



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 22, 2015
Jurisdiction: City of Sutherlin
Local file no.: 2015-04-PA-ZC
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/15/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-15 {23862}
Received: 6/15/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sutherlin

Local file no.: **2015-04-PA-ZC**

Date of adoption: 05-26-15

Date sent: 6/15/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 03-18-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Vicki Luther, Community Development Director

Phone: 541-459-2856

E-mail: v.luther@ci.sutherlin.or.us

Street address: 126 E. Central Ave

City: Sutherlin

Zip: 97479-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from LI to RM .38 acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.
- Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T25, R05W, Sec. 17CD, TL 400, 500 & 600

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from M-1	to R-2	Acres: .38
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): T25, R05W, Sec. 17CD, TL 400, 500 & 600

List affected state or federal agencies, local governments and special districts: City of Sutherlin, Douglas County Fire District No. 2

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

City Ordinance No. 1044, Exhibit A - Douglas County Assessor Map, Exhibit B - Planning Commission Findings and Decision.

AN ORDINANCE AMENDING THE CITY OF SUTHERLIN ZONING MAP AND COMPREHENSIVE PLAN MAP FROM INDUSTRIAL TO RESIDENTIAL; COMPREHENSIVE PLAN AMENDMENT FROM LI (LIGHT INDUSTRIAL) TO RM2 (MEDIUM DENSITY RESIDENTIAL) CONCURRENTLY WITH A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL) TO ALLOW FOR RESIDENTIAL USE OF THE PROPERTY IDENTIFIED AND DESCRIBED HEREIN.

WHEREAS, an application for a zone change was filed by Habitat for Humanity, requesting that the properties described in Exhibit A, attached hereto and incorporated herein, which are identified as 25-05-17CD, Tax Lots 400, (R52208), 500 (R52215) and 600 (R52201) be changed from M-1 (Light Industrial) to R-2 (Medium Density Residential); and

WHEREAS, The Sutherlin Planning Commission held a properly noticed public hearing on April 21, 2015 to consider the applicants' request. Following the public hearing, the Planning Commission passed a motion to recommend City Council approve the proposed Comprehensive Plan Map and Zoning Map amendments; and

WHEREAS, Proper notice of a public hearing before the City Council was given, and the public hearing on the requested Comprehensive Plan Map and Zoning Map amendments was conducted on May 11, 2015; and

WHEREAS, 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 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.

NOW, THEREFORE, 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 Lots 400, 500, and 600 of Section 17CD, Township 25, Range 05, more particularly described and depicted in Exhibit A attached hereto and incorporated herein, from Industrial M-1 to Residential R-2.

SECTION 2. The Sutherlin zoning district map is hereby amended to change the zone designation of the real property identified as all or a portion of Tax Lots 400, 500, and 600 of Section 17CD, Township 25, Range 05, more particularly described and depicted in Exhibit A attached hereto and incorporated herein, from Industrial M-1 to Residential R-2.

SECTION 3. These changes have been processed pursuant to the Sutherlin Development Code 4.8 and 4.11.

SECTION 4. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated April 28, 2015 and incorporates that document herein as shown in Exhibit B.

SECTION 5. The Sutherlin Comprehensive Plan Map and the Sutherlin Zoning Map shall be revised to depict the adopted amendments.

SECTION 6. This ordinance shall be effective from and after 30 days following its passage.

PASSED BY THE COUNCIL ON THE 26TH DAY OF MAY, 2015.

APPROVED BY THE MAYOR ON THIS 26TH DAY OF MAY, 2015.



Mayor, Todd McKnight

ATTEST:



City Recorder, Debra L. Hamilton, CMC

EXHIBIT A

25 5 1
SUTHERLIN

25 5 17CD
SUTHERLIN

REVISED ON
12-10-10

SE 1/4 SW 1/4 T.25S. R.5W. W.M.
DOUGLAS COUNTY
1" = 100'

