



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 21, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sutherlin Plan Amendment
DLCD File Number 005-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 8, 2008

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

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

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

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

<paa> ya/

DLCD

Notice of Adoption

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



Jurisdiction: **City of Sutherlin**

Local file number: **AN/ZNC-2007-03-15**

Date of Adoption: **8/13/2007**

Date Mailed: **12/18/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/26/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
The applicant proposes to annex the 8.11-acres into the city limits and rezone from County F-G (Exclusive Farm Use Grazing) to City R-1 (Low Density Residential) in order to obtain city services.

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

Plan Map Changed from:

to:

Zone Map Changed from: **County FG**

to: **City R-1**

Location: **282 Dovetail Lane**

Acres Involved: **8**

Specify Density: Previous: **N/A**

New: **7.26 Edu/Ac**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment..

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 005-07 (15986)

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

Local Contact: **Dan Huff**

Phone: (541) 459-2856 Extension:

Address: 126 E. Central Ave

Fax Number: 541-459-9363

City: Sutherlin

Zip: 97479-

E-mail Address: d.huff@ci.sutherlin.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 980

AN ORDINANCE DECLARING THE ANNEXATION BY CONSENT OF THE PROPERTY OWNER OF A 8.11 ACRE PARCEL OF LAND KNOWN AS THE STONE PROPERTY; WITHDRAWNING PROPERTY FROM CALAPOOIA RURAL FIRE DISTRICT; AMENDING THE CITY OF SUTHERLIN ZONING MAP; AND DIRECTING THE FILING OF A TRANSCRIPT WITH THE SECRETARY OF STATE.

THE CITY COUNCIL OF THE CITY OF SUTHERLIN, OREGON, finds:

- A. That the following annexation for land known as the Stone property complies with the Comprehensive Plan Goals, Objectives and Policy Statements.
- B. That the Petitioner is the sole owner of property within the area to be annexed, and there are no electors residing on the property to be annexed. The 8.11-acre site is vacant.
- C. The consent to annexation petition complies with provisions of ORS Chapter 222.125.
- D. The property is contiguous to the City limit boundary and therefore a logical extension of that boundary.
- E. All public facilities to serve the subject property are noted within the Water Master Plan.
- F. The territory to be annexed is a part less than the entire area of a rural fire protection district – Calapooia Rural Fire District.
- G. The City is willing to assume the responsibilities and indebtedness previously contracted by the District proportionate to the part of the District that have been to the City upon the effectiveness of the withdrawal.
- H. The annexation and withdrawal of the property from the District are consistent with the fundamental principles and applicable policies of the Sutherlin Comprehensive Plan Goals, Objectives and Policy Statements, and other adopted City policies, and it is in the best interest of the City that the area be annexed and withdrawn.
- I. That the Sutherlin Municipal Code as adopted establishes procedures for hearing Zone Change applications.
- J. That the Planning Commission received an application and held a public hearing after due and timely notice.
- K. That the Planning Commission has adopted Findings of Fact (Exhibit B) supporting its recommendation that the request be granted.
- L. The Planning Commission finds that the proposed annexation meets the requirements of ORS 197.175 and Statewide Planning Goals.

THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

SECTION 1. The foregoing findings are hereby approved and incorporated herein.

SECTION 2. This annexation and Zone Change has been processed pursuant to the Sutherlin Municipal Code Section 17.12.060 and 17.76.

SECTION 3. The subject properties known as the Stone Property as legally described in Exhibit "A", attached hereto and incorporated herein, is hereby annexed to the City of Sutherlin.

SECTION 4. This annexation is made pursuant to the provisions of ORS 222.125 and pursuant to written consent of the owner of the land, which consent has been filed with the Recorder and Governing Body of the City of Sutherlin.

SECTION 5. The Recorder of the City of Sutherlin shall make and submit to the Secretary of State of Oregon for filing, copies of all ordinance and other instruments required so to be filed with the Secretary of State, the Department of Revenue and the Douglas County Assessor to evidence the annexation and withdrawal from Calapooia Rural Fire District and to advise the effective date thereof; the effective date shall be the date upon which papers are filed with the Secretary of the State.

