



**City of Sutherlin
Planning Commission Meeting
Tuesday, September 19, 2023
7:00 p.m. – Sutherlin Civic Auditorium
Agenda**

Pledge of Allegiance

Introduction of Media

Welcome New Planning Commission Member

Approval of Minutes

August 15, 2023 – Regular Meeting

Approval of Findings of Facts

- 1. FOREST EDGE INVESTMENTS, LLC**, request for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 14.40± acre portion of the 240.24 acre subject property located south of S. State Street. 119.71± acres of the subject property are inside the City of Sutherlin, with the remaining located outside city limits. The subject property is described as Tax Lot 800 in Section 21, T25S, R5W, W.M., Property I.D. No(s). R22984 & R22952 (CO portion). The portion inside the city limits is designated Forestry by Sutherlin Comprehensive Plan and zoned (FR-20) Forest Resource. **PLANNING DEPARTMENT FILE NO. 23-S011.**

Monthly Activity Report

Public Comment

Commission Comments

Adjournment

**CITY OF SUTHERLIN
PLANNING COMMISSION MEETING
CIVIC AUDITORIUM – 7:00 PM
TUESDAY, AUGUST 15, 2023**

COMMISSION MEMBERS PRESENT: Michael Hogsett, John Banducci, Alan Woods, Tom Maloney and Adam Sarnoski

COMMISSION MEMBERS EXCUSED: Norm Davidson

COMMISSION MEMBERS ABSENT: None

CITY STAFF: Jamie Fugate, City Planner and Kristi Gilbert, Community Development Director

Meeting called to order at 7:00 pm by Vice-Chair Woods

MEDIA PRESENT: None

AUDIENCE: Tom Schaub, Dian Cox, John Lahley, Brent and Anita Hunsaker, Jim and Mary Dennis

FLAG SALUTE

APPROVAL OF MINUTES

A motion made by Commissioner Maloney to approve the minutes of the August 1, 2023 Planning Commission meeting; second made by Commissioner Banducci.

In favor: Commissioners Banducci, Sarnoski, Hogsett, Maloney and Vice Chair Woods

Opposed: None

Excused: None

Motion carried unanimously

APPROVAL OF FINDINGS OF FACT(S)

1. **FOREVER GREEN FOREST MANAGEMENT, LLC**, request for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 76.87± acre property. **PLANNING DEPARTMENT FILE NO. 23-S005.**

A motion was made by Commissioner Sarnoski to approve the Findings of Fact for Forever Green Forest Management, LLC request for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 76.87± acre property. **PLANNING DEPARTMENT FILE NO. 23-S005.** Motion seconded by Commissioner Banducci.

In favor: Commissioners Hogsett, Sarnoski, Maloney, Banducci, and Vice Chair Woods

Opposed: None

Excused: None

Motion carried unanimously

MONTHLY ACTIVITY REPORT – Vice Chair Woods asked staff to clarify the wetlands permit at Fords Pond. **Kristi Gilbert, Community Development Director**, responded that the city is waiting on the wetlands permit that will allow the contractors to move forward with the construction of the boardwalk. Also, the remaining of items of the playground pieces delivery has been delayed.

PUBLIC COMMENT – None

COMMISSION COMMENTS – None

ADJOURNMENT - With no further business the meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Jamie Fugate, City Planner

APPROVED BY COMMISSION ON THE _____ DAY OF _____, 2023.

Norman Davidson, Commission Chair



Community Development

126 E. Central Avenue

Sutherlin, OR 97479

(541) 459-2856

Fax (541) 459-9363

www.ci.sutherlin.or.us

City of Sutherlin

September 12, 2023

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Jamie Chartier, City Planner

RE: **FOREST EDGE INVESTMENTS, LLC**, request for a Conditional Use Permit and Tree Falling Permit (greater than 5 acres) on a 14.40± acre portion of the 240.24 acre subject property located south of S. State Street. 119.71± acres of the subject property are inside the City of Sutherlin, with the remaining located outside city limits. The subject property is described as Tax Lot 800 in Section 21, T25S, R5W, W.M., Property I.D. No(s). R22984 & R22952 (CO portion). The portion inside the city limits is designated Forestry by Sutherlin Comprehensive Plan and zoned (FR-20) Forest Resource. **PLANNING DEPARTMENT FILE NO. 23-S011.**

STAFF EXHIBITS

1. Notice of Public Hearing
2. Property Owners within 100 Feet and Public Utility Agencies
3. Staff Report with responses attached
4. Conditional Use Permit application and attachments
5. Tree Falling Permit – greater than 5 acres application and attachments
6. Vicinity Map
7. Assessor Map
8. Zoning Map
9. Aerial Photograph

INTRODUCTION

The applicant, Forest Edge Investments, LLC, is requesting a Conditional Use Permit and Tree Falling Permit (greater than 5 acres). The subject property is located at the end of S. State Street in the City of Sutherlin. A Tree Falling Permit on property greater than 5 acres is a conditionally permitted use as outlined in Chapter 5.16 of the Sutherlin Municipal Code.

