



**City of Sutherlin
Council Meeting
Monday, April 12, 2021
Civic Auditorium – 7:00 p.m.**

AGENDA

Mayor Todd McKnight
Council President Sumner

Councilors Boggs, Groussman, Hamilton, Vincent, and Whitaker

1. CALL TO ORDER / FLAG SALUTE

2. ROLL CALL

3. INTRODUCTION OF MEDIA

4. PUBLIC COMMENT

[The purpose of citizen comment is to allow citizens to present information regarding agenda items only. A time limit of three minutes per citizen shall apply.]

5. PRESENTATION

- a. Pegasus Project

6. CONSENT AGENDA

- a. March 8, 2021 Minutes

7. COUNCIL BUSINESS

- a. Ordinance No. 1083 – Repealing SMC Sections 9.20.010, 12.36.140 & 12.36.160 – Prohibited Camping, Declaring an Emergency (first reading, title only)
- b. Ordinance – Repealing Chapter 1.08 – Initiatives and Referendums (first reading, title only)
- c. Liquor License Application – Cancun Mexican Restaurant
- d. Revised Budget Calendar Approval
- e. Resolution No. 2021.04 – Oregon Parks and Recreation – Ford's Pond Community Park Authorization Approval

8. WORKSHOP

- a. Review of Development Code

9. CITY MANAGER REPORT

- a. COVID Business Relief

10. CITY COUNCIL COMMENT

11. PUBLIC COMMENT

[The purpose of citizen comment is to allow citizens to present information regarding items off the agenda. A time limit of three minutes per citizen shall apply.]

12. ADJOURN

EXECUTIVE SESSION:

ORS 192.660(2)(d) - Labor Negotiation Consultations

Members of the audience who wish to address the Council will be invited to do so. Speakers must use the microphone stating their name and address prior to addressing the Council.



Call to Order & Flag Salute





ROLL CALL





Introduction Of Media





PUBLIC COMMENT

Agenda Items only





PRESENTATIONS





PEGASUS PROJECT





Consent Agenda



CITY OF SUTHERLIN
Regular City Council Meeting
Sutherlin Civic Auditorium
Monday, March 8, 2021 – 7:00pm

COUNCIL MEMBERS:

Tom Boggs, Joe Groussman, Debbie Hamilton, Michelle Sumner, Seth Vincent and Larry Whitaker

MAYOR: Todd McKnight

CITY STAFF: City Manager, Jerry Gillham
Finance Director, Tami Trowbridge
City Recorder, Diane Harris
Deputy City Recorder, Melanie Masterfield
Public Works Director, Aaron Swan
Community Development Director, Brian Elliott
Community Development Supervisor, Kristi Gilbert
Police Chief, Troy Mills
Deputy Fire Chief, Scott McKnight
Library Director/UR Administrator, Pat Lynch
City Attorney, Chad Jacobs (via Zoom)

Audience: Tyler Malatore, Lynda Whitaker

Via Zoom: Jim Houseman, Rachel Anglin

Meeting called to order by Mayor McKnight at 7:00 p.m.

Flag Salute:

Roll Call: All present

Introduction of Media: None

PUBLIC COMMENT (agenda items only)

- None

**Mayor asked the new Finance Director to introduce herself. Tami Trowbridge expressed great excitement to join the City's team. "I'm learning a lot and appreciate the opportunity."

CONSENT AGENDA

- **February 8, 2021 Minutes – Regular Meeting**

MOTION made by Councilor Whitaker to approve Consent Agenda as presented; second by Councilor Sumner.

Discussion: None

In favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight.

Opposed: None

Motion carried unanimously.

COUNCIL BUSINESS

- **Liquor License Approval – Driftwood Market**

Staff Report – Police Chief, Troy Mills, explained that new owners of Driftwood Market have applied with OLCC for their 90-day, off-premises liquor license. This application gives the business authority to sell beverages "to-go". No disqualifying information was found and recommends this license be approved.

MOTION made by Councilor Hamilton to approve Liquor License – Driftwood Market as presented; second by Councilor Vincent.

Discussion:

- Councilor Groussman – Did Driftwood Market carry liquor previously? *Mills – I'm unfamiliar with what was sold by the previous owners. This license is authorizing a 90-day, off-premises license to allow patrons to leave with an open container.*
- Councilor Sumner asked for clarification of open container. *Mills – For example, patrons can walk out with an open glass of wine.*

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight.

Opposed: None

Motion carried unanimously.

• **Liquor License Approval – Cignos Italian**

Staff Report – Mills, reported that a new business, Cignos Italian (formerly Pedotti's) has applied with OLCC for their limited on-premises liquor license. No disqualifying information was found and recommends this license be approved.

MOTION made by Councilor Vincent to approve Liquor License – Cignos Italian as presented; second by Councilor Whitaker.

Discussion:

- Councilor Whitaker stated that his understanding was that only restaurants could sell drinks to-go with a meal purchase. Driftwood Market isn't a restaurant. *Mills – OLCC does the investigations and hands out the liquor licenses, the Police Department's role is to approve or not approve.*
- Councilor Hamilton – This business is listed as new, but it's an existing establishment.
- Councilor Vincent – This is a new business with a new name.

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight.

Opposed: None

Motion carried unanimously.

• **Parks Advisory Committee Appointments**

Staff Report – City Recorder, Diane Harris, announced two vacancies on the Parks Advisory Committee. The City received two applications for appointment from Lynda Whitaker and Crystal Cunningham. One term ends December 31, 2021; the other term ends December 31, 2022.

Mayor asked if applicants would like to speak on their behalf. None responded.

Councilor Boggs asked Lynda Whitaker which term she prefers. She chose term ending December 31, 2022.

MOTION made by Councilor Boggs to approve Parks Advisory Committee Appointments to Lynda Whitaker – term ending December 31, 2022 and to Crystal Cunningham – term ending December 31, 2021 as presented; second by Councilor Vincent.

Discussion:

- Councilor Sumner – Does the city code reference spouses serving on committees together? *Harris – No.*

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight.

Opposed: None

Motion carried unanimously.

• **Budget Committee Appointment**

Staff Report – Harris, announced three vacancies on the Budget Committee. The City received one application for appointment from Rachel Anglin. One term ends December 31, 2021, the other term ends December 31, 2022.

Mayor asked if the applicant would like to speak on her behalf and which term she prefers. She chose term ending December 31, 2022.

MOTION made by Councilor Sumner to approve Budget Committee Appointment to Rachel Anglin – term ending December 31, 2022 as presented; second by Councilor Vincent.

Discussion:

- Councilor Boggs – How long has she lived in Sutherlin currently? *Anglin – Consecutively for the last two years.*

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight

Opposed: None
Motion carried unanimously.

- **Resolution 2021.02 – Council Priorities 2021-2022**

Staff Report – City Manager, Jerry Gillham, explained that establishing Council Priorities is vital in strategic planning, organization and efficiency in any city organization.

MOTION made by Councilor Hamilton to approve Resolution 2021.02 – Council Priorities 2021-2022 as presented; second by Councilor Sumner.

Discussion: None

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Nonpareil Water Treatment Plant (NPWTP) Funding Amendment**

Staff Report – Community Development Director, Brian Elliott, asked for Council's approval to amend the Safe Drinking Water Revolving Loan Fund in the amount of \$1,915,792. The original funding package was \$3,937,773 however, due to an expanded project scope to improve system performance and COVID, cost of materials have increased substantially. Three bids were received on February 24, 2021 with Stettler Supply & Construction submitting the lowest bid in the amount of \$4,810,485. This amendment won't cause a need to raise City water rates if approved.

MOTION made by Councilor Sumner to approve NPWTP Funding Amendment in the amount of \$1,915,792 as presented; second by Councilor Vincent.

Discussion: None

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Bid Approval – Nonpareil Water Treatment Plant (NPWTP) Modernization Improvements**

Staff Report – Elliott, informed Council that on February 24, 2021, the city received three bid offers for the NPWTP improvements. One from Pacific Excavation, Inc. in the amount of \$4,927,000 and the other from McClure and Sons, Inc. in the amount of \$5,395,310. Stettler Supply & Construction submitted the lowest bid in the amount of \$4,810,485, and has sufficient experience and qualifications to construct the project. This project will be funded through the Safe Drinking Water Revolving Loan Fund and Water Construction Funds.

MOTION made by Councilor Vincent to approve Bid Award – NPWTP Modernization Improvements to Stettler Supply & Construction in the amount of \$4,810,485 as presented; second by Councilor Hamilton.

Discussion:

- Councilor Groussman – How soon can this project start? *Elliott – They're located in Salem, Oregon. The notice to proceed will be issued at the end of March with estimated completion in June 2022.*
- Councilor Vincent – Does City Staff have any hesitation with using this company? *No, we've used Stettler Supply & Construction on a previous project and had no issues.*
- Councilor Groussman – Is there a liquidation clause if the project isn't completed in a reasonable amount of time? *Yes, liquidated damages are included in the contract documents.*

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Bid Approval – Central Avenue Sidewalk Extension**

Staff Report – Elliott, informed Council that on February 24, 2021, the City received three bid offers for the sidewalk extension project from Wildwood Ln. to the existing sidewalk, west of Grove Ln. One from Brown Contracting in the amount of \$118,881 and one from Pacific Excavation in the amount of \$131,302. Guido Construction submitted the lowest bid in the amount of \$98,609. This project is funded through the Street/Sidewalk/Drainage Fund. Estimated completion is May 2021.

MOTION made by Councilor Groussman to approve Bid Award – Central Avenue Sidewalk Extension to Guido Construction Inc. in the amount of \$98,609 as presented; second by Councilor Vincent.

Discussion:

- Councilor Hamilton – Is this part of the Central Ave project that wasn't completed? *Elliott - No, available funds were exhausted on that project. Funding has been budgeted to continue the sidewalks throughout Central Ave. in stages. Guido does good concrete work, staff has no concerns.* Were the repairs completed from the Central Ave. project? *Yes, the city's ADA ramps have been corrected.*
- Councilor Sumner expressed concerns using this company. *Public Works Director, Aaron Swan – They completed the first section of this sidewalk continuation in a timely manner and did a good job.*
- *Gillham – Central Ave. was an extremely large project for them. This is a smaller project and they are good at what they do.*

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight

Opposed: None

Motion carried unanimously.

- **Resolution 2021.03 – Urban Renewal (UR) \$1 Million Line of Credit Approval**

Staff Report – Library Director/UR Administrator, Pat Lynch, stated this Line of Credit is needed for the implementation of pilot projects previously approved by the UR Agency, Council and UR Task Force. These funds will be managed by the UR Task Force and allocated as follows:

- \$350,000 – Central Avenue Storefront Improvement Grants and parking lot purchase with improvements.
- \$350,000 – Sutherlin Industrial Park wetlands water credit purchase and consultant fees.
- \$300,000 – Exit 136 enhancements.

MOTION made by Councilor Sumner to approve Resolution 2021.03 – UR \$1 Million Line of Credit as presented; second by Councilor Vincent.

Discussion:

- Councilor Groussman asked for more clarification of how this Line of Credit will fund. Is it revolving? *Lynch – If that request is made, it would first go through the Task Force Committee, then brought to the UR Agency Board and lastly to City Council for approval. Gillham – It's not a revolving Line of Credit without approval.*

In Favor: Councilors Hamilton, Groussman, Sumner, Boggs, Vincent, Whitaker and Mayor McKnight

Opposed: None

Motion carried unanimously.

STRATEGIC PLAN UPDATE (Reports in Council Packet)

- **Ford's Pond Recreational Improvements**

Staff Report – Elliott, updated Council on the construction – Project 1 and Project 2A (Phase 1). \$760,000 of improvements have begun:

- Parking
- Sidewalks
- Utilities
- Signage
- Security Lighting
- Benches
- Paving for the first half of the path

Work is scheduled to be completed in early summer 2021. The City has opened a temporary parking area off Hwy 138W, on the north side of the pond for community access.

On March 5, 2021, the Oregon State Marine Board notified Staff that they have an engineer to design and provide a cost estimate for Project 3. The Oregon State Marine Board Grant was finalized today and we'll be notified in May if the application was recommended and in June if it's successful. The north side of Ford's Pond improvements will consist of a launch ramp, ADA compliance, dock, gravel parking and a single vault toilet with ADA concrete parking.

- *Gillham thanked the Friends of Ford's Pond group for participating in seeing these improvements through.*

CITY MANAGER REPORT (Verbal)

- Will provide Council with a mid-month report for March.

CITY COUNCIL COMMENT

Councilor Groussman

- None

Councilor Sumner

- Suggested extending sidewalks at the end of S. State St. past the curve. *Swan – We can add it to the project list, unfortunately sidewalk funds have been expended, and it will have to be included in a future budget.*

Councilor Boggs

- None

Councilor Vincent

- Concerned about Central Ave. deteriorating between Umpqua St. and State St. *Swan – We have a plan to fix those failing areas this summer when the amount of unexpected increased log truck traffic has hopefully subsided.*

Councilor Whitaker

- None

Councilor Hamilton

- Happy Birthday to Councilor Vincent.
- Happy Birthday to Brian Elliott.
- The Battle of the Badges blood donation event was a success.
- Has a credit been given to small businesses to help with COVID restrictions? *Gillham – We are working with those that have been negatively impacted, but a specific program wasn't created. If Council consensus is to offer three months free water and sewer charges due to COVID restrictions, the City can put that in place as long as Council understands the economic impact that will have.* The idea was to offer it to the small businesses.
 - Councilor Vincent's understanding was that the City would work with those that are delinquent or impacted due to COVID restrictions on a case by case basis. *Gillham – There are several programs that are available to help citizens and businesses. The City has done its due diligence to aid those in need as best we can. We can include a notice in the next billing cycle and in the next news bulletin to contact the City for help.*
 - Councilor Sumner – Wants to help businesses in Sutherlin but agrees with not offering assistance to everyone. *Gillham – When businesses and individuals contact us, staff works with them.*
 - Councilor Groussman – Doesn't feel that those that are habitually delinquent should benefit from this.
 - Councilor Whitaker – Feels that the City has already been doing its due diligence.
- **Mayor McKnight**
A formal letter was drafted to send to the Oregon Governor regarding business closures during COVID. *Gillham will send the letter to all Council before sending to the Governor.*

PUBLIC COMMENT (Off Agenda Items)

- None

ADJOURNMENT

With no further business, meeting adjourned at 7:46 p.m.