SECTION 6. The subject property is hereby withdrawn from Calapooia Rural Fire District on the effective date of the annexation. The City shall assume the obligations referred to in ORS 222.520(2) and shall commence the procedure for division of assets provided in ORS 222.530.

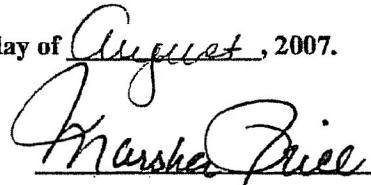
SECTION 7. The Recorder of the City of Sutherlin shall make and submit to the Douglas County Assessor and the Oregon Department of Revenue the required legal description of the territory annexed and an accurate map showing the annexed territory as required by ORS 308.225.

SECTION 8. The City Council hereby adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated June 19, 2007 and incorporates that document herein as shown in Exhibit "B".

SECTION 9. The City of Sutherlin Zoning Map is hereby amended by applying the R-1 (Low Density Residential) City Zoning District to the subject property as shown on the map attached hereto as Exhibit "A".


Passed by the Council on this 13th day of August, 2007.

Approved by the Council President on this 14th day of August, 2007.



Marsha Price, Council President

ATTEST:



Vicki Luther, MMC, City Recorder

Vicki Luther, MMC, City Recorder

Vicinity Map

Forrest Stone Annexation and Zone Change Applications

File No. AN/ZC-2007-03-15

Public Hearing Date: May 15, 2007
Sutherlin Planning Commission

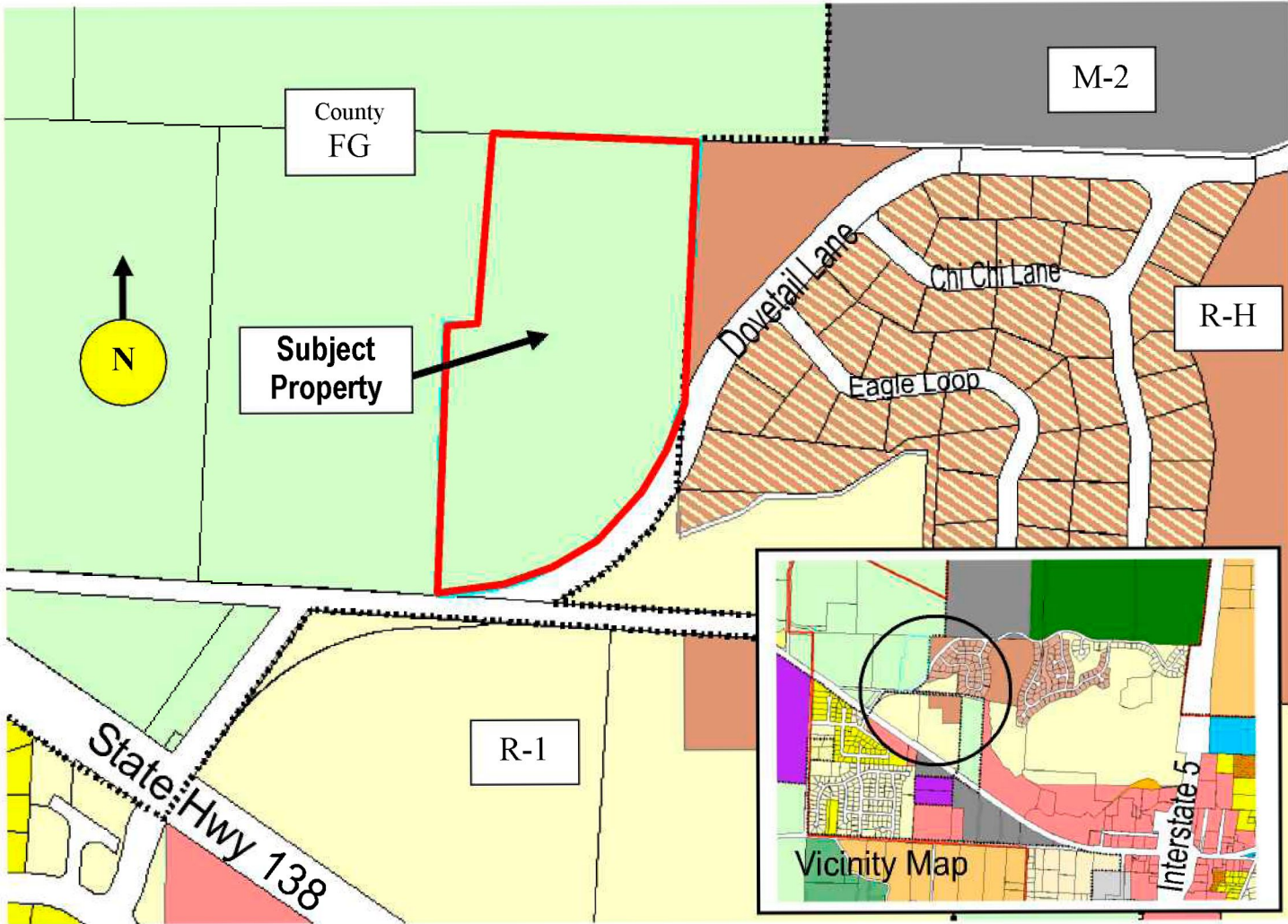


EXHIBIT B

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of a request for annexation and zone change from County FG to City R-1 for an 8.11-acre parcel located on the west side of Dovetail Lane approximately 1000 feet north of its intersection with State Highway 138 and identified on the Douglas County Assessor's Map as Tax Lot 2400, Section 13DB, Township 25 South, Range 6 West.

] FINDINGS OF FACT AND DECISION

] Applicant: Forrest and Shelly Stone
] Subject: Annexation and Zone Change
] File No.: AN/ZC-2007-03-15

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 and Chapter 222 of the Oregon Revised Statutes concerning annexation procedures.
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. Forrest and Shelly Stone submitted applications for annexation and Zoning Map amendment. The applications requested annexation of an 8.11-acre portion of the subject property and changes in the property's zoning designations to a Low Density Zone in compliance with the Comprehensive Plan.
