



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 23, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sutherlin Plan Amendment
DLCD File Number 003-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 3, 2007

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

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

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

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

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FORM 2 Notice of Adoption

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



Jurisdiction: City of Sutherlin Local file number: PA/ZC-2007-02-01

Date of Adoption: 7/9/2007 Date Mailed: 7/13/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 2/28/2007

- 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".

The applicant proposes a plan amendment from RMD (Medium Density Residential) to Light Industrial (LI) with a concurrent zone change from R-2 (Medium Density Residential) to M-1 (Light Industrial) to allow construction of a mini-storage warehouse facility.

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

Plan Map Changed from: RMD (Medium Density Res) to: LI (Light Industrial)

Zone Map Changed from: R-2 (Medium Density Res) to: M-1 (Light Industrial)

Location: 959 S. Comstock Acres Involved: 1.62 acres

Specify Density: Previous: 14.52 EDU's/acre New: _____

Applicable Statewide Planning Goals: 1-14

Was and Exception Adopted? YES NO

DLCD File No.: 003-07 (15915)

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

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

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

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

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

None

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

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

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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

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

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

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

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

COPY

ORDINANCE NO. 979

AN ORDINANCE AMENDING THE CITY OF SUTHERLIN ZONING MAP AND COMPREHENSIVE PLAN MAP TO REZONE AND REDESIGNATE REAL PROPERTY DESCRIBED HEREIN FROM R-2 (MEDIUM DENSITY RESIDENTIAL) M-1 (LIGHT INDUSTRIAL).

The City Council of the City of Sutherlin finds that:

A. Reggie and Judy Kennedy submitted an application for Comprehensive Plan Map Zoning Map amendments to change the Comprehensive Plan and zoning designations from R-2 to M-1 for property identified within Douglas County Assessor Records as Tax Lot 2600, Township 25, Range 5 West, and Section 19CA. 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 April 17, 2007 to consider the applicants' request. Following the public hearing, the Planning Commission passed a motion to recommend that the City Council approve the proposed Comprehensive Plan Map amendments and Zoning Map amendments.

C. Pursuant to Section 17.100.130 of the Sutherlin Municipal Code, notice of a public hearing before the City Council was given, and the public hearing on the requested Comprehensive Plan Map amendments and Zoning Map amendments was conducted on June 11, 2007.

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

CONDITION OF APPROVAL

- 1. Applicant shall work with Douglas County Public Works to address access location, size, and design prior to any commercial development. In addition, applicant is required to obtain an access permit confirming that any existing or proposed access meets Douglas County access standards.**

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. The Sutherlin Comprehensive Plan Map is hereby amended to change the Comprehensive Plan designation of the real property identified as Tax Lot 2600, Township 25, Range 5 West, Section 19CA, respectively, and more particularly described and depicted in Exhibit A from Medium Density Residential to Industrial.


Section 2. The Sutherlin Zoning Map is hereby amended to change the zoning designation of the real property identified as Tax Lot 2600, Township 25, Range 5 West, Section 19CA and more particularly described and depicted in Exhibit A from Medium Density Residential (R-2) to Light Industrial (M-1).

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.

Approved by the Council on this 9th day of July, 2007.



Marsha Price, Council President

ATTEST:


Vicki Luther, MMC, City Recorder

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for a zone change from R-2 to M-1 for a 1.62 -acre parcel located west side of S. Comstock, and identified on the Douglas County Assessor's Map as T25, R05W, S19CA, TL2600.] **FINDINGS OF FACT AND DECISION**
]]
] Applicant: Reggie and Judy Kennedy
] Subject: Comprehensive Plan Map and
] Zoning Map Amendments
] File No.: PA/ZC-2007-02-01

I. OFFICIAL NOTICE

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

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

II. PROCEDURAL FINDINGS OF FACT

1. Reggie and Judy Kennedy submitted applications for Comprehensive Plan Map amendment and Zoning Map amendment on February 1, 2007. The applicant is seeking to have all of the subject property rezoned from R-2 (Medium Density Residential) to M-1 (Light Industrial) to accommodate a proposed mini-storage facility to be constructed on the site.
 2. A Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD) on February 28, 2007.
 3. A copy of the Notice of Public Hearing was mailed to the Douglas County Planning Department on March 21, 2007, along with a letter describing the proposal.
 4. On March 27, 2007, a Notice of Public Hearing before the Sutherlin Planning Commission was mailed to all record owners of property within 300 feet of the property proposed to be rezoned. The Notice was published in the *News-Review* on March 30, 2007.
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5. The Planning Department received correspondence from neighboring property owner(s) Steve and Verna Kellejian concerning the proposed map amendments.
6. This matter came before the Sutherlin Planning Commission for consideration on April 17, 2007. The Planning Commission heard the staff report, listened to public testimony, and passed a motion to recommend to the City Council that the applications for Comprehensive Plan Map amendment and zone change be approved with conditions.