Approved:

Jerry Gillham, City Manager

Respectfully submitted by,

Melanie Masterfield, Deputy City Recorder

Todd McKnight, Mayor



COUNCIL BUSINESS





City of Sutherlin

STAFF REPORT

Re: Sutherlin Municipal Code Amendments- Section 9.20.010 (Prohibited Camping), Section 12.36.140 (Camping out when Park is Closed), and Section 12.36.160 (Presence in park between sunset and sunrise unlawful – Exceptions), and Chapter 12.36.310 (Appeals)

Meeting Date: April 12, 2021

Purpose:

Action Item



Workshop



Report Only



Discussion



Update



Submitted By: Troy Mills, Chief of Police

City Manager
Review



Attachments: Enactment Notice, Ordinance with Sutherlin Municipal Code Proposed Amendments - Sections 9.20.010 and Sections 12.36.140 & 12.36.160

WHAT IS BEING ASKED OF COUNCIL?

To consider approving the first reading, title only of an Ordinance amending Chapters 9.20 and 12.36 regulating “Prohibited Camping”, “Camping out when Park is Closed”, “Presence in park between sunset and sunrise unlawful – Exceptions”, and “Appeals” in the City of Sutherlin. Staff requests approval in one reading, declaring an emergency to expedite the adoption of the ordinance, which requires a unanimous vote.

EXPLANATION

In October 2018, in order to adhere to precedents, set in the U.S. 9th Circuit Court case Martin vs. Boise, Council updated RMC Section 7.02.100 Prohibited Camping to ensure prohibited camping could be prosecuted only as a violation.

In July 2020, a Federal Court ruling in Blake vs. Grants Pass again changed how cities are able to enforce Prohibited Camping. This ruling made specific distinctions between sleeping and camping; Federal Court referred to sleeping as an “unavoidable human act.” The Federal Court went further to advise that homeless people can take necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available.

Staff and the City Attorney researched how Sutherlin can best follow the precedent set by Blake vs. Grants Pass. The following changes to SMC Sections 9.20.010, 12.36.140, 12.36.160 and 12.36.310. will ensure compliance with the aforementioned Federal Court decision, and help reduce future liability.

OPTIONS

According to the Charter of the City of Sutherlin, Chapter VIII, Section 30 (b) An ordinance may be enacted at a single council meeting if all councilors present vote unanimously.

SUGGESTED MOTION(S)

To approve (not approve, or amend) the first reading of Ordinance No. _____, Chapters 9.20 and Chapter 12.36 with amendments, declaring an emergency.



From the Office of the
City Recorder & Human Resources Manager
Diane Harris

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City of Sutherlin

NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO. 1083

**AN ORDINANCE OF THE CITY OF SUTHERLIN AMENDING
SUTHERLIN MUNICIPAL CODE SECTIONS 9.20.010, 12.36.140, 12.36.160,
AND 12.36.310 REGARDING CAMPING REGULATIONS AND CITY
PARKS EXCLUSIONS DECLARING AN EMERGENCY**

**THIS ORDINANCE WILL BE CONSIDERED BY COUNCIL AT THE REGULAR COUNCIL
MEETING OF**

**1ST READING: MONDAY, APRIL 12, 2021 @ 7PM
2ND READING (IF NEEDED): MONDAY, MAY 10, 2021 @ 7PM
CIVIC AUDITORIUM - 175 E. EVERETT AVENUE**

Questions or copies of this Ordinance may be viewed by interested persons at the office of City Recorder, 126 E. Central Avenue, Sutherlin, Oregon, between the hours of 9:00 a.m. and 5:00 p.m., weekdays. A copy of this Ordinance may be purchased by interested persons for a sum determined to cover the City's expense for providing the copy.

Pursuant to Section 30 (b) (c) of the Sutherlin City Charter, this notice has been posted at the following locations: Sutherlin City Hall; Sutherlin Post Office; Sutherlin Visitor's Center and the City's website (www.cityofsutherlin.com).

Posted this day, April 5, 2021
By Diane Harris
City Recorder

ORDINANCE NO. 1083

AN ORDINANCE OF THE CITY OF SUTHERLIN AMENDING SUTHERLIN MUNICIPAL CODE SECTIONS 9.20.010, 12.36.140, 12.36.160, AND 12.36.310 REGARDING CAMPING REGULATIONS AND CITY PARKS EXCLUSIONS AND DECLARING AN EMERGENCY

WHEREAS, the City desires to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by making public streets and other areas readily accessible to the public and by protecting certain public property for its intended public use; and

WHEREAS, the City desires to update the Sutherlin Municipal Code related to camping in the City to respect the constitutional rights of people experiencing homelessness while protecting sensitive areas of the City that could be impacted by the negative effects of such activity; and

WHEREAS, the City desires to discourage camping in areas where such activities create unsafe and unsanitary living conditions that can impact the public health, safety, and welfare of both campers and the community; and

WHEREAS, the City further desires to discourage camping in areas where such activities could affect the public's intended use and enjoyment of the area; and

WHEREAS, the City encourages active participation of concerned persons, organizations, businesses and public agencies to work in partnership with the City and the homeless community to address the short- and long-term impact of homelessness in and on the community; and

WHEREAS, the City desires to strengthen due process protections for persons excluded from City parks.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1: Section 9.20.010 of the Sutherlin Municipal Code is amended as set forth in the attached Exhibit A.

Section 2: Sections 12.36.140, 12.36.160, and 12.36.310 of the Sutherlin Municipal Code are amended as set forth in the attached Exhibit B.

Section 3: This ordinance shall become effective immediately upon its passage by the City Council.

PASSED BY THE COUNCIL, ON THIS ____ DAY OF _____, 2021.

APPROVED BY THE MAYOR, ON THIS ____ DAY OF _____, 2021.

Mayor, Todd McKnight

ATTEST:

City Recorder, Diane Harris, CMC

9.20.010 Prohibited camping.

A. Definitions. As used in this section:

1. "To camp" means to set up or remain in or at a campsite.
2. "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a place to live, whether or not such place incorporates the use of a tent, lean-to, shack or other structure, or a vehicle or part thereof.
3. "Designated use sleeping area" means an area controlled by the City of Sutherlin and designated by the City Manager as a place to sleep.

B. No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park, bridge, viaduct, or any other publicly owned property, unless:

1. There is no availability in the designated use sleeping area; and
2. There is no availability in local area emergency shelters; and
3. The person camping does not otherwise have available shelter; and
4. It is between the hours of 9:30 pm and 6:30 am; or
5. The camping is otherwise specifically authorized by this code or by declaration of the city council in emergency circumstances. (Ord. 763 § 5-140, 1989)

* * *

12.36.140 Camping-out when park is closed.

It is unlawful for any person to camp out or sleep in any park area at such time when the park is closed, except by specific permission of the parks and recreation director, and only in areas designated for such purpose. (Ord. 842 § 4(11), 1995)

* * *

12.36.160 Presence in park between sunset and sunrise unlawful—Exceptions.

It is unlawful for any person to enter or remain in any park or part thereof from sunset to sunrise, except as provided below:

A. A gathering for a special event or use of a park area at special times or for special uses or events which are authorized under Section [12.36.120](#);

B. The following persons, when engaged in the course of their duties: the parks and recreation director, city employees, law enforcement officers, fire and emergency medical personnel, and those persons authorized by the parks and recreation director.

C. There is no available space at the designated use sleeping areas and the person enters the park after hours in order to camp as permitted under Section 9.20.010(B).

Persons attending activities and events sponsored by the parks and recreation department or authorized by the parks and recreation director, or the use of park facilities designed for night use such as lighted sports fields or tennis courts. (Ord. 842 § 4(13), 1995)

* * *

12.36.310 Appeals.

A. The procedures contained in this section shall apply to orders of the parks and recreation director, police officers or authorized park employees excluding a person from a park and revoking a permit or authorization for use of a park. Failure to follow the procedures contained herein shall constitute a waiver of the person's right to bring an appeal of such order.

B. Not later than ten days after commencement of an order revoking a permit or excluding a person, the affected person may appeal in writing to the Sutherlin municipal court for de novo review of the order or may petition the Sutherlin municipal court to rescind or alter the order, or reduce the duration of exclusion. An appeal shall contain a copy of the order issued by the parks and recreation director, police officer or authorized park employee, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason that the order is invalid, otherwise improper or why it should be changed. Failure to raise an issue with sufficient specificity to afford the parks and recreation director, police officer or authorized park

employee an opportunity to respond to the issue precludes appeal to the municipal court on that issue.

C. If, as part of the written appeal, the person requests a hearing, a public hearing will be conducted by the Sutherlin municipal court or designee, within ten days after receipt of the appeal, and the municipal court will render a decision within ten days after the hearing.

D. The procedure to be followed for such hearing shall be as provided in cases of civil infractions. The municipal court may question witnesses and review all documentation referred to by the witnesses. Unless the municipal court orders otherwise, there shall be no continuance or reopening of the hearing.

E. At any time during an exclusion, an excluded person may petition in writing to the city manager, or designee, for a temporary waiver of the exclusion for good reason. (Ord. 842 § 8, 1995)

F. Upon written notice of an appeal, any exclusions from city property will be held in abeyance until the hearing has been concluded.

* * *



126 E. Central Avenue
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City of Sutherlin

STAFF REPORT					
Re: Ordinance - Repealing and Replacing Chapter 1.08 – Initiative and Referendum Process (first reading, title only)				Meeting Date:	April 12, 2021
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Diane Harris, City Recorder				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Resolution 2021.02 & Exhibit A					

WHAT IS BEING ASKED OF COUNCIL?

To consider repealing and replacing Chapter 1.08 of the Sutherlin Municipal Code to update the city's Initiative and Referendum processes.

EXPLANATION

This code has not been updated since 1967, therefore, language and processes are outdated and inconsistent with current practices and policies. The City recently received an initiative petition from a citizen, therefore, initializing a review of our current code language. Staff has been working closely with City Attorney, Chad Jacobs, who has been instrumental in repealing and replacing the entire code. The city would like to incorporate those updates, as well as, make other improvements into its election code.

OPTIONS

The City is following the State of Oregon's guidelines.

SUGGESTED MOTION(S)

Motion to approve (not approve or amend) the first reading, by title only, of an ordinance to repeal and replace Chapter 1.08 of the Sutherlin Municipal Code.



From the Office of the
City Recorder & Human Resources Manager
Diane Harris

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City of Sutherlin

NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SUTHERLIN REPEALING AND REPLACING CHAPTER 1.08 OF THE SUTHERLIN MUNICIPAL CODE TO UPDATE CODE PROVISIONS RELATED TO THE INITIATIVE AND REFERENDUM PROCESS

THIS ORDINANCE WILL BE CONSIDERED BY COUNCIL AT THE REGULAR COUNCIL MEETING OF

**1ST READING: MONDAY, APRIL 12, 2021 @ 7PM
CIVIC AUDITORIUM - 175 E. EVERETT AVENUE**

**2ND READING (if first reading approved): MONDAY, MAY 10,
2021 @ 7PM**

SUTHERLIN COMMUNITY CENTER – 150 S WILLAMETTE

Questions or copies of this Ordinance may be viewed by interested persons at the office of City Recorder, 126 E. Central Avenue, Sutherlin, Oregon, between the hours of 9:00 a.m. and 5:00 p.m., weekdays. A copy of this Ordinance may be purchased by interested persons for a sum determined to cover the City's expense for providing the copy.

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Posted this day, April 5, 2021
By Diane Harris
City Recorder

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SUTHERLIN REPEALING AND REPLACING
CHAPTER 1.08 OF THE SUTHERLIN MUNICIPAL CODE TO UPDATE CODE
PROVISIONS RELATED TO THE INITIATIVE AND REFERENDUM PROCESS.**

WHEREAS, Section 22 of the Sutherlin Charter provides for the adoption of a City election code;
and

WHEREAS, the City's election code provisions related to the initiative and referenda processes
are outdated and inconsistent with current practices and policies; and

WHEREAS, since the election code provisions related to initiatives and referenda were last
adopted by the City, the state has updated its initiatives and referenda processes, and the City
would like to incorporate those updates as well as make other improvements into its election code.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1: Chapter 1.08 of the Sutherlin Municipal Code is hereby repealed and
replaced as set forth in the Exhibit A, which is attached hereto and
incorporated herein.

Section 2: This ordinance shall take effect 30 days after it is approved by the Mayor.

PASSED BY THE COUNCIL, ON THIS ____ DAY OF _____, 2021.

APPROVED BY THE MAYOR, ON THIS ____ DAY OF _____, 2021.

Mayor, Todd McKnight

ATTEST:

City Recorder, Diane Harris, CMC

EXHIBIT A

Chapter 1.08

INITIATIVES, REFERENDA AND REFERRALS

- 1.08.010 State Law.**
- 1.08.020 Percentage of voters needed for initiative petitions.**
- 1.08.030 Filing and percentage requirements—Verification.**
- 1.08.040 Charter amendment by resolution—Submittal of ordinances to voters.**
- 1.08.050 Resolution for Charter amendment to contain date of election.**
- 1.08.060 Filing explanatory statements.**
- 1.08.070 Publishing requirements.**
- 1.08.080 Legal voters allowed to sign—Violation.**
- 1.08.090 Affirmative majority required for adoption.**
- 1.08.100 Resolution of election results.**

- 1.08.010 State Law.**

As provided by city charter Section 22, state election laws apply to matters not regulated by this code.

- 1.08.020 Percentage of voters needed for initiative petitions.**

Initiative petitions for any proposed ordinance, Charter amendment or measure shall be signed by a number of legal voters equal to fifteen (15) percent of the votes cast for mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the city council shall be signed by a number of legal voters equal to ten (10) percent of the votes cast for mayor at the last regular preceding municipal election.

- 1.08.030 Filing and percentage requirements—Verification.**

A. The recorder will accept for signature verification in accordance with this section only petitions that comply with the requirements of this section and other applicable law.

B. No petition may be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by this code.

C. Any initiative petition must be submitted for signature verification not more than two years from the date the petition is approved for circulation.

D. Any referendum petition must be submitted for signature verification not more than thirty (30) days after the council's adoption of such legislation.

Ordinance No.

E. An initiative or referendum petition may not be accepted for signature verification if it contains less than one hundred (100) percent of the required number of signatures.

1.08.040 Charter amendment by resolution—Submittal of ordinances to voters.

A. An amendment to the Charter of the city may be proposed and submitted to the legal voters thereof by resolution of the city council without an initiative petition; the resolution shall be filed with the recorder for submission to the voters, and no amendment to the Charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the city.

B. The council may provide that before an ordinance shall become effective it shall be submitted to the legal voters for their approval or rejection. The ordinance so referred shall contain a separate section so referring it to the legal voters and setting a date for an election thereon which may be either a special or general election. No ordinance so referred shall be effective until it is approved by a majority of the votes cast thereon.

