



## AGENDA

**Mayor Todd McKnight**  
Council President Sumner

Councilors Boggs, Groussman, Hamilton, Vincent and Whitaker

**1. CALL TO ORDER / FLAG SALUTE**

**2. ROLL CALL**

**3. INTRODUCTION OF MEDIA**

**4. PUBLIC COMMENT**

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

**5. CONSENT AGENDA**

- a. May 10, 2021 Minutes – Regular Meeting
- b. May 17, 2021 Minutes – Budget Meeting
- c. IGA – Inmate Housing with Douglas County

**6. COUNCIL BUSINESS**

- a. Ordinance No. 1085 – Development Code (second reading & adoption)
- b. Public Hearing – Supplemental Budget Adjustment
- c. Resolution No. 2021.05 – 2020-21 FY Supplemental Budget Adjustment
- d. Public Hearing – State Revenue Sharing
- e. Resolution No. 2021.06 – Election to Receive State Revenue Sharing
- f. Resolution No. 2021.07 – Certifying City Services
- g. Public Hearing – Adoption of 2021-2022 Budget
- h. Resolution No. 2021.08 – Adoption of 2021-22 Fire Budget & 2021-22 City Budget
- i. Resolution No. 2021.09 – IFA Amendment #1 - Nonpareil Water Treatment Plant Improvements

*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.*

**7. WORKSHOP**

- a. Water Outside City Limits

**8. STRATEGIC PLAN UPDATE**

- a. Schoon Mtn Pump Replacement, Tank, & Sixth and Oak Pump Station
- b. Street Management Masterplan w/Funding Options Timeline Report

**9. CITY MANAGER REPORT**

**10. COUNCIL COMMENTS**

**11. PUBLIC COMMENT**

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

**CONTINUED ON REVERSE SIDE**

COUNCIL WILL RECESS INTO EXECUTIVE SESSION

**EXECUTIVE SESSION** - ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees

*If you have a disability that requires special materials, service, or assistance, please call 541.459.2856 at least 48 hours prior to the meeting to arrange for accommodations*

COUNCIL WILL RECOVENE COUNCIL MEETING

**12. DECLARING A VACANCY & DETERMINE NEXT STEPS**

**13. ADJOURN**



# **Call to Order & Flag Salute**





# ROLL CALL





# **Introduction Of Media**





# **PUBLIC COMMENT**

**Agenda Items only**





# Consent Agenda



**CITY OF SUTHERLIN**  
**Regular City Council Meeting**  
**Sutherlin Civic Auditorium**  
**Monday, May 10, 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:** Chuck Brummel, Gary Dagel, Nancy Rodriguez

**Via Zoom:** Jamie Chartier

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**

- **Jennifer Bragg – Dial-A-Ride**

Jennifer was unable to attend tonight's meeting. Presentation will be postponed until a later date.

**CONSENT AGENDA**

- **April 12, 2021 Minutes – Regular Meeting**

**MOTION** made by Councilor Boggs to approve Consent Agenda as presented; second by Councilor Vincent  
Discussion: None

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

Opposed: None

Motion carried unanimously.

**PUBLIC HEARING**

- **Development Code Amendments**

Mayor McKnight opened the Public Hearing at 7:02 p.m.

Members of Council were asked to disclose any conflicts of interest, ex-parte contact or personal bias. - *None*

Staff Report – Community Development Supervisor, Kristi Gilbert, explained that it has been a long process to get to this point. The Planning Commission (PC) held four workshops to update these code amendments. Notice of the



proposed amendments was mailed to the Oregon Department of Land and Conservation on February 8, 2021; Notice of the proposed amendments was sent to interested agencies at least 20 days prior to the PC meeting; and notice was also posted in the News Review on March 2, 2021. The PC received three public written comments – one from the Fair Housing Council of Oregon (FHCO) and the second was in partnership with the FHCO and submitted jointly with The Land Advocates. The third comment was from ODOT regarding driveway widths. These amendments are solely focused around housing. Gilbert briefly discussed further changes to the development code and stated that all information was in the staff report as well as noted in the packet.

Questions from Council members? *None*

Testimony in favor? *None*

Testimony in opposition? *None*

Neutral parties who wish to speak? *None*

The Public Hearing closed at 7:05 p.m.

Discussion from Council? *None*

## **COUNCIL BUSINESS**

- **CBA Agreements – Sutherlin Police Officer’s Associations (SPOA)**

Staff Report – Police Chief, Troy Mills, asked Council to approve the 2021-2024 SPOA contract which reflects changes agreed upon between the City and the SPOA as well as changes discussed during executive session.

**MOTION** made by Councilor Vincent to approve CBA Agreements – Sutherlin Police Officer’s Association (SPOA) as presented; second by Councilor Hamilton.

Discussion: Councilor Hamilton asked for a clarification of contract dates. *Mills – There was a typo in the staff report. It should read 2021-2024 contract.*

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

Opposed: None

Motion carried unanimously.

*City Manager, Jerry Gillham*, emphasized that leadership at the Police Department is why contract approvals go smoothly.

- **Ordinance No. 1084 – Repealing Chapter 1.08 – Initiatives and Referendums (second reading & adoption)**

City Recorder, Diane 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, stated that all information was in the staff report and was available for questions.

**MOTION** made by Councilor Hamilton to approve Ordinance No. 1084 – Repealing Chapter 1.08 – Initiatives and Referendums (second reading & adoption) as presented; second by Councilor Vincent

Discussion: None

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

Opposed: None

Motion carried unanimously.

- **Development Code Amendments (first reading, title only)**

Harris read Ordinance by title only: *“An Ordinance of the City of Sutherlin adopting text amendments to the Sutherlin Development Code.”*

Staff Report – Gilbert, stated that all information was in the staff report and was available to answer questions.

**MOTION** made by Councilor Hamilton to approve Development Code Amendments (first reading, title only) as presented; second by Councilor Sumner.

Discussion: None

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

Opposed: None  
Motion carried unanimously.

- **Everett & State Street Improvements Approval**

Staff Report – Public Works Director, Aaron Swan, stated that all information was listed in the staff report and was available to answer questions. Everett Avenue from State St. to Calapooia St. will be updated as well as State St. from Central Avenue to the bridge.

**MOTION** made by Councilor Sumner to approve the engineer's estimate in the amount of \$463,857 for street improvements at the intersection of Everett Avenue and State Street as presented; second by Councilor Hamilton.

Discussion:

- Councilor Whitaker – Is this estimate for total construction? *Swan – Yes.*
- Councilor Sumner – When will this project start? *Swan – Construction will hopefully start in late season but if there isn't any interest in the project during the bid process, it may be postponed until spring of next year.*

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

Opposed: None

Motion carried unanimously.

**CITY MANAGER REPORT**

- Nothing relevant to report.
- Working on the mid-month Council update.

