



**City of Sutherlin
Regular Council Meeting
Monday, July 11, 2022
Civic Auditorium – 7:00 p.m.**

AGENDA

Mayor Michelle Sumner
Council President Hamilton
Councilors Boggs, Dagel, Groussman, Smalley 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. PRESENTATIONS

- a. Sutherlin Sanitary Service

6. CONSENT AGENDA

- a. June 13, 2022 – Meeting Minutes

7. PUBLIC HEARING

- a. Plan Amendment & Zone Change – Central Avenue Investments, LLC

8. COUNCIL BUSINESS

- a. Resolution 2022.09 – Sutherlin Sanitary Service Fees
- b. Ordinance - Plan Amendment & Zone Change – Central Avenue Investments, LLC (first reading, title only)
- c. Rodeo/Blackberry Lands Property Exchange

9. CITY MANAGER REPORT (Verbal)

10. CITY COUNCIL COMMENT

11. PUBLIC COMMENT

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

12. ADJOURN

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.

Join Zoom Meeting

<https://us06web.zoom.us/j/85752399299?pwd=bFNYZTRndkt2cWtqbHBjUFZwZUYvQT09>

Meeting ID: 857 5239 9299

Passcode: 715853

If you have a disability that requires special materials, service, or assistance, please call 541.459.2857 at least 48 hours prior to the meeting to arrange for accommodations



Call to Order & Flag Salute





ROLL CALL





INTRODUCTION OF MEDIA





PUBLIC COMMENT

Agenda Items only





PRESENTATIONS





SUTHERLIN SANITARY SERVICE RATES





CONSENT AGENDA



CITY OF SUTHERLIN
City Council Meeting
Civic Auditorium
Monday, June 13, 2022 – 7:00pm

COUNCIL MEMBERS:

Tom Boggs, Gary Dagel, Joe Groussman, Debbie Hamilton, Shawn Smalley and Larry Whitaker

MAYOR: Michelle Sumner

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

Police Officer, Jon Rausch

Fire Chief, Mike Lane

Livability Services Director/Library Director, Pat Lynch

City Attorney, Chad Jacobs (via Zoom)

Audience: Duane Waller, Raina Rausch, Joe Wells, Tim Stringer, Allison Cleveland, Lynda Whitaker

Via Zoom: Larry Bahr, Eileen Smalley

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

Flag Salute:

Roll Call: All present

Introduction of Media: None

****Mayor made an announcement for Zoom attendees.****

PUBLIC COMMENT (agenda items only)

- Duane Waller (Blackberry Festival Chair) introduced himself. The group requests the Rodeo/Blackberry Festival grounds be returned to their organization to ensure its care. Expressed concern for the property's current condition and that it has been 'loaned out' without permits or insurance.
 - City Manager, Jerry Gillham – The City has tried several times previously to hand the property over to the Blackberry Festival and has no problem doing so.
 - Councilor Groussman – Council is unable to make any decision without records and information.
 - Mayor Sumner – Staff needs to discuss and research further information and will get back to you.
Gillham – Information will be presented at the next Council meeting.

PRESENTATIONS

- **Officer of the Year**

Staff Report – Police Chief, Troy Mills – This is the Roseburg Optimist Club's 46th year honoring those individuals who have gone above and beyond their everyday duties. Sutherlin Police Department honored Officer Jonathan Rausch. He was nominated by his peers for his hard work and accomplishments. Mills presented him with the Department's 'Challenge Coin' and Mayor Sumner presented him with a certificate, followed by a round of applause.

CONSENT AGENDA

- **June 13, 2022 Minutes – Regular Meeting**

MOTION made by Councilor Boggs to approve Consent Agenda as presented; second by Councilor Hamilton.

Discussion: None

In favor: Councilors Dagel, Whitaker, Smalley, Groussman, Hamilton, Boggs and Mayor Sumner.

Opposed: None

Motion carried unanimously.

COUNCIL BUSINESS

- **Public Hearing & Resolution 2022.05 – State Revenue Sharing**

Staff Report – Finance Director, Tami Trowbridge – This is the first of two resolutions required by the State of Oregon in order to receive funds.

Mayor Sumner opened the Public Hearing at 7:18 p.m.

Mayor Sumner asked if there any public comments. *None given.*

The Public Hearing closed at 7:19 p.m.

- **Resolution No. 2022.05 – Election to Receive State Revenue Sharing**

MOTION made by Councilor Whitaker to approve Resolution No. 2022.05 – Election to Receive State Revenue Sharing as presented; second by Councilor Hamilton.

Discussion: None

In Favor: Councilors Dagel, Whitaker, Smalley, Groussman, Hamilton, Boggs and Mayor Sumner.

Opposed: None

Motion carried unanimously.

- **Resolution No. 2022.06 – Certifying City Services**

Staff Report – Trowbridge – This is the second of two resolutions that are required by the State of Oregon in order to receive State Revenue Sharing Funds. Funding eligibility requires the City to certify that at least four of seven services are provided. The seven categories are:

- Police Protection
- Fire Protection
- Street Construction – Maintenance and Lighting
- Sanitary Sewer
- Storm Sewer
- Planning, Zoning, Sub-Division Control
- One or more utility services (ex: water)

The City meets those requirements.

MOTION made by Councilor Hamilton to approve Resolution No. 2022.06 – Certifying City Services as presented; second by Councilor Groussman.

Discussion: None

In Favor: Councilors Dagel, Whitaker, Smalley, Groussman, Hamilton, Boggs and Mayor Sumner.

Opposed: None

Motion carried unanimously.

- **Public Hearing & Resolution 2022.07 – Adoption of 2022-23 City Budget**

Staff Report – Trowbridge, summarized the 2022-23 City Budget that was previously approved by the budget committee on May 16, 2022 in the amount of \$34,121,441.

Mayor Sumner opened the Public Hearing at 7:21 p.m.

Mayor Sumner asked if there were any public comments. *None given.*

The Public Hearing closed at 7:23 p.m.

- **Resolution No. 2022.07 – Adoption of 2022-23 City Budget**

MOTION made by Councilor Boggs to approve Resolution No. 2022.07 – Adoption of 2022-23 City Budget in the amount of \$34,121,441 as presented; second by Councilor Hamilton.

Discussion: None

In Favor: Councilors Dagel, Whitaker, Smalley, Groussman, Hamilton, Boggs and Mayor Sumner.

Opposed: None

Motion carried unanimously.

- **Resolution No. 2022.08 – Dakota Street Extension**

Staff Report – Community Development Supervisor, Kristi Gilbert, asked Council to approve extending the property/roadway of Dakota Street north for public right-of-way. Extending the existing private roadway, north of Dakota Street will allow developments to have access and meet fire codes for ingress/egress. The existing private roadway has been surveyed and legal descriptions have been created to be deeded to the City as public right-of-way.

MOTION made by Councilor Boggs to approve Resolution No. 2022.08 – Dakota Street Extension as presented; second by Councilor Dagel.

Discussion: None

In Favor: Councilors Dagel, Whitaker, Smalley, Groussman, Hamilton, Boggs and Mayor Sumner.

Opposed: None

Motion carried unanimously.

STRATEGIC PLAN UPDATE

- **Central Park Multi-Use Staging Area Completion Update**

Public Works Director, Aaron Swan – The stage will be poured on Wednesday and crews will be forming the stairs. The estimated completion date has been extended a week due to weather. The stage cover will arrive the second week in July.

- Mayor Sumner – How long will it take to erect the cover? *Swan – A representative from the company will help assemble it. Estimating 2 days since we've never done it before.*

- **Asphalt Crack Sealing Machine Update**

Swan – Staff and Council discussed getting a crack sealing machine. Still researching for a used machine in the right price range.

- Councilor Boggs – What streets will it be used on? *Swan – There are cracks in many of the streets including Red Rock Trail. Contractors cost for crack sealing is extremely high.*

- **Initiate In-Flow and Infiltration Prevention Program**

Swan – The City has an In-Flow and Infiltration plan in place. For the last several years, the main focus has been the new wastewater treatment plant. Swan further explained the process of In-Flow and Infiltration and the importance of having a plan.

- Councilor Groussman – How are problems addressed? *Swan – In-Flow is identified through smoke testing. Smoke is blown into a manhole and crews canvas streets in a block radius for smoke. Once identified, the City, homeowner, or business owner can then fix the problem. Infiltration is mainly discovered with the use of cameras in the sewer lines. A contractor is hired to explore the sewer lines and make repairs as needed.*
- Councilor Hamilton – Are homeowners notified if there is a problem? *Swan – Yes.*

CITY MANAGER REPORT (verbal)

- Nothing to report

CITY COUNCIL COMMENT

Councilor Dagel

- Asked for clarification of Ford's Pond maintenance agreement with the City. ***Councilor Whitaker will respond during his comment period.***
- Vehicles are speeding on Valentine St.

Councilor Whitaker

- The City is responsible for maintaining the park area and recreational facility per verbiage in resolutions. Several volunteers have been doing most of the maintenance.
 - Councilor Boggs – Initially, the City was not able to put any resources towards maintaining Ford's Pond and it was going to be up to the volunteers.
 - Councilor Whitaker – There's too much maintenance now for the volunteers to keep up with. Suggested the need for a Public Works employee spending the majority of their time at Ford's Pond.
- Parks Advisory Committee is collaborating with Community Development to develop a park at the property behind the Fire Department. An 'Open House' will be held at the Community Building on Thursday from 5-7 p.m. for community input.