CANCELLED NOS
4600 201 2401

640,500

SEE MAP 25 5 17DC

SEE COR
D.L.C. NO. 51

SEE MAP 25 5 20BA

4,172,000

NW COR
RURAL SUTHERLIN
D.L.C. NO. 51

**SUBJECT
PROPERTY**

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1/16 COR

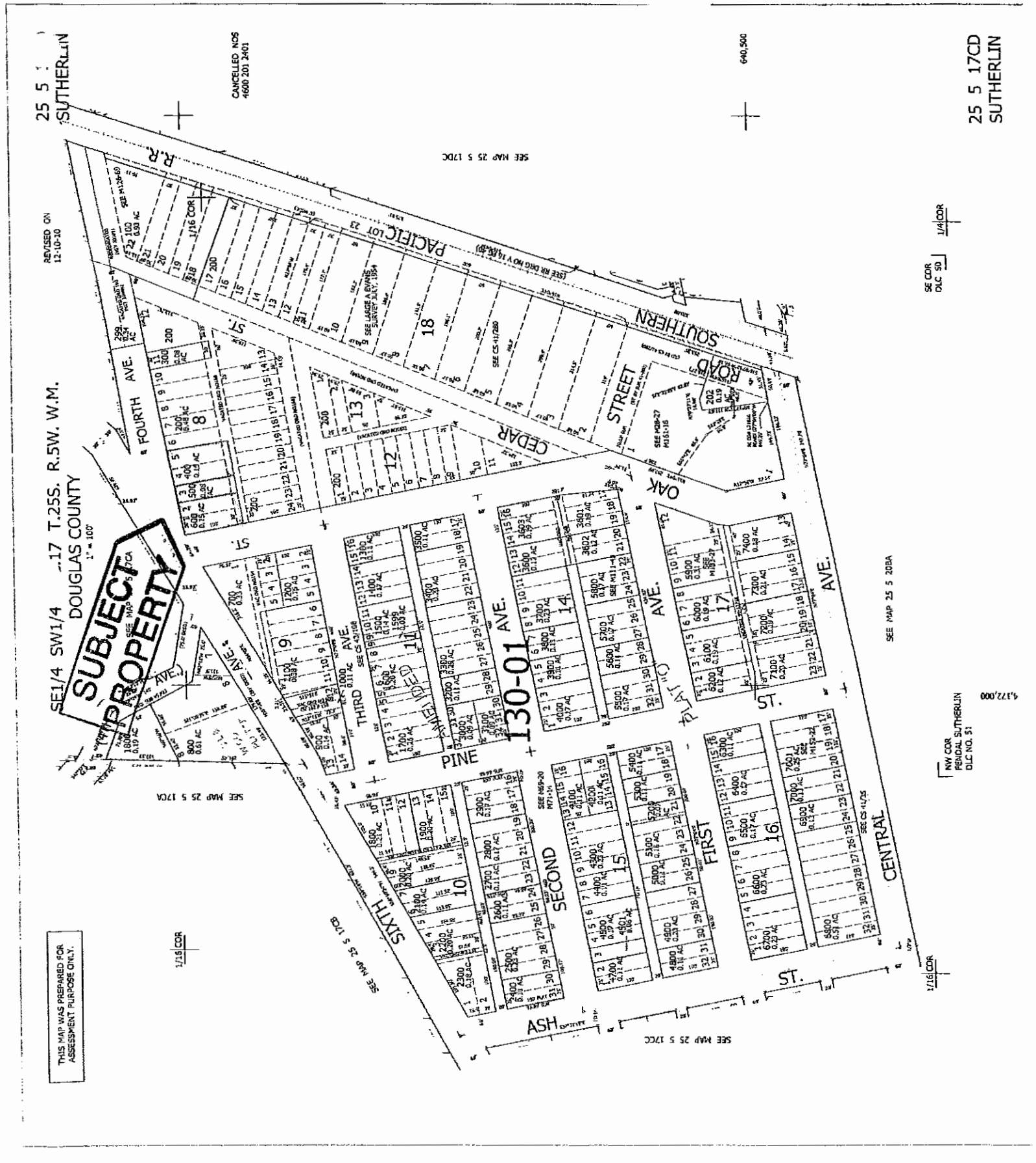
SEE MAP 25 5 17CA

SEE MAP 25 17CB

SEE MAP 25 5 17CC

SEE CS 41/25

1/16 COR



**CITY OF SUTHERLIN PLANNING COMMISSION
FINDINGS AND DECISION**

Habitat for Humanity Plan Amendment/Zone Change
CITY FILE # 2015-04-PA-ZC

April 28, 2015

PLANNING COMMISSION RECOMMENDATION: At the conclusion of a public hearing on April 21, 2015, the Sutherlin Planning Commission unanimously recommended City Council approval of the subject request, with no conditions.

