



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 21, 2007



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 006-07

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: January 8, 2008

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
Dan Huff, City of Sutherlin

<paa> ya/

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

Local Contact: **Dan Huff**

Phone: (541) 459-2856 Extension:

Address: 126 E. Central Ave.

Fax Number: 541-459-9363

City: Sutherlin

Zip: 97479-

E-mail Address: d.huff@ci.suthlin.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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also 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.

EXHIBIT A

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for a zone change] **FINDINGS OF FACT AND DECISION**
to reconfigure R-1, R-2 and C-3 zones on a 5.21]
acre parcel located south of Hwy 138 east of] Applicant: Ralph West
Dovetail Lane and identified in Douglas County] Subject: Comprehensive Plan Map and
Assessor's Map as T25, R06W, S13CD, TL100.] Zoning Map Amendments
] File No.: PA/ZC-2007-02-20

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. Ralph West submitted applications for Comprehensive Plan Map amendment and Zoning Map amendment on February 20, 2007. The applicant is seeking to have the subject property rezoned from C-3 to R-1 and R-2 Low and Medium Density Residential, respectively and to change a portion of R-1 property at the westerly end to C-3 (Community Commercial) to accommodate future residential and commercial development as follows:

Existing Acres	Proposed Acres
R-1 .04	.93
R-2 1.47	1.82
C-3 3.70	2.46

2. A Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD).
3. A copy of the Notice of Public Hearing was mailed to the Douglas County Planning Department, along with a letter describing the proposal.

4. A Notice of Public Hearing before the Sutherlin 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*.
5. The Planning Department received no correspondence from neighboring property owner(s) concerning the proposed map amendments.
6. This matter came before the Sutherlin Planning Commission for consideration on July 17, 2007. 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 Sutherlin's Zoning Map and Comprehensive Plan Map be consistent with the Statewide Planning Goals. In addition, Section 17.12.060 of the Sutherlin 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. 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. 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).

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 Ralph West 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 5.21-acre subject property is located immediately east of the Dovetail Lane and Highway 138 Intersection along the south side of the highway. The property is vacant and bordered by a Fire Station to the East and an existing low density neighborhood to the south. 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. The subject property does not contain any wetland or riparian areas and therefore does not require the preservation and/or protection of natural resources or open spaces. Its location along Highway 138W and adjacent to other residential and commercially zoned land – makes the property attractive for both residential and commercial infill.

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 5.21-acre subject property will expand R-1 property, expand the R-2 zoning and reduce the C-3 zoning and will result in residential and commercial development with the typical associated waste stream characteristics.

It is unknown at present time whether the proposed changes and additions in certain zoning designations on the 5.21-acre site would generate waste streams that are significantly more or less adverse to the environment or to the City's treatment capacity than would be the case under the existing zoning designations. However, with a preliminary development plan to construct residential structures only at this time, it is feasible to assess such environmental impacts would be minimal. In any case, the City and the State have regulations in place to control the generation and disposal of residential and commercial wastes, and the Oregon Department of Environmental Quality has additional regulations that address potential site impacts as well.

Because the property is currently vacant and all subsequent development plans will be reviewed extensively to prevent any waste streams, 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 standards set forth by City, State, and Federal agencies for environmental quality regulations, 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 in the western portion 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 residential and commercial use and is being proposed to be utilized as such.

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 proposal is therefore consistent with Goal 8.

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 in the western portion of the City, adjacent to the Highway 138W. The entire property is zoned for residential and commercial development. Rezoning the property to accommodate an expansion of residential development and to bring consistency with the commercial zone is the intent of the applicant. Residential properties border the southern boundary of the subject parcel and the addition of 5.21-acres of expanded residential and commercial land will not only provide a location for added housing opportunities, but potential commercial services and availability that will aid in providing additional economic opportunities and activities.

While the requested zone change is expected to expand the residential designations, the proposed change will result in a loss of about 1.24 acres of commercial land, its conversion to R-1 and R-2 zoning is expected to facilitate construction of a residential subdivision.

The proposed comprehensive plan amendment and zone change is likely to increase the probability that the land will be developed in a way that supports economic development and growth in the community.

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 to 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 February 20th the applicant submitted a preliminary site plan depicting a proposed subdivision. Access to the property is depicted on the site plan as being via an extension of Greyfox Drive at the easterly portion of the property.

Specific infrastructure requirements will be determined at the time engineering design for the proposed subdivision are submitted. However, preliminary review has determined that services to this property are available.

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: The subject property has public street frontage on West Lake Drive and Greyfox Drive. The proposed new access to the site will be at the easterly portion of the property via proposed extension of Greyfox Drive. Any future direct access to Highway 138W for the commercially zoned property will be need to be coordinated with ODOT and the City of Sutherlin. No direct residential access to Highway 138W will be permitted.

