



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 31, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sutherlin Plan Amendment
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 12, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Steven Santos, DLCD Economic Development Planning Specialist
John Renz, DLCD Regional Representative
Dan Huff, City of Sutherlin

<paa> ya

2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF
MAY 24 2006
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Sutherlin Local file number: PA/ZC-2006-01-30

Date of Adoption: 5/18/2006 Date Mailed: 5/22/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 2/1/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Rezone approximately 72.46 acres to M-2 from CS and C-3. Change Comprehensive Plan designation on same property to Heavy Industrial from Public and Community Commercial.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: Public/Comm. Comercial to: Heavy Industrial

Zone Map Changed from: CS/C-3 to: M-2

Location: South of W. Central Ave., west of RR Acres Involved: 72.46 ac.

Specify Density: Previous: _____ New: TBA

Applicable Statewide Planning Goals: 1-14

Was an Exception Adopted? YES NO

DLCD File No.: 002-06 (14987)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, Douglas County

Local Contact: **Dan Huff** Phone: **(541) 459-2856** Extension:

Address: **126 E. Central Ave.** City: **Sutherlin**

Zip Code + 4: **97479-** Email Address: **d.huff@ci.sutherlin.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 970

COPY

AN ORDINANCE AMENDING THE CITY OF SUTHERLIN ZONING MAP AND COMPREHENSIVE PLAN MAP TO REZONE AND REDESIGNATE REAL PROPERTIES DESCRIBED HEREIN FROM CS (PUBLIC) AND C-3 (COMMUNITY COMMERCIAL) TO M-2 (HEAVY INDUSTRIAL); AND DECLARING AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Sutherlin finds that:

A. On January 30, 2006, the Murphy Company submitted applications for Comprehensive Plan Map amendments and Zoning Map amendments to change the Comprehensive Plan and zoning designations on the Public/CS portion of Tax Lot 400 on Douglas County Assessor's Map T25 R05W S19B to Heavy Industrial/M-2. In addition, the applicant seeks to have the Public/CS portion of Tax Lot 800 on Map T25 R05W S19BA and the southern 185 feet and eastern 110 feet of the C-3 zoned portion of Tax Lot 800 rezoned to M-2. The subject property is further described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein.

B. The Sutherlin Planning Commission held a properly noticed public hearing on April 18, 2006 to consider the applicant's requests. Following the public hearing, the Planning Commission passed a motion to recommend that the City Council approve the proposed Comprehensive Plan Map amendments and Zoning Map amendments.

C. Pursuant to Section 17.100.130 of the Sutherlin Municipal Code, notice of a public hearing before the City Council was given, and the public hearing on the requested Comprehensive Plan Map amendments and Zoning Map amendments was conducted on May 18, 2006.

D. Subject to the conditions of approval listed herein, the proposed amendments to the Sutherlin Comprehensive Plan Map and the Sutherlin Zoning Map are found to be consistent with the Statewide Planning Goals, in conformance with the Comprehensive Plan, and the site is found to be suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area. Findings supporting these decisions are attached as Exhibit C hereto.

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. Based on the above findings, and the findings set forth in Exhibit C hereto, which are hereby adopted, the Sutherlin Comprehensive Plan Map and Sutherlin Zoning Map are hereby amended to change the Comprehensive Plan and zoning designation on the CS/Public portion of Tax Lot 400 on Douglas County Assessor's Map T25S, R05W, S19B from Community Service/Public to M-2 Heavy Industrial, and the CS/Public portion of Tax Lot 800 on Map T25S, R05W S19BA and the southern 185 feet and eastern 110 feet of the C-3 zoned portion of Tax Lot 800 are hereby changed from Community Service/Public and C-3 Community Commercial to M-2 Heavy Industrial, subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL

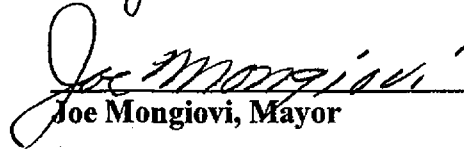
1. The property owner shall obtain DSL/Army Corps of Engineers approval that all wetland mitigation projects on the subject property have been relocated or otherwise resolved prior to building on the former wetland mitigation site located on the property.
2. Based on the wide variety of higher intensity of uses allowed outright in the requested M-2 zone (which includes the many uses permitted under M-1 zoning), and the resulting need to provide for a larger capacity sewer main to serve new development on the rezoned property, the property owner shall provide to the City a 20-foot wide Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property. The City will provide the Public Utility Easement forms and legal descriptions for this purpose.
3. Based on the City's recently adopted Transportation System Plan and traffic safety concerns, the proposed office access/truck access private road on the south side of W. Central Avenue shall be realigned to create a four-way intersection, with no offset, at Sherman Street and W. Central Avenue.
4. To ensure that future development of the property will not include structures built over boundary lines between existing legal lots of record, the applicant shall complete a replat or boundary line adjustment to move or eliminate all such boundary lines prior to submitting plans for any new structure that would cross an existing boundary line.


Section 2. The Sutherlin Comprehensive Plan Map and the Sutherlin Zoning Map shall be revised to depict the adopted amendments.

Section 3. The applicant intends to rebuild a mill on the property rezoned herein, and in order to take full advantage of the upcoming construction season, the City Council declares it is necessary for the preservation of the public health, welfare and safety for this Ordinance to have immediate effect. Therefore, this Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

Passed by the Council on this 18th day of May, 2006.

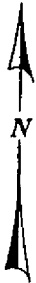
Approved by the Mayor on this 19th day of May, 2006.


Joe Mongiovi, Mayor

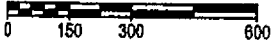

City Recorder, Vicki Luther

**PRELIMINARY
BOUNDARY LINE ADJUSTMENT PLAN**
IN THE NW 1/4, SECTION 20,
TOWNSHIP 25 SOUTH, RANGE 5 WEST,
WILLAMETTE MERIDIAN, DOUGLAS COUNTY, OREGON
JANUARY 2006