1.08.050 Resolution for Charter amendment to contain date of election.

Where an amendment to the Charter of the city may be proposed and submitted to the legal voters thereof by resolution of the city council without an initiative petition, the resolution shall therein state the date of the regular municipal election, or the date of a special election at which the resolution will be submitted to be voted on.

1.08.060 Filing explanatory statements.

For any measure referred by the city or any initiative or referendum by petition, the city manager or elections officer shall submit to the county clerk an impartial, simple and understandable statement explaining the measure and its effect.

1.08.070 Publishing requirements.

Where a special election is called either on petition for proposed ordinances or Charter amendments by the initiative, or for submitting ordinances by the referendum, or on Charter amendments proposed by resolution of the council, the recorder shall publish such proposed ordinances, referendum measures or Charter amendments with the ballot title and number in full, in one issue of a newspaper published in the city, to be designated by the council in the resolution submitting such measures, not less than ten days preceding the special election at which the proposed ordinance, referendum measure or Charter amendment is to be voted on.

1.08.080 Legal voters allowed to sign—Violation.

Legal voters of the city are qualified to sign a petition for the referendum or for the initiative for any measure which the voter is entitled to vote upon. It shall constitute a violation of this Chapter if any person: (A) signs any name other than their own to a petition; (B) knowingly signs their name more than once for the same measure at one election; or (C) signs a petition when at the time of signing, is not a legal voter of the city.

1.08.090 Affirmative majority required for adoption.

The manner of voting upon measures submitted to the legal voters of the City shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject, or containing provisions that are conflicting, shall be approved by the voters at the time of election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

1.08.100 Resolution of election results.

The Council shall approve elections results at the next available council meeting following the receipt of the canvass of votes per resolution the adoption of such measures and amendments which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 1.08.090 with reference to two or more laws on the same subject or containing provisions that are conflicting or unless the measure contains a later effective date. In cases of ordinances which have been passed by the council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinances shall take effect or be repealed according to the results.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SUTHERLIN REPEALING AND REPLACING
CHAPTER 1.08 OF THE SUTHERLIN MUNICIPAL CODE TO UPDATE CODE
PROVISIONS RELATED TO THE INITIATIVE AND REFERENDUM PROCESS.**

WHEREAS, Section 22 of the Sutherlin Charter provides for the adoption of a City election code; and

WHEREAS, the City's election code provisions related to the initiative and referenda processes are outdated and inconsistent with current practices and policies; and

WHEREAS, since the election code provisions related to initiatives and referenda were last adopted by the City, the state has updated its initiatives and referenda processes, and the City would like to incorporate those updates as well as make other improvements into its election code.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1: Chapter 1.08 of the Sutherlin Municipal Code is hereby repealed and replaced as set forth in the Exhibit A. which is attached hereto and incorporated herein.

Section 2: This ordinance shall take effect 30 days after it is approved by the Mayor.

1.08.010 State Law. Initiative petition

As provided by city charter Section 22, state election laws apply to matters not regulated by this code.

(Ord. 346 § 1, 1967)

1.08.020 Percentage of voters needed for initiative petitions. Referendum petition

Initiative petitions for any proposed ordinance, Charter amendment or measure shall be signed by a number of legal voters equal to fifteen (15) percent of the votes cast for mayor at the last preceding municipal election. Referendum petitions against any ordinance or measure proposed by the city council shall be signed by a number of legal voters equal to ten (10) percent of the votes cast for mayor at the last regular preceding municipal election.

1.08.030 Filing and percentage requirements—Verification.

A. The recorder will accept for signature verification in accordance with this section only petitions that comply with the requirements of this section and other applicable law.

B. No petition may be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by this code.

C. Any initiative petition must be submitted for signature verification not more than two years from the date the petition is approved for circulation.

D. Any referendum petition must be submitted for signature verification not more than thirty (30) days after the council's adoption of such legislation.

E. An initiative or referendum petition may not be accepted for signature verification if it contains less than one hundred (100) percent of the required number of signatures.

1.08.040 Charter amendment by resolution – Submittal of ordinance to voters.

A. An amendment to the Charter of the city may be proposed and submitted to the legal voters thereof by resolution of the city council without an initiative petition; the resolution shall be filed with the recorder for submission to the voters, and no amendment to the Charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of the city.

B. The council may provide that before an ordinance shall become effective it shall be submitted to the legal voters for their approval or rejection. The ordinance so referred shall contain a separate section so referring it to the legal voters and setting a date for an election thereon which may be either a special or general election. No ordinance so referred shall be effective until it is approved by a majority of the votes cast thereon.

1.08.050 Resolution for Charter amendment to contain date of election. ~~Signatures per page limited Title and text to be attached~~

Where an amendment to the Charter of the city may be proposed and submitted to the legal voters thereof by resolution of the city council without an initiative petition, the resolution shall therein state the date of the regular municipal election, or the date of a special election at which the resolution will be submitted to be voted on.

1.08.060 Filing explanatory statements. ~~Filing of petition~~

For any measure referred by the city or any initiative or referendum by petition, the city manager or elections officer shall submit to the county clerk an impartial, simple and understandable statement explaining the measure and its effect.

1.08.070 Publishing requirements. ~~Percentage of voters needed for initiative petitions.~~

Where a special election is called either on petition for proposed ordinances or Charter amendments by the initiative, or for submitting ordinances by the referendum, or on Charter amendments proposed by resolution of the council, the recorder shall publish such proposed ordinances, referendum measures or Charter amendments with the ballot title and number in full, in one issue of a newspaper published in the city, to be designated by the council in the resolution submitting such measures, not less than ten days

preceding the special election at which the proposed ordinance, referendum measure or Charter amendment is to be voted on.

1.08.080 Legal voters allowed to sign–Violation. ~~Charter amendment by resolution Submittal of ordinances to voters.~~

Legal voters of the city are qualified to sign a petition for the referendum or for the initiative for any measure which the voter is entitled to vote upon. It shall constitute a violation of this Chapter if any person: (A) signs any name other than their own to a petition; (B) knowingly signs their name more than once for the same measure at one election; or (C) signs a petition when at the time of signing, is not a legal voter of the city.

1.08.090 Affirmative majority required for adoption. ~~Resolution for Charter amendment to contain date of election~~

The manner of voting upon measures submitted to the legal voters of the City shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject, or containing provisions that are conflicting, shall be approved by the voters at the time of election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

1.08.100 Resolution of election results.

The Council shall approve elections results at the next available council meeting following the receipt of the canvass of votes per resolution the adoption of such measures and amendments which shall have received the affirmative majority of the total number of votes cast thereon, and upon such proclamation, such measures and amendments shall become in full force and effect, except in cases provided for in Section 1.08.090 with reference to two or more laws on the same subject or containing provisions that are conflicting or unless the measure contains a later effective date. In cases of ordinances which have been passed by the council and voted upon by referendum, proclamation of the result of such vote shall also be made, and such ordinances shall take effect or be repealed according to the results.



126 E. Central Avenue
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Fax: 541-459-9363

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City of Sutherlin

STAFF REPORT					
Re: Cancun Mexican Restaurant and Seafood LLC, Sutherlin				Meeting Date:	04/12/2021
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Troy A. Mills, Chief of Police				City Manager Review	<input checked="" type="checkbox"/>
Attachments: OLCC Liquor License Application					

WHAT IS BEING ASKED OF COUNCIL?

Cancun Mexican Restaurant and Seafood – has made application, under the requirements of the Oregon Liquor Control Commission (OLCC), for a “Full On-Premises, Commercial” license for the sale of alcoholic beverages at 875 W. Central Avenue. This request is the result of **Cancun Mexican Restaurant and Seafood**, a new retail business, within the City of Sutherlin. The individual applying for the license is Brittany Ramos.

EXPLANATION

The police department has found no information that would be viewed as disqualifying by the Oregon Liquor Control Commission (OLCC).

OPTIONS

- 1) Provide OLCC a recommendation that this license be approved and granted.
- 2) Provide OLCC a recommendation that this license not be approved or granted.

SUGGESTED MOTION(S)

Motion to approve (not approve) Cancun Mexican Restaurant and Seafood’s Liquor License Application as presented.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. Do not include any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received and/or date stamp:
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Name of City or County:
<input type="checkbox"/> Brewery-Public House (BPH) 1 st location	Recommends this license be:
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	<input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Distillery	By: _____
<input checked="" type="checkbox"/> Full On-Premises, Commercial	Date: _____
<input type="checkbox"/> Full On-Premises, Caterer	
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
(4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

OLCC USE ONLY

Date application received: 03/03/2021

Date application accepted: 03/15/2021

License Action(s): New Outlet

2. Identify the applicant(s) applying for the license(s). **ENTITY** (example: corporation or LLC) or **INDIVIDUAL(S)**¹ applying for the license(s):

Concun Mexican Restaurant and Seafood LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)

Concun Mexican Restaurant and Seafood

4. Business Address (Number and Street Address of the Location that will have the liquor license)

875 W. Central Ave

City	County	Zip Code
<u>Sutherlin</u>	<u>Douglas</u>	<u>97479</u>

RECEIVED
OREGON LIQUOR CONTROL COMMISSION

FEB 02 2021

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



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City of Sutherlin

STAFF REPORT					
Re: Approval for Budget Calendar Revision				Meeting Date:	4/12/21
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Tami Trowbridge, Finance Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Revised City Budget Calendar; Revised UR Budget Calendar					

WHAT IS BEING ASKED OF COUNCIL?

To approve the Revised Budget Calendars.

EXPLANATION

In years past, the Budget message and meetings were done in the month of April. Based on conversations with Andy Parks, he normally sees budget meetings take place in May because the accuracy of the forecasting is much better. With staff transition and in the interest of accuracy, staff is requesting the attached Revised Budget Calendar.

OPTIONS

1. Approve Revised Budget Calendar
2. Deny Revised Budget Calendar

SUGGESTED MOTION(S)

Approve the Revised Budget Calendar

City of Sutherlin
Budget Calendar (Fiscal Year 2021-22) - REVISED

Event	Attendees	Planned Date(s)	Latest Date
Estimate current year-end revenue and expenditures	Dept Heads	Mar 12	Mar 19
Update CIP	City Mgr, Dept heads	Apr 9	Apr 23
Requested budget prepared and provided to finance	Dept heads	Mar 12	Apr 2
Dept meetings with City Manager and Finance	Dept heads, staff, City Mgr	Week of Apr 5	Apr 23
Budget narratives completed	Dept heads	Apr 15	Apr 23
Update year-end revenue and expenditure estimates	Dept heads	Monthly	Monthly
Publish "Notice of Budget Committee Meeting" (ORS 294.426)	Finance	5-30 days before meeting, 10+ days on website	5-30 days before meeting, 10+ days on website
Provide proposed budget (ORS 294.408) and budget message to budget committee	Mayor, City Council, City Mgr, Budget Committee	May 10	May 10
First budget committee meeting (ORS 294.408 and 294.426)	Budget Committee, City Mgr, Dept heads	May 17	May 17
Additional budget committee meetings (ORS 294.428)	Budget Committee, City Mgr, Dept heads	May 18, May 19	May 18, May 19
Budget committee approves budget (ORS 294.428)	Budget Committee	May 19	May 19
Publish "Notice of Budget Hearing" (ORS 294.438, 294.448) (LB1)	Finance	5-30 days before meeting, 10+ days on website	5-30 days before meeting, 10+ days on website
City Council hold public hearing; adopts budget; levies taxes (ORS 294.456)	City Council	Jun 14	Jun 14
Adopted budget goes into effect	City	Jul 1	Jul 1
Adopted budget submitted to County Assessor (LB50) and Department of Revenue (ORS 294.458)	Finance	Jul 15	Jul 15

**Sutherlin Urban Renewal Agency
Budget Calendar (Fiscal Year 2021-22) REVISED**

Event	Attendees	Planned Date(s)	Latest Date
Requested budget prepared	Finance, City Mgr, Related Staff	Mar 12	Apr 5
Budget narratives completed	City Mgr, Finance, Related Staff	Apr 5	Apr 23
Urban Renewal Task Force Meeting to discuss proposed budget	UR Task Force, Related Staff	Week of April 5-9	Week of May 3-7
Publish "Notice of Budget Committee Meeting" (ORS 294.426)	Finance	5-30 days before meeting, 10+ days on website	5-30 days before meeting, 10+ days on website
Provide proposed budget (ORS 294.408) and budget message to budget committee	UR Board, City Mgr, Budget Committee	May 10	May 10
First budget committee meeting (ORS 294.408 and 294.426)	Budget Committee, Staff	May 17	May 17
Additional budget committee meetings (ORS 294.428)	Budget Committee, Staff	May 18, May 19	May 18, May 19
Budget committee approves budget (ORS 294.428)	Budget Committee	May 19	May 19
Publish "Notice of Budget Hearing" (ORS 294.438, 294.448) LB1	Finance	5-30 days before meeting, 10+ days on website	5-30 days before meeting, 10+ days on website
UR Board hold public hearing; adopts budget; levies taxes (ORS 294.456)	UR Board	Jun 14	Jun 14
Adopted budget goes into effect	City	Jul 1	Jul 1
Adopted budget submitted to County Assessor (LB50) and Department of Revenue (ORS 294.458)	Finance	Jul 15	Jul 15



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City of Sutherlin

STAFF REPORT					
Re: Resolution No. 2021.04 Local Government Grant Authorization and giving the City Manager Signing Authority				Meeting Date:	4/12/2021
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Brian Elliott, Community Development Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Resolution No. 2021.04					

WHAT IS BEING ASKED OF COUNCIL?

Approve Resolution No. 2021.04 – Local Government Grant from Oregon Parks and Recreation Department and giving the City Manager signing authority.

EXPLANATION

City of Sutherlin in partnership with Friends of Ford's Pond submitted an application to Oregon Parks and Recreation Department (ORPD) – Local Government Grant Program (LGGP) on April 1, 2020. On March 31, 2021, the City was notified that the OPRD committee approved funding for projects 2A and 2B.

The LGGP Grant was awarded to the City in the amount of \$517,814, with a Grantee match Participation of \$362,850. These funds were approved for Construction of Ford's Pond Community park project 2A 2B. Project 2A and 2B will consist of ADA accessible restrooms, 600' of connectivity sidewalk, two inclusive natural children's play areas, three shaded picnic pavilions, site furnishings, landscaping, and security cameras.

OPTIONS

Approve Resolution No. 2021.04 – Authorizing a Local Government Grant in the amount of \$517,814 from Oregon Parks and Recreation Department and giving the City Manager signing authority.

