



**City of Sutherlin
Planning Commission Meeting
Tuesday, August 1, 2023
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Approval of Minutes

June 20, 2023 – Regular Meeting

Continuance of 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.**

Monthly Activity Report

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7:00 PM
TUESDAY, JUNE 20, 2023**

COMMISSION MEMBERS PRESENT: Michael Hogsett, John Banducci, Tom Maloney, Norm Davidson and Adam Sarnoski

COMMISSION MEMBERS EXCUSED: Alan Woods

COMMISSION MEMBERS ABSENT: None

CITY STAFF: Jamie Chartier, City Planner, Brandi Medeiros, Community Development Assistant and Kristi Gilbert, Community Development Director

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

MEDIA PRESENT: Scott Carroll, News Review

AUDIENCE: Vicki Holland, John Daye, Sheri Haury, Venita Ames, Trixy Diamond, Chester Quesnoy, Diana Quesnoy, Anita and Brent Hunsaker, Sheri Esterbrook, Nathan Miller, Marty and Coraleigh Hopkins, Kristine Godley, David Roell, Casie Roell, Jon Bean, Greg Demers, Dick Titus, Shane and Debbie Powell, Julie and Steve Minota

FLAG SALUTE

APPROVAL OF MINUTES

A motion made by Commissioner Sarnoski to approve the minutes of the May 16, 2023 Planning Commission meeting; second made by Commissioner Maloney.

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

Opposed: None

Excused: None

Motion carried unanimously

QUASI-JUDICIAL PUBLIC 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.**

Chair Davidson opened the hearing, with reading of the disclosure (legal) statement; app persons testifying shall be deemed parties to appeal the application and must provide full name and mailing address if they wish to be notified of the decision, continuances, appeals, or procedural actions

required by the Code. The Sutherlin Development Code specifies applicable criteria to be relied upon in making a decision.

Chair Davidson asked the Commission if there were any conflicts of interest or personal bias; Commissioner Hogsett declared he lives off Arch Street, but it won't impact his unbiased decision-making abilities. Chair Davidson asked the audience if there were any challenges of impartiality of any person(s) on the Commission. Hearing none, Chair Davidson asked for the Staff Report.

Jamie Chartier, City Planner, identified Joshua Heacock, Douglas County Public Works, Brandan McGarr, Sutherlin Fire Department, Aaron Swan, Sutherlin Public Works, David Roell and Casandra Roell and Venita Ames, along with the applicant as having party status. Ms. Chartier asked if anyone in the audience would like to declare party status, the following people declared: Nathan Miller, Chester Quesnoy, Scott Haury, Trixy Diamond and Robert Chambers. Mr. Chartier then entered Staff Exhibits 1-9, along with the Staff Report into the record. Ms. Chartier then proceeded to summarize the Staff Report, with the recommendation of action alternative number 1 and listing the conditions of approval.

APPLICANT'S TESTIMONY - Greg Demers, representative for the property owner who is proposing the timber harvest, stated the intent after the timber is harvested will be to propose a development on the subject property. By harvesting the timber, this will open up the land (contours, topography, etc) to allow them to determine what development would best fit. Mr. Demers proceeded to go through the list of conditions noted in the staff report. Having no objection to condition number 1, stating he would work with the city to try and avoid the existing water line and will conform to condition number 2. Mr. Demers stated he does not understand why a Geotechnical Report (condition number 3) would be required for this application, typically that is done with development, same with condition number 4, storm drainage requirements should come later, the harvesting won't change the drainage. Mr. Demers went on to state he is ok with condition numbers 5, 6, 7, 8 would possibly need an extension due to fire season, ok with 9, 10, 11 he stated they would propose a locate to identify the existing waterline and then move to one side of the road to avoid. Mr. Demers thought condition number 12, obtaining an Overweight Truck Hauling Permit shouldn't be necessary since the trucks are not over 80,000 lbs.

TESTIMONY IN FAVOR - No testimony in favor.

TESTIMONY IN OPPOSITION –

Chester Quesnoy, 745 E. Sixth Ave, Sutherlin, stated they are already building roads and uprooting trees on his property. They are disrupting everything in the area and he objects to the proposed application saying it is not good.

Scott Haury, stated that he has concerns with drainage, he has a seasonal drainage creek on his property and they have already altered drainage by pushing in roads. Mr. Haury objects!