**STRATEGIC PLAN UPDATE**

- **New Central Park Water Feature**

Staff Report – Swan, announced that a new water feature is currently being built and will be installed by the end of May 2021. The new addition will be a “Bucket Dump” feature that has three tractor style buckets that will randomly fill with water and dump. It will replace the “Mushroom” water feature that hasn't worked well since it was installed. It's being constructed by Great Northern Trailers.

- Councilor Hamilton – What's the mushroom structure? *Swan – It's supposed to provide a fountain of water for kids to stand under but it never work right.*
- Councilor Groussman – Can the mushroom structure be donated? *Swan - We'll keep it for spare parts.*

**CITY COUNCIL COMMENT**

**Councilor Sumner**

- Suggested holding 4<sup>th</sup> of July fireworks in Sutherlin since Roseburg has cancelled theirs due to lack of space to hold it.

**Councilor Boggs**

- West Central Ave. intersections are giving way. *Swan – The man holes are sinking and have been marked for replacement.* Is the city responsible for all the repairs? *We're looking into some grant funding to help with repairs.*

**Councilor Vincent**

- Update on Schoon Mtn Tank leak? *Swan – It's fixed. It has a new floor and completely sealed and it's online.*
- Thanked the Sutherlin Area Chamber of Commerce for the First Citizen's Banquet. It was wonderful and a great venue.
- Thanked the community for continued support.

**Councilor Whitaker**

- Received citizen complaints of dogs running loose on the west end of town.
- Sewer gas smell from the new Wastewater Treatment Plant. *Swan - The plant is still getting fine-tuned.*

- Vehicles with trailers are parking on both sides of Jade Street making it unsafe for more than one car to pass through at a time.

#### **Councilor Hamilton**

- The First Citizen's Banquet was great, Tami Trowbridge did a fabulous job.
- There are some deep potholes in the road to the dog park. *Swan – We can take care of it.*
- There aren't any signs posted at the entrance for the dog park. *Swan – We'll look into it.*
- Exit 135 sign update? *Gillham - It's still in the works. Cooper Creek Creative has been very busy. What about using a different company? Gillham – That's a good idea, we'll look into it.*
- Gave kudos to Randy Harris, Water Supervisor, for being a 27 year city employee just retired.

#### **Councilor Groussman**

- The Sutherlin sign at the corner of Dovetail Ln. is really faded. *Gillham – That belongs to the Sutherlin Area Chamber of Commerce.*
- The memorial flags in Central Park need replaced. *Gillham – The Lion's Club takes care of it. Mayor McKnight – The Lion's Club has a replacement schedule.*

#### **Mayor McKnight**

- The First Citizen's Banquet event was great.
- Congratulated all the winners.
- The flower baskets and banners along Central Avenue look really good.
- Thanked the flower basket sponsors.

#### **PUBLIC COMMENT (Off Agenda Items)**

- None

#### **ADJOURNMENT**

With no further business, meeting adjourned at 7:28 p.m.

Approved:

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

Respectfully submitted by,

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

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

**CITY OF SUTHERLIN**  
**City Council Meeting**  
**Family Church - Sutherlin**  
**Monday, May 17, 2021 – 6:30 p.m.**

**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

Urban Renewal Administrator, Pat Lynch

Police Chief, Troy Mills

Fire Chief, Mike Lane

**Audience:** Crystal Cunningham (Church representative – technical assistance)

**Via Zoom:** Tom Spelgatti

Meeting called to order by Mayor McKnight at 6:30pm.

**Flag Salute:**

**Roll Call:** All present

**Introduction of Media:** None

**PUBLIC COMMENT** (agenda items only)

- None

**COUNCIL BUSINESS**

- **Contract Award for Design & Construction Management – Ford’s Pond Project 1 and 2A/B**

Staff Report – Community Development Director, Brian Elliott, asked Council to award the contract to Dougherty Landscape Architects (DLA, Inc) in the amount of and not to exceed \$135,174 for the architect and engineering services for Ford’s Pond Community Park and Trail Improvements. This company had the only submitted bid, but has sufficient experience and qualifications to satisfactorily construct the project. Construction details were included in the staff report.

**MOTION** made by Councilor Whitaker to approve Contract Award for Design & Construction Management – Ford’s Pond project 1 & 2A/B as presented; second by Councilor Sumner.

Discussion: None

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

Opposed: None

Motion carried unanimously.

**ADJOURNMENT**

With no further business, meeting adjourned at 6:33 p.m.

Approved:

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

Respectfully submitted by,

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

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



126 E. Central Avenue  
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## City of Sutherlin

STAFF REPORT					
<b>Re: Seventeenth Extension of Intergovernmental Agreement (IGA) with Douglas County for Inmate Housing</b>				Meeting Date:	<b>June 14, 2021</b>
<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:</b> Troy Mills, Chief of Police				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Seventeenth Extension of IGA for Inmate Housing					

### WHAT IS BEING ASKED OF COUNCIL?

The City Council is asked to vote on the Seventeenth Extension of the Douglas County IGA for Housing Inmates Agreement for FY 2021/2022.

### EXPLANATION

The City has an IGA with Douglas County for housing inmates. Approval would extend this contract for another fiscal year through June 30, 2022. Daily costs for housing an inmate will increase from \$92.33 per prisoner to \$95.10 per prisoner.

Contracting with Douglas County saves the City of Sutherlin from providing our own jail, personnel, and all other costs associated with the operation of this type of facility.

### OPTIONS

N/A

### SUGGESTED MOTION(S)

- 1) Approve the Seventeenth Extension of the IGA with Douglas County for the housing of inmates, or;
- 2) Not approve the Seventeenth Extension of the IGA with Douglas County for the housing of inmates.

**SEVENTEENTH EXTENSION OF  
INTERGOVERNMENTAL AGREEMENT  
FOR HOUSING INMATES WITH  
SUTHERLIN**

This seventeenth contract extension ("seventeenth extension") is made on the \_\_\_\_ day of \_\_\_\_\_ 2021, between DOUGLAS COUNTY, a political subdivision of the State of Oregon ("County") and the CITY OF SUTHERLIN, a municipal corporation organized and existing under the law of the State of Oregon ("City").

On or about May 26, 2004, County and City entered into an Intergovernmental Agreement for Housing Inmates, filed in the county court journal on May 26, 2004 under recording No. CJ 2004-780 ("original contract").