Not approve Resolution No. 2021.04 – Authorizing a Local Government Grant in the amount of \$517,814 from Oregon Parks and Recreation Department and giving the City Manager signing authority.

SUGGESTED MOTION(S)

Approve Resolution No. 2021.04 – Authorizing a Local Government Grant in the amount of \$517,814 from Oregon Parks and Recreation Department and giving the City Manager signing authority.

RESOLUTION NO. 2021.04

A RESOLUTION AUTHORIZING THE CITY OF SUTHERLIN TO ACCEPT A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT TO CONSTRUCT FORD'S POND COMMUNITY PARK PROJECTS 2A AND 2B DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE AGREEMENT.

WHEREAS, the City of Sutherlin has applied for a grant from the Oregon Parks and Recreation Department to construct Ford's Pond Community Park Projects 2A and 2B; and

WHEREAS, the Oregon Parks and Recreation Department has approved the City of Sutherlin for such Grant; and

WHEREAS, the City of Sutherlin hereby accepts the grant of the Oregon Parks and Recreation Department in the amount of \$517,814, with a grantee match of \$362,850; and

WHEREAS, the Sutherlin City Council authorizes City Manager to sign such contract documents on behalf of the City of Sutherlin, as are necessary to complete the acceptance of the grant from the Oregon Parks and Recreation Department; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sutherlin, Oregon hereby designates the City of Sutherlin to partner with Friends of Ford's Pond to proceed with construction of Ford's Pond Community Park Projects 2A and 2B.

PASSED BY THE CITY COUNCIL, ON THIS ____ DAY OF _____, 2021.

APPROVED BY THE MAYOR, ON THIS ____ DAY OF _____, 2021.

Todd McKnight, Mayor

Attest:

Diane Harris, CMC, City Recorder



WORKSHOP





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City of Sutherlin

STAFF REPORT					
Re: 2021 Legislative Amendments – Council Workshop				Meeting Date:	04/12/2021
Purpose:	Action Item <input type="checkbox"/>	Workshop <input checked="" type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Kristi Gilbert, Community Development Supervisor and Brian Elliott, Community Development Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Memo and Draft Amendments					

WHAT IS BEING ASKED OF COUNCIL?

Conduct Council workshop to review draft of legislative amendments prior to public hearing.

EXPLANATION

The City Council will conduct a workshop to review and discuss the proposed legislative amendments to the Sutherlin Comprehensive Plan and Development Code. The public hearing on the proposed amendments will be conducted on May 10, 2021 before City Council.

During the workshop, city staff will review the proposed amendments with the Council. The Planning Commission had recommended to forward approval of the amendments at its public hearing on March 16, 2021. Any revisions to the proposed amendments that result from the Council workshop will be incorporated into the draft that will be presented at the public hearing on May 10th.

Periodic legislative amendments are a proactive action in the administration of the City's code to help keep it streamlined and up-to-date. These proposed amendments will help to improve efficiency and effectiveness, and better serve the citizens process applications under the code.

OPTIONS

N/A

SUGGESTED MOTION(S)

N/A



City of Sutherlin

Community Development
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www.ci.sutherlin.or.us

April 6, 2021

MEMORANDUM

TO: Sutherlin City Council

FROM: Kristi Gilbert, Community Development Supervisor

RE: Workshop to discuss proposed 2021 Legislative Amendments

On April 12th, the City Council will conduct a workshop to review and discuss the proposed legislative amendments to the Sutherlin Comprehensive Development Code. The public hearing on the proposed amendments will be conducted on May 10, 2021 before City Council.

These proposed amendments will incorporate changes proposed by the recent Code Update as well as additional amendments proposed by staff, based on day to day activities. The big rock items are summarized in this memo.

Proposed amendments include updates to Chapter 1, definitions. These updates will provide clarifications to existing definitions, new definitions to uses that currently exist in the code and new definitions to accommodate new uses proposed in later sections.

Proposed amendments to Chapter 2 include language changes derived from the Code Audit, additional uses, garage and carport clarifications and lighting requirements.

- Low Density Residential (R-1) lot size reduction from 7,500 sq ft to 7,000 sq ft
- Single Family Residential Dwelling Size reduction from 1,200 sq ft to 1,000 sq ft
- Garage and Carport Clarification – new construction shall have a garage or carport constructed when fifty percent (50%) of nearby residences within 200 feet have carports and garages.
- Adding Brewery Uses to the Commercial Zoned Permitted Use Table
- Adding bowling alley, dance hall, skating rink to Entertainment uses
- Deleting the requirement for public/semi-public district accessory uses and structures to be approved through a public hearing.
- Adding Brewery Uses to the Industrial Zone Permitted Use Table
- Modifying Accessory Dwellings – Maximum floor area increase from 600 sq ft to 800 sq ft, and deleting the architectural standards
- Clarifying setbacks for accessory buildings – in no case shall the setback be less than five (5) feet from the property line
- Deleting the requirement for Bed and Breakfast, requiring a house to be at least five (5) years old before a bed and breakfast facility is allowed
- Adding section for lighting requirements

Proposed amendments to Chapter 3, Design Standards include language changes derived from the Code Audit and code clarifications.

- Inserting language from section 3.2.110(Q) into Section 3.2.110(K) to clarify shared driveways to match with flag lots
- Adding parking standard clarifications to the parking standards table to match the uses permitted in the code

Proposed amendments to Chapter 4, Development Applications and Review Procedures include updates derived from the Code Audit, clarifications and adding language from DLCD's Model Code as follows:

- Clarifying Type IV Procedures, Legislative Review, formerly listed as Qusai-Judicial incorrectly
- Adding Non-Conforming Alteration Application to the Type of Application processing table
- Clarifying agency notification lists
- Clarifying Type III Procedures to include model code language
- Clarifying Type III Time Computation Procedures regarding the 120-day rule
- Clarifying Fast Track Permitting Process per the Code Audit Update
- Clarifying Land Divisions and Property Line Adjustments – separating the land partition requirements from subdivision requirements
- Updating Planned Unit Development Section to reduce open space requirements from forty percent (40%) to twenty-five (25%) to accommodate more housing
- Reducing the minor changes to the approved concept plan as long as it does not reduce the amount of open space or landscaping by more than five percent (5%), currently ten (10 %)

Proposed amendments to Chapter 5, Non-conforming Uses and Development include updates derived from the Code Audit include:

- Deleting Expansion Prohibited language and replacing it with "Change in Nonconforming Use and Increase of Nonconforming Use language
- Updating the nonconforming section to allow rebuild of a structure which is destroyed by fire, flood, wind, earthquake, etc if destroyed a 100% (currently 75%) within one year to the same footprint
- Adding Nonconforming Application and Appeals section

As stated in the staff report, during the workshop, city staff will review the proposed amendments with the Council. Any revisions to the proposed amendments that result from the workshop will be incorporated into the draft that will be presented at the City Council public hearing on May 10th.

Thank you in advance for all your assistance in reviewing these amendments. See you Monday! ☺

If you have any questions or comments, please feel free to call me at 541-459-2856 or email me at k.gilbert@ci.sutherlin.or.us.

Attachments

**DRAFT
2021 LEGISLATIVE
AMENDMENTS TO THE**

**CITY OF SUTHERLIN
DEVELOPMENT CODE**

**PLANNING COMMISSION
WORKSHOP**

**DRAFT
MARCH 16, 2021**

PLANNING COMMISSION

Workshop	Sept 15, 2020
Workshop	Oct 20, 2020
Workshop	Nov 17, 2020
Workshop	Jan 19, 2021
Public Hearing	Mar 16, 2021

CITY COUNCIL

Council Work Session	Apr 12, 2021
Council Public Hearing	May 10, 2021
Council First Reading	May 10, 2021
Council Second Reading	Jun 14, 2021

LEGEND

Deletion ~~Deletion~~ is marked with strike out function

Addition **Addition** is marked with bold and underline

LEGISLATIVE AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE

The following amendments are proposed to the text of the Sutherlin Development Code, including general revisions to update or streamline the code to make it more effective.

Proposed General Amendments

Purpose of Amendments: *The following general amendments are proposed to the Sutherlin Development Code to make it more streamlined, informational and effective.*

1. Chapter 1 Updates, definitions (Section 1.3):

Accessory dwelling - A small, secondary housing unit on a lot with a single family dwelling. Accessory dwellings are limited in size and restricted to certain zoning districts. They can be attached to the primary dwelling or not attached. An accessory dwelling may also be located above a garage that is either attached to the primary dwelling or free-standing. (See section 2.67.100.)

Administrative action – a proceeding pursuant to this Code that is a land use decision or a limited land use decision under State Law, in which legal rights, duties, or privileges of specific parties are determined, and any appeal or review thereof.

Alteration – any change, addition or modification in construction, occupancy or use.

Automobile wrecking yard – any area of land used for the storage wrecking, or sale of two or more inoperable motor vehicles, trailers, farm equipment or parts thereof. Where such vehicles, trailers, equipment, or parts are stored in the open and are not being restored to operating condition, and including any land used for the commercial salvaging of any other goods, articles, or merchandise.

Brewery, macro – a business that produces beer, wine, or alcohol wholly within an enclosed building. Macro breweries must be able to facilitate commercial trucks onsite for large-scale distribution. A tap room is not required. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

Brewery, micro – a business that produces beer, wine or alcohol wholly within an enclosed building where the gross floor area dedicated to production and storage is no greater than 20,000 square feet. Within one year of beginning production, micro-breweries are required to have a tap room that is open to the public at least three days or ten hours per week. Tap Rooms shall have a minimum floor area equal to five (5%) of the total floor area uses for production and storage. Restaurants and other uses may be incorporated into the building where permitted by the zoning district located therein.

Change of use – a change from an existing use to another permitted use according to the applicable zoning.

Commercial Storage – see warehouse.

Contiguous Lots – Two or more abutting lots having at least one common boundary line greater than eight feet in length.

Data Center – data storage and processing facilities, electronic products – manufacture, storage and assembly, together with all related and supporting uses and facilities.

Developable - Buildable land, as identified by the city's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ~~ORS 197.295(1)~~ **ORS 197.490.**

Dwelling unit – ~~A dwelling unit is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the uniform building code, for not more than one family, or a congregate residence for ten (10) or less persons. (UBC 205).~~ **A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.**

Family – ~~An individual, or two or more persons related by blood, marriage, adoption, legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to no more than two additional persons, excluding servants; or a group of more than five unrelated persons living together as one housekeeping unit using one kitchen; or a group of six or more persons living together as one housekeeping unit using one kitchen, if said persons are handicapped persons as defined in Title VII of the Civil Rights Act of 1968.~~

Farm - A body of land devoted to agriculture, either raising crops or pasture for livestock. **“Farm Use” as defined in ORS215.203 means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the**

provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267.

Home occupation, home occupation site - A home occupation is an occupation carried on within a dwelling by members of the family occupying the dwelling with no employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupation shall be a secondary use on the premises, shall not occupy more than twenty-five (25) percent of the floor area of one floor of the dwelling and there shall be no stock in trade stored or displayed, or goods sold upon the premises. (See section 2.67.150)

~~**Lot frontage** - The front to a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.~~

Lot line, front - A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. If a lot does not abut a street, then the front lot line is the line which runs perpendicular to the driveway providing vehicular access to the lot.

Lot line, rear - means the lot line or lines opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be a line or lines connecting the side lot lines that is the most distant from the front lot line. For a triangular shaped lot, the "rear lot line" shall be a line ten (10) feet in length located entirely within the lot, connecting the side lot lines and that is parallel to the front lot line.

Lot line, side - A lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot, or to the lot and an alley; an exterior side lot line is a lot line common to the lot and a street other than an alley.

Lot, through - An interior lot having frontage on two (2) streets that are approximately parallel, other than an alley, and are not identified as intersecting street corners.

Lot of Record - unit of land created as follows:

1. A lot in an existing and duly recorded subdivision; or
2. A parcel in an existing, duly recorded land partition; or
3. An adjusted lot resulting from an approved lot line adjustment; or

4. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
5. Any unit of land created prior to zoning and partition regulations by deed or metes and bound description, and recorded with the Douglas County Clerk; provided, however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this Code shall be considered one (1) lot of record.

Multi-family housing - ~~A building designed, built, rented, leased, let or hired out, to be occupied, or which is occupied as residences by three or more families living independently of each other. (See section 2.2.110.)~~ **A structure or grouping of structures containing three or more dwellings on the same lot. The land underneath the structure(s) is not divided into separate lots. (See section 2.2.110.)**

Residential Facility – ~~A residential care facility, residential training facility, or residential treatment facility as defined by ORS 443.400, that is licensed by the Department of Human Services and provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any other resident of the residential facility.~~ **A residential facility is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.**

Residential Home – ~~A residential treatment home or residential training home as defined in ORS 443.400, or an adult foster home as defined in ORS 443.705, that is licensed by the Department of Human Services and that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.~~ **A residential home is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660).**

Senior housing - ~~Housing designated and/or managed for persons over the age of fifty-five (55). (Specific age restrictions vary.)~~ **Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and**

similar uses not otherwise classified as Residential Homes or Residential Facilities.

Setback - ~~The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards.~~ **The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.**

Single-family attached housing (townhomes) - ~~Two (2) or more single family dwellings with common end walls.~~ **A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).**

Single-family non-attached house - ~~A single family dwelling that does not share a wall with any other building.~~

Single-family detached dwelling: **A detached dwelling unit located on its own lot.**

Single-family non-attached zero-lot line house - ~~A single family non-attached house with one (1) side yard setback equal to zero (0).~~

Single-family detached zero-lot line house: **A single-family detached house with one (1) side yard setback equal to zero (0). The building is shifted to one side of the parcel so that there is a more usable side yard on one side of the building and very little or no private yard on the other side. Zero-lot-line houses are subject to the parcel and building standards of the applicable Zoning District except as modified or supplemented by the zero-lot-line house standards of this definition. No more than one zero-lot-line dwelling may be located on a single parcel.**

- 1. A zero-lot-line house development must consist of at least two contiguous parcels with frontage on the same street.**
- 2. Zero-lot-line house developments require that the planning for all house locations be done at the same time.**
- 3. The interior side setback on one side of the lot containing a zero-lot-line house may be reduced to as little as zero. The zero or reduced setback side of a zero-lot-line house may not abut a street and may not abut a lot that is not part of the zero-lot-line house development. On the "non-zero" side, a setback must be provided equal to at least two times the minimum side setback requirement of the subject Zoning District.**
- 4. Eaves on the side of a house with a reduced setback may not project over the property line.**
- 5. When the zero-lot-line building's exterior wall or eaves are set back less than two (2) feet from the abutting property line, a perpetual maintenance**

easement at least five (5) feet in width and of a length equal to the depth of the structure it benefits as measured from the front property line, must be provided on the parcel abutting the zero-lot-line property line, which must be kept clear of structures that would prevent maintenance of the zero-lot-line house. A copy of the recorded easement (unless the dwelling units are joined by a common wall) must be provided prior to site plan approval. This provision is intended to ensure the ability to conduct maintenance on the zero-lot-line house.

