin Development, this would include definitions and sections to be amended. A workshop with the Planning Commission and City Council can take place prior to the respected hearings.
 - The procedure (summarized) for a Type IV process includes:
 1. Planning Commission Meeting
 - a. Notice (20 days prior hearing) and Legal Notice (14 days prior) requirements
 - b. 35 day notice to the Department of Land Conservation and Development (DLCD)

- c. Draft Amendments to be sent to PC
 - d. Conduct the public hearing
 - e. Planning Commission to make a recommendation to City Council
- 2. Planning Commission Findings of Fact Hearing
 - Staff to prepare the written recommendation (findings and conclusion) for Planning Commission to issue a written recommendation to City Council
 - Mail recommendation to required parties
- 3. City Council Meeting
 - a. Notice (20 days) of hearing and Legal Notice (14 days)
 - b. Staff Report/Draft Ordinance sent to CC
 - c. Hearing on proposed amendments
 - i. First Reading
 - ii. Second Reading at the next meeting
- 4. Final Notice of Adoption mailed to DLCD
- 5. Effective Date of Amendments (within 30 days of adoption)

Should you be allowed to live in an Recreational Vehicle (RV) in the City of Sutherlin – Summary of May 24, 2023 Open House

- 79 citizens were in attendance
- City Staff present: Kristi Gilbert, Community Development Director, Aaron Swan, Public Works Director, Jamie Chartier, City Planner, Brian Elliott, Community Development, Troy Mills, Sutherlin Police Chief, Brandan McGarr, Division Chief and Melanie Masterfield, Deputy City Recorder/Community Engagement Manager
- 40 people in attendance spoke (so twice)
 - In Favor: 9
 - In Opposition: 25
 - Neutral (made a statement and/or question for staff): 9

The twenty-four opposing the idea of changing the existing Sutherlin Development Code (SDC) to allow an RV to be occupied had the following statements (in summary):

- Against proposal – who will enforce all the rules and regulations that would need to be in place?
- Unsafe/Nuisance
- Allowing them to be lived in would “open a can of words” – look at other jurisdictions as examples.
- Does not want neighborhoods to bring an RV in next door, accumulation of items, not only trash, they are fire hazards, is the City setting themselves up for a class action lawsuit?
- Negatively affect a neighborhood, lower property tax, negative impact on Sutherlin
- The additional work load on city staff
- Make living in an RV enforceable and enforce it
- Sanitation – dumping the additional waste and chemicals into the city sewer system
- Laws tend to be loosening, which leads to abuse of the RV tenant and then makes it very hard for a property owner to remove
- Water restrictions with current residence, adding RV’s would utilize more water that the city already lacks
- Zoning does not allow, parking on streets which would make it hard to navigate
- Should not be complaint driven or have to leave your name, people are afraid of retaliation from their neighbor or RV occupant(s)

Summary of the nine that spoke in favor:

- Family emergencies, unexpectant situations with the only solution was to allow a family member to reside in an RV on their property

- Lack of affordable housing
- Private property should be “private property”
- People are already living here, so how can we fix it?
- Losing control of private property
- We are telling him we are discriminating against people from coming here

Some of the Neutral comments/questions where:

- Can you get a dump permit for an RV in the public sewer?
 - No per the Sutherlin Municipal Code
- Can you park on a public street?
 - No
- Have compassion
- Use water funds to hire another compliance person, the city charges enough for water
 - Water funds (or lack of) are for water maintenance, this additional use would tax the water system
- People can build an Accessory Dwelling Unit (ADA)
- Can people park an RV under a carport?
 - This does not affect or pertain to the storage of your personal RV on your property, you cannot park them in the street for more than 24 hours, nor can you currently reside in one
- How will someone know they are living in one?
 - Complaint driven, visibly connected to water and/or sewer and electrical

OPTIONS AS PRESENTED AT THE APRIL 10, 2023 CITY COUNCIL MEETING

1. Take no action, continue to not permit RV Occupancy as identified in the Sutherlin Development Code and continue the Code Enforcement process.