Councilor Smalley

- Nothing to report

Councilor Groussman

- Suggested a Public Works employee meet with Ford's Pond volunteers to discuss an expected scope of work. ***Swan has weekly calls with Jim Houseman.***

Councilor Hamilton

- Excited about Music Off Central.
- Backside Brewery will have their beverage van in Central Park during Music Off Central.

Councilor Boggs

- Thanked Public Works for ODOT patching the holes on Fort McKay.

Mayor Sumner

- Nothing to report

PUBLIC COMMENT (Off Agenda Items)

- None

ADJOURNMENT

With no further business, meeting adjourned at 8:00 p.m.

Approved:

Jerry Gillham, City Manager

Respectfully submitted by,

Melanie Masterfield, Deputy City Recorder

Michelle Sumner, Mayor



PUBLIC HEARING





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

City of Sutherlin

STAFF REPORT					
Re: Public Hearing – Plan Amendment & Zone Change (Central Avenue Investments, LLC), Planning File No. 22-S007				Meeting Date:	7/11/2022
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Jamie Chartier, City Planner & Brian Elliott, Community Development Director				City Manager Review	<input type="checkbox"/>
Attachments: Public Notice, Maps, Planning Commission Staff Report					

WHAT IS BEING ASKED OF COUNCIL?

The Council will conduct a public hearing and receive written and oral testimony from parties in favor and/or opposition, as well as neutral comments for the above referenced application.

EXPLANATION

First evidentiary public hearing was held before the Planning Commission on May 24, 2022. Planning Commission declared parties and received written and oral testimony to this action. The public hearing was followed by a unanimous vote of the Commission to recommend that Council approve requested plan amendment (from Community Commercial to High Density) and zone change (from Community Commercial to Multifamily Residential), subject to reported findings of fact. Notice of the public hearing before Council was provided at least 20 days prior to the hearing, as required to Section 4.2.150.G of the Sutherlin Development Code. The subject 0.52 acre portion of land is located on E. Everett Avenue at its intersection with Waite Street, and is described as T25S, R5W, S16CC, Tax Lot 500; Property ID No. R42547, and is addressed as 0 E. Everett Avenue.

OPTIONS

1. Close the public hearing, or
2. Make a motion.

SUGGESTED MOTION(S)

N/A



City of Sutherlin

Community Development
126 E. Central Avenue
Sutherlin, OR 97479
(541) 459-2856
Fax (541) 459-9363
www.ci.sutherlin.or.us

NOTICE OF PUBLIC HEARING PLAN AMENDMENT & ZONE CHANGE – 0 E. EVERETT AVENUE

Date of Notice: June 21, 2022

NOTICE IS HEREBY GIVEN that the Sutherlin City Council will conduct a public hearing on **Monday, July 11, 2022 at 7:00 p.m.** in the Sutherlin Civic Auditorium, 175 E. Everett Street. The purpose of the public hearing is to take public testimony, either written or oral, while considering the following land use applications:

CENTRAL AVENUE INVESTMENTS, LLC, request for a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (CC) Community Commercial to (R-3) Multifamily Residential on a 0.52 acre property located on the north side of E Everett Avenue on the corner with Waite Street, inside the City of Sutherlin. The subject property is described as Tax Lot 500 in Section 16CC, T25S, R5W, W.M., and Property I.D. No. R42547. **PLANNING DEPARTMENT FILE NO. 22-S007.**

The application is being processed as a Type IV procedure, governed by the applicable Statewide Planning Goals and Oregon Administrative Rules, the Sutherlin Comprehensive Plan and Sections 4.8 and 4.11 of the Sutherlin Development Code. During the public hearing, the City Council will review the above-referenced application for conformance with the applicable criteria. The Sutherlin Planning Commission conducted a public hearing to review the above-referenced application on May 24, 2022 for conformance with the applicable criteria, and moved to forward a favorable recommendation to City Council to approve the request. On July 11, 2022, the City Council will conduct a public hearing to consider the proposed request and, after the public hearing, will make a decision on the matter.

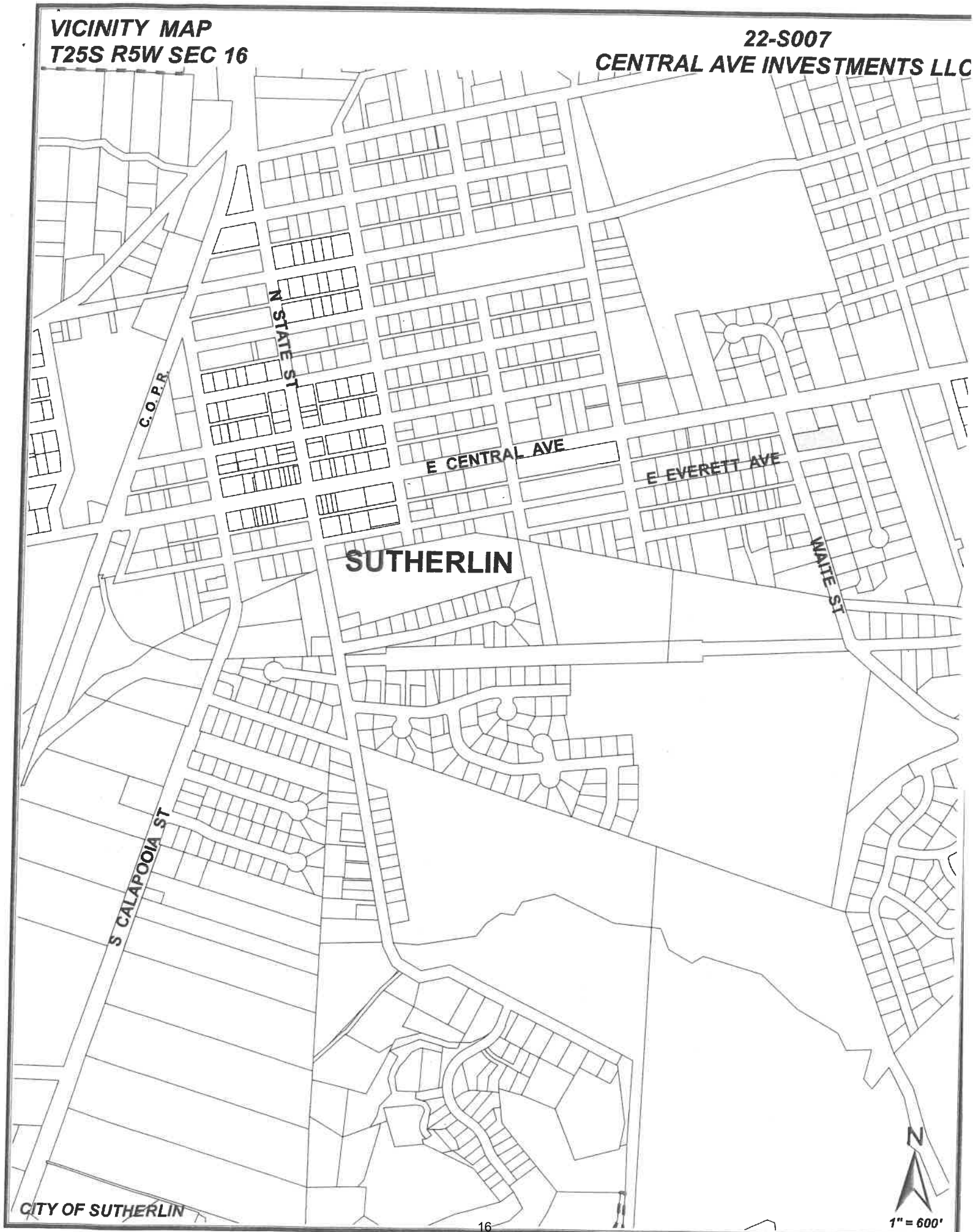
Pursuant to Sections 4.2.150.G of the Sutherlin Development Code, notice of this Type IV land use action before the City Council has been mailed to the applicant and property owners of the subject property, those persons or agencies who provided testimony during the Planning Commission proceedings, and those persons who requested notice of the Planning Commission recommendation. Written statements must contain the name, address and telephone number of the person filing the statement; how the person qualifies as a party; comments the party wishes to make concerning the application, and whether the person desires to appear and be heard at the hearing. Written statements must be filed with the Community Development Department, 126 E. Central Avenue, Sutherlin, Oregon, 97479, no later than 4:30 p.m. on July 11, 2022.

The public hearing will include presentations of the City staff and the applicant. Parties in support, opposition or with neutral comments will then be heard, as well as rebuttal by the applicant. Failure of an issue to be raised at the hearing, whether in writing or by oral testimony, or failure to provide statements or evidence in sufficient specificity to afford the City Council and parties an opportunity to respond to the issue, will preclude an appeal on that issue and may thereafter bar any legal standing in the event of an appeal.

