

**City of Rainier
Planning Commission Meeting
March 23, 2022
6 p.m.
Rainier City Hall**

Chair Erin O’Connell called the meeting to order at 6:15 p.m.

Commissioners Present: Erin O’Connell, Paul Langner and Dena Nordstrom

Commissioners Absent: Nina Phillips and Laura Trethewey

City Staff Present: City Recorder Sarah Blodgett, City Administrator W. Scott Jorgensen and City Planner Keshia Owens

Visitors Present: None

Visitor Comments: There were no visitor comments at this time.

Consider Approval of the Consent Agenda: Consider Approval of the February 16, 2022 Regular Planning Commission Meeting Minutes—Commissioner Paul Langner moved to approve the consent agenda. That motion was seconded by Commissioner Dena Nordstrom and adopted unanimously.

New Business

- a. Ordinance 1087—Establishing Rules and Regulations for Recreational Vehicles—City Administrator W. Scott Jorgensen said he used sections of ordinances from three different cities to put this one together. He also based it on direction he got from council on big issues, including prolonged occupation and on-street parking. The city attorney recommended adding the last section that addresses penalties for non-compliance. City Councilor Connie Budge wanted section 3(d) to be added to address allowing family member support for patients receiving end of life care. O’Connell said that section should refer to the section of code pertaining to temporary use and include a provision that the RV be lawfully connected to city services in a manner approved by the public works director. Langner moved to forward the ordinance on to council with those revisions. That motion was seconded by Nordstrom and adopted unanimously.

Old Business

- a. Ordinance 1083—Regarding the Annexation of Contiguous Properties and Annexation of Properties That Are a Danger to Public Health—Chair Erin O’Connell said revisions were made based on direction that the commission gave to Planner Keshia Owens. Nordstrom moved to forward the ordinance on to council. That motion was seconded by Langner and adopted unanimously.

New Business

- b. Shipping Container Discussion—Jorgensen said that City Recorder Sarah Blodgett received a request for the use of a shipping container in a residential area. Blodgett said that kind of request has been denied before. Having a 40-foot shipping container on a residential property is not outright permitted under the city code. But it isn’t outright prohibited, either. Jorgensen said he would like it to remain permitted on industrial

properties. Langner said allowing it in residential areas is a slippery slope. It's not a residence. Some uses could make sense, but some would not be appropriate. He expressed concerns about aesthetics and fire and safety issues. O'Connell said there are people in the county who have connected multiple shipping containers to bypass the building permitting processes. Owens pointed out that those structures don't have foundations. Jorgensen said he could ask council for direction. He pulled up ordinances from Curry County and Klamath Falls that regulate the use of shipping containers and asked Owens if she could research how other municipalities have handled these issues.

Old Business

- b. Urban Growth Boundary Update—Jorgensen said he provided written and oral testimony on House Bill 4118, which would have formed a task force to look at ways to improve the state's land use processes. The bill did not advance out of committee. Since there won't be a legislative solution any time soon, the city should look at the land swap option. He and Owens have corresponded with the Department of Land Conservation and Development (DLCD), and that agency provided documents about how the City of Sutherlin did its land swap. Langner suggested that perhaps a letter could be written to the DLCD director stating that the UGB was adopted in 1983, mistakes were made and the city has since been hamstrung by it. Changing the UGB is a big lift for a small town with a limited budget. There's usually money involved in the same process for other cities and it can take years to get done, with no guaranteed results. Surveying wasn't done at the time, there were just lines drawn on a map. Jorgensen said he could reach out to officials with the City of Sutherlin to see how that process went for that municipality.
- c. Garage Code Discussion—Blodgett suggested that the required footage be changed to 300 square feet. Owens confirmed that the process to change it would be a text amendment with an enabling ordinance. Langner suggested changing it to 240 square feet. Commissioners agreed by consensus. Jorgensen said he would ask council for direction.

O'Connell adjourned the meeting at 7:55 p.m.

Erin O'Connell, Chair

Sarah Blodgett, City Recorder

Chapter 18.110 SIGNS

Sections:

- 18.110.010 Purpose.**
- 18.110.020 Scope.**
- 18.110.030 Adoption of Uniform Sign Code.**
- 18.110.040 Definitions.**
- 18.110.050 Exempt signs.**
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- 18.110.070 Permissible signs.**
- 18.110.080 Design, construction and maintenance standards.**
- 18.110.090 Sign placement.**
- 18.110.100 ADA clear sidewalk standards.**
- 18.110.110 Minimum distance between signs.**
- 18.110.120 Common signage.**
- 18.110.130 Sign permits.**
- 18.110.140 Permanent sign permits.**
- 18.110.150 Common signage permits.**
- 18.110.160 Sign modification, replacement or relocation permits.**
- 18.110.165 Temporary/special event signs.**
- 18.110.170 Temporary sign permits.**
- 18.110.180 Special event sign permits.**
- 18.110.185 Temporary/special event signs – Downtime duration.**
- 18.110.190 *Repealed.***
- 18.110.200 Sign permit application and approval procedures.**
- 18.110.210 Sign permit fees.**
- 18.110.220 Sign inspections.**
- 18.110.230 Illegal signs.**
- 18.110.240 Nonconforming signs.**
- 18.110.250 Extension of the amortization period.**
- 18.110.260 Sign variances.**
- 18.110.270 Violations, enforcement and remedies.**

18.110.010 Purpose.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the city, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions. The ordinance codified in this chapter is adopted under

the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.020 Scope.

This chapter regulates signs within the Rainier city limits which can be viewed from any public right-of-way by prescribing standards and restrictions for such signs. It provides for administration, requires permits and prescribes fees therefor, and provides for enforcement and remedies.

The signage covered within these regulations includes, but is not limited to, all industrial and commercial signs and wall graphics, all professional and business signs, all home business and home occupation signs, portable signs and other temporary signage, and any other signage that is intended to advertise or otherwise convey a commercial message. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.030 Adoption of Uniform Sign Code.

There is hereby adopted by reference the Uniform Sign Code, published by the International Conference of Building Officials, which provides for minimum standards to safeguard life, health, property and public welfare by regulating and controlling the quality of materials, construction, locations, electrification, and maintenance of all signs and sign structures not located within a building. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.040 Definitions.

The following definitions are to be used in interpreting the requirements of this chapter. Words and phrases not defined in this section but defined elsewhere in the zoning ordinance are to be given the meanings set forth in those sections of this title. Other words and phrases defined in this section may hold special meaning when referring to signage, and may differ slightly from definitions found elsewhere within the zoning ordinance. Where different and when applied to signage, the definitions set forth in this chapter take precedence over definitions found elsewhere in the zoning ordinance.

"Animated" means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

"Awning/canopy" means any sign that is part of or attached to a fabric or plastic awning, canopy or other structural protective cover over a door, entrance, window, or outdoor service area. Awnings may not project more than six feet or two-thirds of the distance from the face of the building to the roadway, whichever is less, and awnings may not extend to within two feet of any roadway.

"Balloon" means an inflated object, generally helium-filled and tethered, which may or may not bear a commercial message or logo and which may or may not be shaped or colored to represent the logo or character of an advertiser, but which is more than three feet in circumference at the smallest point.

"Banner" means a sign which is normally constructed of cloth, canvas, plastic, or similar material, and which does not have a rigid frame, the intent of which is for advertisement and not for decoration.

"Beacon" means a light with one or more beams, whether stable or rotating, directed into the atmosphere or directed at one or more points not on the same premises as the light source, used for the purpose of conveying a commercial message.

"Billboard" means an off-premises sign, regardless of size, which is visible to a state highway and is, therefore, regulated by the State of Oregon Motorist Information Act and Administrative Rules and Regulations. State law prohibited the issuance of permits for new off-premises (billboard) signs in 1975.

"Business identification, state defined 'B.I.D.'" means an off-premises sign intended to direct the public toward a single business that is not visible from a state highway. Business identification signs require a state-issued permit and are limited to the name of a single business and the distance or direction to that business only. The sign must be located within three road miles of the business, cannot be located adjacent to an interstate or fully controlled access highway, and may not exceed 16 square feet on each side with no one panel dimension exceeding six feet (ORS 377.726 and OAR 734-60-005). City approval of the sign is required prior to application for a state business identification sign permit.

"Changeable copy" means a sign or portion of sign with letters, characters or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign, such as pricing signs at gas stations.

"Commercial message" means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

"Directional" means a sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed.

"Electronic message center" means a sign on which information such as the time, date and temperature changes automatically, or on which on-premises activities or advertisements are changed at intermittent intervals by electronic process or remote control.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

"Freestanding" means any sign supported by structures or supports that are placed on or anchored in the ground and that are not attached to or forming part of a building.

"Home occupation" means a single, unlighted sign, not to exceed six square feet per side, which is mounted at the doorway of the home or hangs from the home's eaves, porch or mailbox, and which is limited to the business name, address and number.

"Identification" means a single, unlighted sign, not to exceed two square feet, which is mounted at the doorway of the building and is limited to the name, address and number of the building, institution or person, and to the activity carried on in the building or institution, or the occupancy of the person. (Separate from a "business identification sign," as defined by the state of Oregon.)

"Illegal" means any sign for which:

1. There is no valid permit (where required);
2. The permit has expired and has not been renewed;
3. The permit has been revoked by the city;
4. The sign is in violation of the provisions of this chapter; or
5. Where the business activity on the premises is discontinued for a period of 90 days or more.

"Incidental" means a single sign, not to exceed six square feet, that is generally informational and that has a purpose secondary to the use of the premises on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

“Institution/institutional” means a building occupied by an organization devoted to the promotion of a public cause, or a place for the care or confinement of people.

“Lawn” means a single, unlighted, freestanding sign not to exceed eight square feet on one side, displayed for purposes such as privately endorsed political, social or religious statements or other noncommercial messages, which is placed on private property with the express consent of the property owner and which is of a temporary nature.

“Marker” means a single, unlighted sign, not to exceed four square feet per face (two faces may round a corner), indicating the name of a building and date or other incidental information about its construction, generally cut into the masonry surface of the building or made of bronze or other permanent materials.

“Measurable area” means the area within the outer boundaries of standard geometrical shapes (primarily squares, rectangles and circles) containing and defined by the extreme reaches of informational or graphic parts of the sign.

“Monument” means a sign and supporting structure that has similar top and bottom dimensions and is attached to the ground or to its base on grade by a solid structure to give the appearance of a continuous mass, separated from any buildings or structures.

“Mounted” means a sign that is affixed flush with a structural wall or other building surface.

“Murals/graphics” means flat images painted or tiled directly on the wall of a building or other structural surface for the purpose of decoration or art.

“Noncommercial” means bearing no form of commercial message.

“Nonconforming” means a sign which was erected legally, but was erected prior to the effective date of the ordinance codified in this chapter, or at a later date, prior to the premises being annexed to the city, and which was constructed in accordance with the applicable laws in effect at the time of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this chapter.

“Off-premises” means a sign that advertises goods, products, services or facilities, or the direction to any commercial entity, product, or person, not available at the location of the sign.

