



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

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 001-07



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 6, 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.

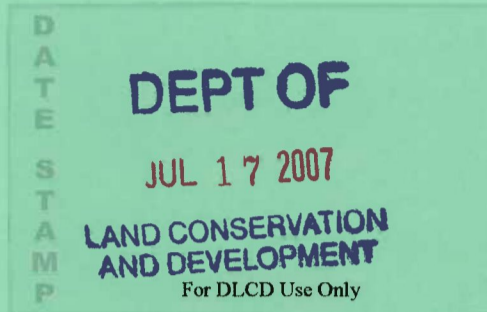
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya

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-2006-01-30

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

Date original Notice of Proposed Amendment was mailed to DLCD: 1/31/2007

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

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

The City completed a rezone of approximately 72.46 acres to M-2 from CS and C-3 and a Comprehensive Plan Amendment to Heavy Industrial from Public and Community Commercial for the Murphy Plywood mill site in 2006. The decision included a condition requiring a sanitary sewer easement. Sewer engineering has revealed that this location is unsuitable and the City is amending the original decision to remove this condition from the adopted ordinance.

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".

Same. No remonstrances or parties to this matter.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: 1-14

Was and Exception Adopted? YES NO

DLCD File No.: 001-07 (15836)

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:

ODOT, Douglas County

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

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

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 978

COPY

AN ORDINANCE AMENDING CONDITION NUMBER 2 OF SECTION I OF ORDINANCE NO. 970 ADOPTED BY THE SUTHERLIN CITY COUNCIL ON MAY 18, 2006.

The City Council of the City of Sutherlin finds that:

A. Ordinance No. 970 was passed by the City Council on May 18, 2006 and approved by the Mayor on May 19, 2006 to amending the Comprehensive Plan and Zoning Map for the real property described therein, subject to the four specific Conditions of Approval set forth in Section 1 of the Ordinance.

B. Subsequent to the May 18, 2006 adoption of Ordinance No. 970, additional sewer interceptor grade calculations were conducted; the City could not use the proposed sanitary sewer easement in the stated location due to a lack of fall in the grade. The Ordinance is intended to remove the condition requiring the sanitary sewer easement.

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. Condition of Approval number 2 set forth in Section 1 of Ordinance No. 970 is deleted as follows:


2. *Based on the wide variety of higher intensity of uses allowed outright in the requested M-2 zone (which includes the many uses permitted under M-1 zoning), and the resulting need to provide for a larger capacity sewer main to serve new development on the rezoned property, the property owner shall provide to the City a 20-foot wide Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property. The City will provide the Public Utility Easement forms and legal descriptions for this purpose.*

Section 2. Except as amended herein, all other terms and provisions of Ordinance No. 970 remain in full force and effect.

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 an amendment to the decision for a zone change regarding the Murphy Company property located west of the railroad tracks and south of W. Central Avenue, and identified on the Douglas County Assessor's Map as T25, R05W, S19B, TL800.] **FINDINGS OF FACT AND DECISION**
]] Applicant: Murphy Company
] Subject: Finding/Decision Amendment
] File No.: PA/ZC-2006-01-30

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. The Murphy Company applied for and received a Comprehensive Plan Map amendment and Zoning Map amendment approval on April 18, 2006. The original decision included designating and rezoning most of the subject property from CS (Community Service/Public) and C-3 (Community Commercial) to M-2 (Heavy Industrial) to accommodate a proposed new mill currently under construction. In addition, the decision included rezoning the southern 185 feet and eastern 110 feet of the C-3 zoned portion of Tax Lot 800 to M-2 to accommodate the new mill. The property will retain the existing C-3 zoning on approximately 3.6-acres of Tax Lot 400 located along W. Central Avenue, as well as on the northwestern 38,000 square feet of Tax Lot 800.

The Planning Commission included the following condition in their original approval:

2. *Based on the wide variety of higher intensity of uses allowed outright in the requested M-2 zone (which includes the many uses permitted under M-1 zoning), and the resulting need to provide for a larger capacity sewer main to serve new development on the rezoned property, the property owner shall provide to the City a 20-foot wide Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property. The City will provide the Public Utility Easement forms and legal descriptions for this purpose.*

The City, through their engineer, has found that the location of a sewer main/easement on the Murphy property will not be acceptable based on engineering principles. Once it was determined that the City could not use this location Staff informed the Murphy Company that the condition could be eliminated. Since the easement cannot be used for sanitary sewer purposes Staff is recommending that the condition should be removed (see City Manager letter).

2. A Notice of Proposed Amendment was mailed to the Department of Land of Conservation and Development (DLCD).
3. Notice of Public Hearing before the Sutherlin Planning Commission was mailed and published in the *News-Review*.
4. The Planning Department received no correspondence from neighboring property owners concerning the proposed map amendments.
5. This matter came before the Sutherlin Planning Commission for consideration on March 20, 2007. Planning Commission heard the staff report, listened to public testimony, and passed a motion to recommend to the City Council that Condition No. 2 regarding provision of a sanitary sewer easement be stricken from the original decision.
6. The Planning Commission takes official notice of the following:
 - a. 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; the Sutherlin Buildable Lands Inventory and Economic Opportunities Analysis, ECONorthwest, June, 2005;
 - b. The Statewide Planning Goals and administrative rules adopted by the Land Conservation and Development Commission
 - c. Applicable statutes of the State of Oregon, including ORS Chapters 197 and 215 and 222.
 - d. The records of the Sutherlin Planning Department concerning the publication and mailing of notice of the hearing.

Conclusion

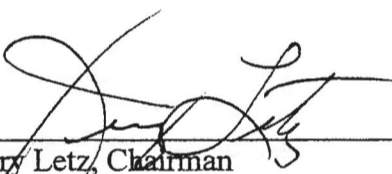
The foregoing Supplemental Finding of Fact, together with the Findings which were originally adopted by the Sutherlin Planning Commission on April 18, 2006, and subsequently approved by the City Council pursuant to Ordinance No. 970 on May 18, 2006 adequate to support the Planning Commission's recommendation on the proposed amendment to the original Comprehensive Plan Map amendment and Zoning Map amendment by recommending that the City Council delete Condition No. 2 of the original decision.

III. 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 **AMEND** the original decision to approve the Comprehensive Plan Map amendment and Zoning Map amendment requested by the Murphy Company to change the zoning designation of the 72-acre subject property to M-2 Heavy Industrial from CS Community Service/Public and C-3 Community Commercial by eliminating the following condition:

2. *Based on the wide variety of higher intensity of uses allowed outright in the requested M-2 zone (which includes the many uses permitted under M-1 zoning), and the resulting need to provide for a larger capacity sewer main to serve new development on the rezoned property, the property owner shall provide to the City a 20-foot wide Public Utility Easement for the planned sanitary sewer interceptor to be constructed across the subject property. The City will provide the Public Utility Easement forms and legal descriptions for this purpose.*

DATED THIS 17 DAY OF APRIL, 2007.



Jerry Letz, Chairman
Sutherlin Planning Commission

ATTEST:



Debbie Hamilton, Deputy City Recorder