A copy of the application and supporting documents and evidence, and the applicable criteria are available for inspection at no cost and copies can be provided at reasonable cost. The City Council staff report will be available for inspection at no cost at least seven days prior to the hearing and copies can be provided at reasonable cost. For more information on this application, please contact the Community Development Department at 541-459-2856 during normal business hours.

VICINITY MAP
T25S R5W SEC 16

22-S007
CENTRAL AVE INVESTMENTS LLC



E CENTRAL AVE

UNITED COMMUNITY
ACTION NETWORK

FIRST COMMUNITY
CREDIT UNION

CENTRAL AVE
INVESTMENTS LLC

DG STRATEGIC
II LLC

WAITE ST

CENTRAL AVE
INVESTMENTS LLC

BLAKELY

E EVERETT AVE

TOWNSEND

PINE MOUNTAIN
REV LIV TRUST

SCHNEIDER

SMITHEY

E CENTRAL AVE

WHITE ST

E EVERETT AVE

AREA OF PROPOSED
PLAN AMENDMENT (CC TO RA)
& ZONE CHANGE (CC TO R-3)

Legal Description

Lots thirteen (13), fourteen (14), fifteen (15) and sixteen (16), Mabel J. Aaby Subdivision and adjusted by survey M160-50 (3-19-2010), records of Douglas County, Oregon.



Community Development
126 E. Central Avenue
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City of Sutherlin

May 17, 2022

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **CENTRAL AVENUE INVESTMENTS, LLC**, request for a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (CC) Community Commercial to (R-3) Multifamily Residential on a 0.52 acre property located on the north side of E. Everett Avenue on the corner with Waite Street, inside the City of Sutherlin. The subject property is described as Tax Lot 500 in Section 16CC, T25S, R5W, W.M., and Property I.D. No. R42547. **PLANNING DEPARTMENT FILE NO. 22-S007.**

STAFF EXHIBITS

1. Notice of Public Hearing
2. DLCD Notice of Proposed Amendment with email of submittal
3. Copy of legal notice posted in the *News Review*
4. Property Owners within 100 Feet
5. Staff Report with Responses Attached and labels of mailing
6. Comprehensive Plan & Zone Change applications and attachments
7. Vicinity Map
8. Assessor Map
9. Comprehensive Plan Map
10. Zoning Map
11. Aerial Map

INTRODUCTION

The applicant, Central Avenue Investments, LLC, is requesting a Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (C-3) Community Commercial to (R-3) Multifamily Residential on a 0.52 acre property.

This staff report concerns a proposed Plan Amendment and Zone Change. Current law requires Planning Commission and City Council approval of any amendment to the Sutherlin Comprehensive Plan and Zoning Maps. The property owners request a Plan Amendment and Zone Change from a Community Commercial (CC) plan designation to a High-Density (RA) plan designation together with a change of current zoning from Community Commercial (C-3) to (R-3) Multifamily Residential on a parcel containing 0.52 acres to allow for future development of a multifamily dwelling development (6 unit complex). The subject property proposed for amendment is located on the east corner of Waite Street and E. Everett Avenue is in an area of mixed residential and commercially zoned properties. The subject property is described as Tax Lot 500 of Section 16CC, T25S, R05W, W.M.; Property ID No. R42547. The subject property is owned by the applicant who is making this request.

During the public hearing on May 24, 2022, the Planning Commission will accept public testimony and make a recommendation to City Council on the application after the public hearing. As part of the hearing, the Planning Commission will review the applicant's request for compliance with the Statewide Planning Goals and the general goals and policies of the Sutherlin Comprehensive Plan and the applicable criteria of the Sutherlin Development Code (SDC) and adopt Findings of Fact.

After the public hearing, the Planning Commission must make a written recommendation and forward it to the City Council in the form of a Findings of Fact and Decision document, which justifies its decision and recommendation. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the request.

PROCEDURAL FINDINGS OF FACT

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on March 30, 2022, and were deemed complete on April 19, 2022.
2. DLCD Notice of Proposed Amendment was electronically submitted to the Department of Land Conservation and Development on April 19, 2022, which was at least 35 days prior to the first evidentiary public hearing on May 24, 2022.
3. Pursuant to Sections 4.2.140.C and 4.2.150.D, notice of the public hearing was given by publication in the News Review on May 10, 2022, which was at least fourteen (14) days prior to the date of the public hearing.
4. Notice of a Public Hearing on an application for the Comprehensive Plan Map Amendment and Zone Map Change before the Planning Commission was given in accordance with Sections 4.2.140.C and 4.2.150.D. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on April 20, 2022.
 - a. Sarah Bermudez, Fair Housing Council of Oregon submitted an email stating that they would like to receive a copy of the staff report when its available.

- b. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.
5. Present Situation: The subject property is currently undeveloped.
6. Plan Designation: Community Commercial. The applicant is requesting a plan map amendment to the High Density plan designation.
7. Zone Designation: Community Commercial (C-3). The applicant is requesting a zone map amendment to the Multifamily Residential (R-3) zoning designation.
8. Public Water: The subject property has access to public water from the City of Sutherlin within the right-of-way of E. Everett Avenue.
9. Sanitary Sewer: The subject property has access to sanitary sewer from the City of Sutherlin within the right-of-way of E. Central Avenue.
10. Transportation System: E. Everett Avenue where it fronts the subject property is designated a local street under the City's Transportation System Plan (TSP).
11. Overlay: The subject property does not have any identified overlays.

Finding: The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Comprehensive Plan Map Amendment and Zone Map Change.

APPLICABLE CRITERIA & FINDINGS

Pursuant to Section 4.11.110.C of the Sutherlin Development Code, the proposed amendment to the land use plan's text or map must be (1) consistent to the applicable statewide planning goals as adopted by the Land Conservation and Development Commission (LCDC), and (2) consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.

Based upon the application materials and information submitted by the applicant and other evidence provided, staff presents the following findings to address the applicable criteria:

CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

1. **Goal 1- Citizen Involvement:** To provide for widespread citizen involvement in the planning process, and to allow citizens the opportunity to review and comment on proposed changes to comprehensive land use plans prior to any formal public hearing to consider the proposed changes.

Finding: Statewide Planning Goal 1 requires cities and counties to create and use a citizen involvement process designed to include affected area residents in planning activities and decision-making. Since acknowledgement of the City's Comprehensive Plan, the Sutherlin Planning Commission has been responsible for ensuring continued citizen involvement in planning matters and land use decisions. On April 20, 2022, City staff mailed copies of a Notice of Public Hearing to all owners of property within 100 feet of the subject property. The same notice was published in the News-Review, a local newspaper of general circulation, on May 10, 2022. Written evidence relied on by the land use decision-making bodies (i.e. the applications and supporting material) was available for public review at Sutherlin City Hall seven

days prior to the first public hearing. Sutherlin has fulfilled its citizen involvement process through early direct notification of nearby property owners, publication of a public hearing notice and contact information in the newspaper, and by facilitating informed public participation during the public hearing itself.

2. **Goal 2- Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.

Finding: Sutherlin's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's Comprehensive Plan and implementing ordinances provide the local criteria by which Applicant's request was judged. The subject property is within the Sutherlin City Limits Boundary, no exception to statewide planning goals is necessary.

3. **Goal 3- Agricultural Lands:** To preserve and maintain agricultural lands.
4. **Goal 4- Forest Lands:** To conserve forest lands for forest by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land....

Finding: The subject property proposed for amendment is currently designated CC by the City of Sutherlin Comprehensive Plan and is zoned C-3. The subject property is not agricultural or forest land as defined by Statewide Goals 3 and 4. The property is situated within the urban area and has been designated for urban use by the Sutherlin Comprehensive Plan. The proposed amendment does not involve the conversion of designated farm or forest land to urban use. Statewide Goals Nos. 3 and 4 are not applicable to this requested amendment.

5. **Goal 5- Open Spaces, Scenic and Historic Area, and Natural Resources:** To conserve open space and protect natural and scenic resources.

Finding: Statewide Planning Goal 5 requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Goal 5 requires local governments to inventory natural resources such as wetlands, riparian corridors, and wildlife habitat. In addition, Goal 5 encourages local governments to maintain current inventories of open spaces, scenic views and sites, and historic resources. Significant sites must be identified and protected according to Goal 5 rules contained in the Oregon Administrative Rules, Chapter 660, Division 23.

Goal 5 resources within Douglas County and the City of Sutherlin have previously been inventoried and evaluated, and the City has completed a Local Wetlands Inventory. The property contains no known wetlands, riparian corridor or significant wildlife habitat. No known historic or cultural resources exist on the site, and the property contains no open spaces or scenic areas as identified by the City of Sutherlin. The elevation of the property puts it well outside the flood plain of any area streams.

6. **Goal 6- Air, Water and Land Resource Quality:** To maintain and improve the quality of air, water and land resources of the state.

Finding: Statewide Planning Goal 6 requires that waste and process discharges from future development combined with that of existing development do not violate State or Federal environmental quality regulations. Rezoning the subject parcel to R-3 is not expected to result in any additional development with

the typical associated waste stream characteristics. The proposed R-3 zoning is an acknowledgement of the existing development pattern near the subject property and surrounding area and its suitability for residential zoning due to its proximity to other R-2 and other R-3 zoned property and the clear need for more housing units as demonstrated in the housing needs analysis. Any further development of the property will undergo the required City of Sutherlin site development review process which will help assure that future waste streams that occur will be no more adverse to the environment and the City's treatment capacity than would be the case under the current zoning.

