



**City of Sutherlin  
Urban Renewal Budget Presentation  
Monday, May 10, 2021  
Civic Auditorium - 6:30 P.M.**

**AGENDA**

**COMMITTEE MEMBERS**

- Tom Boggs, Joe Groussman, Debbie Hamilton, Todd McKnight, Michelle Sumner, Seth Vincent and Larry Whitaker
- Rachel Anglin, Charles Brummel, Gary Dagel, Renee Lillie and Tom Spelgatti

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. INTRODUCTION OF MEDIA**
- 4. BUDGET CHAIR & CO-CHAIR APPOINTMENTS**
- 5. BUDGET SECRETARY APPOINTMENT**
- 6. DELEGATE AUTHORITY TO APPROVE MINUTES**
- 7. UR ADMINISTRATOR BUDGET MESSAGE**
- 8. CONTINUATION OF MEETING – MAY 17, 2021**



**City of Sutherlin  
Budget Presentation  
Monday, May 10, 2021  
Civic Auditorium - 6:45 P.M.**

**AGENDA**

**COMMITTEE MEMBERS**

- Tom Boggs, Joe Groussman, Debbie Hamilton, Todd McKnight, Michelle Sumner, Seth Vincent and Larry Whitaker
- Rachel Anglin, Charles Brummel, Gary Dagel, Renee Lillie and Tom Spelgatti

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. INTRODUCTION OF MEDIA**
- 4. BUDGET CHAIR & CO-CHAIR APPOINTMENTS**
- 5. BUDGET SECRETARY APPOINTMENT**
- 6. DELEGATE AUTHORITY TO APPROVE MINUTES**
- 7. CITY MANAGER'S BUDGET MESSAGE**
- 8. CONTINUATION OF MEETING – MAY 17, 2021**



**City of Sutherlin  
Council Meeting  
Monday, May 10, 2021  
Civic Auditorium – 7:00 p.m.**

**AGENDA**

**Mayor Todd McKnight**  
Council President Sumner

Councilors Boggs, Groussman, Hamilton, Vincent and Whitaker

**6:30 – UR Budget Presentation**

**6:45 – City Budget Presentation**

**7:00 – Regular Council Meeting**

- 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. Jennifer Bragg – Dial-A-Ride Presentation

**6. CONSENT AGENDA**

- a. April 12, 2021 Minutes

**7. PUBLIC HEARING**

- a. Development Code Amendments

**8. COUNCIL BUSINESS**

- a. CBA Agreements – Sutherlin Police Officer's Association (SPOA)
- b. Ordinance No. 1084 – Repealing Chapter 1.08 – Initiatives and Referendums (second reading & adoption)
- c. Ordinance – Development Code Amendments (first reading, title only)
- d. Everett & State Street Improvements Approval

**9. CITY MANAGER REPORT**

**10. STRATEGIC PLAN UPDATE**

- a. New Central Park Water Feature

**11. CITY COUNCIL COMMENT**

**12. 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.]

**13. ADJOURN**

*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**





# **DIAL-A-RIDE w/ Jennifer Bragg (verbal)**





# Consent Agenda



**CITY OF SUTHERLIN**  
**Regular City Council Meeting**  
**Sutherlin Civic Auditorium**  
**Monday, April 12, 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  
Fire Chief, Mike Lane  
City Attorney, Chad Jacobs (via Zoom)

**Audience:** Terry Brock

**Via Zoom:** Drew, Quinn & J.W. Millegan (Pegasus Project), Nancy Rodriguez, Jim Houseman, Chuck Brummel

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

**Flag Salute:**

**Roll Call:** All present

**Introduction of Media:** None

**PUBLIC COMMENT (agenda items only)**

- None

**PRESENTATIONS**

- **Pegasus Project**

City Manager, Jerry Gillham, introduced the Millegan's who introduced the Pegasus Equestrian Project, a destination resort for equestrian competitors and spectators on an international level. Drew, his brother Quinn and father J.W. gave a virtual presentation describing the project plans. The location will be at Heaven's Gate Ranch, located off exit 142 at Metz Hill. The ranch is an estimated 3,000 acres and will be home to a multi-million dollar equestrian venue that will include indoor climate-controlled arenas, several outdoor grass and sand arenas, a combined driving course and cross-country course, four full size grass polo fields as well as a resort/spa. Construction is expected to begin in late 2022 with an estimated completion date of 2024-25. Drew emphasized that this facility was not a fairgrounds or training facility but could also be used for non-equestrian events. The Millegan's thanked the City of Sutherlin for their letter of support for this project.

- Gillham – If approved by Douglas County Planning Department on April 15<sup>th</sup>, do you have the funding to break ground this summer? *Drew – It would be too soon to start anything this year. There are additional planning processes to go through. J.W. – The appeal process doesn't end until August and then it's six months to a year working with planning.*

**CONSENT AGENDA**

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

**MOTION** made by Councilor Boggs to approve Consent Agenda as presented; second by Councilor Vincent.  
Discussion: Councilor Hamilton questioned the statement made for Cignos Italian Restaurant, stating that it wasn't considered a new business because the previous establishment sold liquor and this was a change of ownership. ***Deputy City Recorder, Melanie Masterfield, will contact OLCC for a specific description.***  
In favor: Councilors Groussman, Sumner, Boggs, Vincent, Whitaker, Hamilton and Mayor McKnight.  
Opposed: None  
Motion carried unanimously.

## **COUNCIL BUSINESS**

- **Ordinance No. 1083 – Repealing SMC Sections 9.20.010, 12.36.140, 12.36.160, & 12.36.310 – Prohibited Camping, Declaring an Emergency (first reading, title only)**

City Recorder, Diane Harris, read Ordinance No. 1083 by title only: *“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.”*

Staff Report – Police Chief, Troy Mills, asked Council to repeal this Ordinance and declare an emergency to expedite the adoption. These code sections are outdated and out of compliance. The Federal Court's new ruling in July 2020 made specific distinctions between sleeping and camping. Furthermore, homeless people can take necessary minimal measures to keep themselves warm and dry while sleeping where there are no alternative forms of shelter available.

**MOTION** made by Councilor Boggs to approve Ordinance No. 1083 – Repealing SMC Sections 9.20.010, 12.36.140, 12.36.160, & 12.36.310 – Prohibited Camping, Declaring an Emergency (first reading, title only) as presented; second by Councilor Vincent.

Discussion:

- Councilor Sumner asked for an explanation of this ordinance. ***Mills – This is based on legislation; the verbiage was updated in accordance with the Supreme Court. What is changed? A homeless person cannot be sited for sleeping. If we don't want homeless people sleeping in the parks, we have to provide them a place to sleep with accessible food, restrooms, showers (city center). The ordinance stipulates certain hours they cannot sleep in city parks. The previous ordinance defined camping, now it's defining sleeping because it's their fundamental right.***
- Councilor Boggs – Do we have an area identified for the homeless to go? ***Yes.***
- Councilor Sumner – Where's the area located? ***At the corner of Sixth Ave. and State St. (a triangle). It's the only piece of city owned property we have that would qualify. Has it ever been full? It's never been used.***
- Councilor Hamilton thought someone was staying at the triangle.
- Councilor Sumner – Can we direct anyone that needs a place to sleep to that location and tell them they can't sleep in the parks? ***No, they can still sleep in the parks because sleeping isn't illegal. If the person is sleeping in any city park during closed hours, they will be moved to the triangle on Sixth Ave. If the triangle is full, they are allowed to sleep in the parks unless they want to go to Roseburg.***

Further discussion ensued.

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

Opposed: None

Motion carried unanimously.

- **Ordinance – Repealing Chapter 1.08 – Initiatives and Referendums (first reading, title only)**

Harris read Ordinance by title only: *“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.”*

Staff Report – Harris, asked Council to consider repealing and replacing Sutherlin Municipal Code chapter 1.08. This code was last updated in 1967 and therefore, language and processes are outdated and inconsistent with current practices and policies following the State of Oregon's guidelines.

**MOTION** made by Councilor Boggs to approve Ordinance – Repealing Chapter 1.08 – Initiatives and Referendums (first reading, title only) as presented; second by Councilor Sumner.

Discussion: Councilors Groussman asked for an explanation of what repealing an ordinance means. ***Harris explained.***

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

Opposed: None

Motion carried unanimously.

- **Liquor License Application – Cancun Mexican Restaurant**

Staff Report – Mills, asked Council to approve a liquor license application for a new retail business, Cancun Mexican Restaurant, in Sutherlin city limits. The application is for a full on-premises, commercial license. The Police Department has found no disqualifying information according to OLCC.

**MOTION** made by Councilor Boggs to approve Liquor License Application – Cancun Mexican Restaurant as presented; second by Councilor Groussman.

Discussion: Councilor Whitaker – Is it possible to limit the number of Mexican restaurants in town? ***Mayor – No, we don't have any restrictions for what types of restaurants come in.***

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

Opposed: None

Motion carried unanimously.

- **Revised Budget Calendar Approval**

Staff Report – Finance Director, Tami Trowbridge, presented an updated budget calendar to Council for approval. In years past, the budget meetings were done in April. Staff is proposing moving budget meetings to May to better accommodate accuracy and staff transition.

**MOTION** made by Councilor Whitaker to approve Revised Budget Calendar as presented; second by Councilor Vincent.

Discussion: Councilor Boggs – Is it possible to get both the Urban Renewal Budget and the City Budget done in one night? ***Trowbridge – Yes, Urban Renewal will start at 6:30 p.m. and the City Budget will start at 7:00 p.m. The budget presentations will be on May 10<sup>th</sup> prior to the regular Council meeting and the actual budget meetings will start on May 17<sup>th</sup>.***

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

Opposed: None

Motion carried unanimously.

- **Resolution No. 2021.04 – Oregon Parks and Recreation – Ford's Pond Community Park Authorization Approval**

Staff Report – Community Development Director, Brian Elliott, announced that the City was successful in receiving grant funding from Oregon Parks and Recreation Department – Local Government Grant Program in the amount of \$517,814 with a match of \$362,850. This will fund project 2A and 2B of Ford's Pond Community Park improvements which consists of:

- ADA accessible restrooms
- 600 feet of connectivity sidewalk
- 2 inclusive natural children's play areas
- 3 shaded picnic pavilions
- Site furnishings
- Security cameras

**MOTION** made by Councilor Sumner to approve Resolution No. 2021.04 – Oregon Parks and Recreation – Ford's Pond Community Park Authorization as presented; second by Councilor Hamilton.

Discussion:

- Councilor Boggs – Where is the match funding coming from? *Elliott – 50% of it is coming from the Land Acquisition from the purchase of Ford's Pond - \$256,750 along with cash matches from the Friends of Ford's Pond (FOFP) - \$60,000 and some in-kind labor from City Staff and FOFP.*
- Councilor Groussman – Who receives the construction bids? *The City.*

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

Opposed: None

Motion carried unanimously.

## **WORKSHOP**

### **• Review of Development Code**

Staff Report – Community Development Supervisor, Kristi Gilbert, discussed the proposed 2021 legislative amendments. Periodic legislative amendments are a proactive action in the administration of the City's code to help keep it streamlined and up-to-date. The proposed amendments will help to improve efficiency and effectiveness, and better serve the citizens process applications under the code. *(The draft code amendment can be viewed on the City's website in the Council packet.)*

## **CITY MANAGER REPORT**

### **• COVID Business Relief**

Staff Report – Gillham, and Trowbridge, gave a status report on a plan to offer assistance to COVID-impacted businesses. Multiple business support programs are available to help businesses including: The State of Oregon, Douglas County, and Coos Curry Douglas Economic Development. After thorough research, staff concluded two options based on the best and fairest mechanism to provide utility relief.

- **Option #1** Without the City of Sutherlin creating the definition of a small business, the best approach was to simply total the number of businesses connected to our commercial utility system, calculate their average bill and offer a one-month credit to all businesses. Based on meter size, credits ranged from \$90 for smaller business to \$630 for larger businesses with a combined total of \$32,709.
- **Option #2** A letter will be sent to all businesses with commercial accounts, offering a credit. A form will be attached to indicate how they were negatively impacted. Given the statewide mandates, approximately 50 business should qualify for a credit. A two-month credit of water/sewer base fees will be initiated based on their meter size. Total combined cost is \$15,000.
- Councilor Hamilton – My intent was for only the businesses required to be shut down by the Governor, receive a credit. Is it open to everyone? *Trowbridge – To not discriminate, a letter will be sent to all businesses, but each business will have to certify that they were impacted.*

## **CITY COUNCIL COMMENT**

### **Councilor Groussman**

- None

### **Councilor Sumner**

- Cars have been parking on Red Rock Rd. by the trail. *Swan – There are signs that state “no motorized vehicles” but there is police access. We’ll look into it.*

### **Councilor Boggs**

- Ft. McKay has some big pot holes developing. *Swan – Ft. McKay is a county road, we’ll contact them.*

### **Councilor Vincent**

- Thanked Public Works for marking all the spots on Central Ave. that need fixed.
- Exciting to see Ford's Pond coming together.
- Thanked City staff for all their hard work.

