



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## **NOTICE OF ADOPTED AMENDMENT**

January 30, 2008



**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 008-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 12, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

**Cc:** Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Larry Ksionzyk, Community Development Planning Specialist  
Bill Holmstrom, DLCD Transportation Planner  
Amanda Punton, DLCD Natural Resource Specialist  
Dan Huff, City of Sutherlin

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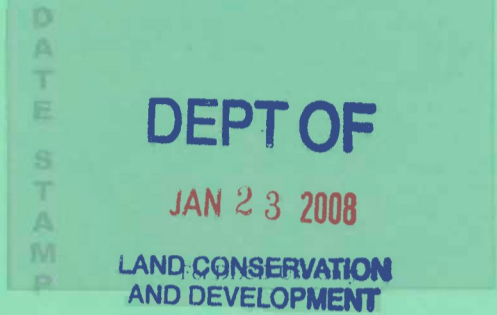
FORM 2

# DLCD

## 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

In person  electronic  mailed



Jurisdiction: **City of Sutherlin**

Local file number: **PA-07-04/ZC-07-05**

Date of Adoption: **1/14/2008**

Date Mailed: **1/22/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date:

- 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".

Amend the Sutherlin Comprehensive Plan from HI (Heavy Industrial) to (RLD) Low Density Residential, (RLH) Residential Hillside, and Residential-Agriculture/Forestry/Opens Space concurrent with a Zone Change from M-2 (Heavy Industrial) to R-1, RH, FR-75 (Residential Low Density, Residential Hillside, Forestry Resource) for a 199.28-acre parcel(s) fronting the south side of HWY 138 and along the west side of Church Road. Described as TAX LOT(s) 800 & 900 in Sections 13 & 14, Twp. 25S, Rng 05W Dougl

Does the Adoption differ from proposal? **No, no explanation is necessary**

Plan Map Changed from: **HI(Heavy Industrial)**

to: **RLD , RH and Res.,Forestry,Open Sp**

Zone Map Changed from: **M-2**

to: **R-1, RH and FR-75**

Location: **West Sutherlin south of Hwy 138**

Acres Involved: **199**

Specify Density: Previous: **0**

New: **0-6 units per acre**

Applicable statewide planning goals:

- |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                            | <b>4</b>                            | <b>5</b>                            | <b>6</b>                            | <b>7</b>                            | <b>8</b>                            | <b>9</b>                            | <b>10</b>                           | <b>11</b>                           | <b>12</b>                           | <b>13</b>                           | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

**DLCD # 008-01 (16286)**

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

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**DLCD file No.** \_\_\_\_\_

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

ODOT, DLCD, DSL

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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.sutherlin.or.us**

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### **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](http://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](mailto: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](mailto:mara.ulloa@state.or.us)** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 985

**COPY**

**AN ORDINANCE AMENDING THE CITY OF SUTHERLIN ZONING MAP AND COMPREHENSIVE PLAN MAP TO AMEND THE COMPREHENSIVE PLAN MAP FROM INDUSTRIAL TO RESIDENTIAL-AGRICULTURE/FORESTRY AND LOW DENSITY RESIDENTIAL, CONCURRENT WITH A ZONING MAP CHANGE FROM GENERAL INDUSTRIAL (M-2) TO FOREST RESOURCE (FR-75) AND LOW DENSITY RESIDENTIAL (R-1) FOR PROPERTY IDENTIFIED AS THE OREGON PACIFICWEST DEVELOPMENT (FORD'S POND) AND DESCRIBED HEREIN.**

**The City Council of the City of Sutherlin finds that:**

**A.** Oregon Pacificwest Development (Ford's Pond) submitted an application for Comprehensive Plan Map and Zoning Map amendments to amend the existing Comprehensive Plan and Zoning designations for property identified within Douglas County Assessor Records as Tax Lot 800 in Section 13, Township 25 South, Range 06 West and Tax Lot 900 in Section 14, Township 25 South, and Range 06. 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 September 18, 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 September 18, 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. 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 B hereto.

**THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:**

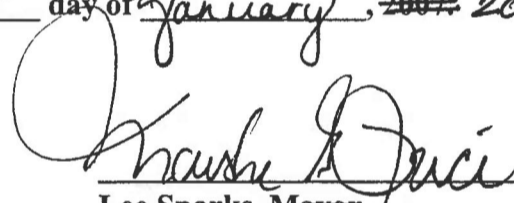
**Section 1.** The Sutherlin Comprehensive Plan Map is hereby amended to change the Comprehensive Plan designation of the real property identified as all or a portion of Tax Lot 800 in Section 13, Township 25 South, Range 06 West and Tax Lot 900 in Section 14, Township 25 South, Range 06, respectively, and more particularly described and depicted in Exhibit A.

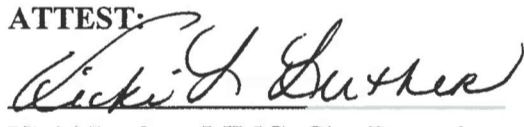
**Section 2.** The Sutherlin Zoning Map is hereby amended to reconfigure the zoning designations of the real property identified as all or a portion of Tax Lot Tax Lot 800 in Section 13, Township 25 South, Range 06 West and Tax Lot 900 in Section 14, Township 25 South, Range 06, more particularly described 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 4<sup>th</sup> day of January, ~~2007~~. 2008.

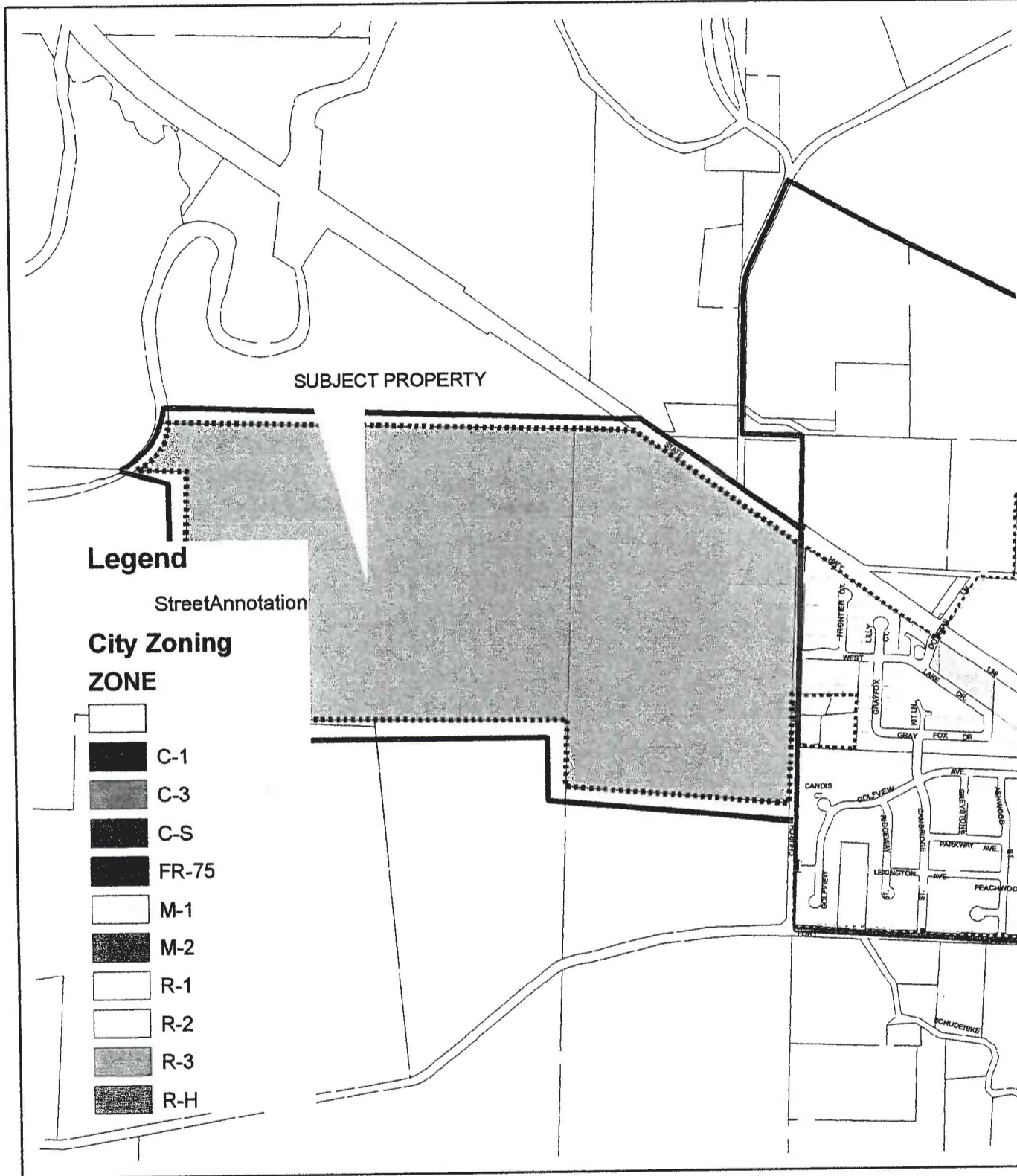
Approved by the ~~Mayor~~ <sup>Council Pres.</sup> on this 7<sup>th</sup> day of January, ~~2007~~. 2008.