The City has regulations in place to control the generation and disposal of commercial wastes. The site is not currently served by City water and sewer services, but these services are available. However, the proposed rezoning is not expected to have any deleterious effects on the quality of the air, water, or land resources of the State. Existing state, federal, and local land use and environmental standards will be sufficient to ensure that subsequent land use activities at the subject site will be conducted in a manner that is consistent with, and will achieve the purpose of Goal 6.

7. **Goal 7- Areas Subject to Natural Disasters and Hazards:** To protect life and property from natural disasters and hazards.

Finding: The site is flat and is not within a special overlay zone or in an area that is designated as susceptible to flooding or other natural hazards. Any new development on the site will comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property rendering the request consistent with Goal 7.

8. **Goal 8- Recreational Needs:** To satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreation facilities including destination resorts.

Finding: The subject property has not been designated by the City of Sutherlin as land needed to meet the recreational needs of the citizens of, or visitors to, the state of Oregon. The property is currently zoned for commercial use and has no special geographic or natural advantages for recreational use, therefore the requested amendment does not conflict with Goal 8.

9. **Goal 9- Economic Development:** To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The subject property is currently inside the city limits and planned and zoned for commercial development. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future economic development in the area is enhanced as discussed below in more detail under the local planning policies. The application for Plan Amendment and Zone Change affects 0.52 acres of land and conversion of said land will go from commercial to residential in order to offer more housing units which will in turn potentially allow more residents to see employment opportunities locally allow the Sutherlin community to be more economically stimulated. Originally this unit of land was zoned residential and in 2001 went through the Plan Amendment and Zone Change process to its current plan and zone. With this being stated, commercial development was never proposed or constructed on the subject property. By going through this process it will have some positive impact on the housing market to support the economic development and is therefore consistent with Goal 9.

10. **Goal 10- Housing:** To provide for the housing needs of citizens of the State.

Finding: The 0.52 acres is currently designated CC by the Sutherlin Comprehensive Plan and is zoned C-3 for commercial uses. The property is currently vacant of structural development. There is no existing commercial operation being conducted on the property. The City has a buildable lands inventory that was adopted in 2005 which states the following, in relevant parts, *“The ECO Northwest Buildable Lands Inventory (June 2005) finds that Sutherlin’s Urban Growth Boundary had a total housing capacity of 1,214 dwelling units in 2005. Based on the current mix of zoning, approximately 372 of the units could be accommodated in the Medium Density (9 units per acre) and High Density Residential (15 units per acre) zones; another 423 units in the Low Density Residential (5 units per acres) zone; and 419 units in the Hillside Residential (2 units per acre) zone. The distribution appears to be consistent with Sutherlin’s housing mix, which contained approximately 72 percent owner-occupied (single-family) housing in 2000. (US Census, Table DP-1) This high proportion of single-family housing is, in part, a reflection of Sutherlin’s place in the regional housing market...to accommodate a population of 12,878, the City of Sutherlin needs an additional 256 acres of buildable land for housing, and another 90 acres for streets, parks, school sites, and other public and institutional uses. The total shortfall of residential lands through the 2025 planning period is 345 acres. The shortage beyond 2025 is estimated to be 741-1,753 acres at different growth benchmarks.* The BLI for the City of Sutherlin illustrates a clear need for more housing units and; therefore, the subject application is consistent with the findings in the BLI and will help the City accomplish the underlying goal and intent of the analysis. The aforementioned analysis demonstrates a full need for residential zoning due to a housing shortage that will be evident by the year 2025. The application for Plan Amendment and Zone Change will have no significant impact on the current inventory of land needed for residential development and is consistent with Goal 10.

Finding: The proposal submitted would allow the property to go back to its original plan and zone prior to 2001 when a plan amendment and zone change was approved, taking it to Commercial. These applications if approved would allow the subject property to be zoned at a higher density. Thus, allowing for more housing within the city limits and help with the need for residential housing. The property owner/developer has stated within the applications that the intent is to construct a six-unit residential complex. This application is consistent with Goal 10 and will benefit the needs of the citizens.

11. **Goal 11- Public Facilities and Services:** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The subject property is within Sutherlin City Limits. The lands are not currently served by City water and sewer services. Applicant proposes at most, a six-unit residential complex on the total 0.52 acre ownership referenced in the introduction as a result of this proposal. Applicant has fully coordinated with the City regarding public facilities to assure adequate services. The City has dictated that water can be facilitated directly to the south off of E. Everett Avenue. Onsite sanitation will be provided as required by the City via an existing 6” line that travels south from Central Avenue to the subject property. The City will review the specific development plans for the site to determine any additional infrastructure requirements. The City will assure both capacity and ability to provide the required level of public facilities, as available, with sufficient infrastructure investment on the part of the owners. It can be expected that the property will be served by city water and sewer in the future, as well as other necessary public utilities. The proposed amendment affecting the subject property is not in conflict with Goal 11.

12. **Goal 12- Transportation:** To provide and encourage a safe, convenient and economic transportation system.

Finding: The statewide transportation goal is generally intended to be applied on a city-wide basis. Specific transportation-related policies and development standards are included within the Sutherlin Comprehensive Plan and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility".

In order to ensure that a proposed land use change complies with the requirements of the Transportation Planning Rule, the City of Sutherlin has adopted the following standards for Plan Amendment applications:

- “(1) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.
 - (a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.”
 - (b) The jurisdiction providing direct access (County or ODOT) may require the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).

The functional classifications of transportation facilities within the City of Sutherlin Transportation System Plan (TSP) are identified on Page 4-11 of that document. There is one street identified as E. Everett Avenue under the TSP that is part of this proposal. E. Everett Avenue is designated a “Local Street” along the frontage of the total property. According to the City of Sutherlin TSP, *“the function of local streets is to provide access to private dwellings and businesses. Local streets should focus on serving passengers cars, bicycles and pedestrians. Oregon’s Transportation Planning Rule requires bicycle lanes along most local roads. Generally, local streets have two lanes and can include parking on one or both sides. Transit and heavy truck traffic are generally discouraged from using local streets. The standard minimum right of way for local streets in Sutherlin is 56 feet with a minimum pavement width of 36 feet.”*

As previously noted, the subject 0.52 acre site is situated on the north side of the City road with a direct access onto the street. E. Everett Avenue is improved to a two-lane paved street with curbs/gutters and sidewalks (on the north side) where it fronts the subject property. The property will continue to have direct access to the identified street upon completion of the proposed development of the site. At the present time, the public roads in the area are and have been adequate to accommodate existing traffic volumes generated by the use on the properties along E. Everett Avenue.

E. Everett Avenue is on the corner with Waite Street, directly south of E. Central Avenue. The street is entirely within the city limits, and they maintain full jurisdiction over it. Applicant has fully coordinated the proposed development with all jurisdictions.

The Planning Commission finds that the map amendments will not cause a change in the existing level of service of the area road system. Further, existing development standards in place in the City of Sutherlin Development Code will help to insure any future residential development approval of the property and its

associated impacts will be in compliance with the TSP and IAMP. The requested amendment meets the requirements of Goal 12

13. **Goal 13- Energy Conservation:** To conserve energy.

Finding: Statewide Planning Goal 13 requires that land uses shall be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. The subject property is currently vacant of structural development and any future residential development on the property will be completed under City standards for the specific use. The proposed map amendment includes changing the zoning on the property from C-3 to R-3 in conformance with the requested RA plan designation under the City of Sutherlin Comprehensive Plan. The 0.52 acre property will also be subject to development standards and building codes that provide for a minimum level of energy efficiency. The proposal is consistent with principles of efficient land use and energy efficiency and Goal 13.

14. **Goal 14- Urbanization:** To provide for an orderly and efficient transition from rural to urban land use.

Finding: The subject property is located within the Sutherlin City Limits and is currently designated by the City of Sutherlin as urban commercial land. The state has previously acknowledged the lands within Sutherlin as being in compliance with Goal 14.

COMPLIANCE WITH CITY OF SUTHERLIN DEVELOPMENT CODE CRITERIA

Sections 2.2.100 of the Sutherlin Development Code (Residential Districts) provide the development criteria for residential uses and structures within the City of Sutherlin. The proposed residential development of the subject property will comply with all development standards set out in the requested R-3 zone. The purpose of the proposed amendment is to allow development of the site with uses not currently allowed under the present C-3 zoning. The proposed residential development will comply with all development standards of the requested R-3 zone.

Finding: The Commission finds that the proposed residential development on the subject property will be in substantial compliance with the Development Code for the City of Sutherlin. The proposed amendment will change the planned development and use on the subject property. The Plan Amendment and Zone Change are in satisfactory compliance with the City of Sutherlin Development Code.

Section 4.11.110.C of the Sutherlin Development Code (*Zone Changes and Annexations*) provides the following criteria for approving a Zone Change:

“The planning commission’s recommendation and the city council’s decision shall be based on the following approval criteria”:

- 1. The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and*
- 2. The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

City Zone Change Criteria #1: The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.