### **Councilor Whitaker**

- None

**Councilor Hamilton**

- Sixth Ave. RR crossing has brush blocking the view. *Swan – We'll check it out.*
- RR crossing on Central Ave. is really rough. *Elliott – An engineer is looking into it.*
- City limit population sign needs updated.

**Mayor McKnight**

- None

**PUBLIC COMMENT (Off Agenda Items)**

- None

**ADJOURNMENT**

With no further business, meeting adjourned at 8:28 p.m.

Mayor McKnight announced that Council will take a 5-minute break before meeting in Executive Session – ORS 192.660(2) (d) – Labor Negotiation Consultations, to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Executive Session called to order at 8:33 p.m.

Executive Session adjourned at 8:58 p.m.

Approved:

\_\_\_\_\_  
Jerry Gillham, City Manager

Respectfully submitted by,

\_\_\_\_\_  
Melanie Masterfield, Deputy City Recorder

\_\_\_\_\_  
Todd McKnight, Mayor



# **PUBLIC HEARING**





126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## City of Sutherlin

STAFF REPORT					
<b>Re: 2021 Legislative Amendments – Public Hearing</b>				Meeting Date:	05/10/2021
<b>Purpose:</b>	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input checked="" type="checkbox"/>
<b>Submitted By: Kristi Gilbert, Community Development Supervisor and Brian Elliott, Community Development Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Workshop Memo and Draft Amendments					

### WHAT IS BEING ASKED OF COUNCIL?

The City Council will conduct a public hearing on the proposed legislative amendments to the Sutherlin Development Code. During the public hearing, the City Council will provide opportunity for public testimony on the proposed amendments. Upon conclusion of the public hearing, the City Council will deliberate to a decision and consider approval of the first reading of the Ordinance adopting said amendments.

### EXPLANATION

The Sutherlin Development Code (SDC) shall govern development within the corporate city limits of the City of Sutherlin.

As part of this process, the Planning Commission held four workshops on September 15, 2020, October 20, 2020, November 17, 2020 and January 19, 2021 to review and discuss various items to be included in the proposed amendments.

Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on February 8, 2021, which was at least 35 days prior to the first evidentiary public hearing on March 16, 2021.

Notice of the proposed legislative amendments was sent to interested agencies and utility providers on February 23, 2021 and April 20, 2021.

Notice of the proposed legislative amendments was also posted in *The News Review* on March 2, 2021 prior to the first evidentiary public hearing on March 16, 2021.

To date, we have received three written comments on the proposed amendments.

1. Jean Dahlquist, Fair Housing Council of Oregon, commented that they are conducting some research for the Fair Housing Council of Oregon (FHCO). Their goal will be

reviewing Goal 10 findings specifically, and submitting positive or negative comment letters when appropriate. The goal of Goal 10 project is to ensure cities/counties are fulfilling their Statewide Planning Goal obligations.

2. Allan Lazo, Fair Housing Council of Oregon (FHCO), submitted a letter jointly with FHCO and Housing Land Advocates (HLA) raising concerns that adequate Goal 10 findings are required for Comprehensive Plan and Zoning Map Amendments and that sufficient findings have not been observed. *Although the proposed amendments are not to the Comprehensive Plan and/or Zoning map, the proposed amendments do satisfy Goal 10, accommodating needed housing, allowing additional flexibility to densities and nonconforming uses as outlined in the Housing Needs Analysis Code Audit completed May 31, 2019.*
3. Micah Horowitz, ODOT Region 3, Senior Transportation Planner, commented that ODOT generally recommends 12' minimum driveways, but 10' are used by some jurisdictions. Fire protection agencies generally prefer the wider 12' width. *Planning Commission recommended leaving the minimum driveway width at 10', allowing property owners the option to increase if they desired.*

City Council conducted a workshop on the legislative amendments on April 12, 2021. There were no recommended changes suggested at that time.

<b>OPTIONS</b>
----------------

**PROPOSED ALTERNATIVES to consider:**

**Alternative No. 1**

The City Council approves the proposed legislative amendments to the Sutherlin Development Code, and approves the first reading of Ordinance for the legislative amendments, as presented.

**Alternative No. 2**

The City Council approves the proposed legislative amendments to the Sutherlin Development Code, with modifications or other changes and approves the first reading of Ordinance for the legislative amendments, with modifications or other changes.

**Alternative No. 3**

The City Council does not approve the first reading of said Ordinance.

<b>SUGGESTED MOTION(S)</b>
----------------------------

**Alternative No. 1**

The City Council approves the proposed legislative amendments to the Sutherlin Development Code, and approves the first reading of Ordinance for the legislative amendments, as presented.



# City of Sutherlin

Community Development  
126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax 541-459-9363  
[www.ci.sutherlin.or.us](http://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 10<sup>th</sup>.

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](mailto: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				
Uses <sup>1</sup>	Status of Use in District			
	RH	R-1	R-2	R-3
<b>Residential</b>				
Single Family Dwellings				
- Single family dwelling	S-P	P	P	P
- Single family <del>non-attached</del> <b>detached</b> zero-lot line	S-PUD	P	P	P
	S-PUD	N	P	P
- Attached townhome – maximum of 4 attached	S-PUD	N	N	P
	S-P	S	S	S
- Attached townhome – maximum of 8	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	<del>S</del> <b>S-P</b>	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
<b>Public and Institutional</b>				
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 <sup>1</sup>	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
<del>Minimum Zone Size</del>	<del>None</del>	<del>None</del>	<del>None</del>	<del>None</del>
Minimum-Maximum Density (dwelling units/net acre)	0-3 du/acre	0-6 du/acre	0-12 du/acre	<del>8</del> 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	<del>7,500</del> <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 <b>3.2.110(Q)</b> )		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)		<del>4,200</del> <b>1,000</b> sf.	<del>4,200</del> <b>1,000</b> 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				
	- one story	20 ft.	15 ft.	10 ft.	10 ft.
	- two story	20 ft.	15 ft.	15 ft.	15 ft.

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
<b>Residential</b> , 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
<b>Commercial</b>		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
<b>Brewery</b>		
- <b>Macro</b>	C	P
- <b>Micro</b>	C	P
- <b>Tap Room</b>	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, <b>bowling alley, dance hall, skating rink</b> ) - 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
<b>Civic</b>		
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
<b>Industrial</b>		
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

<b>Table 2.5.110 – Permitted Uses</b>		
<b>Uses</b>	<b>M-1</b>	<b>M-2</b>
<b><i>Industrial</i></b>		
(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
<b><i>Residential</i></b>		
Caretaker unit	<u>S</u> -P	<u>S</u> -P
<b><i>Commercial</i></b>		
Offices and other commercial uses that are incidental to a primary industrial use	P	P
Vehicle repair, sales, rental, storage, service and fuel sales	P	C
Entertainment (e.g., theaters, amusement uses)	C	N
Hotels and motels	P	N
Medical and dental clinics and laboratories	P	N
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
<b><u>Brewery</u></b> - <b><u>Macro</u></b> - <b><u>Micro</u></b> - <b><u>Tap Room</u></b>	<b>P P C C</b>	<b>P P C C</b>
Repair services	P	C
Wholesale trade and services	P	N

<b>Public and Institutional Uses</b>		
Government facilities (e.g., public safety, utilities, school district bus facilities, public work yards, and similar facilities)	P	P
Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	P	P
Parks and open space	P	P
Vocational schools	P	P
Telecommunication structures, including wireless (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~~)**(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.
<del>Two and three family housing</del> <b><u>Duplexes and Multifamily Dwellings with three (3) or four (4) dwellings</u></b>	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
<b><u>Bed and Breakfast</u></b>	<b><u>2 spaces plus one space for each bedroom offered as lodging</u></b>
<b><i>Commercial Uses</i></b>	
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.
<b><u>Vehicle Servicing or Vehicle Repair</u></b>	<b><u>2 spaces per service stall</u></b>
Chapels and mortuaries.	1 space per 4 fixed seats in the main chapel <b><u>or one space per 300 sq ft of floor area, whichever is greater.</u></b>
Hotels and motels.	1 space for each guest room, plus 1 space for the manager <b><u>or one space per 300 sq ft floor area, whichever is greater.</u></b>
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.
<b><u>Bowling Alley, Dance Hall, Skating Rink</u></b>	<b><u>3 spaces per lane or 1 space per 100 square feet of floor area, whichever is greater.</u></b>
<b><i>Industrial Uses</i></b>	

**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.
<b><u>Mini-warehouse and storage</u></b>	<b><u>Two spaces, plus adequate space for loading and unloading.</u></b>
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.
<b><i>Public and Institutional Uses</i></b>	
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.
<b><i>Unspecified Uses and Parking Demand Study Option</i></b>	

**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**

...

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**

...

- 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**

<b>Development Decision</b>	<b>Procedure Type</b>	<b>Code Reference</b>
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
<b><u>Non-conforming Alteration</u></b>	<b><u>Type II</u></b>	<b><u>Section 5.3</u></b>
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

...

- 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

...

- 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 14<sup>th</sup> 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 ex parte (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 ex parte 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.



# **COUNCIL BUSINESS**





126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## City of Sutherlin

STAFF REPORT					
<b>Re: Sutherlin Police Officer Association (SPOA) Contract</b>				Meeting Date:	May 10, 2021
<b>Purpose:</b>	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By: Troy Mills, Chief of Police</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> 2021 – 2024 Proposed SPOA Contract					
<b>WHAT IS BEING ASKED OF COUNCIL?</b>					

In January 2021, Sutherlin City and the SPOA bargaining unit began working on completing a new police officer's employee contract for 2021-24 with recruitment and retention at the forefront of discussions. After several meetings, new concepts relating to recruitment and retention were introduced and agreed upon by both the SPOA and the City of Sutherlin's management team.

Staff is requesting City Council approve the new 2021-2024 Sutherlin Police Officer Association (SPOA) contract. The 2021-24 contract reflects changes agreed upon between the city and the SPOA as well as changes which were discussed with council and directly modified as a result.

Changes to the new contract include a change in wages equated to a 3% increase for each year for the next three years, the addition of section 20.5 "Longevity Pay", and the addition of section 20.6 "Retirement Bonus Program".

Other changes include minor changes in wording, mandatory insurance rate changes, and the removal of sections 5.2 "Religious Objection, and 5.3 "Fair Share" which are no longer constitutional and have been removed to reflect current legal precedent. No other substantial modifications or changes occurred.

The current 2018-2021 contract is due to expire on July 1, 2021.

### SUGGESTED MOTION(S)

- 1) To approve the new 2018-2021 SPOA contract.
- 2) To not approve the new 2018-2021 SPOA contract.