EXHIBIT A

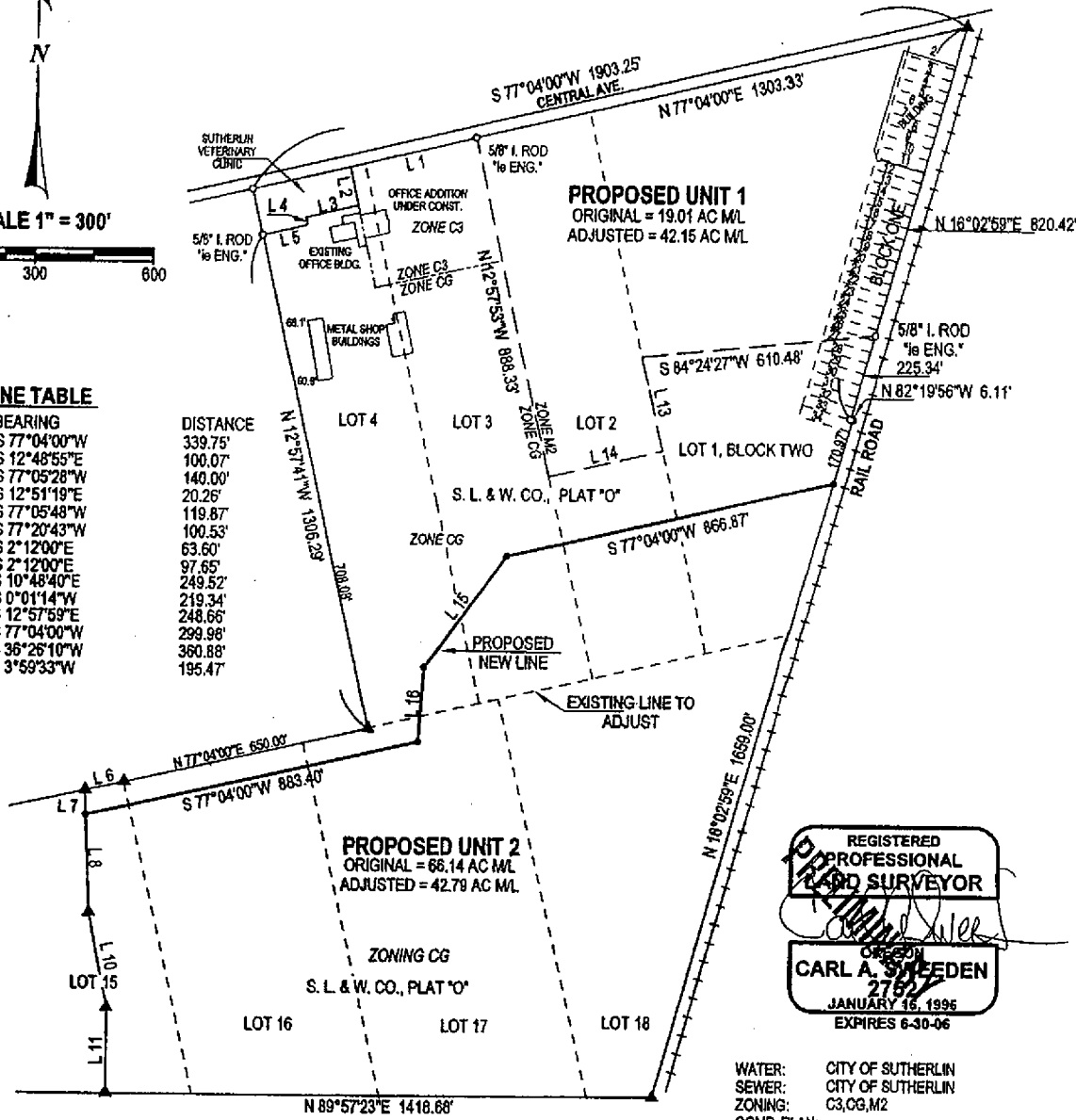


SCALE 1" = 300'



SHORT LINE TABLE

LINE	BEARING	DISTANCE
L1	S 77°04'00"W	339.75'
L2	S 12°48'55"E	100.07'
L3	S 77°05'28"W	140.00'
L4	S 12°51'19"E	20.26'
L5	S 77°05'48"W	119.87'
L6	S 77°20'43"W	100.53'
L7	S 2°12'00"E	63.60'
L8	S 2°12'00"E	97.65'
L10	S 10°48'40"E	249.52'
L11	S 0°01'14"W	219.34'
L13	S 12°57'59"E	248.66'
L14	S 77°04'00"W	299.98'
L15	S 35°25'10"W	360.88'
L16	S 3°59'33"W	195.47'



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Carl A. Sneed
CARL A. SNEED
2752
JANUARY 16, 1996
EXPIRES 6-30-06

WATER: CITY OF SUTHERLIN
SEWER: CITY OF SUTHERLIN
ZONING: C3,CG,M2
COMP. PLAN:

LEGEND:

- FOUND MONUMENT
- PROPOSED CORNER MARKERS
- ▲ COMPUTED POINT, NOTHING FOUND OR SET

PRELIMINARY PLAN FOR:

MURPHY COMPANY
411 W. CENTRAL
SUTHERLIN, OREGON 97470

PRELIMINARY PLAN BY:



NOTES:
THIS PRELIMINARY MAP IS PREPARED USING SOME SURVEY INFORMATION BUT PRIMARILY USING RECORD SURVEY INFORMATION FROM M133-64 AND ASSESSOR MAP INFORMATION. IT CONTAINS SEVERAL DIFFERENT TYPES OF ZONING WHICH HAS BEEN SHOWN. ORIGINAL ACREAGES SHOWN ARE FROM ASSESSOR MAPS AND THE ADJUSTED AREA SHOWN IS AS CALCULATED FROM THE RECORD SURVEY.
THE LANDS INCLUDED IN THE PROPOSED BOUNDARY LINE ADJUSTMENT ARE DESCRIBED IN INSTRUMENTS #2000-14858 AND #98-24079, DOUGLAS COUNTY, OREGON, DEEDS AND RECORDS.

