



**City of Sutherlin
Council Meeting
Monday, August 8, 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. CONSENT AGENDA

- a. July 11, 2022 – Meeting Minutes

6. COUNCIL BUSINESS

- a. Ordinance 1089 – Plan Amendment & Zone Change – Central Avenue Investments, LLC (second reading & adoption)
- b. Ordinance No. 1090 – Psilocybin Moratorium (first reading, title only & adoption – Declaring an Emergency)
- c. Resolution 2022.10 – Psilocybin Ballot Measure Approval

7. REPORT

- a. Rodeo/Blackberry Lands Property Exchange (verbal)

8. STRATEGIC PLAN UPDATE

- a. Nonpareil Water Treatment Plant Completion Update (verbal)

9. CITY MANAGER REPORT

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 & Commission will be invited to do so. Speakers must use the microphone stating their name and address prior to addressing the Council & Commission.

Join Zoom Meeting

<https://us06web.zoom.us/j/88681844421?pwd=cTNianR6b3J3Rmk4U2ltSzVWTTg3UT09>

Meeting ID: 886 8184 4421

Passcode: 422347



Call to Order & Flag Salute





ROLL CALL





INTRODUCTION OF MEDIA





PUBLIC COMMENT

Agenda Items only





CONSENT AGENDA



CITY OF SUTHERLIN
City Council Meeting
Civic Auditorium
Monday, July 11, 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

Deputy City Recorder, Melanie Masterfield

Public Works Director, Aaron Swan

Community Development Director, Brian Elliott

Community Development Supervisor, Kristi Gilbert

City Planner, Jamie Chartier

Police Chief, Troy Mills

Fire Chief, Mike Lane

City Attorney, Ashley Driscoll (via Zoom)

Audience: Pat & Grant Fahey (Sutherlin Sanitary Service), Gary Fugate

Via Zoom: Larry Bahr

Meeting called to order by Mayor Sumner at 7:02 p.m.

Flag Salute:

Roll Call: Councilor Smalley - Absent

Introduction of Media: None

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

PUBLIC COMMENT (agenda items only)

- None

PRESENTATIONS

- **Sutherlin Sanitary Service**

Grant Fahey introduced himself and stated that due to inflation, sanitary rates are increasing by 8.6%.

- Councilor Boggs – If rates are being increased due to inflation, will rates decrease when the economy stabilizes? *Fahey – It can certainly be considered.* Can these rates be re-evaluated in a few months?
Yes.
- Councilor Hamilton agrees with a re-evaluation in a few months.

CONSENT AGENDA

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

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

Discussion: None

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

Opposed: None

Motion carried unanimously.

PUBLIC HEARING

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

Mayor Sumner opened the Public Hearing at 7:07 p.m.

Staff Report – Jamie Chartier, City Planner – This Public Hearing is to provide interested parties an opportunity to speak either in favor, in opposition, or neutral comments regarding Planning File No. 22-S007 – Plan Amendment & Zone Change for Central Avenue Investments, LLC. Property addressed as 0 E. Everett Avenue; described as T25S, R5W, S16CC, Tax Lot 500.

Mayor Sumner called for any public comment. **No comment given.**

Mayor Sumner closed Public Hearing at 7:08 p.m.

COUNCIL BUSINESS

- **Resolution No. 2022.09 – Sutherlin Sanitary Service Fees**

Staff Report – Finance Director, Tami Trowbridge – Ordinance No. 1040 requires that any changes to the fee schedule for Sutherlin Sanitary Service be adopted by resolution. Proposed rates are attached.

MOTION made by Councilor Whitaker to approve Resolution No. 2022.09 – Sutherlin Sanitary Service Fees as presented; second by Councilor Groussman.

After discussion and amendment, the following motion was carried:

Resolution No. 2022.09 – Sutherlin Sanitary Service Fees with a re-evaluation of rates in 6 months.

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

Opposed: None

Motion carried unanimously.