While the proposed use of the commercially zoned property is still unknown at this time, the proposed expansion and development proposal for the residential zone should not increase the traffic burden on Greyfox or West Lake nor Highway 138W via Dovetail Lane significantly – much of the traffic entering and leaving the site is expected to be via Dovetail Lane at the northwestern portion of the property as can be seen on the site plan.

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.

Before making determinations of traffic impact based on suggestions from the applicant, 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 higher traffic-generating zone (C-3) to lower traffic-generating zones (R-1 and R-2) as proposed by the applicant. Because approximately 1.24 acres of C-3 property would be rezoned to R-1 and R-2 to accommodate proposed residential development, this zone change would actually be expected to yield a reduction in traffic. For instance, general calculations reveal a conservative potential ADT for existing zone configuration of 878. The proposed zoning configuration would generate an ADT of approximately 668. The applicant's proposal suggests approximately 14 residential units and 2.46 acres of C-3 development. Potentially the 2.46 acre parcel could yield 24,000 square feet of commercial development generating 515 ADT as opposed to the potential of over 800 ADT for the existing zoning configuration.

The Oregon Department of Transportation has stated that the proposed Plan Amendment and Zone Change is considered a "downzone" and determined that there is no expected impact to the state system.

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, **the numbers calculated using the ITE trip generation data suggest that traffic impacts may be even less than traffic generation calculations would project for the existing R-1/R-2/Commercial build-out.** Therefore, the transportation needs of future development on the site under the proposed 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 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 5.21 acres of vacant land to zoning designations that are more consistent with adjacent residential uses and reasonable development patterns.

Assumption cannot be made at this time regarding actual use of the commercial land but

will not require an abundance of infrastructure and utilities.

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

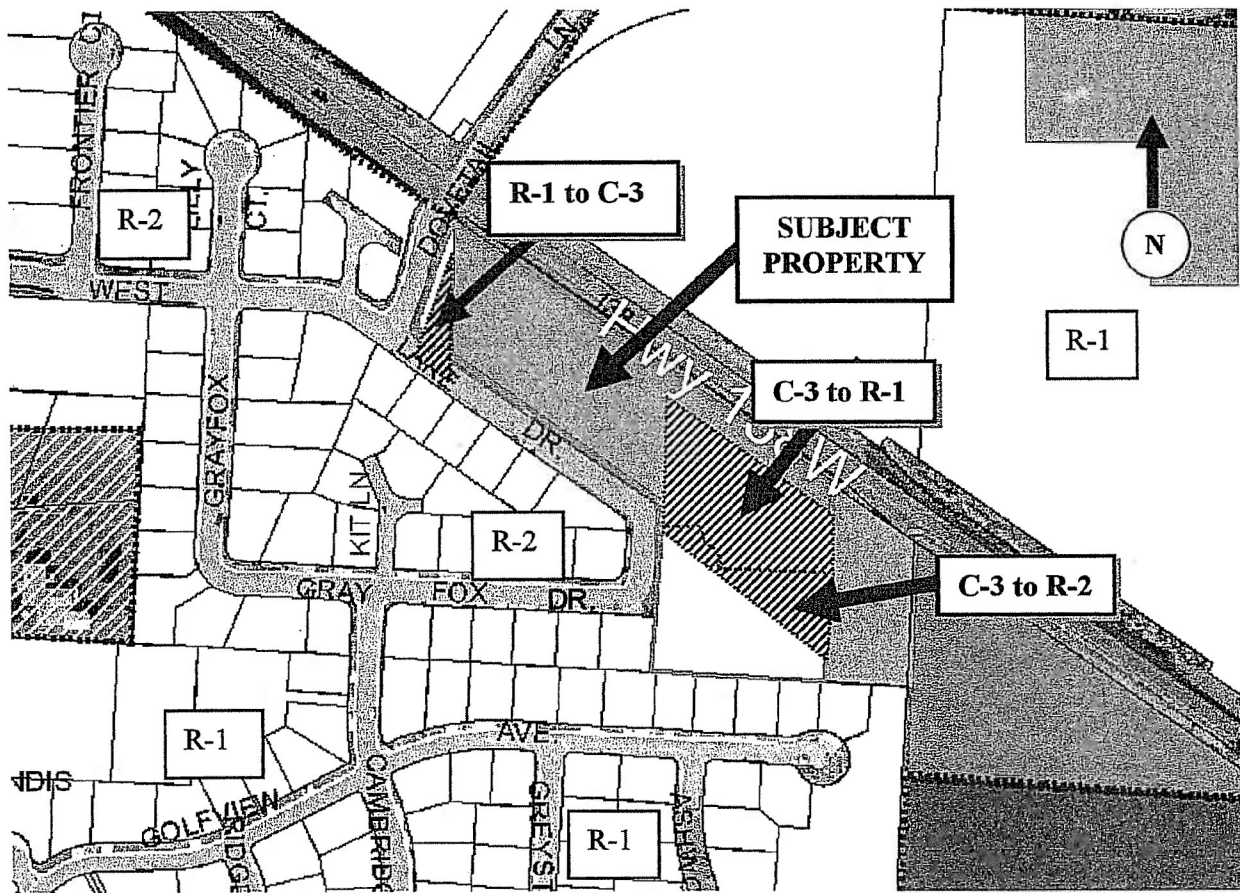
Section 17.12.060 of the Sutherlin Municipal Code (*Zone Changes*) provides the following criteria for approving a zone change:

“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 address the requested zone change will be necessary to ensure consistency between the Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).



Citizen Involvement Element Conformance

Policy 2: *The City of Sutherlin's Comprehensive Plan shall be amended only by ordinance of the Sutherlin City Council. Recommendations for Plan amendments will be heard by the Sutherlin Planning Commission with proposed changes presented to the City Council.*

Policy 3: *Public hearings shall be held in accordance with state and city requirements.*

Policy 4: *Notices of proposed changes to the Comprehensive Plan shall be published in the local newspaper before the respective public hearings and include clarifying language and the means by which interested persons and affected agencies obtain additional information as required.*

State and local law specify procedures for making certain land use decisions. The proposed UGB expansion, annexation, and zone change require amendments to the City's official Comprehensive Plan Map (or Future Land Use Plan) and Zoning Map. Approval of the required map amendments must follow specific procedures designed to provide opportunities for citizen involvement. These procedures include providing adequate public notice and the opportunity for citizens to participate in a public hearing on the proposal. As described in the Procedural Findings of Fact section of this document, the procedures outlined in the above Citizen Involvement policies have been followed.

The Sutherlin City Council will consider the Planning Commission's recommendation on the proposal and decide on the matter following a public hearing.

Natural and Cultural Resources Element Conformance

Policy A3: Limit all discharges from existing and future development to meet applicable local, state, or Federal environmental quality statutes, rules, and standards.

Policy A5: Residential, commercial, and industrial development should be designed and located where it will not burden the area's water resources or the community's water delivery system.

The proposed UGB expansion, annexation, and zone change will create 1.24 acres of new residential land within the city limits. The applicants will be required to provide the water system improvements necessary to serve the proposed new residential development and connect to existing city infrastructure. The proposal is therefore consistent with the Natural and Cultural Resources Element of the Sutherlin 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 A12: The City shall provide sewer and water service to areas within the Urban Growth Boundary.

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.

The applicants and staff have addressed the public facilities and services aspects of the proposed UGB amendment under the Statewide Public Facilities and Services Goal (Goal 11), as well as in the section of this document that addresses the public facilities and services implications of the amendment within the context of the conversion factors set out in the Statewide Urbanization Goal (Goal 14).

Population and Economy Element Conformance

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 A15: The City shall ensure that adequate land areas are designated for development of regional community retail trade and services.

The proposed zone change would convert approximately 1.24 acres of C-3 zoned property to R-1 and R-2 zoning to accommodate proposed residential development off of Greyfox Drive. The applicant has submitted a preliminary subdivision plat depicting the potential layout.

Policies A4 and A15 of the Population and Economy Element of the Sutherlin Comprehensive Plan expressly support the designation, preservation, and promotion of sites for commercial development within the City. As previously discussed under the Goal 9 section of this document, the zone change proposed by the Ralph West will not significantly reduce the inventory regarding sufficient commercially zoned land within an area that is predominantly lower density residential.

Policy A15 discusses the need to designate land that caters to the development of regional community retail trade and services. The proposed rezone continues to provide opportunity for commercial

businesses to locate in an area that is accessible and visible from a major highway while providing an anticipated service to the area.

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.*

City services are present at this location and infrastructure to support the proposed use — as far as residential development is concerned. Any commercial development and associated infrastructure requirements being reviewed at a time when plans are submitted. The residential development, however, will not create an immediate need for public facilities and services beyond what is already servicing the vicinity. The potential to develop the subject parcel at a higher density in regards to commercially permitted uses is always present — and should be addressed accordingly at such time plans are submitted to suggest otherwise. This is to ensure that the zone change will not lead to development that is inconsistent with the City's Public Facilities Plan.