# *City of Sutherlin*

## **AGREEMENT**

### **BETWEEN**

#### **THE CITY OF SUTHERLIN**

### **AND**

#### **THE SUTHERLIN POLICE OFFICERS' ASSOCIATION**



**July 1, 2021<sup>18</sup> through June 30, 2024<sup>1</sup>**

## **TABLE OF CONTENTS**

PREAMBLE .....	1
ARTICLE 1 - RECOGNITION .....	1
ARTICLE 2 - EXISTING CONDITIONS .....	1
ARTICLE 3 - MANAGEMENT RIGHTS .....	1
ARTICLE 4 - UNION RIGHTS .....	2
4.1 Non-Discrimination .....	2
4.2 Association Representatives .....	2
4.3 Negotiations .....	2
4.4 Bulletin Boards .....	2
4.5 Radio Frequency Identification .....	2
ARTICLE 5 - ASSOCIATION SECURITY .....	3
5.1 General .....	3
5.2 Religious Objection .....	3
5.3 Fair Share .....	3
5.4 Dues Checkoff .....	3
5.5 Monthly Statement .....	3
5.6 Hold Harmless .....	4
ARTICLE 6 - HOURS OF WORK .....	4
6.1 Work Week .....	4
6.2 Workday .....	4
6.3 Work Schedules .....	4
6.4 Changes in Work Schedules .....	5
6.5 Shift Bidding .....	5
6.6 Shift Exchanges .....	5
6.7 Shift Vacancies .....	5
ARTICLE 7 - OVERTIME .....	6
7.1 Definition .....	6
7.2 Form of Compensation .....	6
7.3 Training .....	6
7.4 Callback .....	6
7.5 Court .....	7
7.6 Overtime Seniority List .....	7
7.7 Phone Calls .....	7
ARTICLE 8 - DISCIPLINE AND DISCHARGE .....	7
8.1 Standard .....	7
8.2 Notice of Deficiencies .....	8
8.3 Notice of Discipline .....	8
8.4 Discipline .....	9
8.5 Discharge .....	9
ARTICLE 9 - PERSONNEL RECORDS .....	9
9.1 File Access .....	9

9.2	Removal of Disciplinary Documents.....	10
9.3	Commendations .....	11
ARTICLE 10 -	LAYOFF AND RECALL .....	11
ARTICLE 11 -	TRIAL SERVICE PERIOD .....	11
11.1	Probationary Period Defined .....	11
11.2	Payroll Advancement.....	11
ARTICLE 12 -	LEAVE OF ABSENCE .....	11
ARTICLE 13 -	BEREAVEMENT LEAVE .....	12
ARTICLE 14 -	SICK LEAVE .....	12
14.1	Accrual.....	12
14.2	Utilization .....	12
14.3	Retirement.....	13
14.4	Workers' Compensation Payment.....	13
ARTICLE 15 -	HOLIDAYS.....	13
15.1	Patrol Shift Employees .....	13
15.2	Non Patrol Shift Employees .....	13
ARTICLE 16 -	VACATIONS .....	14
16.1	Accrual.....	14
16.2	Selection .....	14
16.3	Death or Termination.....	14
16.4	Comp Time Integration.....	15
ARTICLE 17 -	UNIFORMS.....	15
17.1	Defined.....	15
17.2	Cleaning.....	15
17.3	Duty Gear Allowance.....	15
ARTICLE 18 -	TRAINING .....	15
ARTICLE 19 -	GRIEVANCE PROCEDURE AND ARBITRATION.....	16
19.1	Procedure.....	16
19.2	Time Limits.....	17
19.3	Discrimination Issues.....	17
19.4	Association Representatives.....	18
ARTICLE 20 -	COMPENSATION .....	18
20.1	Wages .....	18
20.2	Retirement.....	18
20.3	Incentive Pay .....	18
20.4	Premium Pay .....	18
<b>20.5</b>	<b>Longevity Pay.....</b>	<b>18</b>
<b>20.6</b>	<b>Retirement Bonus Program .....</b>	<b>19</b>
ARTICLE 21 -	INSURANCE .....	19
ARTICLE 22 -	PERSONNEL RULES AND DEPARTMENT REGULATIONS .....	21
ARTICLE 23 -	BILL OF RIGHTS.....	21
23.1	Purpose .....	21
23.2	Due Process .....	22
ARTICLE 24 -	SENIORITY .....	22
24.1	Definition.....	21

ARTICLE 25 - SAVINGS CLAUSE .....	22
ARTICLE 26 - FUNDING CLAUSE.....	23
ARTICLE 27 - VACANCIES AND PROMOTIONAL OPPORTUNITIES .....	23
ARTICLE 28 - WELLNESS .....	23
28.1 Fitness Centers .....	22
ARTICLE 29 - DEFENSE AND INDEMNIFICATION .....	23
29.1 Reimbursement of Legal Fees .....	23
ARTICLE 30 - TERM OF AGREEMENT .....	25

## **PREAMBLE**

This Agreement is made and entered into by the Sutherlin Police Officers' Association, hereinafter referred to as "Association," and the City of Sutherlin, hereinafter referred to as "Employer," for the purpose of collective bargaining. Now, therefore, it is hereby agreed by and between the parties as follows:

## **ARTICLE 1 - RECOGNITION**

The Employer voluntarily recognizes the Association as the exclusive bargaining agent for all sworn personnel, (excluding the Chief of Police, Sergeant and civilian employees represented by AFSCME) hereinafter known individually as "Employee" and collectively as "Employees."

Persons hired into the department under federal or state grants or funding through joint programs with other public agencies shall be subject to the conditions of the foregoing to the extent such coverage is consistent with such grants and agreements.

## **ARTICLE 2 - EXISTING CONDITIONS**

No Employee shall suffer a reduction in base salary or related economic benefits as a result of the signing of this Agreement. Any practice that involves a mandatory subject of bargaining and existed on or before the date of this agreement shall continue during the term of this Agreement.

## **ARTICLE 3 - MANAGEMENT RIGHTS**

Unless specifically limited by this contract or PECBA, the Employer retains the full and unrestricted right to operate and manage all department activities and personnel, facilities and equipment; to establish functions, schedule assignments and programs; to set and amend budgets; to establish and modify organizational structure; to select, direct and determine the number of personnel; to establish work schedules and to perform any other managerial functions not specifically limited by this Agreement.

The parties recognize the Employer has the right to contract or subcontract work. However, the Employer shall bargain the impact on the Employees prior to actually contracting out the work.

The Employer may not utilize Reserves or volunteers to work shifts or events that would deprive Association members of overtime or other compensable opportunities without Association approval. This does not obligate the Employer, for any reason, to use Reserves or Volunteers to cover work shifts or events.

## **ARTICLE 4 - UNION RIGHTS**

### **4.1 Non-Discrimination**

Employees shall have the right to form, join and participate in the activities of Employee organizations of their own choosing, for the purpose of representation on matters of Employee relations. Employees shall also have the right to refuse to join or participate in the activities of any Employee organization. No Employee shall be interfered with, intimidated, restrained, coerced, or discriminated against by the Employer or by any Employee organization because of his exercise of these rights.

The Employer and the Association agree that the provisions of this Agreement shall be applied without discrimination against any Employee covered by this Agreement because of age, race, religion, disability, sex, national origin, marital status, domicile or membership or non-membership in the Association.

All references to Employees in this Agreement designate both sexes, and wherever the male gender is used, it shall be construed to include male and female employees.

### **4.2 Association Representatives**

Members of the bargaining unit elected to serve as authorized representatives of the Association shall be allowed to perform their duties as a representative of the Association on department time with mutual agreement. The Association agrees that the time spent as an Association Representative will not unduly disrupt their ability to perform their regular job duties. The parties shall attempt to schedule meetings or interviews at a time that is mutually agreeable to the parties. When scheduling such meetings the parties shall take into consideration department efficiencies and Employees' schedules.

### **4.3 Negotiations**

The Employer and Association will mutually schedule the meeting times for negotiations. Association representatives may negotiate on duty, so long as the Employee is subject to call.

### **4.4 Bulletin Boards**

The Association shall be allowed bulletin board space in the Employees' duty room for Association use. The Association shall limit its posting of notices and bulletins to such bulletin board and shall identify any such notices and bulletins posted there as Association materials.

### **4.5 Radio Frequency Identification**

The Association recognizes the Employer's need to track the Employer's equipment such as vehicles, radios, computers and cell phones through the use of radio frequency identification tags and/or devices. Even though the benefits of managing an Employee's time could be enhanced

through the use of such devices, the Employer would have difficulties in not monitoring non-work activity such as meal and restroom breaks. The Employer agrees through June of 2015 to not require Employees to have imbedded on their person and/or be required to wear such devices (Radio Frequency Identification Tags and/or Devices and/or Near Field Communication) on their person other than what is contained in Employer owned equipment assigned to them during their work hours.

## **ARTICLE 5 - ASSOCIATION SECURITY**

### **5.1 General**

All Employees covered by the terms and conditions of this Agreement shall become members of the Association or make payments in-lieu-of-dues (fair share payments) to the Association. The Employer shall notify all newly hired Employees of this requirement at the time of employment.

### **5.2 Religious Objection**

~~Any Employee who objects to membership in the Association based upon bona fide religious tenets or teachings of a church or religious body of which such Employee is a member, or a seriously held religious belief shall, upon written certification to the Association and the Employer of such objection, fulfill the requirements of fair share by payment of the equivalent of membership dues to a non-religious charity mutually agreed upon by the Employee and the Association. The Employee shall provide proof to the Association and the Employer each quarter that such payments have been made.~~

### **5.3 Fair Share**

~~Membership in the Association is not mandatory. However, the Association is required under this Agreement to represent all of the Employees in the bargaining unit fairly and equally without regard to whether an Employee is a member of the Association. Accordingly, it is fair that an Employee in the bargaining unit assumes his or her fair share of the obligation and pays an amount of money equal to and in lieu of dues, as described in Section 5.2.~~

### **5.4 Dues Check off**

The Employer shall deduct Association dues or Fair Share payments each pay period from the salary of Employees who are members of the Association. The amount deducted shall be transferred within ten (10) days to the Association.

### **5.5 Monthly Statement**

The aggregate deductions of all Employees together with an itemized statement shall be remitted to the Association no later than the 10<sup>th</sup> day of the month following the month for which the deductions were taken. The itemized listing of Association members shall reflect Employee terminations, cancellations, leave without pay, return from leave without pay, new members, salary changes, name changes, or any other personnel action which would affect the amount of dues

withheld.

## **5.6 Hold Harmless**

The Association shall hold the Employer harmless in the exercise of the foregoing sections of this Article, provided the Employer has acted in good faith.

# **ARTICLE 6 - HOURS OF WORK**

## **6.1 Work Week**

For non-patrol operations shift Employees, the work week shall consist of five (5) consecutive eight hour work shifts, or four (4) consecutive ten (10) hours shifts, or a modified/flexible schedule as directed by management. The workweek shall begin Sunday 12:00 midnight and end at 11:59 p.m. the following Saturday.

For patrol operations shift Employees, the work week shall consist of four (4) consecutive ten (10) hour shifts. The workweek shall begin Sunday 12:00 midnight and end at 11:59 p.m. the following Saturday.

The School Resource Officer assignment will continue to work a modified schedule that meets both the needs of the School District and the police department. The SRO regular work schedule is not to exceed 40 hours per work week.

The work week and days off may be modified by the Employer to accommodate voluntary training assignments without incurring an overtime obligation

## **6.2 Workday**

The non-patrol operations work shift is defined as an eight (8) hour period within any given 24-hour time period, or ten (10) hour period within any given 24-hour time period, or a modified/flexible schedule as directed by management. The patrol operations work shift is defined as a ten (10) hour period within any given 24-hour time period. Shifts shall rotate quarterly (each three months). At no time will an Employee have less than eight (8) hours off between shifts. A thirty (30) day notice will be provided to the Association if the City wants to alter the shift configuration. The City and Association shall bargain the implementation of any other proposed alternative shift configuration.

The workday for Employees includes rest periods, briefing and training periods. The twenty-four (24) hour period will begin at the start of the Employee's workday and end twenty-four (24) hours later.

## **6.3 Work Schedules**

Work schedules showing the Employees' shift, workdays and hours will be posted on the Planit calendar four (4) working days (based on the Employee's schedule) prior to taking effect. No

changes in the work schedule will be made unless there is an emergency or voluntary exchange of work shifts. For purposes of this section, the term “emergency” means any circumstance or happening which could not be reasonably foreseeable to the Employer and includes, but is not limited to, unexpected illness, natural emergencies or personnel shortages due to unusual events.

#### **6.4 Changes in Work Schedules**

If an Employee's work schedule is changed without four (4) working days (based on the Employee's schedule) prior notice, the Employee shall be entitled to two (2) hours pay at his/her overtime pay scale, for each day the required four (4) day notice is not met, or until the Employee is returned to his/her prior reporting shift. Notice shall be made by placing the change on Planit during the Employee's workweek, or by actual phone contact to the Employee or an adult member of the Employee's household if on the Employee's days off. However, this does not prevent an Employee from waiving the above compensation when mutually agreed upon with the Employer. Requests for time off shall be made ten (10) calendar days in advance. During the transition week, no Employee will be required to work in excess of forty (40) hours without at least one day off at the quarterly shift change.

#### **6.5 Shift Bidding**

On or before October 1st the Employer shall post patrol shift schedules for the upcoming Calendar year. Employees working patrol may exercise their seniority shift bid for their shift of preference for each upcoming year. The posting shall remain in place until the last Employee has made his/her police patrol shift selection or until the second Sunday in December, whichever comes first. The most senior Employee has seven (7) days from the initial posting to make his/her shift selection. Once the most senior Employee has made his/her shift selection, the next most senior Employee has seven (7) days in which to make his/her shift selection, and so on.

#### **6.6 Shift Exchanges**

Subject to departmental manpower and/or training requirements, Employees shall be permitted to voluntarily trade work days; providing that Employees scheduled to work must inform their supervisor in advance of any voluntary trade of workdays and the replacement Employee shall be responsible for the attendance of the originally scheduled Employee. Any absences of shift trade replacements shall be charged to the replacement Employee. A replacement Employee's work hours may only be adjusted with approval of the affected Shift Supervisor.