The subject property is described as part of Tax Lot 800 in Section 21, T25S, R5W, W.M.; Property I.D. No's R22984 and R22952 (county). The property located inside the city limits is designated Forestry by the Sutherlin Comprehensive Plan and zoned (FR-20) Forest Resource by the Sutherlin Development Code. The surrounding properties to the east, west and south are located outside city limits and under Douglas County's jurisdiction, properties to the north are designated Residential Hillside (RH) by the Sutherlin Development Code.

During the public hearing, the Planning Commission will accept public testimony and make a decision on the application after the hearing. This application is being processed as a Type III procedure for a Conditional Use Permit, subject to the applicable criteria of Chapter 5.16 [of the Sutherlin Municipal Code (SMC) and Section 4.5 [Conditional Use Permits] of the Sutherlin Development Code (SDC). As part of the hearing, the Planning Commission will review the applicant's request for compliance with the applicable criteria and render a decision on the matter.

PROCEDURAL FINDINGS OF FACT

1. The requested application was filed with the City on August 18, 2023, and deemed complete on August 22, 2023.
2. Notice of a Public Hearing on the Conditional Use Permit and Tree Falling Permit (greater than 5 acres) applications before the Planning Commission was given in accordance with Section 4.2.140.C as a Type III procedure. Notice was sent to affected property owners of record within 100 feet of the subject property, property owners affected by this decision, service providers, and governmental agencies on August 29, 2023.
 - a. Brandan McGarr, Sutherlin Fire Department Division Chief, commented:
 - i. *If completed in fire season, all operations must comply with DFPA (Douglas Forest Protection Association) Fire Season Rules – Public Use Restrictions.*
 - ii. *Sutherlin Fire Department is requiring a contact information sheet to be completed and submitted to Sutherlin Fire Department prior to the start of any work at that location.*
 - b. Aaron Swan, City of Sutherlin Public Works Director, had the following comments in regards to the proposed application filed by Forest Edge Investments LLC:

The Public Works Dept. has no concerns about the actual logging. I asked the city planner for the approximate number of loads and roadways planned to be used. She reached out to the applicant and informed me that approximately 85 loads would be hauled out, and utilizing roads to three separate I-5 interchanges. The applicant needs to be aware of the load requirements posted on the bridges located in the city limits. At this time the use of Valentine Avenue is not permitted.

Valentine Avenue is a local residential roadway that was recently improved. The city's preferred route to I-5 would be from S. State Street, left on W. Central Avenue to I-5. The condition of the gravel portion of the city easement needs to be recorded and repaired to its current state or better post logging. The paved portion (S. State Street) also needs to be evaluated and recorded so that if damage is done those areas can also be brought back to current conditions.

- c. At the time of the mailing of this staff report, no other written comments or remonstrances have been received.
3. Present Situation: The subject property is undeveloped (no structures) with forested hillsides.
4. Plan Designation: Forestry (F).
5. Zone Designation: (FR-20) Forestry Resource.
6. Public Water: Public Water currently does not serve the subject property.
7. Sanitary Sewer: Public Sanitary Sewer currently does not serve the subject property.
8. Transportation System: The subject property is accessed via an easement from the end of S. State Street.
9. Overlay: The subject property is not located within the 100 year flood plain or subject to any other overlays.

FINDING: The procedural findings noted above are adequate to support the Planning Commission's decision on the request Conditional Use Permit application to authorize Tree Falling on greater than 5 acres.

DEVELOPMENT STANDARDS (SECTION 2.6, FR-20 ZONE)

1. The subject property is designated Forestry by the Sutherlin Comprehensive Plan and zoned (FR-20) Forestry Resource by the SDC.
 - a. Table 2.2.130 provides the following development standards for the RH zone:
 - i. Minimum zone size: 20 acres
 - ii. Maximum building height: 50 feet, except increased height allowed subject to Conditional Use Permit
 - iii. Yard Setbacks: Front – 30 feet; Side – 25 feet; and Rear – 25 feet
 - iv. Lot Frontage and Depth Minimum: None
 - v. Lot Coverage: None

FINDING: As stated in the application, no development is proposed however in the future the property owner may submit the necessary application(s) for development approval, meeting the requirements and standards outlined in the SDC.

APPLICABLE CRITERIA & FINDINGS

The proposed Conditional Use Permit is considered a Type III procedure, Section 4.5 [Conditional Use Permits] of the SDC and subject to the applicable criteria of Chapter 5.16 [Tree Falling Permit] of the SMC.

Based upon the application materials and information submitted by the applicant and other evidence provided, staff addresses the applicable criteria within this staff report.

SUTHERLIN MUNICIPAL CODE (CHAPTER 5.16)

The purpose of this chapter is to provide general guidelines to assist the city staff, the planning commission and the council in regulating timber harvesting activities within the incorporated boundaries of the city and its urban growth boundary.