The applicant submitted a preliminary site plan depicting a preliminary subdivision contingent upon the rezoning of the subject property. 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 shown on the preliminary subdivision plan. Following review of the preliminary plan, the Sutherlin Public Works Director noted that detailed construction 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, an 8-inch diameter water main is located within the West Lake Drive right-of-way adjacent to the property, as is an 8-inch sewer main that runs north and south through subject property. With the provision that applicant/developer coordinate infrastructure improvements with Public Works, it is expected that the property – residential development - can be adequately served by city water and sewer. As stated previously, commercial development will be assessed for infrastructure requirements at a more pertinent time. Under these specific circumstances, rezoning and subsequent development of the subject property is not expected to place a burden on public facilities and services.

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 plan 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 the City of Sutherlin concludes that the proposal can be made consistent with the City's Public Facilities Plan.

Land Use Element Conformance

Residential Land Use Policy 1: *Promote development involving varied housing types at medium and high densities adjacent to the community's two service areas.*

Residential Land Use Policy 2: *Advocate innovative development schemes, including planned unit developments, to provide varied housing types and densities on those large parcels of open land which have been identified as suitable for urban development.*

The 5.21-acre vacant 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 use is already in place, and the remaining infrastructure will be constructed at the time proposals are submitted for review and building permits are approved by the City with all System Development Charges having been paid.

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 Medium Density Residential to Light Industrial is being processed concurrently with the zone change.

Conclusion: 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 5.21-acre R-1, R-2 and C-3 zoned property that is currently vacant. The subject property is surrounded by land designated for urban development and predominantly developed with single family dwellings to the south and west. The Comprehensive Plan and zoning designations surrounding the subject property are Low Density Residential/R-1 and Medium Density Residential/R-2 to the west and south and Commercial C-3 northwest.

As mentioned earlier in the Goal 11 Public Facilities discussion, City water service can be made available to the 5.21-acre property through existing water and sewer mains located within adjacent rights-of-way. 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.

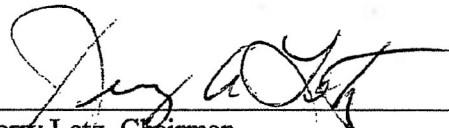
The Planning Department received no correspondence in response to the public hearing notice mailed to the owners of property within 300 feet of the subject properties.

Conclusion: 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

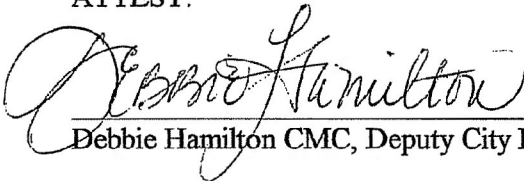
NOW, THEREFORE, based on the evidence received and the foregoing Findings of Fact, the Planning Commission of the City of Sutherlin hereby **RECOMMENDS** that the Sutherlin City Council **APPROVE** the Comprehensive Plan Map amendment and Zoning Map amendment requested by Ralph West to reconfigure the zoning of a 5.21-acre property involving R-1, R-2 and C-3 zoning designations (as depicted on the map on page 9).

DATED THIS 17 DAY OF July, 2007.



Jerry Letz, Chairman
Sutherlin Planning Commission

ATTEST:



Debbie Hamilton CMC, Deputy City Recorder



ORDINANCE NO. 982

AN ORDINANCE AMENDING THE CITY OF SUTHERLIN ZONING MAP AND COMPREHENSIVE PLAN MAP TO RECONFIGURE REDESIGNATE EXISTING ZONING FOR PROPERTY DESCRIBED HEREIN INCLUDING R-1 (LOW DENSITY RESIDENTIAL), R-2 (MEDIUM DENSITY RESIDENTIAL) and C-3 (COMMUNITY COMMERCIAL) FOR PROPERTY KNOWN AS THE WEST DEVELOPMENT PROPERTY.

The City Council of the City of Sutherlin finds that:

A. Ralph West (West Development Company) submitted an application for Comprehensive Plan Map and Zoning Map amendments to reconfigure the existing Comprehensive Plan and Zoning designations for property identified within Douglas County Assessor Records as Tax Lot 100, Township 25, Range 6 West, and Section 13CD. The subject property is further described in Exhibit A attached hereto and incorporated herein.

B. The Sutherlin Planning Commission held a properly noticed public hearing on July 17, 2007 to consider the applicants' request. 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 July 17, 2007.

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

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. The Sutherlin Comprehensive Plan Map is hereby amended to change the Comprehensive Plan designation of the real property identified as Tax Lot 100, Township 25, Range 6 West, Section 13CD, respectively, and more particularly described and depicted in Exhibit A.

Section 2. The Sutherlin Zoning Map is hereby amended to reconfigure the zoning designations of the real property identified as Tax Lot 100, Township 25, Range 6 West, Section 13CD and more particularly described and depicted in Exhibit A.

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


Passed by the Council on this 10 day of September, 2007.

Approved by the Mayor on this 11 day of September, 2007.



Marsha Price, Council President

ATTEST:



Debbie Hamilton, CMC, Deputy City Recorder