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

III. SUBSTANTIVE FINDINGS OF FACT

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

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

CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

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

Findings: Statewide Planning Goal 1 requires cities and counties to create and use a citizen involvement process designed to include affected area residents in planning activities and decision-making. Since acknowledgement of the City's Comprehensive Plan, the Sutherlin Planning Commission has been responsible for ensuring continued citizen involvement in planning matters and land use decisions. On March 27, 2007, City staff mailed copies of a Notice of Public Hearing to all owners of property within 300 feet of the subject parcel. The same notice was published in the News-Review, a local newspaper of general circulation, on March 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.

Conclusion: The City of Sutherlin concludes that the statewide goal of citizen involvement has

been met through the mechanisms described above.

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

Findings: Sutherlin's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's Comprehensive Plan and implementing ordinances provided the local criteria by which the applicant's request was judged. Because the subject property is within the Sutherlin city limits, no exception to statewide planning goals was necessary. As required by State statute, a Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD) on February 28, 2007.

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

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

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

Findings: The 1.62-acre subject property is located immediately west of the S. Comstock Avenue, near the southern Interstate 5 exit 135. While the property is mostly vacant, it was previously occupied by a single family dwelling that was demolished in 2006. The subject property does not contain any designated agricultural or forest land.

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

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

Findings: Statewide Planning Goal 5 requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. Goal 5 requires local governments to inventory natural resources such as wetlands, riparian corridors, and wildlife habitat. In addition, Goal 5 encourages local governments to maintain current inventories of open spaces, scenic views and sites, and historic resources. Significant sites must be

identified and protected according to Goal 5 rules contained in the Oregon Administrative Rules, Chapter 660, Division 23.

Goal 5 resources within Douglas County and the City of Sutherlin have previously been inventoried and evaluated, and the City has completed a Local Wetlands Inventory (part shown below). The subject property does not contain any wetland or riparian areas and therefore does not require the preservation and/or protection of natural resources or open spaces. Its location along S. Comstock Avenue – adjacent to Interstate 5 and other industrially zoned land – makes the property attractive for industrial use.



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

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

Findings: Statewide Planning Goal 6 requires that waste and process discharges from future development, combined with that of existing development, do not violate State or Federal environmental quality regulations. Rezoning the 1.62-acre subject property to

M-1 (Light Industrial) is expected to result in industrial development with the typical associated waste stream characteristics.

It is certainly possible that the proposed change from R-2 zoning to M-1 zoning on the 1.62-acre site may generate waste streams that are significantly more adverse to the environment or to the City's treatment capacity than would be the case under the existing residential zoning (which only allows up to four-plexes). However, with a specific development plan to construct mini-storage facilities, it is feasible to assess such environmental impacts would be minimal. In any case, the City and the State have regulations in place to control the generation and disposal of industrial wastes, and the Oregon Department of Environmental Quality has additional regulations that address potential site impacts as well.

Because the property was previously occupied by a single family dwelling and the proposed mini-storage facility is not permitted to create any waste streams, the proposed rezoning is not expected to result in any deleterious effects on the quality of the air, water, or land resources of the State. Finally, existing state, federal, and local land use and environmental standards are expected to be sufficient to ensure that subsequent land use activities at the subject site will be conducted in a manner that is consistent with, and will achieve the purpose of Goal 6.

Conclusion: With the provision of standards set forth by City, State, and Federal agencies for environmental quality regulations, the requested map amendments are expected to be consistent with Statewide Planning Goal 6.

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

Findings: The subject property is located near the southern portion of the City in an area of relatively flat topography. The property is not within a special overlay zone or in an area that is designated as susceptible to flooding or other natural hazards. Any new development on the site will be required to comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property.

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

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

Findings: The subject property has not been designated by the City of Sutherlin or Douglas County as land needed to meet the recreational needs of the citizens of, or visitors to, the State of Oregon. The property is currently zoned for residential use and is being

the State of Oregon. The property is currently zoned for residential use and is being proposed to be utilized as industrial land.