SECTION 5.16.050 CRITERIA FOR TREE FALLING

Any person proposing to harvest more than ten trees within a calendar year must apply for a permit through the city planning commission. The city planning commission, through the conditional use permit (CUP) process, may require more restrictive requirements than this chapter to mitigate any negative impacts upon the neighboring property owners or the city as a whole. If a permit is authorized, the conditions, if any, shall be set forth on the permit.

FINDING: As indicated with the submitted applications, the property owner/responsible party has submitted the necessary Conditional Use Permit and Tree Falling Permit – greater than 5 acres for authorization through the required process as stated above. The criteria for the Tree Falling Permit – greater than 5 acres will be addressed within this staff report.

SECTION 5.16.060 CRITERIA FOR TREE FALLING

A. In determining whether a proposed falling is consistent with the provisions of this chapter, the city manager, planning commission or city council, as the case may be, shall consider and base their decision on one or more of the following:

1. The condition of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety;

The application states, “The condition of the trees is an older age stand, arguably beyond the age of ideal commercial marketability. Some of the trees are beginning to show “conk indicators”, a rot inducing pathogen that slowly but eventually kills the tree. As trees reach a more mature age, they are more susceptible to stem rot diseases like conk. It is often possible for the conk to spread throughout the stand. The falling would cause no interference with utility services or vehicular traffic safety. Any trees that have a fall potential hazard with SKP Park will be directionally fell or line pull assisted to eliminate any hazard.”

FINDING: As stated above and within the submitted applications, the property owner/responsible party has taken the condition of trees into account, the danger of falling in

specific directions and provided an alternate to avoid any potential hazards with the adjacent SKP Park structures. There is also an existing buffered area between the subject property (proposed timber harvest area) and structures located on SKP Park property. This area ranges from 35± feet to 150+ feet. In addition, there are no utility services adjacent to the proposed timber harvest area, so no interference with utility services is anticipated.

2. The topography of the land and the effect of falling on erosion, soil retention, stability of earth, impacts upon storm drainage systems and the quantity, quality and character of surface waters and streams, and protection of nearby trees and windbreaks;

The application states, "The land is relatively flat, rising in grade to the interior road located on the Applicants property. There should be no impact on storm drainage systems, impact to surface waters or streams. As the trees are adjacent to the SKP Park trees, and are a similar age, there may be windbreak concerns. Previous storm and snow has caused multiple trees to either lose tops, or fall over. SKP Park is aware of those issues, and is interested in removed trees that may possess a future overheard hazard to residents."

FINDING: As stated above and within the submitted applications, the property owner/responsible party has taken into effect the topography of the subject property, and has stated there should be no impact on storm drainage systems or impact to surface water or streams. The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs, and will be listed as a condition of approval.

3. The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a reasonable manner;

The application states, "The Applicant is in the business of growing trees for commercial purposes. There is no necessity to remove the trees to construct improvements, but appropriate utilization of the Applicant's property would include the logging and sale of timber, when commercially viable."

FINDING: As stated above and within the submitted applications, the property owner/responsible party is in the timber harvest industry and is looking into the possibility of the development of 20 acre lots.

4. The effect of the trees' removal upon the environmental quality of the area;

The application states, "The removal of the trees will alter the landscape, temporarily. However, the balance of the applicant's property is still growing trees, and the logged portion will be reforested, above and beyond both State and Municipal requirements."

FINDING: The subject property is zoned Forest Resource; the purpose and applicability of this zone classification is resource management. The applicant stated the harvested portion of the property will be reforested, meeting or exceeding both State and Municipal requirements. The removal of trees will temporarily alter the landscape within this area during the time period while the replanted trees are growing.

5. The adequacy of the applicant's proposals, if any, in meeting generally accepted practices of horticulture, silviculture or landscape architecture;

The application states, *"The Applicant intends to meet or exceed all generally accepted practices of silviculture. The Applicant has a professional work history of approximately 17 years as a log buyer, forestry expert, and timber harvest manager."*

FINDING: The applicant stated the harvested portion of the property will be reforested, meeting or exceeding both State and Municipal requirements. The removal of trees will temporarily alter the landscape within this area during the time period while the replanted trees are growing.

6. The falling is within the guidelines set forth in the Field Guide to Oregon Forestry Practices Rules published by the state of Oregon, Department of Forestry, as they apply to the northwest region of Oregon, or the corresponding future publication of the state of Oregon Department of Forestry.

FINDING: The applicant has submitted a copy of their Notification of Operations/Permit to Operate Power-Driven Machinery (NOAP) received from Oregon Department of Forestry (ODF) and must comply with the requirements set forth in the NOAP. The property owner/responsible party must also comply with the guidelines in the Field Guide to Oregon Forestry Practices Rules as stated above.