“On-premises” means a sign that is located on some portion of the property actually occupied or used by the activity advertised on the sign (i.e., on the buildings, parking areas, storage areas and landscaped areas used for the activity); includes signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm, or corporation occupying the premises.

“Painted” means a sign that is painted directly on and flush with a structural wall or other building surface.

“Pennant” means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

“Permanent” means set on a foundation, sunk into the ground, fastened or painted in a manner of permanence.

“Pole” means a freestanding sign that is supported by one or more poles and is otherwise separated from the building and the ground by air.

"Portable" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal, everyday operations of the business.

"Premises" means a:

1. Legal lot;
2. Combination of contiguous legal lots under one ownership; or
3. Group of legal lots with common access, parking and signage.

If more than one definition applies to a group of lots, the choice of which definition applies shall be that of the owners(s) of the lots or the applicant representing the owner(s). Only one definition may be applied at one time to a group of lots.

"Principal structure" means the structure or building where the principal use of the premises is conducted. While a premises may have multiple principal uses and multiple principal structures (such as in a business park or complex), storage buildings, garages and other clearly accessory buildings are not considered to be principal structures.

"Projecting or suspended" means any sign affixed to a building overhang or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall. Signage may not project more than five feet or two-thirds of the distance from the face of the building to the roadway, whichever is less, and signs may not extend to within two feet of any roadway. Signs extending over sidewalks, walkways or other spaces accessible to pedestrians must provide at least eight feet of clearance above the grade. Signs extending over driveways must provide at least 15 feet of clearance above the grade.

"Roof, integral" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. A sign on a mansard roof is not a roof sign but is a wall sign if no more than an 18-foot projection.

"Roof, mounted" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

"Sale/lease/rent" means a sign which temporarily advertises the sale, lease or rent of property or possessions, and which is located on the premises where the property or possession is available. Sale/lease/rent signs may not exceed the maximum square footage allowed for other types of signs for the premises.

"Sign" means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

"Snipe" means a notice or advertisement posted on public property, such as telephone poles, trees and fences, or on private property, without the express consent of the property owner.

"Special event" means a sign which announces or advertises an event or occurrence that will take place at and for a specified time, including:

1. A fair, expo, or rodeo;
2. A civic event; or
3. A commercial event.

"Street frontage" means the distance, in linear feet, of the lot line or lines which abut the street or streets along which the main entrances to the primary structure of the premises are located. In determining allowable signage, the street frontage(s) most visible to the public will be used.

"Temporary" means any sign which is not permanently mounted, installed or affixed to any sign structure or building, and is not displayed for longer than 90 days. In cases of construction project signs, they may be maintained for the duration of construction. In cases of sale/lease/rent signs, they may be maintained until the transaction is complete.

"Wall" means any sign attached parallel to, but within six inches of, a wall, including a sign that is painted on the wall surface, and which is erected and confined within the limits of an outside wall of any building or structure.

"Window/door" means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Includes both permanent (paint or decal) and removable (paper) signage. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.050 Exempt signs.

The following types of signs are exempt from regulation under this chapter when calculating total square footage and total number of signs per premises. The terms under which exempt signs may be placed are set forth under RMC 18.110.040, Definitions:

- A. Signs that are clearly directional, flag, identification, incidental, lawn, marker, or sale/lease/rent signs;
- B. Signs temporarily placed inside the window or door of a commercial or industrial building to display pricing or products;
- C. Any sign inside a building, not attached to a window or door, not legible from a distance of three feet beyond the public right-of-way nearest the premises on which it is located;
- D. *Repealed by Ord. 1056;*
- E. Temporary holiday lights and other types of decorations bearing no commercial message;
- F. Any sign, public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance, including that portion of a sign which conveys gas station pricing and lottery signs;
- G. Traffic control signs on private property, the faces of which meet ODOT standards and which contain no commercial message of any sort. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.060 Prohibited signs.

All signs not expressly permitted or listed as exempt under this chapter are prohibited within city limits. The following types of signs are prohibited at all times, with words and terms interpreted as set forth under RMC 18.110.040, Definitions:

- A. Beacons, strobe lights or reflectors;
- B. External strings of lights not intended for temporary decoration;
- C. *Repealed by Ord. 1056;*
- D. *Repealed by Ord. 1056;*
- E. Flashing or moving signs, except for electronic message centers;
- F. Signs that emit any audible sound, odor or visible matter;
- G. Snipe signs;
- H. Signs that obstruct free and clear vision of pedestrian or auto travel;
- I. Signs that block other signs or premises;
- J. Signs containing statements, words, pictures or symbols of an obscene or offensive nature, or which depict or advertise illegal activities;
- K. Signs which do not conform with all of the provisions of this chapter. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.070 Permissible signs.

A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter. Permissible signs are detailed on the following tables:

- A. Permissible Signs by Type and District (Table 1). Table 1 presents an overview of permanent and temporary signs allowed within city limits. Information is provided according to sign type and to the district in which the premises is located.
- B. Number, Size and Location of Permanent Signs by Type and District (Tables 2A and 2B). Tables 2A and 2B outline the requirements for the number of permanent signs allowed per site, sign size and height restrictions, and sign placement restrictions. Information is provided according to sign type and to the district in which the premises is located.
 - 1. Table 2A sets forth sign standards for residential (R-3) and all institutional properties.
 - 2. Table 2B sets forth sign standards for all commercial and industrial properties.
- C. Signs on or Visible to State Highway 30 (Table 3). Signs which are located on or visible to travelers on State Highway 30 are subject to the regulations and permit requirements of the Oregon Department of Transportation (ODOT). Where the regulations of the state and city differ, the more restrictive regulations shall apply. State Highway 30 standards and restrictions are set forth in the 1993 Motorist Information Act, ORS 377.700 through 377.992, and are summarized in Table 3. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.080 Design, construction and maintenance standards.

A. All signs are to be designed, constructed and maintained in accordance with the provisions of this chapter and with the applicable provisions of the Uniform Building Code and the city's building and electrical codes.

B. Design Review. Signs requiring a permit will be subject to design review when the construction or erection of the sign is associated with new multifamily, commercial, institutional or industrial construction, as required under Chapter 18.145 RMC. Design review will be for the purpose of ensuring that all signage being proposed fully complies with the provisions of this chapter.

C. Sign Construction. With the exception of temporary signage and other signs normally constructed of lesser materials, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or some other permanent structure, by direct attachment to a rigid wall, frame, or other solid structure.

D. Computation of Sign Area and Height. The following standards control the computation of sign area and sign height:

1. Maximum Total Sign Area. Standards for the maximum total area of all signs on one premises are outlined on Tables 2A and 2B. Signs which do not require a permit are not subject to the total sign area standards shown on the tables, but must conform with the size requirements outlined elsewhere within this chapter.

2. Individual Sign Area. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) is computed by means of the smallest square, circle, rectangle, triangle or combination of geometrics that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the sign itself.

3. Multifaced Sign Area. The sign area for a sign with more than one face is computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area is computed by the measurement of one of the faces.

4. Height. The height of a sign is computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the lower of the existing grade prior to construction or the newly established grade after construction, excluding any filling, berming, mounding or excavating solely for the purpose of locating the sign.

E. Lighting. The light intensity of an illuminated sign must conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

Lighting, when permitted, may never:

1. Be of such intensity that it interferes with or impairs the vision of the driver of a motor vehicle, or otherwise interferes with any driver's operation of a motor vehicle;

2. Attempt or appear to attempt to direct the movement of traffic by interfering with, imitating or resembling any official traffic sign, signal or device;
3. Blink, flash, flutter, revolve, or move in any manner (except for lights on electronic message centers, as long as the display does not blink, flash or flutter);
4. Be placed in a manner which causes a nuisance to any residents or future residents of adjacent residentially zoned property within 200 feet of the sign, nuisance being defined as lights of such intensity that they may interfere with the peaceful occupancy of the home; or
5. Reflect glare or unwanted illumination to adjacent properties or roadways.

F. Maintenance. All signs, including the supports, braces, guys and anchors for a sign, must be maintained in good structural and aesthetic condition at all times, in compliance with all building and electrical codes and in conformance with the provisions of this chapter. Signs must be kept free from rust, corrosion, peeling paint, or other surface deterioration and must be maintained in a safe condition. Display surfaces must be kept neatly painted or posted, with all intended lettering or symbols clearly visible and unbroken at all times.

Illuminated signs must be maintained at all times to ensure that:

1. Bare light bulbs are not visible due to broken sign coverings or other materials intended to shield the bulbs from direct view;
2. Electrical wiring and bulb fixtures are safely installed and maintained and protected from exposure or general access;
3. All sockets contain light bulbs or other lighting fixtures and there are no burned-out bulbs or fixtures. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.090 Sign placement.

No private sign may be placed on public property, nor may any sign be placed on private property without the express authorization of the property owner.

No sign is allowed within the public right-of-way, except for: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities; and awnings, projecting signs or suspended signs which extend into the air space of the public right-of-way, but which leave a minimum of eight feet of vertical clearance over that right-of-way.

No sign may be placed in a manner which:

1. Prevents the driver of a vehicle from having a clear and unobstructed view of traffic or directional signs, merging traffic, or pedestrians;
2. Obstructs the vision of any pedestrian; or
3. Interferes with clear vision onto another premises or its property, including legal signage placed on the other premises.

No sign may interfere with the safe and efficient use of off-street parking and loading areas, including aisles and access driveways. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.100 ADA clear sidewalk standards.

No sign may violate the clear sidewalk standards of the Oregon Department of Transportation in regard to the minimum requirements of the Americans with Disabilities Act (ADA) to ensure safe, attractive and convenient pedestrian facilities:

A. The standard width for sidewalks without obstructions is five feet. This is the total clear distance, exclusive of curb.

B. Sidewalks must be clear of all obstructions: street furniture, sign posts, utility poles, mailboxes, parking meters, fire hydrants, and trees. If obstructions are present, a full five-foot sidewalk clear width is required around the obstruction.

C. An additional two-foot shy distance is required from vertical barriers such as buildings in commercial areas, sound walls, retaining walls and fences. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.110 Minimum distance between signs.

Freestanding and projecting/suspended signs must be spaced an adequate distance from each other to allow for each sign to be read by passing travelers with relative ease, free from distraction or obstruction.

A. Commercial/Industrial Districts. Freestanding signs must be a minimum of 100 feet apart from each other; projecting or suspended signs must be a minimum of 50 feet apart from each other.

B. Central Business District (CBD). Freestanding signs must be a minimum of 50 feet apart from each other; projecting or suspended signs must be a minimum of 25 feet apart from each other. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.120 Common signage.

The design and erection of any sign must be done in consideration of the need to provide signage which is harmonious in appearance and legibility, and signage which provides the maximum opportunity for each use or tenant to be advertised. There are generally three types of common signage: directories, business complex signs, and shared signs.

A. Directories. Directories are generally for separate businesses which are in very close proximity to one another, such as a row of businesses accessible from one alley, walkway or parking area.