Conclusion: The City of Sutherlin concludes that the requested map amendments will not adversely affect recreational opportunities within the City limits or urban growth boundary. The proposal is therefore consistent with Goal 8.

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

Findings: The subject property is located near the southern portion of the City, adjacent to the Interstate 5 Exit 135. The entire property has been previously utilized for residential development. Rezoning the property will accommodate the proposed mini-storage facility depicted in the applicant's February 1st site plan. Light Industrial properties border the southern boundary of the subject parcel and the addition of 1.62-acres of industrial land will not only provide a location for service and availability, it will aid in providing additional economic opportunities and activities.

While the requested zone change will result in a loss of about 1.62 acres of residential land, its conversion to M-1 zoning is expected to facilitate construction of a mini-storage facility on the site.

Conversion of 1.62 acres of vacant residential land to M-1 /Light Industrial land is likely to increase the probability that the land will be developed in a way that supports economic development and growth in the community.

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

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

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

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

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Findings: The subject property is within the Sutherlin city limits, and it is therefore eligible

to receive City water and sewer services. On February 1st the applicant submitted a preliminary site plan depicting multiple structures of various square-footage proposed to be constructed on the site. Access to the property is depicted on the site plan as being via S. Comstock at the northerly portion of the property.

An 8-inch diameter water main is located within the S. Comstock Avenue right-of-way adjacent to the property. In addition, an 8-inch sewer main is located along the eastern boundary of the property within the S. Comstock Avenue right-of-way.

Sewer requirements in support of the requested zone change are described further in the Public Facilities Plan Conformance section under Zone Change Criteria 1 later in this document.

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

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

Findings: The subject property has public street frontage on S. Comstock. The proposed new access to the site will be at the northerly portion of the property.

While the proposed use of a mini-storage business should reduce the traffic burden on S. Comstock – much of the traffic entering and leaving the site is expected to be via a proposed ingress/egress at the northerly portion of the property as can be seen on the site plan. Because S. Comstock is a county road at this location, Douglas County Public Works will have to review and approve any access points on S. Comstock to be developed for the mini-storage units.

After noticing Douglas County of the proposed plan amendment and zone change, Vic Cangie, Public Works, raised concerns about potential traffic generation from the subject property that might result from a zone change. The applicant did provide information within the findings that address this concern based on ITE *Trip Generation* data. Because Douglas County has indicated a potential in increase traffic impacts, they have asked that the applicant work with Douglas County to address location, size, and design prior to any commercial development. Additionally, the applicant will be required to obtain an access permit confirming that any existing or proposed access meets Douglas County access standards. These requirements will be further discussed in the Public Facilities section of this report.

Any attempt to compare the anticipated traffic impact of the current zoning to that of the proposed zoning requires that assumptions be made about the size and type of uses that would be built on the site based on each zone. Based on these assumptions, ITE *Trip Generation* data can be used to make traffic comparisons between

anticipated or potential uses. One such assumption presented by the applicant above is that the new mini-storage will generate 80% fewer automobile trips due to a corresponding decrease in the number of trip ends associated with the intended use, mini-storage.

Before making determinations of traffic impact based on suggestions from Douglas County and the applicant, it is first necessary to account for the reduction in theoretical traffic generation from the site due to the proposed change in zoning from a typically higher traffic-generating zone (R-2) to a lower traffic-generating zone (M-1) as proposed by the applicant. Because approximately 1.62 acres of R-2 property would have to be rezoned to M-1 to accommodate the mini-storage facility, this zone change would actually be expected to yield a reduction in traffic. For instance, a typical R-2 permitted use found on a property of 1.62 acres adjacent to a high-traffic street would be fourplexes/apartments (ITE Code 220). According to the *ITE Trip Generation* manual, such a use would be anticipated to generate about 6.47 round trips per unit on an average weekday for a structure with at least three other units. When you consider that the potential build-out for a property this size, taking into consideration the infrastructure requirements (curbs, gutters, sidewalks, streets), could bring as many as 35 units (11.76 lots with a potential for 4 units per lot). This number translates into approximately 226 weekday ADT's (6.47 ADT per dwelling x 35 units).

This number contrasts considerably to the approximate ADT's calculated when comparing the theoretical traffic generation for the site under the proposed intended use, mini-storage facility. The ITE trip generation data for mini-warehouse, identified as Land Use Code 151, suggests an average of 2.61 ADT's per 1,000 square feet of gross floor area. In looking at the applicant's site plan (Exhibit A), it appears that there is approximately room for 16,000 square feet of potential storage space. This calculates into approximately 41 ADT's (2.61 ADT's x 16) in comparison to the previously stated 226 ADT's for the R-2.