602 S. E. Parrott (541) 672-8344
Roseburg, Oregon 97470 Fax (541) 492-1167

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

NE1/4 NW1/4 SEC.20 T.25S. R.5W. W.M.
DOUGLAS COUNTY

REVISED ON
2-1-05

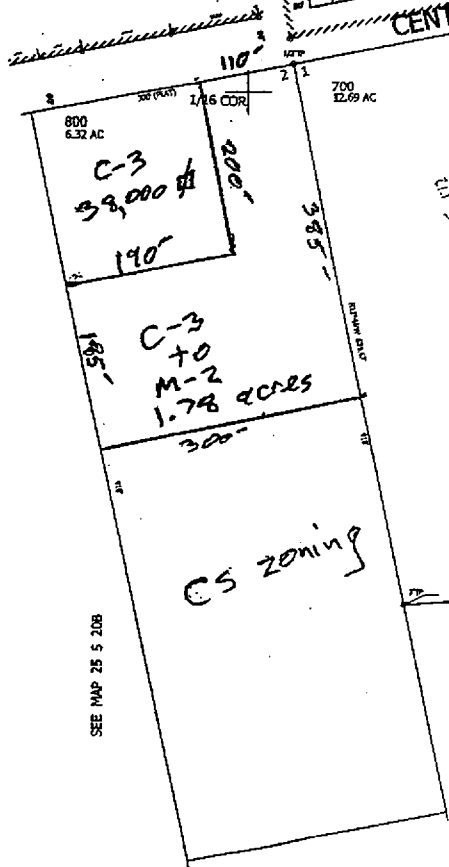
25 5 20BA
SUTHERLIN

SEE MAP 25 5 17CD

SEE CS 41/25

SEE RM 2-16

SEE MAP 25 5 17DC

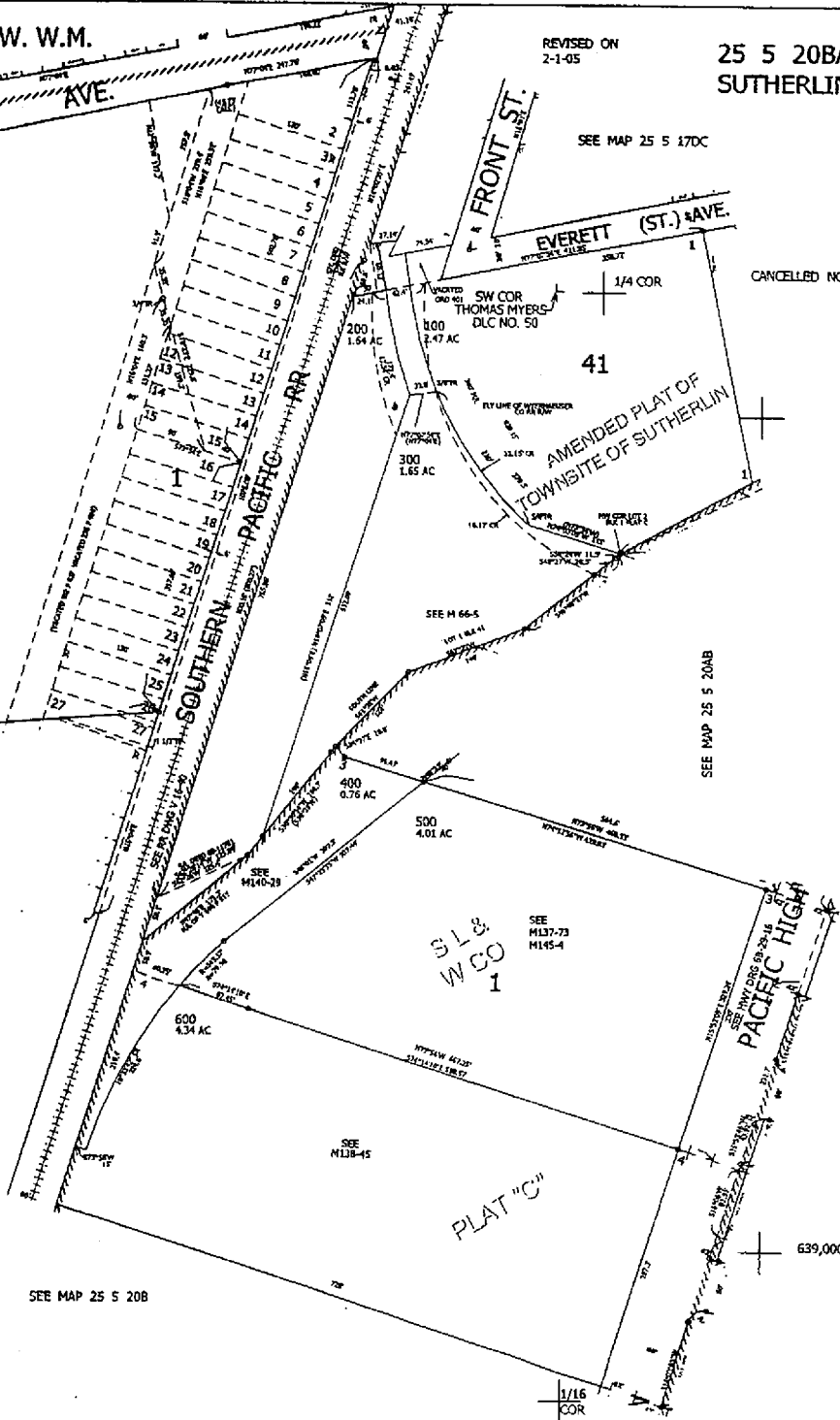


S.L. & W.CO

2

PLAT "O"

130-01



CANCELLED NOS

SEE MAP 25 5 20AB

S.L. & W.CO
1

PLAT "C"

25 5 20BA
SUTHERLIN

SEE MAP 25 5 20B

SEE MAP 25 5 20B

1/16
COR

4,172,000

639,000

EXHIBIT B

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

<p>IN THE MATTER of a request for a zone change from CS and C-3 to M-2 for a 72 -acre parcel located west of the railroad tracks between W. Central Avenue and Hastings Avenue, and identified on the Douglas County Assessor's Map as T25, R05W, S19B, TL800.</p>	<p>] FINDINGS OF FACT AND DECISION]] Applicant: Murphy Company] Subject: Comprehensive Plan Map and Zoning Map Amendments] File No.: PA/ZC-2006-01-30</p>
--	---

I. OFFICIAL NOTICE

The Planning Commission of the City of Sutherlin takes official notice of the following:

1. The Sutherlin Comprehensive Plan and the Sutherlin Municipal Code.
2. The Statewide Planning Goals.
3. The public notice records of the City of Sutherlin concerning this matter.
4. The records of the City of Sutherlin concerning the deliberations on this matter before the Sutherlin Planning Commission, including the Staff Report and all evidence and testimony submitted for consideration.

II. PROCEDURAL FINDINGS OF FACT

1. Murphy Company representative Dave Knight submitted applications for Comprehensive Plan Map amendment and Zoning Map amendment on January 30, 2006. The applicant is seeking to have most of the subject property rezoned from CS (Community Service/Public) and C-3 (Community Commercial) to M-2 (Heavy Industrial) to accommodate a proposed new mill to be constructed largely on the site of the Murphy Plywood mill that burned down in July 2005. Much of the subject property was previously zoned M-2, but it was rezoned for public use when the Sutherlin School District purchased the property in the 1980s. The applicant now wishes to return the CS zoned portion of the property to its former M-2 zoning. In addition, the applicant requests that the southern 185 feet and eastern 110 feet of the C-3 zoned portion of Tax Lot 800 also be rezoned to M-2 to accommodate the new mill. The applicant wants to retain the existing C-3 zoning on approximately 3.6-acres of Tax Lot 400 located along W. Central Avenue, as well as on the northwestern 38,000 square feet of Tax Lot 800.
2. A Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD) on February 1, 2006.

3. A copy of the Notice of Public Hearing was mailed to the Douglas County Planning Department on February 13, 2006, along with a letter describing the proposal.
4. On February 28, 2006, a Notice of Public Hearing before the Sutherland Planning Commission was mailed to all record owners of property within 300 feet of the property proposed to be rezoned. The Notice was published in the *News-Review* on February 21, 2006.
5. The Planning Department received no correspondence from neighboring property owners concerning the proposed map amendments. However, ODOT staff requested a meeting with the applicant's representative and Sutherland Planning Department staff to discuss the potential impact of the zone change on W. Central Avenue/Highway 138. The ODOT meeting was held at the Murphy Plywood sales offices on February 23, 2006.
6. This matter was scheduled for the March 21, 2006 Planning Commission Meeting but was postponed till the April 18, 2006 Planning Commission Meeting at the applicant's request.
7. This matter came before the Sutherland Planning Commission for consideration on April 18, 2006. The Planning Commission heard the staff report, listened to public testimony, and passed a motion to recommend to the City Council that the applications for Comprehensive Plan Map amendment and zone change be approved/denied/approved with conditions.

Conclusion: The procedural findings noted above are adequate to support the Planning Commission's recommendation on the requested Comprehensive Plan Map amendment and Zoning Map amendment.

III. SUBSTANTIVE FINDINGS OF FACT

State statute requires that proposed amendments to Sutherland's Zoning Map and Comprehensive Plan Map be consistent with the Statewide Planning Goals. In addition, Section 17.12.060 of the Sutherland Municipal Code (*Zone Changes*) provides specific local criteria for approving a zone change.

The requested amendments to the Zoning Map and Comprehensive Plan Map are measured here against these state and local criteria. The results of this analysis are presented as Findings of Fact below.

CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

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.

Findings: 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 February 28, 2006, City staff mailed copies of a Notice of Public Hearing to all owners of property within 300 feet of the subject parcel. The same notice was published in the News-Review, a local newspaper of general circulation, on February 21, 2006. 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.

Conclusion: The City of Sutherlin concludes that the statewide goal of citizen involvement has been met through the mechanisms described above.

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.

Findings: 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 provided the local criteria by which the applicant's request was judged. Because the subject property is within the Sutherlin city limits, no exception to statewide planning goals was necessary. As required by State statute, a Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD) on February 1, 2006.