B. Whenever the Forest Practices Act as provided in ORS [526.041](#), [527.721](#) and OAR [629-24-101](#) to and including [629-55-200](#), conflicts with the terms of this chapter, the Sutherlin zoning ordinance, other city ordinances, or any conditional use permits issued by the city. The more restrictive conditions shall prevail unless specifically waived in writing by the planning commission or city council.

FINDING: The property owner/responsible party must comply with the Forest Practices Act as outlined above and conditions of approval outlined within this staff report and as the Planning Commission deems fit.

SECTION 5.16.070 REFORESTATION

A. Any person harvesting timber subject to this chapter in the city limits or urban growth boundary shall be responsible for reforestation of that area with a minimum of two hundred fifty (250) trees planted per acre within one year of the tree falling unless excepted by the planning commission or city council. At the end of a twelve (12) month period following tree planting the site must demonstrate a minimum of seventy-five (75) percent survival rate. The planning commission may grant a one-year extension for reforestation if, and only if, the proper justification is provided.

The application states: *"The reforestation will include hand planting approximately 400 DF seedlings, per acre."*

FINDING: As the applicant stated within the submitted documentation, the portion of the subject property being harvested will be reforested, meeting and/or exceeding the requirements

set forth in Section 5.16.070.A of the SMC. After a twelve (12) month period the property owner/responsible party must demonstrate (and submit documentation) a minimum of seventy-five (75) percent survival rate, this will be a condition of approval.

B. All debris and slash realized from the tree falling shall be either removed or piled and burned within sixty (60) days following the removal of the harvested trees unless a time extension is granted by the planning commission due to unusual or extenuating circumstances; however, such time extension shall not exceed a maximum of twelve (12) months from the date of the completed harvest.

The application states: *“The piles of slash will be covered by 10 x 10 square of black plastic, then burnt (during the wetter months).”*

FINDING: As a condition of approval, the property owner/responsible party must submit documentation when the proposed tree harvesting is completed and also submit documentation sixty (60) days following the all debris and slash have either been removed, piled and/or burned, unless an extension has been granted.

C. The city manager, planning commission or city council may require grass seeding, water break trails or unharvested buffer zones if the tree falling presents a reasonable potential for negatively impacting adjoining properties due to soil erosion or water runoffs. (Ord. 789 § 7, 1991)

The application states: *“Upon completion, the logger will be required to water bar all temporary roads to mitigate run off, machine pile slash at processing points, and leave the property in a condition suitable for reforestation.”*

FINDING: The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs, this will be noted as an advisory condition within this staff report.

TREE FALLING PERMIT – GREATER THAN 5 ACRES APPLICATION CRITERIA

Any person proposing to harvest more than ten trees within a calendar year must apply for a permit through the city planning commission. The city planning commission, through the conditional use permit (CUP) process, may require more restrictive requirements than this chapter to mitigate any negative impacts upon the neighboring property owners or the city as a whole. If a permit is authorized, the conditions, if any, shall be set forth on the permit.

The application narrative states:

- a. *The requested tree falling subject property is approximately 240.00 acres in size, with timber harvesting on approximately 14.40 acres within the city limits and 3.00 ± acres outside city limits, a total of 17.00± acres will be harvested.*
- b. *The species of trees to be removed are 95% Douglas Fir with an average diameter at breast height to be 24”.*
- c. *The anticipated removal will be a maximum of six (6) weeks, with full working days and ideal weather, three (3) weeks total.*

FINDING: The property owner/responsible party has submitted the necessary applications to the city with the intent of harvesting more than ten (10) trees in calendar year. As stated above, the applicant's intent is to harvest approximately 14.40± acres within the city limits. Conditions of approval will be outlined within this staff report and as the Planning Commission deems fit.

CONDITIONAL USE PERMIT CRITERIA (SECTION 4.5)

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "conditional uses" in chapter 2, Zoning Districts. The purpose of section 4.5 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

FINDING: While not all of the criteria for a CUP apply to the timber harvest permit, staff feels that the most applicable apply and should be addressed. Traffic, erosion, noise, safety, and aesthetic considerations are pertinent and should be considered by the Planning Commission.

1. The requested CUP is subject to the applicable criteria of Section 4.5 of the SDC. As indicated previously, Tree Falling Permit for greater than 5 acres, is a conditionally permitted use per the SMC, Chapter 5.16.

Pursuant to Section 4.5.120, the applicant has provided the following narrative as part of their request, which states, in part:

Narrative documenting compliance:

Forest Edge Investments, LLC, is the landowner of approximately 240 acres, located at the end of State St. in Sutherlin. The Applicant would like to submit a request to harvest approximately 14.4 acres of timber, on a total harvest of 17 acres. The 2.6 acres on the east side of the harvest are located outside the bounds of City of Sutherlin.

A protected resource check has been performed with the Oregon Department of Forestry, which included a site visit by Stewardship Forester, Cody Lokan. The initial GIS layer showed a Small Type F (meaning potentially fish bearing) Stream on the east portion of the harvest unit. That stream traveled thru the SKP Park parking lot, and due to parking lot design, prohibited the passage of fish. Mr. Lokan has since reclassified the stream as "Small Type N" meaning non-fish. The corresponding ODF Notification of Operations Permit has been attached.