Finding: Findings for the statewide planning goals adopted by Department of Land and Conservation and Development (DLCD) are addressed on an individual basis in previous section of this document. Each of the applicable goals contains findings of compliance, and no exceptions to those goals are proposed. The Plan Amendment and Zone Change satisfy the statewide planning goals.

City Zone Change Criteria #2: The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.

Housing Element Conformance

Housing Element Policy C3: *Ensure that city ordinances provide the maximum opportunity for a variety of housing types by using innovative residential development techniques such as planned unit development and cluster development:*

Finding: The subject application is consistent with the vision of this particular policy. The subject property is smaller shaped and the property owner intends to maximize its potential by building out at maximum a six-unit complex which falls in line with the intent of Sutherlin Housing Element Policy C3 (innovative residential development techniques in order to accomplish facilitating more housing units to the Sutherlin area). The City of Sutherlin recently completed an adjustment of the city limits and urban growth boundary, including an exchange of lands for both residential and commercial uses. The City determined that there is 2,211.96 acres of residentially zoned land (54% of lands within the city) and 250.52 acres of commercially zoned land (6% of lands within the City). The 2005 Buildable Lands Inventory anticipates a need for 1,221 additional dwelling units, as shown on Table 2 (Eco Northwest) and the City's 2005 twenty-year supply of residential land is insufficient to accommodate the population forecast in order to facilitate to such a need. The proposed residential development will allow the full 0.52 acres to be utilized in a residential capacity. The development of this site is consistent with the need for more dwelling units in the Sutherlin area as set out in the BLI and the most recent City findings and analysis referenced in the urban growth boundary adjustments for Sutherlin.

Public Facilities Plan Conformance

Policy A1: *The City shall ensure that appropriate support systems are installed prior to or concurrent with the development of a particular area. Costs of constructing water and sewer ties to new developments shall be borne by the developer.*

Policy A14: *Ensure that as new development occurs, public facilities and services to support the development are available or will be available within a reasonable time.*

Policy A20: *New development, including but not limited to subdivisions, residential or commercial, or industrial construction, should be responsible for constructing, paying for, or depositing funds for an improved street with curbs, gutters, sidewalks, as well as sewer, water, storm drainage facilities, fire hydrants, and street lights, in addition to all utilities.*

Finding: The purpose of the Zone Change is to facilitate new residential use of the subject property according to the standards prescribed in the R-3 zone. The subject property is within the City of Sutherlin. There are existing water and sewer lines located near the subject property. Sewer can be facilitated from a six-inch line coming from the north (E. Central Avenue) and water can be facilitated directly off E. Everett Avenue. The property owners/developers will be responsible for installing any future infrastructure dictated by future development on the property as appropriate in accordance with the Public Facilities Plan and the Sutherlin Development Code.

The Plan Amendment and Zone Change will not create additional need for public facilities at this time (beyond the typical extensions on to the subject property in conjunction with residential utilities facilities that will serve the proposed six-unit complex). Any improvements for those public facilities necessary as a result of future residential development at the site will require the property owners/developer to participate in funding those improvements. The extent to which public facilities and services are required to serve the

property will be determined at the time a specific development proposal is reviewed. The requested Plan Amendment and Zone Change are consistent with the Public Facilities Plan.

Land Use Element Conformance

Land Use Policy A1: *Conversion of urbanizable land to urban uses shall be based on consideration of:*

- A. Orderly, economic provision for public facilities and services;*
- B. Availability of sufficient land of various use designations to ensure choices in the marketplace;*
- C. Conformance with statewide planning goals; and*
- D. Encouragement of development within urban areas before conversion of non-urban areas.*

Land Use Policy A2: *Work toward development of “open” lands identified as suitable for development within the existing city limits before annexing additional lands.*

Finding: The subject property is inside Sutherlin’s city limits. The property has commercial zoning adjacent to the north and east which is consistent with property being directly off a main road (E. Central Avenue). The subject property is located away from E. Central Avenue and a commercial designation is not appropriate. The subject property is otherwise surrounded by residential type zoned properties. As discussed previously under *Consistency with the Statewide Planning Goals*, public facilities and services are readily available to the site except as noted. Also, the property is located in immediate proximity to the other R-2 zoning to the west and R-3 zoning to the south. The proposed R-3 zoning will support the proposed residential uses on the site.

The subject property and surrounding properties, as mentioned above, are currently designated commercial and residential land in the Comprehensive Plan. Applicant proposes to change the existing CC designations to RA on 0.52 acres to allow high density residential development of the property. Applicant has also submitted a Zone Change request to allow implementation of the proposed RA plan designation via the R-3 zone. The Zoning Map amendment to R-3 will be consistent with the requested RA plan designation.

Finding: The proposed Plan Amendment and Zone Change will conform to the Sutherlin Comprehensive Plan, including the land use map and written policies.

CONCLUSION

City Staff recommends that the Planning Commission forward a recommendation for approval to the Sutherlin City Council of the requested Comprehensive Plan Map Amendment from Community Commercial to High Density and Zone Map Change from (C-3) Community Commercial to (R-3) Multifamily Residential on the subject 0.52 acre property.

ACTION ALTERNATIVES

1. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Plan and Zoning Map amendments.
2. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Plan and Zoning Map amendments with specified **conditions**.
3. Pass a motion to **continue the public hearing** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal.
4. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend denial** of the requested Plan and Zoning Map amendments on the grounds that the proposal does not satisfy the applicable approval criteria.

N:\Planning\2022 Land Use\22-S007 CENTRAL AVE INVESTMENTS - PA & ZC\22-S007_Central Ave Investments_PAZC_PC staff report.docx



COUNCIL BUSINESS





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

City of Sutherlin

STAFF REPORT					
Re: Resolution No. 2022.09 – Sutherlin Sanitary Service Amendment - Rates				Meeting Date:	July 11, 2022
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Tami Trowbridge, Finance Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Resolution 2022.09 w/ Exhibit A, and Current Rates					

WHAT IS BEING ASKED OF COUNCIL?

Staff is asking Council to consider approving Resolution No. 2022.09 – Sutherlin Sanitary Service rate adjustment.

EXPLANATION

Ordinance No. 1040 requires that any change to the fee schedule for Sutherlin Sanitary Service be adopted by resolution. Therefore, the attached resolution is here for your consideration.

OPTIONS

To approve as presented, approve with revisions, or to not approve.

SUGGESTED MOTION(S)

Motion to approve (amend or not approve) Resolution No. 2022.09 as presented.

SUTHERLIN**Residential**

	Per Dump	Per Month
35 Gallon		\$26.00
65 Gallon		\$33.50
65 Gallon On Call	\$8.50	
65 Gallon On Call Rental		\$1.75
95 Gallon		\$41.00
Lock/Gate		\$10.00

Commercial

	Per Month
1.0 Cubic Yard	\$97.50
1.5 Cubic Yard	\$146.25

Drop Boxes

15 Yard		20/30 Yard	
Set Down	\$135.00	Set Down	\$135.00
1.0 Ton Minimum	\$103.40	2.0 Ton Minimum	\$206.80
Base Price*	\$238.40	Base Price*	\$341.80

Mileage Fee **\$4/Mile for anything beyond Sutherlin City Limits**

*Base price includes either 1.0 or 2.0 tons of material, depending on box size. Anything over the included tonnage is charged at \$103.40 per ton.

*Base price includes 1 week of rental. Rental longer than 1 week is charged at \$10.00/day and must be arranged prior to reservation.

Temporary Containers

	Per week/dump
1.5 Cubic Yard	\$80.00
3.0 Cubic Yard	\$150.00
Mileage Fee	\$2/Mile for anything outside of Sutherlin City Limits

Listed prices are per dump.

RESOLUTION NO. 2022.09

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
FEE SCHEDULE FOR SUTHERLIN SANITARY SERVICE**

WHEREAS, pursuant to Section 9 of Sutherlin Sanitary Franchise Agreement (Ordinance No. 1040) changes in fees must be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Sutherlin approves the amended fee schedule for garbage collection. Increases are due to inflationary operational costs. The amended rate schedule is attached as Exhibit “A”: and made part of this resolution. This amendment is to take effect September 1, 2022.

PASSED BY THE COUNCIL, ON THIS _____ DAY OF _____, 2022

APPROVED BY THE MAYOR, ON THIS _____ DAY OF _____, 2022

Michelle Sumner, Mayor

ATTEST:

Melanie Masterfield, Deputy City Recorder

2022-

PROPOSED RATES

8.6% Increase

SUTHERLIN**Residential**

	Per Dump	Per Month
35 Gallon		\$28.25
65 Gallon		\$36.25
65 Gallon On Call	\$9.00	
65 Gallon On Call Rental		\$1.75
95 Gallon		\$44.50
Lock/Gate		\$10.75

Commercial

	Per Month
1.0 Cubic Yard	\$105.75
1.5 Cubic Yard	\$158.75

Drop Boxes

15 Yard		20/30 Yard	
Set Down	\$146.50	Set Down	\$146.50
1.0 Ton Minimum	\$103.40	2.0 Ton Minimum	\$206.80
Base Price*	\$249.90	Base Price*	\$353.30

Mileage Fee **\$4/Mile for anything beyond Sutherlin City Limits**

*Base price includes either 1.0 or 2.0 tons of material, depending on box size. Anything over the included tonnage is charged at \$103.40 per ton.