B. Business Complex Signs. Business complex signs are for the identification of a named business park or center where there are three or more uses or tenants on one parcel who will jointly advertise on a sign.

C. Shared Signs. Shared signs are for two uses or tenants who share an area, such as an upper and lower floor of the same building or separate sides of a double storefront.

Where more than one use or tenant occupies the same parcel, a business complex sign or directory must be erected to advertise all uses and tenants on the parcel.

Where uses or tenants are on closely adjoining parcels, or where businesses share a common wall on adjoining parcels, directories, business complex signs and shared signs are strongly encouraged to minimize the number of signs erected and to ensure clear visibility between adjoining signs.

A directory, business complex sign or shared sign may be granted additional square footage in sign area when its presence eliminates the need for one or more individual signs, as shown on Tables 2A and 2B. Tenants advertising on a common sign may also advertise on a wall, door or awning at the immediate

entrance to their businesses up to the allowable square footage shown on Tables 2A and 2B. Under no circumstances can the use of a common sign increase the total square footage that would be allowed for all participating businesses had they advertised on individual signs. Additional sign height is not allowed for common signage.

A common signage plan must be submitted to and approved by the city for all directories, business complex signs and shared signs. Upon approval, the businesses will be issued a common signage permit which is the master permit for signage for those businesses. Each new business replacing or adding to copy on a sign under a common signage permit must update the signage plan and pay the fee for a face change only. Ownership and financial arrangements for sharing the costs to construct the sign, obtain permits, maintain or change the sign are the sole responsibility of the owner of the business complex and/or those businesses who will advertise on the sign. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.130 Sign permits.

Sign permits are required for all signs so designated by city or state regulation, as defined in this chapter and as indicated in Table 1 of this chapter. If any sign requiring a permit is to be erected, placed, constructed, modified, moved or replaced, the owner or agent of the premises on which the sign is located must apply for and obtain a valid permit in accordance with the procedures outlined in this section.

A sign permit must be obtained for all signs required to have a permit when no permit for the sign has been previously issued. A sign permit application and site plan must be filed with the city at no cost to the owner to obtain a valid permit for permanent and temporary signage which is in place at the time this chapter is adopted. Permits for existing signage may be obtained at the time of, or prior to, but no later than the first business license renewal following adoption of this chapter.

When required by the Uniform Building Code or the building inspector, a separate building permit must be obtained for the erection, construction, modification, relocation, replacement, change of sign face, or alteration of a sign or sign structure.

When required by the State Electrical Code or the building inspector, an electrical permit must be obtained from the issuing authority before connecting an electrical sign to a source of electricity. The electrical components of any sign must meet applicable electrical standards.

All required permits may be applied for at the same time; however, building permits and electrical permits may not be issued until a sign permit has been issued. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.140 Permanent sign permits.

A permanent sign permit must be applied for and obtained for all new and existing permanent signs requiring a permit, as indicated in Table 1 of this chapter. Permanent sign permits will be recertified, at no additional cost, with the annual business license. Once issued, a permit becomes null and void if:

- A. The terms under which it was issued change and the sign is in violation of this chapter; or
- B. The approved work is not substantially underway and in full compliance with the terms under which it was approved within 90 days from the date of the permit.

If a permit is voided under either of the above circumstances, the permit must be renewed. The fee to renew a permit is one-half of the original fee; provided, that no changes have been made to the original plans. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.150 Common signage permits.

A common signage plan and permit is required (in lieu of other permits) when more than one business, tenant or use will be displayed on a single sign. The terms for a common signage permit are the same as those for permanent signs. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.160 Sign modification, replacement or relocation permits.

A new permanent sign permit is required for a sign required to have a permit which is intended to be substantially modified, replaced or relocated. In an emergency, where health or safety is threatened, repairs may begin without first applying for a new permit; however, a new permit must be applied for within 48 hours of the first working day of repairs. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.165 Temporary/special event signs.

Commercial, industrial, residential, public, and quasi-public uses and mixed-use developments (commercial combined with multifamily residential) may display event signage in compliance with the following regulations. These regulations apply to use of signs for grand opening events or for periodic special events. This section does not apply to those signs and displays that are listed in RMC 18.110.050, Exempt signs. Temporary and special event signs are subject to the same setback and clearance requirements that are applicable to other signs and shall not cause a hazard to public safety or block the visibility of motorists. (Ord. 1056 (Exh. I), 2010)

18.110.170 Temporary sign permits.

A temporary sign permit must be applied for and obtained for all new and existing temporary signs requiring a permit, as indicated in Table 4 of this chapter. Temporary permits are valid for a maximum of 60 consecutive calendar days for long-term events and seven consecutive calendar days for short-term events. If the sign is fully removed from public view within 10 days of the end of the permit period, the applicant may apply for and receive reimbursement of a portion of the permit deposit. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.180 Special event sign permits.

A special event sign permit must be applied for and obtained before any signs, posters or banners larger than 32 square feet or greater than six feet in height may be displayed announcing a special event. In compliance with the standards for signs on or visible to State Highway 30:

A. A special event sign permit is valid for a maximum of 60 consecutive calendar days for a long-term special event and seven consecutive calendar days for a short-term event.

B. *Repealed by Ord. 1056.*

C. When all materials are fully removed within 10 calendar days after the last day of the event, the applicant may apply for and receive reimbursement of the permit deposit. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.185 Temporary/special event signs – Downtime duration.

At the end of the temporary and/or special event time period, signs removed cannot be displayed again for 14 consecutive calendar days for the same short-term event and 90 consecutive days for the same long-term event (see Table 4 of this chapter). (Ord. 1056 (Exh. I), 2010)

18.110.190 Political campaign sign permits.

Repealed by Ord. 1056. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.200 Sign permit application and approval procedures.

A. Application and Approval Process. A sign permit application must be obtained from the city, completed in full, signed and returned with the required fee and all required information before processing will begin. Sign permit applications will be reviewed and approved, approved with conditions, or denied by the city within 30 days of submission.

Approved permanent sign placement permits are valid for six months. If authorized work is not completed within six months of the signed permit, the permit will expire and a new application and fee must be submitted to the city. In cases where the delay is caused by circumstances over which the sign owner has no control, the planning commission may authorize up to one six-month extension of the permit. A permit may be revoked by the planning commission where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application materials.

B. Application Requirements for Permanent Signs. Applications for permanent signs must be accompanied by:

1. The appropriate fee, as adopted by ordinance;
2. Clear photographs of all existing signage;
3. An accurate plot plan of the premises, at a scale that is appropriate for the plan and which indicates:
 - a. The location of all principal structures, parking lots, driveways, main entrance(s) to the premises, and landscaping;
 - b. The number, type and location of each existing sign on the premises and on properties adjoining at all property lines; and
 - c. The number, type and location of each proposed new or modified sign;
4. A proposed sign plan, which includes:
 - a. The dimensions of each sign, including the sign area in square feet, the height of each sign, and the total square footage of all signage combined;
 - b. The lot frontage and wall dimensions used in determining allowable sign area;
 - c. A description of the color, materials, lettering or graphic style, source and intensity of lighting (if any), and any other prominent features of all signs;
 - d. Sign wording, symbols, logos or other graphics; and
 - e. Construction drawings indicating the size of footings, anchorages and welds;
5. Proof of a current city business license; and
6. Information about the sign contractor, electrical contractor, or other party who will construct the sign. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.210 Sign permit fees.

Fees for sign permits are set forth within the current fee schedule adopted by city ordinance. All fees must be paid in full before the city will issue any sign permit.

Permit fees are doubled if any sign is erected (including excavation) or changed prior to issue of required permit. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.220 Sign inspections.

Signs subject to structural permits and electrical permits will be inspected upon construction in accordance with standard building and electrical inspection procedures.

The city public works superintendent will inspect all newly permitted signs within the first six months after issuance of a sign permit, and at any time deemed necessary by the city for verification of:

- A. A valid permit;
- B. Full compliance with the terms of sign approval; and
- C. Reported violations of the provisions of this chapter. Inspection findings will be written directly on or attached to the city's copy of the sign permit, and will become a part of the city's permanent record. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.230 Illegal signs.

Any sign for which one or more of the following circumstances are present shall be deemed an illegal sign:

- A. There is no valid permit (where required);
- B. The permit has expired and has not been renewed;
- C. The permit has been revoked by the city;
- D. The sign is in violation of the provisions of this chapter; or
- E. The business activity on the premises has been vacated or discontinued for a period of 30 days or more.

Illegal signs must be removed or made valid by the sign's owner within 10 days of written notice by the city, or the sign will be forfeited. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.240 Nonconforming signs.

Any sign which was erected legally, but was erected prior to the effective date of the ordinance codified in this chapter, or at a later date, when the premises was annexed to the city, and which was constructed in accordance with the applicable laws in effect at the time of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this chapter, shall be deemed a nonconforming sign.

A nonconforming sign may remain in place and be maintained for a period ending no later than five years from the effective date of the ordinance codified in this chapter; provided, that no action is taken which increases the degree or extent of the nonconformity. A nonconforming sign will either be eliminated or made to conform with the provisions of this chapter when:

- A. A new use occupies the premises, after the premises has been vacated longer than 18 months from its last occupancy;
- B. Any proposed change, repair or maintenance would constitute an expense of more than 25 percent of the lesser of the original value or replacement value of the sign;

C. The sign is to be replaced or relocated; or

D. The five-year amortization period has ended. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.250 Extension of the amortization period.

The planning commission may approve a two-to-five-year extension of the amortization period when a hardship is clearly demonstrated by the sign owner. To apply for an extension, the sign owner must present written evidence that the following criteria are met:

A. The sign must have been erected legally and constructed in accordance with the applicable laws in effect at the time of its construction.

B. It must be clearly shown that elimination or renovation of the sign to bring it into compliance within the five-year amortization period will cause extreme hardship or substantial loss to the owner due to the age of the sign, the cost of the sign, or the type of sign; or

C. Other circumstances are present which the planning commission deem sufficient hardship to justify a reasonable extension of the amortization period.

Generally, signs which are less than 15 years old on the effective date of the ordinance codified in this chapter and which would require a disproportionate capital expenditure to replace or renovate may be eligible for an extension. Under no circumstances will the amortization period for a nonconforming sign be extended more than 10 years beyond the effective date of the ordinance codified in this chapter. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.260 Sign variances.

Signs of historic significance or signs which may otherwise qualify for a variance from the provisions of this chapter must be reviewed through the formal public hearing process, in accordance with the variance procedures outlined in Chapter 18.135 RMC.