2. Appropriate notice of the May 15, 2007 Planning Commission Public Hearing was provided to property owners within 300 feet, the Department of Land of Conservation and Development (DLCD) and published within the News Review.
3. The Planning Department did not receive correspondence from neighboring property owners concerning to the proposed annexation and map amendment.
4. This matter came before the Sutherlin Planning Commission for consideration on May 15, 2007. The Planning Commission heard the staff report, listened to public testimony, and passed a motion to recommend that the City Council approve with conditions the proposed annexation and Zoning Map amendment.

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

III. SUBSTANTIVE FINDINGS OF FACT

Chapter 222 of the Oregon Revised Statutes provides procedures for annexation of territory by local governments. In addition, state statute requires that proposed amendments to Sutherlin's Zoning Map and Comprehensive Plan Map be consistent with the Statewide Planning Goals. Finally, Section 17.12.060 of the Sutherlin Municipal Code (*Zone Changes*) provides specific local criteria for approving a zone change.

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

COMPLIANCE WITH ANNEXATION PROCEDURES OF ORS CHAPTER 222

Chapter 222 of the Oregon Revised Statutes provides the procedures for annexing territory to the City of Sutherlin. ORS 222.111(1) states ". . . *the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water.*"

Findings: The subject property is contiguous with Sutherlin's city limits along its east and south property lines.

ORS 222.111(2) provides that "*A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.*"

Findings: The parcel containing the 8.11-acre property proposed to be annexed is owned by the applicants, Forrest & Shelly Stone. The property is currently occupied by a single family residence in which the Stone's reside, but is otherwise vacant and undeveloped. Applicant has no desire to redevelop the property as was conveyed earlier in this report. The applicants submitted a complete application requesting the annexation.

