



**City of Sutherlin
Planning Commission Meeting
Tuesday, September 20, 2022
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Introduction of new Planning Commission member – Michael H.

Approval of Minutes

July 19, 2022 – Regular Meeting

Psilocybin Update and Discussion

Monthly Activity Report

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7:00 PM
TUESDAY, JULY 19, 2022**

COMMISSION MEMBERS PRESENT: Lisa Woods, Alan Woods, Adam Sarnoski, and Tom Maloney

COMMISSION MEMBERS EXCUSED: Norm Davidson

COMMISSION MEMBERS ABSENT: None

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

AUDIENCE: John McManis

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

FLAG SALUTE

APPROVAL OF MINUTES

A motion made by Commissioner Sarnoski to approve the minutes of the June 21, 2022 Planning Commission meeting; second made by Commissioner A. Woods.

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

Opposed: None

Excused: None

Motion carried unanimously

APPROVAL OF FINDINGS OF FACT(S)

- 1. PREMIER HOME CONSTRUCTION, INC,** request for a 29-lot Subdivision, Class B Variance to Housing Density standards and Class C Variance to Road Standards on an 8.13 acre property. **PLANNING DEPARTMENT FILE NO. 22-S009.**

A motion was made by Commissioner A. Woods to approve the Findings of Fact for Premier Home Construction, Inc, request for request for a 29-lot Subdivision, Class B Variance and Class C Variance on a 8.13 acre property. **PLANNING DEPARTMENT FILE NO. 22-S009.** Motion seconded by Commissioner Sarnoski.

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

Opposed: None

Excused: None

Motion carried unanimously

MONTHLY ACTIVITY REPORT –

Jamie Chartier, City Planner, gave the commission an update on the stage cover for the Central Park Multi-Use Stage. Commissioner Sarnoski asked about the road improvement list that Public Works does. **Kristi Gilbert, Community Development Supervisor**, stated we are unsure of the most updated list but we can check with Public Works.

PUBLIC COMMENT – John McManis, 854 W. Sixth Ave, Sutherlin, resides across W. Sixth Avenue from Hartley Park and has some concerns. Stating complaints of cars speeding through the gravel parking lot at all hours of the day and night, creating dust, the need for more signage at the park with rules and directions to dog park and the safety issue with rocks flying from the parking lot as cars speed through. Mrs. Gilbert, stated she had spoke to his mom on the phone and had reached out to the Police Chief and Public Works Director regarding her concerns. The parking lot will be oiled soon to help with dust control. As far as parks issues he was informed of the Parks Advisory meeting on Thursday (21st) and the public is welcome.

COMMISSION COMMENTS – Commissioner Sarnoski stated that he walked the sidewalk on Valentine Avenue and noticed the concrete sidewalk was cracking, flacking and compressed. Mrs. Chartier stated that we will let the Public Works Director know.

Commissioner A. Woods asked for a status update on the C-1/Residential section listed on the Activity Report. Staff informed the Planning Commission that currently one (1) property has been cited and going to court later this month and are continuing to work with or pursue legal action on other properties.

Commissioner Sarnoski further asked about the Dollar General, stated they are closed and asked why. Mrs. Chartier informed the commission that she had just read this online and will reach out to the Douglas County Building Department for information.

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

Respectfully submitted,

Jamie Chartier, City Planner

APPROVED BY COMMISSION ON THE _____ DAY OF _____, 2022.

Lisa Woods, Commission Chair



City of Sutherlin

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September 13, 2022

MEMORANDUM

TO: Planning Commission Members
FROM: Jamie Chartier, City Planner
RE: Psilocybin Regulations and Requirements

On August 12, 2022 Chad Jacobs, City Attorney presented the attached staff report to City Council. At this time City Council has proposed a temporary two-year prohibition on locating psilocybin facilities within the City Limits. This prohibition must be approved by the voters during the November 2022 election. If the measure is approved, the state will not issue any psilocybin manufacturing or service center licenses in the City limits until January 2025. However, if the measure fails, the state will be able to issue licenses for such facilities and services centers in January 2023.

Because of the unknown result of the November election, we are wanting to give you an update on regulations and requirements, the land use process that will be required to take place if the measure fails and answer any questions that you might have.



City of Sutherlin

STAFF REPORT					
Re: Psilocybin Regulations				Meeting Date:	9/12/2022
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input checked="" type="checkbox"/>
Submitted By: Chad Jacobs, City Attorney				City Manager Review	<input checked="" type="checkbox"/>
Attachments: None					

WHAT IS BEING ASKED OF COUNCIL?

Council is being asked to provide direction to staff regarding possible time, place and manner regulations for psilocybin facilities that might be located in the City if the voters do not approve the temporary two-year prohibition on such facilities proposed by Council.

EXPLANATION

As previously discussed by the Council, Measure 109 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. Such regulations will be based, in part, on the experiences of other jurisdictions that allow such facilities.

There are two types of facilities that may be regulated by the City: manufacturing facilities and service centers. Manufacturing facilities are where the psilocybin is grown. Under state law, these facilities must grow psilocybin indoors – no outside growing is permitted. Service centers are facilities where the psilocybin is administered to clients. State law requires the use of psilocybin at a service center – clients may not take psilocybin with them to use off premises. Under state law, psilocybin service centers are prohibited in residential zones located within the City as well as within 1,000 feet of a school. If the state determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center, the limit on distance requirement is decreased to 500 feet. In addition, licensed premises must have defined boundaries, but they do not need to be enclosed by a wall, fence or other structure. Furthermore, all mobile premises are prohibited by state law, but state law expressly permits the co-location of manufacturing and service center facilities.