Trixy Diamond, 350 Arch Avenue, Sutherlin, stated she is a forester and specializes in forestry. Ms. Diamond has concerns with dust abatement, asked what mitigation measures will be in place. Ask the commissioners to drive Arch Avenue, there are blind corners and cannot see. Some of the neighbor's trees and mailboxes going to be cut/moved so there is visibility on the haul route? Arch to Sixth to State is already tight. Ms. Diamond went to state the water flow is ridiculous, the water flow will change when he removes trees and Mr. Demers doesn't get that. She hopes the

Planning Commissioners do. She hopes that the timber harvesters don't mess with the water line, she looked towards the commissioners and stated, make sure you put in mitigation measures.

Robert Chambers, 739 E Sixth Avenue, Sutherlin, came forward to speak and stated they have already begun running things, interrupting wildlife, roads built, trees cut. They don't need to disrupt everything to mark property lines. Mr. Chambers also stated that he already runs out of water and has it hauled in, the city cannot pump enough water and water pressure is already an issue.

John Beam, 767 Terrace Ln, Sutherlin, he would like to know the clear cutting/replanting process. Also stated that water is already an issue, he already runs out of water and has it hauled in. The city cannot pump enough water currently and water pressure has issues.

RECEIVE NEUTRAL - No neutral testimony.

APPLICANT'S REBUTTAL

Greg Demers, representative for the property owner came back to the podium and stated that equipment work has not been done, except the opening of roads to access the property. They have surveyors up working on the property, a license surveyor should have contacted property owners. Mr. Demers went on to say that drainage, if cut trees would cause additional drainage, but would not reroute it. Mr. Demers says he understands the waterline and to not damage it. The future plan is to develop the property and states it is designated right for residential. Mr. Demers continued by saying it is supposed to be developed and all criteria would have to be met. Again, we have not cut any trees, surveyors have cut lines.

Closed public portion of the Hearing

DISCUSSION – none

A motion was made by Commissioner Sarnoski to recommend to continue the hearing to July 18, 2023 scheduled meeting at 7:00 p.m. in Civic Auditorium; Commissioner Maloney seconds the motion.

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

Opposed: None

Excused: None

Motion carried unanimously

RECREATIONAL VEHICLE (RV) DISCUSSION –

Jamie Chartier, City Planner, summarized the staff report and provided summaries from the Open House and Survey that was provided within the commissioner's packet. Chair Davidson opened the discussion up for public comment.

Sheri Esterbrook, 326 Hawthorne Street, Sutherlin, stated she is opposed to allowing people to reside within an RV, properties begin looking trashy and if the city allows this it will just open up a can of worms. Mrs. Esterbrook spoke to some of her neighbors and they are also 100% opposed to this idea.

Kristine Godley, 800 S. State Street #147 (SKP Park), Sutherlin, lives in a residential trailer park, stated why is it ok for someone disabled to reside in an RV contradicts someone not financially stable. Problem stems from how to make distinction. Ms. Godley stated there are 89 homeless students in the school district. The problem with people, affordable housing and she hears both sides. Mrs. Godley attended the RV Open House.

Brett Hunsaker, 1972 Ridgeview, Sutherlin, strongly opposed, recently moved from an area that this didn't work. People started with converting garages into living spaces, then didn't have room to park their vehicles and they started parking on the streets. Then came the RV's, the treatment plans are affected, electrical volts are not adequate which will lead to fires. Mr. Hunsaker stated people will try to make a buck and rent out multiple RV's on private property. He added that RV's do not pay taxes, so in turn there is not adequate police, fire, etc. funding for additional employees, then everyone else will pay higher with bigger burden on citizens, the city would be fools to step down this path.

John Daye, 1800 Ridgeview, Sutherlin, adamantly against it, our property values would reduce – not just his, but the entire cities. Mr. Daye stated the city should build an RV Park for low income, not ok to just park RV's in a neighborhood.

David Roell, 689 Sherwood, Sutherlin, stated that RV style housing is not the answer and is not good for the community. Would not recommend this style and is opposed to allowing people to occupy an RV.

Greg Demers, PO Box 876, Venita, OR, we are in a housing shortage and we need to build more houses, that is what development is intended for.

Vickie Holland, 2571 Parkway, Sutherlin, Mrs. Holland stated she is currently dealing with an RV in behind her back yard for almost a year now. Kids are constantly running though the RV, which causes her dogs to bark, this is not what I signed up for. When a complaint is filed it should have been kept anonymous and it was not. Then the blame came from the adjacent neighbors. How it came about to not enforce this was ridiculous, Mrs. Holland does not agree with the "noncompliance" we are currently in.

Sheri Esterbrook came up to the podium to speak again that electrical hookups and sewer (dumping) would be an issue. An RV needs to move at least every two (2) weeks to dump sites.

Kristine Goodfrey came up to the podium to speak again to state that they have dumpsites (at SKP).