No Employee shall trade workdays for the purpose of achieving overtime. Shift trades are for the conveniences of Association Employees and in no case shall a shift exchange or repayment of a shift exchange be considered in the computation of overtime.

#### **6.7 Shift Vacancies**

Should a shift become vacant during the calendar year, the Employer shall seek volunteers by seniority to fill that shift. If there are no volunteers, the shift shall be filled with the least senior

employee.

## **ARTICLE 7 - OVERTIME**

### **7.1 Definition**

Overtime for employees is time worked in excess of eight (8) hours per day or forty (40) hours per week. For employees working a four (4) ten (10) schedule, overtime is time worked in excess of ten (10) hours per day or forty (40) hours per week.

An Employee shall be compensated for overtime hours worked at the rate of one and one-half (1-1/2) times his/her regular rate of pay.

All overtime claim slips shall be submitted to the shifts supervisor at the end of the period of overtime worked, before going off shift whenever possible.

Overtime will be calculated to the nearest quarter (1/4) hour. Employees must seek and receive approval from a supervisor prior to working overtime when reasonable.

### **7.2 Form of Compensation**

Overtime shall be compensated whether in the form of cash or compensatory time off, at the discretion of the Employee, at the rate of time and one-half (1-1/2) the Employee's hourly rate of pay.

An Employee will receive compensatory time unless the Employee elects to receive cash, subject to budget constraints. Compensatory time may accrue in accordance with the Employer's Personnel Rules, with a maximum accrual of fifty (50) hours. Once the maximum hours have been reached, the Employee will automatically be compensated at the regular overtime rate.

### **7.3 Training**

Training required by the Employer to be spent in any education or training session in excess of the regularly scheduled work day including travel time shall be compensated as overtime per Article 7.2, except the training covered in Article 18. With seven days advanced notice, work schedules may be adjusted to reduce overtime expenses for training classes that are 24 hours or longer in duration.

### **7.4 Callback**

Any Employee called to work outside his/her regular shift shall receive overtime compensation at the rate of one and one half (1-1/2) times the Employee's regular hourly rate, for a minimum of four (4) hours. For purposes of this section, the callback must have occurred at least sixty (60) minutes or more before the beginning of the shift or 60 minutes or more after the end of the regularly assigned work shift. Call back which occurs 59 minutes or less before the beginning or 59 minutes or less after the end of the regularly assigned work shift shall be deemed as an extension

of the work shift and be compensated as such.

## **7.5 Court**

Employees shall be responsible for inquiring the previous day by 7:00 p.m. regarding the cancellation of court appearances which would be compensated with callback pay. When an Employee is called to appear in court outside his/her regular shift, the Employee may utilize the Employer's vehicle, if a vehicle is available. An Employee, who uses his /her personal vehicle to appear in court or other Department related functions, will be paid mileage at the Federal IRS rate, and only if the Employer's vehicle is not available. Employees will be paid by the Employer if subpoenaed arising out of his/her employment. If necessary, the Employer will reimburse employees for approved food, lodging and any other expenses associated with the employment related subpoena.

When an Employee appears in Sutherlin Municipal Court outside his/her regular work schedule that Employee will not normally be required to transport prisoners.

## **7.6 Overtime Seniority List**

Overtime shall be distributed as equally as feasible. When the Employer becomes aware of a voluntary overtime event which is ten (10) or more days in the future, the Employer shall post an overtime notice in the police patrol office. Employees desiring to work the overtime shall so indicate on the posted notice. Assignment of the overtime will be done by seniority. If there is insufficient interest in the voluntary overtime assignment the Employer may utilize Sergeants or qualified Reserve Officers in accordance with Article 3 of this agreement. If an Employee must work the overtime assignment, the Employer will assign overtime by inverse seniority of those Employees not already scheduled to work, so long as the scheduling complies with Article 6.2 of this agreement.

## **7.7 Phone Calls**

If in the interest of efficiency and effectiveness, it is necessary to contact off duty Employees regarding police related business, overtime compensation will be paid for time spent in excess of seven (7) minutes, pursuant to supervisor approval for the phone call.

# **ARTICLE 8 - DISCIPLINE AND DISCHARGE**

## **8.1 Standard**

When an Employee's conduct violates departmental policy and/or falls below desirable standards he/she may be subject to disciplinary action or termination for just cause. Nothing in this article shall prevent the Employer from terminating a probationary Employee without cause.

General reasons for which an Employee may be disciplined or terminated include, but are not limited to:

- (a) Drinking intoxicating beverages either on duty or prior to going on duty (i.e.; odor of alcoholic beverages on one's breath), use of controlled substances, or certain prescription drugs, or arriving on the job after consuming alcoholic beverages or other intoxicating substances;
- (b) Violation of a lawful duty;
- (c) Insubordination;
- (d) Being absent from work without first notifying and securing permission from the Employee's supervisor;
- (e) Being habitually absent or tardy for any reason;
- (f) Misconduct;
- (g) Conviction of a felony or of a misdemeanor;
- (h) Using religious, political or fraternal influence;
- (i) Accepting fees, gifts, or other valuable things in the performance of the Employee's official duties for the Employer;
- (j) Inability to perform the assigned job;
- (k) Inefficiency or incompetence;
- (l) Unauthorized use of Employer's equipment;
- (m) Abuse of sick leave.

Once the reason(s) for the disciplinary action are stated, the reason(s) will not be expanded upon.

Progressive discipline shall be used when appropriate. Discipline shall be imposed for just cause as that term is normally interpreted by arbitrators in public and private labor relations. For the purposes of this Article, progressive discipline shall include:

- 1. Oral warning;
- 2. Written reprimand;
- 3. Suspension;
- 4. Demotion;
- 5. Discharge.

In the interest of efficiency and effectiveness of department operations, a reduction in pay may be given in lieu of suspension.

## **8.2 Notice of Deficiencies**

A supervisor shall discuss improper or inadequate performance with an Employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be of increasingly progressive severity whenever possible.

## **8.3 Notice of Discipline**

A written notice shall be given each Employee for each written reprimand, suspension, demotion or discharge stating the reasons for the disciplinary action and the date it shall take effect. The notice shall be given to the Employee at the time such action is taken. A copy of the notice signed

and dated by the Employee shall be placed in the Employee's personnel file and shall serve as prima facie evidence of delivery.

#### **8.4 Discipline**

No regular non-probationary Employee shall be suspended, demoted, or discharged except in good faith for just cause nor shall any such Employee be suspended, demoted, or discharged arbitrarily or for political, religious, racial, or other discriminatory reasons. All disciplinary action imposed upon an Employee except oral reprimands may be protested as a grievance through the regular grievance procedure, except that any claim which is subject to review by the EEOC or other regulatory agency shall not be subject to arbitration.

Discipline shall be done in a manner which will not embarrass the Employee before other Employees or the public. Upon request, any Employee required to appear before an Employer's representative to discuss matters for which disciplinary action is being contemplated, shall be allowed to have an Association representative present during the discussion.

#### **8.5 Discharge**

If the Employer determines there is just cause for discharge, the Employer shall suspend the Employee without pay for not more than five (5) working days and shall deliver to the Employee and the Association a written notice of such suspension and pending dismissal. Such notice shall specify the principal grounds for such action. Unless withdrawn or otherwise resolved, the dismissal shall become effective at the end of five (5) days. Protests of the discharge of any Employee shall be made through the regular grievance procedure set forth in Article 19. The Association may process a grievance concerning suspension, demotion, or discharge in Step 2 of the Grievance Procedure.

This Article shall not apply to any Employee on probation.

### **ARTICLE 9 - PERSONNEL RECORDS**

#### **9.1 File Access**

Personnel files are the property of the Employer. Access to an Employee's personnel file shall be limited to the individual Employee (or to his/her designated representative), or to the Chief of Police or City Manager (or to his/her designated representative), provided such access does not conflict with the provisions or ORS 192.500. Upon reasonable request, Employees shall be allowed access to their official personnel files, including personnel records. The Employer shall maintain only one official personnel file.

When information which reflects critically upon an Employee is placed into his/her personnel file, the Employee shall be notified by the Employer, and the entry shall be signed by that Employee. Employees shall be entitled to attach a written explanation or opinion to any critical material

contained within their personnel file.

The Department may maintain an Evaluation File on each Employee to be kept in the office of the Chief of Police which contains information necessary for supervisors to properly and fairly evaluate an Employee's annual performance. The previous year's information shall be removed six (6) months after the annual performance evaluation except when there is a performance issue that has yet to be fully corrected. Members of the Association shall be notified of all documents being placed into the evaluation file and can ask to inspect their file at any time. These files are personnel records and are not part of the official personnel file. However, the same standards of confidentiality, rebuttal and access shall apply. Ongoing internal affairs investigations are not subject to this section.

## **9.2 Removal of Disciplinary Documents**

Documentation of reprimands or disciplinary action shall be removed from an employee's official personnel file in accordance with the following:

Written reprimand:	Removed twelve (12) months after issued;
Suspension:	Removed twenty-four (24) months after issued;
Demotion:	Removed thirty-six (36) months after demotion occurs; and
Discharge:	Not Removed.

Employee must make a request to the Chief of Police to have documentation of reprimands or disciplinary action removed. Documentation will be removed only if no incidents of a similar nature have occurred in the designated period following the incident.

Personnel files must be maintained by the Employer according to Oregon State Archive laws. Investigations resulting in disciplinary action or exonerations must be retained for three years after resolution.

Unfounded investigation records and all related files not resulting in disciplinary action and having no pending litigation or other ongoing legal proceedings may be purged after being held for three years.

If the investigation resulted in termination, all related files must be retained for 10 years after separation.

Performance evaluations may identify and address performance problem areas but shall not identify disciplinary action taken.

The Employer shall purge disciplinary files once State retention requirements have been met.

### **9.3 Commendations**

All letters and documents pertaining to commendations shall remain a permanent part of the Employee's personnel file.

## **ARTICLE 10 - LAYOFF AND RECALL**

A "layoff" means a reduction in the Association work force. In the event of a reduction in work force, layoffs will be made within each job classification on the basis of Employee seniority within the affected job classifications. Except in unusual circumstances, Employees shall be given at least fifteen workdays notice of layoff.

Employees recalled within 12 months shall be recalled in inverse order of layoff.

## **ARTICLE 11 - TRIAL SERVICE PERIOD**

### **11.1 Probationary Period Defined**

The probationary period for all employees shall be twelve (12) months, plus any time spent at the academy for certification purposes.

The probationary period for lateral entry Employees, shall be twelve (12) months.

During the probationary period an employee may be terminated without cause and without notice.

### **11.2 Payroll Advancement**

Employees shall be eligible for advancement to the next pay step each (12) months, unless the Employee's evaluation has documented less than satisfactory performance. Such documented deficiencies must have been previously shared with the Employee, and the Employee given an opportunity to correct these deficiencies, prior to withholding step increases.

## **ARTICLE 12 - LEAVE OF ABSENCE**

An Employee may be granted a leave of absence without pay for ninety (90) calendar days, if approved by the City Manager and the Chief of Police, and such leave does not unduly interfere with the normal operations of the Police Department. Upon request to the City Manager and the Chief of Police, the leave may be extended an additional ninety (90) calendar days. Requests for leave must be in writing and will not be approved for the purpose of accepting employment outside the city. An Employee's position will be held open until the ending time of the approved leave.

In the event of an emergency regarding the operations of the Department, the leave may be interrupted with thirty (30) days written notice. The Employer will notify the Employee by

certified mail (return receipt) of the desire to terminate the Employee's leave of absence. After actually being made aware of the Employer's desire to terminate the leave, the Employee shall respond within ten (10) days or be subject to disciplinary action up to and including dismissal.

Employees on leave of absence shall not accrue vacation or sick leave during the absence and will be required to reimburse the Employer for continued insurance premiums. If the Employer, in its sole judgment, does not require an Employee to reimburse the Employer for insurance premiums, such actions will not be deemed as precedent setting. The leave shall not prejudice an Employee's seniority accrued to the date of leave.

## **ARTICLE 13 - BEREAVEMENT LEAVE**

Employees shall be granted up to three (3) days with pay to discharge the customary obligations arising from a death in the immediate family of the Employee or the Employee's spouse. An additional two (2) days leave with pay may be granted by the Chief of Police or City Manager if the need is justified by the Employee. For the purposes of this Article, "immediate family" shall include: spouse, children, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandparents, grandparents-in-law, grandchildren, and any other person living in the Employee's household. Exceptions to this definition of immediate family for the purposes of granting bereavement leave may be granted by the Chief of Police or his designee upon the request of the Employee.