The harvest plan of the 14.4 acres is a clear cut of the 80-100 year old timber, which is 95% Douglas Fir. The stand is a residual stand of timber, which was retained in the most recent harvest of the total property in 1995. The logging plan is to use ground based equipment, as the maximum slope is 0-15%. Depending on the weather and fire danger, the operation should take between 3-6 weeks in duration. Upon completion, the logger will be required to waterbar all temporary roads to mitigate run off, machine pile slash at processing points, and leave the property in a condition suitable for reforestation. The piles will be covered by a 10x10 square of black plastic, then burnt (during the wetter

months). The reforestation will include hand planting approximately 400 DF seedlings, per acre.

As the property is adjacent to SKP Park, a meeting has been scheduled with their Board to discuss the harvest and address any concerns they may have. The SKP Park Maintenance Manager has indicated an interest in having hazards trees removed from the SKP property side, as there have been windfalls in previous years that have caused issues.

The logging will be performed by a reputable contractor, with Loggers Broad Form General Liability insurance coverage. Any trees that pose a risk of falling onto the SKP property will be “pulled” in the direction of Applicant’s property. All logging and cutting methods will adhere to best management practices, as defined by the Oregon Forest Practices.

As the City surely knows, felling timber, logging, and hauling logs is not a quiet business. As such, the Applicant is seeking permission to operate power driven machinery, outside the normally allowed hours during the course of the harvest. The specific request is to operate from 5AM- 4PM, Monday-Friday for the purpose of cutting, operating logging equipment, and hauling logs. The entire harvest should take 3 weeks under ideal conditions, but could run as long as 6 weeks if there are delays related to adverse weather, equipment breakdowns, or daily operating restrictions due to fire danger. Erring on the side of caution, the Applicant is requesting the full six weeks to complete the project.

Regarding contract rights, it is a possible that Forest Edge Investments, LLC may assign the timber rights to a reputable buyer, but without the Tree Falling Permit and CUP from the City in hand, that cannot yet be determined.

Section 4.5.130 Criteria, Standards and Conditions of Approval. The planning commission shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following:

A. Use Criteria (Section 4.5.130.A)

1. *The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*
 - i. The subject property is 240.24 +/- acres in size, the proposed timber harvest area is approximately 14.40 +/- acres inside city limits. The property is located south of S. State Street, with hillside topography and slopes up to approximately 15%.
 - ii. Access for the proposed timber harvest will be via an existing easement (Reference Numbers 2021-17305 and 2002-15278) with ingress and egress onto S. State Street.
 - iii. Approximately eighty-five loads are anticipated.

- iv. The applicant has asked permission within the submitted documents to operate from 5:00 a.m. to 4:00 p.m., Monday – Friday for the duration of their entire harvest (approximately 6 weeks at most, ideally it will be a total of 3 weeks).

FINDING: Traffic impacts (ingress and egress) of the proposed harvesting of timber on the subject property will be via existing easement(s), onto city improved streets. The Sutherlin Public Works Director recognizes that approximately eighty-five (85) loads will be hauled out, and utilizing roads to three separate I-5 interchanges. The property owner/responsible party is not permitted to utilize Valentine Avenue, a local residential street that was recently improved.

FINDING: The S. State Street and the city portion of the easement will need to be videotaped prior to the harvesting of timber and after the timber harvest is completed. The roadway (S. State Street) will need to be returned to their current state or better once the timber harvest operation is completed. This will be listed as a condition of approval within this staff report.

FINDING: As an advisory statement, Sutherlin Public Works noted the property owner/responsible party be aware of the local posted bridge restrictions within the city limits.

FINDING: The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC). The subject property is zoned Forestry Resource, so the hours of operation within residential districts are not applicable.

2. *The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval; and*

FINDING: The proposed timber harvesting of approximately 14.40 +/- acres of the 119.71± acres located inside Sutherlin city limits. The FR-20 zone is intended to preserve lands with high forest potential or lands not immediately available for development. As stated within the submitted applications and documents, the property owner/responsible party is taking the adjacent properties and their uses into consideration. The applicant has stated that portions of the proposed harvest area has slopes up to 15%, with this a geologic impact statement will be required as a condition of approval, per Section 2.7.210 of the SDC for the portions of the harvest area that are greater than 12% slopes.

3. *Public facilities have adequate capacity to serve the proposal or will be made adequate by the applicant.*

- i. The subject property is currently unimproved, including public do not serve the subject property. The subject property has one (1) access location via existing easements to access onto S. State Street.

FINDING: As stated within this staff report, the subject property has access to S. State Street via an easement. After reviewing the proposed timber harvest request and discussing the matter with Public Works, a condition of approval stating that S. State Street and the city portion of the access easement(s) being utilized for purposes of transferring harvested timber to and from the subject property must be videotaped prior to and upon completion of the project.