County and City have entered into sixteen extensions of the original contract as follows: first extension (May 27, 2005, CJ 2005-872), second extension (May 19, 2006, CJ 2006-780), third extension (September 21, 2007, CJ 2007-1551), fourth extension (May 1, 2008, CJ 2008-600), fifth extension (May 4, 2009, CJ 2009-481), sixth extension (June 2, 2010, CJ 2010-630), seventh extension (May 4, 2011, CJ 2011-417), eighth extension (September 26, 2012, CJ 2012-843), ninth extension (April 24, 2013, CJ 2013-0392), tenth extension (June 11, 2014, CJ 2014-0525), eleventh extension (May 13, 2015, CJ 2015-0364), twelfth extension (June 8, 2016, CJ 2016-0459), thirteenth extension (June 21, 2017, CJ 2017-0587), fourteenth extension (August 22, 2018, CJ 2018-0898), fifteenth extension (October 16, 2019, CJ 2019-1227); and sixteenth extension (October 7, 2020, CJ 2020-1032)

The original contract, first extension, second extension, third extension, fourth extension, fifth extension, sixth extension, seventh extension, eighth extension, ninth extension, tenth extension, eleventh extension, twelfth extension, thirteenth extension, fourteenth extension, fifteenth extension, sixteenth extension and this seventeenth extension together shall be referred to as "this agreement."

**THE PARTIES AGREE:**

**1. EXTENSION:** The term of this agreement is extended to June 30, 2022, subject to early termination as otherwise provided. The extension is not effective until it has been signed by both parties.

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**2. MODIFICATION:** Effective July 1, 2021, section 3.1.1 of the original contract is amended to read as follows:

“\$95.10 per prisoner day for each City prisoner accepted and housed pursuant to this agreement.”

**3. ENTIRE CONTRACT:** Except as modified herein, the terms and conditions of the original contract and all prior extensions and modifications shall apply.

**CITY OF SUTHERLIN**

By \_\_\_\_\_  
Title \_\_\_\_\_  
Print Name \_\_\_\_\_  
Date \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY**

By \_\_\_\_\_  
Chair  
By \_\_\_\_\_  
Commissioner  
By \_\_\_\_\_  
Commissioner  
Date \_\_\_\_\_

**REVIEWED AS TO CONTENT**

By \_\_\_\_\_  
Douglas County Sheriff  
Date \_\_\_\_\_  
Coding \_\_\_\_\_

**REVIEWED AS TO FORM**

By \_\_\_\_\_  
Office of County Counsel  
Date \_\_\_\_\_



# **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: Ordinance No. 1085- 2021 Legislative Amendments – Planning File 21-S005</b>				Meeting Date:	06-14-2021
<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 No. 1085, and Exhibit A					

### WHAT IS BEING ASKED OF COUNCIL?

City Council to approve the second reading and adoption of Ordinance No. 1085, 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 second reading and adoption of Ordinance No. 1085 adopting the 2021 Legislative Amendments to the Sutherlin Development Code.

### OPTIONS

1. Approve the second reading and adoption of Ordinance No. 1085 adopting the 2021 Legislative Amendments to the Sutherlin Development Code.
2. Not approve the second reading and adoption of Ordinance No. 1085 adopting the 2021 Legislative Amendments to the Sutherlin Development Code.

### SUGGESTED MOTION(S)

To approve (not approve, or amend) the second reading and adoption of Ordinance No. 1085 adopting the 2021 Legislative Amendments to the Sutherlin Development Code.



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

*Administration*  
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## *City of Sutherlin*

# NOTICE OF ORDINANCE ENACTMENT

## ORDINANCE NO. 1085

### 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. 1085**

### **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 \_\_\_\_ DAY OF \_\_\_\_, 2021.**

**APPROVED BY THE MAYOR, ON THIS \_\_\_\_ DAY OF \_\_\_\_, 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				
- 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-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
<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	12,000 s.f.	<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	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
- single family attached lot - multiple family lot		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.
- width at frontage – standard - width at frontage – townhouse - width at frontage – flag lot (Section 2.6.200 <b>3.2.110(Q)</b> ) - depth – alley right-of-way - depth – no alley r-o-w.		24 ft.	n/a	24 ft.	24 ft.
		20 ft.	20 ft.	20 ft.	20 ft.
		100 ft.	90 ft.	80 ft.	70 ft.
		100 ft.	100 ft.	90 ft.	80 ft.
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				
	- 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.



**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	
	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>	<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 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.

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

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

written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

7. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

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

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

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

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

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

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

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

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

e. A statement that all persons entitled to notice may appeal the Planning

Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

**4.2.160 General Provisions.**

**Time Computation.**

~~A. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the close of city business hours on the next day which is not a Saturday or legal holiday.~~ **Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)**

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

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

**BD. Pre-application Conferences.**

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

2. Information Provided. At such conference, the planning director ~~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.**



# **PUBLIC HEARING**





## City of Sutherlin

STAFF REPORT					
<b>Re: Public Hearing &amp; Supplemental Budget Adjustment</b>				Meeting Date:	06/14/2021
<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: Tami Trowbridge, Finance Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Staff Report					

### WHAT IS BEING ASKED OF COUNCIL?

This is a public hearing for resolution 2021.05 for interested parties to speak regarding the proposed changes to the fiscal year 2020-21 budget. After the hearing, Council is being asked to consider approving Resolution 2021.05 to adopt the Supplemental Budget Adjustment for fiscal year 2020-21 as described herein.

### EXPLANATION

At the time the budget was prepared, the Valentine Street Improvements project was going to be funded by Exchange Funds. Due to a clerical error, this project was not eligible for those funds. This Budget Adjustment is necessary to transfer funds for this expenditure.

### OPTIONS

Adopt Resolution 2021.05 – Supplemental Budget Adjustment as presented.

Do not adopt Resolution 2021.05 – Supplemental Budget Adjustment as presented.

### SUGGESTED MOTION(S)

After considering any public comment, move that Resolution 2021.05 – Supplemental Budget Adjustment be adopted as presented.



## NOTICE OF SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposed supplemental budget for the City of Sutherlin for the current fiscal year will be held at Civic Auditorium (175 E Everett Ave).

The hearing will take place on June 14, 2021 at 7:00 PM.

The purpose of the hearing is to discuss the supplemental budget with interested persons.

A copy of the supplemental budget document may be inspected or obtained on or after June 4, 2021 at City Hall between the hours of 9:00 AM and 4:00 PM, or on the City website, [www.ci.sutherlin.or.us](http://www.ci.sutherlin.or.us).