Conclusion: The statewide goal of land use planning has been met through the use of Sutherlin's acknowledged Comprehensive Plan and implementing ordinances in the analysis and processing of the Murphy Company applications.

Goal 3: Agricultural Lands. To preserve and maintain agricultural lands.

Goal 4: Forest Lands. To conserve forest lands 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....

Findings: The 72-acre subject property is located immediately west of the railroad tracks between W. Central Avenue and Hastings Avenue, near the geographic center of the

City and adjacent to downtown Sutherlin. While the property is mostly vacant, it contains remnants of its history as a mill site, including log ponds that were used by a previous mill operation. The subject property does not contain any designated agricultural or forest land.

Conclusion: The proposed Comprehensive Plan Map and Zoning Map amendments will not adversely impact agricultural lands as defined by Statewide Planning Goal 3, or forest lands as defined by Goal 4.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.

Findings: 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 (part shown below). The applicant subsequently hired Environmental Science Associates, Inc. to delineate the wetland boundaries on the property. A copy of the wetland delineation map prepared in January 2003 by Environmental Science Associates was provided by the applicant and is attached as Exhibit D.



According to the applicant's wetland delineation, approximately 42 acres of the property are covered by the log ponds, delineated wetland areas, and Sutherlin Creek, which runs along the east boundary of the property. Sutherlin Creek is identified as a salmonid bearing stream by the Oregon Department of Fish and Wildlife. A wetland mitigation project was located at the north end of log ponds that occupy the southern 30 acres of the 72-acre subject property. According to the applicant, the wetland mitigation project is in the process of being relocated to an off-site location. Discussions with the Department of State Lands (DSL) indicate that the party responsible for the mitigation project is seeking to have it moved to another location. However, the process to do so is not yet complete or approved by DSL and the Army Corps of Engineers. Consequently, DSL has requested that a condition of approval be included that requires DSL/Corps approval that any and all mitigation projects on the subject site have been resolved prior to finalizing the re-zone, or prior to building on the former mitigation site. Accordingly, **a conditional of approval is warranted that requires DSL approval prior to building on the former mitigation site.**

No known scenic, historic, or cultural resources have been inventoried on the site by the City of Sutherlin or Douglas County. The property has been used as a mill site in the past, and it was previously zoned M-2 (Heavy Industrial). Its location along the railroad tracks – adjacent to the Sutherlin Industrial Park and other industrially zoned land – makes the property attractive for industrial use. Since the property is no longer owned by the Sutherlin School District, it does not make sense for it to remain zoned CS and designated Public by the Comprehensive Plan.

Conclusion: Based on the above findings, the City of Sutherlin concludes that the requested map amendments will not conflict with or adversely impact Goal 5 resources. The requested Comprehensive Plan Map and Zoning Map amendments are therefore consistent with Goal 5.

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

Findings: 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 72-acre subject property to M-2 (Heavy Industrial) is expected to result in industrial development (on at least the portion of the property that is not mapped as wetland) with the typical associated waste stream characteristics.

It is certainly possible that the proposed change from CS and C-3 zoning to M-2 zoning on the 72-acre site may generate waste streams that are significantly more adverse to the environment or to the City's treatment capacity than would be the case under the existing public zoning (which only allows schools, parks, churches, government buildings, and the like). However, without a specific development plan for the former School District property, it is impossible to assess such environmental impacts at this time. As a former mill site, it is also possible that some environmental contamination may exist on the property. In any case, the City and the State have regulations in place to control the generation and disposal of industrial wastes, and the Oregon Department of Environmental Quality has additional regulations that address potential site contamination.

It is worth noting, however, that the original Murphy Plywood mill sometimes experienced sewer backups during high rainfall events. In part to correct this problem, the City has plans to construct a new gravity sewer interceptor across the subject property. By connecting any new development on the subject property to the new gravity sewer interceptor, such sewer backups on the property can be eliminated. This problem is discussed further in the Public Facilities Plan Conformance section of this document – as is an approval condition requiring the applicant to provide a Public Utility Easement within which the new gravity sewer interceptor will be constructed.

With the provision of the Public Utility Easement as described in the Public Facilities Plan Conformance section, the proposed rezoning is not expected to result in any deleterious effects on the quality of the air, water, or land resources of the State. Finally, existing state, federal, and local land use and environmental standards are expected to 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.

Conclusion: With the provision of a Public Utility Easement across the property for a new sewer interceptor, the requested map amendments are expected to be consistent with Statewide Planning Goal 6.

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

Findings: The subject property is located near the center of the City in an area of relatively flat topography. The property 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 be required to comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property.

Conclusion: Based on the above findings, the City of Sutherlin concludes that the requested map amendments will be consistent with Goal 7.

Goal 8: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the citing of necessary recreational facilities including destination resorts.

Findings: The subject property has not been designated by the City of Sutherlin or Douglas County 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 and public use, and it has a history of industrial use. However, special geographic or natural advantages that the property may have for recreational use would include the existence of log ponds on the site, and the potential for using Sutherlin Creek – which marks the eastern boundary of the property – as a multi-use/personal electric vehicle pathway alignment.

Figure 11-1 of the Sutherlin Transportation System Plan (Exhibit E) depicts an alternative multi-use/personal electric vehicle path as being located on the eastern edge of the subject property just west of the railroad tracks. The path is shown as following Sutherlin Creek between a Page Avenue connection and downtown, then running along the creek all the way to the eastern city limits.

Based on the multi-use/personal electric vehicle pathway alignment depicted in the adopted Sutherlin Transportation System Plan, the Planning Commission should consider including a **condition of approval that requires the property owner to provide a 25-foot wide public pathway access easement running parallel to (and 30 feet west of, to stay out of the creek) the eastern boundary of the subject property between the Hastings Avenue right-of-way and the north end of the log pond where Sutherlin Creek (and the pathway alignment) turn eastward under the railroad trestle.**

Conclusion: The City of Sutherlin concludes that the requested map amendments will not adversely affect recreational opportunities within the City limits or urban

growth boundary. The provision of a public pathway access easement as described above could significantly enhance recreational opportunities for Sutherlin residents. However, the Commission finds that the proposal is consistent with Goal 8 without a condition of a public pathway dedication.

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

Findings: The subject property is located near the geographic center of the City, adjacent to the site of the Murphy Plywood mill that burned down in July 2005. The entire subject property has a history of use as a mill site, as evidenced by the old log ponds and other mill remnants that still remain. Archived official zoning maps as recent as 1982 depict the CS/Public portion of the property as being planned for Heavy Industrial and zoned M-2. The C-3 portion of the subject property along W. Central Avenue has been zoned for commercial use since at least the mid-1970s.

To support construction of the proposed new mill on the site, the Murphy Company is seeking to return the CS zoned portion of the property to its former M-2 zoning, as well as to rezone the southern 185 feet and eastern 110 feet (approximately 1.78 acres) of the C-3 zoned portion of Tax Lot 800 to M-2 (see Exhibits F and G). Rezoning the property will accommodate the new mill depicted in the applicant's March 15th site plan, in addition to providing land for future expansion of the proposed mill.

Due to the fact that the proposed mill building is depicted on the applicant's preliminary site plan as extending well into the C-3 portion of Tax Lot 800, approximately 1.78 acres of the C-3 zoned land would also have to be rezoned to M-2 in order to accommodate the proposed mill structure and use. After the zone change required to accommodate the mill building, only the northwestern 38,000 square feet of Tax Lot 800 would remain zoned C-3 (being comprised of an area 200 feet deep – to account for a 20-foot front setback – by 190 feet wide as measured from the north and west boundaries, respectively). Therefore, the approval of the requested map amendments will decrease the amount of land within the City of Sutherlin that is planned and zoned for Community Commercial uses by approximately 1.78 acres. While eliminating approximately 66 acres of vacant Public/CS zoned land, the map amendments would increase land zoned for industrial use by the same amount.