- **Ordinance – Central Avenue Investments, LLC – Plan Amendment & Zone Change (first reading, entire Ordinance)**

Deputy City Recorder, Melanie Masterfield, read Ordinance – Central Avenue Investments, LLC – Plan Amendment and Zone Change in its entirety.

Staff Report – Chartier – This ordinance formally approves the plan map and zoning map requested by the property owner. This application received recommendation for approval from the Planning Commission after a public hearing was held on May 24, 2022.

MOTION made by Councilor Boggs to approve Ordinance – Central Avenue Investments, LLC – Plan Amendment & Zone Change (first reading, entire Ordinance) as presented; second by Councilor Hamilton.

Discussion: Councilor Groussman expressed concerns with traffic and parking. **Chartier – This doesn't address the parking area, parking will be addressed when the development criteria is discussed.**

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

Opposed: None

Motion carried unanimously.

- **Rodeo/Blackberry Lands Property Exchange**

Staff Report – Chartier – This report is a follow-up from the request of Duane Waller with Sutherlin Blackberry Festival from the June 13, 2022 City Council meeting regarding the Blackberry/Rodeo land ownership being returned to the Blackberry Festival. The missing approved application, previously requested by Waller, permitting Sutherlin High School to hold their annual 'homecoming bonfire' at the festival grounds was located. All information, background history, and maps were included with the staff report.

- Councilor Groussman – How is the Blackberry Festival entitled to these grounds when they don't have any documented ownership? **Chartier – Research shows that the City has ownership of the lands, not the Blackberry Festival.**
- Mayor Sumner – I don't see any connection between Timber Days Festival and Blackberry Festival. Is the City under any obligation to give them the property? **Community Development Director, Brian Elliott – There is no obligation, staff researched the property history and ownership for Council to make a decision.**
- Mayor Sumner – Where did the idea come from that the Blackberry Festival owned the land? **Community Development Supervisor, Krisi Gilbert – Our assumption is that committee members from the Timber Days Festival are now on multiple committees which would explain the crossover of the Blackberry Festival assuming ownership of that property.**

Further discussion ensued between Council, staff, and City Manager.

Council consensus is for Council Whitaker and staff to have a meeting with Duane Waller to reach a mutual agreement.

CITY MANAGER REPORT (verbal)

- Nothing to report

CITY COUNCIL COMMENT

Councilor Whitaker

- Asked for clarification of fines for the Chapel of the Roses building owner and its occupants. *Elliott – Illegal habitation in that building has been an issue for almost a year now. Chartier – The building owner is being charged a daily fine from the Police Department until the occupants have completely vacated.*
- Asked Elliott to explain what happened to the geese at Ford's Pond. *Elliott – Five of the geese perished and have been removed. Cause of death is unclear.* Councilor Whitaker wanted the statement, "The City of Sutherlin had nothing to do with the death of the geese," on record.

Councilor Groussman

- Nothing to report.

Councilor Hamilton

- This Thursday is the Music Off Central kickoff.
- Thanked Elliott and Public Works crew for their hard work with the Central Park Stage.

Councilor Boggs

- Nothing to report.

Councilor Dagle

- Will the new stage have the cover on it? *Elliott – The cover was delivered last week and is being installed this week.*

Mayor Sumner

- Excited for the new stage. The concrete looks great.
- Thanked Public Works for cleaning up graffiti on the decorative rocks.
- There is more graffiti around the bathrooms by the rodeo grounds. How is it monitored? *Public Works Director, Aaron Swan – Crews clean it as we see it or it's reported to us.*

PUBLIC COMMENT (Off Agenda Items)

- None

ADJOURNMENT

With no further business, meeting adjourned at 7:49 p.m.