ORS 222.125 states that "*The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city,*"

by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.”

Findings: As previously stated, the applicants are the owners of the subject property and the property is presently occupied by an older single family dwelling. Therefore, no election is required for approval of the annexation. A public hearing is required to determine if the proposed annexation is in compliance with Statewide Planning Goals and the Comprehensive Plan.

Conclusion: The annexation application conforms to the procedures provided by ORS Chapter 222 for annexation of territory to the City of Sutherlin, Statewide Planning Goals and the Comprehensive Plan.

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 April 24, 2007, City staff mailed copies of a Notice of Public Hearing to all owners of property within 300 feet of the subject parcels. The same notice was published in the News-Review, a local newspaper of general circulation, on April 24, 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 Commission 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 Urban Growth Boundary, no exception to statewide planning goals was necessary.

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 Stone 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 subject property is currently designated as R-L (Low Density Residential) by the Comprehensive Plan and is zoned County FG (Exclusive Farm-Use Grazing). Although zoned County FG, the existing land is not currently utilized as agricultural or forest land. While the property is currently zoned County FG, it remains inconsistent with the underlying Comprehensive Plan Designation of R-L (Low Density Residential). For that reason, the applications for annexation and zone change would essentially bring the property into compliance with the Comprehensive Plan. The site is made up of one parcel located in an area of existing single-family residences and within Sutherlin's urban growth boundary.

Conclusion: The proposed 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 (2001). The subject property is adjacent to land designated for urban development and physically developed with single-family residences. The subject

property does contain a small identified portion of wetlands at the southeast corner and due to the presence of the mapped wetlands on the property, staff sent the required Land Use Notification form to the Department of State Lands (DSL). No other wetlands, riparian corridors, or significant wildlife habitat have been identified beyond what has been previously noted. 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 or Douglas County.

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

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

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 City R-1 (Low Density Residential) is not expected to result in residential development with the typical associated waste stream characteristics, as the applicant does not plan to develop the property at a higher density than what currently exists. The proposed R-1 zoning – while permitting somewhat higher density residential development than the surrounding FG– is unlikely to generate waste streams that are significantly more adverse to the environment and the City’s treatment capacity than would be the case under County’s residential zoning.

The City has regulations in place to control the generation and disposal of household wastes, and the site can be served by City water and sewer service once annexed. 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.

Conclusion: The requested map amendments are 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 site does contain a small amount of sloping terrain, but the bulk of the subject property has relatively flat 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 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 Commission 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 by the City and Douglas County for agricultural and residential use, and they have no special geographic or natural advantages for recreational use.

Conclusion: Based on the above findings, the Commission 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 currently inside the City's UGB, and it is planned for residential development and zoned for agricultural (grazing) use. However, the property has not been used commercially for its zoned purpose for many years. Further, while the withdrawal of 8.11 acres from County FG zoning reduces the quantity of land available for agricultural production, the acreage in question is insignificant when compared to the similarly zoned large agricultural holdings in the area.

Furthermore, the Sutherlin Comprehensive Plan as well as the Douglas County Comprehensive Plan both contain specific policies for protecting and ensuring future economic development in the area are enhanced. The applications for annexation and Zone Change will not negatively impact the current inventory of land needed for economic development due to the insignificant amount of acreage proposed to be annexed.

Conclusion: The Commission finds concludes that statewide goal of providing adequate economic opportunities will not be adversely impacted by approving the request.

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

Findings: The 8.11 acre site is currently zoned by Douglas County for FG (Exclusive Farm-Use Grazing) and is designated by the Sutherlin Comprehensive Plan as R-L (Low Density Residential) which is planned for low density residential uses. The proposed map amendments would result in the Stone's 8.11 acres of land to be annexed and rezoned for future potential residential development. The requested R-1 zoning provides for low density residential development, which when comparing the density of the Knolls PUD versus the potential residential build-out for the proposed R-1 zone change, would ultimately be comparable to existing developments in the vicinity.