*Base price includes 1 week of rental. Rental longer than 1 week is charged at \$10.75/day and must be arranged prior to reservation.

Temporary Containers

	Per week/dump
1.5 Cubic Yard	\$86.75
3.0 Cubic Yard	\$162.75
Mileage Fee	\$2/Mile for anything outside of Sutherlin City Limits

Listed prices are per dump.



126 E. Central Avenue
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City of Sutherlin

STAFF REPORT					
Re: Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC), Planning File No. 22-A007				Meeting Date:	7/11/2022
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Jamie Chartier, City Planner and Brian Elliott, Community Development Director				City Manager Review	<input type="checkbox"/>
Attachments: Ordinance, Exhibit A (Legal Description), B (Maps), C (Findings of Fact)					

WHAT IS BEING ASKED OF COUNCIL?

Consider approval of first reading of Ordinance for Central Avenue Investments, LLC Plan Amendment and Zone Change (Planning File No. 22-S007).

EXPLANATION

This ordinance formally approves the plan map (from Community Commercial to High Density) and zoning map (from Community Commercial to Multifamily Residential) amendment requested by the property owner. The subject 0.52 acre portion of land is located on E. Everett Avenue and is described as T25S, R5W, S16CC, Tax Lot 500; Property ID No. R42547, and is addressed as 0 E. Everett Avenue.

The application received recommendation for approval from the Planning Commission after a public hearing held May 24, 2022. A second public hearing was held before City Council prior to the reading of this ordinance.

OPTIONS

1. Approve the first reading of Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC);
2. Approve the first reading of Ordinance - Plan Amendment & Zone Change (Central Avenue Investments, LLC) with amendments; or
3. Not approve the first reading of Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC).

SUGGESTED MOTION(S)

1. Approve the first reading of Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC);
2. Approve the first reading of Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC) with amendments; or
3. Not approve the first reading of Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC).



City of Sutherlin

Administration
126 E. Central Avenue
Sutherlin, OR 97479
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NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF SUTHERLIN COMPREHENSIVE PLAN MAP AND ZONING MAP TO AMEND THE COMPREHENSIVE PLAN MAP FROM COMMUNITY COMMERCIAL TO HIGH DENSITY, CONCURRENT WITH A ZONING MAP CHANGE FROM COMMUNITY COMMERCIAL (C-3) TO MULTIFAMILY RESIDENTIAL (R-3) FOR PROPERTY DESCRIBED AS TAX LOT 500 IN SECTION 16CC OF T25S, R05W. THE SUBJECT 0.52 ACRE PROPERTY IS LOCATED AT 0 E. EVERETT AVENUE AND DESCRIBED HERIN.

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

**FIRST READING: MONDAY, JULY 11, 2022 @ 7PM
SECOND READING (if first reading approved):
MONDAY, AUGUST 8, 2022 @ 7PM
CIVIC AUDITORIUM - 175 E. EVERETT AVENUE**

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

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

Posted this day, July 7, 2022
By Melanie Masterfield
Deputy City Recorder

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF SUTHERLIN COMPREHENSIVE PLAN MAP AND ZONING MAP TO AMEND THE COMPREHENSIVE PLAN MAP FROM COMMUNITY COMMERCIAL TO HIGH DENSITY, CONCURRENT WITH A ZONING MAP CHANGE FROM COMMUNITY COMMERCIAL (C-3) TO MULTIFAMILY RESIDENTIAL (R-3) FOR PROPERTY DESCRIBED AS TAX LOT 500 IN SECTION 16CC OF T25S, R05W. THE SUBJECT 0.52 ACRE PROPERTY IS LOCATED AT 0 E. EVERETT AVENUE AND DESCRIBED HEREIN.

The City Council of the City of Sutherlin finds that:

A. Central Avenue Investments, LLC submitted application(s) for a Comprehensive Plan Map and Zoning Map amendments to amend the existing Comprehensive Plan and Zoning designations for property identified within Douglas County Assessor Records as Tax Lot 500 in Section 16CC of Township 25 South, Range 5 West. The subject property is further described in Exhibit A attached hereto and incorporated herein.

B. The Sutherlin Planning Commission held a properly noticed public hearing on September 21, 2021 to consider the applicant's request. Following the public hearing, the Planning Commission passed a motion to recommend that the City Council approve the proposed Comprehensive Plan Map and Zoning Map amendments.

C. Pursuant to Section 4.2.150.G of the Sutherlin Development Code, notice of a public hearing before the City Council was given, and the public hearing on the requested Comprehensive Plan Map and Zoning Map amendments was conducted on May 24, 2022.

D. The proposed amendments to the Sutherlin Comprehensive Plan Map and the Sutherlin Zoning Map to implement the requested zone changes are found to be consistent with the Statewide Planning Goals and in conformance with the Sutherlin Comprehensive Plan. The City Council also finds that the site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area. The findings supporting these decisions are attached as Exhibit B hereto.

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. The Sutherlin Comprehensive Plan Map is hereby amended to change the Comprehensive Plan designation of the real property identified as all or a portion of Tax Lot 500 in Section 16CC of Township 25 South, Range 5 West, and more particularly described and depicted in Exhibit A.

Section 2. The Sutherlin Zoning Map is hereby amended to reconfigure the zoning designations of the real property identified as all or a portion of Tax Lot 500 in Section 16CC of Township 25 South, Range 5 West, more particularly described and depicted in Exhibit A.

Section 3. The City Council adopts the Findings of Fact and Decision Document (Exhibit B) as their own and the Sutherlin Comprehensive Plan Map and the Sutherlin Zoning Map shall be revised to depict the adopted amendments.

PASSED BY THE COUNCIL ON THIS ____ DAY OF ____, 2022.

APPROVED BY THE MAYOR ON THIS ____ DAY OF ____, 2022.

Michelle Sumner, Mayor

ATTEST:

Melanie Masterfield, Deputy City Recorder

Legal Description

Lots thirteen (13), fourteen (14), fifteen (15) and sixteen (16), Mabel J. Aaby Subdivision and adjusted by survey M160-50 (3-19-2010), records of Douglas County, Oregon.



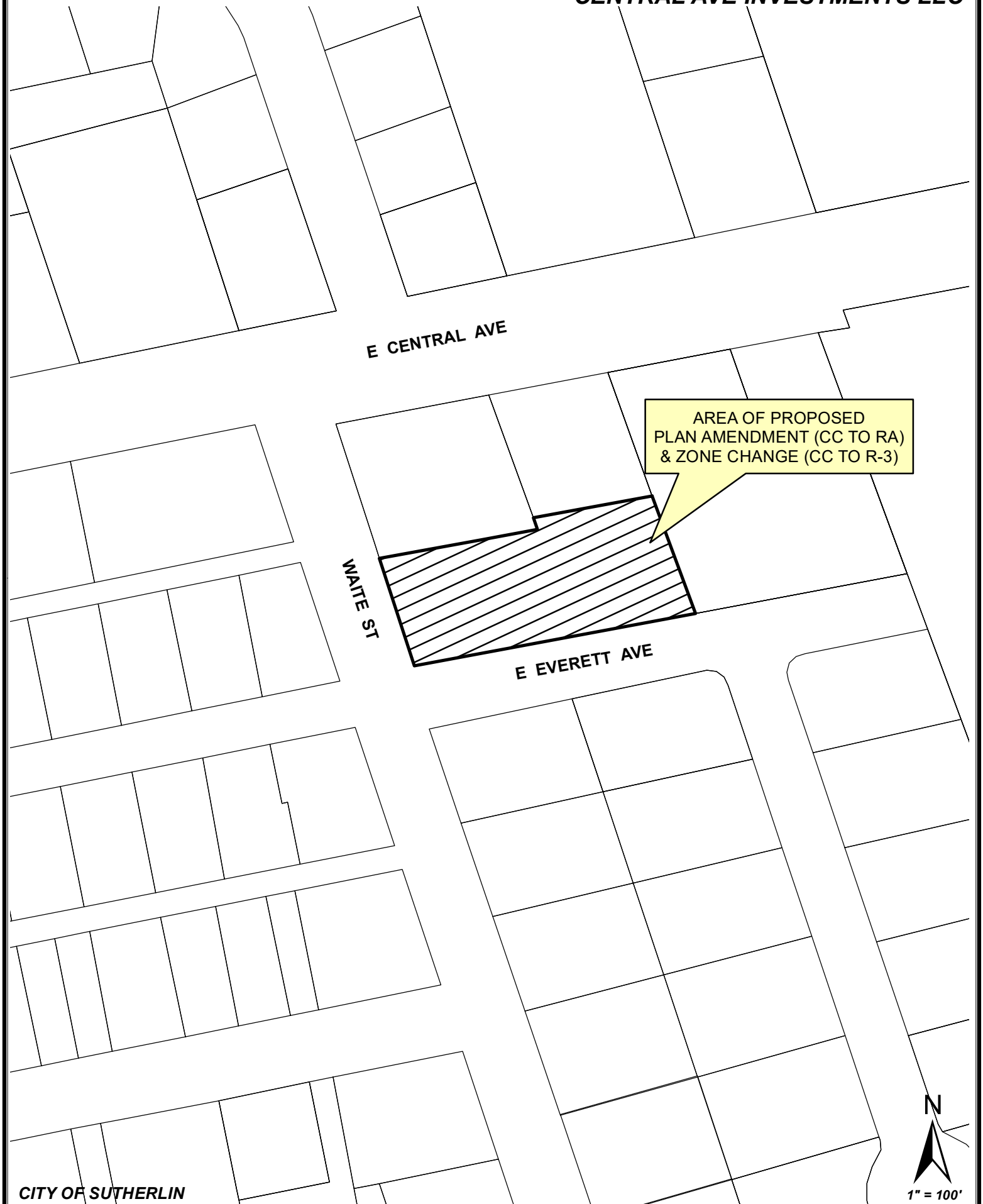


EXHIBIT C

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for a Plan Map
Amendment and Zone Map Change for a parcel
located on the corner of Waiter Street and E
Everett Avenue and identified by the Douglas
County Assessor as T25S, R5W, S16CC, Tax
Lot 500, Property ID No. R42547
Property owner: Central Avenue Investments,
LLC