Approved:

Jerry Gillham, City Manager

Respectfully submitted by,

Melanie Masterfield, Deputy City Recorder

Michelle Sumner, Mayor



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: Ordinance – Plan Amendment & Zone Change (Central Avenue Investments, LLC), Planning File No. 22-S007				Meeting Date:	8/8/2022
Purpose:	Action Item ☒	Workshop ☐	Report Only ☐	Discussion ☐	Update ☐
Submitted By: Jamie Chartier, City Planner and Brian Elliott, Community Development Director				City Manager Review	☐
Attachments:	Ordinance No. 1089, Enactment Notice, Exhibit A (Legal Description), B (Maps), C (Findings of Fact)				

WHAT IS BEING ASKED OF COUNCIL?

Consider approval of second reading and adoption of Ordinance No. 1089 for Central Avenue Investments, LLC Plan Amendment and Zone Change (Planning File No. 22-S007).

EXPLANATION

A Public Hearing and approval of the first reading was held at the July 11th Council meeting. Ordinance No. 1089 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

See suggested motions below.

SUGGESTED MOTION(S)

Approve (amend or not approve) the second reading and adoption of Ordinance No. 1089 – 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. 1089

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: 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. 1089

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 May 24, 2022 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 July 11, 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 C 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 C) 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:

Diane Harris, CMC, City Recorder

EXHIBIT A

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.