2. Recommend to move forward with a proposed Ordinance to amend the Sutherlin Municipal Code to prohibit the occupancy of an RV.

3. Code Enforcement – enforce the existing rules and regulations outlined within the Sutherlin Municipal Code and Sutherlin Development Code.

4. Move forward with allowing RV's to be occupied as Temporary Housing. To include:

- a. Planning Commission Workshop to discuss guidelines for RV Occupancy on Private Property
- c. City Council Workshop
- d. Resolution with attached Temporary Guidelines for RV Occupancy on Private Property

5. Legislative Amendments to our local ordinance to permit RV Occupancy on enacted, “time, place and manner” restrictions with the Sutherlin Development Code. To include:

- a. Planning Commission Workshop to discuss guidelines for RV Occupancy on Private Property
- b. Public Outreach – Open House(s), City Bulletin, Survey, etc
- c. City Council Workshop
- d. Resolution with attached Temporary Guidelines for RV Occupancy on Private Property



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City of Sutherlin

Date: June 13, 2023
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

Ford's Pond Grant update

At the May 8, 2023, City Council awarded the bid to JRT Construction, LLC in the amount of \$1,884,038.16. Construction started on June 5th and is expected to be completed in late Fall of 2023.

Recreational Vehicle (RV) Survey and Open House

It is currently not permitted to reside in an RV on private property within the city limits. Following several complaints to city councilors, they directed staff to seek public input on whether the citizens would like to see enforcement or code changes to address the issue. A postcard for an RV survey was mailed out on April 24, 2023. Survey closed on May 12, 2023. An open house was held on May 24, 2023, 5:00 p.m. – 7:00 p.m. in the Civic Auditorium for additional public input, 79 citizens attended. Information was collected from the public outreach and provided to the planning commission for their regular scheduled meeting on June 20, 2023.

TRANSPORTATION

Downtown Parking Lot

- Design and Construction Estimate
 - Start date: December 12, 2022
 - Completion date: March 31, 2023
 - Bidding June/July 2023
 - Construction is estimated to begin late summer, 2023

UTILITIES

Nonpareil Water Treatment Plant Improvement:

New construction schedule:

- | | |
|-----------------------|---------------------|
| a. New Coatings | March 6 – 10, 2023 |
| b. Concrete Infill | March 17, 2023 |
| c. Underdrains/Piping | March 20 – 24, 2023 |
| d. RW Pump Station | March/April 2023 |
| e. Treated Water PS | March/April 2023 |

f. Chemical Feed	March/April 2023
g. Controls Startup	April 14 – 28, 2023
h. WTP Commissioning	May/June 2023
i. Substantial Completion	August 2023
j. Final Payment	September 2023

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.

LAND USE ACTIVITY

Building Worksheets:

- 2023-14- 2023-29 on previous Activity Report(s)
- 2023-30 – 289 Raintree – accessory bldg
- 2023-31 – 173 E Everett Ave – re-roof pre-existing duplex in commercial zone
- 2023-32 – 500 E Fourth Ave – Metal Shop Bldg (SHS)
- 2023-33 – 500 E Fourth Ave – Seismic Rehab to existing SMS bldgs
- 2023-34 – 263 W Sixth Ave – roof/covering
- 2023-35 – 1200 E Central Ave, Sp 9 – carport
- 2023-36 – 880 Fir Grove Ln – SFD
- 2023-37 – 333 Dakota St – 72 Unit Apartment Complex
- 2023-38 – 1903 Ridge View Dr – accessory bldg.
- 2023-39 – 226 W Central Ave – change in use
-

Active Land Use Applications:

- 23-S001 – 23-S003 on previous Activity Report(s)
- 23-S004 – Douglas County Land Dept. – PLA
- 23-S005 – Forever Green Forest Management – CUP & Tree Falling Permit
- 23-S006 – Baker – TUP (Firework Stand)

Right of Way Applications:

- 23-05 – 23-11 on previous Activity Report(s)



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