  
Lee Sparks, Mayor  
Council President

ATTEST:  
  
Vicki Luther, MMC, City Recorder

PA-07-04/ZC-07-05 OREGON PACIFIC

Exhibit A



0 550 1,100 2,200 Feet

Map Prepared By  
Chad Mast  
08/07/07



**BEFORE THE SUTHERLIN PLANNING COMMISSION**

In the matter of the application of Oregon PacificWest )  
 Development to amend the Sutherlin Comprehensive )  
 Plan map designation from Industrial to Low Density )  
 Residential, Residential Hillside and Residential- )  
 Agriculture/Forestry/Open Space, together with a )  
 concurrent and corresponding Zone Change from Heavy )  
 Industrial (M-2) to Low Density Residential (R-1), )  
 Residential Hillside (RH), and Forest Resource (FR-75) )  
 on 199.28 acres of land. The subject site is located )  
 within the city limits of Sutherlin and is bordered along )  
 its east side by Church Road and along its north side by )  
 State Highway 138. The property is also identified as )  
 Tax Lots 800 & 900 in Sections 13 & 14, Twp. 25S, )  
 Rng. 05W, Douglas County, Oregon; Tax Account Nos. )  
 R26352, R26296 & R26304. )

**FINDINGS OF FACT**

**AND DECISION**

**INTRODUCTION**

This matter came before the Sutherlin Planning Commission for public hearing on October 16, 2007, in the Council Chambers of Sutherlin City Hall, Sutherlin, Oregon. The purpose of the hearing was for the Planning Commission to receive testimony and other evidence related to the subject matter, and to render a decision in response to the applicant's request. The applicant, Oregon PacificWest Development, was represented at the public hearing by its land use consultant, Ron Schofield of Schofield & Associates.

The City received two written statements regarding the proposed land use change from interested citizens. Beth Houseman (109 Frontier Court) expressed concern about the potential loss of the property for recreational use by the community and requested party status in the matter. Sam Robinson (367 Church Rd.) expressed his support for the proposed land use change, as it would enhance the community and help boost the local economy. Both Mrs. Houseman and Mr. Robinson were granted party status in the matter. Vicki Vogel (117 Frontier Court) asked the commission at the meeting for party status and was granted such status. Vogel stated she had concerns over recreation opportunities of Ford's Pond.

At the beginning of the public hearing, the Chairman read a prepared statement which describes the hearing procedures to be followed and the criteria to be applied to the subject matter. The Chairman queried the members of the Planning Commission regarding ex parte contacts or potential conflicts of interest. Commissioner James Houseman disclosed ex parte contact and, or

a potential conflicts of interest. Commissioner James Houseman stated that he would not vote or sit on the board during the hearing. The remaining commission members were found to be qualified to participate in the hearing.

A written staff report, together with numerous exhibits, was presented to the Planning Commission and entered into the record. The staff report describes the nature of the application, the review and approval criteria to be applied to the request, numerous factual findings and a recommendation that the request be approved and forwarded to the City Council for final action. The written report and exhibits are on file with the Sutherlin Planning Department.

The Planning Commission takes official notice of the following:

1. Oregon PacificWest Development submitted applications for Comprehensive Plan Map amendment and Zoning Map amendment on July 31, 2007. The applicant is seeking to have all of the subject property rezoned/re-designated from M-2 (Heavy Industrial) to R-1 (Residential Low Density, RH (Residential Hillside), and FR-75 (Forest Resource).
2. A Notice of Proposed Amendment mailed to the Department of Land of Conservation and Development (DLCD) on August 3, 2007.
3. On August 22, 2007, a Notice of Public Hearing before the Sutherlin Planning Commission was mailed to all record owners of property within 100 feet of the property proposed to be rezoned. The Notice was published in the *News-Review* on August 30, 2007.
4. The records of the City of Sutherlin's Planning Department concerning the Plan Amendment and Zone Change PA 07-04 ZC 07-05.
5. The Sutherlin Comprehensive Plan, including the implementing Sutherlin Land Use and Development Ordinance as adopted and subsequently amended by the City of Sutherlin, and acknowledged by the Land Conservation and Development Commission (LCDC).
6. The Statewide Planning Goals and administrative rules adopted by the Land Conservation and Development Commission.
7. Applicable statutes of the State of Oregon, including ORS Chapters 197 and 215 and 222.
8. This matter came before the Sutherlin Planning Commission for consideration on October 16, 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.



Proposed amendments to the Sutherlin Comprehensive Plan are subject to review by the Sutherlin Planning Commission, and ultimately must be reviewed and approved by the Sutherlin City Council. After receiving and accepting the applicant's request for an amendment to the Comprehensive Plan, the City is required to give notice of the proposed amendment to the Oregon Department of Land Conservation and Development (DLCD) at least 45 days prior to the first scheduled public hearing on the matter. Any amendment of the Comprehensive Plan must be reviewed by DLCD to ensure that the proposed action meets the criteria established under the statewide planning goals and applicable administrative rules. The applicant is not seeking approval any specific development plans for the property at this time. Review of any site development plans for the property will be conducted by the City under a separate land use application process to be conducted subsequent to approval of the requested Plan amendment and zone change.

The specific procedures and criteria for reviewing a proposed Comprehensive Plan amendment and zone change are set forth in the Sutherlin Comprehensive Plan, the Sutherlin Land Use and Development Ordinance, the joint Urban Growth Management Agreement (UGMA) between the City and Douglas County, as well as in various administrative rules that have been adopted by the Land Conservation and Development Commission (LCDC).

Generally stated, the Plan amendment review process requires proposed amendments to be supported by Findings of Fact which demonstrate consistency with both the written policies contained within the Comprehensive Plan document and conformance to all applicable statewide planning goals adopted by the Oregon Land Conservation and Development Commission. If the City proposes to take an exception to any of the statewide planning goals, Findings of Fact showing why the exception is justified must also be adopted. In the following sections of this supplemental application document, the applicant has proposed Findings of Fact which demonstrate that the proposed amendment is consistent with all applicable statewide planning goals; consequently, no goal exceptions are proposed.

**SUBSTANTIVE FINDINGS OF FACT**

1. The applicant is seeking approval of a proposed Comprehensive Plan map amendment from Industrial to Low Density Residential, Residential Hillside and Residential-Agriculture/Forestry/Open Space, together with a concurrent and corresponding Zone Change from Heavy Industrial (M-2) to Low Density Residential (R-1), Residential Hillside (RH), and Forest Resource (FR-75) on 199.28 acres of land to facilitate the development of a Planned Residential Community. The subject site, which is commonly known as the Fords Pond property, is located within the city limits of Sutherlin and is bordered along its east side by Church Road and along its north side by State Highway 138 approximately one and one-half miles east of Interstate 5. The property is also identified as Tax Lots 800 & 900 in Sections 13 & 14, Twp. 25S, Rng. 05W, Douglas County, Oregon; Tax Account Nos. R26352, R26296 & R26304.
2. The Fords Ponds property was developed as a log storage and sorting pond by a previous owner, Roseburg Lumber Company, in the early 1950s and was used for that purpose until the early 1970s. Thereafter, the site remained vacant and unused until a private party, Al

Gorham, purchased the land from Roseburg Lumber in 1991. At that time, the property was outside Sutherlin's urban growth boundary and was zoned Heavy Industrial by Douglas County.