State law also permits local jurisdictions to impose reasonable time, place and manner restrictions on psilocybin manufacturing facilities and service centers. These limitations must be reasonable in nature, and may regulate things such as the time of operation of the facilities, where the facilities may be located within the City, the manner in which provide services or manufacture psilocybin, as well as how the public accesses such facilities. Importantly, however, state law precludes a

local jurisdiction from imposing a limitation on psilocybin service centers from being located within a distance that is greater than 1,000 feet of another service center. State law also prohibits a local jurisdiction from requiring a local license for the manufacturing or sale of psilocybin products or the provision of psilocybin services.

As noted above, the Council has proposed a temporary two-year prohibition on locating psilocybin facilities within City limits, but that prohibition must be approved by the voters. The voters will decide whether to approve the proposed prohibition during the November 2022 election. 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 the temporary two-year prohibition, the City Attorney's Office is recommending that the Council consider whether it would like to propose time, place and manner restrictions that are in addition to those that are already imposed by state law. The purpose would be to have such restrictions in place in case the proposed two-year prohibition fails. In that case, the time, place and manner restrictions would be in place for any licensees who seek a license next January.

Time, place and manner restrictions are not required to be approved by the voters. Accordingly, the Council may not only enact such regulations, but it may amend them in the future as well. To that end, if the temporary prohibition is approved, the Council may repeal the time, place and manner restrictions or amend them as it deems necessary based on the experiences of other jurisdictions. However, if the measure fails, the City may not be able to impose certain regulations on a licensee that has already been granted a license. As a result, the Council may want to consider imposing stricter regulations at the onset and then amending them as needed to lessen the requirements.

It is also important to consider that state law does not define what constitutes a "reasonable" regulation. As a result, the City will be better positioned against legal challenges if any imposed regulations focus on public health, welfare, and safety concerns. In addition, based on analogy to cases challenging local marijuana regulations, a regulation that makes it effectively impossible for a facility to locate and operate within the City is likely to be found unreasonable and therefore prohibited.

When considering what additional regulations to impose, if any, the Council should consider what restrictions might already be in place based on existing local ordinances of general applicability. It is only where the Council wishes to treat psilocybin business differently than other business generally that regulations specific to psilocybin facilities will be required. For example, there is no need to impose design standards on psilocybin facilities that mirror the design standards already set forth in the development code since those provisions apply to all development in the City.

The purpose of this agenda item is to discuss what, if any, regulatory options the Council may want to consider for adoption this fall. Depending upon the type of regulation, notice to the state and a hearing before the Planning Commission may be necessary. Thus, staff is seeking direction at your September 12, 2022 meeting to begin this process.

OPTIONS

As discussed above, the Council may impose reasonable time, place and manner restrictions on psilocybin manufacturing facilities and service centers. Possible options the Council may want to consider include:

- Imposing a requirement to comply with state laws and regulations, including obtaining necessary licensure from the state;
- Regulating hours of operation;
- Imposing requirements to minimize odors from manufacturing facilities. Depending on the manufacturing techniques used, it appears psilocybin may not create the same odor issues as with marijuana facilities;
- Requiring the implementation of safety measures – lighting requirements for entrances/exits, prohibiting outdoor storage, requiring secure disposal, requiring on-site security, etcetera;
- Placing additional location restrictions on facilities such as proximity to other uses, zoning, co-location, etcetera (recall the existing location restrictions and limitations on local location restrictions described above);
- Preventing views into the interior from public areas; and
- Regulating uses of outdoor space – whether service centers can utilize outdoor space or must be entirely indoors – if use of outdoor space is permitted, consider screening and security measures such as fences.

SUGGESTED MOTION(S)

None. Staff is merely seeking direction from the Council regarding what type of time, place and manner regulations, if any, the Council would like to consider later this fall.



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City of Sutherlin

Date: September 13, 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 2022 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 few 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.

Downtown Parking Lot

- Design and Construction management TBD 2022

TRANSPORTATION

Everett Street Improvements

Everett Avenue improvements were completed.

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:

- 2022-58- 2022-68 on previous Activity Report(s)
- 2022-69 – 329 E Central Ave – Commercial Bldg (Webtrax)
- 2022-70 – 550 S State St, Sp 145 – enclose carport
- 2022-71 – 1200 E Central Ave, Sp 57 – carport
- 2022-72 – 683 W Central Ave – CIU (Southern Oregon Gun)
- 2022-73 – 1326 S Calapooia St – SFD
- 2022-74 – 2653 Greyfox – accessory bldg.
- 2022-75 – 1034 Laurel Ave – SFD
- 2022-76 – 865 Pebble Creek St – SFD
- 2022-77 – 907 Pebble Creek St - SFD

Active Land Use Applications:

- 22-S006 – 22-S009 on previous Activity Report(s)
- 22-S010 – Robinson – Major Modification
- 22-S011 – Robinson – Major Modification
- 22-S012 – Allison – Class A Variance
- 22-S013 – Old Mac LLC - PLA

Right of Way Applications:

- 22-24 – 22-25 on previous Activity Report(s)
- 22-26 – W First Ave and Branton – Avista
- 22-27 – 275 E Sixth Ave - Charter
- 22-28 – 201 Dakota Street – Avista
- 22-29 – 402 S Comstock – Avista
- 22-30 – 334 N Grove - Avista
- 22-31 – 1010 Forest Heights – Avista
- 22-32 – 460 S Comstock – Avista