### SUMMARY OF PROPOSED BUDGET CHANGES AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

#### FUND: State Gas Tax Fund

Resource	Amount	Requirement	Amount
1	-	1 Transfer to Street Construction Fund	125,000.00
2		2	
Revised Total Fund Resources	-	Revised Total Fund Requirements	1,159,900.00

#### Comments:

At the time the budget was prepared, the Valentine Street Improvements was going to be funded by Exchange Funds. Due to a clerical error, this project was not eligible for those funds. This transfer is necessary to correct this error from FY 2019-20. Therefore an adjustment to the budget is

#### FUND:

Resource	Amount	Requirement	Amount
1		1	
2		2	
Revised Total Fund Resources		Revised Total Fund Requirements	-

#### Comments:

#### FUND:

Resource	Amount	Requirement	Amount
1		1	
2		2	
Revised Total Fund Resources		Revised Total Fund Requirements	

#### Comments:

#### FUND:

Resource	Amount	Requirement	Amount
1		1	
2		2	
Revised Total Fund Resources		Revised Total Fund Requirements	

#### Comments:

## RESOLUTION NO. 2021.05

### A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET ADJUSTMENT AND AMENDING THE 2020-2021 BUDGET.

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

- A. That ORS 294.473 provides the procedures for public governing bodies to adopt supplemental budgets when estimated expenditures differ by more than ten percent from the expenditures in the budget as most recently amended prior to the supplemental budget, and
- B. The procedure includes the municipal corporation providing notice of a supplemental budget hearing and holding a public hearing on the supplemental budget prior to adopting a resolution to change the budget by more than ten percent, and
- C. Public notice has been provided as required by ORS 294.473 and a public hearing related to the supplemental budget was held on June 14, 2021, and
- D. Due to unforeseen events at the time of adoption, fiscal year 2020-21 budget requires adjustment including but not limited to the following:
  - a. State Gas Tax Fund
    - i. At the time the budget was prepared, the Valentine Street Improvements Project was going to be funded by Exchange Funds. Due to a clerical error, this project was not eligible for those funds. Therefore an adjustment is needed to transfer these funds to the Street Construction Fund - \$125,000.

#### NOW, THEREFORE, based upon the above findings,

#### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUTHERLIN, a municipal Corporation of the State of Oregon, as follows:

Section 1. That the budget for the City of Sutherlin for the fiscal year 2020 - 2021, which was adopted by the City Council on May 11, 2020 and is now on file in the office of the City Recorder of the City of Sutherlin, be hereby amended as follows:

State Gas Tax Fund:	Adjustment	As Amended
Requirement		
Transfer to Street Construction Fund	<u>\$ 125,000</u>	<u>\$1,159,900</u>

**PASSED BY THE CITY COUNCIL, ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

**APPROVED BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

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

**ATTEST:**

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



# **PUBLIC HEARING**





## City of Sutherlin

STAFF REPORT					
<b>Re: Resolution 2021.06 - Declaring the City's Election to Receive State Revenues</b>				Meeting Date:	June 14, 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:</b> Tami Trowbridge, Finance Director				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Resolution 2021.06					

### WHAT IS BEING ASKED OF COUNCIL?

Approve Resolution 2021.06 - Elect to Receive State Revenues.

### EXPLANATION

This is the first of two resolutions that are required by the State of Oregon in order to receive State Revenue Sharing funds. After holding a public hearing on the use of State Revenue Sharing, the City needs to adopt this resolution.

### OPTIONS

N/A

### SUGGESTED MOTION(S)

Move that Resolution 2021.06 be adopted as presented.

NOTICE OF PUBLIC HEARING BEFORE THE SUTHERLIN CITY COUNCIL ON PROPOSED USES OF STATE REVENUE SHARING FUNDS

NOTICE IS HEREBY GIVEN that the Sutherlin City Council 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 14th of June, 2021 at 7:00 pm at Council Chambers, 175 E Everett Ave, Sutherlin. 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 approved 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 21, 2021.

**RESOLUTION NO. 2021.06**

**A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES**

The City of Sutherlin ordains as follows:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive state revenues for fiscal year 2021-2022.

**PASSED BY THE CITY COUNCIL, ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

**APPROVED BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

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

**ATTEST:**

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

I certify that a public hearing before the Budget Committee was held on May 17, 2021 and a public hearing before the City Council was held on June 14, 2021, giving citizens an opportunity to comment on use of State Revenue Sharing.

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



## City of Sutherlin

STAFF REPORT					
<b>Re: Resolution 2021.07 - Certifying City Services for Receipt of State Revenue Sharing Funds</b>				Meeting Date:	June 14, 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: Tami Trowbridge, Finance Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Resolution 2021.07					

### WHAT IS BEING ASKED OF COUNCIL?

Approve Resolution 2021.07 - Certifying City Services for the purpose of receiving State Revenue Sharing Funds.

### EXPLANATION

This is the second of two resolutions that are required by the State of Oregon in order to receive State Revenue Sharing Funds. After holding a public hearing on the use of State Revenue Sharing, the City needs to adopt this resolution.

### OPTIONS

N/A

### SUGGESTED MOTION(S)

Move that Resolution 2021.07 be adopted as presented.



**RESOLUTION NO. 2021.07**

**A RESOLUTION CERTIFYING CITY SERVICES FOR RECEIPT OF STATE  
REVENUE SHARING FUNDS**

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services

and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

BE IT RESOLVED, that the City of Sutherlin hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760

Police protection  
Fire protection  
Street construction, maintenance, and lighting  
Sanitary sewer  
Water utility  
Storm sewers  
Planning, zoning, and subdivision control

**PASSED BY THE CITY COUNCIL, ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

**APPROVED BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

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

**ATTEST:**

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



# **PUBLIC HEARING**





## City of Sutherlin

STAFF REPORT					
<b>Re: Budget Adoption, and Levying Property Taxes for Fiscal Year 2021-22</b>				Meeting Date:	June 14, 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: Tami Trowbridge, Finance Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Resolution 2021.08					

### WHAT IS BEING ASKED OF COUNCIL?

Approve Resolution 2021.08, adopting the budget for fiscal year 2021-22 as approved by the Budget Committee and Levy Property Taxes for operating purposes and as approved by voters for General Obligation Bonded debt.

### EXPLANATION

The Budget Committee approved the budget in the amount of \$36,320,838 on May 17, 2021. Oregon Revised Statutes (Oregon Budget Law ORS 294) requires Council to adopt the budget by resolution and to levy property taxes to enact the budget for the ensuing fiscal year.

### OPTIONS

Council may amend the budget of each fund, in an amount not to exceed 10% of the approved appropriations of each fund.

### SUGGESTED MOTION(S)

Move that Resolution 2021.08 be adopted as presented (or as amended).

## FORM LB-1

## NOTICE OF BUDGET HEARING

A public meeting of the Sutherlin City Council will be held on June 14, 2021 at 7:00 pm at Council Chambers, 175 E Everett Ave, Sutherlin, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2021 as approved by the City of Sutherlin Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained online at [www.ci.sutherlin.or.us](http://www.ci.sutherlin.or.us). This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same as the preceding year.