Conclusion: Based on the above findings, the Commission finds that the proposed annexation and map amendment has the potential to create additional housing opportunities for Sutherlin's citizens. The proposal is therefore 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 the Sutherlin Urban Growth Boundary and is adjacent to the existing city limits. Once the entire site is brought within the city limits, the land will be eligible to receive City water and sewer services. If and when the City receives a development proposal, the City will review the specific development plan for the site and infrastructure requirements at that time.

Currently, there is a 6-inch water main located adjacent to the site, which can be utilized for tying into for service. Sanitary sewer at this location consists of a private system that was recently taken over by the City per the Department of Environmental Quality (DEQ). Although these systems have been approved by the Department of Environmental Quality and the City of Sutherlin, it is best interest of the City to encourage gravity sewer systems for new development where feasible. The existing dwelling on the subject property utilizes a septic tank and leach field system. After discussion with the Public Works Director it appears that the most suitable solution for applicant is utilize the existing septic system on the property until such time development in the vicinity allows for tie in to a gravity sewer system.

When development does occur — whether on or off site — applicant will be required to connect to City services and will incur all costs associated. The combined 8.11-acre subject property is not expected to place a burden on public facilities and services when the property comes on line.

Conclusion: Based on the above findings, the Commission concludes that the proposal is consistent with Statewide Planning Goal 11.

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

Findings: The requested R-1 zoning provides specific standards for development, of which, include lot requirements, yard requirements, and height of structures. With the specific standards of the R-1 zone, it is reasonable to assume that the potential size of the low density residential development will not significantly increase future traffic flows above what is currently produced from the Knolls PUD. This statement is even more plausible given the fact that the Stones do not plan to develop the property beyond what currently exists.

The subject property abuts Dovetail Lane, which is considered a private drive access road, but has recently been given City Council approval to be reconstructed to City standards and will eventually be dedicated as such by Alaska Sutherland Knolls Corporation. Following construction, Dovetail Lane will in fact meet current City Standard right-of-way widths of 60-foot wide right-of-way with 30-feet of paved width. Utilizing the concept plan in respect to the intended development plans for the subject property, it is reasonable to determine that zone change will not have a significant impact on the existing infrastructure, even if were to be built-out to maximum densities.

Because the exiting FG property is not being used for commercial agricultural purposes presently, and because FG zoning accommodates a variety of commercial agricultural pursuits, such as grazing, rangeland and other less intensive agricultural uses, it is difficult to compare the anticipated traffic impact of the current zoning to that of the proposed zoning.

If the entire 8.11-acre property is rezoned to City R-1, the anticipated traffic generation could be in the neighborhood of 338 Average Daily Trips (ADT's) per day, on average. Assuming 25% of theoretical density (to account for parking, access, yard requirements, structures, and other design standards), 8.11 acres of R-1 property could accommodate 35 dwelling units (8.11 acres @ 7,500 square feet of land for each family per Sutherlin Municipal Code Section 17.24.080). The ITE *Trip Generation* manual classifies R-1 single family dwellings with a 35-foot height limit as Single-Family Detached Housing. The ITE manual estimates that 35 dwelling units in this category would generate 338 weekday ADT's (9.57 trip ends/day X 35 EDUs). This estimate is hypothetical in that the potential full build-out of the zone change could bring these many ADT's.

Staff sent notice to the Oregon Department of Transportation (ODOT) for the opportunity to comment on the land use application. ODOT responded in a letter sent May 3, 2007 (Exhibit E) that expressed no immediate concerns with the proposal, but identified several conditions of approval to ensure consistency with both the City's adopted Transportation System Plan and the state Transportation Planning Rule. **The ODOT recommended conditions are as follows and will be attached as conditions of approval in Section VI of this report:**

1. "At the time a specific development proposal is submitted for review to identify traffic impacts and mitigation at ORE 138W intersections between Interstate 5 and Dovetail Lane, a Traffic Impact Study (TIS) will be required."