3. In November of 1999, Lone Rock Timber initiated an application with the City of Sutherlin to have the 200 acre site included within the urban growth boundary with a concurrent annexation into the city limits. The City subsequently approved the UGB expansion and annexation in June of 2000, pursuant to City Ordinance No. 918. As part of this land use action, the property's existing Industrial designation remained unchanged, although its zoning changed from County Heavy Industrial (M-3) to City Heavy Industrial (M-2) at the time of annexation. In August of 2000, the Department of Land Conservation and Development (DLCD) issued a Remand Order to the City (DLCD Order No. 001240), citing a number of deficiencies in the City's decision to expand its urban growth boundary, including the lack of a buildable lands inventory to demonstrate justification for inclusion of the approximate 200 acre site within the UGB. Consequently, the boundary expansion remained "unacknowledged" by the State. In late 2006, the City completed a buildable lands inventory which showed a need to include more land within Sutherlin's urban growth boundary. Consequently, Lone Rock Timber submitted supplemental findings of fact to the City in the spring of 2007 which specifically addressed the deficiencies identified in DLCD's earlier remand order, including findings demonstrating justification to expand the boundary on the basis of the recently completed buildable lands inventory. DLCD did not raise any objections or express any concerns about the supplemental findings of fact that were ultimately adopted by the City Council.
4. According to the testimony in the record, the applicant is proposing to replace the Industrial land use designation and zoning that's presently applied to the entire 200 acres with three different Plan designations and corresponding zones. An area totaling approximately 69 acres and consisting of most of the upland area surrounding the pond is proposed to change to a Low Density Residential designation with Single-family Residential (R-1) zoning. An area of approximately 12.41 acres on the steeper slopes in the northwesterly portion of the property is proposed to have a Residential Hillside designation with corresponding Residential (RH) zoning. The balance of the property, including about 97 acres of the pond, approximately 17 acres of jurisdictional wetland, and another approximate 35 acres of common open space is proposed to have a Plan map designation of Residential-Agriculture/Forestry/Open Space which will be implemented with the City's Forest Resource (FR-75) zone. These three proposed Plan map designations and implementing zones will allow the applicant to develop the property as a Planned Residential Community.
5. The applicant's testimony states that recreational use of the 100 acres of water body within Fords Pond is a major design consideration in the conceptual development plan, which is intended to be implemented in a manner that causes minimal impact to the pond and its surrounding environs. The plan shows that much of the shoreline surrounding the pond will be retained as undeveloped open space to protect the environmental integrity of the lake's shoreline.

**FINDINGS OF CONFORMANCE WITH THE SUTHERLIN COMPREHENSIVE PLAN**

A review of the Goal and Policy statements contained within the Sutherlin Comprehensive Plan reveals that there is very little specific criteria by which amendments to the Plan are to be evaluated. However, the applicant had identified four policies in the Plan that are relevant to this matter, and thus provide a framework for the following analysis and findings:

7. Findings demonstrating that the proposed Comprehensive Plan amendment and zone change will conform with applicable policies found throughout the Comprehensive Plan, as required by section 5.030 of the Sutherlin Zoning Ordinance, are enumerated below and demonstrate that the amendment will conform with the applicable written policies of the Comprehensive Plan.

**Citizen Involvement Policies**

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.*

The applicant's proposed amendment has been reviewed by the Sutherlin Planning Commission in a public hearing. The Commission's recommendation to approve the amendment will subsequently be presented to the City Council for final action.

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

Public hearings concerning the applicant's proposed amendment will be conducted by the Planning Commission and by the City Council. The public hearings will be conducted in accordance with state law and local ordinance.

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.*

The Planning Commission finds that the City has caused public notice of the public hearing concerning the applicant's proposed amendment to be published in a local newspaper not less than twenty days prior to the date of the hearing. Individual written notice of the hearing was also mailed to property owners in the vicinity of the subject property in accordance with state law and local ordinance.

**Natural and Cultural Resources Policies**

1. *Limit all discharges from existing and future development to meet applicable local, State, or Federal environmental quality statutes, rules and standards.*

2. *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 Planning Commission finds that the requested Plan amendment and zone change will facilitate development of the subject property as a Planned Residential Community. The property will be provided with the full range of public facilities and services, including public sewer and water. The construction and maintenance of these facilities will be done in accordance with all applicable development standards to ensure that they will not violate local, State or Federal environmental quality standards, or otherwise burden the City's ability to meet its service obligations to existing developments in the urban area. (See more detailed discussion under Public Facilities & Services policies and Statewide Goal No. 11, below.)

8. *Discourage radical changes to existing wildlife habitat.*

The Planning Commission finds that although the subject site was originally developed as an industrial site more than fifty years ago, it has remained unused for that purpose for the past several decades. Consequently the 100 acre log pond and much of its surrounding environs have served as suitable habit for a wide range of wildlife, including both migratory and indigenous bird species, as well as a variety of small mammals. Until the early 1990s when the pond was drained by a previous owner, Fords Pond was a well-know fishery for several warm water species including bass, blue gill, crappie and catfish. However, because of its past industrial use, and its continued classification as a physically developed and irrevocably committed industrial site, Fords Pond has not been included in inventories of sites having significant fish and wildlife habitat, nor has the site been identified through the Comprehensive Planning process as one warranting special protection under the Statewide Natural Resources goal (Goal 5). These prior determinations of non-significance have been reviewed and approved by the Oregon Department of Fish and Wildlife. The applicant's conceptual development plan for the property has placed major emphasis on the goal of protecting existing and future fish and wildlife habitat values on the site. Existing wetland areas and other environmentally sensitive sites will be set aside as undeveloped open space, while the overall design of the Planned Residential Community reflects the applicant's desire to maintain and enhance as much of the properties natural resources as possible. While the applicant has testified that recreational use of the 100 acres of water body within Fords Pond is a major use concept for the future Planned Community, such use will be conducted in a manner that causes minimal impact to the pond and its surrounding environs. The Planning Commission concludes that the applicant's intended use of the property is directly in line with the intent of Policy No. 8 of the Natural Resources element of the Sutherlin Comprehensive Plan.

#### **Public Facilities Policies**

1. *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.*

12. *The City shall provide sewer and water service to areas within the Urban Growth Boundary.*

14. *Ensure that as new development occurs, public facilities and service to support the development are available or will be available within a reasonable time.*

20. *New development, including but not limited to subdivision, residential or commercial, or industrial construction, should be responsible for constructing, pay for or depositing funds for an improved street with curbs, cutters, and sidewalks, as well as sewer, water, storm drainage facilities, fire hydrants, and street lights, in addition to all utilities. This may be modified somewhat where there are other public benefits or improvements.*

The Planning Commission has adopted findings pertaining to the public facilities and services aspects of the proposed Comprehensive Plan amendment and zone change in a later section of this document concerning the Statewide Public Facilities and Services Goal (Goal 11). Those findings demonstrate that the proposed amendment will not adversely impact the present or future provision of public facilities and services in the Sutherlin urban area. The Planning Commission finds that the full range of urban services appropriate for the site's proposed urban residential land use designation is either immediately available or can be provided in a timely, orderly and efficient manner consistent with the intent and purpose of the Comprehensive Plan policy statements cited above. This conclusion is based on consideration of the existing public service delivery systems and plans that are in effect within the Sutherlin urban area which are intended to ensure proper coordination of the types, locations and delivery of the public facilities and services necessary to support both the existing and proposed urban land areas.

#### **Energy Conservation Policies**

2. *New developments and subdivisions shall incorporate energy conservation principals into their planning and design.*

3. *The use of zero lot line zoning shall be promoted where appropriate to provide opportunities for increasing density and heat retention of dwellings.*

7. *Promote development of energy-efficient planned unit developments with designated residential areas.*

Although the applicant is not proposing or otherwise seeking approval of specific development plans at this time, on the basis of facts contained in the whole record the Planning Commission finds that the land use change proposed by this application will facilitate future development of a Planned Residential Community in a manner that both incorporates energy-efficient design principals and promotes energy conservation by utilizing modern energy-saving construction materials, structural designs such as clustered housing and zero lot line dwellings, internal street networks that accommodate efficient connectivity, and provisions for safe and convenient pedestrian walkways that will help reduce reliance on private automobiles for intra-

neighborhood travel. The Commission finds that these design concepts will be directly in line with the above cited energy conservation policies set out in the Comprehensive Plan.