Contact: Tami Trowbridge

Telephone: 541-459-2856

Email: [t.trowbridge@ci.sutherlin.or.us](mailto:t.trowbridge@ci.sutherlin.or.us)

## FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amount 2019-2020	Adopted Budget This Year 2020-2021	Approved Budget Next Year 2021-2022
Beginning Fund Balance/Net Working Capital	8,492,678	8,009,600	11,318,100
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	6,008,536	6,325,081	6,282,374
Federal, State and all Other Grants, Gifts, Allocations and Donations	1,322,458	2,932,695	4,201,939
Revenue from Bonds and Other Debt	5,369,381	2,600,000	5,120,000
Interfund Transfers / Internal Service Reimbursements	5,519,500	5,111,700	5,840,300
All Other Resources Except Current Year Property Taxes	372,263	257,325	224,725
Current Year Property Taxes Estimated to be Received	3,041,899	3,095,832	3,333,400
<b>Total Resources</b>	<b>30,126,715</b>	<b>28,332,233</b>	<b>36,320,838</b>

## FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION

Personnel Services	5,106,468	5,712,087	5,981,592
Materials and Services	2,508,757	3,063,225	3,250,227
Capital Outlay	7,980,959	6,351,500	9,492,397
Debt Service	698,871	1,909,580	921,542
Interfund Transfers	5,769,500	5,111,700	5,840,300
Contingencies	0	3,595,814	6,141,129
Special Payments	0	0	1,000,000
Unappropriated Ending Balance and Reserved for Future Expenditure	8,062,159	2,588,327	3,693,651
<b>Total Requirements</b>	<b>30,126,715</b>	<b>28,332,233</b>	<b>36,320,838</b>

## FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM \*

Name of Organizational Unit or Program FTE for that unit or program			
Administration	838,727	946,803	953,584
FTE	7.0	7.0	7.0
Municipal Court	172,261	212,430	217,218
FTE	1.0	1.0	1.0
Police	2,387,660	2,719,751	3,304,040
FTE	17.0	17.0	17.0
Fire	1,933,897	2,775,394	3,069,781
FTE	4.0	4.0	5.0
Community Development/Parks & Facilities	1,673,098	1,714,711	2,843,295
FTE	4.0	4.0	3.0
Dial-A-Ride	27,876	29,000	0
FTE	0.0	0.0	0.0
Public Works - Operations	2,219,474	1,758,200	1,993,200
FTE	13.0	13.0	14.0
Streets	1,959,962	1,468,350	1,764,350
FTE	0.0	0.0	0.0
Water	4,867,408	8,127,597	11,434,280
FTE	0.0	0.0	0.0
Wastewater	10,843,352	6,206,109	7,019,118
FTE	0.0	0.0	0.0
Tourism	398,853	373,500	364,500
FTE	0.0	0.0	0.0
Non-Departmental/Non-Program	2,804,148	2,000,388	3,357,471
FTE	0.0	0.0	0.0
<b>Total Requirements</b>	<b>30,126,715</b>	<b>28,332,233</b>	<b>36,320,838</b>
<b>Total FTE</b>	<b>46.0</b>	<b>46.0</b>	<b>47.0</b>

## STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING

State funding for water treatment, storage, and distribution improvements. State funding for park improvements.

## PROPERTY TAX LEVIES

	Rate or Amount Imposed 2019-2020	Rate or Amount Imposed This Year 2020-2021	Rate or Amount Approved Next Year 2021-2022
Permanent Rate Levy (rate limit 5.6335 per \$1,000)	5.6335	5.6335	5.6335
Local Option Levy	0	0	0
Levy For General Obligation Bonds	55,000	60,000	62,000

## STATEMENT OF INDEBTEDNESS

LONG TERM DEBT	Estimated Debt Outstanding on July 1.	Estimated Debt Authorized, But Not Incurred on Jul y1
General Obligation Bonds	\$215,000	\$0
Other Bonds	\$5,308,073	\$0
Other Borrowings	\$23,076,235	\$5,500,000
<b>Total</b>	<b>\$28,599,308</b>	<b>\$5,500,000</b>

## RESOLUTION NO. 2021.08

### A RESOLUTION ADOPTING THE 2021-2022 BUDGET AND MAKING APPROPRIATIONS

**WHEREAS**, the Budget Committee of the City of Sutherlin has approved a proposed budget for the fiscal year commencing July 1, 2021; and

**WHEREAS**, at a meeting of the City Council of the City of Sutherlin held on June 14, 2021, a public hearing on said approved budget was duly held after the giving of notice thereof as provided by statute, proof of which is on file in the Office of the City Recorder of the City:

**Now, therefore, it is hereby resolved by THE CITY OF SUTHERLIN as follows:**

Section 1. After public hearing conducted on June 14, 2021, the City Council of the City of Sutherlin hereby adopts the budget for fiscal year 2021-2022 in the sum of \$36,320,838 now on file at City Hall, 126 E. Central Ave., Sutherlin, Oregon.

Section 2. That for the fiscal year beginning July 1, 2021, the amounts for the purposes shown below are hereby appropriated:

#### GENERAL FUND

Mayor & City Council	\$ 5,000
City Attorney	42,700
City Manager's Office	153,641
City Recorder/Human Resources	284,108
Finance	468,135
Municipal Court	217,218
Parks/Facilities	703,544
Community Development	512,329
Police	2,830,040
Fire	1,555,781
Non-Departmental	876,950
Loan to URA	1,000,000
Contingency	200,000
Unappropriated	1,280,521
Total	<u>\$ 10,129,967</u>

#### POLICE RESERVE FUND

Capital Outlay	\$ 181,000
Contingency	293,000
Total	<u>\$ 474,000</u>

#### FIRE RESERVE

Capital Outlay	\$ 1,148,000
Contingency	366,000
Total	<u>\$ 1,514,000</u>

PARKS/FACILITIES RESERVE

Capital Outlay	\$ 237,500
Contingency	94,500
Total	<b>\$ 332,000</b>

PARKS CONSTRUCTION FUND

Capital Outlay	\$ 1,164,397
Contingency	42,000
Total	<b>\$ 1,206,397</b>

DIAL-A-RIDE FUND

Materials and Services	\$ -
Transfers	-
Contingency	-
Total	<b>\$ -</b>

TOURISM-MOTEL TAX FUND

Materials and Services	\$ 106,700
Transfers	34,900
Contingency	222,900
Total	<b>\$ 364,500</b>

LIBRARY BOARD FUND

Materials and Services	\$ 26,400
Contingency	125
Total	<b>\$ 26,525</b>

LIBRARY G.O. BOND FUND

Debt Service	\$ 60,750
Reserved for Debt Service	1,750
Total	<b>\$ 62,500</b>

STATE GAS TAX FUND

Materials and Services	\$ 201,700
Capital Outlay	400,000
Debt Service	54,877
Transfers	368,300
Contingency	82,023
Total	<b>\$ 1,106,900</b>