] **FINDINGS OF FACT AND DECISION**
] Applicant: Central Avenue Investments, LLC
] Subject: Plan Amendment and Zone Change
] File No.: 22-S007
]
]
]

PROCEDURAL FINDINGS OF FACT

1. The Comprehensive Plan Map Amendment and Zone Map Change applications were filed with the City on March 30, 2022 and were deemed complete on April 19, 2022.
2. DLCD Notice of Proposed Amendment was submitted electronically to the Department of Land Conservation and Development on April 19, 2022 which was at least 35 days prior to the first evidentiary public hearing on May 24, 2022. DLCD did not provide comments on the application.
3. Pursuant to Sections 4.2.140.C and 4.2.150.D of the Sutherlin Development Code, notice of the public hearing was given by publication in the *News Review* on May 10, 2022, which was at least fourteen (14) days prior to the date of the public hearing.
4. Notice of a Public Hearing on an application for the Comprehensive Plan Map Amendment and Zone Map Change before the Planning Commission was given in accordance with Sections 4.2.140.C and 4.2.150.D. Notice was sent to affected property owners of record within 100 feet of the subject property, service providers, and governmental agencies on April 20, 2022. One (1) written comment was received.
5. The Planning Commission held a public hearing on this matter on May 24, 2022.
6. At the public hearing on May 24, 2022, there were no declarations of ex parte contact or other conflicts of interest made by the Planning Commission. No objections were raised and the Commission was qualified to hear the matter.
7. The Planning Commission declared the following as parties to the hearing:
 - a. Fair Housing Council of Oregon, Sarah Bermudez
8. Reference was made to the May 17, 2022 Staff Report, and findings of fact addressing conformance to the applicable criteria of the Statewide Planning Goals, the applicable goals and policies of the Sutherlin Comprehensive Plan, and the applicable criteria of the Sutherlin Development Code.
9. Planning Staff presented the Staff Report dated May 17, 2022 and entered Staff Exhibits 1-11 into the record.

10. Planning Staff referred to the emailed concerns that were raised by the Fair Housing Council of Oregon. To address the concerns, staff explained that the proposed application to a high density comprehensive plan and zone designation would allow the property owner to develop the property at a multifamily level, where as it is today is not an option. Sutherlin (and most of Douglas County) are facing a housing shortage, this would help alleviate the lack of houses in the community and also Sutherlin has minimal multifamily residential zoned property that is buildable.
11. The representative for the applicant and titleholder, Thomas McIntosh, concurred with the Staff Report submitted via an emailed response.
12. The Planning Commission provided an opportunity for clarifying oral testimony about the requested plan amendment and zone change. No persons were present.
13. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in favor and in opposition to the application. No persons were present.
14. The Planning Commission provided opportunity to receive clarifying questions and oral testimony in rebuttal to the application. No testimony was given.
15. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

FINDINGS OF FACT RELATED TO DECISION

1. The Planning Commission expressed no objections to the proposed Comprehensive Plan Map and Zoning Map Amendments.

FINDINGS OF FACT

Finding No. 1. The Planning Commission finds the subject property is designated Community Commercial in the Sutherlin Comprehensive Plan and zoned Community Commercial (C-3) in the Sutherlin Development Code.

Finding No. 2. The Planning Commission adopts by reference the findings of the Staff Report dated May 17, 2022.

Finding No. 3. The Planning Commission finds, based upon the staff report, application materials and testimony (email) provided, that the requested Comprehensive Plan Map amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) is consistent with the applicable Statewide Planning Goals, and that no exceptions to the goals were proposed.

Finding No. 4. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested plan map and zoning map amendment is consistent with the applicable general goals and policies of the Sutherlin Comprehensive Plan and its implementing ordinances, including those related to Natural Features, Population, Air Water and Land Resource Quality, Natural Hazards, Recreational Needs, Economy, Housing, Public Facilities and Services, Transportation System, including Pedestrian and Bicycle Transportation, Energy Conservation and Land Use and Urbanization.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and the (emailed) testimony provided, that the proposed amendment is consistent with the applicable criteria of Section 4.11 [Amendments] and Section 4.8 [Zoning Amendments] of the Sutherlin Development Code. The applicant has demonstrated consistency with the Comprehensive Plan, including inventory documents and facility plans. Public facilities and services are available, but currently do not serve the subject property.

Finding No. 6. The Planning Commission further finds that the applicant has demonstrated that the most intense uses and density that would be allowed outright in the proposed R-3 zone, considering the existing residential and commercial development in the area, can be or are already served by the orderly extension of urban services, and that the proposed amendment is consistent with OAR 660-012-0060.

Finding No. 7. The Planning Commission finds that the proposed amendment from Commercial Community to High Density is not the result of a mistake or inconsistency, but will be consistent with the existing residential and commercial uses surrounding the subject property.

CONCLUSION

1. A motion was made by Commissioner Davidson to recommend approval and seconded by Commissioner A. Woods to approve the requested Comprehensive Plan Map Amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on the 0.52 acre property and forward the recommendation to City Council. The motion passed unanimously.
2. The Commission adopts the findings of the staff report in support of their decision.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission recommends to City Council the **ADOPTION** of the requested Comprehensive Plan Map Amendment from Community Commercial to High Density and Zoning Map Amendment from Community Commercial (C-3) to Multifamily Residential (R-3) on the 0.52 acre property located on the eastern corner of Waite Street and E. Everett Avenue.

DATED THE 21st DAY OF June, 2022.


LISA WOODS, CHAIR

N:\Planning\2022 Land Use\22-S007 CENTRAL AVE INVESTMENTS - PA & ZC\22-S007_Central Ave Investments_PAZC_PC FFO.docx



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

City of Sutherlin

STAFF REPORT					
Re: Consideration of Ownership Transfer of Festival Grounds				Meeting Date:	07-11-2022
Purpose:	Action Item <input type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Jamie Chartier, City Planner & Brian Elliott, Community Development Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Aerial Maps					

WHAT IS BEING ASKED OF COUNCIL?

This staff report is in follow up to the request made by Duane Waller, Sutherlin Blackberry Festival, at the June 13, 2022, City Council meeting. Mr. Waller's request was to convey the "Festival Grounds," to the original ownership of the Sutherlin Blackberry Festival. This staff report will provide City Council background information to Mr. Waller's request, hold discussion, and provide staff direction on how they want to proceed.

EXPLANATION

This explanation will provide City Council with researched history of the "Festival Grounds."

In 1987, Douglas County acquired 1.03 acres (R57283, 25-05-20AA-00200) through a Sheriff's Deed of Foreclosure. This parcel was then deeded to the city in 1988 via deed reference no. 1988-15144.

In 1994, Adolph Morlang Jr. deeded 12.37 acres (R57292, 25-5-20AA-00100, 6.37 acres and R57290 (25-5-21-00300, 6.00 acres) to Douglas County Timber Days, Inc an Oregon nonprofit organization via deed references 1994-1449 and 1994-1450.

In 1995, Douglas County Timber Days, Inc conveyed and warranted the 12.37 acres to the City of Sutherlin for park and recreation purposes, with the right to utilize the property for a period of two weeks each year for the purposes of staging a fair.

In 1997, Douglas County Timber Days, Inc. organization dissolved.

In 2008 and 2009, an enforcement action arose with the Department of State Lands (DSL) regarding the disturbance of more than fifty (50) cubic yards of material annually disturbed for the purposes of the Blackberry Festival and the Sutherlin Stampede and Rodeo. A course of action was agreed upon between the City of Sutherlin, Sutherlin Blackberry Festival, and DSL. The course of action involved submitting a wetland mitigation plan for review April, 2009, creating

0.6 acres of wet prairie wetland and enhance 1.1 acres (ash grove). The goal of the mitigation was to compensate for temporary impacts and lost wetland function. The mitigation grading had to be completed no later than October, 2009. A post construction as-built report was to be submitted to the DSL within 60 days of completion of grading and planting. The entire mitigation site was required to be protected via deed restriction and have barriers to prevent any disturbances from people driving in, dumping, vegetation clearing, etc. The mitigation site was monitored as required with reports provided to the DSL each year.

In 2009, as part of the wetland mitigation plan, the first phase of drainage improvements were constructed.

