



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 16, 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 004-05

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: May 31, 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
John Renz, DLCD Regional Representative
Bud Schmidt, City of Sutherlin

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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 11 2006
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Sutherlin Local file number: _____

Date of Adoption: 5/8/2006 Date Mailed: 5/11/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 1/24/2005

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

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

The City of Sutherlin adopted the Water Master Plan (WMP) No changes in zoning or Comprehensive Plan text or land use designations have been made. A copy of the document will be provided upon request.

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".

Plan Map Changed from: n/a to: _____

Zone Map Changed from: n/a to: _____

Location: n/a Acres Involved: _____

Specify Density: Previous: n/a New: _____

Applicable Statewide Planning Goals: 1, 2, 11

Was and Exception Adopted? YES NO

DLCD File No.: 004-05 (14780)

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:

Douglas County, health Division, Umpqua Basin Water Association

Local Contact: **Bud Schmidt or 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.

COPY

ORDINANCE NO. 969

AN ORDINANCE ADOPTING THE SUTHERLIN WATER MASTER PLAN, AMENDING THE PUBLIC FACILITY PLAN AND THE COMPREHENSIVE PLAN FOR THE CITY OF SUTHERLIN.

The City Council of the City of Sutherlin finds that:

A. In 2003 the City of Sutherlin, confronted by a recent history of rapid growth, wished to determine the future needs of various public facility systems, including the Water System, and set out to revise and update its comprehensive planning for the water extraction, treatment and distribution system.

B. In a competitive process during 2003-2004, the city solicited qualifications from qualified firms for this work resulting in the engagement of the Dyer Partnership of Coos Bay, Oregon ("the Consultant") to prepare a full water system master plan for the City of Sutherlin.

C. Through the summer and fall of 2005, the Consultant presented its findings to the City Council and on December 20, 2005 submitted the plan to the City Planning Commission which took testimony and public comment on the plan.

D. Following the Planning Commission's public hearing, the Consultant submitted the plan to the Department of Water Resources for review and approval, which resulted in requests for additional data and analysis which have been included in the final plan.

E. The Water Master Plan is recommended for adoption by the Consultant and City staff as direction for development and improvement of the City of Sutherlin water system for the next 20 years and thereafter until amended or repealed.

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. The Sutherlin Water Master Plan attached as Exhibit A hereto, is hereby adopted by this reference. The Sutherlin Water Master Plan shall be made a part of the Sutherlin Comprehensive Plan, but shall be maintained as a separate document.

Section 2. The 1990-1991 Comprehensive Plan for the City of Sutherlin is hereby amended by deleting the following headings and the text thereunder from the Plan's Natural and Cultural Resources Element: "WATER RESOURCES," "SURFACE WATER QUALITY," "GROUNDWATER QUALITY," "CURRENT WATER USE AND DEMAND," and "FUTURE WATER USE AND DEMAND." Those headings and that text are hereby replaced with the following:

WATER

The City has adopted a Water Master Plan that is part of this comprehensive plan, but is maintained as a separate document.

The Table of Contents for the Comprehensive Plan is hereby revised to reflect this deletion and the replacement text.

Section 3. The 1990-1991 Public Facility Plan for the City of Sutherlin is hereby amended by deleting the text under Section II., Subsection A. "Water." That text is hereby replaced with the following:

The City has adopted a Water Master Plan that is part of this Public Facility Plan, but is maintained as a separate document.

The Public Facility Plan is further amended by deleting the Table on Page 35 of that Plan entitled "Sutherlin Urban Growth Area Future Facilities Expansion."

The Table of Contents for the Public Facility Plan is hereby revised to reflect these deletions and amendment.

Section 4. The Sutherlin City Council adopts in support of this action the Findings set forth in Exhibit B attached hereto.

Passed by the Council on this 8th day of May, 2006.

Approved by the Mayor on this 9th day of May, 2006.


Joe Mongiovi, Mayor

ATTEST:

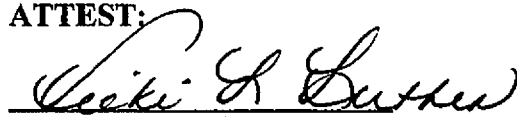

Vicki Luther, MMC, City Recorder

Exhibit B to Ordinance 969

Findings of Compliance

COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

Goal 1 - Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting the Water Master Plan se amendments complied with Goal 1 since it complied with, and surpassed the requirements of, the citizen involvement provisions. Throughout the development of the Water Master Plan, the citizens of Sutherlin were given important opportunities to comment upon and shape the emerging plan. Therefore, the process followed is consistent with Goal 1.