An administrative variance may be granted by the planning director for the relief of up to 10 percent from one standard without the need for the formal variance process. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

18.110.270 Violations, enforcement and remedies.

Any sign found to be in violation with the provisions of this chapter will be forfeited to the city and subject to confiscation. In addition to other remedies described within Chapter 18.180 RMC, the city will have the right to recover from the responsible party the full cost of removing and disposing a confiscated sign. If a valid permit is in effect at the time of violation, the city reserves the right to revoke the permit and to deny renewal unless and until the sign is brought into full compliance with the provisions of this chapter. (Ord. 1056 (Exh. I), 2010; Ord. 974 § 4 (Exh. A.2 § 5.13), 1998)

Table 1

Permissible Signs by Type and District

Sign Type	Central Bus. District (CBD) General Commercial (C-2) Light and Heavy Industrial (M-1/M-2) Waterfront Mixed Use Commercial (WC/WM overlay) Institutional and Public Service Properties:	Neighborhood Commercial:	Residential Districts:			
	CBD/C-2/M-1/M-2/ WC/WM overlay		C-1	SR	R-1	R-2
FREESTANDING – Permanent						
Monument	P	P	N	N	N	P
Pole	P	N	N	N	N	N
Integral	P	P	N	N	N	N
Mounted	P	P	N	N	N	N
WALL – Permanent						
Awning/Canopy	P	P	N	N	N	P
Mounted	P	P	N	N	N	P
Painted	P	P	N	N	N	P
Projecting/suspended	P	P	N	N	N	P
Roof	P	N	N	N	N	N
MISCELLANEOUS – Permanent						
Billboard	N	N	N	N	N	N
Directional	Y	Y	Y	Y	Y	Y
Flag	Y	Y	Y	Y	Y	Y
Home occupation	P	P	Y	Y	Y	Y
Identification	Y	Y	Y	Y	Y	Y
Marker	Y	Y	Y	Y	Y	Y
Murals/graphics	P	P	N	N	N	N
Pennant	N	N	N	N	N	N
Window/door	Y	Y	N	N	N	P
Off-premises	P	N	N	N	N	N
ALL TYPES – Temporary						

Banner	Y	P	N	N	N	P
Lawn	Y	Y	Y	Y	Y	Y
Pennant	Y	Y	N	N	N	Y
Portable	Y	P	N	N	N	N
Sales/lease/rent	Y	Y	Y	Y	Y	Y
Snipe	N	N	N	N	N	N
Special event	Y/P*	P	N	N	N	P

Key: Y = Allowed without permit; must meet other criteria (see Table 2b).

P = Allowed, with permit; must meet other criteria

P* = See Table 4

N = Not allowed

(Ord. 1056 (Exh. D), 2010)

Table 2A

Sign Code Placement Standards – Residential/Institutional

Sign Location ⁽¹⁾	High Density Residential (R-3)	Institutional
Sign Type:		
A. Freestanding		
Maximum number of signs:	Total number of signs cannot exceed maximum allowed square footage.	
Maximum SF per sign for:		
Single use or tenant ⁽²⁾	32 SF per face	
Shared sign (two or more tenants) ⁽²⁾	35 SF per face	
Directory or business complex	Max. of 40 percent of sign face for complex ID + five SF per tenant to a maximum of 40 SF per face	
Maximum sign height	Four feet	
Minimum frontage setback	Signs are not allowed within the public right-of-way and must conform to the clear vision setback standards.	
B. Roof	Not allowed	Not allowed
C. Wall		
Maximum number of signs:	Total number of signs cannot exceed maximum allowed square footage.	
Maximum SF of wall signs per frontage for:		

Sign Location ⁽¹⁾	High Density Residential (R-3)	Institutional
Single use tenant	10 percent of wall SF, up to 30 SF	
Shared sign (two or more tenants)	10 percent of wall SF, up to 35 SF	
Directory or business complex ⁽²⁾	Maximum of 40 SF per sign face	
Maximum sign height	Not to exceed eaves line	
Projecting sign vertical clearance	All signs must provide a minimum of eight feet above sidewalks to the bottom of the sign and 15 feet to the bottom of the sign above driveways	
D. Off-premises	Not allowed	

Key: SF = Square Feet LF = Linear Feet FT = Feet

- 1 Signs that do not require a permit are not subject to the standards of Table 2A and 2B.
- 2 Premises which front on two or more streets are allowed sign area for each street frontage; however, the total sign area for any one street frontage may not exceed the allocation that is derived from the premises, building, or wall area frontage on that street. Sign area cannot be "borrowed" from one street frontage to increase the allowable area on a second frontage.

(Ord. 1056 (Exh. E), 2010)

Table 2B

Sign Code Placement Standards – Commercial/Industrial

Sign Type:	Zone Designation	Zone Designation
	Commercial/Industrial CBD/C-2/WC/WM/M-1/M-2	Neighborhood Commercial C-1
Freestanding:		
Maximum number of signs	Total number of signs cannot exceed maximum allowed SF	
Maximum SF per sign:		
Single use tenant	1.0 SF of sign face per LF of street frontage, up to 100 SF per sign face	0.5 SF of sign face per LF of street frontage, up to 50 SF per sign face
Shared tenants	1.15 SF of sign face per LF of street frontage, up to 110 SF per sign face	N/A

Sign Type:	Zone Designation	Zone Designation
	Commercial/Industrial CBD/C-2/WC/WM/M-1/M-2	Neighborhood Commercial C-1
Directory or business complex	Max. of 50 percent of sign face for complex ID. Maximum of 1.25 SF per sign face per LF of street frontage, up to 125 SF per sign face	Max of 50 percent of sign face for business ID.
Maximum sign height	30 ft.	Not to exceed eaves line
Minimum vertical clearance	Minimum of eight feet above sidewalks and 15 feet above driveways	Maximum of eight feet above sidewalks and 15 feet above driveways
Minimum frontage setbacks	Signs are not allowed within the public right-of-way. All sign placements must conform to the clear vision standards set forth in the public works design standards.	Signs are not allowed within the public right-of-way. All sign placements must conform to the clear vision standards set forth in the public works design standards.
Roof:		
Maximum number of signs	Total number of signs cannot exceed maximum allowed SF	
Maximum SF per sign	15 percent of wall SF, up to 100 SF per face	7.5 percent of wall SF, up to 50 SF per face
Maximum sign height	Not to exceed three feet above the highest point of roof line	
Wall:		
Maximum number of signs	Total number of signs cannot exceed maximum allowed SF	
Maximum SF of signs per street frontage:		
Single use or single tenant	20 percent of wall SF, up 120 SF (plus 20 percent for walls fronting on Hwy 30)	10 percent of wall SF, up to 60 SF
Shared sign face (two or more tenants)	18 percent of wall SF, up 120 SF (plus 20 percent for walls facing Hwy 30)	N/A
Directory or business complex	Max. 125 SF per sign face	
Maximum sign height	Not to exceed eaves line	
Projecting/suspended signs	Bottom of sign must be eight feet above sidewalks and 15 feet above driveways	
Maximum SF of sign area on all faces, per street frontage per premises	300 SF total	150 SF total
Off-Premises:		
Maximum number of signs	Advertiser allowed only one off-premises sign. Property owner allowed only one off-premises sign per location.	

Sign Type:	Zone Designation	Zone Designation
	Commercial/Industrial CBD/C-2/WC/WM/M-1/M-2	Neighborhood Commercial C-1
Maximum SF per sign	12 SF per sign	
Sign design limitations	All off-premises signs must be nonilluminated	
Portable:		
Maximum number of signs	One sign per business	
Maximum size of sign	30 inches in width by 40 inches in height	
Sign placement requirements	All portable signs must be placed in accordance with ADA standards as set forth in the sign placement standards section of this code	

<p>Key: SF = Square Feet</p> <p> LF = Linear Feet</p> <p> FT = Feet</p>

Premises which front on two or more streets are allowed sign area for each street frontage; however, the total sign area for any one street may not exceed the allocation that is derived from the premises, building, or wall area frontage on that street. Sign area cannot be "borrowed" from one street frontage to increase the allowable area on a second frontage. One one portable sign is allowed for such premises.

(Ord. 1056 (Exh. F), 2010)

Table 3

Signs on or Visible to State Highway 30

1993 Motorist Information Act, ORS 377.700 – 377.992

On-Premises Signs	
Commercial Advertisement	Must advertise: (1) goods, products or services which are sold, manufactured or distributed on or from the premises; or (2) a facility that is located on the premises.
Governmental Unit Signs	For official public purposes; maximum 200 SF on a single panel (no fragmented signs); maximum two signs for each governmental unit.
Memorial Signs or Tablets	To note a site of importance; maximum 10 feet high by 15 feet long; maximum of one sign per site.
Property for Sale Signs	Maximum 10 feet high by 15 feet long; maximum one sign visible to each direction of travel; must be removed on completion of sale.
Residential Directional Signs	To indicate the location of a residence, farm or ranch, but not to indicate a professional, commercial or business activity at that residence, farm or ranch; maximum two feet high by four feet long; maximum one sign per residence.

Temporary Agricultural Directional Signs	To advertise products harvested/produced on premises; maximum four feet high by eight feet long on a single panel (no fragmented signs); maximum two signs in any one direction; signs must be removed on completion of sale.
Off-Premises Signs	
Billboards	On private property; maximum 14 feet by 48 feet; must have been on location in a commercial or industrial zone and under state permit on June 12, 1975; no new permits are issued by the state.
Business Identification Signs	On private property; to advertise the name of and direction to a single business not visible from but located within three road miles of Highway 30; maximum 16 SF; must be under city and state permit.
Church and Civic Organization Signs	On private property; erected and maintained by the city; place and time of church services and civic meetings; maximum eight feet high by four feet long with six-inch by four-foot panels; maximum two signs from any one direction.
Church Directional Signs	On private property; must be located within one mile of the church or the nearest point where travelers must leave the highway for access to the church; maximum six SF; one sign visible in each direction.
Expo, Fair and Rodeo Signs	On private or public property; maximum 10 feet high by 15 feet long on a single panel (no fragmented signs); maximum two signs from any one direction; may be displayed a maximum of six weeks; must be removed 24 hours after the event.
Public Convenience Signs	For the direction, instruction or convenience of the public; maximum four SF.
Temporary Civic Signs	On private property; maximum four feet high by eight feet long; maximum one sign from each direction of travel for any one activity; posted for a maximum of two weeks; must be removed 24 hours after the event.
Temporary Political Signs	On private property; maximum 32 SF on a single panel (no fragmented signs); must be removed within 30 days after election.

(Ord. 1056 (Exh. G), 2010)

Table 4

Temporary/Special Event Signs

Sign Type	A	B
Description	Short-term – special event	Long-term – special event
Placement time limit	Seven calendar days	60 calendar days
Sign removal duration	14 calendar days	90 calendar days
Sign placement permit requirement	If larger than 32 square feet or higher than six feet	
Zoning approval requirement	No	No
Within right-of-way	Requires city council action	

(Ord. 1056 (Exh. H), 2010)

Mobile Version

Applications Sought for Rainier Senior and Multigenerational Housing Committee

Applications are currently being sought for the City of Rainier's new Senior and Multigenerational Housing Committee.

The committee will serve as a subcommittee of the Rainier Planning Commission, and will be tasked with the following:

- Examining the possible rezoning of some properties to encourage more housing development;
- Developing a possible text amendment for the Central Business District code to allow for more flexibility; and
- Examine properties that could be added to the city's Urban Growth Boundary to facilitate more housing development.