**Residential Land Use Policies**

1. *Conversion of urbanizable land to urban uses shall be based on consideration of:*
  - a. *Orderly, economic provision for public facilities and services;*
  - b. *Availability of sufficient land of various use designations to ensure choices in the market place;*
  - c. *Conformance with statewide planning goals; and,*
  - d. *Encouragement of development within urban areas before conversion of non-urban areas.*
2. *Work toward development of 'open' lands identified as suitable for development within the existing city limits before annexing additional lands."*
3. *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 Planning Commission notes that the criteria cited in the Residential Land Use Policies quoted above are addressed within the context of several of the Statewide Planning Goals as set out in the following section of this findings and decision document. Inasmuch as those findings include an extensive discussion of how the proposed Plan amendment and zone change conforms with the statewide goals, it would be redundant to address the same criteria listed in land use policies cited above. By reference to the discussion under the statewide goals below, the Planning Commission has concluded that the proposed Plan amendment and zone change will fully conform to the land use policies set out in the Sutherlin Comprehensive Plan document.

**FINDINGS OF CONFORMANCE WITH THE STATEWIDE PLANNING GOALS**

**Goal 1: Citizen Involvement.**

*To ensure the opportunity for citizen involvement in all phases of the planning process.*

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 August 22, 2007, City staff mailed copies of a Notice of Public Hearing to all owners of property within 100 feet of the subject parcel. The same notice was published in the News-Review, a local newspaper of general circulation, on August 30, 2007.

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. The Planning Commission finds 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.*

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. 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 August 3, 2007. The Planning Commission finds that the proposed amendment is being evaluated in a manner that assures full compliance with Statewide Goal No. 2.

**Goal 3: Agricultural Lands.**

*To preserve and maintain agricultural lands.*

The Planning Commission finds that there has already been a determination by both the City of Sutherlin and Douglas County via the earlier UGB expansion process that the subject property is not agricultural land. This finding is validated by the fact that the property was established as an industrial site in the early 1950s and has been designated and zoned for industrial use for at least the past thirty years. Furthermore, the site is designated and zoned for urban use within the Sutherlin city limits and the Sutherlin Urban Growth Boundary. The Commission therefore concludes that the Statewide Agricultural Goal is not applicable to this proposed Comprehensive Plan amendment and zone change.

**Goal 4: Forest Lands.**

*To conserve forest lands by maintaining the forest land base.*

The Planning Commission finds that there has already been a determination by both the City of Sutherlin and Douglas County via the earlier UGB expansion process that

the subject property is not forest land. This finding is validated by the fact that the property was established as an industrial site in the early 1950s and has been designated and zoned for industrial use for at least the past thirty years. Furthermore, the site is designated and zoned for urban use within the Sutherlin city limits and the Sutherlin Urban Growth Boundary. The Commission therefore concludes that the Statewide Forest Lands Goal is not applicable to this proposed Comprehensive Plan amendment and zone change.

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

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 has been identified to contain wetlands that exist around the perimeter of the pond, and also there are several acres wetlands located near the southwest corner of the property. The wetlands that have been identified (CO-19B, CO-19C, CO-17B, CO-17C) on subject property are not considered to be locally significant wetlands. Ford's Pond is considered to be an industrial log storage facility under DEQ Permit NO. 76824-400J. The applicant acknowledges that wetlands exist on the parcel, and specific on-site design in cooperation with the Oregon Department State Lands will have to occur before a development application is approved by the City of Sutherlin.

In completing the comprehensive map and zone change approximately 118-acres of the parcel will be zoned FR-75. The areas included in the open space designation consist of the pond itself along with an additional 20 acres of wetlands and BPA right-a-way. Furthermore, fish and wildlife areas are to be protected under goal 5, but the log pond is classified as an industrial application and permitted by the DEQ warranting no special protection under Goal 5. The Oregon Department of Fish and Wildlife also made a determination of non-significance when based on previous determinations that the pond is an industrial use.

Mineral and Aggregate Resources, Energy Resources, Ecologically and Scientifically Significant Resources, Outstanding scenic view and sites, Wilderness Area, Historical Sites, Cultural Area, Water Areas, Wild and Scenic Waterways, and



Oregon Recreational Trails either have not been identified in previous comprehensive planning or do not apply to the subject property.

The Planning Commission finds 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.*

Statewide Goal 6 requires that air, land and water resources of the state be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local air sheds, degrade land resources or threaten the availability of such resources. The City of Sutherlin has sufficient regulatory measures in place so as to ensure that any future development on the site will not produce result in unanticipated impacts as a consequence of the proposed amendment. The Planning Commission finds that the requested amendment, and any subsequent development and use of the site, will be evaluated in a manner that assures compliance with Statewide Goal No. 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards.**

*To protect life and property from natural disasters and hazards.*

The subject property has not been identified in any inventory of areas which have the likely potential to be subjected to natural disasters and hazards. Notwithstanding the fact that about 100 acres of the site are encompassed by a pond, the elevation of the dry land portions of the site puts it well above the flood plain and any danger of flooding; consequently, the site does not fall within any officially designated flood hazard area. The majority of the slopes on the ridge running along the west side of the property are steep enough to warrant special review under the City's Steep Slopes Overlay regulations prior to their development. Consequently, that portion of the property will be designated on the Comprehensive Plan map as Residential Hillside with corresponding Residential Hillside (RH) zoning. These Plan map and zoning designations will ensure that appropriate geotechnical analysis of that portion of the property occurs prior to its development. The nearly flat topography of the balance of the site does not suggest any physical constraints to the type of urban residential development contemplated by the applicant. The Planning Commission finds that the subject property is not subject to any identified natural disasters and hazards.

**Goal 8: Recreational Needs.**  
*To satisfy the recreational needs of the citizens of the state.*

The City of Sutherlin has an implemented parks system development charge that will be assessed at the time of development of the subject property. The Commission finds that the inventory of available land for parks and recreation is currently adequate as referenced in the BLI (Buildable Land Inventory) for the population of Sutherlin. The Commission notes that Park Master Plan for Sutherlin acknowledges that there has historically been interest in establishing a community park in the area of Ford's Pond; however, the subject property itself is not specifically identified in the Plan as the proposed park. The Parks Master Plan describes a floating asterisk as a way of identifying locations where a park may be contemplated; however, such asterisk does not suggest that this is the exact location of a future park. The Commission notes that the subject property is privately owned and presently designated for Industrial use, not public use.

The Commission finds that the proposed Comprehensive Plan amendment will result in approximately 118.5 acres of land designated as Open Space that will remain undeveloped because of the implementing FR-75 zoning. The Planning Commission therefore concludes that the proposed Comprehensive Plan amendment and zone change will not conflict with the City's Parks and Open Space Master Plan. Furthermore, and on the basis of the foregoing findings, the Planning Commission concludes that the proposed amendment will not conflict with Statewide 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 being designated as Heavy Industrial (M-2) was included in the Buildable Lands Inventory and Economic Opportunities Analysis that was completed in 2005 for the City of Sutherlin by ECONorthwest. The applicant submitted:

The June 2005 Buildable Lands Inventory identified a total of 749 acres of land within the UGB and city limits that is designated and zoned for industrial use, including 171 acres of "Light Industrial" land and 578 acres of "Heavy Industrial" land (BLI Table 3-3). Since the applicant's entire 200 acre site is presently designated and zoned for heavy industrial use, it was counted as part of the 578 acre of "Heavy Industrial" land. Within the heavy industrial classification, 139 acres was determined to be developed or presently under development review, while the remaining 439 acres was identified as being vacant or partially-vacant (BLI Table 3-4). Of the 439 acres of vacant and partially-vacant heavy industrial land, 45 acres is classified as partially developed (including 7.6 acres that is developed but not otherwise counted as "developed" industrial land), while 129 acres is classified as "constrained" or undevelopable land that is impacted by wetlands and areas in the riparian zones (reference City of Sutherlin Wetland and Riparian Inventory, April 2001), and areas with slopes in excess of 25%. Unfortunately, the City's buildable lands inventory does not identify the amount of "constrained" land on a site-specific basis, and therefore it is not possible to know the exact amount of developable industrial land that was credited to the Fords Pond site. Nevertheless, it is possible to come up with at least a rough estimate of the amount of developable land within the applicant's 200 acre site by using the same evaluation criteria employed in the BLI.