While the requested zone change will result in a loss of about 1.78 acres of commercial land, its conversion to M-2 zoning is expected to facilitate reconstruction of a mill operation on the site, as well as to provide additional industrially zoned land for future expansion of the proposed mill. According to the applicant, the approximately 100 jobs associated with the new plant will offset some of the jobs lost when the original mill burned down last year.

Aside from its history, the property has other competitive advantages for heavy industrial use. The CS zoned portion of the property has over 2,000 feet of frontage on the CORP railroad right-of-way, with existing sidings that served the burned plywood mill. To further improve rail access, the applicant has applied for a grant from ODOT's *Connect Oregon* program to construct a new railroad spur through the subject property just north of the log ponds. In addition, the property is bounded on the south by Hastings Avenue (a designated truck route in the Sutherlin Transportation System Plan). The property also has frontage on Taylor Street, a recently improved street which intersects Hastings Avenue and continues south to Interstate-5 Exit 135.

Conversion of 66 acres of vacant CS/Public land formerly owned by the Sutherlin School District – and no longer needed as a future school site – to M-2/Heavy Industrial land is likely to increase the probability that the land will be developed in a way that supports economic development and job growth in the community. Conversion of about 1.78 acres of C-3 property to M-2 appears to be necessary in this case to allow the proposed new mill structures to be constructed on the site.

Conclusion: Based on the above findings, the City of Sutherlin concludes that the proposed map amendments will support the statewide planning goal of providing adequate economic opportunities. The proposal is therefore consistent with Goal 9.

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

Findings: Neither the existing or proposed zoning is intended to accommodate new housing. The proposal is therefore neutral as regards Goal 10.

Conclusion: Goal 10 does not apply to the proposed map amendments.

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.

Findings: The subject property is within the Sutherlin city limits, and it is therefore eligible to receive City water and sewer services. On March 15th, the applicant submitted a preliminary site plan depicting a 232,000 square-foot mill building proposed to be constructed on the site. Access to the new mill is depicted on the site plan as being via three curb cuts on W. Central Avenue and one curb cut on Taylor Street, with a private access road between Taylor and Central. Access to the site is more fully discussed in later sections of this document.

A 6-inch diameter water main is located within the W. Central Avenue right-of-way adjacent to the property. In addition, a 12-inch PVC water main is located along the southern boundary of the property within the Hastings Avenue right-of-way.

The former Murphy Plywood mill site adjacent to the subject property was served by a 6-inch concrete gravity sanitary sewer main that extended from the north boundary of the former mill site to a 15-inch concrete sewer main within the a partly vacated alley right-of-way located north of the old mill site between W. Central Avenue and W. First Avenue. Due to the southward sloping topography of the 72-acre subject property and the sewer backup problems noted under Goal 6, however, sewer service to the property will need to be provided by a planned sanitary sewer gravity interceptor that will run from the east boundary of the subject property to its west boundary at Taylor Street.

Sewer requirements in support of the requested zone change are described further in the Public Facilities Plan Conformance section under Zone Change Criteria 1 later in this document, including the need for a Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property.

Conclusion: Based on the above findings – in addition to the findings and conditions of approval contained within the Public Facilities Plan Conformance section of this document – the City of Sutherlin concludes that the proposal is consistent with Statewide Planning Goal 11.

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

Findings: Following an on-site meeting with ODOT staff on February 23rd, the applicant addressed ODOT's concerns and Goal 12 with the following proposed Findings of Fact:

1. *Presently, Central Ave. is the primary truck access to this property. The proposed site improvement would include Taylor St. as an alternative primary truck access point. Taylor St. has recently been upgraded for the Industrial Park Area, adjacent to our property.*
2. *With the new proposed site improvements, truck traffic will be reduced approximately 25% from the previous plant operations.*
3. *Employee traffic will be reduced approximately 50% and the majority employee parking will be relocated to the south side of Central Ave.*
4. *The new building will be located within the existing property boundaries of the previous plant. T/25, R/5, S/20BA; TL 800 & 700.*
5. *The property purchased from the Sutherlin School District, T/25, R/5, S/20B; TL 400, 66.14 AC M/L is being rezoned from CS to M2. Ponds and delineated wetlands occupy the majority of that property, 42.19 AC. M/L is basically not buildable property at this time, leaving 23.95 AC. M/L buildable properties.*
6. *A new rail road spur application has been applied for with Connect Oregon. With the new spur, rail transportation is expected to reduce truck traffic by an additional 25%.*

7. *The TSP identifies several planned improvements that will improve truck traffic distribution to and from the site. These improvements will reduce truck impacts on Central Ave. by facilitating alternate truck routes to I-5 interchanges.*

The subject property has public street frontage on W. Central Avenue/Highway 138 on the north, Taylor Street on the west, and Hastings Avenue on the south. Vehicle access to the property has historically been from W. Central Avenue alone. However, the applicant reportedly has plans to construct a private truck access road to serve the proposed mill operation from Taylor Street, which bisects the adjacent heavy industrial property to the south. Both Hastings Avenue, which forms the southern boundary of the subject property – and Taylor Street south of the property – are shown in the Sutherlin Transportation System Plan (TSP) as designated truck routes.

The proposed new access to the site will provide an alternate route to the proposed plant, relieving some of the truck traffic on W. Central Avenue that was associated with the old mill. According to the applicant, these site improvements will yield a 25% reduction in truck trips compared to the old plant. The applicant's preliminary plans show the access road off Taylor Street continuing eastward across the property to approximately the site of the former Murphy Plywood mill. In addition, a northward extension of the private access road is shown intersecting W. Central Avenue near its intersection with Sherman Street. The preliminary plans depict this intersection with an offset of approximately 10-15 feet, rather than directly lining up with Sherman Street.

The alignment of this portion of the proposed private truck access road follows – almost exactly – the alignment of a proposed new local street connection depicted in the TSP between Taylor Street and W. Central Avenue at Sherman Street. The difference between the two alignments is simply that the local street in the TSP intersects W. Central Avenue directly across from Sherman Street, creating a four-way intersection. For traffic safety reasons, a four-way intersection without offsets (and the conflicting turning movements they create) is a much safer intersection configuration than the one depicted in the preliminary site plan. For this reason, **a condition of approval is warranted that would require the truck access road to intersect W. Central Avenue directly across from Sherman Street to create a four-way intersection with no offsets.** An adjustment to the currently-stalled office addition on the property will be necessary to allow for the four-way intersection, but the traffic safety advantages of a four-way intersection – both now and in the event that the private truck access road becomes a public street in the future (as shown in the TSP) – warrants the site modifications.

While the proposed truck access road off Taylor Street should reduce the traffic burden on W. Central Avenue – particularly for trucks heading or arriving from the south – much of the traffic entering and leaving the site is expected to be via existing and/or relocated curb cuts on W. Central Avenue. Because W. Central Avenue is a State highway at this location (Highway 138), the Oregon Department of Transportation (ODOT) will have to review and approve any access points on W. Central Avenue to be developed or reused for the proposed new mill.