**BICYCLE/FOOTPATH FUND**

Contingency	\$ 20,200
Total	<u>\$ 20,200</u>

**STREET CONSTRUCTION FUND**

Capital Outlay	\$ 200,000
Contingency	\$ 54,250
Total	<u>\$ 254,250</u>

**STREET SDC FUND**

Contingency	\$ 383,000
Total	<u>\$ 383,000</u>

**WATER OPERATIONS FUND**

Materials and Services	\$ 495,850
Capital Outlay	3,000
Transfers	1,937,400
Contingency	301,030
Total	<u>\$ 2,737,280</u>

**WATER CONSTRUCTION FUND**

Capital Outlay	\$ 5,755,000
Contingency	1,727,000
Total	<u>\$ 7,482,000</u>

**WATER RESERVE FUND**

Capital Outlay	\$ 40,000
Contingency	\$ 307,000
Total	<u>\$ 347,000</u>

**WATER DEBT SERVICE FUND**

Debt Service	\$ 424,925
Contingency	90,605
Reserved for Debt Service	352,470
Total	<u>\$ 868,000</u>

**WASTEWATER OPERATIONS FUND**

Materials and Services	\$ 595,350
Transfers	2,003,300
Contingency	909,318
Total	<u>\$ 3,507,968</u>



**STEP SURCHARGE FUND**

Materials and Services	\$ 25,000
Contingency	63,500
Total	<b>\$ 88,500</b>

**WASTEWATER CONSTRUCTION FUND**

Capital Outlay	\$ 110,000
Contingency	729,500
Total	<b>\$ 839,500</b>

**WASTEWATER RESERVE FUND**

Capital Outlay	\$ 80,000
Contingency	63,250
Total	<b>\$ 143,250</b>

**WASTEWATER DEBT SERVICE FUND**

Debt Service	\$ 380,990
Reserved for Debt Service	2,058,910
Total	<b>\$ 2,439,900</b>

**PUBLIC WORKS OPERATIONS FUND**

Personnel Services	\$ 1,578,773
Materials and Services	77,500
Transfers	50,000
Contingency	38,727
Total	<b>\$ 1,745,000</b>

**PUBLIC WORKS OPERATIONS RESERVE FUND**

Capital Outlay	\$ 95,000
Contingency	153,200
Total	<b>\$ 248,200</b>

**SUMMARY**

Personnel Services	\$ 5,981,592
Materials and Services	3,250,227
Capital Outlay	9,492,397
Transfers	5,840,300
Debt Service	921,542
Loan to URA	1,000,000
Contingency	6,141,129
Reserved for Debt Service	2,413,130
Unappropriated	1,280,521
Total	<b>\$ 36,320,838</b>

Section 3. That the Finance Director shall certify to the County Clerk and County Assessor the tax levy made by this resolution and shall file with them a copy of the budget as finally adopted herewith.

Section 4. That the City Council for the City of Sutherlin hereby imposes the taxes provided for in the adopted budget:

At the rate of \$5.6335 per \$1,000 of assessed value for general operations; and  
In the amount of \$66,000 for bonds; and

That these taxes are hereby imposed and categorized for tax year 2021-22 upon the assessed value of all taxable property within the district as follows:

Subject to Measure 5 Limitation as General Government, General Fund permanent tax rate \$5.6335/\$1,000 of assessed value, and

Excluded from Limitation, Debt Service Fund \$66,000.00.

**PASSED BY THE CITY COUNCIL, ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

**APPROVED BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021**

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

**ATTEST:**

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



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: Resolution 2021.09 - IFA Amendment #1 - Nonpareil Water Treatment Plant Improvements</b>				Meeting Date:	06/14/2021
<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: Brian Elliott, Community Development Director</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b> Resolution 2021.09 and Amendment #1					

### WHAT IS BEING ASKED OF COUNCIL?

Approve Resolution 2021.09 - Infrastructure Finance Authority (IFA) Amendment #1 - Nonpareil Water Treatment Plant Improvements.

### EXPLANATION

On March 8, 2021 Council approved an amendment to the Oregon Infrastructure Finance Authority Loan in the amount of \$1,915,792 (addition loan). It was later determined by the Oregon Business Development Department (OBDD) that a resolution was required for this action, authorizing the City Manager to sign "Amendment #1".

### OPTIONS

Approve Resolution 2021.09 - Infrastructure Finance Authority (IFA) Amendment #1 - Nonpareil Water Treatment Plant Improvements.

Not approve Resolution 2021.09 - Infrastructure Finance Authority (IFA) Amendment #1 - Nonpareil Water Treatment Plant Improvements.

### SUGGESTED MOTION(S)

Approve Resolution 2021.09 - Infrastructure Finance Authority (IFA) Amendment #1 - Nonpareil Water Treatment Plant Improvements.

**RESOLUTION NO. 2021.09**

**RESOLUTION OF THE CITY OF SUTHERLIN  
AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND  
BY ENTERING INTO AN AMENDED FINANCING CONTRACT  
WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY**

**The City Council of the City of Sutherlin (the “Recipient”) finds:**

- A. The Recipient is a Municipality” within the meaning of Oregon Revised Statutes 285B.410 (9).
- B. Oregon Revised Statutes 285B.410 through 285B.482 (the “Act”) authorize any municipality to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department (“OBDD”) to obtain financial assistance from the Special Public Works Fund.
- C. The Recipient previously entered into Financing Contract with the OBDD for the project described in Exhibit C to the Financing Contract (the “Project”), project number S19026, in the principal loan amount of \$3,557,773, effective 22 October 2019.
- D. The OBDD has approved the Recipient’s application for additional financial assistance from the Special Public Works Fund.
- E. The Recipient is required, as a prerequisite to the receipt of additional financial assistance from the OBDD, to enter into Amendment 1 to the Financing Contract with the OBDD, substantially in the form attached hereto as Exhibit A.
- F. Notice relating to the Recipient’s consideration of the adoption of this Resolution was published in full accordance with the Recipient’s charter and laws for public notification.

**NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Recipient as follows:**

1. **Financing Loan Authorized.** The Governing Body authorizes City Manager, Jerry Gillham to execute Amendment 1 to the Financing Contract and such other documents as may be required to obtain additional financial assistance, including additional loan from the OBDD on the condition that the new total principal amount of the loan from the OBDD to the Recipient is not in excess of \$5,473,565. The proceeds of the loan from the OBDD shall be applied solely to the “Costs of the Project” as such term is defined in the Financing Contract.
2. **Security.** Amounts payable by the Recipient shall be payable from the sources described in section 4 of the Financing Contract and the Oregon Revised Statutes Section 285B.437(3) which include:
  - (a) The revenues of the project, including special assessment revenues;
  - (b) Amounts withheld under ORS 285B.449 (1);
  - (c) The general fund of the Recipient; or
  - (d) Any other source.