Using the rationale above of determining the actual buildable lands the applicant determined that there are approximately 55-acres that would be considered buildable under the M-2 Zone. The Planning Commission notes that staff concurred with the applicant's rationale of estimating the buildable land and did its own calculations as follows. The entire parcel of 204.4 +/- included in the inventory as vacant and buildable. It has been discussed previously the pond consumes approximately 98-acres of the subject parcel. In looking at uses for the industrial pond it is unlikely that any timber/wood manufacturing company would employ the services of such a facility because the wood manufacturing industry has been in decline since the 1980's. Furthermore, looking at the remaining 100-acres of the subject parcel 17-acres has been identified as wetlands, and approximately 12.5 acres contain slopes that would exceed building of a heavy industrial facility. The actual building potential of this 198.28 acre site is closer to 70-acres.

The City of Sutherlin currently has a surplus of industrial land as indicated by the Buildable Lands Inventory, and it has been recommended that the city maintain its current inventory for future lands needed for employment. The removal of approximately 70-acres wouldn't significantly impact the future development of

economic opportunities because of the location of the parcel would cause M-2 development to cross residential lands to access the industrial site. The residential lands could be severely impacted by many permitted uses allowed under the M-2 zone.

On analysis the actual developable industrial land for this parcel is less than 10% of the total industrial lands in the BLI. This percentage is insignificant when taking into account the quality of life of the adjacent residential neighborhoods, and the possible consequences of allowing many of the permitted uses of the zoning M-2. In order to further justify the redesignation, a report to the City of Sutherlin received January, 16 2007 from John Renz who is the Southern Oregon Regional Representative for DLCD states "If not done already, the City should consider either rezoning such land for other needed uses," when referring to the industrial sites in Sutherlin that are impacted by wetlands or riparian areas. Based on the above findings, the Planning Commission finds that the proposed map amendments will support the statewide planning goal of providing adequate economic opportunities.

**Goal 10: Housing.**

*To provide for the housing needs of citizens of the State.*

The City of Sutherlin in the 2005 Residential Land Needs Analysis determined that in order to meet projected housing needs the city must increase its buildable residential land by 345 acres. Taking in to account that in 2006 the city added 213 acres of residential land with the ASKC approved application for annexation. Even with the addition of this parcel the City of Sutherlin still needs to add approximately 130 acres to the residential land inventory. The change from Industrial to Residential would add an additional 82-acre to the buildable residential inventory. The 82-acres would further reduced by the approximate 17-acres of wetlands. The increase of approximately 65-acres of buildable residential lands would be a crucial step in meeting the needed acreage that is projected for 2025.

The Planning Commission notes that applicant has submitted a proposed Planned Community Development that would possibly contain up to 285 single family dwellings for the proposed parcel. In this proposed development there are many different house sizes ranging from 1,250 square feet to 2500 square feet. The lots sizes would vary from 5,000 square feet all the way up to 12,500 square feet. Under the Planned Community Development many options would exist to offer a full range of single family dwellings. The Planning Commission finds that the Comprehensive Map and Zone 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 Planning Commission noted subject property is within the Sutherlin city limits, and it is therefore eligible to receive City water and sewer services. It is the city's policy to require the property owner/developer to pay the direct cost of extending needed urban services, and pay additional SDCs (System Development Charges) to the city in order to recover financial impacts for developing the property. However, the decision on hand only needs to take into account that all needed services can be implemented. The Planning Commission finds that based on the above findings that that the decision 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 State Hwy 138 and Church Road.

The subject property is 204.4-acres which has a large pond (Ford's Pond) that occupies approximately 98-acres of the property. Leaving approximately 100-acres of land that could be developed. However, the application also designates approximately an additional 18.5-acre that isn't developable because of wetlands and BPA transmission line easement. Also, it would be virtually impossible to have an industrial application on the hillside which affects an additional 12.5-acre. Taking into account the hillside, wetlands, pond, and easement the total developable area under M-2 would be approximately 68.28-acres. In the proposed application 80.78-acres are developable under the zoning of R-1 and RH.

The current zone of M-2 permits a variety of permitted uses, ranging from light industrial to manufacturing. Using data from the *Trip Generation Handbook* published by the Institute of Transportation of Engineers was used to determine the net effect of traffic for the proposed zone change. The Planning Commission noted that staff concurred with the applicant that the most likely development that could occur under the current zoning would be general light industrial. The ADT (Average Daily Trip) for general light industrial was 7.26 trips per acre during evening peak hour. Thus, 68.28-acres would produce 496 ADT (Average Daily Trips).

The proposed amendment/zone change would result in the development of approximately 280 single family dwellings. The ADT (Average Daily Trip) for peak evening hours of the proposed planned development would be 286 trips assuming that the proposed development accompanying the application was developed.

The Planning Commission notes that the applicant has contracted with Lancaster Engineering of Portland, Oregon to determine whether a plan amendment/zone change from Heavy Industrial to Residential Low Density would require a traffic impact study. Lancaster Engineering submitted a trip generation analysis to ODOT,

and ODOT concurred with the applicant's analysis that the zone change would result in a net decrease in trip generation from the existing industrial zoning. It's ODOT and staff understanding that the site traffic will access HWY 138 from Church Street. If the subject property was to access 138 directly instead of accessing 138 off of Church road further documentation and or analysis may be necessary.

Sutherlin's adopted TSP (Traffic System Plan) identifies a collector street and pedestrian paths that are contained within the property. In approving the applicant's Comprehensive Plan Amendment the ability to implement the TSP is not limited. Roads and pedestrian paths can be implemented in all three of the designations in OPWD's Comprehensive Plan Amendment and Zone Change application. The Planning Commission finds the amendment is consistent with goal 12.

**Goal 13: Energy Conservation.**  
*To conserve energy.*

The Statewide Energy Conservation Goal is intended ensure that land and uses developed on land are managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principals. The Planning Commission finds that the subject property is located within Sutherlin's acknowledge urban growth area where its future development will promote the efficient energy-related use of existing and planned transportation facilities. The subject site is free of any significant physical constraints that would otherwise require more energy to develop and use the land for residential development than would other property in the urban area. Major public facilities and services are either nearby or already serving the site, thus reducing the energy-related inefficiencies associated with extending such services far beyond an established urban area. Furthermore, specific energy conservation policies and development standards are included within the Sutherlin Comprehensive Plan and the City's land use and development ordinances to ensure that the statewide energy conservation goal is implemented on a site-specific basis at the time of property development.

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

The statewide urbanization goal provides the standards and procedures for establishing or expanding the urban growth boundary (UGB). The urbanization goal requires that land within the UGB "...shall be considered available over time for urban uses." As previously noted, the subject property is presently located within both the Sutherlin city limits and the urban growth boundary. Prior inclusion of the property within the UGB demonstrates the City's legislative intent to allow urban development to occur on the site. The Planning Commission finds that the proposed Comprehensive Plan amendment and zone change will have no effect on the present

status of Sutherlin's urban growth boundary, nor will it otherwise conflict with the purpose and intent of the statewide urbanization goal.

**COMPLIANCE WITH CITY OF SUTHERLIN ZONE CHANGE CRITERIA**

Section 4.8.110 of the Sutherlin Development Code (*Zone Changes*) provides the following criteria for approving a zone change:

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration that the most intense uses and density that would be allowed. Outright in the proposed zone, considering the sites characteristics, can be served through the orderly extension of urban facilities and services, including a demonstration of consistency with OAR 660-012-0060 and*
3. *Evidence of change in the neighborhood or community, or a mistake or inconsistency between comprehensive plan or zoning district map regarding the subject property which warrants amendment.*

**City Zone Change Criteria #1:**

***Compliance with Comprehensive Plan***

The Planning Commission finds that the 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 R-1, RH, and FR-75 will be necessary to ensure consistency between the Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).

**City Zone Change Criteria #2:**

***Most intense uses and density & serviced by urban facilities and services***

The Planning Commission notes that the parcel is adjacent to several residential developments to the west and north. It appears that there is a pattern of residential development in west side of Sutherlin. Capitalizing on the M-2 zoning that is adjacent to residential lands currently being built, or are already developed would

most likely create a quality of life issue concerning all of the possible uses allowed under the zone. To further this as already discussed previously the parcel only contains approximately 60-acres of developable ground that could be used for Heavy Industrial uses because of wetlands and topography. Topography is addressed by including RH into the zone change which would efficiently use the available ground unlike the M-2 Zone.

Concerning public facilities of implementing the zone change it is recognized that the parcel is located within the city limits, and services are available for the parcel. It is the policy of the City of Sutherlin to require the developer to incur all the direct cost of extending the needed urban services as well as paying additional system development fees (SDCs) to off-set other financial impacts brought upon by development. During this process of changing zoning designation the main concern is the facilities available to the subject parcel. The Planning Commission finds that the Zoning Map amendments are consistent with the purposes and intent of the zoning criteria.