VICINITY MAP
T25S R5W SEC 16

EXHIBIT B

22-S007
CENTRAL AVE INVESTMENTS LLC



CITY OF SUTHERLIN



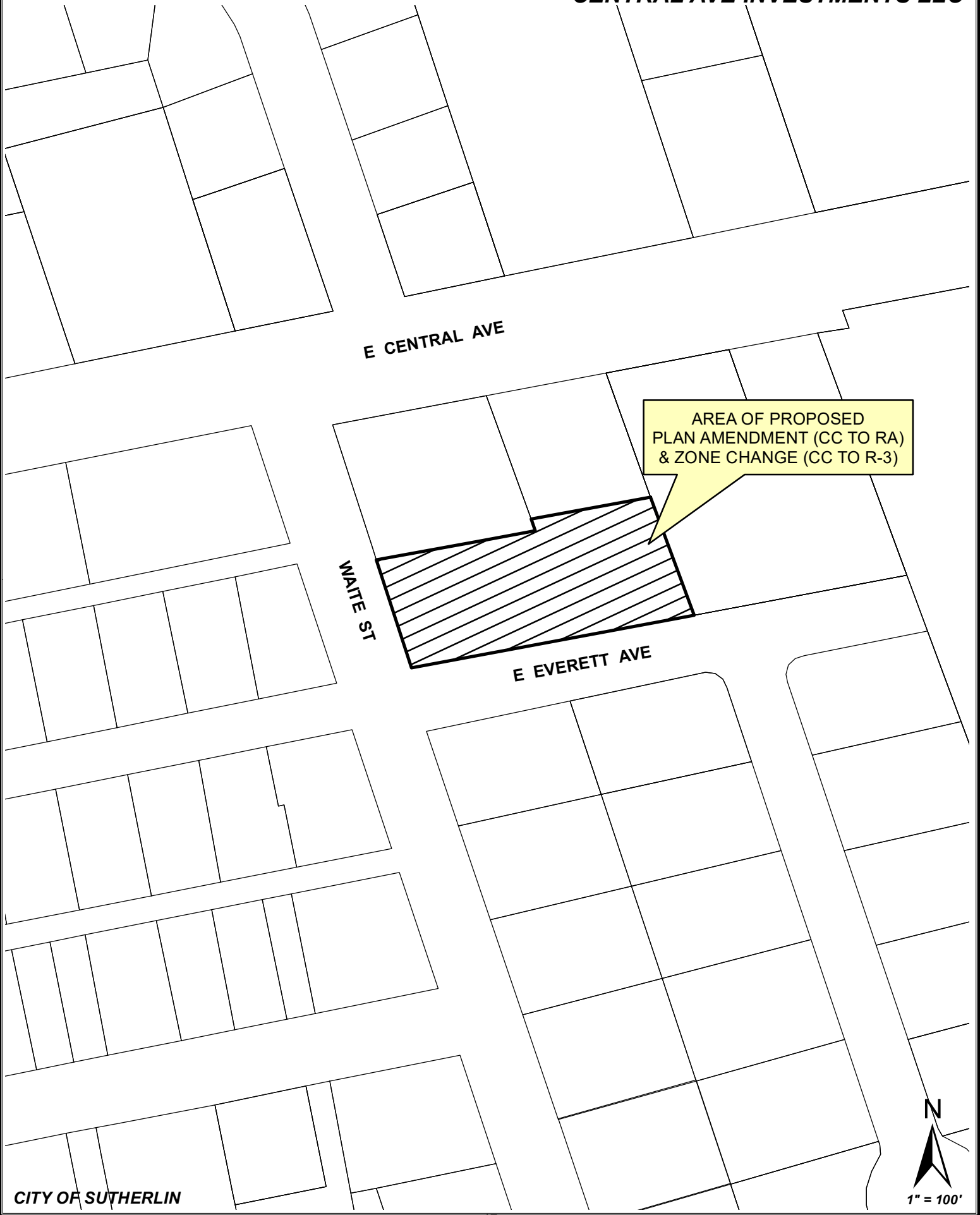


EXHIBIT C

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
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City of Sutherlin

STAFF REPORT					
Re: Ordinance No. 1090 – Psilocybin Temporary Prohibition				Meeting Date:	8/8/2022
Purpose:	Action Item ☒	Workshop ☐	Report Only ☐	Discussion ☐	Update ☒
Submitted By: Chad Jacobs, City Attorney & Diane Harris, City Recorder				City Manager Review	☒
Attachments:	Enactment Notice & Ordinance No. 1090 – Psilocybin Prohibition w/Emergency Clause				

WHAT IS BEING ASKED OF COUNCIL?

Council is being asked to consider Ordinance No. 1090 – Psilocybin (hallucinogenic mushrooms) Prohibition. This temporary ban would place a two-year moratorium for psilocybin-related business within Sutherlin, therefore allowing more time for the city to enact reasonable time, place, and manner restriction on licensed facilities.

EXPLANATION

In November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act, which allows for the manufacture, delivery, and administration of psilocybin (mushrooms) at licensed facilities. The Oregon Health Authority (OHA) has begun the rulemaking process to implement Measure 109 and will begin accepting applications for psilocybin licenses January 2023. The new law gives municipalities a limited ability to control psilocybin within city limits.

There are 4 different types of licenses that OHA will issue under the state’s psilocybin program – manufacturer (production), laboratory (testing), facilitator (server), and service center licenses (location where provided and taken).

Measure 109 provides three different areas where the city could be involved in the state’s psilocybin program. First, the city is permitted to prohibit licensed manufacturers or service centers within its jurisdiction. Any such prohibition, however, must be approved by the city’s voters at the 2022 General Election before it can take effect. Second, the city may impose reasonable time, place and manner restrictions on licensed facilities if such facilities are not prohibited. Finally, before OHA issues a license for a facility, the city must provide a land use compatibility statement (commonly known as a LUCS), to ensure that the proposed facility is in compliance with local land use regulations.

The city is considering imposing a 2-year temporary prohibition on psilocybin manufacturers and service centers, which would be placed on the November 2022 general election ballot for voter approval. The purpose of the proposed two-year prohibition is to provide additional

time for the City to enact reasonable time, place, and manner restrictions on such facilities. Because these regulations typically result in amendments to the city's development code, the process to enact changes requires notice to the state as well as hearings before the Planning Commission and Council. A temporary prohibition will provide extra time to consider such regulations as well as fine tune them based on the experiences of other jurisdictions who permit these facilities to locate in their cities during this time period.

OPTIONS

Since this ordinance is declaring an emergency, in order to be approved tonight, it must pass by a unanimous vote, if not, and in order to comply with the August 18th ballot filing deadline, a special meeting will need to be called in the very near future for the second and final consideration.