6. The side of the house which faces the reduced or zero-lot-line setback of the parcel on which it is situated shall not have windows, doors or other openings that allow for visibility. Windows that do not allow visibility into the side yard of the parcel abutting the zero or reduced setback side, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

Tap room – means an accessory use within or physically connected to a brewery that allows customers to purchase beer, wine or alcohol for onsite consumption and in containers for offsite consumption. Such areas may include retail sale of merchandise and/or entertainment activities. Permitted restaurants (whether outright by zoning or upon conditional approval) that serve the brewery’s product may satisfy a micro-brewery’s requirement to have a tap room onsite.

Townhome – a single family home that shares one or more walls with other independently-owned units. They are often rows of uniform homes, two stories or taller. Residents own their interior and exterior walls, lawn, and roof, as well as the insurance for both their home and property.

Warehouse – a large building where raw materials or manufactured goods are stored until they are exported to other locations or distributed to stores to be sold.

Watchman’s Quarters – A “Watchman’s Quarters” is one accessory single-family dwelling unit located within a principal commercial or industrial non-residential structure, or on the same parcel of land as the principal commercial or industrial non-residential structure, for occupancy by the owner, operator or an employee of the principal use acting as caretaker, custodian or security personnel, together with his or her immediate family, if applicable. Such use shall be subject to the following:

1. The quarters shall be accessory to the main use;
2. The quarters may be included within the main structure(s);
3. There shall be no payment of rent by the occupant of the quarters;
4. The quarters are limited to one family;
5. The quarters may be reviewed every two years for compliance with this Code by the Director, and if no longer necessary or not in compliance, the quarters will be removed or corrected. The quarters may be required to be removed at any time if not in compliance with any conditions of the approval; and,
6. Additional conditions of approval may be required by the Director to ensure

compatibility with adjacent uses.

Wrecking yard – A wrecking yard, scrapyard or junkyard is the location of a business in dismantling where wrecked or decommissioned vehicles are brought, their usable parts are sold for use in operating vehicles, while unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

Chapter 2 Update (Zoning Districts):

Section 2.7 Forestry Resource (FR-20) District will become Section 2.6 and Section 2.6 Special Use Standards will become Section 2.7, for the fluency of zoning districts within the code.

Section 2.2.110 Permitted Uses

Table 2.2.110 – Permitted Uses				
Uses¹	Status of Use in District			
	RH	R-1	R-2	R-3
Residential				
Single Family Dwellings				
- Single family dwelling	S-P	P	P	P
- Single family non-attached detached zero-lot line	S-PUD	P	P	P
- Attached townhome – maximum of 4 attached	S-PUD	N	P	P
- Attached townhome – maximum of 8	S-PUD	N	N	P
	S-P	S	S	S
	S-P	S-P	S-P	S-P
Duplex				
- Corner lot	S-PUD	P	P	P
- Interior lot	S-PUD	N	P	P
Manufactured Homes – individual lots	S-PUD	S	S	S
Manufactured Home Park	N	N	C	S
Multifamily Dwelling				
- 3 or 4 dwellings	N	N	P	P
- more than 4 dwellings	N	N	N	P
Residential care home/facility				
- Residential care home	⊆ S-P	S	S	S
- Residential care facility	N	N	S	S
Family daycare	P	P	P	P
Home Occupation (Section 2.67.150)	S-P	S-P	S-P	S-P
Agriculture, Horticulture (and livestock) (Section 2.67.240)	S-P	S-P	S-P	S-P
Public and Institutional				
Churches and places of worship	N	C	C	C

Key:

P = Permitted	RH = Residential hillside district
S = Permitted with special standards or limitations	R-1 = Low density district
C = Conditional use permit required	R-2 = Medium density district
N = Not permitted	R-3 = High density district
S-PUD Permitted With Planned Unit Development (All RH development applications require geotechnical study and report.)	

Table 2.2.110 – Permitted Uses

Uses ¹	Status of Use in District			
	RH	R-1	R-2	R-3
Clubs, lodges, similar uses	N	C	C	C
Government office and facilities (administration, public safety, transportation, utilities and similar uses)	N	C	C	C
Libraries, museums, community centers, and similar uses	N	C	C	C
Public parks and recreational facilities	P	P	P	P
Schools (public and private)	C	P	P	P
Telecommunications structures (including wireless) (S)	C	C	C	C
Uses similar to those listed above	P/S/S-PUD/C/N	P/S/C/N	P/S/C/N	P/S/C/N
Bed and Breakfast Inns and Vacation Rentals	S/C	S/C	S/C	S/C
Accessory Use and Structures (<u>Section 2.7.110</u>)	P	P	P	P

Section 2.2.120 Development Standards**Table 2.2.120 – Development Standards**

Standard	RH	R-1	R-2	R-3
Minimum Zone Size	None	None	None	None
Minimum-Maximum Density (dwelling units/net acre)	0-3 du/acre	0-6 du/acre	0-12 du/acre	8 12-27 du/acre
Minimum Lot Area (square feet) - single family non-attached lot - duplex lot - single family attached lot - multiple family lot	12,000 s.f. na	7,500 <u>7,000</u> s.f. 9,000 s.f. na	6,000 s.f. 6,000 s.f. 3,000 s.f.	5,000 s.f. 6,000 s.f.

Key:

P = Permitted	RH = Residential hillside district
S = Permitted with special standards or limitations	R-1 = Low density district
C = Conditional use permit required	R-2 = Medium density district
N = Not permitted	R-3 = High density district
S-PUD Permitted With Planned Unit Development (All RH development applications require geotechnical study and report.)	

Table 2.2.120 – Development Standards

Standard		RH	R-1	R-2	R-3
		na na	na	9,000 s.f.	2,000 s.f. 6,000 s.f.
Minimum Lot Dimensions (feet)		50 ft.	50 ft.	40 ft.	40 ft.
- width at frontage – standard		24 ft.	n/a	24 ft.	24 ft.
- width at frontage – townhouse		20 ft.	20 ft.	20 ft.	20 ft.
- width at frontage – flag lot (Section 2-6.200 3.2.110(Q))		100 ft.	90 ft.	80 ft.	70 ft.
- depth – alley right-of-way		100 ft.	100 ft.	90 ft.	80 ft.
- depth – no alley r-o-w.					
Maximum Lot Coverage(1)		35% (Geotechnical Report Required)	50%	60%	60%
Minimum Dwelling Unit Size (except does not apply to accessory dwelling units)		4,200 1,000 sf.	4,200 1,000 s.f.	1,000 s.f.	no standard
Maximum Height In Feet	Primary structure	35 ft.	35 ft.	35 ft.	35 ft.
	Accessory structure	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Setback in Feet	Front				
	- house	15 ft.	15 ft.	15 ft.	15 ft.
	- garage entrance	20 ft.	20 ft.	20 ft.	20 ft.
	Side – one story	5 ft.	5 ft.	5 ft.	5 ft.
	Side – two story	10 ft.	10 ft.	7 ft.	7 ft.
	Side – townhouse (common wall)	0 ft.	0 ft.	0 ft.	0 ft.
	Street side	20 ft.	15 ft.	10 ft.	10 ft.
	- one story	20 ft.	15 ft.	15 ft.	15 ft.
	- two story				

Table 2.2.120 – Development Standards					
Standard		RH	R-1	R-2	R-3
	Rear	10 ft.	10 ft.	10 ft.	10 ft.

2.2.125 Garages and Carports. The single family dwelling shall have a garage or carport constructed with like materials when fifty percent (50%) of nearby residences within 200 feet of the lot have carports or garages. The city may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.

Section 2.3.110 – Permitted Uses

Table 2.3.110 – Permitted Uses		
Uses	Status of Use in District	
	C-1	C-3
Residential , provided that the residential component comprises not more than 50% of the building floor area.	P	P
Residential Home	CS	CS
Residential Facility	P	P
Residential Center	P	P
Commercial		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
Brewery		
- Macro	C	P
- Micro	C	P
- Tap Room	P	P
Office and Clinics (Professional, Medical, Dental, etc., including Medical Laboratories)	P	P
Mortuaries, Crematoriums and Columbarium excluding outside storage or display	P	P
Lodging, including Bed and Breakfast	P	P
Vehicle Sales and Services, Including fuel sales	C	P
Commercial and Public Parking	P	P
Commercial Storage		
- enclosed in an upper story of a building	P	P
- not enclosed in building or on ground floor	C	P

Entertainment - enclosed in building (e.g., theater, bowling alley, dance hall, skating rink) - not enclosed (e.g., amusement)	P C	P C
Recreational Vehicle Sales, Services and Parks	C	P
Wholesale - enclosed in a building - not enclosed in a building	C N	P P
Mixed Use (residential with commercial or civic use) See Residential, above.	P	P
Civic		
Government	P	P
Parks and Open Space	P	P
Private Utilities	P	P
Schools - pre-school, daycare, and primary - secondary, colleges, and vocational	C C	C C
Clubs and Religious Institutions	C	C
Industrial		
Manufacturing and Production - greater than 5,000 sq. ft. - not enclosed in a building or on ground floor	N C	C C
Warehouse - enclosed in an upper story of a building - not enclosed in a building or on ground floor	P N	P P
Telecommunications structures, including wireless	C/S	C/S
Transportation, Freight and Distribution	N	C
Industrial Service (e.g., cleaning, repair)	C	C
Processing of Raw Materials	N	C

Key:

P = Permitted

S = Permitted with special standards or limitations

C = Conditional use permit required

N = Not permitted

C-1 =

Downtown Commercial District

C-3 =

Community Commercial District

Section 2.4 – Public / Semi-Public Districts

2.4.120 Permitted Accessory Uses and Structures. A public/semi-public district accessory uses and structures are permitted subject to review and approval in a public hearing, and

. The attachment of conditions as may be necessary to ensure compatibility with adjacent land uses.

Section 2.5 – Industrial Districts

Table 2.5.110 – Permitted Uses		
Uses	M-1	M-2
<i>Industrial</i>		
(1) Heavy manufacturing and assembly, and (2) Processing of raw materials	N N	C C
Light manufacture (e.g., electronic equipment, electronic vehicles, printing, bindery, furniture, and similar goods)	P	P
Warehousing and distribution	P	P
Junk yard, motor vehicle wrecking yard, and similar uses	N	P
Research facilities	P	N
Mini-warehouse and storage	P	N
<i>Residential</i>		
Caretaker unit	<u>S</u> -P	<u>S</u> -P
<i>Commercial</i>		
Offices and other commercial uses that are incidental to a primary industrial use	P	P
Vehicle repair, sales, rental, storage, service and fuel sales	P	C
Entertainment (e.g., theaters, amusement uses)	C	N
Hotels and motels	P	N
Medical and dental clinics and laboratories	P	N
Outdoor commercial uses (e.g., outdoor storage and sales)	P	N
Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, convenience stores/mini-marts, banks and financial institutions, and similar uses)	C	N
<u>Brewery</u> - <u>Macro</u> - <u>Micro</u> - <u>Tap Room</u>	P P C C	P P C C
Repair services	P	C
Wholesale trade and services	P	N

Public and Institutional Uses		
Government facilities (e.g., public safety, utilities, school district bus facilities, public work yards, and similar facilities)	P	P
Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	P	P
Parks and open space	P	P
Vocational schools	P	P
Telecommunication structures, including wireless (S)	C	C
Accessory Uses and Structures	P	P

Key:

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

Section 2.6 Special Use Standards

2.6.100 Accessory Dwellings. Where accessory dwelling units (ADUs) are permitted, they shall conform to the following standards:

- A. Building Codes.** Comply with applicable building codes and structural specialty codes;
- B. One ADU per Lot.** A maximum of one (1) accessory dwelling unit is allowed per single family dwelling lot;
- C. Floor Area.** The maximum floor area of the accessory dwelling shall not exceed ~~six~~ **eight** hundred (600) **(800)** square feet. ~~Dwellings in excess of six hundred (600) square feet are considered duplexes (not accessory dwellings), if attached to the primary dwelling, or second dwellings (also not an accessory dwelling) if not attached. Second dwellings on a lot or parcel are not permitted in the RH or R-1 zones;~~
- D. Parking.** One (1) off-street parking space shall be provided for the accessory dwelling;
- E. Development Standards.** Comply with the setback, building height, lot coverage, and other applicable development standards;
- F. Architecture.** ~~Accessory dwellings in all residential zones shall be constructed of similar or better quality and type of materials as used in the principal structure on the same lot. Accessory dwellings shall not be in a manufactured home. Accessory dwellings shall be stick built. Wood, brick, stone, cultured stone, and concrete fiber (imitation wood) siding are allowed. Vinyl, metal, concrete block, and T111 (wood paneling) are not allowed. Acceptable roof materials include concrete composite, architectural grade composite, tile, architectural grade metal roofing with non-metallic finish, and similar quality materials as determined by the City;~~

- G. **Infrastructure.** Sewer, water and utility services shall be provided to the dwelling in conformance with City standards.

2.6.110 Accessory Uses and Structures.

A. ...

B. ...

C. **Accessory Building.** Location. An accessory building shall be located on the same lot with the principal building. Accessory buildings shall conform to all regulations of the zone district wherein it exists, except as modified by the following standards:

1. All accessory buildings that are not attached to the primary dwelling shall be set back a minimum of twenty-five (25) feet from the public street providing vehicle access to the primary building. These buildings may encroach into the standard rear and side yard setbacks, provided that required separation for fire protection is provided and the following standards are met:

a. In no case shall the setback be less than five (5) feet

- a b.** On a corner lot, the accessory building shall not be located closer to the street side property line than that required for the main building. On a lot in the RH district, the accessory building shall not be located closer than twenty (20) feet from rear and side property lines;

2.6.120 Bed and Breakfast. Bed and breakfast use is allowed in all commercial districts and allowed in all residential districts subject to approval of a conditional use permit and conformance to the following standards:

A. **Accessory Use.** A bed and breakfast facility must be accessory to a residential use on the subject site. This means that the individual or family who operates the facility must occupy the house as their primary residence. ~~The house must be at least five (5) years old before a bed and breakfast facility is allowed.~~

B. ...

2.6.160 Manufactured Homes on Individual Lots. Manufactured homes are subject to all of the following design standards, consistent with ORS 197.307(5)(8). Exception: The following standards do not apply to units that were placed on their current site prior to the effective date of this code.