**City Zone Change Criteria #3:**

*Evidence of change in the neighborhood or community of a subject property which warrants amendment.*

The Planning Commission noted that the subject property is made up of 204.4-acres M-2 zoned property that was previously used as a lumber manufacturing facility in the 1950's. The property was zoned industrial in the mid to late seventies to accommodate the previous use as a lumber manufacturing facility. Now the subject property is vacant and is sited near many newer residential developments except to the west where it is still county designated as EFU by the county.

If an industrially permitted use was allowed to be sited on the subject parcel quality of life issues maybe raised. For instance if the parcel went back to its previous use as a timber storage facility there would be many large machines in use next to a residential neighborhood. The machines would be allowed to work around the clock, 365 days a year which isn't conducive to a healthy residential neighborhood. The City of Sutherlin currently has an inventory surplus of industrial zoned lands that wouldn't conflict with the adjoining land uses such as the subject parcel.

The Planning Commission finds that the Zoning Map amendments are consistent with the purposes and intent of the zoning criteria. The site can be made suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.



**DECISION**

The Planning Commission deliberated to a decision on October 16, 2007. A motion was made to approve the proposed Comprehensive Plan amendment and zone change on the basis of the applicable criteria and the findings of fact set out herein, and to forward the matter to the Sutherlin City Council with a recommendation that the matter be approved. A vote was taken and the motion passed.

Therefore, on the basis of the Findings of Fact enumerated herein, the application of Oregon PacificWest Development to amend the Sutherlin Comprehensive Plan map designation on the subject 200 acre Fords Pond property from Industrial to Low Density Residential, Residential Hillside and Residential-Agriculture/Forestry/Open Space, together with a concurrent and corresponding zone change from Heavy Industrial (M-2) to Low Density Residential (R-1), Residential Hillside (RH), and Forest Resource (FR-75) is hereby approved and forwarded to the Sutherlin City Council with a recommendation for approval.

DATED THIS 18 DAY OF OCTOBER, 2007.

  
Jerry Letz, Chairman  
Sutherlin Planning Commission

ATTEST:

  
Debbie Hamilton CMC, Deputy City Recorder

**ORDINANCE NO. 987**

**COPY**

**AN ORDINANCE AMENDING THE CITY OF SUTHERLIN ZONING MAP AND COMPREHENSIVE PLAN MAP TO AMEND THE COMPREHENSIVE PLAN MAP FROM PUBLIC TO COMMERCIAL, CONCURRENT WITH A ZONING MAP CHANGE PUBLIC/CONSRVATION (P) TO COMMUNITY COMMERCIAL (C-3). FOR PROPERTY DESCRIBED AS TAX LOT(S) 500 IN SECTION 20B, OF T25, R5W. THE SUBJECT PROPERTY IS COMMONLY KNOWN AS STOW-A-WAY MINI STORAGE ON W. CENTRAL AVENUE. THE 4.4-ACRE PROPERTY IS LOCATED 250' EAST OF MILLER STREET ON THE SOUTH SIDE OF W. CENTRAL AVENUE AND DESCRIBED HEREIN.**

**The City Council of the City of Sutherlin finds that:**

**A.** Meredith "Pat" Fenton submitted an application for Comprehensive Plan Map and Zoning Map amendments to amend the existing Comprehensive Plan and Zoning designations for property identified within Douglas County Assessor Records as Tax Lot 500 in Section 20B, Township 25 South, Range 05 West. The subject property is further described in Exhibit A attached hereto and incorporated herein.

**B.** The Sutherlin Planning Commission held a properly noticed public hearing on September 18, 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 4.2.150 of the Sutherlin Development Code, notice of a public hearing before the City Council was given, and the public hearing on the requested Comprehensive Plan Map amendments and Zoning Map amendments was conducted on September 18, 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. 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 B hereto.

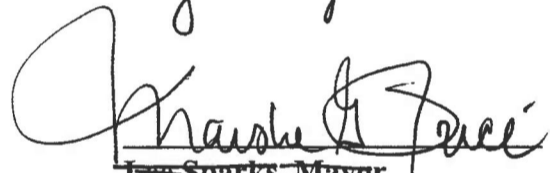
**THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:**

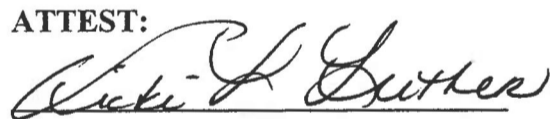
**Section 1.** The Sutherlin Comprehensive Plan Map is hereby amended to change the Comprehensive Plan designation of the real property identified as all or a portion of Tax Lot 500 in Section 20B, Township 25 South, Range 05 West, and more particularly described and depicted in Exhibit A.

**Section 2.** The Sutherlin Zoning Map is hereby amended to reconfigure the zoning designations of the real property identified as all or a portion of Tax Lot 500 in Section 20B, Township 25 South, Range 05 West, 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 4<sup>th</sup> day of January, ~~2007~~ 2008.  
Council Pres.  
Approved by the Mayor on this 17<sup>th</sup> day of January, ~~2007~~ 2008.

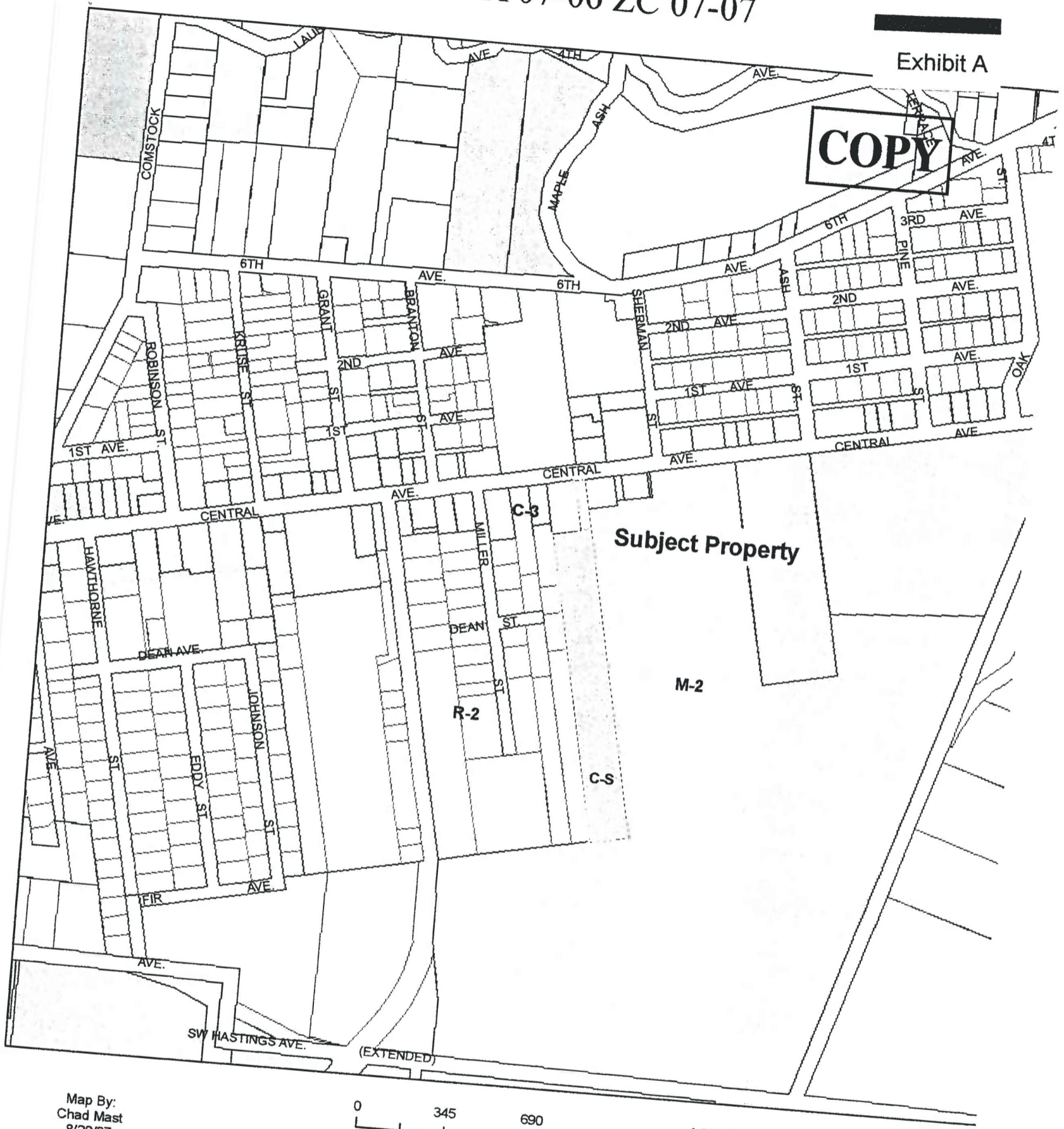
  
Lee Sparks, Mayor  
Council President

ATTEST:  
  