On its east side, the subject property has over 2,000 feet of frontage on the CORP railroad right-of-way, with sidings that served the burned plywood mill. As stated above, the applicant has applied for a grant from ODOT's *Connect Oregon* program to construct a new railroad spur through the subject property just north of the log ponds. According to the applicant, the proposed mill will rely more heavily on rail transport, resulting in an additional 25% reduction in truck trips compared to the old mill.

Currently, about 3.6 acres of Tax Lot 400 is zoned C-3 (Community Commercial), while the remaining 62.5 acres is zoned CS (Public). The applicant does not wish to change the zoning on the C-3 portion of Tax Lot 400; only to convert the CS zoning to M-2 (Heavy Industrial) to better reflect its historical and proposed uses. In addition, the applicant wants to rezone 1.78 acres of the C-3 portion of adjacent Tax Lot 800 to M-2, as well as the 3.67-acre CS zoned portion of the Tax Lot.

At an on-site meeting at the Murphy Company offices on February 23rd, ODOT officials raised concerns about potential traffic generation from the subject property that might result from a zone change. The applicant did not provide a traffic impact study addressing this concern. However ODOT officials indicated during the meeting that, in this case, an evaluation of the potential traffic generation based on ITE *Trip Generation* data may be acceptable without a traffic impact study.

Any attempt to compare the anticipated traffic impact of the current zoning to that of the proposed zoning requires that assumptions be made about the size and type of uses that would be built on the site based on each zone. Based on these assumptions, ITE *Trip Generation* data can be used to make traffic comparisons between anticipated or potential uses. One such assumption presented by the applicant above is that the new mill will generate 50% fewer automobile trips due to a corresponding decrease in the number of jobs associated with the new mill. In addition, the applicant claims that the additional reliance on rail transportation, together with the new truck access on Taylor Street, will reduce mill-related truck trips on W. Central Avenue by up to 50%. Finally, the applicant points out that much of the subject property consists of old log ponds and delineated wetlands – neither of which should be assumed to be developable (at least in the short term).

If 42 acres of the subject property are unbuildable due to the presence of log ponds and wetlands, the developable portion of the former School District property drops to about 24 acres for the purpose of estimating potential traffic generation. Of this acreage, approximately 3.6 acres is intended to remain in C-3 zoning – resulting in no change to potential traffic generation. This leaves about 20.4 acres of buildable former School District land (Tax Lot 400) that would be converted from CS/Public to M-2/Heavy Industrial zoning. To these 20.4 acres of new M-2 property, one must add the 3.67-acre portion of Tax Lot 800 that would also be rezoned from CS to M-2 in accordance with the applicant's request, as well as the 1.78-acre C-3 zoned portion of Tax Lot 800. [The remaining 38,000 square feet of Tax Lot 800 (being the 200' X 190' northwest

corner of the Tax Lot) would remain in C-3 zoning, resulting in no change to potential traffic generation from that land.]

If the entire 25.85-acre buildable (excluding log ponds and delineated wetlands) CS and C-3 zoned property is rezoned to M-2, the anticipated traffic generation could range from approximately 50% of the traffic that was previously generated by the site (as currently proposed by the applicant) to a theoretical high of perhaps 87 (for General Heavy Industrial), 502 (for Manufacturing), 669 (for General Light Industrial), or even 813 (for Industrial Park) round trips per weekday, on average, generated as a result of the zone change.

Before making determinations of traffic impact based on these numbers, however, it is first necessary to account for the reduction in theoretical traffic generation from the site due to the proposed change in zoning from a typically high traffic-generating zone (C-3) to a lower traffic-generating zone (M-2) as proposed by the applicant. Because approximately 1.78 acres of C-3 property would have to be rezoned to M-2 to accommodate the mill building area that extends into Tax Lot 800, this zone change would actually be expected to yield a reduction in traffic. For instance, a typical C-3 use found on a property of 1.78 acres adjacent to a high-traffic street is a Fast Food Restaurant with Drive-Through Window (ITE Code 834). According to the ITE *Trip Generation* manual, such a use would be anticipated to generate about 632 round trips on an average weekday for a 2,000 square-foot restaurant. When you consider that the local Burger King, for instance, is actually on a site of only 0.83 acres, it becomes reasonable to conclude that the 1.78-acre property to be taken out of C-3 zoning could actually house two separate Fast Food Restaurants With Drive-Through Window (for 1,264 round trips per weekday) or one fast-food restaurant and one High-Turnover Sit-Down Restaurant (for 734 round trips per weekday). **Based on these calculations, it seems clear that the entire traffic generation from the 25.85 acres of proposed M-2 zoning could be offset by the traffic generation savings caused by converting the 1.78 acres of existing C-3 zoning to M-2.**

To calculate a final traffic impact assessment, it is still necessary to compare the theoretical traffic generation for the site under the proposed zoning to the theoretical traffic generation under the existing CS (Public) zoning, in order to determine whether the zone change will result in any significant additional impacts to State and local roads. Assuming that the entire 25.85 acres of existing developable CS (Public) zoning were developed with a use allowed in the CS zone, the theoretical traffic generation under the existing CS zoning could range from 29 round trips per weekday (for a City Park) to 864 round trips per weekday (for an average High School, which is assumed to be the use for which the School District purchased the property prior to the Murphy Company's ownership).

Given the proposed 1.78-acre zone change from C-3 to M-2, together with the zone change from CS to M-2, the above calculations indicate that – while a range of possible uses is possible on the site – the resulting traffic generation under the

proposed zoning is expected to be less (and perhaps significantly so) than the traffic generation under the existing zoning.

In addition, the property does contain a multi-use pathway alignment identified in the adopted Sutherland Transportation System Plan along Sutherland Creek just west of the railroad tracks. If the proposed pathway is built (**which would require a public pathway easement from the applicant as described under the Goal 8 discussion earlier in this document**), some proportion of employee traffic to the site could be reduced based on the availability of bicycle and Personal Electric Vehicle access to the site. If the applicant were to provide an easement for the proposed pathway, it might be assumed that as many as 10% of the employees would use the pathway system described in the TSP to get to work at the mill (due to the proximity of the site to residential areas within the City).

Conclusion: Based on the above findings, the proposed map amendments are expected to have no significant effect on state or local transportation facilities. In fact, **if a public pathway easement is provided to facilitate alternative transportation choices for employee trips to the mill, traffic impacts may be even less than the raw traffic generation calculations would project.** Therefore, the transportation needs of future development on the site under M-2 zoning can be accommodated by the existing transportation infrastructure. The requested map amendments appear consistent with Statewide Planning Goal 12. As a separate matter, the location and configuration of access to the property will be addressed by ODOT and the City at the time a more specific development proposal is reviewed.

Goal 13: Energy Conservation. To conserve energy.

Findings: Statewide Planning Goal 13 requires that land uses be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The proposed map amendments would result in the rezoning of approximately 66 acres of vacant Public/CS zoned land to a zoning designation that is more consistent with past industrial uses and those now being proposed by the applicant. Given the property's history, and the competitive advantages of the site, industrial zoning appears to make more logical sense than the existing vacant Public/CS zoning – particularly because the School District no longer owns or needs the property.

Given that the proposed mill operation will be housed primarily in new buildings, and will use new equipment, it may be assumed that the replacement mill will be more energy efficient than the structures and equipment that were destroyed in the July fire. The same may be said of any new development on the vacant portion of the property. In addition, redevelopment of the property for industrial use is likely to lead to jobs being created to replace at least some of those lost when the original plant burned down. Additional jobs in Sutherland provide opportunities for Sutherland residents to live and work in the same community, rather than commuting long distances to work. To the extent that jobs created on the property are filled by Sutherland residents, energy is conserved by reducing travel to and from work.