The property owner/responsible party will be required to repair any street(s) and/or the easement road to current state or better. Any subsequent damage caused from the excessive weight of the equipment that is not repaired will result in the City recovering from the property owner/responsible party any costs of rehabilitation or repair to city streets and existing easement which may have been damaged by this activity. For this reason, property owner/responsible party will be required to obtain a City of Sutherlin Overweight Truck Hauling Permit that is to be approved pursuant to Section 10.32.030 of the SMC and also submit videotape (photographic) documentation of the routes utilized prior to beginning the proposed timber harvest and after the timber harvest is completed.

B. Site Plan Criteria (Section 4.5.130.B), which states the criteria for site plan review approval (Section 4.3.150) shall be met.

1. Based upon the criteria outlined in Section 4.3.150 [Site Plan Review Approval Criteria], the submitted application complies with the applicable provisions of the FR-20 zoning district; and the applicable standards of Chapter 5.16 of the SMC. Finally, the proposed Conditional Use Permit is not part of a phased development.

C. Conditions of Approval (Section 4.5.130.C)

1. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.
2. If approved, the conditions of approval should require the property owners/responsible party to:
 - i. The property owner/responsible party shall provide video documentation of the proposed access route that would include S. State Street and the city portion of the easement(s) prior to the start of the proposed timber harvesting to the Sutherlin Public Works Director. The property owner/responsible party shall notify the Sutherlin Public Works Director when the proposed timber harvesting is complete. Once the timber harvest is complete the Sutherlin Public Works Director will re-evaluate by additional video footage along with visual inspection the access (easement) and affected city street (S. State Street).
 1. The property owner/responsible party is responsible for any damages that may occur to the existing gravel road (easement road) and paved roadway (S. State Street), and must be repaired beginning condition and/or better condition.
 - ii. The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC).
 - iii. Property owner/responsible party shall submit a Geotechnical Impact Statement addressing the portions of the proposed timber harvest portion that have slopes greater than 12% prior to the start of the proposed timber harvesting, meeting the requirements of Section 2.7.210 of the Sutherlin Development Code (SDC).

- iv. Property owner/responsible party must submit an approved permit from the Oregon Department of Forestry (ODF).
- v. The property owner/responsible party shall comply with the Forest Practices Act.
- vi. The property owner/responsible party is responsible (and planning) for reforestation of the subject property meeting the requirements within Section 5.16.070.A of the SMC. A minimum of two hundred fifty (250) trees planted per acre within one year. After twelve (12) month period the property owner/responsible party shall demonstrate (and submit documentation) a minimum of seventy-five (75) percent survival rate.
- vii. All debris and slash realized from the tree falling shall be either removed or piled and burned within sixty (60) days following the removal of the harvested trees unless a time extension is granted by the planning commission due to unusual or extenuating circumstances; however, such time extension shall not exceed a maximum of twelve (12) months from the date of the completed harvest. Property owner/responsible party shall submit documentation compliance with this requirement.
- viii. Property owner/responsible party must submit a 24/7 Emergency Contact information document for project management on site provided by the Sutherlin Fire Department.
- ix. Property owner/responsible party is required to follow all rules from DFPA (Douglas Forest Protective Association) during Fire Season.
- x. Obtain a City of Sutherlin Overweight Truck Hauling Permit that is to be approved pursuant to Section 10.32.030 of the Sutherlin Municipal Code (SMC).
- xi. Property owner/responsible party is responsible to be aware of posted load requirements on all bridges located inside city limits.
- xii. Obtain the necessary Planning Clearance Worksheet approval from the Community Development Department, once the above conditions have been met authorizing the proposed Timber Harvesting.

ADVISORY STATEMENTS:

- xiii. The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs.
- xiv. The property owner/responsible party shall comply with all applicable local, county, state and federal regulations as applicable to the Tree Falling.

ACTION ALTERNATIVES

Based on the applicant's findings, the city staff report and the testimony and evidence provided during the public hearing, the Planning Commission can close the public hearing and move to either:

1. **APPROVE** the requested Conditional Use Permit and Tree Falling Permit – greater than 5 acres on the subject property addressed as 0 S. State Street, based upon the findings of the staff report and/or testimony brought forward through the public hearing process, which recognize the approval criteria can be met at this time, subject to the following conditions:
 - i. The property owner/responsible party shall provide video documentation of the proposed access (haul route) prior to the start of the proposed timber harvesting to the Sutherlin Public Works Director. The property owner/responsible party shall notify the Sutherlin Public Works Director when the proposed timber harvesting is complete. Once the timber harvest is complete the Sutherlin Public Works Director will re-evaluate by additional video footage along with visual inspection the access (easement) and affected city streets (S. State Street).
 1. The property owner/responsible party is responsible for any damages that may occur to the existing gravel road (easement road) and paved roadway (S. State Street), and must be repaired beginning condition and/or better condition.
 - ii. The property owner/responsible party shall conform to Chapter 8.16.170 [Noise Disturbance] of the Sutherlin Municipal Code (SMC).
 - iii. Property owner/responsible party shall submit a Geotechnical Impact Statement addressing the portions of the proposed timber harvest portion that have slopes greater than 12% prior to the start of the proposed timber harvesting, meeting the requirements of Section 2.7.210 of the Sutherlin Development Code (SDC).
 - iv. Property owner/responsible party must submit an approved permit from the Oregon Department of Forestry (ODF).
 - v. The property owner/responsible party shall comply with the Forest Practices Act.
 - vi. The property owner/responsible party is responsible (and planning) for reforestation of the subject property meeting the requirements within Section 5.16.070.A of the SMC. A minimum of two hundred fifty (250) trees planted per acre within one year. After twelve (12) month period the property owner/responsible party shall demonstrate (and submit documentation) a minimum of seventy-five (75) percent survival rate.
 - vii. All debris and slash realized from the tree falling shall be either removed or piled and burned within sixty (60) days following the removal of the harvested trees unless a time extension is granted by the planning commission due to unusual or extenuating circumstances; however, such time extension shall not exceed a maximum of twelve (12) months from the date of the completed harvest. Property

owner/responsible party shall submit documentation compliance with this requirement.

- viii. Property owner/responsible party must submit a 24/7 Emergency Contact information document for project management on site provided by the Sutherlin Fire Department.
- ix. Property owner/responsible party is required to follow all rules from DFPA (Douglas Forest Protective Association) during Fire Season.
- x. Obtain a City of Sutherlin Overweight Truck Hauling Permit that is to be approved pursuant to Section 10.32.030 of the Sutherlin Municipal Code (SMC).
- xi. Property owner/responsible party is responsible to be aware of posted load requirements on all bridges located inside city limits.
- xii. Obtain the necessary Planning Clearance Worksheet approval from the Community Development Department, once the above conditions have been met authorizing the proposed Timber Harvesting.

ADVISORY STATEMENTS:

- xiii. The property owner/responsible party shall not negatively impact adjacent properties with storm drainage, soil erosion and/or water runoffs.
 - xiv. The property owner/responsible party must comply with all applicable local, county, state and federal regulations as applicable to the Tree Falling.
2. **APPROVE** the requested Conditional Use Permit and Tree Falling Permit – greater than 5 acres the subject property addressed as 0 S. State Street, with modifications and/or conditions of approval, based on Findings of Fact and/or testimony brought forward through the public hearing, which recognize the approval criteria can be met at this time.
 3. **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; or
 4. **DENY** the requested Conditional Use Permit and Tree Falling Permit – greater than 5 acres on the subject property, based on Findings of Fact and/or testimony brought forward through the public hearing, on the grounds that the proposal does not satisfy the applicable approval criteria.

STAFF RECOMMENDATION

City Staff recommends that the Planning Commission select Action Alternative #1 and **APPROVE** the requested Conditional Use Permit and Tree Falling Permit – greater than 5 acres, as outlined in the application, subject to the conditions listed above, on the subject property addressed 0 S. State Street.



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

City of Sutherlin

Date: September 12, 2023
To: Planning Commission
From: Community Development
Re: Monthly Activity Report

This report is provided in an effort to keep you apprised of recent land use and other relevant activities.

COMMUNITY DEVELOPMENT

Ford's Pond Grant update

At the May 8, 2023, City Council awarded the bid to JRT Construction, LLC in the amount of \$1,884,038.16. Construction started on June 5th and is expected to be completed in late Fall of 2023.

The City received two notices of delay from JRT Construction on August 1, 2023. Construction of the remaining perimeter path including the boardwalk is delayed due to wetlands permitting, and construction of the playground is delayed awaiting the delivery of the remaining three pieces of equipment. The equipment has been shipped and is pending delivery. The ADA restrooms and pavilions have been installed. The project is still expected to be complete in late Fall of 2023.

Recreational Vehicle (RV) Survey and Open House

It is currently not permitted to reside in an RV on private property within the city limits. Following several complaints to city councilors, they directed staff to seek public input on whether the citizens would like to see enforcement or code changes to address the issue. A postcard for an RV survey was mailed out on April 24, 2023. Survey closed on May 12, 2023. An open house was held on May 24, 2023, 5:00 p.m. – 7:00 p.m. in the Civic Auditorium for additional public input, 79 citizens attended. Information was collected from the public outreach and provided to the planning commission for their regular scheduled meeting on June 20, 2023. The Planning Commission made a recommendation to the City Council prohibit residing in RV's on private property within the city limits. The City Council considered the Planning Commission recommendation and directed staff to move forward with drafting an ordinance. The draft ordinance was reviewed and discussed at the regular August City Council meeting, followed by the first reading of the ordinance at the September 11, 2023, City Council meeting.