APPLICATION: Request for City Council approval to amend the Comprehensive Plan and Zone District designations on three parcels from Industrial M-1 to Residential R-2

The purpose of the zone change is to commit the existing and future use of the property to residential use, with a plan to demolish an existing dwelling and build two dwellings on reconfigured Tax Lots 500 and 600.

OWNER: Habitat for Humanity
Brian and Stacey Martineau
PO Box 1391
Roseburg, OR 97470

APPLICANT: Mark Garrett Land Use Planning Services
PO Box 2191
Roseburg, OR 97470

LOCATION: 482 Oak Street & 350 W. Sixth Avenue; Map Township 25, Range 5, Section 17CD, Tax Lots 400 (R52208), 500 (R52215) & 600 (R52201).

PROJECT PLANNER: Carole Connell, City Planner (541) 459-2856
connellpc@comcast.net

I. APPLICABLE CRITERIA

- 1. City of Sutherlin Development Code
 - (a) 2.2.100 Residential Districts
 - (b) 2.5.100 Industrial Districts
 - (c) 4.2.150 Type IV Procedure

- (d) 4.8.100 Zoning District Map Amendments
 - (e) 4.11.100 Plan Amendments
- Sutherlin Comprehensive Plan
Statewide Planning Goals

II. FINDINGS OF FACT

1. **LOCATION:** The subject properties are located at the corner of West 6th Avenue and Oak Street. The property is further identified by the Douglas County Assessor's Map as 25-05-17CD Tax Lots 400 (R52208), 500 (R52215) & 600 (R52201).

Site Features: There are no wetlands, floodplain or natural features on the site. The subject site is in a mixed zoning area of the city occupied primarily by residential uses in the near vicinity. Land abutting the parcels is either Fourth Avenue right-of-way which is a dead end, Oak Street right-of way, or open area zoned industrial. Land north and west across Oak Street and Sixth Avenue is zoned and developed for residential use. Land south and east of the parcels is underdeveloped industrial.

The small platted parcels total 0.38 acres as follows: TL 400 = 0.15 acres; TL 500 = 0.08 acres; TL 600 = 0.15 acres.

2. **ZONING:** The subject property is designated Light Industrial M-1 by the Sutherlin Comprehensive Plan and Zone Map.
3. **ACCESS:** Access to the three parcels is provided by either W. Fourth/Sixth Avenues or Oak Street.
4. **Services and Structures:** The subject site is in the city limits and is served by city sewer and water service.
5. **Public Notice and Comments:** On March 31, 2015, the City of Sutherlin Community Development Department sent public notice of a request for comments to property owners as shown on the most recent property tax assessment roll within 100 feet of the subject property. The DLCD, Douglas County, City Public Works Operations, Public Utilities, Police Department and Fire Departments were also notified of the request. No comments regarding the proposal had been received when this report was published.
6. **Application:** The application was submitted to the City on March 17, 2015. The City deemed the application complete on March 18, 2015 after receiving additional information from the applicant requested by the City.

The executive summary and general information portions of the application is accepted by the city and not repeated in this report. See Applicant's report and maps.

7. **Procedure:** The application is processed as a Type IV procedure including public notice, consideration by the Planning Commission and a decision by City Council. On April 21,

2015 the Planning Commission held a public hearing and recommended Council approval.

CONCLUSIONARY FINDINGS:

III. Conformance with the City of Sutherlin Development Code

1. Sutherlin Development Code Section 2.2.100 Residential Zone District – Medium Density Residential R-2 Zone

Sutherlin Development Code Sections 2.2.100 through 2.5.120 (Residential Districts) provide the development criteria for residential uses and structures within the City of Sutherlin.