3. **Additional Documents.** City Manager, Jerry Gillham is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain financial assistance from the OBDD for the Project pursuant to the Financing Documents.
4. **Tax-Exempt Status.** The Recipient covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Recipient pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The [name of officer] of the Recipient may enter into covenants on behalf of the Recipient to protect the tax-exempt status of the interest paid by the Recipient pursuant to the Financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as shall be required by the OBDD or its bond counsel to protect the tax-exempt status of such interest.

PASSED BY THE CITY COUNCIL, ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021

APPROVED BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_, 2021

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

ATTEST:

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

## Amendment Number 1

**Project Name:** Nonpareil Water Treatment Plant Improvements

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), and the City of Sutherlin (“Recipient”), and amends the Financing Contract, Project Number S19026, dated 22 October 2019 (“Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

**Recital:** The purpose of this amendment is to increase the Section 2A. Loan Amount and amend the Project Description.

### The parties agree as follows:

1. Amend Section 1 “Key Terms of the Contract as follows (deletion in ~~striketrough~~, addition in double underline):

The following capitalized terms have the meanings assigned below.

“Estimated Project Cost” means ~~\$4,187,773~~ \$6,103,565.

“Forgivable Loan Amount” means \$380,000.

“Section 2A. Loan Amount” means ~~\$3,557,773~~ \$5,473,565.

“Interest Rate” means 1.00% per annum.

“Maturity Date” means the 29th anniversary of the Repayment Commencement Date.

“Payment Date” means December 1.

“Project Closeout Deadline” means 90 days after the earlier of the Project Completion Date or the Project Completion Deadline.

“Project Completion Deadline” means 36 months after the date of this Contract.

“Repayment Commencement Date” means the first Payment Date to occur after the Project Closeout Deadline.

2. Delete Exhibit C “Project Description” of the Contract in its entirety and replace it with the following:

<b>EXHIBIT C – PROJECT DESCRIPTION</b>
--

The Recipient will, with the assistance of a professional engineer licensed in Oregon, prepare final design plans, which will include specifications and construction documents that must be approved by Oregon Health Authority, Drinking Water Services and submitted to OBDD. The construction will include, but is not limited to:

1. Intake building improvements, including new air compressor, new actuated valve, electrical improvements and radio telemetry system.
2. Raw water pump station improvements, including new pumps, new controls, new canopy, new concrete slab, and new fence and gate.
3. Intake vault improvements, including new magnetic flow meter and new static mixer.

4. Clarifier improvements, including sand blasting and coating, lead paint removal/disposal, new walkway, new tube settlers, electrical improvements, new valves, new sludge wasting valve and flow meter.
  5. Filter system improvements, new underdrain system, new air scour system (blowers, piping, valves) and canopy over them, new media, new piping, new valves, electrical improvements, new instrumentation, and other appurtenances.
  6. Main Water Treatment Plant improvements, new electrical room with new control panels and Motor Control Center.
  7. Other improvements include installation of new pumps for flow meter, treated water and potable water (which includes a new pressure tank); installation of a new treated water flow meter with access hatch; installation of chemical feed systems; installation of new backwash basins; installation of streaming current monitor and associated systems; installation of a new SCADA control system; site improvements, fencing, and yard piping.
3. Delete Exhibit D “Project Budget” of the Contract in its entirety and replace it with the following:

**EXHIBIT D – PROJECT BUDGET**

	<b>OBDD Funds</b>	<b>Other / Matching Funds</b>
Activity	Approved Budget	Approved Budget
Design / Engineering	\$471,580	\$250,000
Construction	4,810,485	0
Construction Contingency	481,500	0
Labor Standards	15,000	0
Project Management	15,000	0
Legal Fees	30,000	0
Permitting and Regulatory Fees	30,000	0
Total	\$5,853,565	\$250,000

4. Amend section (vi), (vii) and (xi) of Exhibit E “Information Required by 2 CFR § 200.331(A)(1)” of the Contract as follows (deletion in ~~striketrough~~, addition in double underline):
- (vi) Total Amount of Federal Funds Obligated by this Contract: ~~\$3,937,773~~ \$5,853,565
- (vii) Total Amount of Federal Funds Obligated by this initial Contract and any amendments: \$3,937,773 \$5,853,565

(xi) CFDA Number and Name: 66.468 Safe Drinking Water State Revolving Fund  
Amount: ~~\$3,937,773~~ \$5,853,565

OBDD will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

Except as specifically provided above, this amendment does not modify the Contract, and the Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



**STATE OF OREGON**  
acting by and through its  
Oregon Infrastructure Finance Authority  
of the Business Development Department



**CITY OF SUTHERLIN**

By: \_\_\_\_\_  
Chris Cummings, Assistant Director  
Economic Development

By: \_\_\_\_\_  
Jerry Gillham, City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:**

\_\_\_\_\_  
/s/ Wendy Johnson per email dated 20 May 2021  
Wendy Johnson, Senior Assistant Attorney General





# WORKSHOP





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: Water Service Outside of the Urban Growth Boundary Workshop</b>				Meeting Date:	06-14-2021
<b>Purpose:</b>	Action Item <input type="checkbox"/>	Workshop <input checked="" type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By: Kristi Gilbert, Community Development Specialist &amp; Brian Elliott, Community Development Director, Gary Fugate, Public Works Supervisor</b>				City Manager Review	<input checked="" type="checkbox"/>
<b>Attachments:</b>					
<b>WHAT IS BEING ASKED OF COUNCIL?</b>					

Staff will discuss their findings of the potential and/or feasibility to provide water to residents outside of the Urban Growth Boundary (UGB) and seek Council direction based on those findings.

### EXPLANATION

Staff will provide an overview with a PowerPoint presentation. Discussion topics for Council will include, but are not limited to:

- Municipal Code Language
- Statewide Planning Goal 11, permits jurisdictions to provide water services outside the UGB but precludes us from providing water service outside the UGB to permit expansion.
- Urban Growth Management Agreement (UGMA)
- Water Master Plan and Water Management and Conservation Plan (WMCP) updates
- Location of main line extensions – feasibility
- Number of Potential Connections to Existing Main Lines
- Pressure must meet Oregon Health Authority Minimum 20 psi
- Annexation requirements
- Backflow Requirements
- Curtailment
- Charges for customers outside city boundaries
- Council Direction