Bereavement leave under this Agreement shall run concurrently with OFLA leave.

## **ARTICLE 14 - SICK LEAVE**

### **14.1 Accrual**

Upon hire, Employees shall receive a bank of ninety-six (96) hours of sick leave accrual which is equivalent to the first year's accrual at eight (8) hours per month. If the Employee leaves the employment of the Employer during his/her first year of employment, the Employee will be required to reimburse the Employer for any accrual used that would not have been earned using the accrual rate of eight (8) hours per month. After the first year of employment, all full-time Employees shall earn sick leave with full pay at the rate of eight (8) hours for each calendar month of service which shall accrue from the date of employment. Sick leave shall accumulate to a maximum of 2,000 hours.

### **14.2 Utilization**

Sick leave may be utilized for any reason covered by Oregon's Sick Leave Law (ORS 653.616).

The Employer may require a physician's statement in those instances where an Employee has been absent on sick leave more than forty (40) consecutive hours or where the Employer has reasonable grounds for belief of sick leave abuse.

### **14.3 Retirement**

Upon retirement, an Employee's total accumulated unused sick leave will be reported to PERS.

### **14.4 Workers' Compensation Payment**

This shall not interfere with the Employer's ability to assign light duty work with the approval of the Employee's physician. No Employee shall suffer a loss in compensation when injured on the job. The Employer agrees to compensate Employees for the difference between Workers' Compensation payments and the Employee's regular salary. The Employee agrees to endorse to the Employer, all workers' compensation checks exclusive of settlement payments for permanent disability.

## **ARTICLE 15 - HOLIDAYS**

### **15.1 Patrol Shift Employees**

In lieu of holidays, 8.00 hours of pay at the Employee's regular rate of pay, shall be added to the Employee's salary each month for each full month of employment in an Employee's position covered by this Agreement. In addition, Employees shall receive twenty (20) personal holiday hours on July 1 of each year. These holidays shall be taken in ten (10) hour increments and shall be used prior to or in conjunction with the first vacation or compensatory time off each fiscal year. The time will not be carried into the next fiscal year. In the event the Employee cannot take the holidays due to Employer needs, a letter from the Chief of Police stipulating the Employee tried but was prevented from taking the holidays will cause the remaining day(s) to be carried over into the next fiscal year.

### **15.2 Non Patrol Shift Employees**

Employees who are not assigned to a regular patrol shift rotation, including but not limited to the School Resource Officer and Detectives, will be exempt from the eight (8) hours of pay per month.

Those Employees, however, will take the following days off:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25 <sup>th</sup>
Four and a half (4.5) Personal Holidays	Floating

Note: each of the above noted holidays reflects an eight (8) hour workday.

If an Employee, who would otherwise have the holiday off, works on any of the holidays listed above, the Employee shall receive regular compensation for all hours worked on that holiday in addition to regular holiday pay.

## **ARTICLE 16 -VACATIONS**

### **16.1 Accrual**

Vacations shall be granted as follows:

0-3 years	80 hours
4-7 years	120 hours
8-12 years	160 hours
13 years	200 hours

New Employees shall not be eligible for vacation leave during their first six months of employment, although vacation leave shall accrue from the beginning of employment.

Annual vacation shall be accrued on a monthly basis based on the Employee's hire date. For each month an Employee works, he/she shall be credited for the amount of vacation commensurate with his/her length of service. Accumulation of vacation shall correspond with the Employer's personnel rules regarding vacation accruals.

### **16.2 Selection**

Vacation time shall be selected at the same time as shifts are bid on the basis of job classification seniority, provided, however, that each Employee will be permitted to exercise his/her right of seniority only once annually and provided the senior Employee requests the time in conflict within 30 days of posting. Employees shall be permitted to request vacation either on a split or an entire basis. After the selection, conflicting requests for the same vacation time shall be resolved on the basis of prior scheduling.

The Employer shall make every effort to not cancel approved vacations. When a forced vacation cancellation occurs the Employer will assist the Employee to recover any expenses incurred by the Employee for planned travel or reservations. The Employer will be responsible to compensate an Employee whose vacation was forcefully canceled for any travel or reservation expenses that are not recoverable by the Employee due to the cancellation.

### **16.3 Death or Termination**

In the event of termination of an Employee who is otherwise entitled to vacation credits, the Employee shall be entitled to payment for earned vacation leave. In the event of death, earned but unused vacation shall be paid in the same manner as salary according to the designation of benefits used for PERS.

## **16.4 Comp Time Integration**

Employees shall be allowed the option of using compensatory time in conjunction with vacation time with prior consent of the Employer.

## **ARTICLE 17 - UNIFORMS**

### **17.1 Defined**

The Employer shall provide the required uniform to new Police Officers hereafter employed. Police Officers presently employed shall be provided any replacements or additions to the required uniform when needed, as determined by the Employer. Each Employee required to wear a uniform shall be provided three uniforms for summer and two uniforms for winter. A standard duty uniform is defined as one (1) pair of pants and one (1) shirt. Additional authorized uniforms and protective equipment as required by the department will be furnished by the Employer to each employee with replacement of same when necessary through wear, destruction, or changing of the uniform or equipment. The Employer shall provide ballistic vests, equal to or greater than type IIIA level, with two covers and shall require the Employees to wear such vests while in uniform on duty and/or at the direction of a supervisor when working in plainclothes. Issued ballistic vests shall be replaced as indicated by the manufacturer's specifications.

### **17.2 Cleaning**

Uniforms shall be maintained and cleaned by the Employer.

### **17.3 Duty Gear Allowance**

The Employer shall grant each Employee an allowance of \$150.00 in July of every calendar year for the purchase of duty related gear or footwear to be worn with the duty uniform.

## **ARTICLE 18 - TRAINING**

The Employer encourages all Employees to continue to develop themselves through special training and academic courses. The Employer will participate in an educational reimbursement program as follows so long as the Employee has made use of job related programs which may be provided by the state, federal government or other agencies:

- A) For courses taken at the request of the Employer, the full cost of tuition and books will be paid by the Employer. Books shall remain the property of the Employer.

For courses taken on the Employee's own initiative, regardless of whether such courses are provided by the state, federal governments or other agencies, City will reimburse Employee up to a maximum of \$200 per quarter (\$800 per year) as follows: \$100 for tuition at an accredited college for receiving a passing grade of "C" or its grade point equivalent; \$150 for tuition at an accredited college for

receiving a grade of “B” or its grade point equivalent; and \$200 for tuition at an accredited college for receiving a grade of “A” or its grade point equivalent.

## **ARTICLE 19 - GRIEVANCE PROCEDURE AND ARBITRATION**

### **19.1 Procedure**

#### **Grievance Defined:**

A grievance shall mean a claim by an Employee, and/or the Association that there has been a violation of the contract. For the purposes of this procedure, "immediate supervisor" is an employee who is not a member of the bargaining unit and who has direct administrative or supervisory responsibilities over the grievant in the area of grievance. "Days" as used in this procedure shall be calendar days.

**Step 1. Immediate Supervisor:** The grievant shall discuss the grievance first with his/her immediate supervisor with the objective of informally resolving the grievance. Said discussion shall occur within fifteen (15) days after the grievant becomes aware of the grievance. Within ten (10) days after initial discussion with the immediate supervisor, if the grievance has not been solved informally, the grievant shall file the grievance in writing with his/her immediate supervisor. The supervisor shall hear the appeal and render a written decision within ten (10) days after receiving the grievance.

**Step 2. Chief of Police:** Within ten (10) days if the grievant is not satisfied with the disposition of his/her grievance at level one, he/she shall file the written grievance with the Department Head. The Department Head shall hear the appeal and render his/her written decision within ten (10) days after receiving the grievance.

**Step 3. City Manager:** Within ten (10) days if the aggrieved is not satisfied with the disposition of his/her grievance at level two (2), he/she shall file his/her appeal with the City Manager. The City Manager or his/her designee shall hear the appeal and render his/her decision within ten (10) days after receiving it.

**Step 4 Mediation:** If the grievance cannot be resolved by the City Manager, the parties agree that the grievance will be submitted to a pre-arbitration panel comprised of three members selected by the Association, from other police associations, and three members selected by management, from other police agencies. The panel will meet within thirty (30) business days to review the grievance and if necessary conduct interviews to resolve the issue. The decision of the panel is non-binding; however, the parties may mutually agree to accept the decision of the panel as binding.

#### **Step 5. Arbitration:**

A. If the aggrieved is not satisfied with the disposition of his/her grievance at level four (4), he/she shall, within ten (10) days file his notice of intent with the Association and the Employer to appeal the grievance to arbitration.

B. Within ten (10) days after such notice of intent, the Employer and the Association, unless they can mutually agree to an arbitrator, shall request a list of arbitrators from the Employment Relations Board. This list shall consist of five (5) to seven (7) arbitrators who reside in Oregon, are on the ERB list, and who are also members of the national Academy of Arbitrators. The arbitrator shall be selected from this list by the striking method.

C. The findings of the arbitrator shall be limited to the terms of this agreement and the arbitrator shall have no authority to amend, modify, alter or add to or subtract from this agreement.

D. The decision and award of the arbitrator shall be final and binding on the parties.

E. The arbitrator shall be asked to submit his/her award within thirty (30) calendar days from the date of the hearing. His/her decision may also provide retroactivity to the original date of the Agreement. The losing party shall be responsible for the compensation of the arbitrator's fee and the cost of any hearing room unless such are paid by the State of Oregon.

## **19.2 Time Limits.**

All parties subject to these procedures shall be bound by the time limits contained herein. If either party fails to follow such limits, the following shall result:

A. If the grievant fails to respond in a timely fashion, the grievance shall be deemed waived.

B. If the party being grieved against fails to respond in a timely fashion, the grievance shall proceed to the next step.

C. Any and all time limits specified in the grievance procedure may be waived by mutual consent of the parties. This waiver must be in writing and signed by the involved parties.

## **19.3 Discrimination Issues.**

Prior to submitting a discrimination issue to EEOC of the Bureau of Labor, the Employer encourages the Employee to meet with the Chief of Police in an attempt to resolve the issue internally. If the Chief of Police is unable to resolve the issue within 10 days the Employee is encouraged to meet with the City Manager in an attempt to resolve the issue. If the discrimination issue involves the Chief of Police the Employee may go directly to the City Manager to seek resolution.

## **19.4 Association Representatives**

Authorized representatives of the bargaining unit may process grievances during duty hours, so long as time used to do so is not excessive and does not interfere with the normal operation of the Police Department. The Employer will never be required to pay an Employee overtime to facilitate the processing of an Employee's grievance.

## ARTICLE 20 - COMPENSATION

### 20.1 Wages

Employee wages shall not be increased and shall remain the same for the period of time described in Article 30 – Term of Agreement other than Incentive and Premium Pay they have become eligible to receive.

Effective July 1, 20~~21~~<sup>22</sup> ~~18~~ the salary scale will be increased by ~~Three two~~ percent (~~3 2~~%).

Effective July 1, 20~~22~~<sup>23</sup> ~~19~~ the salary scale will be increased by ~~Three two~~ percent (~~3 2~~%)

Effective July 1, 20~~23~~<sup>24</sup> ~~20~~ the salary scale will be increased by ~~Three two~~ percent (~~3 2~~%)

### 20.2 Retirement

Employees 6% PERS/OPSRPP contribution shall be paid by the Employer.

### 20.3 Incentive Pay

Employees possessing an intermediate Certificate from Department of Public Safety Standards and Training (DPSST), and/or an Associate's Degree (or ninety term hours of college/sixty semester hours) shall receive a 5% per month incentive, calculated on their base salary. Employees possessing an Advanced Certificate from DPSST and/or a Bachelor's Degree (or one hundred eighty term hours of college/one hundred twenty semester hours) shall receive an additional 5% per month incentive, calculated on their base salary. The DPSST incentive pay shall not exceed 10%.

### 20.4 Premium Pay

In addition to any other differentials, Employees assigned as School Resource Officers shall receive premium pay of three percent (3%) computed on their base salary. In addition to any other differential, Employees assigned as Field Training Officers shall receive premium pay of five percent (5%) computed on their base salary, for time actually spent in such training.