SUGGESTED MOTION(S)

Motion to approve (amend or not approve) first reading and adoption of Ordinance No. 1090 – Psilocybin Prohibition and Declaring an Emergency.



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. 1090

**AN ORDINANCE OF THE CITY OF SUTHERLIN DECLARING A
TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE
MANUFACTURE OF PSILOCYBIN PRODUCTS AND DECLARING AN
EMERGENCY.**

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

**FIRST READING: MONDAY, AUGUST 8, 2020 @ 7PM
SECOND READING (if necessary): TBA
CIVIC AUDITORIUM - 175 E. EVERETT AVENUE**

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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 Library; Sutherlin Visitor's Center and the City's website (www.cityofsutherlin.com).

Posted this day, August 1, 2020
By Diane Harris
City Recorder

ORDINANCE NO. 1090

AN ORDINANCE OF THE CITY OF SUTHERLIN DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS AND DECLARING AN EMERGENCY

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of the date of this ordinance, the Oregon Health Authority has not completed rulemaking process for implementing the state's psilocybin regulatory program, and the City of Sutherlin, is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate with the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, The Sutherlin City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of Sutherlin; and

WHEREAS, The City Council seeks to refer to the voters of Sutherlin the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

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

Section 1. Chapter 8.19 is hereby added to the Sutherlin Municipal Code to read as follows:

8.19.010 PROHIBITION.

No person, business or entity may establish a psilocybin facility within city limits. The establishment, maintenance, or operation of a psilocybin facility by a person, business or any other entity within the city in violation of this chapter is declared to be a public nuisance.

8.19.020 DEFINITIONS

For the purposes of this chapter, a “psilocybin facility” includes:

- A. a psilocybin product manufacturer required to have a license under ORS 275A.290; and
- B. a psilocybin service center required to have a license under ORS 475A.305 ;

8.19.030 VIOLATIONS AND ENFORCEMENT

- A. The establishment, maintenance or operation of a psilocybin facility by a person, business or any other entity within the city in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the city under law and/or the Sutherlin Municipal Code including but not limited to enforcement pursuant to Chapter 8.16 of the Sutherlin Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.
- B. The city may abate a nuisance under this chapter either pursuant to Chapter 8.16 of the Sutherlin Municipal Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.
- C. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of this Chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party

Section 2. REFERRAL

This ordinance is referred to the electors of the city of Sutherlin for approval at the next statewide general election on November 8, 2022.

Section 3. EFFECTIVE DATE

This ordinance takes effect and becomes operative thirty (30) days after the date of which it is approved by a majority of the voters in the City of Sutherlin.

Section 4. SUNSET

Chapter 8.19 of the Sutherlin Municipal Code is automatically repealed on December 31, 2024.

Section 5. DECLARING AN EMERGENCY

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage, provided that Section 1 of the ordinance will take effect only upon approval by the voters at the November 2022 general election.

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

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

ATTEST

Mayor, Michelle Sumner

City Recorder, Diane Harris, CMC



126 E. Central Avenue
Sutherlin, OR 97479
541-459-2856
Fax: 541-459-9363
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City of Sutherlin

STAFF REPORT					
Re: Resolution 2022.10 – Psilocybin Ballot Measure Approval				Meeting Date:	8/8/2022
Purpose:	Action Item ☒	Workshop ☐	Report Only ☐	Discussion ☐	Update ☒
Submitted By: Chad Jacobs, City Attorney & Diane Harris, City Recorder				City Manager Review	☒
Attachments: Resolution 2022.10 - Psilocybin Ballot Measure Approval					

WHAT IS BEING ASKED OF COUNCIL?

Council is being asked to approve a referral resolution in order to put the Psilocybin measure on the November 8, 2022 General Election Ballot.