In general, the subject industrially zoned area is a triangular shape historically platted with small lots, alleyways and streets. Some adjoining streets and alleyways were later vacated, and then reinstated. The subject parcels in the southern portion of the triangle have been occupied by residences for many years and are considered a pre-existing use. The residences are also considered a nonconforming use subject to legal limitations if the homes were to be expanded or destroyed, or the parcels were to be redeveloped for residential use. Therefore, the purpose of the proposed amendments is to provide certainty that the homes and parcels can be improved for residential use now and in the future. The change of zoning to R-2 will move the use category of the existing single-family residential uses from a pre-existing use under the M-1 zone to a permitted use under the new R-2 zoning. The existing use and physical development appears to comply with the development standards of the requested R-2 zone.

Finding: The City finds that the proposed amendment will not change the existing use on the subject property, although it is anticipated that existing dilapidated residential structures will be demolished and replaced.

The Plan Amendment and Zone Change are in satisfactory compliance with the intent of Sutherlin Development Code Section 2.2.100 R-2 Residential Zone. Tax Lots 400 and 600 are 6,534 square feet and could accommodate a new dwelling subject to setback requirements. Tax Lot 500 is 3,489 square feet and does not comply with the minimum 6,000 square feet for a dwelling. The applicant intends to reconfigure the lots to create two buildable lots. Lot line adjustments and new construction is required to comply with R-2 Development Standards.

2. SECTION 2.5.100 Industrial Zone Districts

FINDINGS: The City finds there are four small parcels in this industrially zoned tract that adjoin Fourth Avenue that were divided off the otherwise larger tract and developed for residential use. The subject parcels are not large enough or suitable for industrial use and they are located at an intersection occupied by existing residences to the west and north.

3. SECTION 4.2.150 Type IV Procedures

Applicant has requested a Plan Amendment and Zone Change from Industrial to Medium Density Residential plan designation with a concurrent Zone Change from M-1 to R-2 for two parcels comprising 0.38 acres to allow continued use of the property for residential purposes. This change requires an amendment to the City's official Comprehensive Plan and Zoning Maps because it ties specific parcels and lots to the particular intent of the plan and zoning designations and subsequent development restrictions.

The requested changes are specific to the identified properties only. Because a decision must be reached by applying existing criteria in the City's Plan and Zoning ordinances, approval of the Plan Amendment and Zone Change request requires quasi-judicial map amendments. Before the Sutherlin Planning Commission can make a formal recommendation to the City Council concerning this request, a quasi-judicial public hearing must be held in which the Planning Commission reviews a staff report, takes written and oral testimony, considers the facts, applies the appropriate criteria and adopts findings which justify its decision and recommendation.

The findings must demonstrate compliance with Oregon's Statewide Planning Goals and address pertinent criteria from Sutherlin's Comprehensive Plan and implementing ordinances. After relating the facts to the criteria, the Planning Commission must recommend approval, denial, or approval with conditions concerning the request to change the designation of the subject property on the Plan map from Industrial to Medium Density Residential and the designation on the Zoning map from M-1 to R-2.

After the public hearing, the Planning Commission must make a written recommendation to the City Council in the form of a *Findings of Fact and Decision* document. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the request.

A Notice of Proposed Amendment was sent to the Department of Land of Conservation and Development (DLCD) as required. DLCD has the right to comment on the proposal prior to city council approval at a final hearing. In addition, the City's decision can be appealed to the Land Use Board of Appeal (LUBA).

4. SECTION 4.8.100 Zoning District Map Amendments

Sutherlin Development Code Section 4.8.110 C. provides the following criteria for approving a Zone Change:

The City Council shall approve, approve with conditions or deny an application for a quasi-judicial zoning map amendment based on all of the following criteria:

Zone Change Criteria #1: *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

Population and Economy Element Conformance

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

The proposed Zone Change will convert 0.38 acres to R-2 zoning in accordance with the requested residential plan designation which essentially imposes the anticipated medium density residential zoning. As previously mentioned, the land involved in this request is already occupied by existing single-family-residential development. Applicant's proposal is therefore neutral with regard to this policy and the Population and Economy Element of the Comprehensive Plan.