The committee will consist of representatives of the city council and planning commission and interested citizens. It is expected to meet at least 10 times per year and will make recommendations to the Planning Commission about ways to expand the availability of senior and multigenerational housing within the City of Rainier.

Members will be appointed by the City Council at its September 12 meeting. The committee is expected to have its first meeting in late September or early October.

Anyone interested in applying can download an application from [the city's website](#) or at city hall at 106 West "B" Street. They can be submitted via email to sjorgensen@cityofrainier.com.

Applications will be accepted until 9 a.m. on Tuesday, September 6.

City of Rainier
Senior and Multigenerational Housing Committee

The following citizens have expressed interest in being members of the committee:

-Randy Johnstun

-Mike Avent

-Paul Rice

Staff recommends appointing them.

Planning Commissioner Paul Langner has agreed to serve as chair, and staff recommends that he be appointed to that position.

Councilors Connie Budge and Jeremy Howell have agreed to serve on the committee as the council representatives.

Scott Jorgensen

From: Kristi Gilbert <k.gilbert@ci.sutherlin.or.us>
Sent: Wednesday, April 13, 2022 3:34 PM
To: Scott Jorgensen
Cc: Brian Elliott; Jamie Chartier
Subject: FW: UGB Land Swap
Attachments: UGB Exchange Process - Gordon Howard.pdf; Proposal_CoS UGB Exchange _ Staff Report_2017-07-24_04-26-10.pdf; ORD NO 1060-UGB Exchange and Annexation(corrected).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Hi Scott,

I'm emailing you in follow up with my message regarding our UGB Exchange, so you have my contact information.

To start you off with some information, I've attached the process Gordon Howard, DLCD outlined for us in the beginning, as well as our initial Staff Report, and our adopted ordinance. There of course are various pieces to the puzzle. ☺

This process took us about three years (streamlined process haahaa). I'm sure the process is much smoother and streamlined now. DLCD was great to work with. We worked with ODOT and completed a TIS based on their scope of work. The engineer cost for that was approximately \$10,000. Other expenses we incurred through the project were surveying fees for legal descriptions of the properties removed from the city limits and UGB as well as those properties brought into the city limits and UGB. If there is a specific document that you would like an example of, let me know.

Something to keep in mind is the "like for like" zoning of property involved in the swap. In other words, whatever the current zoning is of the land that you are removing, will be the zoning applied to the new area that you are moving the boundaries to.

To give you a few more specifics, I've pasted below a Q&A from a previous inquiry that we had as well. Some of it may be a duplicate.

1. What was the impetus for the swap? Did the City go into the process with a desired area to be either included or excluded (or both) in a potential swap? The City purchased a 200-acre parcel of land, which included a 95-acre pond. This purchase of land was for the storage of our recycled Class A water from our Wastewater Treatment Plant Facility per our NPDES permit summer discharge. This property was zoned for residential, in a sense wasting our buildable lands, as it would never be built on. We then started inquiring as to the process to relocate those lands to an area that had the most feasible access to our infrastructure, knowing the water and sewer needs were in high demand in the area.

2. Did the City form a TAC as part of the process? If so, what stakeholders were included? We did not form a TAC as part of the process. Prior to the process, we sent out letters of explanation and invited property owners to an open house. We then had a follow up open house as we grew closer to the start of the process.
3. Were there public meetings held prior to the PC hearing? Yes, open houses, as well as Planning Commission and City Council public meetings that we provided updates and gave the opportunity for public comments.
4. Was there any conflict with the County on the swap? No, our planner was actually contracted through the County Planning at the time, so she was able to facilitate the process on both ends. ☺
5. Are there any other general insights you can provide from the experience? We worked closely with DLCD. They were amazing to work with and always very helpful. This was not something that was commonly done and they referred to this as a "streamline" process, which took a few years for us to get through. I like to give our DLCD rep a hard time about his definition of "streamline." haahaa.

I hope this helps give provide you the staff perspective you were looking for. I am happy to discuss this process in greater detail, just let me know.

Have a fantastic day!



Kristi Gilbert
Community Development Supervisor
City of Sutherlin
126 E Central Ave
Sutherlin, OR 97479
541-459-2856

From: Brian Elliott <b.elliott@ci.sutherlin.or.us>
Sent: Wednesday, April 13, 2022 7:54 AM
To: Kristi Gilbert <k.gilbert@ci.sutherlin.or.us>
Subject: FW: UGB Land Swap

From: Scott Jorgensen <Sjorgensen@cityofrainier.com>
Sent: Tuesday, April 12, 2022 8:23 AM
To: Jerry Gillham <j.gillham@ci.sutherlin.or.us>
Cc: Brian Elliott <b.elliott@ci.sutherlin.or.us>
Subject: RE: UGB Land Swap

[EXTERNAL SOURCE - USE CAUTION]

Thanks, Jerry.

Brian, we're thinking about doing a UGB land swap and DLCD said the City of Sutherlin did it a few years ago. I went through the nearly 500 pages of documents they sent me and spoke with Commissioner Freeman and the former mayor

ORDINANCE NO. 1060

AN ORDINANCE DECLARING THE AMENDMENT OF THE CITY OF SUTHERLIN URBAN GROWTH BOUNDARY; AMENDMENT TO THE COMPREHENSIVE PLAN MAP; AMENDMENT TO THE ZONING MAP; AND DECLARING THE ANNEXATION BY CONSENT OF CERTAIN REAL PROPERTY; WITHDRAWING THE PROPERTIES TO BE ANNEXED FROM THE CALAPOOIA RURAL FIRE PROTECTION DISTRICT, AND DIRECTING THE FILING OF INSTRUMENTS OF RECORD WITH THE SECRETARY OF STATE, THE DEPARTMENT OF REVENUE AND THE DOUGLAS COUNTY ASSESSOR.

WHEREAS, the City of Sutherlin initiated an amendment to the Sutherlin Urban Growth Boundary (UGB) to exclude real property described on Exhibit A1, attached hereto and incorporated herein, which is identified as T25 South, R6 West, W.M., Section 14, Tax Lot 900 and a portion of T25 South, R6 West, W.M., Section 13, Tax Lot 800; and real property described on Exhibit A2, attached hereto and incorporated herein, which is identified as T25 South, R5 West, W.M., Section 20, Tax Lot 600; T25 South, R5 West, W.M., Section 29, Tax Lot 1300; and a portion of T25 South, R5 West, W.M., Section 20DA, Tax Lot 2601. Properties removed from the Sutherlin UGB will be re-designated for resource use with Douglas County Zoning Map and Comprehensive Plan Map designations; and,

WHEREAS, the City of Sutherlin initiated an amendment to the Sutherlin Urban Growth Boundary (UGB) to include real property described on Exhibit B1, attached hereto and incorporated herein, which is identified as T25 South, R6 West, W.M., Section 24, Tax Lots 1500, 1700, 1800, 1900, 2000, 2100, and 2200; T25 South, R6 West, W.M., Section 24A, Tax Lots 1200, 1300, 1400, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2401 and 2500; T25 South, R5 West, W.M., Section 19C, Tax Lots 100, 200, 201, 300, 400, 401, 500, 600, 700, 800, and 900; T25 South, R5 West, W.M., Section 19CD, Tax Lots 400, 500, 600, 700, 800, 900, 1000, 1100, 1101, and 1102; and a portion of real property described on Exhibit B2, attached hereto and incorporated herein, which is identified as T25 South, R5 West, W.M., Section 15B, Tax Lot 402; and,

WHEREAS, the City of Sutherlin initiated the annexation of real property described on Exhibits C1, C2, C3, C4, C5, and C6, attached hereto and incorporated herein, which is identified as T25 South, R6 West, W.M., Section 24, Tax Lots 1500, 1800, and 2100; T25 South, R6 West, W.M., Section 24A, Tax Lots 1400, 1600, 1700, 1800, 1900, 2000, 2300, 2401 and 2500; T25 South, R5 West, W.M., Section 19C, Tax Lots 100, 200, 201, 300, 400, and 800; T25 South, R5 West, W.M., Section 19CD, Tax Lots 400, 500, 600, 800, 1000, 1100, 1101, and 1102; T25 South, R5 West, W.M., Section 19B, Tax Lots 500, 700, 800, 900, 1000, 1100, 1400, and 1500; and T25 South, R5 West, W.M., Section 19BC, Tax Lots 1100, 1300, and 1600 be annexed into the city, and that therefore the Zone Map be amended to accommodate said amendment and annexations; and,

WHEREAS, the properties to be annexed abut the city limits and within the amended Urban Growth Boundary of the City of Sutherlin and such annexation would be a logical extension of the city limits; and

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for properties to be annexed to the city identified as T25 South, R5 West, W.M., Section 19B, Tax Lots 500, 700, 800, 900, 1000, 1100, 1400, and 1500; T25 South, R5 West, W.M., Section 19BC, Tax Lots 1100 and 1300, which are presently zoned for residential use (RS Suburban Residential) use by Douglas County and shall remain in residential use following annexation and receive a Low Density Residential (R-1) zoning designation under the City of Sutherlin Development Code. The above properties are presently designated RLD (Residential Low Density) on the Sutherlin Comprehensive Plan Map and will remain designated RLD (Residential Low Density) on the City of Sutherlin Comprehensive Plan Map following annexation.

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for properties identified as T25 South, R6 West, W.M., Section 24, Tax Lots 1500, 1800, and 2100; T25 South, R6 West, W.M., Section 24A, Tax Lots 1400, 1600, 2300, 2401, and 2500; T25 South, R5 West, W.M., Section 19CD, Tax Lots 400, 500, 600, 1000, 1100, 1101, and 1102; T25 South, R5 West, W.M., Section 19C, Tax Lots 200, 201, 300, 400, 800, which are presently zoned for rural residential (RR 2 Acre Rural Residential) use by Douglas County, and shall remain in residential use following annexation and receive a Residential Hillside (RH) zoning designation by the City of Sutherlin. The above properties are presently designated RC2 (Committed 2-Acre) on the Douglas County Comprehensive Plan Map and will be designated RH (Residential Hillside) on the City of Sutherlin Comprehensive Plan Map following annexation.

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for properties identified as T25 South, R6 West, W.M., Section 24A, Tax Lots 1700, 1800, 1900, and 2000, which are presently zoned for rural residential (RR 2 Acre Rural Residential) use by Douglas County, and shall remain in residential use following annexation and receive a Residential Low Density (R-1) zoning designation by the City of Sutherlin. The above properties are presently designated RC2 (Committed 2-Acre) on the Douglas County Comprehensive Plan Map and will be designated RLD (Residential Low Density) on the City of Sutherlin Comprehensive Plan Map following annexation.