2. "Developer will be required to contribute a proportionate funding share for the design and construction of TIS traffic mitigation and/or TSP planned transportation improvements at ORE 138W intersections serving the area, as determined by the City in consultation with ODOT."

With the inclusion of the above stated conditions, it is reasonable to conclude that the proposed annexation and map amendment are not expected to lead to a change in the existing level of service or otherwise have a significant impact on local streets.

Conclusion: The proposed map amendments will have no significant effect on transportation facilities. The transportation needs of future development on the site under R-1 zoning can be accommodated by the existing and planned transportation infrastructure. The particular method of providing access to the property will be addressed by the City at the time a specific development proposal is reviewed. Based on the above findings, the requested annexation and map amendment appear consistent with Statewide Planning Goal 12.

Goal 13: Energy Conservation. To conserve energy.

Findings: 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. One parcel totaling 8.11 acres are proposed to be annexed to the City for the purpose of acquiring City services. The proposed map amendment includes changing the FG zoned parcel to R-1 zoning to keep in conformance with the underlying residential designation of the Comprehensive Plan. While the proposed map amendment is not expected to yield residential development that generates similar vehicle trips of those residential projects in the area, the entire 8.11-acre property will be subject to development standards that provide for a minimum level of energy efficiency when development does occur. 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 in close proximity to the intersection of State Highway 138 and Dovetail Lane. The state has previously acknowledged the Sutherlin UGB as being in compliance with Goal 14.

Conclusion: The Commission finds that the requested Annexation 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. As stated previously, the Stone property is in compliance with the Comprehensive Plan Map as it is currently designated as R-1 (Low Density Residential) and therefore does not require a Comprehensive Plan amendment for the site. The corresponding Zoning Map amendment to R-1 will essentially bring consistency between the Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).

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 would convert 8.11 acres of FG zoned land to low density residential zoning, resulting in a loss of a small amount of agricultural land. However, as previously mentioned, most of the Stone's land has not been utilized for this purpose and is already occupied by an existing single-family residence. Therefore, the Exclusive Farm-Use Grazing land to be converted to residential zoning is not particularly attractive for agricultural development. The 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.*

The applicant states that the purpose of the annexation and zone change is to facilitate City services (water, sewer, police services, and fire protection). The subject property is outside the city limits, but within the UGB. A 6-inch water main is located in proximity to the subject property, so it is expected that water service can be readily extended to the subject property without adversely impacting the community or the surrounding neighborhood. City sewer service is slightly more complicated in being readily accessible. As stated previously in this report, the current residence on the subject property operates off an existing septic tank and leach field system. The Knolls Planned Unit Development Phase 1, which lies directly east of the Stone property, utilizes a Septic Tank Effluent Pump system (STEP) that was recently taken over by the City of Sutherlin. Although these systems have been approved by the Department of Environmental Quality and the City of Sutherlin, it is best interest of the City to encourage gravity sewer systems for new development. Again, after discussion with the Public Works Director it appears that the most suitable solution for applicant is utilize the existing septic system on the property until such time development in the vicinity allows for tie in to a gravity sewer system.

While the zone change by itself will not create any additional need for public facilities and services, subsequent development almost certainly will. However, the extent to which public facilities and services is required to serve the property will be determined at the time a development proposal is reviewed. The proposal submitted by the applicant appears to be consistent with the Public Facilities Plan.

Housing Element Conformance

Policy C1: *Encourage infilling of the existing residential areas by incentives for new construction in already-serviced areas.*

The proposal requests an annexation and zone change from County FG to City R-1 for 8.11 acres. The subject property is located within the UGB adjacent to Dovetail Lane. Water and sewer mains are located in the vicinity of the property and were discussed in detail in the previous section. From a practical standpoint, therefore, the proposal supports the City's policy of encouraging infill development in existing residential areas. By virtue of the subject property's location, the proposed R-1 zoning will serve as an infill between the existing Knolls Planned Unit Development

to the east and property zoned City R-1 directly south. The proposal appears to be consistent with this policy and the Housing Element of the Comprehensive Plan.