DISCUSSION - With no further public comments the planning commission members discussed the options presented, what the public has stated.

A motion was made by Commissioner Sarnoski to recommend to City Council to move forward with Option Number 2 presented with a proposed Ordinance to amend the Sutherlin Municipal Code to prohibit the occupancy of an RV. Commissioner Maloney second the motion.

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

Opposed: None

Excused: None

Motion carried unanimously

MONTHLY ACTIVITY REPORT – No questions or comments.

PUBLIC COMMENT – None

COMMISSION COMMENTS – None

ADJOURNMENT - With no further business the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jamie Fugate, City Planner

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

Norman Davidson, Commission Chair

DRAFT



City of Sutherlin

Community Development
126 E. Central Avenue
Sutherlin, OR 97479
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www.ci.sutherlin.or.us

July 25, 2023

TO: Planning Commission Members

FROM: Jamie Fugate, City Planner

RE: Continuance of a Public Hearing for Forever Green Forest Management, LLC, request for a Conditional Use Permit and Tree Falling Permit – greater than 5 acres on property located at 0 E. Sixth Avenue, File No. 23-S005

During the June 20, 2023 Planning Commission meeting on the above referenced matter, the Planning Commission opened the hearing and heard testimony from the applicant and opposition. The applicant had questions regarding the condition(s) of approval listed in the Staff Report, along with testimony received. The Commission continued the hearing to allow for additional testimony to be submitted, by a motion, second and vote.

At this time, no additional testimony was submitted to the above reference file. The applicant has responded by stating, "he talked with almost every person in that room, and no one could show me any trees cut down on their property."

Enclosed: Staff Report Action Alternatives

C : Planning Commission
Kristi Gilbert, Community Development Director

ACTION ALTERNATIVES – File No. 23-S005

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.
- viii. 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.
- ix. Property owner/responsible party must submit a 24/7 Emergency Contact information document for project management on site provided by the Sutherlin Fire Department.
- x. Property owner/responsible party is required to follow all rules from DFPA (Douglas Forest Protective Association) during Fire Season.
- xi. 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.
- xii. 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).
- 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.



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City of Sutherlin

Date: July 25, 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. The Planning Commission made a recommendation to the City Council prohibit residing in RV's on private property within the city limits. The City Council considered the Planning Commission recommendation and directed staff to move forward with drafting an ordinance.

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

Waite Street Improvements

Advertisement for Request for Proposals (RFP) to provide Engineering Design Services and Construction Cost Estimate for Waite Street Improvements went out June 21, 2023. Five proposals were received by the July 20, 2023 deadline. The schedule is as follows:

Contract Negotiation w/ Selected Consultant
Award of Project

August 1, 2023
August 14, 2023

Start Design August 15, 2023
Complete Design November 16, 2023
Present Final Design to Council December 11, 2023 @ 7:00 p.m. PST

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- 2023-39 on previous Activity Report(s)
- 2023-40 – 1305 W Central Ave – TUP – fireworks stand
- 2023-41 – 156 Allison Ave – zero-lot line townhouse
- 2023-42 – 160 Allison Ave – zero-lot line townhouse
- 2023-43 – 1207 W Central Ave – deck addition
- 2023-44 – 1621 W Central Ave – sign
- 2023-45 – 620 N State – solar panels
- 2023-46 – 714 E Fourth Ave – accessory bldg
- 2023-47 – 623 & 627 E Everett Ave – duplex
- 2023-48 – 629 & 633 E Everett Ave – duplex
- 2023-49 – *** Robert Lavern St – SFD
- 2023-50 – 879 Pebble Creek St – SFD
- 2023-51 – 249 Dakota St – two signs (Evergreen Family Medical)
- 2023-52 – 942 S Calapooia St – gazebo
- 2023-53 – 550 S State St, Sp 188 – accessory bldg.
- 2023-54 – 1836 Lakeview Dr – foundation repair

- 2023-55 – 775 Taylor St – interior remodel of commercial bldg

Active Land Use Applications:

- 23-S001 – 23-S006 on previous Activity Report(s)
- 23-S007 – Landmark Surveying – PLA
- 23-S008 – Loughhead – Tree Falling Permit

Right of Way Applications:

- 23-05 – 23-11 on previous Activity Report(s)
- 23-12 – Umpqua and First Alley
- 23-13 – 205 E Sixth Ave
- 23-14 – 190 Robinson St
- 23-15 – PP&L Facility Upgrades (W Central Ave)
- 23-16 – 500 E Fourth Ave
- 23-17 – 300 block of E First Ave