Public Facilities Plan Conformance

Policy A1: *The City shall ensure that appropriate support systems are installed prior to or concurrent with the development of a particular area. Costs of constructing water and sewer ties to new developments shall be borne by the developer.*

Policy A14: *Ensure that as new development occurs, public facilities and services to support the development are available or will be available within a reasonable time.*

Policy A20: *New development, including but not limited to subdivisions, residential or commercial, or industrial construction, should be responsible for constructing, paying for, or depositing funds for an improved street with curbs, gutters, sidewalks, as well as sewer, water, storm drainage facilities, fire hydrants, and street lights, in addition to all utilities.*

Finding: The purpose of the Zone Change is to facilitate existing residential uses of the subject properties according to the standards prescribed in the R-2 zone. The subject properties are within the City of Sutherlin. There is existing water and sewer lines located near the subject properties along Sixth Avenue and Oak Street as set out in the applicant's utility exhibit. The property owners will be responsible for installing any future infrastructure dictated by future development on the properties as appropriate in accordance with the Public Facilities Plan and the Sutherlin Development Code.

While the Plan Amendment and Zone Change will not create any additional need for public facilities, subsequent development on Applicant's ownership will require a single new connection to existing sewer and water lines in conjunction with a single family dwelling. Any improvements to those public facilities necessary as a result of future residential development at the site will require the owners to participate in funding those improvements. The extent to which public facilities and services are required to serve the properties will be determined at the time a specific development proposal is reviewed. The requested amendments are consistent with the Public Facility Plans.

Housing Element Conformance

Policy 1: *Encourage the quick replacement of dilapidated or inadequate housing.*

Policy 5: *As funds become available, the City shall actively pursue methods of undertaking a rehabilitation program for houses which need work in order to remain safe dwelling units.*

Finding: The proposed Zone Change will convert the subject property from M-1 zoning to R-2 zoning. The subject properties are developed with pre-existing residential uses. The City has previously identified the land as being suitable residential land. Applicant contemplates the construction of two low-cost residential units on its ownership to replace the existing residential unit which will enhance a wider range of dwelling opportunities in the city. The proposal satisfies policies to replace a deteriorating home with safe dwelling unit.

Land Use Element Conformance

Policy A1: *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 marketplace;*
- C. Conformance with statewide planning goals; and*
- D. Encouragement of development within urban areas before conversion of non-urban areas.*

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

Findings: The subject property is inside Sutherlin's city limits. The property is surrounded on all sides by developed, or partially developed, residential and industrial lands. As discussed in this report, public facilities and services are generally available to the site. The proposed R-2 zoning supports the existing residential uses on the sites. The property is located adjacent to an existing residential area of the City.

The proposal will not significantly reduce the city's industrial land supply needed for projected industrial jobs because of the small size of the parcels and the existing residential use in the vicinity.

Zone Change Criteria # 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 demonstration with OAR 660-012-0060 Transportation; and*

Findings: The City finds that the intensity of the proposed residential uses and their effect on urban services and streets will remain unchanged because the request simply applies a plan and zone designation to the site reflecting existing and desired residential use.

Zone Change Criteria # 3: *Evidence of change in the neighborhood or community, or a mistake or inconsistency between the comprehensive plan and the zoning district map regarding the subject property which warrants the amendment.*

Findings: The City finds this request is not the result of a prior mistake or inconsistency between the comprehensive plan and zoning map. The City finds there has been a change since the area was designated industrial in 1990, specifically that industrial development has not occurred on the subject parcels as planned and that the residential uses are still there and there with a desire to upgrade them.

5. SECTION 4.11 Plan Amendments

a) Consistency with the Sutherlin Comprehensive Plan

The Comprehensive Plan evaluation is provided in the applicant's submittal and Section 4 of this report.

b) Consistency with Statewide Planning Goals

Goal 1: Citizen Involvement. To provide for widespread citizen involvement in the planning process, and to allow citizens the opportunity to review and comment on proposed changes to comprehensive land use plans prior to any formal public hearing to consider the proposed changes.

Findings: Statewide Planning Goal 1 requires cities and counties to create and use a citizen involvement process designed to include affected area residents in planning activities and decision-making. Since acknowledgement of the City's Comprehensive Plan, the Sutherlin Planning Commission has been responsible for ensuring continued citizen involvement in planning matters and land use decisions. On March 31, 2015, City staff mailed copies of a Notice of Public Hearing to all owners of property within 100 feet of the subject property. The same notice was published in the News-Review, a local newspaper of general circulation, on April 6, 2015. 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.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to land use and to ensure a factual base for such decisions and actions.