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for property identified as T25 South, R5 West, W.M., Section 19C, Tax Lot 100, which is presently zoned for resource (FF Farm Forest) use by Douglas County, a portion of which shall be amended to residential use upon annexation and receive a Residential Hillside (RH) zoning designation by the City of Sutherlin. The property is presently designated FFT (Farm Forest Transitional) on the Douglas County Comprehensive Plan Map and portions shall be designated either RH (Residential Hillside) or RLD (Residential Low Density) on the City of Sutherlin Comprehensive Plan Map upon annexation and inclusion in the City of Sutherlin UGB.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

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

SECTION 2. The subject properties legally described in Exhibits A1 and A2, attached hereto and incorporated herein, are hereby removed from the City of Sutherlin Urban Growth Boundary.

SECTION 3. The subject properties legally described in Exhibits B1 and B2, attached hereto and incorporated herein, are hereby added to the City of Sutherlin Urban Growth Boundary.

SECTION 4. The subject properties legally described in Exhibits C1, C2, C3, C4, C5, and C6, attached hereto and incorporated herein, are hereby annexed to the City of Sutherlin.

SECTION 5. The City of Sutherlin Comprehensive Plan Map and Zoning Map are hereby amended as described above and as shown on the maps attached hereto as Exhibits D, E, and F.

SECTION 6. The Urban Growth Boundary Amendment, Comprehensive Plan Map Amendment, Zoning Map Amendment, and Annexation, have been processed pursuant to the Sutherlin Development Code Section 4.11.

SECTION 7. This annexation is made pursuant to the provisions of ORS 222.170 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 8. The annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.

SECTION 9. This annexation and zone change meets the requirements of OAR 660-012-0060 as concluded by the Traffic Impact Analysis for the area completed for the City by Sandow Engineering upon Oregon Department of Transportation review.

SECTION 10. The City Council adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2017 and incorporates that document herein as shown in Exhibit G, except where conditions of approval include that a traffic impact study be required as a condition of future development activity requiring land use approval.

SECTION 11. The Recorder shall make and submit to the Oregon Secretary of State for filing copies of all ordinances, maps and all other instruments required to be filed with the Secretary of State so as to evidence the annexation; the effective date thereof shall be the date upon which said papers are filed with the Secretary of State.

SECTION 12. It is further ordained that all annexed properties, legally described in Exhibits C1, C2, C3, C4, C5, and C6, be withdrawn from the jurisdiction of the

Calapooia Rural Fire Protection District. 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 13. The Recorder shall make and submit to the Douglas County Clerk and the Oregon Department of Revenue for filing copies of all ordinances, maps and all other instruments required to be filed with the Secretary of State so as to evidence the annexation.

APPROVED BY THE MAYOR ON THIS 24TH DAY OF SEPTEMBER, 2018.


Todd McKnight, Mayor

ATTEST:


Diane Harris, CMC, City Recorder

EXHIBIT LIST

EXHIBIT A1	Urban Growth Boundary Removal – Ford’s Pond Area
EXHIBIT A2	City Limits Removal – Mountain View Area
EXHIBIT B1	Urban Growth Boundary Addition Area #1
EXHIBIT B2	Urban Growth Boundary Addition Area #2
EXHIBIT C1	Annexation Area #1
EXHIBIT C2	Annexation Area #2
EXHIBIT C3	Annexation Area #3
EXHIBIT C4	Annexation Area #4
EXHIBIT C5	Annexation Area #4
EXHIBIT C6	Annexation Area #4
EXHIBIT D	Map of UGB Exchange Proposal
EXHIBIT E	Map of Properties to Be Annexed
EXHIBIT F	Map of Proposed City of Sutherlin Zoning
EXHIBIT G	City of Sutherlin Planning Commission Findings of Fact
EXHIBIT H	Memorandum - Corrections

Exhibit "A1"

Urban Growth Boundary – Removal

Ford's Pond Area

City of Sutherlin, Douglas County, Oregon

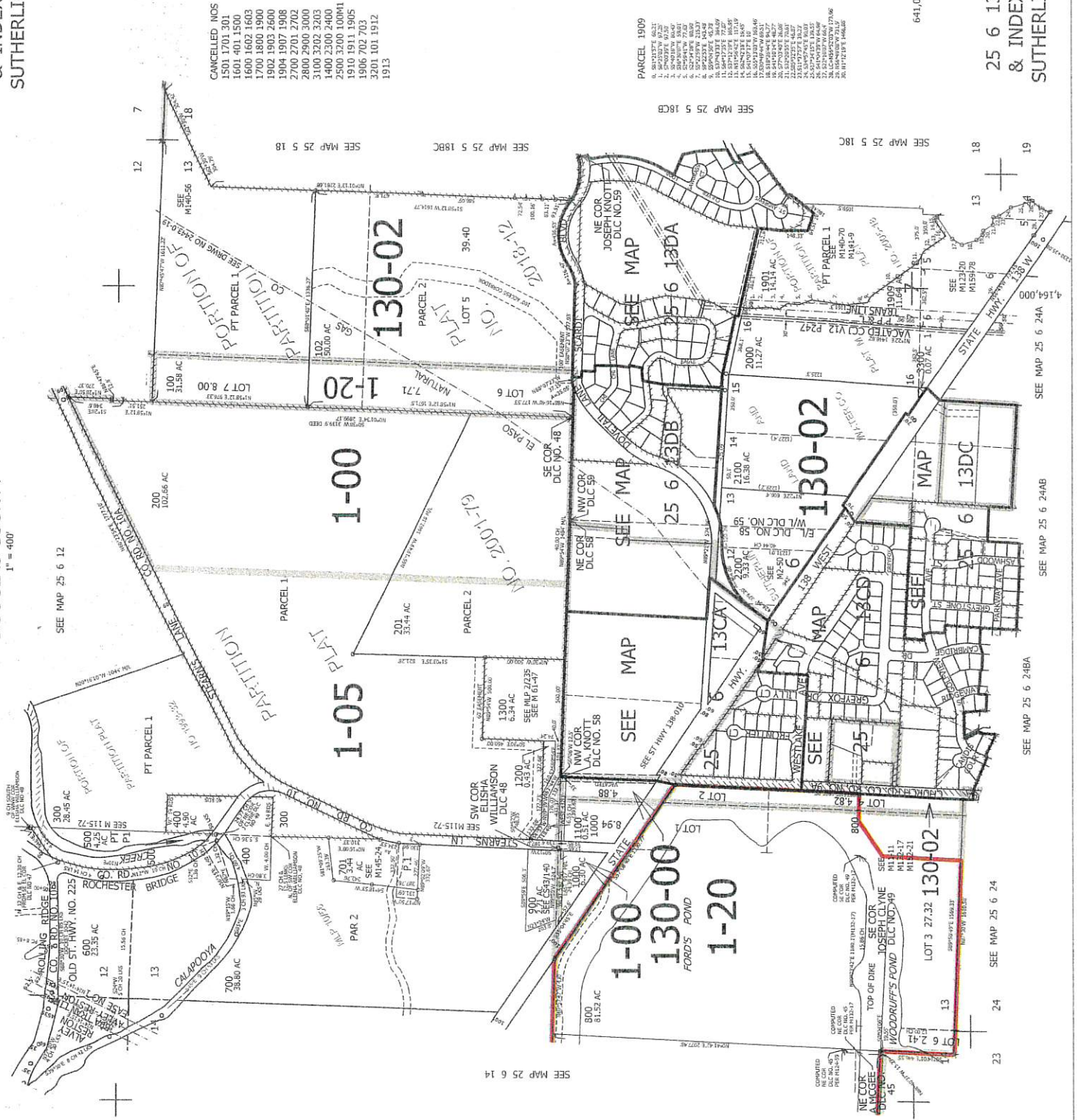
Beginning at a point on the Southerly Right of Way of Oregon State Highway #138 from which the Northwest corner of Donation Land Claim No. 58, Township 25 South, Range 6 West of the Willamette Meridian bears North 2°35'37" East 722.65 feet; Thence along the Westerly Right of Way of Church Road, County Road No. 10, South 00°03'51" West 1149.99 feet more or less to a point, said point being the Northeast corner of a portion of that land described in Instrument #2014-10715 Douglas County, Oregon Deeds and Records being retained within the City Limits of the City of Sutherlin, Douglas County, Oregon; Thence leaving said Westerly Right of Way line of county Road No. 10 and along the Northerly line of said portion, West 172.57 feet more or less to a point; Thence continuing along said boundary of that portion to be retained, South 52°33'41" West 260.49 feet more or less to a point; Thence, South 496.63 feet to a point said point being in the Southerly line of Inst. #2014-10715, the Southeast corner of said Inst. #2014-010715 and that portion being retained in the City Limits bears south 89°50'49" East 378.67 feet more or less from said point; Thence along the Southerly line of Inst. #2014-10715, North 89°50'49" West 1190.66 feet more or less to a point; Thence, North 00°13'31" West 446.72 feet more or less to a point; Thence, North 88°52'05" West 15.27 feet more or less to a point; Thence continuing along said Southerly line, North 88°52'05" West 1622.05 feet to a point in an existing fence line; Thence leaving the existing fence line, South 05°51'56" East 22.06 feet more or less to a point being in Ford's Pond; Thence along the Southerly line of Inst. #2014-10715 being a line Southerly of the existing fence line, North 88°49'41" West 344.34 feet more or less to a point in said existing fence; Thence along said existing fence line and the Southerly line of Inst. #2014-10715, North 88°52'05" West 926.78 feet more or less to a fence corner post; Thence, North 00°30'17" West 1684.88 feet more or less to a point; Thence, South 87°43'30" West 330.46 feet more or less to a point; Thence, North 58°08'31" West 11.90 feet more or less to a point; Thence, North 53°18'00" East 43.44 feet more or less to a point; Thence, North 44°30'00" East 80.52 feet more or less to a point; Thence, North 31°30'00" East 108.24 feet more or less to a point; Thence, North 20°00'00" East 73.92 feet more or less to a point; Thence, North 3°30'00" East 105.60 feet more or less to a point; Thence, South 89°57'47" East 3194.31 feet more or less to a point on the Southerly Right of Way of Oregon State Highway #138; Thence, along said Right of Way, South 57°08'40" East 1330.77 feet more or less to the point of beginning

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SEC.13 T.25S. R.6W. W.M.
DOUGLAS COUNTY

REVISED ON
4-30-18

25 6 13
& INDEX
SUTHERLIN



- CANCELLED NOS
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1601 401 1500
1600 1602 1603
1700 1800 1900
1902 1903 2600
1904 1907 1908
2700 2701 2702
2800 2900 3000
3100 3202 3203
1400 2300 2400
2500 3200 100M1
1910 1911 1905
1906 702 703
3201 101 1912
1913

- PARCEL 1909
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2. 804232 W 92.25
3. 804232 W 92.25
4. 804232 W 92.25
5. 804232 W 92.25
6. 804232 W 92.25
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30. 804232 W 92.25

25 6 13
& INDEX
SUTHERLIN

641,000

25 6 14
SUTHERLIN



Exhibit "A2"