### 20.5 Longevity Pay

Commencing on an employee's anniversary date, employees who are eligible for longevity pay will receive an additional benefit for uninterrupted employment for the Sutherlin Police Department as follows:

5 years of employment: \$2500.00  
10 years of employment: \$5000.00  
15 year of employment: \$7500.00

Employees shall be eligible for Longevity Pay unless the Employee's evaluation has documented less than satisfactory performance on the last two (2) consecutive evaluations, or the employee has been disciplined within the last or most recent evaluation.

If an employee is not eligible for the Longevity Pay, an employee may correct the deficiencies. If the employee receives two (2) consecutive satisfactory evaluations and not disciplined for a two-year review period before the next Longevity Pay payment, the employee will receive the missed Longevity Pay payment. If the employee does not receive the requisite evaluations and/or achieved a two-year review period without discipline before the next payment date, the employee will have missed the opportunity. Due to the monetary benefit created by Longevity Pay as it pertains to an employee's evaluation; the SPOA agrees Longevity Pay is not a grievable issue.

Documented deficiencies must have been previously shared with the Employee to allow the employee to correct those deficiencies and attain the required performance evaluations. Once the required evaluations are attained, the employee will retroactively be eligible for the last longevity pay scale. Once ratified, Longevity Pay will be retroactive to those who have 15 or more years of uninterrupted service.

## **20.6 Retirement Bonus Program**

In recognition of an employees' years of community service as a law enforcement officer with the City of Sutherlin; a sworn officer who has worked for the Sutherlin Police Department as a sworn officer for a minimum of 15 uninterrupted years, who is currently eligible to retire as a police officer under the Public Employees Retirement System (PERS), and who has the following continuous years of employment at the Sutherlin Police Department; will be qualified for the following Retirement Bonus:

15+ years of uninterrupted service - \$50,000 upon separation  
20+ years of uninterrupted service - \$100,000 upon separation

## **ARTICLE 21 - INSURANCE**

The City will provide health insurance coverage for its employees and their eligible dependents. This coverage shall also include coverage for vision, dental and chiropractic.

The City will maintain Regence High Deductible Health Plan (HDHP) with a Health Savings Account (HSA) for each employee.

- a. Employees will be responsible for 10% of their monthly health care premium cost. The City shall make available an IRS Section 125 plan, under the terms of which an employee may elect and instruct the City to withhold, on a pre-tax basis, the employee's contribution to medical, dental and vision premiums.
- b. For each eligible employee, the City will fund each employee's individual Health Savings Account (HSA).

The City shall deposit 100% of the HDHP deductible (currently \$~~1700~~ ~~+500~~ for a single employee and \$~~3000~~ ~~-3400~~ for an employee plus spouse, children or family) into each eligible employee's HSA account for the employee's use for eligible medical expenses. Deposits to eligible employees' HSA accounts will be made in quarterly installments.

If an employee's health coverage status changes from employee only to employee plus one or more (i.e. employee plus spouse, children, or family) within the first three quarters of the calendar year (January through September), the City will make an additional deposit into the affected employee's HSA account in an amount equal to the difference between the employee only and family deductible (difference currently \$~~1700~~ ~~+500~~ per calendar year).

- c. Employees who are not eligible for an HSA as deemed by IRS rules and regulations (for instance they are on Medicare or Medicare eligible and/or they are covered by another non HDHP insurance policy) and or those employees who choose not to have an HSA, the City will compensate them in an amount equal to the HDHP plan annual deductible (currently \$~~1700~~ ~~+500~~ for a single employee and \$~~3000~~ ~~-3400~~ for an employee plus spouse, children or family.) Taxes and other required deductions will apply and be deducted from the compensation payments. The payment of the annual deductible amount will be distributed in quarterly installments.
- d. Contributions to HSAs for mid-year hires will begin at the same time that medical insurance coverage starts which currently is the first of the month following the date of hire. The City will prorate the deductible (currently \$~~1700~~ ~~+500~~ for a single employee and \$~~3000~~ ~~-3400~~ for an employee plus spouse, children or family) and deposit a prorated quarterly installment into the employee's HSA account based on the month the employee is first eligible for insurance. The employee will then be eligible for the next scheduled quarterly installment.
- e. The parties agree to reopen this Article and Article 20 for midterm bargaining if any of the insurance plan premiums und this Agreement exceed the excise tax threshold under the Affordable Care Act ("ACA").

## **ARTICLE 22 - PERSONNEL RULES AND DEPARTMENT REGULATIONS**

No new police department personnel rule, department regulations or change in any existing department personnel rules that address subjects that are mandatory issues for bargaining shall be proposed for adoption unless the change has been agreed upon by the Association and the Employer.

Lexipol policies protect the Employee's rights and when practiced reduces officer liability. The Association recognizes the value of Lexipol and agrees to adopt Lexipol as the department's operational policy manual.

## **ARTICLE 23 - BILL OF RIGHTS**

### **23.1 Purpose**

The purpose of this Bill of Rights is to ensure the rights of due process in the investigation of citizen complaints brought against Employees.

- A) An Employee shall be given notice of the nature of the Category II (as defined by the Lexipol Policy Manual) complaint at least 24 hours prior to appearing at an internal affairs investigation meeting. Preliminary questions directed at gaining a general overview of events in order to assess whether an inquiry is necessary and to effectively investigate and gather evidence do not constitute an internal affairs investigation meeting.
- B) If the Employee requests, the Employee shall have the right to be accompanied by an Association representative or legal counsel, of the Employee's choosing, at any interview of an Employee; and
- C) If charges are filed, the Employee shall be given a copy of the summary report of the investigation, a list of the witnesses who will appear against the Employee and the identity of his/her accuser.
- D) It is agreed that no member of the bargaining unit will be required to write a report to the Employer on any complaint against him/her unless the complaint has been reduced to written form, signed and dated by the complainant and/or when the complainant is anonymous, the complaint has been reduced to written form by the Sergeant and/or the Chief of Police receiving and documenting the complaint. Prior to any written report being required of an Employee, the Employee will be furnished with a copy of said signed complaint, and given a reasonable amount of time, not to exceed forty-eight (48) hours, to consult with the Association's attorney. If an Employee is on leave, the forty-eight (48) hours will begin upon their return to duty.
- E) The Employer will inform the Employee of the outcome of the investigation within ninety-six (96) hours of the completion of the investigative procedure with the

exception that new misconduct has been discovered requiring additional investigation and/or when the misconduct develops into a criminal investigation.

## **23.2 Due Process**

All Employees will be afforded due process prior to any disciplinary action being administered beyond an oral reprimand. Due process means a written notice of investigation findings and the range of discipline being considered. The Employer shall provide upon request by the Association and affected Employee all documents which the Employer relied upon to determine its findings.

## **ARTICLE 24 - SENIORITY**

Seniority shall be defined as accumulated service within the bargaining unit. Accumulation of seniority is subject to the following:

1. Seniority for those Employees who promote out of bargaining unit shall, after 30 days, dissipate at a rate of one (1) day for each day the former bargaining unit member is no longer a bargaining unit member.
  - a. Should the former bargaining unit member return to the bargaining unit through demotion or reclassification they shall again begin to accumulate seniority from the point at which dissipation ended.
  - b. If the returning Employee's seniority has completely dissipated, he or she shall be granted one (1) day of seniority more than the most senior probationary Employee upon their return to the bargaining unit.
2. Employees who leave the employment of the Employer due to resignation or lawful termination shall immediately lose all bargaining in seniority.

This article shall apply retroactively to all former members of the bargaining unit who are still employed with the Employer at the time of the signing of this document.

## **ARTICLE 25 - SAVINGS CLAUSE**

Except as otherwise provided for in this Agreement, should any article, section or clause of this Agreement be declared illegal by a court or agency of competent jurisdiction, said article, section or clause shall automatically be deleted from this Agreement to the extent that it violates the law, but remaining articles, clauses and sections of this Agreement shall remain in full force and effect for the duration of this Agreement. The parties agree to meet, upon request by either party, to negotiate a substitute for the removed article, section or clause.

## **ARTICLE 26 - FUNDING CLAUSE**

The parties to this Agreement recognize that the revenue necessary to operate the Employer's service programs and its facilities and operation must be approved by established budget procedures and, in certain circumstances, by vote of the people. Therefore, the parties to this Agreement concur that where economic conditions prevent the Employer from operating the service programs or its facilities and operations at the level agreed in this contract, then upon written request from either party, the economic provisions of this Agreement shall be reopened automatically for re-negotiations and no other provisions of this Agreement shall be affected thereby. Economic provisions of this Agreement subject to such re-negotiations shall mean only the salary schedule and insurance benefits.

## **ARTICLE 27 - VACANCIES AND PROMOTIONAL OPPORTUNITIES**

When a vacancy occurs and/or new jobs are created for positions in the bargaining unit, they shall be posted for a period of seven (7) working days within the department, stating the job, shift and rate of pay, and when the job is expected to start.

Employees who bid on the job and who meet the minimum qualifications for the job shall be interviewed and considered.

Employees who are not selected for a position shall be informed in writing as to why they were not selected.

A successful qualified bidder shall have a trial period of up to thirty (30) working days on the job, during which time period he/she may decide, for any reason, to return to his/her previous job.

## **ARTICLE 28 - WELLNESS**

28.1 The Employer agrees to reimburse Employees at the rate of \$12.00/per month, not to exceed \$144.00, for membership in a health club or fitness center of the Employee's choosing. Employees desiring reimbursement must provide receipts showing monthly payments they've actually made. The intent of this article is to "reimburse" employees for an expense they've actually incurred.

The reimbursement shall be made once yearly. The Employee must provide receipts no later than June 15 and payment will be made by separate check in July.

## **ARTICLE 29 - DEFENSE AND INDEMNIFICATION**

The Employer acknowledges its legal responsibility to provide Employees with a defense and indemnification against any tort claim, demand, or action as prescribed by State law.

### **29.1 Reimbursement of Legal Fees**

The Employer agrees to reimburse an Employee for reasonable, usual and customary legal fees charged by an attorney as a direct result of criminal charges or criminal investigation arising out

of the Employee's performance of his/her duty as an Employee within the course and scope of his/her employment with the Employer.

- A. Reimbursement will not be made if:
  - 1. The Employee is convicted by verdict or plea, or pleads to no contest to criminal charges arising out of incident; or
  - 2. The Employee has sustained disciplinary charges at a level higher than written reprimand based on his or her actions which formed the basis for the possible criminal liability, unless the discipline is overturned completely or reduced to a written reprimand or lower through the grievance arbitration process or by agreement of the parties.
- B. The Employer shall have no obligation to reimburse the Association or counsel for the Association for costs or Association legal fees in any instance where the Employee or the Association elect to have counsel for the Association represent the Employee involved in the incident at any stage of the criminal proceeding, including, but not limited to, any grand jury proceeding.
- C. The Employer shall have no obligation to reimburse an Employee, the Association, or counsel for the Association for costs or legal fees associated with representation at pre-disciplinary proceedings or through the grievance or arbitration process.
- D. Any reimbursement required shall be made only at the conclusion of all criminal and disciplinary proceedings, including arbitration, arising out of the incident, and are subject to the following monetary limitations:
  - 1. Legal fees related to grand jury investigation and/or appearance: \$2,500.
  - 2. Legal fees related to a grand jury or post-grand jury indictment or other charging instruments: an additional \$5,000.
- E. To receive reimbursement under this Article:
  - 1. The Employee must select one (1) attorney from a list of eight (8) which has been mutually agreed upon by the Association and the Employer. Neither party will unreasonably oppose the inclusion of an attorney on the list. Within sixty (60) days of the execution of this agreement, the Association will submit to the Employer the names of the attorneys it proposes for inclusion on the list. If the Employer does not object to an attorney on the list within ten (10) working days, the attorney will be included on the list. The names on the list will be reviewed annually

to represent an Employee. If no attorney on the list is available to represent an Employee, the Employee may obtain another attorney with prior approval of the Employer; and

2. The Employee must present the Employer with a sworn affidavit by the attorney listing a breakdown of the time spent, a description of the purpose of such time, and the charge of such time. If the Employer, in its discretion, feels the charges exceed the amounts reasonably, usually and customarily charged, the Employer may submit the bill to a mutually acceptable arbitrator. The arbitrator's determination will be final and binding as to the Employer's obligation under this Article.

### ARTICLE 30 - TERM OF AGREEMENT

This Agreement shall become effective as of July 1, 2021 ~~18~~, unless otherwise specified herein and shall expire on June 30, 2024 ~~18~~. The Agreement shall be automatically renewed from year-to-year thereafter unless either the Association or the Employer desires to amend or re-negotiate it. The moving party shall notify the other in writing no later than October 15 of the year preceding the expiration of this Agreement that it desires to modify this Agreement. The terms of the Agreement shall remain in full force and effect throughout the period of negotiations.