Based on these calculations, it seems clear that the entire traffic generation from the 1.62 acres of proposed M-1 zoning from R-2 can be construed as a significant decrease in traffic generation.

Conclusion: Based on the above findings, the proposed map amendments are expected to have no significant effect on state or local transportation facilities. In fact, the numbers calculated using the ITE trip generation data suggest that traffic impacts may be even less than traffic generation calculations would project for the full R-2 build-out. Therefore, the transportation needs of future development on the site under M-1 zoning can be accommodated by the existing transportation infrastructure. The requested map amendments appear consistent with Statewide Planning Goal 12. As a separate matter, the location and configuration of access to the property will be addressed by Douglas County and the City at the time a more specific development proposal is reviewed.

Goal 13: Energy Conservation. To conserve energy.

Findings: Statewide Planning Goal 13 requires that land uses be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The proposed map amendments would result in the rezoning of approximately 1.62 acres of vacant R-2 zoned land to a zoning designation that is more consistent with adjacent industrial uses and those now being proposed by the applicant. Given the property's history, and the competitive advantages of the site, industrial zoning appears to make more logical sense than the existing vacant R-2 zoning – particularly because of the location in proximity to Interstate 5 and Exit 135 and the overall demand for storage facilities.

Given that the proposed business will consist primarily of several buildings, and will not require an abundance of infrastructure and utilities, it may be assumed that the replacement use will be more energy efficient than if the property had been built-out to the maximum R-2 standard.

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

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

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

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

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

COMPLIANCE WITH CITY OF SUTHERLIN ZONE CHANGE CRITERIA

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

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

- 1. The rezoning will conform with the Sutherlin Comprehensive Plan, including the land use map and written policies; and*

2. *The site is suitable to the proposed zone with respect to the public health, safety, and welfare of the surrounding area."*

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

That the proposed zone change is generally in conformance with the City's acknowledged Comprehensive Plan is demonstrated in the above discussion of compliance with the Statewide Planning Goals. These Goals must be reflected in the City's Comprehensive Plan to gain state acknowledgment of the Plan. Conformance with specific, applicable written policies is addressed below. Once the Comprehensive Plan Map amendment for the site is approved, the corresponding Zoning Map amendment to M-1 will be necessary to ensure consistency between the Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).

Population and Economy Element Conformance

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

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

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

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

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

The proposed zone change would convert approximately 1.62 acres of R-2 zoned property to M-1 zoning to accommodate a proposed mini-storage facility. Applicant submitted a site plan with application depicting the potential layout.

Policies A3, A4, and A7 of the Population and Economy Element of the Sutherlin Comprehensive Plan expressly support the designation, preservation, and promotion of sites for industrial development within the City. As previously discussed under the Goal 9 section of this document, the zone change proposed by the Reggie and Judy Kennedy would provide sufficient industrially zoned land at this unique frontage site to allow the proposed use to be constructed.

Policy A15 discusses the need to designate land that caters to the development of regional community retail trade and services. The proposed rezone provides the opportunity for industrial and commercial businesses to locate in an area that is accessible and visible from a major interstate while providing an anticipated service to

the area.

Policy A16 relates to encouraging the expansion of existing businesses. It is clear that the proposed zone change supports the development of the proposed mini-storage facility, and will thereby facilitate the creation of service that appears to be in high demand for citizens in and around the area.

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

Public Facilities Plan Conformance

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

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

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

City services are present at this location and infrastructure to support the intended use (mini-storage facility) will not create an immediate need for public facilities and services beyond what is already servicing the vicinity. The potential to develop the subject parcel at a higher density in regards to industrially permitted uses is always present — and should be addressed accordingly at such time plans are submitted to suggest otherwise. This is to ensure that the zone change will not lead to development that is inconsistent with the City's Public Facilities Plan.

On February 1st, the applicant submitted a preliminary site plan depicting several structures that equal approximately 16,000 square-feet of storage space to be constructed on the site. In accordance with the Public Facilities Plan and the Municipal Code, the owner(s) of the subject property will be responsible for installing infrastructure as appropriate in conjunction with any such future development.



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

As discussed in the Goal 11 section of these findings, an 8-inch diameter water main is located within the S. Comstock right-of-way adjacent to the property, as is an 8-inch sewer main. The former single family dwelling was serviced by said mains and should be sufficient for the intended use.