Land Use Element Conformance

Land Use 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.*

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

Residential Land Use Policy 3: *Advocate innovative development schemes, including planned unit developments, to provide varied housing types and densities on those large parcels of open land which have been identified as suitable for urban development.*

The entire subject property is adjacent to developed or partially developed residential lands. As discussed previously under *Consistency With The Statewide Planning Goals*, public facilities and services are readily available to the site. The proposed R-1 zoning supports the development of varied housing types at low densities in proximity to the State Highway 138 and Interstate Highway 5 interchange, which is one of the City's main service areas.

The Stone property, as mentioned previously, is in compliance with the Comprehensive Plan Map as it is currently designated as R-1 (Low Density Residential) and therefore does not require a Comprehensive Plan amendment for the site. The corresponding Zoning Map amendment to R-1 will essentially bring consistency between the Comprehensive Plan and its implementing ordinances (including the Zoning Ordinance).

Conclusion: The proposed zone changes are 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 total 8.11-acre subject property is owned by the applicants, Forrest and Shelly Stone. The site is mostly vacant except for the existing single family dwelling that the Stone's reside in. The property is located in an area of low density residential. The requested zone change for the 8.11-acre parcel proposed to be annexed is from County FG (Exclusive Farm-

Use Grazing) to City R-1 (Low Density Residential). A concurrent annexation application has been requested to support the zone change.

The current Comprehensive Plan designation of R-1 and zone change request to R-1 essentially brings consistency between the Comprehensive Plan and its implementing ordinances.

The underlying Comprehensive Plan designation of R-1 naturally requires the implementation of the City's R-1 (Low Density Residential) zone. Section 17.24.010 *Intent* of the Sutherlin Municipal Code states:

"This district is a low density area protected as to residential quality, value, identity environmental privacy, light and air and outdoor space that is meant to conform to systems and facilities which support the residential quality of the area."

As mentioned in the earlier Goal 11 Public Facilities discussion, City water and sewer service can be made available to the property via mains located in the vicinity of the property. Other utilities are also expected to be available to the site. Police and fire services are not expected to be burdened by the annexation of the 8.11-acre site following approval of the requested map amendments.

As discussed under Statewide Planning Goal 12, the subject property has frontage on Dovetail Lane. Access to the property is currently from Dovetail Lane. The form of future access to the property may have to be established within the context of the subsequent Dovetail Lane improvements, should the need arise.

Conclusion: The site is 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 annexation and Zoning Map amendment requested by Forrest and Shelly Stone to change the zoning designation of an 8.11-acre subject property to City R-1 (Low Density Residential) from Douglas County FG (Exclusive Farm-Use Grazing), **subject to the following conditions:**

1. A Traffic Impact Study (TIS) will be required at the time a specific development proposal is submitted for review to identify traffic impacts and mitigation at ORE 138W intersections between Interstate 5 and Dovetail Lane.
2. At a specific point in time that a development proposal is submitted, developer will be required to contribute a proportionate funding share for the design and construction of TIS traffic mitigation and/or TSP planned transportation improvements at ORE 138W intersections serving the area, as determined by the City in consultation with ODOT.

3. Applicant/Developer shall be permitted to utilize the existing septic system and leach field on the subject property until such time development in the vicinity allows for tie in to a gravity sewer system. Additionally, applicant/developer will be required to install all necessary infrastructure for water service and will incur the costs of all such construction associated with development of City services to the property. Early coordination with Public Works is strongly encouraged.

DATED THIS 19 DAY OF June, 2007.



Jerry Letz, Chair
Sutherlin Planning Commission

ATTEST:



Debbie Hamilton CMC, Deputy City Recorder

END OF DOCUMENT