EXPLANATION

If Council approves Ordinance No. 1090, to put the 2-year prohibition on Psilocybin-related businesses in the city, state law required the Council to refer the ordinance to the voters for approval before it may take effect. Resolution 2022.10 is the next step of the required process of placing the referral measure on the ballot. If this is approved, staff will take all necessary steps to place the ordinance on the ballot, including publishing the ballot title in the next available edition of the newspaper (New Review) and on the city's website for a minimum of seven days. Following the notice, and if there are no challenges from the public regarding the ballot title, staff will file notice of the measure, along with the ballot title and explanatory statement with the County Elections Official to formally place the measure on the November ballot.

OPTIONS

See below

SUGGESTED MOTION(S)

Motion to approve (amend or not approve) Resolution 2022.10 – Psilocybin Ballot Measure

RESOLUTION NO. 2022.10

A RESOLUTION OF THE CITY OF SUTHERLIN FOR PLACING ON THE BALLOT TITLE TO BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 8, 2022 GENERAL ELECTION FOR PROHIBITING PSILOCYBIN-RELATED BUSINESSES WITHIN THE CITY AND AUTHORIZING FILING OF EXPLANATORY STATEMENT RELATING TO THIS PROHIBITION

WHEREAS, Ballot Measure 109, known as the Oregon Psilocybin Services Act, which passed in November 2020, requires the Oregon Health Authority (OHA) to begin accepting applications for licenses to manufacture, deliver and administer psilocybin on January 2, 2023.

WHEREAS, Ballot Measure 109 also allows local governments to prohibit psilocybin-related businesses by referring an ordinance to the voters at a statewide general election;

WHEREAS, The Council of the City of Sutherlin desires to prohibit psilocybin-related business within the City of Sutherlin, Oregon. Prohibition sunsets after two years.

WHEREAS, the City Council of the City of Sutherlin adopted Ordinance No. 1090 which declares a ban on psilocybin service centers and the manufacture of psilocybin products in the area subject to the jurisdiction of the city and refers the matter to the electors of the city;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The City Council refers to the November 8, 2022 election, a ballot measure proposing the prohibition of psilocybin-facilities in Sutherlin.

SECTION 2. The Douglas County Elections Office will conduct the election. The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Sutherlin.

SECTION 3. The ballot title certified and filed by the City Council shall be as follows:

Caption:

Prohibits psilocybin businesses within Sutherlin. Prohibition sunsets after two years

Question:

Shall the City of Sutherlin declare a temporary ban prohibiting Psilocybin-related businesses and manufacture of Psilocybin products within Sutherlin.

Summary:

State law allows for the manufacturing, transportation, delivery, sale, and purchase of psilocybin, the psychedelic drug found in certain mushrooms. State law provides that a local government may adopt an ordinance to be referred to the voters to prohibit the establishment of licensed psilocybin product manufacturers and/or psilocybin service centers.

The Sutherlin City Council adopted an ordinance prohibiting the establishment of psilocybin product manufacturers and psilocybin service center operators within the City for a period of two years, which was referred to the voters per state law.

The two-year prohibition is intended to provide additional time for the City to enact reasonable time, place, and manner restrictions on licensed facilities.

Approval of this measure would prohibit the establishment of psilocybin product manufacturers and psilocybin service center operators within the City of Sutherlin until December 31, 2024.

SECTION 4. The explanatory statement certified and filed by the City Council for submission in the Douglas County Voters' Pamphlet on behalf of the City shall be as follows:

Explanatory Statement:

Approval of this measure would establish a two-year prohibition on psilocybin product manufacturers and psilocybin service centers within the City of Sutherlin. Psilocybin is the psychedelic drug derived from certain mushrooms.

Oregon voters legalized psilocybin through Ballot Measure 109 in 2020, which directs the Oregon Health Authority (OHA) to develop a psilocybin licensing and regulatory program for the state by January 2, 2023. As a result, OHA intends to begin accepting applications for licenses for psilocybin product manufacturers and psilocybin service centers in January, 2023.