Findings: Sutherlin's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's Comprehensive Plan and implementing ordinances provide the local criteria by which Applicant's request was judged. The subject property is within the Sutherlin City Limits Boundary, and no exception to statewide planning goals is necessary.

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

Goal 4: Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land...

Findings: The subject properties proposed for amendment are currently designated Industrial by the City of Sutherlin Comprehensive Plan and are zoned M-1. The subject property is not agricultural or forest land as defined by Statewide Goals 3 and 4. The property is situated within the urban area and has been designated for urban use by the Sutherlin Comprehensive Plan. The proposed amendment does not involve the conversion of designated farm or forest land to urban use. Statewide Goals Nos. 3 and 4 are not applicable to this requested amendment.

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

Findings: Statewide Planning Goal 5 requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Goal 5 requires local governments to inventory natural resources such as wetlands, riparian corridors, and wildlife habitat. In addition, Goal 5 encourages local governments to maintain current inventories of open spaces, scenic views and sites, and historic resources. Significant sites must be identified and protected according to Goal 5 rules contained in the Oregon Administrative Rules, Chapter 660 Division 23.

Goal 5 resources within Douglas County and the City of Sutherlin have previously been inventoried and evaluated, and the City has completed a Local Wetlands Inventory. The properties contain no wetlands, riparian corridor or significant wildlife habitat. No known historic or cultural resources exist on the site, and the property contains no open spaces or scenic areas as identified by the City of Sutherlin. The elevation of the properties puts them well outside the flood plain of any area streams.

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

Findings: Statewide Planning Goal 6 requires that waste and process discharges from future development combined with that of existing development do not violate State or Federal environmental quality regulations. Rezoning the subject parcel to R-2 is not expected to result in any additional development with the typical associated waste stream characteristics. The proposed R-2 zoning is an acknowledgement of the existing development on the subject property. Any further development of the property will undergo the required City of Sutherlin site development review process which will help assure that future waste streams that occur will be no more adverse to the environment and the City's treatment capacity than would be the case under the current zoning.

The City has regulations in place to control the generation and disposal of residential wastes, and the site is currently served by City water and sewer services. Therefore, the proposed rezoning is not expected to have any deleterious effects on the quality of the air, water, or land resources of the State. Existing state, federal, and local land use and environmental standards will be sufficient to ensure that subsequent land use activities at the subject site will be conducted in a manner that is consistent with, and will achieve the purpose of Goal 6.

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

Findings: The site has flat to gently sloping topography and is not within a special overlay zone or in an area that is designated as susceptible to flooding or other natural hazards. Any new development on the site will comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property rendering the request consistent with Goal 7.

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

Findings: The subject property has not been designated by the City of Sutherlin 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 industrial use and has no special geographic or natural advantages for recreational use. The requested amendment does not conflict with Goal 8.

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

Findings: The subject properties are currently inside the city limits and planned and zoned for industrial development although they contain pre-existing residential uses. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future economic development in the area is enhanced. The application for Plan Amendment and Zone Change affects 0.38 acres of land and conversion of these ownerships will have no significant impact on the current inventory of land needed for economic development and is therefore consistent with Goal 9.

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

Findings: The 0.38 acres is currently zoned M-1 by the City of Sutherlin, is designated Industrial by the Sutherlin Comprehensive Plan and is planned for industrial uses. However, the properties are developed with existing residential uses. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future residential development in the area is enhanced. The rezoning proposed by Applicant will actually provide opportunity for additional low-cost residential housing in the city and will result in a small increase in the inventory of residential land within the context of the City's buildable lands inventory. The subject property is developed with two single-family dwellings and accessory uses which have been in place for many years. The increase in the amount of residential lands in buildable lands inventory as a result of the proposed amendment is minimal, but will result in a slight increase of available residential lands. The application for Plan Amendment and Zone Change will have some positive impact on the current inventory of land needed for residential development and 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

Findings: The subject property is within Sutherlin City Limits. The lands currently are served by City water and sewer services. There are 8" sewer and water lines located in both Sixth Avenue and Oak Street which provide water and sewer services to the area. The existing residential uses have been located on the sites for many years. Applicant proposes one additional residential unit on Tax Lot 600 as a result of this proposal. The City will review the specific development plans for the site to determine any additional infrastructure requirements. The City has both the capacity and ability to provide the required public facilities, as available, with sufficient infrastructure investment on the part of the owners. It can be expected that the property will continue to be served by city water and sewer, as well as other necessary public utilities. The proposed amendments affecting the 0.38 acre subject properties are not in conflict with Goal 11.