In 2011, also as part of the wetland mitigation plan, phase II of drainage improvements were constructed.

In 2012, development of Red Rock Trail, including bridges, restrooms, pavilion, fencing, etc. began.

In 2012, the city granted an access easement agreement to the Sutherlin Blackberry Festival, describing three points of access, allowing for ingress, egress, and parking.

In 2013, the city granted an access easement agreement to the Sutherlin Stampede, describing three points of access, allowing for ingress, egress, and parking.

In 2015, as a condition of the wetland's mitigation plan, the city recorded the declaration of covenants and restrictions and access easement for the Wetland Mitigation Site.

Moving forward to June 13, 2022, City Council meeting, Mr. Waller as requested the festival grounds be conveyed to the Sutherlin Blackberry Festival. The subject 12.37 acres deeded to the City of Sutherlin in 1995 stipulated that *“grantee and its successors shall forever use the property conveyed by the within deed for park and recreation purposes only, shall not use the property for any other purpose without the written consent of grantor or is successors or assigns, but shall not be obligated to expend any money to develop or improve it. Grantor retains the right to utilize the within described property for a period of two weeks each year for the purposes of staging a fair; grantor agrees to return control and use of said property to grantee thereafter in good and sanitary condition.”*

Through consideration of conveying any portion of the total 13.40 acres, it is recommended for the City to retain ownership of the public portions of the subject property (i.e. Red Rock Trail, restrooms, pavilion, wetlands, etc.). To retain the public portions of the subject property, a land partition process will be necessary to create a separate parcel of land and legal description for conveyance.

Through the consideration of conveying ownership of any portion of the 13.40 acres, after the recording of a land partition, the subject parcel could be transferred to another nonprofit organization via a quit claim deed with indemnification language in the property agreement, similar to the language in the previous deed, to also include a requirement that the ownership must

stay in the hands of the nonprofit that runs the Blackberry Festival, otherwise subject property reverts back to the City for a public park.

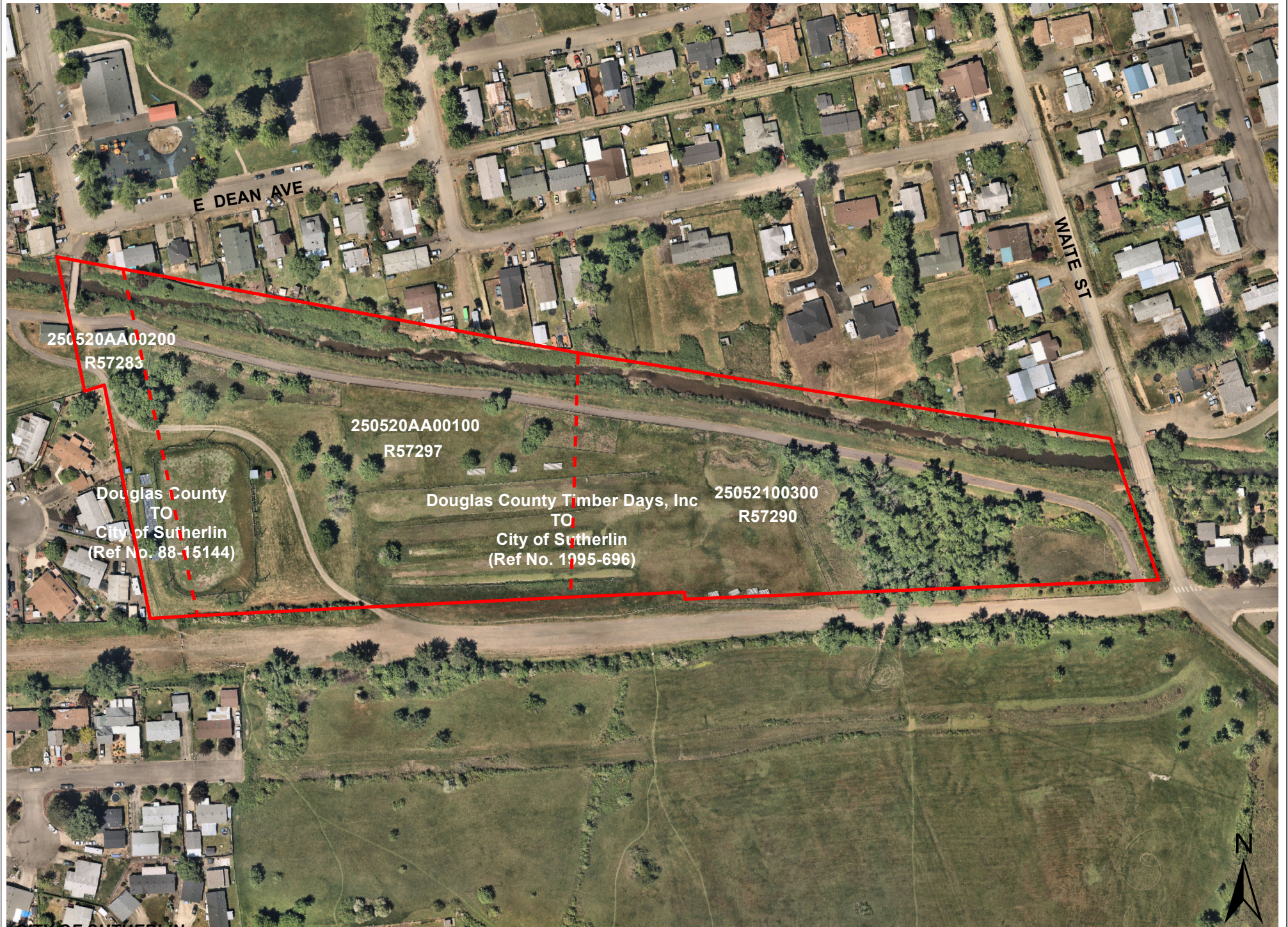
OPTIONS

Council to provide staff, direction to move forward with the land use process to begin the conveyance process of subject property to the Sutherlin Blackberry Festival.

Council to provide staff, direction to not move forward with the land use process to begin the conveyance process of subject property to the Sutherlin Blackberry Festival.

SUGGESTED MOTION(S)

SUTHERLIN FESTIVAL GROUNDS



CITY OF SUTHERLIN

**OPTION #1
(BLACKBERRY FESTIVAL)**



**OPTION #2
(BLACKBERRY FESTIVAL)**



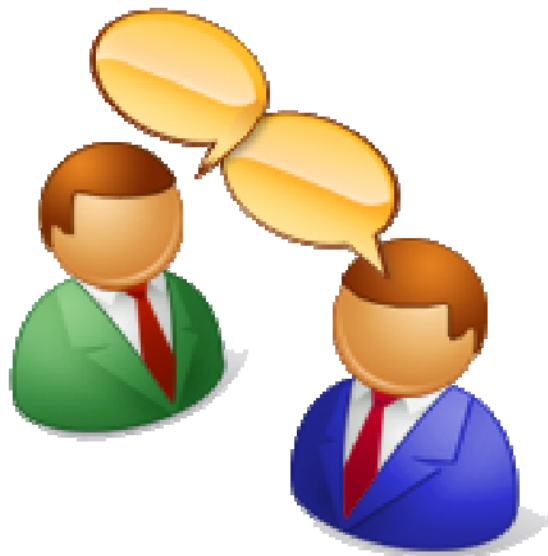


CITY MANAGER REPORT (verbal)





COUNCIL COMMENTS





PUBLIC COMMENT





ADJOURNMENT





FOR YOUR INFORMATION



PUBLIC NOTICE – CITY OF SUTHERLIN

CITY COUNCIL MEETING

The July 11, 2022, City of Sutherlin’s City Council Meeting, will begin at 7:00 p.m. in the Civic Auditorium at 175 E Everett. The City has taken steps to utilize current technology in order to make meetings available to the public in compliance with ORS 192.670 – Meetings by Means of Telephone or Electronic Communication. The public is welcome to attend the meeting in person or join via Zoom.

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

Topic: Sutherlin City Council Meeting

Time: Jul 11, 2022 07:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85752399299?pwd=bFNYZTRndkt2cWtqbHBjUFZwZUYvQT09>

Meeting ID: 857 5239 9299

Passcode: 715853

Meeting ID: 857 5239 9299

Find your local number: <https://us06web.zoom.us/j/85752399299>

Melanie Masterfield

From: Melanie Masterfield
Sent: Wednesday, July 6, 2022 11:58 AM
To: Ashley (ashley@bciradio.com); DC Commisioners (commissioners@co.douglas.or.us); Dennis Nakata; Erica Welch; Kyle-KQEN (KYLE@BCIRADIO.COM); Michael Salpino; News Desk (newsdesk@nrtoday.com); Register Guard (rgnews@registerguard.com); Roseburg Beacon (info@roseburgbeacon.com)
Subject: City of Sutherlin Council Agenda
Attachments: CC JULY 11.22 AGENDA.pdf

Good morning. Attached is the Sutherlin City Council Agenda for July 11, 2022 at 7:00 pm.



Melanie Masterfield
Deputy City Recorder/Community Engagement Manager
City of Sutherlin
126 E Central Ave
Sutherlin, OR 97479
541-459-2857
m.masterfield@ci.sutherlin.or.us

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