Ballot Measure 109 allows a local government to adopt an ordinance to be referred to the voters that prohibits the establishment of psilocybin-related businesses. The Sutherlin City Council has adopted such an ordinance to prohibit the establishment of psilocybin product manufacturers and psilocybin service centers within the City of Sutherlin until December 31, 2024.

Ballot Measure 109 also allows a local government to adopt reasonable time, place and manner restrictions on the operation of psilocybin facilities. Because these regulations typically result in amendments to the city's development code, the process to enact changes requires notice to the state as well as hearings before governing bodies. The temporary

prohibition proposed by this Measure is intended to provide extra time to consider and enact such regulations before OHA issues licenses for psilocybin facilities in the City.

SECTION 5. The City Manager and City Recorder shall take all steps on behalf of the City as necessary to carry out the intent and purposes of this resolution in compliance with state and local law including but not limited to publishing the ballot title as provided by state law, publishing notice of the measure as required, and filing this measure with Douglas County Elections Division.

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

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

Mayor, Michelle Sumner

ATTEST:

City Recorder, Diane Harris, CMC



REPORTS



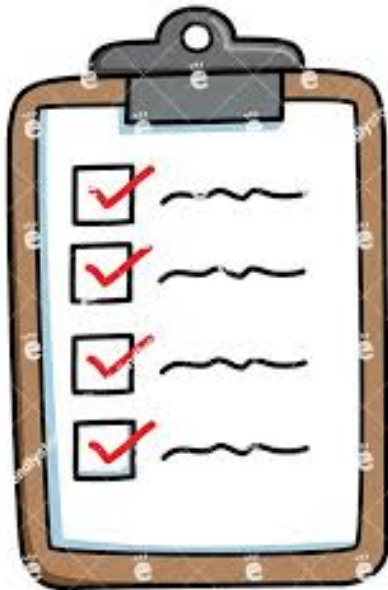


Rodeo/Blackberry Lands Property Exchange





STRATEGIC PLAN UPDATE





Nonpareil Water Treatment Plant Completion Update



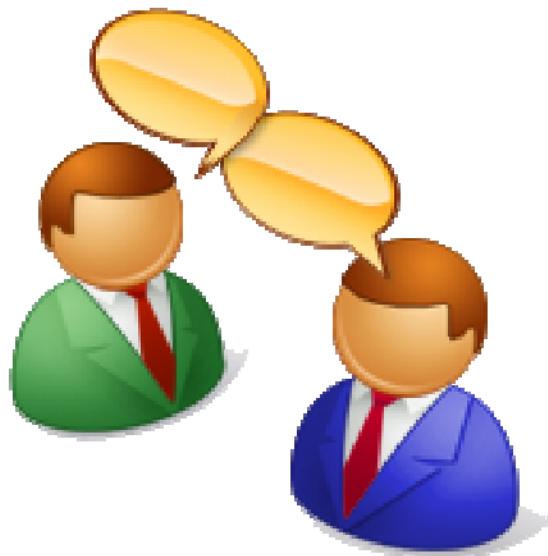


CITY MANAGER REPORT (verbal)





COUNCIL COMMENTS





PUBLIC COMMENT





ADJOURNMENT





FOR YOUR INFORMATION



Melanie Masterfield

From: Melanie Masterfield
Sent: Wednesday, August 3, 2022 10:26 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: Sutherlin City Council Meeting Agenda
Attachments: CC AUG 8.22 Agenda.pdf

Good morning. Attached is the agenda for our City Council meeting on Monday, August 8, 2022.



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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PUBLIC NOTICE – CITY OF SUTHERLIN

CITY COUNCIL MEETING

The August 8, 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: Aug 8, 2022 07:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88681844421?pwd=cTNianR6b3J3Rmk4U2ltSzVWTTg3UT09>

Meeting ID: 866 8184 4421

Passcode: 422347

Meeting ID: 866 8184 4421

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