City Limits Removal

Mountain View Area

City of Sutherlin, Douglas County, Oregon

Beginning at a point being the Southeast corner of Block 2, Plat "C", Sutherlin Land and Water Company Subdivision, Douglas County, Oregon Subdivision Plat Records said point being also the Southeast corner of Parcel 1, Partition Plat #2013-0001 A & B, Douglas County, Oregon Partition Plat Records; Thence along the Southerly line of Parcel 1, South 87°56'39" East 1654.11 feet more or less to a point in the Easterly line of the Northeast Quarter of Section 29, Township 25 South, Range 5 West of the Willamette Meridian being also the Easterly line of Parcel 1; Thence along the Easterly line of the Northeast Quarter of Section 29 and Easterly line of Parcel 1, North 01°45'12" East 678.58 feet to a point being the Southeast corner of "Open Space A" per Mountain View Estates PUD, Phase I, Volume 23, Page 25 A & B, Douglas County, Oregon Subdivision Plat Records; Thence leaving said Easterly line of Section 29 and the Easterly line of Parcel 1 and along the Southerly line of "Open Space A" being a common line with Parcel 1, North 88°11'33" West 665.00 feet more or less to the Southwest corner of "Open Space A"; Thence, North 01°45'12" East 654.99 feet more or less along said common line between "Open Space A" and Parcel 1 to a point in the North line of Section 29 being the Northwest corner of said "Open Space A"; Thence along the North line of Section 29, "Open Space A" and Parcel 1, South 88°11'33" East 584.40 feet more or less to a point being the point of intersection of the Easterly line of Parcel 1, Partition Plat #2013-0001 A & B with the Northerly line of "Open Space A" and Northerly line of Section 29; Thence leaving the Northerly line of Section 29 and "Open Space A" and along the Easterly boundary of Parcel 1, North 01°58'50" East 2266.38 feet to a point; Thence, North 02°26'04" East 317.07 feet more or less to a point being the Easterly Northeast corner of Parcel 1 and Southeast corner of Instrument #2005-1512 said County Deeds and Records; Thence along the Northerly line of Parcel 1 and Southerly line of Inst. #2005-1512, North 89°59'52" West 352.60 feet more or less to a point; Thence, North 38°36'17" West 172.91 feet more or less to a point in the Southwesterly line of Instrument #2005-1512 said County Deeds and Records being the Southeast corner of Lot 20, Mountain View Estates, PUD, Phase I, said County Subdivision Plat Records; Thence along the Southeasterly line of Lot 20 and Northerly line of Parcel 1, South 51°22'14" West 119.90 feet more or less to the Southwesterly corner thereof; Thence along the Southwesterly line of Lot 20 and Northerly line of Parcel 1, North 38°37'46" West 10.01 feet more or less to a point in said line being the most Southeasterly corner of the dedicated Right of Way of Mountain View Drive as platted in Mountain View Estates, PUD, Phase I; Thence leaving the Southwesterly line of Lot 20 and along the Southerly line of Mountain View Drive and Northerly line of Parcel 1, South 51°22'14" West 50.00 feet to the Southwesterly corner of dedicated Mountain View Drive being a point in the Northeasterly line of Lot 21, Mountain View Estates, PUD, Phase I; Thence, South 38°37'46" East 50.00 feet along the Northeasterly line of Lot 21 and Northerly line of Parcel 1 to the Southeasterly corner thereof; Thence along the Southeasterly line of Lot 21 and Northerly line of Parcel 1, South 51°22'14" West 84.80 feet more or less to a point being the Southwesterly corner of Lot 21 and also the Southeast corner of Parcel 3, Partition Plat #2013-0001 A & B; Thence along the Southerly line of Parcel 3 and Northerly line of Parcel 1, South 73°40'09" West 234.97 feet more or less to a point; Thence continuing, South 65°33'28" West 308.16 feet more or less to a point; Thence, North 58°11'15" West 213.91 feet more or less to a point being the Southwesterly corner of Parcel 3 and the Southeasterly corner of Instruments #1980-17689 and #1998-16444, said County Deeds and Records; Thence leaving the Southerly line of Parcel 3 and along the Northerly line of Parcel 1 and Southerly line

of Inst. #1980-17689 and #1998-16444, South $51^{\circ}20'35''$ West 384.06 feet to the most Southerly corner of Inst. #1980-17689 and #1998-16444 and being a point on the East line of Block 2, Plat "C" Sutherland Land and Water Company Subdivision; Thence along said Easterly line of Block 2, Plat "C" and the Westerly line of Parcel 1, South $01^{\circ}15'22''$ West 3166.10 feet to the point of beginning.

25 5 20DA
SUTHERLIN

REVISED ON
1-9-13

NE1/4 SEC.20 T.25S. R.5W. W.M.
DOUGLAS COUNTY

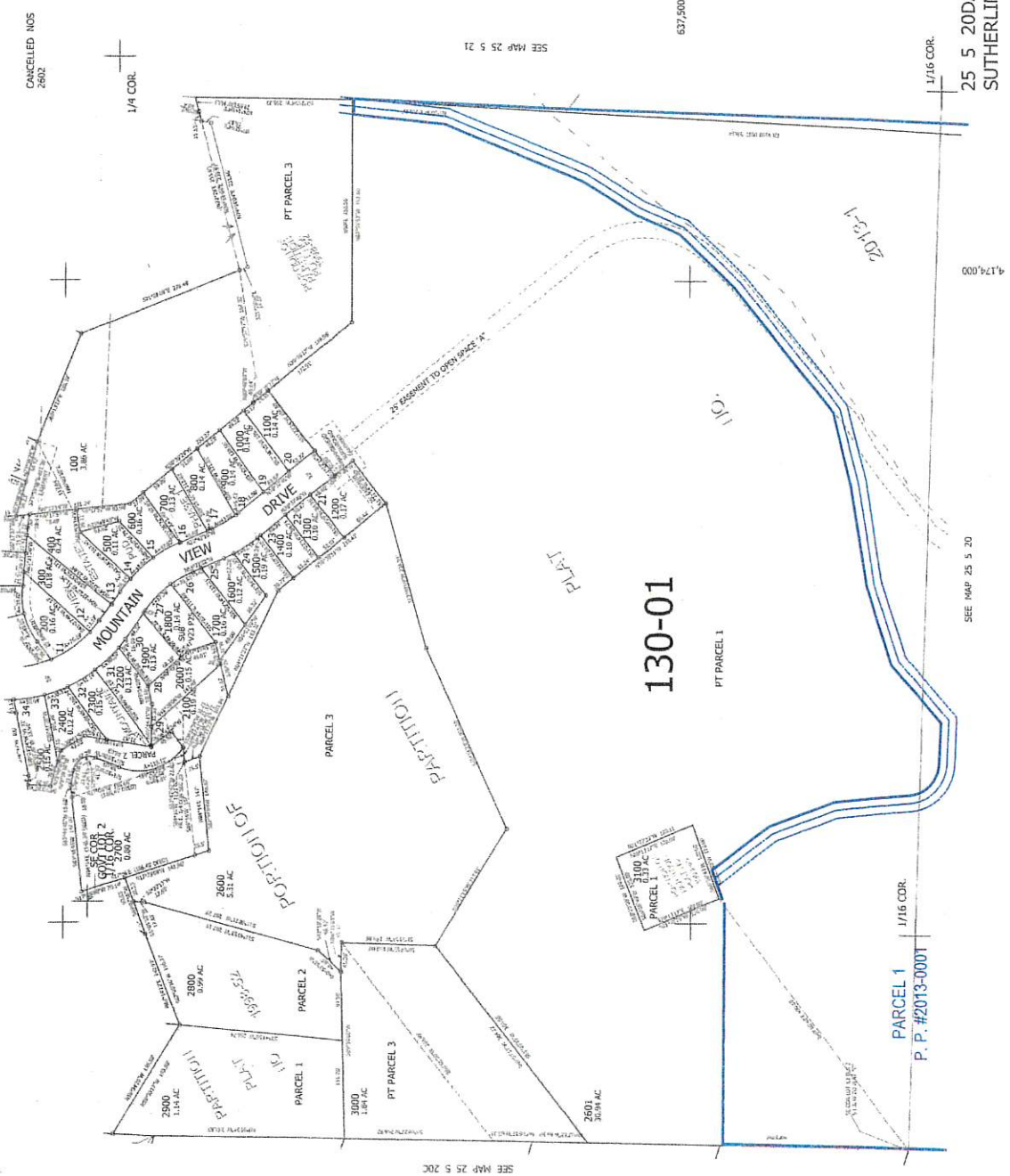
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CANCELED NOS
2602

1" = 100'

SEE MAP 25 5 20ND

SEE MAP 25 5 20C



25 5 20DA
SUTHERLIN

SEE MAP 25 5 20

PARCEL 1
P.P. #2013-0001

1/16 COR.

1/16 COR.