### OPTIONS

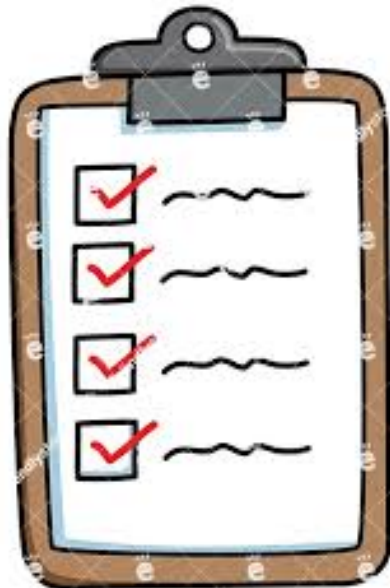
N/A

### SUGGESTED MOTION(S)

N/A



# **STRATEGIC PLAN UPDATE**





126 E. Central Avenue  
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Fax: 541-459-9363  
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## City of Sutherlin

STAFF REPORT					
<b>Re: The Schoon Mt. Reservoir Replacement/Sixth and Oak Pump Station Replacement</b>				Meeting Date:	6-14-21
<b>Purpose:</b>	Action Item	Workshop <input type="checkbox"/>	Report Only x	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By: Aaron Swan</b>				City Manager Review <input type="checkbox"/>	
<b>Attachments:</b> None					

### WHAT IS BEING ASKED OF COUNCIL?

N/A

### EXPLANATION

The Schoon Mountain storage tank and the Sixth and Oak pump station projects are complete and have been deemed satisfactory.

The City, contractor, and engineers are in negotiations regarding final payment.

### OPTIONS

N/A

### SUGGESTED MOTION(S)

N/A



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

## City of Sutherlin

STAFF REPORT					
<b>Re:</b> Street Management Masterplan with Funding Options and Timeline Report				Meeting Date:	6-14-21
<b>Purpose:</b>	Action Item	Workshop <input type="checkbox"/>	Report Only x	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
<b>Submitted By:</b> Public Works Director, Aaron Swan				City Manager Review <input type="checkbox"/>	
<b>Attachments:</b> None					

### WHAT IS BEING ASKED OF COUNCIL?

N/A

### EXPLANATION

The Street Management Masterplan contains two major parts. Pavement preservation (grind and inlay/overlay, slurry seals, etc.) and complete rebuilds (bringing old, narrow, unsafe streets up to city standards, including subgrade repairs, storm drainage, sidewalks w/ ADA compliant ramps.

Staff has compiled a street inventory that describes the conditions of all the streets in the City and how they fit into the Street Management Masterplan.

The next step in the process is to have an engineer more precisely estimate the costs associated with the needed repairs and rebuilds.

The timeline to have this Masterplan complete is February of 2022.

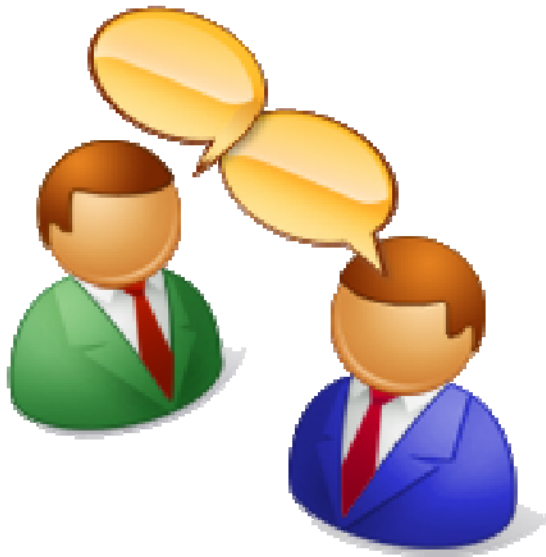


# **CITY MANAGER REPORT (verbal)**





# **COUNCIL COMMENTS**





# **PUBLIC COMMENT**







# **EXECUTIVE SESSION**

**(Council will recess from  
regular session and reconvene  
after Executive Session)**





# **DECLARING A VACANCY**





# ADJOURNMENT





# **FOR YOUR INFORMATION**





# Sutherlin FFA

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500 East Fourth Ave | Sutherlin, OR 97479 | 541.459.9551  
<http://www.sutherlinffa.org>

May 19, 2021

Thank you for your support of our FFA program. This past year, we had the opportunity to have success locally and statewide due to your support and the aid of others. We received the ability to reach our goals and that is something that cannot be matched. Please find within this envelope a certificate of our appreciation.

Because of your support, we were able to use our knowledge to compete all around the state virtually and in person, participate in important functions, and improve our classroom studies. We have been able to reach our potential and find success in many events. At the state level, we earned one first place banner in a leadership and career development focused competition. That team will be moving on to compete nationally this fall. On top of that, we participated in several district events earning 12 first place blue banners. The 2020-2021 school year was very beneficial to all of our members and we cannot wait to see what our future holds!

Sutherlin FFA is an integral part of Agriculture Education, combining agriculture with high school curriculum, as well as teaching students the skills they will need for the rest of their lives. Sutherlin FFA strives to help students develop their potential for premier leadership, personal growth, and career success.

We are proud of our members and their success, and thank you for your commitments and generosity!

We would have loved to have you attend our banquet this year, but due to COVID restrictions we are limited on number of attendees. We are very thankful for your constant support and hope to see you at next year's banquet!

Sincerely,



Marissa Magaña  
Sutherlin FFA Chapter Secretary

\_\_\_\_\_ Sutherlin FFA Chapter

# Certificate of Appreciation

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*Learning to Do - Doing to Learn*

*Earning to Live - Living to Serve*

*presented with gratitude to*

**Sutherlin City Council**

*for your valuable and appreciated support of our members this year*

**May 19, 2021**

\_\_\_\_\_  
Chapter President

\_\_\_\_\_  
Chapter Secretary

**PUBLIC NOTICE – CITY OF SUTHERLIN**

**URBAN RENEWAL AGENCY AND CITY COUNCIL MEETING**

The June 14, 2021, City of Sutherlin's Urban Renewal Agency Meeting will begin at 6:45, followed by the City Council Meeting at 7:00pm in the Civic Auditorium at 175 E Everett. The Urban Renewal Agency and City Council will be considering the adoption of URA and City Budgets, as well as other City business. 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 Agency and City Council Meeting

Time: Jun 14, 2021 at 6:45 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83113686855?pwd=VUE5OUFBZIRWdC9valZYczk4bVhZZz09>

Meeting ID: 831 1368 6855

Passcode: 371946

One tap mobile

+12532158782,,83113686855#,,,,\*371946# US (Tacoma)

+13462487799,,83113686855#,,,,\*371946# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 720 707 2699 US (Denver)

Meeting ID: 831 1368 6855

Passcode: 371946

Find your local number: <https://us06web.zoom.us/j/kcdGIL4JRi>

## Melanie Masterfield

---

**From:** Melanie Masterfield  
**Sent:** Wednesday, June 9, 2021 10:57 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:** Sutherlin City Council Meeting Agenda & Zoom Link Attached  
**Attachments:** 0. AGENDA.pdf; 14. 3. FYI. 6.14.21 Zoom Public Mtg Notice with links.pdf



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)