Finally, the property will be subject to development standards and building codes that provide for a minimum level of energy efficiency. The proposal is therefore consistent with principles of efficient land use and energy efficiency.

Conclusion: The map amendment requests are consistent with Goal 13.

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

Findings: The subject property is located within the Sutherlin Urban Growth Boundary and city limits. The state has previously acknowledged the Sutherlin UGB as being in compliance with Goal 14.

Conclusion: The requested Comprehensive Plan Map and Zoning Map amendments are consistent with the purposes and intent of Statewide Planning Goal 14.

COMPLIANCE WITH CITY OF SUTHERLIN ZONE CHANGE CRITERIA

Section 17.12.060 of the Sutherlin Municipal Code (*Zone Changes*) provides the following criteria for approving a zone change:

"The approving authority may grant a zone change only if the following circumstances are found to exist:

- 1. The rezoning will conform with the Sutherlin Comprehensive Plan, including the land use map and written policies; and*
- 2. The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area."*

City Zone Change Criteria #1: Whether the rezoning will conform with the Sutherlin Comprehensive Plan, including the land use map and written policies.

That the proposed zone change is generally in conformance with the City's acknowledged Comprehensive Plan is demonstrated in the above discussion of compliance with the Statewide Planning Goals. These Goals must be reflected in the City's Comprehensive Plan to gain state acknowledgment of the Plan. Conformance with specific, applicable written policies is addressed below. Once the Comprehensive Plan Map amendment for the site is approved, the corresponding Zoning Map amendment to M-2 will be necessary to ensure consistency between the

Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).

Population and Economy Element Conformance

Policy A3: *The City shall promote industrial and commercial development with local capital, entrepreneurial skills, and skills and experience of the resident labor force while continuing to attract outside investments.*

Policy A4: *The City shall supply an adequate amount of land with suitable soil and drainage qualities in order to accommodate projected industrial and commercial needs.*

Policy A7: *The City shall identify and preserve sites for future industrial development.*

Policy A16: *To diversify and improve local employment opportunities, the City shall promote tourism and encourage expansion of existing businesses, including both timber-related and non-timber-related industries.*

Policy A19: *The City shall take an active role in promoting the area as a desirable retirement community through advertisement and enhancement of housing, recreation, health, and transportation opportunities for senior citizens.*

The proposed zone change would convert approximately 66 acres of CS (Public) zoned former School District property to M-2 zoning to accommodate a proposed new mill to replace the Murphy Plywood mill that burned down in July 2005. In addition, 1.78 acres of C-3 zoned land would be converted to M-2 zoning to accommodate a portion of the proposed mill buildings and uses as depicted in the applicant's March 15th preliminary site plan.

While a small amount of commercial land would be converted to industrial zoning, that land is currently vacant and is, for all practical purposes, part of the proposed industrial development. In addition, a large area of CS (Public) land would be converted to M-2 zoning, precluding the property's use as a future school site. However, when the Sutherlin School District sold the property to the Murphy Company, it effectively turned its back on that particular site as a potential school site. Now that the property is in Murphy Company ownership, the existing CS zoning is no longer appropriate.

At the same time, Policies A3, A4, and A7 of the Population and Economy Element of the Sutherlin Comprehensive Plan expressly support the designation, preservation, and promotion of sites for industrial development within the City. As previously discussed under the Goal 9 section of this document, the zone change proposed by the Murphy Company would provide sufficient industrially zoned land at this unique railroad frontage site to allow the proposed mill buildings and uses to be constructed and expanded in the future on the site of the original Murphy Plywood mill.

Policy A16 relates to encouraging the expansion of existing businesses, including timber-related industries. It is clear that the proposed zone change supports the

development of the proposed new mill, and will thereby facilitate the creation of local jobs to replace some of those lost when Murphy Plywood burned down.

Policy A19 does not relate directly to industrial activity; rather, it requires the City to take an active role in promoting the area as a desirable retirement community through enhancement of housing, recreation, health, and transportation opportunities for senior citizens. One way to enhance recreation, health, and transportation opportunities for senior citizens (and others) is to support the development of a network of multi-use pathways for walking, biking, and moving about the community on personal electric vehicles. As described above under Goal 12, the subject property contains a multi-use pathway alignment identified in the adopted Sutherlin Transportation System Plan along Sutherlin Creek just west of the railroad tracks. If the proposed pathway is built (which would require a public pathway easement from the applicant as described under the Goal 8 discussion earlier in this document), recreation, health, and transportation opportunities for senior citizens could be enhanced in keeping with Policy A19.

Based on the above findings, the proposed map amendments are clearly consistent with these policies and the Population and Economy Element of the Comprehensive Plan.

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.

Policy B14: The City shall require new development to install appropriate and pleasing landscaping along arterial streets.

While the zone change by itself will not create an immediate need for public facilities and services, subsequent development of the site will. It is therefore necessary to ensure that the zone change will not lead to development that is inconsistent with the City's Public Facilities Plan.

On March 15th, the applicant submitted a preliminary site plan depicting a 232,000 square-foot mill building to be constructed on the site. In accordance with the Public Facilities Plan and the Municipal Code, the owner(s) of the subject property will be responsible for installing infrastructure as appropriate in conjunction with any such future development.

Infrastructure detail is not shown on the preliminary site plan. Following review of the preliminary site plan, the Sutherlin Public Works Director noted that detailed plans for access and infrastructure improvements will have to be approved by the City prior to any site development.

As discussed in the Goal 11 section of these findings, a 6-inch diameter water main is located within the W. Central Avenue right-of-way adjacent to the property. In addition, a 12-inch PVC water main is located along the southern boundary of the property within the Hastings Avenue right-of-way. The former Murphy Plywood mill site adjacent to the subject property was served by a 6-inch concrete gravity sanitary sewer main that extended from the north boundary of the former mill site to a 15-inch concrete sewer main within the a partly vacated alley right-of-way located north of the old mill site between W. Central Avenue and W. First Avenue.

Due to the southward sloping topography of the 72-acre subject property and the sewer backup problems noted under the Goal 6 discussion, **sewer service to the property will need to be provided by a planned sanitary sewer gravity interceptor that will run from the east boundary of the subject property to its west boundary at Taylor Street.** The sewer interceptor will run approximately 1,870 feet straight across the property, in an alignment parallel to the northerly east-west boundary of the property where it intersects Taylor Street. Based on the wide variety of higher intensity of uses allowed outright in the requested M-2 zone (which includes the many uses permitted under M-1 zoning), and the resulting need to provide for a larger capacity sewer main for new development on the rezoned property to connect to, **the property owner will need to provide to the City a 20-foot wide Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property.** The City will provide the Public Utility Easement forms and legal descriptions for this purpose.



With the provision of a 20-foot wide Public Utility Easement for a sanitary sewer interceptor across the property, it is expected that the property can be adequately served by city water and sewer. Under these specific circumstances, rezoning and subsequent development of the subject property is not expected to place a burden on public facilities and services.

Public Facilities Plan Policy B14 states that the City shall require new development to install appropriate and pleasing landscaping along arterial streets. W. Central Avenue is an arterial street, which means that landscaping will be required along this street as the property develops. Some landscaping has already been installed along a portion of the property's Central Avenue frontage. In keeping with Public Facilities Plan Policy B14, the City will need to include landscaping requirements in its site plan review process as development plans are submitted for the site.