A. **Relocation.** Once occupied for residential use, a manufactured home shall not be relocated to a different residentially zoned lot in the City.

B. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than one thousand (1,000) square feet in R-2 and R-3 zones, or one thousand two hundred (1,200) square feet in R-1 and RH zones;

- C. **Roof.** The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (12) feet in width (fourteen (14) degrees);
- D. **Residential Building Materials.** The manufactured home shall have non-reflective exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal or vinyl siding, and composite roofing is superior to metal roofing);
- E. **Garages and Carports.** The manufactured home shall have a garage or carport constructed with like materials when **fifty percent (50%) of** nearby residences **within 200 feet of the lot** have carports or garages. The city may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
- ~~F. **Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single family dwelling constructed under the state building code. Evidence demonstrating that the manufactured home meets “super good cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement; additional manufacturer’s certification shall not be required;~~

2.7.190 Lighting. Adequate exterior lighting shall be provided to promote public safety and shall be directed onto and confined to the property from which it is generated. All outdoor light fixtures used for general illumination or advertisement are subject to the following standards:

- 1. All on-site lighting shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination, glare, or cast a shadow onto adjacent properties or into the public right-of-way.**
 - a. Full cut-off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane.**
 - b. Glare means stray, unshielded light striking the eye that may result in nuisance such as light shining into a window, discomfort causing squinting of the eyes, disabling vision by reducing the ability of the eyes to see into shadows, or reduction of visual performance.**
- 2. The use of laser light, high intensity light, searchlight, or similar upwardly directed lighting is prohibited.**

3. Exemptions.

- a. Low intensity, upwardly directed lighting intended to highlight part of a building, sign, flag, or landscaping may be permitted, provided that the light distribution from the fixture is effectively constrained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Containment elements may include but are not limited to awnings, shrubs, or dense tree canopies that limit illumination of the sky.**

Chapter 3 - Design Standards Administration

Section 3.2 – Access and Circulation

...

3.2.110 Vehicular Access and Circulation

...

K. Shared Driveways. The number of driveways intersecting a public street shall be minimized by the use of shared driveways on adjoining lots where feasible. The city may require shared driveways as a condition of land division or site plan review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements and joint maintenance agreements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including any pathways and landscaping along such driveways, at the time of final plat approval (section 4.4) or as a condition of site development approval (section 4.3).

3. **Access easements may serve no more than three (3) dwelling units, including accessory dwellings and dwellings on individual lots, or more than three (3) units of land whichever is greater. A drive serving more than one lot shall conform to the standards in subsections 1-4 below:**

1. Driveway and Lane Width and Lot Frontage. The minimum width of all shared drives and lanes shall be twenty (20) feet of pavement with a minimum lot frontage width of twenty-five (25) feet wide throughout the driveway;

2. Easement. Where more than one (1) lot is to receive access from a driveway, the owner shall record an easement granting access to all lots that are to receive access. The easement shall be so indicated on the preliminary plat;

3. Maximum Drive Lane Length. The maximum drive lane length is subject to requirements of the uniform fire code, but shall not exceed one hundred fifty (150) feet without an emergency turnaround approved by the city.

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

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

Section 3.4 – Vehicle and Bicycle Parking

Section 3.4.120 Vehicle Parking

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option	
Use	Parking Standard
Residential Uses	
Single family detached housing.	2 parking spaces per detached single family dwelling or manufactured home on an individual lot.
Two and three family housing <u>Duplexes and Multifamily Dwellings with three (3) or four (4) dwellings</u>	1.5 spaces per dwelling unit.
Multi-family and single family attached housing. a. Studio units or 1-bedroom units less than 500 sq. ft b. 1-bedroom units 500 sq. ft. or larger c. 2-bedroom units d. 3-bedroom or greater units e. Retirement complexes for seniors 55-years or greater f. Visitor Parking	a. 1space/unit. b. 1.50 spaces/unit. c. 1.75 spaces/unit. d. 2 spaces/unit e. 1 space per unit. f. 1 space for every 10 dwellings; no visitor parking requirement for projects with 1-9 dwellings where on-street parking is present.

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
Rooming and boarding houses, dormitories.	2 spaces for each 3 guest rooms, or one per three beds, whichever is more;
Senior housing.	Same as for retirement complexes
Manufactured home parks.	Same as for single family detached housing.
Accessory dwelling.	1 space per unit
<u>Bed and Breakfast</u>	<u>2 spaces plus one space for each bedroom offered as lodging</u>
<i>Commercial Uses</i>	
Auto, boat or trailer sales, retail nurseries and similar bulk retail uses.	1 space per 1,000 square feet of the first 10,000 square feet of gross land area; plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.
Business, general retail, personal services.	General - 1 space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.
<u>Vehicle Servicing or Vehicle Repair</u>	<u>2 spaces per service stall</u>
Chapels and mortuaries.	1 space per 4 fixed seats in the main chapel <u>or one space per 300 sq ft of floor area, whichever is greater.</u>
Hotels and motels.	1 space for each guest room, plus 1 space for the manager <u>or one space per 300 sq ft floor area, whichever is greater.</u>
Offices.	Medical and Dental Offices - 1 space per 350 square feet of gross floor area;
General Offices.	1 space per 450 square feet of gross floor area.
Restaurants, bars, ice cream parlors and similar uses.	1 space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.
Theaters, auditoriums, stadiums, gymnasiums, similar uses.	1 space per 4 seats.
<u>Bowling Alley, Dance Hall, Skating Rink</u>	<u>3 spaces per lane or 1 space per 100 square feet of floor area, whichever is greater.</u>
<i>Industrial Uses</i>	

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
Industrial uses, except warehousing.	1 space per 2 employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus 1 space per company vehicle
Warehousing.	1 space per 1,000 square feet of gross floor area or for each 2 employees, whichever is greater, plus 1 space per company vehicle.
<u>Mini-warehouse and storage</u>	<u>Two spaces, plus adequate space for loading and unloading.</u>
Public utilities (gas, water, telephone, etc.), not including business offices.	1 space per 2 employees on the largest shift, plus 1 space per company vehicle; a minimum of two spaces is required.
<i>Public and Institutional Uses</i>	
Child care centers having 13 or more children.	1 space per 2 employees; a minimum of 2 spaces is required.
Churches and similar places of worship.	1 space per every 100 square feet of combined sanctuary and school space (includes accessory uses).
Golf courses, except miniature.	8 spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses -4 spaces per hole.
Hospitals.	2 spaces per patient bed.
Nursing and convalescent homes.	1 space per 3 patient beds.
Rest homes, homes for the aged, or assisted living.	1 space per 2 patient beds or 1 space per apartment unit.
Schools, elementary and junior high.	1 ½ space per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.
High schools.	1 ½ spaces per classroom, plus 1 space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.
Colleges, universities and trade schools	1 ½ spaces per classroom, plus 1 space per 5 students the school is designed to accommodate, plus requirements for on-campus student housing.
<i>Unspecified Uses and Parking Demand Study Option</i>	

Table 3.4.120.A - Vehicle Parking - Minimum Standards Option

Use	Parking Standard
Where a use is not specifically listed in this table, or an alternative parking standard is proposed, parking requirements shall be determined based on a parking demand study and/or by finding that a use is similar to one or more use(s) listed in terms of parking needs.	Similar Use Ruling/City Planner Code Interpretation

...

C. Parking Location and Shared Parking.

...

2. Off-site parking. Except for single family dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within three hundred ~~(300)~~ **1320** feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

3.4.130 Bicycle Parking Requirements

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1. Multi-Family Residences. Every residential use of ~~four (4)~~ **five (5)** or more dwelling units provides at least one (1) sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

Section 3.5 – Infrastructure Standards

Section 3.5.100 Purpose and Applicability

...

- D. Creation of Access Easements.** Access easements are only allowed with a private street or drive meeting city standards for one single family unit. Access easements are discouraged in all residential districts, unless they

are an integral part of a PUD, or required by the city for access management reasons (i.e., shared driveways along arterial streets). The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with section 3.2.110 (K), ~~Access and Circulation. Access easements shall be created and maintained in accordance with the uniform fire code, section 10.207, and shall be shown and described on any final subdivision or partition plat that requires them.~~

3.5.120 Public Use Areas

...

- C. System Development Charge Credit.** Dedication of land to the city for public use areas shall be eligible as a credit toward any required system development charge for transportation, parks, water, sewer, or storm water, as applicable.

3.5.130 Sanitary Sewer and Water Service Improvements

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- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the city engineer of record has approved all sanitary sewer and water plans in conformance with city standards.

Chapter 4 – Development Applications and Review Procedures

Section 4.2 –Types of Applications and Review Procedures

4.2.100 Purpose. The purpose of this section is to establish standard decision-making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

4.2.110 Description of Permit Procedures. All land use and development permit applications, except building permits, shall be considered by using the procedures contained in this chapter. There are four types of permit/decision-making procedures: Type I, II, III, and IV:

- A. Type I (Ministerial) Procedure.** Type I decisions are made by the ~~planning director~~ **Community Development Director** or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying city standards and criteria requires no use of discretion.
- B. Type II (Administrative) Procedure.** Type II decisions are made by the ~~planning director~~ **Community Development Director** after public notice and an opportunity to submit written testimony. The appeal of a Type II decision is heard by the planning commission.
- C. Type III (Quasi-Judicial) Procedure.** Type III decisions are made by the planning commission after public notice and a hearing, with appeals reviewed by the city council.
- D. ~~Type IV (Quasi-judicial) Procedure.~~** ~~Type IV decisions are considered initially by the planning commission with final decisions made by the city council. Both bodies provide public notice and a hearing.~~

D. Type IV Procedure (Legislative Review). The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

Table 4.2.110 - Approvals by Type of Application and Decision-making Procedure

Development Decision	Procedure Type	Code Reference
Access Permit (public street)	Type I	Sections 3.2, 4.3, 4.4
Annexation	Type IV	Section 4.11
Code Amendment	Type IV	Section 4.11
Code Interpretation	Type II	Section 4.9

Comprehensive Plan Amendments and Urban Growth Boundary Amendments	Type IV	Section 4.11
Conditional Use Permit	Type III	Section 4.5
Development Review	Type I	Section 4.3, Building Code
Flood Plain Development Permit	Type I	Building Code
Home Occupation Permit	Type I	Section 4.10
Lot Line Adjustment	Type I	Section 4.4
Modification to Approval	Type II	Section 4.7
<u>Non-conforming Alteration</u>	<u>Type II</u>	<u>Section 5.3</u>
Non-Conforming Use or Development Determination	Type I	Section 5.3
Partition Tentative Plan Final Plat Extension	Type II Type I Type I	Section 4.4 Section 4.4.120 Section 4.4.120
Plan Amendment	Type IV	Section 4.11
Planned Unit Development	Type III	Section 4.6
Sign Permit	Type I	Section 3.7
Site Plan Review	Type II	Section 4.3
Subdivision Tentative Plan Final Plat Extension	Type II Type I Type I	Section 4.4 Section 4.4.120 Section 4.4.120
Extension	Type I	Section 4.4.120
Temporary Use Permit	Type II	Section 4.10
Variances Class A Class B Class C	Type I Type II Type III	Section 5.2 Section 5.2 Section 5.2
Zoning District Map Change	Type III	Section 4.8

4.2.115 Exceptions to Table 4.2.110. Instead of the procedure type identified in Table 4.2.110, the ~~planning director~~ **Community Development Director** may use a higher procedure type for an application where the ~~planning director~~ **Community Development Director** determines that a greater amount of public process is needed in order to provide a consolidated review of applications for the same development proposal or in order to address legal requirements applicable to the application.

4.2.120 Type I Procedure

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- B. **Planning Director Decision.** The ~~planning director~~ **Community Development Director** shall issue a decision addressing all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the planning director shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at city hall.
- C. **Final Decision and Effective Date.** The ~~Planning Director's~~ **Community Development Director's** decision shall be final and effective on the date it is mailed or otherwise provided in writing to the applicant, whichever occurs first. The decision is the final decision of the city.

4.2.130 Type II Procedure

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- C. **Notice of Application.**
 - 1. Before making a Type II decision, the ~~planning director~~ **Community Development Director** shall mail notice to:
 - a. The applicant and/or titleholder; and
 - b. All owners of record of real property within one hundred (100) feet of the subject site.
 - c. **Any affected governmental agency; public school district, public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, gas, water, wastewater, etc.) whose property, services, or facilities may be affected by the decision.**
- D. **~~Planning~~ Community Development Director Decision.** The ~~Planning Director~~ **Community Development Director** shall issue a written decision addressing all of the relevant approval criteria. Based upon the criteria, and the facts contained within the record, the **Community Development Director** shall approve, approve with conditions, or deny the requested permit or action.
- E. **Notice of Community Development Director Decision.**
 - 1. Within five (5) business days after the ~~Planning Director~~ **Community Development Director** signs the decision, a notice of decision shall be sent by mail to:
 - a. **The applicant and/or titleholder;**
 - b. All owners of record of real property within one hundred (100) feet of the subject property;

- c. Any affected governmental agency; public school district or public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, gas, water, wastewater, etc.) whose property, services, or facilities may be affected by the decision; and
- d. Any person who submitted comments for the planning director's Community Development Director's consideration.

...

F. **Final Decision and Effective Date.** The planning director's Community Development Director's decision is final for purposes of appeal when it is mailed by the city. It is effective on the day after the local appeal period expires with no valid appeal filed.

G. **Appeal of a Type II planning director's Community Development Director's Decision.** The planning director's Community Development Director's decision may be appealed to the planning commission as follows:

- 1. Who May Appeal. The following people have legal standing to appeal the planning director's decision:
 - a. The applicant and/or titleholder;
 - b. Any person who was mailed written notice of planning director's Community Development Director's decision;
 - c. Any person who is adversely affected or aggrieved by the planning director's Community Development Director's decision; or
 - d. Any other person who participated in the proceeding by submitting written comments.

...

- 3. Appeal Procedures. The notice and hearing procedures for an appeal of the planning director's Community Development Director's decision on a Type II application shall be those used by the city to make an initial decision on a Type III application as provided in sections 4.2.140.C. – G.

4.2.140 **Type III Procedure.**

...