Vicki Luther, MMC, City Recorder

PA 07-06 ZC 07-07

Exhibit A

**COPY**



**Subject Property**

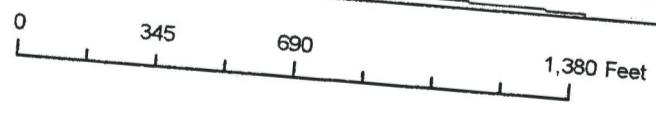
M-2

R-2

C-3

C-S

Map By:  
Chad Mast  
8/28/07



**BEFORE THE SUTHERLIN PLANNING COMMISSION**

In the matter of the application on Meredith "Pat" Fenton )  
to amend the Sutherlin Comprehensive Plan map )  
designation from Public to Commercial, together with a )  
concurrent and corresponding Zone Change from C-S )  
Public/Open/Conservation to C-3 Community )  
Commercial on 4.21 +/- acres of property. The subject )  
site is located within the city limits of Sutherlin, and )  
fronts south on Central Avenue 250' east of Miller )  
Street. The property is also identified as Tax Lot 500 in )  
Section 20B, Twp. 25S, Rng. 05W, Douglas County )  
Oregon; Tax Account Number R50101 )

**FINDINGS OF FACT  
AND DECISION  
PA-07-6 ZC-07-7**

**INTRODUCTION**

This matter came before the Sutherlin Planning Commission for Public Hearing on October 16, 2007, in the Council Chambers of Sutherlin City Hall, Sutherlin, Oregon. The purpose of the hearing was for the Planning Commission to receive testimony and other evidence related to the subject matter, and render a decision in response to the applicant's request. The applicant, Meredith "Pat" Fenton, was represented at the public hearing by its land use consultant, Ron Schofield of Schofield & Associates.

The City received no written statements regarding the proposed land use change from interested citizens. No party status was granted at the hearing or through submitted comments.

At the beginning of the public hearing, the Chairman read a prepared statement which describes the hearing procedures to be followed and the criteria to be applied to the subject matter. The Chairman queried the members of the Planning Commission regarding ex parte contacts or potential conflicts of interest. All the commission members were found to be qualified to participate in the hearing.

A written staff report, together with numerous exhibits, was presented to the Planning Commission and entered into the record. The staff report describes the nature of the application, the review and approval criteria to be applied to the request, numerous factual findings and a recommendation that the request be approved and forwarded to the City Council for final action. The written report and exhibits are on file with the Sutherlin Planning Department.

The Planning Commission takes official notice of the following:

1. Meredith "Pat" Fenton submitted applications for Comprehensive Plan Map amendment and Zoning Map amendment on August 28, 2007. The applicant is seeking to have 4.2+- acres of the subject property redesignated/rezoned from **P (C-S)** to **Commercial (C-3)**.
2. A Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD) on August 28, 2007.
3. On September 17, 2007, a Notice of Public Hearing before the Sutherlin Planning Commission was mailed to all record owners of property within 100 feet of the property proposed to be rezoned. The Notice was published in the *News-Review* on September 28, 2007.
4. On September 26, 2007 the City of Sutherlin received comments form ODOT. (Exhibit G)
5. This matter came before the Sutherlin Planning Commission for consideration on October 16, 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.

Proposed amendments to the Sutherlin Comprehensive Plan are subject to review by the Sutherlin Planning Commission, and ultimately must be reviewed and approved by the Sutherlin City Council. After receiving and accepting the applicant's request for an amendment to the Comprehensive Plan, the City is required to give notice of the proposed amendment to the Oregon Department of Land Conservation and Development (DLCD) at least 45 days prior to the first scheduled public hearing on the matter. Any amendment of the Comprehensive Plan must be reviewed by DLCD to ensure that the proposed action meets the criteria established under the statewide planning goals and applicable administrative rules. The applicant is not seeking approval of any specific development plans for the property at this time. Review of any site development plans for the property will be conducted by the City under a separate land use application process to be conducted subsequent to approval of the requested Plan amendment and zone change.

The specific procedures and criteria for reviewing a proposed Comprehensive Plan amendment and zone change are set forth in the Sutherlin Comprehensive Plan, the Sutherlin Land Use and Development Ordinance, the joint Urban Growth Management Agreement (UGMA) between the City and Douglas County, as well as in various administrative rules that have been adopted by the Land Conservation and Development Commission (LCDC).

Generally stated, the Plan amendment review process requires proposed amendments to be supported by Findings of Fact which demonstrate consistency with both the written policies contained within the Comprehensive Plan document and conformance to all applicable statewide planning goals adopted by the Oregon Land Conservation and Development Commission. If the City proposes to

take an exception to any of the statewide planning goals, Findings of Fact showing why the exception is justified must also be adopted. In the following sections of this supplemental application document, the applicant has proposed Findings of Fact which demonstrate that the proposed amendment is consistent with all applicable statewide planning goals; consequently, no goal exceptions are proposed.

**SUBSTANTIVE FINDINGS OF FACT**

1. The Applicant is seeking approval of a proposed Comprehensive Plan map amendment from Public to Community Commercial, together with a concurrent and corresponding zone change from C-S to C-3 on 4.21 +/- acres of a 4.4 +/- acre parcel to facilitate the expansion of the mini- storage facility. The subject property located on the south side of Central Avenue and 250' east of Miller Street, and currently used as a mini storage facility. The property is also identified as Tax Lot 500 in Section 20B, Twp. 25S, Rng. 05W, Douglas County Oregon; Tax Account Number R50101.
2. According to testimony on the record the applicant has applied for the Comprehensive Map amendment and Zone Map amendment for further expansion of the current mini-storage facility that exists on the property. The property was originally owned by the Sutherlin School District, and that resulted in the Public designation that exists on the subject property. The adjacent property that currently operates as a lumber manufacturing facility also had the Public designations, but previously completed this same process at an earlier time.
3. The applicant's representative Ron Scholfield of *Scholfield & Associates* stated on the record that applicant was in concurrence with the Sutherlin Planning Departments staff report and raised no objections.

**DECISION CRITERIA AND 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 4.7 & 4.11 of the Sutherlin Development Code (*Zoning District Map Amendments/Plan Amendments*) provides specific local criteria for approving such change mapping changes.

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 STATEWIDE PLANNING GOALS**

**Goal 1: Citizen Involvement.** *To ensure the opportunity for citizen involvement in all phases of the planning process.*

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 September 17, 2007, City staff mailed copies of a Notice of Public Hearing to all owners of property within 100 feet of the subject parcel. The same notice was published in the News-Review, a local newspaper of general circulation, on September 28, 2007. 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. The Planning Commission finds 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.*

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. 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 August 28, 2007. The Planning Commission finds that the 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 Meredith "Pat" Fenton application.

**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...*



The Planning Commission finds that the subject property is vacant and currently designated Public (C-S). The subject property does not contain any designated agricultural or forest land. 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.*

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 has been identified to contain two separate locations containing wetlands. The applicant states that the City of Sutherlin's wetland inventory shows two areas of potential wetlands located near the south boundary of the property, and they are identified as SU-38 (non-significant) and PW-15 (significant). The applicant acknowledges that wetlands exist on the parcel, and specific on-site design in cooperation with the Oregon Department of State Lands will have to occur before a development application is approved by the City of Sutherlin.

Mineral and Aggregate Resources, Energy Resources, Ecologically and Scientifically Significant Resources, Outstanding Scenic View and Sites, Wilderness Area, Historical Sites, Cultural Area, Wild and Scenic Waterways, and Oregon Recreational Trails either have not been identified in previous comprehensive planning or do not apply to the subject property.