Executed by the parties on the \_\_\_\_ day of \_\_\_\_\_, 2021 ~~18~~.

\_\_\_\_\_  
Jerry Gillham, City Manager  
On behalf of the City of Sutherlin

\_\_\_\_\_  
Kyle Nelson, President  
On behalf of Sutherlin Police  
Officers' Association

## **Sutherlin Police Officers Association (SPOA) Contract changes for 2021/22/23 contract.**

**July 1, 2021 – 3%**

**July 1, 2022 - 3%**

**July 1, 2023 – 3%**

### **20.5 Longevity Pay**

Commencing on an employee's anniversary date, all sworn employees who are eligible will receive a one-time lump sum payment known as Longevity Pay for uninterrupted employment at the Sutherlin Police Department. Longevity Pay benefits are as follows:

After 5 years of employment: \$2500.00

After 10 years of employment: \$5000.00

After 15 year of employment: \$7500.00

Employees shall be eligible for Longevity Pay unless the Employee's evaluation has documented less than satisfactory performance on the last two (2) consecutive evaluations, or the employee has been disciplined within the last or most recent evaluation.

If an employee is not eligible for the Longevity Pay, an employee may correct the deficiencies. If the employee receives two (2) consecutive satisfactory evaluations and not disciplined for a two-year review period before the next Longevity Pay payment, the employee will receive the missed Longevity Pay payment. If the employee does not receive the requisite evaluations and/or achieved a two-year review period without discipline before the next payment date, the employee will have missed the opportunity. Due to the monetary benefit created by Longevity Pay as it pertains to an employee's evaluation; the SPOA agrees Longevity Pay is not a grievable issue.

Documented deficiencies must have been previously shared with the Employee to allow the employee to correct those deficiencies and attain the required performance evaluations. Once the required evaluations are attained, the employee will retroactively be eligible for the last longevity pay scale. Once ratified, Longevity Pay will be retroactive to those who have 15 or more years of uninterrupted service.

### **20.6 Retirement Bonus Program**

In recognition of an employees' years of community service as a law enforcement officer with the City of Sutherlin; a sworn officer who has worked for the Sutherlin Police Department as a sworn officer for a minimum of 15 uninterrupted years, who is currently eligible to retire as a police officer under the Public Employees Retirement System (PERS), and who has the following continuous years of employment at the Sutherlin Police Department; will be qualified for the following Retirement Bonus:

After 15 years of uninterrupted service - \$50,000 upon separation

After 20 years of uninterrupted service - \$100,000 upon separation



126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## City of Sutherlin

STAFF REPORT					
<b>Re: Ordinance No. 1084 - Repealing and Replacing Chapter 1.08 – Initiative and Referendum Process (second reading &amp; adoption)</b>				Meeting Date:	May 10, 2021
<b>Purpose:</b>	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By: Diane Harris, City Recorder</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Ordinance No. 1084, Enactment Notice, Ordinance w/changes & Final Draft					

### WHAT IS BEING ASKED OF COUNCIL?

To approve the second reading and adoption of Ordinance No. 1084 repealing and replacing Chapter 1.08 of the Sutherlin Municipal Code to update the City's Initiative and Referendum processes.

### EXPLANATION

Council approved the first reading of this ordinance at the April 12, 2021 Council Meeting. 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 providing language to repeal and replace the entire code to incorporate updates and 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 second reading and adoption, of Ordinance No. 1084 to repeal and replace Chapter 1.08 of the Sutherlin Municipal Code.



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

*Administration*  
126 E. Central Avenue  
Sutherlin, OR 97479  
(541) 459-2856  
(541) 459-9363 (Fax)  
[d.harris@ci.sutherlin.or.us](mailto:d.harris@ci.sutherlin.or.us)  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

*City of Sutherlin*

# NOTICE OF ORDINANCE ENACTMENT

## ORDINANCE NO. 1084

**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**

**1<sup>ST</sup> READING: MONDAY, APRIL 12, 2021 @ 7PM**

**CIVIC AUDITORIUM - 175 E. EVERETT AVENUE**

**2<sup>ND</sup> 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.

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](http://www.cityofsutherlin.com)).

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

**ORDINANCE NO. 1084**

**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 10<sup>TH</sup> DAY OF MAY, 2021.**

**APPROVED BY THE MAYOR, ON THIS 10<sup>TH</sup> DAY OF MAY, 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.

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. 1084

### 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  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## City of Sutherlin

STAFF REPORT					
<b>Re: Ordinance - 2021 Legislative Amendments – Planning File 21-S005</b>				Meeting Date:	05-10-2021
<b>Purpose:</b>	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By: Kristi Gilbert, Community Development Supervisor, Brian Elliott, Community Development Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Enactment Notice, Ordinance, and Exhibit A					

### WHAT IS BEING ASKED OF COUNCIL?

City Council to approve the first reading, title only of the Ordinance adopting the above referenced 2021 Legislative Amendments to the Sutherlin Development Code.

### EXPLANATION

City Council closed the public hearing, deliberated to a decision. City Council shall consider the first reading of the ordinance adopting the 2021 Legislative Amendments to the Sutherlin Development Code.

### OPTIONS

1. Approve the first reading, title only of Ordinance adopting the 2021 Legislative Amendments to the Sutherlin Development Code.
2. Not approve the first reading, title only of Ordinance adopting the 2021 Legislative Amendments to the Sutherlin Development Code.

### SUGGESTED MOTION(S)

To approve the first reading, title only of the Ordinance adopting the 2021 Legislative Amendments to the Sutherlin Development Code.



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

*Administration*  
126 E. Central Avenue  
Sutherlin, OR 97479  
(541) 459-2856  
(541) 459-9363 (Fax)  
[d.harris@ci.sutherlin.or.us](mailto:d.harris@ci.sutherlin.or.us)  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## *City of Sutherlin*

# NOTICE OF ORDINANCE ENACTMENT

## ORDINANCE NO.

### **AN ORDINANCE OF THE CITY OF SUTHERLIN ADOPTING TEXT AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE**

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

**FIRST READING: MONDAY, MAY 10, 2021 @ 7PM**  
**SECOND READING (if first reading approved): MONDAY, JUNE**  
**14, 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](http://www.cityofsutherlin.com)).

Posted this day, May 3, 2021  
By Diane Harris  
City Recorder

## **ORDINANCE NO.**

### **AN ORDINANCE OF THE CITY OF SUTHERLIN ADOPTING TEXT AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE**

#### **The City Council of the City of Sutherlin finds that:**

- A. In consideration of proposed legislative amendments to the text of the Sutherlin Comprehensive Plan and the Sutherlin Development Code, the Sutherlin Planning Commission held four workshops and conducted a public hearing on March 16, 2021, and the Sutherlin City Council held a workshop on April 12, 2021, and conducted a public hearing on May 10, 2021 to consider the follow legislative amendments:
  - Legislative amendments to the text of the Sutherlin Development Code (SDC) include several general revisions to add, update and/or streamline the code to make it more effective; add general clarification text and update the Code to include 2019 Code Audit Findings. The miscellaneous general revisions include: revising or adding definitions to the SDC; modify, add and/or clarify the list of permitted uses in the zoning districts; clarify access and/or utility easement requirements; add and/or clarify minimum parking standard options to be consistent with permitted uses; separate subdivision and partition requirements for clarification; clarify types of applications and review procedures to include model code language; and update the nonconforming section to allow flexibility of single family dwelling alterations in the Commercial/Industrial zones.
- B. The Sutherlin Planning Commission held a property noticed public hearing on March 16, 2021. Follow the public hearing, the Planning Commission passed a motion to recommend that the City Council approve the proposed amendments. Opportunity was provided for public participation during the hearing. A written statement was submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO).
- C. Notice of a public hearing before the City Council was given, and the public hearing on the legislative amendments was conducted on May 10, 2021. Opportunity was provided for public participation during the hearing.

#### **THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:**

**Section 1.** The amendments to the text of the Sutherlin Development Code are hereby attached to this ordinance and identified as Exhibit “A”, presented at the City Council public hearing.

**Section 2.** The text of the Sutherlin Development Code is hereby amended and shall be revised to depict the adopted amendments.

**Section 3.** The Sutherlin Development Code heretofore and herein amended, remain in full force and effect.

**PASSED BY THE COUNCIL, ON THIS 14<sup>TH</sup> DAY OF JUNE, 2021.**

**APPROVED BY THE MAYOR, ON THIS 14<sup>TH</sup> DAY OF JUNE, 2021.**

\_\_\_\_\_  
Todd McKnight, Mayor

Attest:

\_\_\_\_\_  
Diane Harris, City Recorder

**Exhibit A**

**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				
Uses <sup>1</sup>	Status of Use in District			
	RH	R-1	R-2	R-3
<b>Residential</b>				
Single Family Dwellings	S-P	P	P	P
- Single family dwelling	S-PUD	P	P	P
- Single family <del>non-attached</del> <b>detached</b> zero-lot line	S-PUD	N	P	P
- Attached townhome – maximum of 4 attached	S-PUD	N	N	P
- Attached townhome – maximum of 8	S-P	S	S	S
- Attached townhome – maximum of 8	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	<del>S-P</del>	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
<b>Public and Institutional</b>				

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

## 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	12,000 s.f.	7,500 <del>7,500</del> <b>7,000</b> s.f.	6,000 s.f. 6,000 s.f.	5,000 s.f.

### Key:

P = Permitted  
 S = Permitted with special standards or limitations  
 C = Conditional use permit required  
 N = Not permitted  
 S-PUD Permitted With Planned Unit Development (All RH development applications require geotechnical study and report.)

RH = Residential hillside district  
 R-1 = Low density district  
 R-2 = Medium density district  
 R-3 = High density district

**Table 2.2.120 – Development Standards**

Standard		RH	R-1	R-2	R-3
<ul style="list-style-type: none"> <li>- single family attached lot</li> <li>- multiple family lot</li> </ul>		na	9,000 s.f.	3,000 s.f.	6,000 s.f.
		na	na	9,000 s.f.	2,000 s.f.
		na	na		6,000 s.f.
Minimum Lot Dimensions (feet)		50 ft.	50 ft.	40 ft.	40 ft.
<ul style="list-style-type: none"> <li>- width at frontage – standard</li> </ul>		24 ft.	n/a	24 ft.	24 ft.
<ul style="list-style-type: none"> <li>- width at frontage – townhouse</li> </ul>		20 ft.	20 ft.	20 ft.	20 ft.
<ul style="list-style-type: none"> <li>- width at frontage – flag lot (Section 2-6-200 <b>3.2.110(Q)</b>)</li> </ul>		100 ft.	90 ft.	80 ft.	70 ft.
<ul style="list-style-type: none"> <li>- depth – alley right-of-way</li> </ul>		100 ft.	100 ft.	90 ft.	80 ft.
<ul style="list-style-type: none"> <li>- depth – no alley r-o-w.</li> </ul>					
Maximum Lot Coverage(1)		35% (Geotechnical Report Required)	50%	60%	60%
Minimum Dwelling Unit Size (except does not apply to accessory dwelling units)		<del>1,200</del> <b>1,000</b> sf.	<del>1,200</del> <b>1,000</b> 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				
	<ul style="list-style-type: none"> <li>- house</li> </ul>	15 ft.	15 ft.	15 ft.	15 ft.
	<ul style="list-style-type: none"> <li>- garage entrance</li> </ul>	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.