C. **Notice of Planning Commission Hearing.**

- 1. Notice. The city shall give notice of the planning commission in the following manner:
 - a. At least twenty (20) days, but not more than 40 days, before the hearing date, notice shall be mailed to:
 - (1) The applicant and all owners of record of the property which is the subject of the application Any affected governmental agency; public school district or

public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, gas, water, wastewater, etc.) whose property, services, or facilities may be affected by the decision; and

- D. Planning Commission Standard of Review and Conduct of the Public Hearing.** The planning commission shall determine whether the application is consistent with the applicable criteria or can be made consistent through the imposition of reasonable conditions. The planning commission shall accept new evidence with respect to all applicable criteria.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:
 - a. The applicable approval criteria by Code chapter that apply to the application;
 - b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and
 - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to exparte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of

interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.
 - a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for

an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

- a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
- b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
- c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
- c. A statement of where the City's decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

- E. **Planning Commission Decision.** The planning commission shall issue a final written decision containing findings and conclusions, which either approves, approves with specific conditions or denies the application. ~~The planning commission's order shall be filed with the director within fourteen (14) business days after the close of the deliberation.~~
- F. **Notice of Planning Commission Decision.** Written notice of the planning commission decision shall be mailed to the applicant and to all participants of record within five (5) business days after the planning commission's written decision is signed. Failure of any person to receive mailed notice

shall not invalidate the decision. The notice shall include an explanation of appeal procedures.

H. Appeal of Type III Planning Commission Decision.

...

2. Notice of Appeal.

- a. A notice of appeal shall be filed with the ~~planning director~~ **Community Development Director** by 5 p.m. of the 14th day after the date the notice of decision was mailed.

3. Appeal Procedures.

- a. Notice. At least twenty (20) days, **but not more than 40 days**, before the city council hearing date, the city shall mail notice of the appeal hearing to the following:
 - (1) The applicant and/or titleholder;
 - (2) The appellant; and
 - (3) Persons who provided testimony during the planning commission proceedings.

...

- c. Standard of Review and Conduct of the Public Hearing. The city council shall determine whether the planning commission erred. The city council shall limit its review to those issues identified in the notice of appeal and accept argument and new evidence only with respect to the criteria and issues identified in the notice of appeal.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

a. The applicable approval criteria by Code chapter that apply to the application;

b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;

d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the

public record. See subsection 'E' Record of the Public Hearing; and

e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing exparte (outside the hearing) contacts as reasonably possible. Where questions related to exparte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only

facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
 - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
 - c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;**
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);**
- c. A statement of where the City's decision can be obtained;**
- d. The date the decision shall become final, unless appealed; and**
- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.**

d. Record of the Public Hearing.

- 1. The official public hearing record shall include all of the following information:**
 - a. All materials considered by the hearings body;**
 - b. All materials submitted by the City Planning Official to the hearings body regarding the application;**
 - c. The minutes of the hearing;**
 - d. The final written decision; and**
 - e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.**
- 2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.**
- 3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.**

- de. City Council Decision.** The city council shall issue a final written decision containing findings and conclusions addressing the issues on appeal and which either approves, approves with specific conditions or denies the

application. ~~The city council's final decision shall be filed with the planning director within fourteen (14) business days after the close of the council deliberation.~~

ef. Notice of City Council Decision. Written notice of the city council's decision shall be mailed to the applicant, the appellant and to all persons who participated in the city council proceedings within five (5) business days after the city council's **written** decision **is signed**. Failure of any person to receive mailed notice shall not invalidate the decision. The notice shall include an explanation of appeal procedures.

fg. Final Decision and Effective Date. The city council's decision is both effective and final for purposes of appeal on the date the notice of decision is mailed by the city.

h. **Effective Date and Appeals to State Land Use Board of Appeals. A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.**

4.2.150 Type IV Procedure.

D. Notice of Planning Commission Hearing.

2. Notice. Except as provided in subsection D.4. of this section, the city shall give notice of the planning commission public hearing in the following manner:

a. At least twenty (20) days, **but not more than 40 days**, before the date of the planning commission's hearing, a notice shall be mailed to:

- (1) The applicant and/or titleholder;
- (2) Any affected governmental agency, **public school** or public utility (e.g. state or county agencies such as ODOT or public utility companies such as electric, **gas**, water, wastewater, **etc.**) whose property, services, or facilities may be affected by the decision;

4. Notice for Site-Specific Type IV Applications. When a Type IV application proposes a site-specific quasi-judicial **legislative** action, notice of the planning commission hearing shall be provided as set out in section 4.2.140.C.

E. Planning Commission Standard of Review and Conduct of the Public Hearing. The planning commission shall determine whether the application is consistent with the applicable criteria or can be made consistent through the imposition of reasonable conditions. The planning commission shall accept new evidence with respect to all applicable criteria.

1. **At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee,**

shall state to those in attendance all of the following information and instructions:

- a. The applicable approval criteria by Code chapter that apply to the application;
- b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
- c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
- d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and
- e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing exparte (outside the hearing) contacts as reasonably possible. Where questions related to exparte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

- a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory

- testimony or evidence;
- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
- 4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
 - 5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
 - 6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
 - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant

to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

- c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

- c. A statement of where the City's decision can be obtained;

- d. The date the decision shall become final, unless appealed; and

- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

F. Planning Commission Recommendation. The planning commission shall issue a final written recommendation containing findings and conclusions and recommending that the city council either approve, approve with specific conditions or deny the application. ~~The planning commission's recommendation shall be filed with the planning director within fourteen (14) business days after the close of the deliberation.~~

G. Notice of City Council Hearing.

- 1. Notice. At least twenty (20) days, **but not more than 40 days**, before the city council hearing date, the city shall mail notice of the hearing to the following:
 - a. The applicant and/or titleholder;
 - b. Persons who provided testimony during the planning commission proceedings; and
 - c. Persons who requested notice of the planning commission recommendation.

2. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

 - a. The applicable approval criteria by Code chapter that apply to the application;
 - b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and
 - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
3. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing exparte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of exparte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

4. Presenting and receiving evidence.

 - a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
5. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
6. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
7. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

 - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

8. The Notice of Quasi-Judicial Decision shall contain all of the following information:

a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

c. A statement of where the City's decision can be obtained;

d. The date the decision shall become final, unless appealed; and

e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

4.2.160 General Provisions.

Time Computation.

~~A. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the close of city business hours on the next day which is not a Saturday or legal holiday.~~ **Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any**

exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)

B. Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

C. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

BD. Pre-application Conferences.

1. Participants. When a preapplication conference is required, the applicant shall meet with the planning director or his/her designee(s).

2. Information Provided. At such conference, the ~~planning director~~ **Community Development Director** shall:

- a. Cite the comprehensive plan policies and map designations applicable to the proposal;
- b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
- c. Provide available technical data and assistance which will aid the applicant;
- d. Identify other governmental policies and regulations that relate to the application; and
- e. Reasonably identify other opportunities or constraints concerning the application.

3. Disclaimer. Failure of the ~~planning director~~ **Community Development Director** or his/her designee to provide any of the information required by this subsection shall not constitute a waiver of any of the standards, criteria or requirements for the application.

GE. Applications.

b. Completeness.

- (1) Review and Notification. After the application is accepted, the ~~planning director~~ **Community Development Director** shall review the application for

completeness. If the application is complete as submitted, the ~~planning director~~ **Community Development Director** shall mail the applicant a notice deeming the application complete. If the application is incomplete, the planning director shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application

(2) When Application Deemed Complete for Review. The application shall be deemed complete upon the receipt by the ~~the planning director~~ **Community Development Director** of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

DF. Scrivener's Errors.

...

4.2.170 Special Procedures.

~~A. **Expedited Land Divisions.** An expedited land division (ELD) shall be defined and may be used as in ORS 197.360.~~

~~1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or Planned Unit Development (PUD) instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it.~~

~~2. Review Procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365.~~

~~3. Appeal Procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.~~

A. Fast Track Permitting Process. A one-hundred day maximum review period from the date at which the application is deemed complete applies for affordable housing projects where:

- 1. The project includes five or more residential units, including assisted living facilities or group homes;
- 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of

the median family income for Douglas County or for the state, whichever is greater; and

3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

Section 4.4

LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

4.4.130 Subdivision - Tentative Plan Application Requirements – Partition and Subdivision. The applicant shall submit an application containing drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

A. General Information:

1. Name of subdivision (~~not required for partitions~~). This name must not duplicate the name of another subdivision in the county in which it is located (please check with county surveyor);

...

4.4.140 Approval Criteria - Tentative Plan.

- E. Block and lot standards.** All proposed blocks (i.e., one (1) or more lots bound by public streets), lots and parcels conform to the specific requirements below:

...

5. In conformance with the uniform International fire code and Oregon Fire Code, a twenty (20) foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty (150) feet from a public right-of-way or approved access drive. See also, section 3.2 Access and Circulation.

- F. Minimize Flood Damage.** All subdivisions ~~and partitions~~...

...

- I. Need for Adequate Drainage.** All subdivision ~~and partition~~

...

- L. Lot Size Averaging.** The city may allow residential lots ~~or parcels~~ less than the minimum lot size under the applicable zoning district for projects that provide common open space or active recreation land and facilities. Such open space

shall provide public access easements containing paved trails. The lot or parcel sizes shall meet the following:

1. The average area for all residential lots ~~or parcels~~ shall not be less than that allowed by the underlying zone; and
2. No lot ~~or parcel~~ created under this provision shall be less than eighty (80) percent of the minimum lot size allowed in the underlying zone.

For example, if the minimum lot size is seven thousand five hundred (~~7,500~~ **7,000**) square feet, the following three (3) parcels could be created as part of a single partition application: six thousand (6,000) square feet, seven thousand five hundred (~~7,500~~ **7,000**) square feet, and nine thousand (9,000) square feet.

...

4.4.150 Variances Authorized. Adjustments to the standards of this section shall be processed in accordance with section 5.2 Variances. Applications for variances shall be submitted at the same time as an application for ~~land division or property line adjustment~~ **a subdivision** is submitted.

4.4.160 Final Plat Submission Requirements and Approval Criteria.

...

B. Approval Criteria. By means of a Type I procedure, the ~~planning director~~ **Community Development Director** shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

...

2. All public improvements required by the tentative plan have been installed and approved by the ~~planning director~~ **Community Development Director**. Alternatively, the developer has provided a performance guarantee in accordance with section 4.4.180;

...

5. **Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to minimize sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with city standards.**

4.4.200 Partition - Tentative Plan Application Requirements. The applicant shall submit an application containing drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

A. General Information:

- 1. Date, north arrow, and scale of drawing;**
- 2. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;**
- 3. Names, addresses and telephone numbers of the owners, project designer, engineer(s), and or surveyor, and the date of the survey; and**
- 4. Identification of the drawing as a “tentative plan.”**

B. Site Analysis:

- 1. Streets: Location, name, present width of all existing streets, alleys and rights-of-way on and abutting the site;**
- 2. Easements: Width, location and purpose of all existing easements of record on and abutting the site;**
- 3. Utilities: Location and identity of all existing utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;**
- 4. Ground elevations shown by contour lines at five (5) foot vertical intervals for ground slopes exceeding ten (10) percent and at two (2) foot intervals for ground slopes of less than ten (10) percent. Such ground elevations shall be related to some established bench mark or other datum approved by the county surveyor;**
- 5. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);**
- 6. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;**
- 7. Wetland and floodplain, including wetland areas, streams, wildlife habitat, and other areas identified by the city or natural resource regulatory agencies as requiring protection;**
- 8. Site features, including existing structures, pavement, areas having unique views, drainage ways, and ditches;**
- 9. Designated historic and cultural resources on the site and adjacent parcels or lots; and**
- 10. The location, size and species of existing trees having a caliper (diameter) of twelve (12) inches or greater at four (4) feet above grade.**

C. Proposed improvements:

1. Location, width and purpose of all proposed easements and dedications;
3. Parcel dimensions, area calculation (e.g., in square feet), and identification numbers for all parcels;
4. Proposed improvements, as required by chapter 3, Design Standard;
6. The proposed source of domestic water;
7. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;
8. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
9. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
10. Proposed changes to navigable streams, or other water courses. Provision or closure of public access to these areas shall be shown on the tentative plan, as applicable;
11. Identification of the base flood elevation, if applicable to the site;
12. Grading plan, if site is larger than five (5) acres;
13. Evidence of contact with ODOT for any development requiring access to a highway under the state's jurisdiction; and
14. Evidence of contact with the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands.

D. Future Re-division Plan. When partitioning tracts into large parcels (i.e., greater than two times or two hundred (200) percent the minimum lot size allowed by the underlying zoning district), re-division plan showing:

1. Potential future parcel/lot division(s) addressing the housing and density standards of chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way; and
3. A disclaimer that the re-division plan is a conceptual plan intended to show potential future development. It shall not be binding on the city or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within

the future plan area may be required to provide needed secondary access and circulation.

4.4.210 Approval Criteria - Tentative Plan. The city shall approve, approve with conditions or deny a tentative plan based on the following approval criteria as applicable:

- A. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to uniformly transition to such facilities in existing or approved partitions on adjoining property as to width, general direction and in all other respects.
- C. Lot Size and Residential Density. The land partition meets the lot size and residential density standards required by the zoning district (chapter 2)
- D. When dividing a tract into large parcels (i.e. greater than two times or 200 percent the minimum lot size allowed in the underlying zoning district, the parcels are of such size, shape and orientation as to facilitate future re-division in accordance with the requirements of the zoning district and this code.
- E. Parcel standards. All proposed parcels (i.e., one (1) or more parcels bound by public streets), parcels conform to the specific requirements below:
 - 1. All parcels shall comply with the lot coverage, setback, and dimensional requirements of the applicable zoning district (chapter 2), and the standards of section 3.2 Access and Circulation, and the flag lot standards of section 3.2.110 (Q), if applicable.
 - 2. Setbacks shall be as required by the applicable zoning district (chapter 2).
 - 3. Every parcel shall conform to the standards of section 3.2, Access and Circulation.
 - 4. The applicant may be required to install landscaping, walls, fences, or other screening as a condition of subdivision approval. See also, chapter 2 Zoning Districts, and section 3.3, Landscaping, Street Trees, Fences and Walls.
 - 5. In conformance with the international fire code and Oregon fire code, a twenty (20) foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than one hundred fifty (150) feet from a public right-of-way or approved access drive. See also, section 3.2 Access and Circulation.
 - 6. Where a common private drive is to be provided to serve more than one parcel, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the

approved partition plat and the county clerk's reference number shown on the face of the plat.