The Sutherlin Public Works Department reviewed the zone change proposal and deferred specific requirements regarding access and water/sewer main connections until more detailed infrastructure plans for the proposed industrial development are available. Similarly, the Sutherlin Fire Department reviewed the preliminary site plan submitted on March 15th and noted that development plans will have to be submitted for Fire & Life Safety Review prior to any site development.

Based on the above findings – and particularly with the provision of a 20-foot wide Public Utility Easement for a planned sanitary sewer interceptor across the property – the City of Sutherlin concludes that the proposal can be made consistent with the City's Public Facilities Plan.

Land Use Element Conformance

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

Industrial Land Use Policy 1: *Provide appropriate public facilities in a timely manner to support industrial development in major manufacturing areas and other compatible locations.*

Industrial Land Use Policy 2: *Encourage industrial uses to locate in the Industrial Park in order to reduce site development costs, maximize operating economies, and achieve a harmonious land use pattern.*

The 72-acre mostly vacant subject property is located within the Sutherlin city limits, and it can be served by City utilities as described elsewhere in this document. Much of the necessary infrastructure to serve the proposed new mill is already in place, and the remaining infrastructure (primarily the new gravity sewer interceptor) will be constructed after the required Public Utility Easement is provided to the City by the applicant.

While the proposed industrial use (a new mill) will not be actually located within the Sutherlin Industrial Park, the subject property is located immediately adjacent to the park. The preliminary site plan submitted on March 15th for the proposed project depicts a truck access to the mill site off Taylor Street, which was improved by Douglas County to improve access to the industrial park.

To ensure that the zone change conforms to the Sutherlin Comprehensive Plan's land use map, a corresponding amendment to the City's Comprehensive Plan Map is necessary. A Plan amendment to change the property's Comprehensive Plan Map designation from Public and Community Commercial to Heavy Industrial is being processed concurrently with the zone change.

Conclusion: With the application of certain conditions of approval described above, the proposed zone change is expected to conform with the Sutherlin Comprehensive Plan, including the land use map and written policies.

City Zone Change Criteria #2: Whether the site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

Findings: The subject property is made up of a 66-acre CS zoned former School District property and a 6.32-acre split-zoned Tax Lot adjacent to the site of the original Murphy Plywood mill that burned down in July 2005. The property is mostly vacant (except for mill buildings that escaped the fire, the former School District office, and the old Scallon building). Much of the subject property contains log ponds or delineated wetlands, but the site does have a history of industrial use.

The subject property is surrounded by land designated for urban development and physically developed with a variety of structures and uses. The Comprehensive Plan and zoning designations surrounding the subject property are Community Commercial/C-3 to the north (along W. Central Avenue), Light Industrial/M-1 to the east, Heavy Industrial/M-2 to the south and northeast (original millsite), and Medium Density Residential/R-2 and Light Industrial/M-1 to the west. The R-2 property immediately west of the property is actually the site of a mini-storage facility that is operating under an old conditional use permit. In addition, the eastern boundary of the site abuts the Central Oregon & Pacific railroad right-of-way, and existing rail sidings are located on the property to serve the site.

While the property has had multiple owners in the past, and it is currently identified on the County Assessor's maps as only two tax lots, the subject property is actually made up of a large number of underlying legal lots of record. This situation creates a problem for redevelopment and future development on the property. Zoning and Building Codes are less concerned with artificial Tax Lot boundaries than they are about legal lots of record, which in this case, are the many platted lots within the site that date back to the original Sutherlin Land & Water Company platting of the Town of Sutherlin. **To ensure that future development of the property will not include structures built over boundary lines between existing legal lots of record, the applicant needs to complete a replat or boundary line adjustment to move or eliminate such boundary lines prior to submitting plans for any new structure that would cross an existing boundary line.** The most straightforward approach to resolving this problem and, at the same time, cleaning up the property description records of the property, is to replat the entire 72-acre property into one, two, or more new lots that correspond to the proposed development and assist the property owner in realizing long-term objectives for the property. While the applicant has submitted an application for boundary line adjustment, staff has been unable yet to convince the applicant of the merits and importance of proceeding with a replat. Unless a replat is completed, future development on the property may be unnecessarily delayed.

As mentioned in the earlier Goal 11 Public Facilities discussion, City water service can be made available to the 72-acre property through existing water mains located within adjacent rights-of-way. However, due to site topography and the need to provide for additional development on the property, **adequate sewer service requires that a 20-foot wide Public Utility Easement be provided across the property for a planned gravity sewer interceptor (to which development on the property will be attached).** Other utilities are also expected to be available to the site. Police and fire service capacity is not expected to be burdened by new industrial development on the site, although the Sutherlin Fire Department will have to review and approve any development plans for the property.

No objections to the proposed Comprehensive Plan Map and Zoning Map amendment were raised on the basis of the public health, safety, and welfare of the surrounding area. In fact, the Planning Department received no correspondence at all in response

to the public hearing notice mailed to the owners of property within 300 feet of the subject properties.

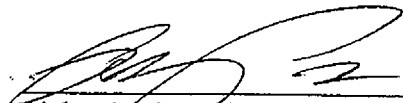
Conclusion: With the conditions of approval described elsewhere in this document, the site can be made suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

IV. DECISION

NOW, THEREFORE, based on the evidence received and the foregoing Findings of Fact, the Planning Commission of the City of Sutherlin hereby **RECOMMENDS** that the Sutherlin City Council **APPROVE** the Comprehensive Plan Map amendment and Zoning Map amendment requested by the Murphy Company to change the zoning designation of the 72-acre subject property to M-2 Heavy Industrial from CS Community Service/Public and C-3 Community Commercial, **subject to the following conditions:**

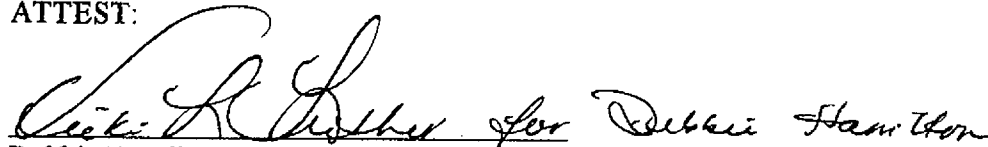
1. The property owner shall obtain DSL/Army Corps of Engineers approval that all wetland mitigation projects on the subject property have been relocated or otherwise resolved prior to building on the former wetland mitigation site located on the property.
2. Based on the wide variety of higher intensity of uses allowed outright in the requested M-2 zone (which includes the many uses permitted under M-1 zoning), and the resulting need to provide for a larger capacity sewer main to serve new development on the rezoned property, the property owner shall provide to the City a 20-foot wide Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property. The City will provide the Public Utility Easement forms and legal descriptions for this purpose.
3. Based on the City's recently adopted Transportation System Plan and traffic safety concerns, the proposed office access/truck access private road on the south side of W. Central Avenue shall be realigned to create a four-way intersection, with no offset, at Sherman Street and W. Central Avenue.
4. To ensure that future development of the property will not include structures built over boundary lines between existing legal lots of record, the applicant shall complete a replat or boundary line adjustment to move or eliminate all such boundary lines prior to submitting plans for any new structure that would cross an existing boundary line.

DATED THIS 16 DAY OF MAY, 2006.



Richard Price, Chairman
Sutherlin Planning Commission

ATTEST:


Debbie Hamilton, Deputy City Recorder