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

Findings: The statewide transportation goal is generally intended to be applied on a city-wide basis. Specific transportation-related policies and development standards are included within the Sutherlin Comprehensive Plan, TSP and land use ordinances to assure that the intent of the statewide transportation goal is implemented through the application of both state and local policies and standards at the time of development. The intent of Goal 12 is also implemented by the State Transportation Planning Rule (OAR 660, Division 12). OAR 660-12-060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility".

In order to ensure that a proposed land use change complies with the requirements of the Transportation Planning Rule, the City of Sutherlin has adopted the following standards for Plan Amendment applications:

(1) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.

(a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan."

(b) The jurisdiction providing direct access (County or ODOT) may require the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).

Findings: The functional classifications of transportation facilities within the City of Sutherlin Transportation System Plan (TSP) are identified in Table 7-1 of that document. Oak Street is designated a "Local" street by the TSP and is improved to a twenty foot paved surface with no curbs, gutters or underground storm drains. It does have a drainage ditch along the west boundary of the subject property. Sixth Avenue is currently classified as a "Collector" street by the TSP. The street is improved to a twenty-four foot paved surface with no curbs, gutters or underground storm drainage. There are drainage ditches along portions of the street. Fourth Avenue is classified as a "Local" street by the TSP with an existing 60' ROW and a planned extension to Calapooia.

As previously noted, the subject 0.38 acre properties are situated at the intersection of these three streets with existing direct access to the public roads. At the present time, these roads and the others in the area are adequate to accommodate existing traffic volumes generated by the properties.

The proposed amendment is predicated upon existing residential development on the ownerships which has been in place for many years. Applicant is proposing to add one single-family dwelling on its ownership upon completion of the proposed amendment.

Consequently, the proposed amendment will create an increase in traffic on the area road system of ten Average Daily Trips (ADT) which is insignificant in terms of the overall level of service. Therefore, there will not be significant additional traffic generation on the existing access as a result of Applicant's request.

The City finds that the map amendment will not cause a change in the existing level of service. Further, existing SDC development standards in place will help to insure any future residential development approval of the property and its associated impacts will be in compliance with the TSP and IAMP. The requested amendment meets the requirements of Goal 12.

Goal 13: Energy Conservation. To conserve energy

Finding: Statewide Planning Goal 13 requires that land uses shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The subject properties contain two pre-existing residential uses. Any future residential development on the property will be completed under City standards for residential use. The proposed map amendments include changing the zoning on the property from M-1 to R-2 in conformance with the requested Medium Density Residential plan designation under the City of Sutherlin Comprehensive Plan. The 0.38 acre properties will also be subject to development standards and building codes that provide for a minimum level of energy efficiency. The proposal is consistent with principles of efficient land use and energy efficiency and Goal 13.

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

Finding: The subject property is located within the Sutherlin City Limits and was previously designated by the City of Sutherlin as an urban area. The state has previously acknowledged the lands within Sutherlin as being in compliance with Goal 14.

IV. CONCLUSION

In conclusion, The Planning Commission finds the request is in compliance with the Sutherlin Comprehensive Plan policies, the Statewide Planning Goals and the Sutherlin Development Code amendment approval criteria.

Motion Options (after closing the public hearing)

1. I move to **approve** the requested Plan and Zoning Map amendments based on the findings in the application, the city staff report and the Planning Commission's recommendation and direct staff to prepare an ordinance;
2. I move to **modify or approve with conditions** the requested Plan and Zoning Map amendments, based on the findings in the application, the city staff report and additional findings presented at the hearing, and direct staff to prepare an ordinance;

3. I move to **continue the public hearing** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal;
4. I move to **deny** the request based on revised findings.