- F. Minimize Flood Damage. All partitions shall be designed based on the need to minimize the risk of flood damage. No new building parcels shall be created entirely within a floodway. All new parcels shall be buildable without requiring development within the floodway. Development in a one hundred (100) year flood plain shall comply with federal emergency management agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before city approval of the final plat.
- G. Need for Adequate Utilities. All parcels created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable.
- H. Need for Adequate Drainage. All partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.
- I. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations, and may require landscape screening between uses, or access reserve strips granted to the city for the purpose of controlling access to adjoining undeveloped properties. See also, section 3.5.100.D (Infrastructure).

4.4.220 Variances Authorized. Adjustments to the standards of this section shall be processed in accordance with section 5.2 Variances. Applications for variances shall be submitted at the same time an application for land division is submitted.

4.4.230 Final Plat Submission Requirements and Approval Criteria.

- A. Submission Requirements. Final plats shall be reviewed and approved by the city prior to recording with Douglas County. The applicant shall submit the final plat within two (2) years of the approval of the tentative plan as provided by section 4.4.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city. The city will not accept as complete an application for final plat until the tentative plan has been approved.
- B. Approval Criteria. By means of a Type I procedure, the Community Development Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria as applicable:

1. The final plat complies with the approved tentative plan, and all conditions of approval have been satisfied;
2. All public improvements required by the tentative plan have been installed and approved by the Community Development Director. Alternatively, the developer has provided a performance guarantee in accordance with section 4.4.180;
3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
4. The streets and roads held for private use have been approved by the city as conforming to the tentative plan;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, and sewage disposal, storm drainage, and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R's), deed restrictions, private easements and agreements (e.g., for access, common areas, parking, etc.), and other recorded documents pertaining to common improvements recorded and referenced on the plat;
7. Water and sanitary sewer service is available to each and every parcel, is provided; or bond, contract or other assurance has been provided by the subdivider to the city that such services will be installed in accordance with section 3.5, Infrastructure Standards, and the bond requirements of section 4.4.180. The amount of the bond, contract or other assurance by the partitioner shall be determined by a registered professional engineer, subject to review and approval by the city; and
8. The plat contains an affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

4.4.240 Public Improvements Approval. Before city approval is certified on the final plat, all required public improvements shall be installed, inspected, and

approved, or the partitioner shall provide a performance guarantee, in accordance with section 4.4.180 as applicable.

4.4.250 Performance Guarantee.

- A. Performance Guarantee Required. When a performance guarantee is required under section 4.4.170, the partitioner shall file an assurance of performance with the city supported by one (1) of the following:**
 - 1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;**
 - 2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the city in writing that it may be terminated; or**
 - 3. Cash.**
 - 4. Cash deposit with an escrow company.**
- B. Determination of Sum. The assurance of performance shall be for a sum determined by the city as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.**
- C. Itemized Improvement Estimate. The developer shall furnish to the city an itemized improvement estimate, certified by a registered civil engineer, to assist the city in calculating the amount of the performance assurance.**
- D. Agreement. At a minimum an agreement shall include all of the following:**
 - 1. A specific period within which all required improvements and repairs shall be completed;**
 - 2. A provision that, if work is not completed within the period specified, the city may complete the work and recover the full cost and expenses from the applicant; and**
 - 3. The improvement fees and deposits that are required.**
- E. Failure to Perform. In the event the developer fails to carry out all provisions of the agreement and the city has un-reimbursed costs or expenses resulting from such failure, the city shall call on the bond, cash deposit or letter of credit for reimbursement.**
- F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the city.**

4.4.260 Filing and Recording.

- A. Filing Plat with County. Within sixty (60) days of the city approval of the final plat, the applicant shall submit the final plat to Douglas County for signatures of county officials as required by ORS Chapter 92.**
- B. Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a mylar copy and two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.**
- C. Prerequisites to Recording the Plat.**
- 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;**
 - 2. No plat shall be recorded until it is approved by the county surveyor in the manner provided by ORS Chapter 92.**

Section 4.6

PLANNED UNIT DEVELOPMENTS

4.6.130 Allowed Uses.

- A. In the Residential Zoning Districts.** In the residential zones, the following uses are allowed outright when they are included in an approved planned unit development **as outlined in the underlying zoning district (Section 2).** ÷
- ~~1. All uses allowed outright in the underlying zoning district (chapter 2);~~
 - ~~2. Single family detached and attached residential units;~~
 - ~~3. Duplex and triplex residential units;~~
 - ~~4. Multi-family residential units;~~
 - ~~5. Manufactured homes;~~
 - ~~6. Commercial uses (not exceeding five thousand (5,000) square feet in a residential zone);~~
 - ~~7. Public and industrial uses;~~
 - ~~8. Indoor recreation facility; athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;~~
 - ~~9. Outdoor recreation facility, golf course, golf driving range, swimming pool, tennis court, trails, pathways, or similar use;~~
 - ~~10. Recreational vehicle storage area; and~~

~~11. Conditional uses not otherwise permitted under subsections 1-10, above, shall require a conditional use permit.~~

- B. In the Commercial Zoning Districts.** In the C-1 and C-3 districts, ~~all of the uses permitted outright in the district are allowed within a planned unit development~~ **a planned unit development shall contain only those uses allowed outright in the underlying district (Section 2).**
- C. In the Light Industrial and Heavy Industrial Zoning Districts.** In M-1, and M-2 **and MU** districts, a planned unit development shall contain only those uses allowed outright in the underlying district **(Section 2).**

...

4.6.170 Concept Plan Approval Criteria. The planning commission shall make findings addressing the following criteria when considering a concept plan:

...

- D. Open Space Requirement.** Planned unit developments in residential districts shall contain at least ~~forty (40)~~ **twenty-five (25)** percent open space. Where common open space is designated, the following standards apply:

4.6.180 Administrative Procedures.

...

- B. Extension.** ~~The planning director~~ **Community Development** Director shall, upon written request by the applicant and payment of the required fee; grant an extension of the approval period not to exceed one (1) year provided that:

...

4.6.200 Detailed Development Plan Approval Criteria. The planning commission shall approve the detailed development plan upon finding that the final plan conforms with the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, so long as the proposed modification does not:

...

- B.** Reduce the amount of open space or landscaping by more than ~~ten (10)~~ **five (5)** percent;

Section 4.7

MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

4.7.130 Minor Modifications

...

- B. Minor Modification Approval Procedures.** An application for approval of a minor modification is reviewed using Type I procedures. A minor

modification shall be approved, approved with conditions, or denied by the ~~planning director~~ **Community Development Director** based on written findings on the following criteria:

Section 4.11

AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE AND LAND USE PLANS

4.11.100 Purpose and Applicability.

...

- B. Application Requirements.** A ~~quasi-judicial~~ **legislative** proposal requesting to change the comprehensive plan map designation of a site under common ownership or to annex or bring into the urban growth boundary such a site may be initiated by the owner(s) of the subject site. Only the city can initiate the other amendments regulated by section 4.11. An owner-initiated application shall include the information required for a Type IV procedure under section 4.2.150.

Chapter 5 – Exceptions to Code Standards

Section 5.3

NON-CONFORMING USES AND DEVELOPMENT

5.3.100 Non-Conforming Uses. Where at the time of adoption of this code a use of land exists which would not be permitted by the regulations imposed by this code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. ~~Expansion Prohibited.~~** ~~No such nonconforming use is enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land.~~

Change in Nonconforming Use

A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.

Increase of Nonconforming Use

A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this code may be granted subject to: nonconforming residential structures can expand floor area, not to be exceeded by more than twenty percent (20%) and in lot coverage by not more than ten percent (10%), subject to underlying zoning district standards for setbacks, height, lot coverage, etc.

5.3.110 Non-Conforming Development. Where a structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed, the structure may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the city's development code or will decrease its nonconformity;
- B.** ~~Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent more than seventy five (75)~~

percent of its current value as assessed by the Douglas County assessor, it shall be reconstructed only in conformity with the city's development code; and A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion; and

- C. Should such structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of the development code.
- D. Special status for single family residences located within Commercial and Industrial zones shall be administered according to Section 2.3.135 and 2.5.125.

5.3.120 Nonconforming Application and Appeals. The nonconforming application shall conform to the requirements for Type I, II, or III applications (section 4.2.120, 4.2.130, 4.2.140), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered. Appeals to nonconforming decisions shall be processed in accordance with the provisions of section 4.2.



CITY MANAGER REPORT (verbal)





126 E. Central Avenue
Sutherlin, OR 97479
541-459-2856
Fax: 541-459-9363
www.cityofsutherlin.com

City of Sutherlin

STAFF REPORT					
Re: COVID-19 Business Support through Utility Credit				Meeting Date:	4/12/21
Purpose:	Action Item <input type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input checked="" type="checkbox"/>
Submitted By: Jerry Gillham, City Manager				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Memorandum from Finance Director, Tami Trowbridge					

WHAT IS BEING ASKED OF COUNCIL?

This is a status report on a plan to offer relief assistance to COVID-impacted businesses responsive to City Council comments from 1/11/21 and 3/8/21.

EXPLANATION

After recognizing that there were multiple conclusions regarding discussion from the 1/11/21 Council meeting, including staff. After further discussion on March 8, 2021, staff moved to research the best and fairest mechanism we could use to provide utility relief for businesses impacted by COVID-19.

We narrowed the options to two:

1. Without getting into the arena of creating a City of Sutherlin definition of a small business, the best approach would be to simply total the number of businesses connected to our system and then calculate the average water/sewer billing for this number of connections and offer a one-month credit to all businesses. This total was calculated at about \$33,000.00.
2. Recognizing that not all businesses have been impacted and further, that there were multiple business support programs available to businesses to include the State of Oregon, Douglas County and Coos Curry Douglas Economic Development; our thought was to target businesses that have a viable need because of the impacts of COVID-19.

After conferring with staff and in particular, Finance Director, Tami Trowbridge, I have tentatively decided to proceed with Option #2 (above) and respectfully ask that you consider her attached memorandum dated 4/5/21.

OPTIONS

Your staff are ready and willing to take another approach should Council decide.

MEMO

To: Jerry Gillham

From: Tami Trowbridge

Date: 4/5/21

RE: COVID Utility Relief Project

This project is not 'cut and dried', in terms of how to administer a credit to businesses for their hardship during this pandemic. Did you know that SBA's definition of a small business differs by industry? For some industries, it is a business with up to 250 employees, while other industries are up to 500! Some industries have a Revenue standard to qualify. Given the # of employee parameters, every business in Sutherlin would qualify as a small business! We have 259 entities registered under our commercial meter classifications. One month of Sewer and Water at their base rate, for every one of them would total to \$32,709. But certainly they were not all impacted by the pandemic. And under this methodology, some of those hardest hit would receive a \$90 credit, which doesn't carry too much weight. It seemed that Council was concerned specifically about those businesses who were negatively impacted and the goal is to provide a credit against their utility bills that will truly be some help as they regroup to go forward.

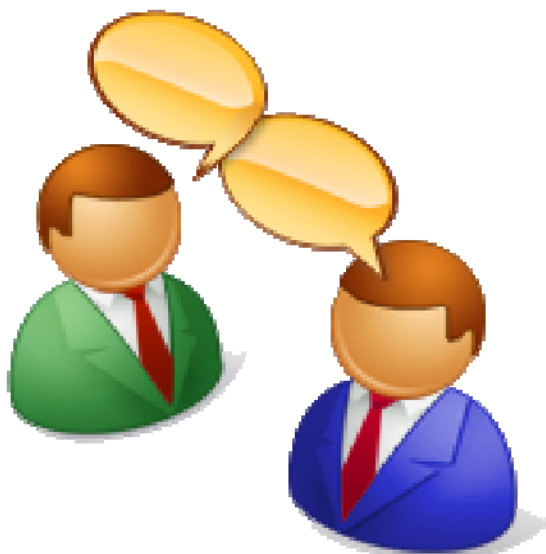
With that in mind, understanding that not all should be eligible, but the City doesn't want to discriminate, one route would be as follows:

Send a letter to all the entities signed up as commercial accounts (that have open storefronts?) offering a credit. There will be a short attachment that they will need to sign and return to indicate how they were negatively impacted. This will initiate the credit on their account. Given the statewide mandates, approximately 50 of the businesses should qualify and return the statement. If we then extend a 2 month credit of base water and sewer rate to those folks, the credits will range from \$180 for those with $\frac{3}{4}$ " Meters to \$1260 for those with 4" Meters (hotels). The total of that credit, for the 50 entities that were directly impacted, should be no more than \$15,000, which will be significant for them and reasonable for us.

Your thoughts?



COUNCIL COMMENTS





PUBLIC COMMENT





ADJOURNMENT





FOR YOUR INFORMATION



PUBLIC NOTICE – CITY OF SUTHERLIN

CITY COUNCIL MEETING

The April 12, 2021, City of Sutherlin's City Council Meeting will begin at 7:00pm in the Civic Auditorium at 175 E Everett. This meeting will be a teleconference style meeting with City Council and staff facilitating. The City has taken steps to utilize current technology to make meetings available to the public without increasing the risk of exposure. To maintain compliance with both state rulings, physical distancing, and Oregon public meeting laws, a limited number of staff and city officials will be present. We encourage and welcome citizens that are able to use the video link or phone number provided, to join the meeting from your home.

City of Sutherlin is inviting you to a scheduled Zoom meeting.

Topic: Regular City Council Meeting

Time: Apr 12, 2021 7:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99432223826?pwd=THV5OS84R2lpU1hobnNVN0VJN2xsZz09>

Meeting ID: 994 3222 3826

Passcode: 618416

One tap mobile

+16699009128,,99432223826#,,,,*618416# US (San Jose)

Dial by your location

+1 669 900 9128 US (San Jose)

Meeting ID: 994 3222 3826

Passcode: 618416

Find your local number: <https://zoom.us/u/abzxf7z9ZQ>

Melanie Masterfield

From: Melanie Masterfield
Sent: Tuesday, April 6, 2021 4:07 PM
To: Ashley (ashley@bciradio.com); DC Commisioners (commissioners@co.douglas.or.us); Erica Welch; KUGN (news@kugn.com); Kyle-KQEN (KYLE@BCIRADIO.COM); News Desk (newsdesk@nrtoday.com); Register Guard (rgnews@registerguard.com); Roseburg Beacon (info@roseburgbeacon.com)
Subject: City of Sutherlin Council Agenda and Zoom Link
Attachments: CC AGENDA APRIL 12.21.pdf; 13. FYI. 2. Zoom Public Mtg Notice with links.docx

Good afternoon. Attached is the City of Sutherlin City Council meeting agenda and zoom link for our meeting on Monday, April 12, 2021.



Melanie Masterfield
Deputy City Recorder
City of Sutherlin
126 E Central Ave
Sutherlin, OR 97479
541-459-2856
m.masterfield@ci.sutherlin.or.us