Seismic Rehabilitation of Fire Station #1 and Police Station

In December 2022, the City applied for and received Seismic Rehabilitation Grants ("SRG") for the projects through Business Oregon, Infrastructure Finance Authority, based on the applications prepared by ZCS Engineering & Architecture, Inc. The City was awarded \$2,492,700 for the design and construction of Fire Station #1 Seismic Rehabilitation, and \$2,479,180 for the design and construction of the Police Station Seismic Rehabilitation.

Advertisement for Request for Proposals (RFP) to provide Engineering, Architectural, and Construction Management Services for the Seismic Rehabilitation of Fire Station #1 and the Police Station were published September 6-8, 2023. The schedule for the Engineering, Architectural, and Construction Management Services is as follows:

RFP Advertised Sept. 6 & Sept. 8, 2023
 Site Visits Sept. 14, 2023
 Deadline for Additional Information Sept. 21, 2023 @ 3:00 p.m.
 Response to Additional Information Sept. 27, 2023
 Proposal Package Due Oct. 11, 2023 @ 3:00 p.m.
 Schedule Interview (subject to City's discretion) Oct. 17, 2023
 Interviews (subject to City's discretion) Oct. 19, 2023
 Notice of Intent to Award Oct. 25, 2023
 Contract Negotiation w/ Selected Consultant Oct. 25, 2023
 Protest Deadline Nov. 1, 2023
 Council Consideration of Contract Nov. 13, 2023
 Award of Project Nov. 13, 2023
 Start Design Nov. 14, 2023
 Complete Design May 31, 2024
 Present Final Design to Council Jun. 10, 2024
 Bid process July, 2024
 Council Consideration of Contract Aug. 12, 2024
 Award Contract Notice to Proceed Aug. 13, 2024
 Start Construction Aug. 14, 2024
 Complete Construction Aug. 31, 2025
 Present Final Report to Council Sept. 8, 2025

TRANSPORTATION

Downtown Parking Lot

- Design and Construction Estimate
 - Start date: December 12, 2022
 - Completion date: August 31, 2023
 - Bidding TBD 2023/2024
 - Construction is estimated to begin TBD 2023/2024

Waite Street Improvements

Advertisement for Request for Proposals (RFP) to provide Engineering Design Services and Construction Cost Estimate for Waite Street Improvements went out June 21, 2023. Five proposals were received by the July 20, 2023 deadline. The Notice of Intent of Award to contract to Civil Solutions Engineering, LLC was issued July 27, 2023. A Survey Notification Letter notifying property owners of survey field work was mailed to surrounding property owners August 4, 2023.

The schedule is as follows:

Contract Negotiation w/ Selected Consultant	August 1, 2023
Award of Project	August 14, 2023
Start Design	August 15, 2023
Complete Design	November 16, 2023
Present Final Design to Council	December 11, 2023 @ 7:00 p.m. PST

UTILITIES

Nonpareil Water Treatment Plant Improvement:

Construction schedule:

a. New Coatings	March 6 – 10, 2023
b. Concrete Infill	March 17, 2023
c. Underdrains/Piping	March 20 – 24, 2023
d. RW Pump Station	March/April 2023
e. Treated Water PS	March/April 2023
f. Chemical Feed	March/April 2023
g. Controls Startup	April 14 – 28, 2023
h. WTP Commissioning	May/June 2023
i. Substantial Completion	August 2023
j. Final Payment	September 2023

The Design Contract was awarded on January 27, 2020, to The Dyer Partnership Engineers & Planners, Inc. for Engineering Services and Construction Management. On February 24, 2021 @ 2:00pm bids were opened, Stettler Supply & Construction submitted the lowest bid in the amount of \$4,810,485 and has sufficient experience and qualifications to satisfactorily construct the project. On March 8, 2021, City Council Awarded the Construction Contract to Settler Supply Company in the amount of \$4,810,485. Construction started April 2021 and is expected to be completed in 2023.

A walk through for substantial completion was held on September 8, 2023. Project funding close-out activities will begin once the punch list has been created and completed.

LAND USE ACTIVITY

Building Worksheets:

- 2023-56- 2023-60 on previous Activity Report(s)
- 2023-61 – 138 Elkton St – SFD
- 2023-62 – 152 Elkton St – SFD
- 2023-63 – 531 N Comstock Rd – interior remodel
- 2023-64 – 819 S Comstock, Sp 48 – MH
- 2023-65 – 1025 Taylor St – industrial development
- 2023-66 – 364 E Second Ave – Church Addition/Expansion

Active Land Use Applications:

- 23-S009 – on previous Activity Report(s)
- 23-S010 – Robinson – P/A & Z/C
- 23-S011 – Forest Edge Investments – CUP & Tree Harvesting (greater than 5 acres)
- 23-S012 – Sutherlin Sanitation – Class B Variance

Right of Way Applications:

- 23-18 – on previous Activity Report(s)
- 23-19 – 628 E Central Ave – Avista Utilities
- 23-20 – 731 W Central Ave - Javelin