With the provision that applicant/developer coordinate infrastructure improvements with Public Works, it is expected that the property can be adequately served by city water and sewer. Under these specific circumstances, rezoning and subsequent development of the subject property is not expected to place a burden on public facilities and services.

The Sutherlin Public Works Department reviewed the zone change proposal and deferred specific requirements regarding access and water/sewer main connections until more detailed infrastructure plans for the proposed industrial development are available. Similarly, the Sutherlin Fire Department reviewed the preliminary site plan submitted on February 1st and noted that development plans will have to be submitted for Fire & Life Safety Review prior to any site development.

Based on the above findings the City of Sutherlin concludes that the proposal can be made consistent with the City's Public Facilities Plan.

Land Use Element Conformance

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

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

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

The 1.62-acre vacant property is located within the Sutherlin city limits, and it can be served by City utilities as described elsewhere in this document. Much of the necessary infrastructure to serve the proposed use is already in place, and the remaining infrastructure will be constructed at the time building permits are approved by the City and all System Development Charges have been paid.

While the proposed industrial use (mini-storage facility) will not be actually located within the Sutherlin Industrial Park, the subject property abuts other industrially zoned property and is immediately adjacent to Interstate 5 and S. Comstock. Being that the property is easily accessible and visible from Interstate 5, in addition to the other similar businesses in the area help to achieve the harmonious land use pattern identified in the Comprehensive Plan. The preliminary site plan depicts access to the site off S. Comstock, which is under the jurisdiction of Douglas County. As stated previously, Douglas County Public Works and Planning received notice of the plan amendment and zone change on March 21, 2007. Douglas County representative, Vic Cangie, **recommended that applicant work with Douglas County to address access location, size, and design prior to any commercial development. In addition, applicant is required to obtain an access permit confirming that any existing or proposed access meets Douglas County access standards.**

To ensure that the zone change conforms to the Sutherlin Comprehensive Plan's land use map, a corresponding amendment to the City's Comprehensive Plan Map is necessary. A Plan amendment to change the property's Comprehensive Plan Map designation from Medium Density Residential to Light Industrial is being processed concurrently with the zone change.

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

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

Findings: The subject property is made up of a 1.62-acre R-2 zoned property that was previously occupied by a single family dwelling that was demolished in 2006. Although the subject property does not have a history of industrial use, it abuts several parcels that do.

The subject property is surrounded by land designated for urban development and physically developed with a variety of structures and uses. The Comprehensive Plan and zoning designations surrounding the subject property are Medium Density Residential/R-2 to the north, west, and southeast, and Light Industrial/M-1 to the southwest. The M-1 property immediately southwest of the property was actually the site of a nursery that closed in mid 2005.

As mentioned in the earlier Goal 11 Public Facilities discussion, City water service can be made available to the 1.62-acre property through existing water and sewer mains located within adjacent rights-of-way. Other utilities are also expected to be available to the site. Police and fire service capacity is not expected to be burdened by new industrial development on the site, although the Sutherlin Fire Department will have to review and approve any development plans for the property.

City Staff did receive one objection to the proposed Comprehensive Plan Map and Zoning Map amendment on the basis of the public health, safety, and welfare of the surrounding area. As previously stated, the applicant submitted written testimony that all but two abutting property owners were in concurrence with the applications. Other than the one letter from Mr. and Mrs. Kellejian, the Planning Department received no correspondence in response to the public hearing notice mailed to the owners of property within 300 feet of the subject properties.


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

IV. DECISION

NOW, THEREFORE, based on the evidence received and the foregoing Findings of Fact, the Planning Commission of the City of Sutherlin hereby **RECOMMENDS** that the Sutherlin City Council **APPROVE** the Comprehensive Plan Map amendment and Zoning Map amendment requested by Reggie and Judy Kennedy to change the zoning designation of the 1.62-acre subject property to M-1 Light Industrial from R-2 Medium Density Residential, **subject to the following conditions:**

1. Applicant shall work with Douglas County Public Works to address access location, size, and design prior to any commercial development. In addition, applicant is required to obtain an access permit confirming that any existing or proposed access meets Douglas County access standards.

DATED THIS 15th DAY OF MAY, 2007.



Jeffrey Letz, Chairman
Sutherlin Planning Commission

ATTEST:



Debbie Hamilton CMC, Deputy City Recorder