Based on the above findings, the Planning Commission 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.*

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. Redesignation of 4.21-acres of the 4.4-acre subject property to **Commercial** is expected to result in commercial development.

It is certainly possible that the proposed change from **Public** zoning to **Commercial** zoning on 4.2+-acres of the 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, with a specific development plan to construct mini-storage facilities, it is feasible to assess such environmental impacts would be minimal. 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 impacts as well.

The Planning Commission finds that 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.*

The subject property has not been identified in any inventories which suggest the property be subject to natural disaster or hazards. The applicant states:

Elevation of the site puts it well outside any flood plane and danger of flooding. The property consists of a flat and open site. The natural topography of the site does not suggest any significant physical constraints to its development or potential problem soils, steep slopes of unstable geology.

The Planning Commission concurs with the applicant that there are no physical constraints that warrant protection under 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.*

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 **Public** use and is being proposed to be utilized as **Commercial** use. The property has not been identified by the City of Sutherlin or Douglas County as a recreational area. The inventory of available land for parks and recreation is currently adequate as referenced in the BLI for the population of Sutherlin. Further, the subject property is in private ownership, and not utilized as a recreational property.

The Planning Commission finds 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.*

Redesignating the property will accommodate the proposed expansion of the existing mini-storage facility. Heavy Industrial properties border the southern and eastern boundary of the subject parcel and the addition of 4.4-acres of commercial land will not only provide a location for service and availability, it will aid in providing additional economic opportunities and activities. A portion of the parcel is already designated as commercial because of the existing use of mini-storage the expansion of the facility and the expansion of the commercial designation appears to coincide.

While the requested change will result in a loss of about 4.2 acres of Public designated land that is held in private ownership, its conversion to Commercial is expected to facilitate expansion of a mini-storage facility on the site which is likely to increase the probability that the land will be developed in a way that supports economic development and growth in the community.

Based on the above findings, the Planning Commission finds 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. The City's Comprehensive Plan is to ensure sufficient buildable land is available to allow for the full range of housing needs within the urban area.*

The subject 4.21-acre site is presently designated to allow public uses on the property. The proposed plan amendment and probable development of the site with commercial uses will not impact the current inventory of residential lands within in the city. Furthermore, the change would not reduce or restrict the housing opportunities in the City of Sutherlin.

The Planning Commission finds that the requested Comprehensive Plan and Zone change 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 subject property is within the Sutherlin city limits, and it is therefore eligible to receive City water and sewer services. It is the City's policy to require the property owner/developer to pay the direct cost of extending needed urban services, and pay additional SDCs (Systems Development Charges) to the city in order to recover financial impacts for developing the property. However, the current application only needs to take into account that all needed services can be implemented.

Based on the above findings the Planning Commission 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.*

The applicant's proposed amendment of the land use designation on 4.2+-acres of the subject 4.4-acre parcel will facilitate the expansion of the existing mini-storage facility. ITE's 7<sup>th</sup> Edition of Trip Generation doesn't have a trip generation category that specifically correlates to the Public designation that the subject property is currently designated. The applicant's findings use the category general office building identified as Land Use Code 710. The applicant suggests that property could accommodate up to 50,000 square feet of office space on the parcel, and that the development would generate an estimated 829 average daily trips. ITE's 7<sup>th</sup> Edition of Trip Generation reported a ratio of 2.61 vehicle trips per 1000 square feet of gross floor area. The applicant represents that the property could accommodate up to 20,000 square feet of additional storage space on the parcel considering the area required for parking, setbacks, and maneuvering vehicles. The applicant states that "the subject property could reasonably be expected to generate up to 52 ADT which is a decrease of 777 ADT on the area road system. Staff concurs that there isn't a specific category of land use trip generation for the existing Public designation, and the comparative analysis of Land Use Code 710 would suffice as for the purpose of comparison. ODOT commented on the proposed application, and agree with staff, that the change in use will not significantly affect W. Central Avenue's function, capacity, or performance. Further, they did specify the conditions that no further access points off of W. Central will be granted, and that site specific drainage plans to mitigate drainage impacts must be submitted prior to development.

**Based on these calculations with consideration of development of the subject property, it seems clear that the traffic generation from the approximately 4.2+-acres of proposed Commercial property can be construed as a net decrease in traffic generation.**

Based on the above findings, the proposed map amendments are expected to have a positive or no significant effect on state or local transportation facilities. The Planning Commission agrees with the conditions that ODOT has recommended, but those conditions will have to be addressed during the development phase of the subject property. Therefore, the proposed amendment is consistent with goal 12.

**Goal 13: Energy Conservation.**

*To conserve energy.*

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

**Goal 14: Urbanization.**

*To provide for an orderly and efficient transition from rural to urban land use.*

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.

The Commission finds that 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 4.8.110 of the Sutherlin Development Code (*Zone Changes*) provides the following criteria for approving a zone change:

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*
2. *Demonstration that the most intense uses and density that would be allowed. Outright in the proposed zone, considering the sites characteristics, can be served through the orderly extension of urban facilities and services, including a demonstration of consistency with OAR 660-012-0060 and*
3. *Evidence of change in the neighborhood or community, or a mistake or inconsistency between comprehensive plan or zoning district map regarding the subject property which warrants amendment.*

**City Zone Change Criteria #1:** *Compliance with Comprehensive Plan*

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 C-3 will be necessary to ensure consistency between the Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).

The Planning Commission finds that 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** to **Commercial** is being processed concurrently with the zone change.

**City Zone Change Criteria #2:** *Most intense uses and density & serviced urban by facilities and services*

A portion of the property is currently zoned C-3 with an existing mini-storage facility. The applicant's proposed zone change is to allow the expansion of the mini-storage facility to vacant lands on the subject parcel. The Planning Commission concurs with the applicant that this would be efficient infill of property within the City of Sutherlin. Expansion of the C-3 zoning would support the natural growth of the city. The adjacent properties are zoned industrial, commercial, or residential medium. The only concern staff would raise is there would be an addition of commercial use next to residential use. However, mini-storage facilities already exist on the subject property, and the Sutherlin Development Code adequately addresses the concern through additional required setbacks of a commercial development adjacent to residential zoned properties.

Concerning public facilities of implementing the zone change it is recognized that the parcel is located within the City limits and services are available for the parcel. As already discussed in the comprehensive plan amendment there would be a theoretical net decrease in average daily trips with the change of designation/zoning. It is the policy of the City of Sutherlin to require the developer to incur all the direct cost of extending the needed urban services as well as paying additional system development charges (SDCs) to off-set other financial impacts brought upon by development. During this process of changing zoning designation the main concern is are the facilities available to the subject parcel.

The Planning Commission finds that the requested Zoning Map amendments are consistent with the purposes and intent of the zoning criteria.

4. **City Zone Change Criteria #3:** *Evidence of change in the neighborhood or community of a subject property which warrants amendment.*

The subject property was originally owned by the Sutherlin School District and was consequently zoned C-S due to the public ownership of the property. The Sutherlin School District subsequently sold the property to a non-public entity, and then was developed in part as a mini-storage facility. The adjacent property which is now owned by Murphy Lumber Company was also owned by the Sutherlin School District, and was rezoned Industrial. The Applicant states "new zoning will also allow the orderly and efficient development of the property by providing the opportunity to expand the existing use of the property" and the Planning Commission concurs with the statement.

The Planning Commission finds the requested Zoning Map amendments are consistent with the purposes and intent of the zoning criteria. The site can be made suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area.

## DECISION

The Planning Commission deliberated to a decision on November 20, 2007. A motion was made to approve the proposed Comprehensive Plan amendment and zone change on the basis of the applicable criteria and the findings of fact set out herein, and to forward the matter to the Sutherlin City Council with a recommendation that the matter be approved. A vote was taken and the motion passed.

Therefore, on the basis of the Findings of Fact enumerated herein, the application of Meredith "Pat" Fenton to amend the Sutherlin Comprehensive Plan map and Zone map designations on 4.21-acres of 4.4-acres of designated/zoned **Public (C-S)** to **Community Commercial (C-3)** is hereby approved and forwarded to the Sutherlin City Council with a recommendation for approval.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
**Jerry Letz, Chairman**  
**Sutherlin Planning Commission**

ATTEST:

Debbie Hamilton CMC, Deputy City Recorder



**City of Sutherlin**  
126 E Central Avenue  
Sutherlin OR 97479

ATTENTION: PLAN AMENDMENT  
DLCD  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540



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