**Table 2.2.120 – Development Standards**

Standard		RH	R-1	R-2	R-3
	Street side	20 ft.	15 ft.	10 ft.	10 ft.
	- one story - two story	20 ft.	15 ft.	15 ft.	15 ft.
	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	
	<b>C-1</b>	<b>C-3</b>
<b>Residential</b> , 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
<b>Commercial</b>		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
<b>Brewery</b>		
- <b>Macro</b>	<b>C</b>	<b>P</b>
- <b>Micro</b>	<b>C</b>	<b>P</b>
- <b>Tap Room</b>	<b>P</b>	<b>P</b>
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, <b>bowling alley, dance hall, skating rink</b> )	P	P
- not enclosed (e.g., amusement)	C	C
Recreational Vehicle Sales, Services and Parks	C	P
Wholesale		
- enclosed in a building	C	P
- not enclosed in a building	N	P
Mixed Use (residential with commercial or civic use) See Residential, above.	P	P
<b>Civic</b>		
Government	P	P
Parks and Open Space	P	P
Private Utilities	P	P
Schools		
- pre-school, daycare, and primary	C	C
- secondary, colleges, and vocational	C	C
Clubs and Religious Institutions	C	C
<b>Industrial</b>		
Manufacturing and Production		
- greater than 5,000 sq. ft.	N	C
- not enclosed in a building or on ground floor	C	C
Warehouse		
- enclosed in an upper story of a building	P	P
- not enclosed in a building or on ground floor	N	P
Telecommunications structures, including wireless	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 =

C-3 =

Downtown Commercial District

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

<b>Table 2.5.110 – Permitted Uses</b>		
<b>Uses</b>	<b>M-1</b>	<b>M-2</b>
<b><i>Industrial</i></b>		
(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
<b><i>Residential</i></b>		
Caretaker unit	<u>S</u> -P	<u>S</u> -P
<b><i>Commercial</i></b>		
Offices and other commercial uses that are incidental to a primary industrial use	P	P
Vehicle repair, sales, rental, storage, service and fuel sales	P	C
Entertainment (e.g., theaters, amusement uses)	C	N
Hotels and motels	P	N
Medical and dental clinics and laboratories	P	N
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

<b>Brewery</b>		
- <b>Macro</b>	<b>P</b>	<b>P</b>
- <b>Micro</b>	<b>P</b>	<b>C</b>
- <b>Tap Room</b>	<b>C</b>	<b>C</b>
Repair services	P	C
Wholesale trade and services	P	N
<b>Public and Institutional Uses</b>		
Government facilities (e.g., public safety, utilities, school district bus facilities, public work yards, and similar facilities)	P	P
Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	P	P
Parks and open space	P	P
Vocational schools	P	P
Telecommunication structures, including wireless (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~~)**(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-4 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.
<del>Two and three family housing</del> <b><u>Duplexes and Multifamily Dwellings with three (3) or four (4) dwellings</u></b>	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	a. 1space/unit. b. 1.50 spaces/unit. c. 1.75 spaces/unit. d. 2 spaces/unit e. 1 space per unit.

**Table 3.4.120.A - Vehicle Parking - Minimum Standards Option**

Use	Parking Standard
e. Retirement complexes for seniors 55-years or greater f. Visitor Parking	f. 1 space for every 10 dwellings; no visitor parking requirement for projects with 1-9 dwellings where on-street parking is present.
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
<b><u>Bed and Breakfast</u></b>	<b><u>2 spaces plus one space for each bedroom offered as lodging</u></b>
<b><i>Commercial Uses</i></b>	
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.
<b><u>Vehicle Servicing or Vehicle Repair</u></b>	<b><u>2 spaces per service stall</u></b>
Chapels and mortuaries.	1 space per 4 fixed seats in the main chapel <b><u>or one space per 300 sq ft of floor area, whichever is greater.</u></b>
Hotels and motels.	1 space for each guest room, plus 1 space for the manager <b><u>or one space per 300 sq ft floor area, whichever is greater.</u></b>
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.

**Table 3.4.120.A - Vehicle Parking - Minimum Standards Option**

Use	Parking Standard
<b><u>Bowling Alley, Dance Hall, Skating Rink</u></b>	<b><u>3 spaces per lane or 1 space per 100 square feet of floor area, whichever is greater.</u></b>
<b><i>Industrial Uses</i></b>	
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.
<b><u>Mini-warehouse and storage</u></b>	<b><u>Two spaces, plus adequate space for loading and unloading.</u></b>
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.
<b><i>Public and Institutional Uses</i></b>	
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.

**Table 3.4.120.A - Vehicle Parking - Minimum Standards Option**

Use	Parking Standard
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.
<b><i>Unspecified Uses and Parking Demand Study Option</i></b>	
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**

...

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

...

- 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
<b><u>Non-conforming Alteration</u></b>	<b><u>Type II</u></b>	<b><u>Section 5.3</u></b>
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**

...

- 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**

...

- 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 14<sup>th</sup> 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 ex parte (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 ex parte 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 ~~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.**



126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## City of Sutherlin

STAFF REPORT					
<b>Re: West Everett &amp; South State Street Improvements</b>				Meeting Date:	5/10/2021
<b>Purpose:</b>	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By: Aaron Swan, Public Works Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> N/A					

### WHAT IS BEING ASKED OF COUNCIL?

To approve engineer's estimate in the amount of \$463,857.00 for the street improvements at the intersection of West Everett & South State Street.

### EXPLANATION

S. State Street from Central Ave. to the bridge over Sutherlin Creek and W. Everett Ave. from S. State to Calapooia Street are in a state of disrepair. The intersection of these streets condition is currently our worst intersection in city limits. None of the ADA ramps are up to code except the ones at the corners of State Street and Central Ave.

The plan is to do a complete rebuild including some subgrade repair, limited storm grade repair, new sidewalks with ADA corners and new asphalt surface.

The engineer's estimate for the project is \$463,857. This total includes engineering costs and a 25% contingency. This project will be paid for entirely with Exchange Funds.

### OPTIONS

N/A

### SUGGESTED MOTION(S)

To approve I.E. Engineering estimate in the amount of \$463,857 for the street improvements at the intersection of West Everett & South State Street.

To not approve I.E. Engineering estimate in the amount of \$463,857 for the street improvements at the intersection of West Everett & South State Street.

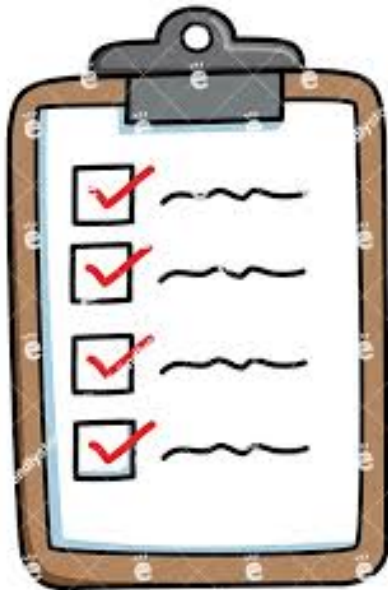


# **CITY MANAGER REPORT (verbal)**





# **STRATEGIC PLAN UPDATE**





126 E. Central Avenue  
Sutherlin, OR 97479  
541-459-2856  
Fax: 541-459-9363  
[www.cityofsutherlin.com](http://www.cityofsutherlin.com)

## City of Sutherlin

STAFF REPORT					
Re: New Water Feature at the Splash Pad				Meeting Date:	5/10/2021
Purpose:	Action Item <input type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input checked="" type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Aaron Swan, Public Works Director				City Manager Review	<input type="checkbox"/>
Attachments:					

### WHAT IS BEING ASKED OF COUNCIL?

N/A

### EXPLANATION

The “Mushroom” water feature at the Splash Pad has never had the proper water flow for full effectiveness and has been deemed “un-fun” by local kids. Staff decided to remove it and replace it with a “Bucket Dump” structure water feature. It will feature three colorful buckets that fill at different rates and when they become full, they tip over and deliver a refreshing splash of water to the delighted children.

This structure is currently being built at Great Northern Trailer and we hope to have it installed and operational before the end of May 2021.

### OPTIONS

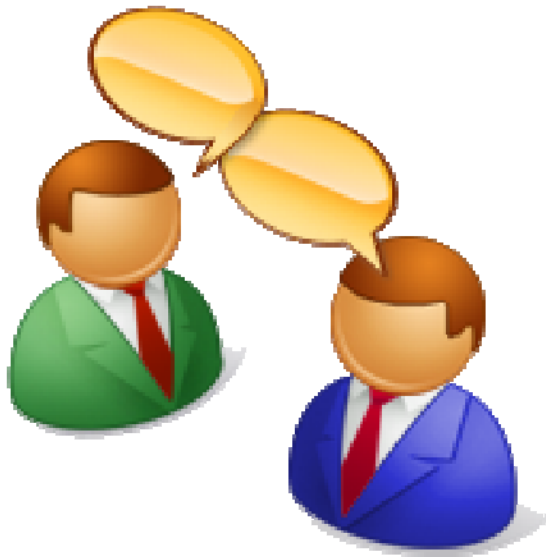
N/A

### SUGGESTED MOTION(S)

N/A



# **COUNCIL COMMENTS**





# **PUBLIC COMMENT**





# ADJOURNMENT





# **FOR YOUR INFORMATION**



# NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the \_\_\_\_\_, \_\_\_\_\_, State of Oregon,  
(District name) (County)

on the budget for the fiscal year July 1, 20\_\_\_\_ to June 30, 20\_\_\_\_, will be held at \_\_\_\_\_.  
(Location)

The meeting will take place on \_\_\_\_\_ at \_\_\_\_\_  
(Date) ☐ a.m. ☐ p.m.

The purpose of the meeting is to receive the budget message. This is a public meeting where deliberation of the Budget Committee will take place.

An additional, separate meeting of the Budget Committee will be held to take public comment. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. The meeting for public comment will be on

\_\_\_\_\_ at \_\_\_\_\_, held at \_\_\_\_\_  
(Date) ☐ a.m. ☐ p.m. (Location)

A copy of the budget document may be inspected or obtained on or after \_\_\_\_\_  
(Date)

at \_\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_  
(Location) ☐ a.m. ☐ p.m. ☐ a.m. ☐ p.m.

# NOTICE OF BUDGET COMMITTEE MEETING

A public meeting of the Budget Committee of the City of Sutherlin, Douglas, State of Oregon,  
(District name) (County)

on the budget for the fiscal year July 1, 2021 to June 30, 2022, will be held at: Civic Auditorium (175 E Everett Ave)  
(Location)

The meeting will take place on May 10, 2021 at 6:45 ☐ a.m. ☒ p.m..  
(Date)

The purpose of the meeting is to receive the budget message. This is a public meeting where deliberation of the Budget Committee will take place.

An additional, separate meeting of the Budget Committee will be held to take public comment. Any person may appear at the meeting and discuss the proposed programs with the Budget Committee. The meeting for public comment will be on

May 17, 2021 at 6:45 ☐ a.m. ☒ p.m., held at 878 W Sixth Ave, Sutherlin  
(Date) (Location)

A copy of the budget document may be inspected or obtained on or after May 11, 2021  
(Date)  
at City Hall (126 E Central Ave), between the hours of 9:00 ☒ a.m. ☐ p.m. and 4:00 ☐ a.m. ☒ p.m..  
(Location)

**NOTICE OF PUBLIC HEARING BEFORE THE SUTHERLIN BUDGET COMMITTEE ON PROPOSED USES OF  
STATE REVENUE SHARING FUNDS**

NOTICE IS HEREBY GIVEN that the Sutherlin Budget Committee will hold a public hearing on proposed uses of State Revenue Sharing Funds for the fiscal year July 1, 2021 through June 30, 2022. The hearing will take place on the 17th of May, 2021 at 7:00 pm at 878 W Sixth Ave. The purpose of the hearing is to discuss with interested persons the proposed uses of State Revenue Sharing Funds by the City of Sutherlin. A copy of the proposed budget, which contains the proposed uses of State Revenue Sharing Funds, will be posted on the City website, [www.ci.sutherlin.or.us](http://www.ci.sutherlin.or.us), beginning May 11, 2021.

**PUBLIC NOTICE – CITY OF SUTHERLIN**

**URBAN RENEWAL AND CITY BUDGET PRESENTATION AND CITY COUNCIL MEETING**

The May 10, 2021, City of Sutherlin's Urban Renewal Agency Meeting will begin at 6:30, followed by the City Budget Presentation at 6:45, the 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: Urban Renewal & City Budget Presentation 6:30pm, Regular Council Meeting 7pm

Time: May 10, 2021 06:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87902739737?pwd=dlcyK3d3b3R4VXQyRkF2aisvanlsQT09>

Meeting ID: 879 0273 9737

Passcode: 253526

Meeting ID: 879 0273 9737

Passcode: 253526

Find your local number: <https://us06web.zoom.us/j/k7SoHCncE>

## Melanie Masterfield

---

**From:** Melanie Masterfield  
**Sent:** Wednesday, May 5, 2021 11:44 AM  
**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 & Budget Meeting Agendas and Zoom Link  
**Attachments:** 13. 5. FYI. Zoom Public Mtg Notice with links.docx; CC AGENDA MAY 10, 2021.pdf; City Budget Presentation Agenda 5.10.pdf; UR Budget Presentation Agenda 5.10.pdf

Good morning. Attached are the agendas for the Sutherlin City Council meeting as well as the Urban Renewal Budget meeting and City Budget meeting. Also included is the Zoom link.



Melanie Masterfield  
Deputy City Recorder

**City of Sutherlin**  
**126 E Central Ave**  
**Sutherlin, OR 97479**  
**541-459-2856**

[m.masterfield@ci.sutherlin.or.us](mailto:m.masterfield@ci.sutherlin.or.us)