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 use of land and to assure an adequate factual basis for such decisions and actions.*

The record shows that there is an adequate factual base for the adoption of the Water Master Plan and the amendment of the comprehensive plan and public facilities plan.

The Goal 2 coordination requirement is met when the City engages in an exchange, or invites such an exchange, between the City and any affected governmental unit and when the City uses the information obtained in the exchange to balance the needs of the citizens. To comply with the Goal 2 coordination requirement, the City engaged in an exchange about the subject of this action with the Umpqua Basin Water Association, the water service purveyor located south of the City and the City of Oakland, located north of the city and provides for interconnection of those systems to address needs of the area and reduce costs to all customers.

There are no Goal 2 Exceptions required for this action. Therefore, the amendments are consistent with Goal 2.

Goal 3 - Agricultural Lands. *To Preserve Agricultural Lands.*

The Water Master Plan addresses property located within the urban growth boundary and do not affect any land designated for agricultural use. Therefore, Goal 3 does not apply.

Goal 4 - Forest Lands. *To conserve forest lands.*

The Water Master Plan addresses property located within the urban growth boundary and do not affect any land designated for forest use. Therefore, Goal 4 does not apply.

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

The Water Master Plan does not create or amend the city's list of Goal 5 resources, does not amend a code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, does not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, Goal 5 does not apply.

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

The Water Master Plan furthers the City's City's ability to provide for clean water resources. Therefore, the action is consistent with Goal 6.

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

The Water Master Plan does not effect the City's restrictions on development in areas subject to natural disasters and hazards. Further, it does not allow for new development that could result in a natural hazard. Therefore, Goal 7 does not apply.

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

The Water Master Plan does not effect the city's provisions for recreation areas, facilities or recreational opportunities. Therefore, Goal 8 does not apply.

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

The Water Master Plan does not impact the supply of industrial or commercial lands. Therefore, the action is consistent with Goal 9.

Goal 10 - Housing. To provide for the housing needs of citizens of the state.

The Water Master Plan does not impact the supply of residential lands. Therefore, the action is consistent with Goal 10.

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.

The action taken is the City's adoption of a Water Master Plan to guide the City's provision of a key public facility. The plan addresses the timely, orderly and efficient arrangement of services, distinguishes service levels between rural, urban and urbanizable land uses, and addresses the planning and implementation guidelines set out in the 1995 edition of "Oregon's Statewide Planning Goals and Guidelines, 1995 Edition, Including 1996 Goal 5 and 1998 Goal 11 Updates" The Plan does so consistently with Goal 11.

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

Transportation Planning Rule (OAR 660-012-0060) contains the following requirement:

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility....
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing a functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP

The Water Master Plan does not significantly affect a transportation facility. It is consistent with Goal 12.

Goal 13 - Energy Conservation. To conserve energy.

The action does not concern energy conservation. Therefore, Goal 13 does not apply.

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

The action does not affect the City's provisions regarding the transition of land from rural to urban uses. Generally, the Water Master Plan, in concert with the City's recently adopted Park and Open Space Master Plan, Transportation Master Plan and currently being developed wastewater Facility Plan, assumes the same growth parameters, common expectations of expansion of the City and its urban growth boundary and that this plan addresses providing for internal coordination and interaction of these plans. Goal 14 does not directly apply.

Goal 15 - Willamette River Greenway. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The action does not contain any changes that affect the regulation of areas within the Willamette River Greenway. Therefore, Goal 15 does not apply.

Goals 16 - 19. Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean resources.

These Statewide Planning Goals do not apply to the actions taken.

ADDITIONAL FINDINGS

1. The Water Master Plan and the amendments required for its adoption are in conformance with the remaining portions of the City's acknowledged Comprehensive Plan and Public Facility Plan as is demonstrated in the above discussion of compliance with the Statewide Planning Goals.
2. The Water Master Plan meets the Oregon Health Division requirements (OAR 333-061-0060) that all cities with 300 or more service connections have a current master plan which, (a) evaluates the existing system's components; (b) predicts future water demands; (c) evaluates the capability of the existing system to meet future demands; (d) recommends improvements needed to meet future needs and/or to address deficiencies.
3. The Water Master Plan provides a Water Management and Conservation Plan as required by OAR 690-086-0010.
4. The Water Master plan supercedes, replaces and substantially amends the recommendations of the HGE Engineers and Planners report titled "Capital Improvement Program for the Water System" dated February 1997, the most recent study directing improvements to the water system and amends, replaces and supercedes any other master plans, studies and documents which direct the expansion, improvement, repair or alteration of the City of Sutherlin water system.