637,500

SEE MAP 25 5 21

SEE MAP 25 5 20C

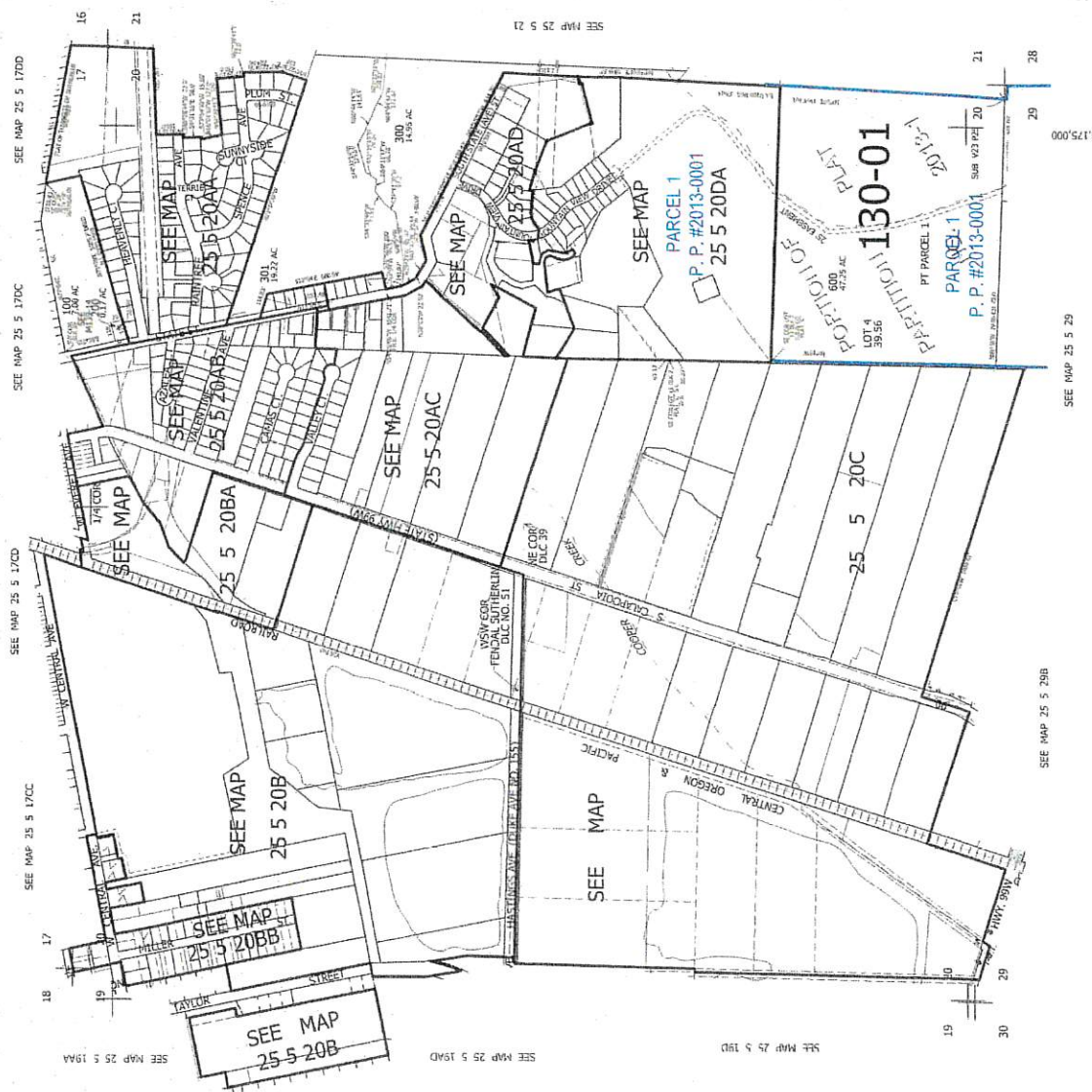
SEC.20 T.25S. R.5W. W.M.
DOUGLAS COUNTY

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& INDEX
SUTHERLIN

CANCELLED NOS
400 401M1 502
503 505 507
300M1 301M1 510
511 500 501
504 505 508
509 512

635.000

25 5 20
& INDEX
SUTHERLIN



SEC.29 T.25S. R.5W. W.M.
DOUGLAS COUNTY

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& INDEX
SUTHERLIN

CANCELLED NOS
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1101

SEE MAP 25 5 28

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25 5 29
& INDEX
SUTHERLIN

4,175,000

SEE MAP 25 5 32A

SEE MAP 25 S 32E

Exhibit "B1"

Urban Growth Boundary Area

City of Sutherlin, Douglas County, Oregon

To include those lands as herein described

Beginning at a point on the City Limits line of the City of Sutherlin, Douglas County, Oregon said point being the Southeast corner of Parcel 2, Land Partition Plat #2001-0098, Douglas County Oregon Partition Plat Records said point being also on the Westerly Right of Way line of Interstate Highway #5 and a point on the South line of Section 19, Township 25 South, Range 5 West Willamette Meridian; Thence leaving said Right of Way line and along the Southerly line of Parcel 2 and Section 19, North 89°52'11"West 504.1 feet more or less to the Southwest corner thereof being a point in the Easterly line of that land described in Instrument #2005-30164, Douglas County, Oregon Deeds and Records; Thence continuing along the South line of Section 19 and crossing Inst. #2005-30164, North 89°52'11"West (rec. West) 225 feet more or less to a point on the Westerly line thereof and being a point on the Easterly line of Instrument #1998-24589 said County Deeds and Records; Thence continuing along said Section line and crossing Inst. #1998-24589, North 89°52'11"West (rec. West) 273.8 feet more or less to the Westerly line thereof being a point on the Easterly line of Instrument #2006-5085 said County Deeds and Records; Thence continuing along said Section line and crossing Inst. #2006-5085, North 89°52'11"West (rec. West) 500.8 feet more or less to a point on the Westerly line thereof; Thence leaving the South line of Section 19 and along the Westerly line of Inst. #2006-5085, North 943 feet more or less to the Southeast corner of that land described in Instrument # 2001-15784, said County Deeds and Records; Thence along the Southerly line of Inst. #2001-15784, West 1150 feet more or less to the Southwest corner thereof being also a point on the West line of Section 19, Township 25 South, Range 5 West and on the East line of Section 24, Township 25 South Range 6 West, Willamette Meridian said point being a point on the East line of Lot 1, Block 3, Plat "M", Sutherlin Land and Water Company Subdivision, Volume 4, Page 67, Douglas County, Oregon, Subdivision Plat Records and being South 00°43'00"West 1777.5 feet from the West one quarter corner of Section 19; Thence along said Range line between Sections 24 and 19 and the common line between Lot 1, Block 3 and Inst. #2001-15784, North 00°43'00" East 700 feet more or less to the Northwest corner thereof being the Southwest corner of Instrument #1971-12052 said County Deeds and Records; Thence continuing, North 0°43'00"East 312.50 feet more or less along said Range line, the West line of that land described in Inst. #1971-12052 and East line of Lot 1, Block 3 Plat "M" to a point being the most Southerly Southeast corner of Lot 1, Block 2, Plat "M", Sutherlin Land and Water Company Subdivision and the most Southerly Southeast corner of Instrument #2000-6491 said County Deeds and Records being a point on the centerline of a 40.0 foot wide roadway as platted in Plat "M", Sutherlin Land and Water Company Subdivision; Thence leaving said line and along said Centerline and Southwesterly line of Instrument #2000-6491, North 57°55'00"West 264.0 feet more or less to the Southwest corner thereof being the Southerly Southeast corner of Instrument #2007-4101 said County Deeds and Records; Thence continuing along said Centerline and the Southwesterly line of Inst. #2007-4101, North 57°55'00"West 133.5 feet more or less to a point being the intersection of the centerline of the 40 foot wide platted roadway and Hasting Avenue, now known as Schudeiski County Road #185 also as platted in Plat "M", Sutherlin Land and Water Company Subdivision; Thence continuing, North 57°55'00" West 20.26 feet more or less to the Northerly Right of Way line of Schudeiski County Road #185 being a point on the Southeasterly boundary of Instrument #1997-4276 said County Deeds and Records; Thence along the Northerly Right of Way line of Schudeiske County Road #185 and the Southeasterly line of Inst. #1997-4276, South 41°14'00" West (rec. deed South 41°14'34"West) 212.4

feet more or less to a point; Thence, South 82°34'00" West (rec. deed South 82°31'33" West) 134.65 feet more or less to a point; Thence, North 22°14'00" West (rec. deed North 22°14'05" West) 107 feet more or less to a point; Thence, North 36°59'00" West (rec. deed North 37°01'06" West) 284.7 feet more or less to a point being the most Westerly corner of Inst. #1997-4276 and being a point on the South line of Instrument #1997-18604 said County Deeds and Records; Thence continuing along the Northerly Right of Way line of Schudeiske County Road #185 and Southerly line of Inst. #1997-18604, North 83°32'00" West (rec. deed North 83°35'55" West) 77.6 feet more or less to the Southwest corner thereof said point being the Southeast corner of Instrument #2015-19391 said County Deeds and Records and being a point on the Westerly line of Lot 3 Block 2, Plat "M", Sutherlin Land and Water Company Subdivision; Thence leaving the Northerly Right of Way line of Schudeiske County Road #185 and along the Westerly line of Lot 3, Block 2 and common line between Inst. #1997-18604 and #2015-19391, North (rec. deed North 1°38'24" East) 386.06 feet more or less to the Northeast corner of Inst. #2015-19391 being also the Southeast corner of Instrument #2007-6195 said County Deeds and Records; Thence leaving the Westerly line of Inst. #1997-18604 and along the common line between Inst. #2015-19391 and #2007-6195, West 372.42 feet more or less to a point on the Northeasterly Right of Way line of Schudeiske County Road #185 said being the Southerly Southwest corner of Inst. #2007-6195; Thence along the Southwesterly line of Inst. #2007-6195 and the Northeasterly line of Schudeiske County Road #185, North 22°35'00" West 109.03 feet more or less to a point; Thence, North 61°39'00" West 196.24 feet more or less to a point; Thence, North 82°53'00" West 100.32 feet more or less to a point; Thence, South 66°32'00" West 135.84 feet more or less to a point; Thence, North 24°15'00" West 39.90 feet more or less to a point; Thence, North 00°09'00" West 173.19 feet more or less to a point; Thence, North 04°07'00" East 245.69 feet more or less to a point in the North line of Lot 4, Block 2 and South line of Lot 8, Block 2 said point being East 20.05 feet more or less from the Northwest corner of Lot 4, Block 2 on the center of Schudeiske County Road #185; Thence continuing along the Easterly line of Schudeiske County Road #185 and along the Westerly line of Inst. #2007-6195, North 04°07'00" East 95.73 feet to a point on the East line of a 30 foot wide dedicated Right of Way as platted in Plat "M", Sutherlin Land and Water Company Subdivision, said 30 foot wide Right of Way being situated over the common line between Lot 8, Block 2, and Lot 1, Block 5 of Plat "M"; Thence leaving the West line of Inst. #2007-6195, North 34°17'00" West 51.05 feet more or less, crossing said 30 foot wide dedicated Right of Way to a point being the Southeast corner of Instrument #1997-9086 said County Deeds and Records, and also the Intersection point of the Westerly Right of Way line of the 30 foot wide dedicated Right of Way and the Northerly line of Schudeiske County Road #185, Thence along the Northerly line of Schudeiske County Road #185 and the Southwesterly line of Inst. #1997-9086, North 34°17'00" West 123.17 feet more or less to a point; Thence, North 66°25'00" West 212.23 feet more or less to a point; Thence, South 69°10'00" West 63.50 feet to a point being the Southwest corner of Inst. #1997-9086 and the Southeast corner of Instrument #1992-21583 said County Deeds and Records; Thence continuing along said Northerly Right of Way and Southwesterly line of Inst. #1992-21583, South 69°10'00" West 145.86 feet more or less to a point; Thence, North 68°11'00" West 103.21 feet more or less to a point; Thence, South 79°53'00" West 124.38 feet more or less to a point; Thence, North 49°33'00" West 29.36 feet more or less to a point; Thence, North 00°40'00" West 78.42 feet more or less to a point; Thence, North 20°48'00" East 146.08 feet more or less to a point; Thence, North 22°09'00" West 90.14 feet more or less to a point; Thence, North 55°24'00" West 80.14 feet more or less to a point; Thence, North 82°46'00" 115.55 feet to a point on the Northerly Right of Way line Schudeiske County Road #185 being the Southwest corner of Inst. #1992-21583 and the Southeast corner of Instrument #2013-7075 said County Deeds and Records; Thence continuing along said Northerly Right of Way line, North 82°46'00" West 292.96 feet more or less to a point; Thence, North 58°08'00" West 177.55 feet more or less to a point; Thence, North 76°25'00" West 124.00 feet more or less to a point; Thence, North 09°05'00" West 198.68 feet to a point on the Northerly Right of Way line of Schudeiske County Road #185, said point

being the Northwest corner of Inst. #2013-7075 and the Southwest corner of Instrument #2016-13152 said County Deeds and Records; Thence continuing along the Northerly Right of Way line and the Westerly line of Inst. #2016-13152, North 83°23'00" West 377.19 feet more or less to the Northwest corner thereof, said point being on the Southerly Right of Way line of Fort McKay County Road # 9, a 60 foot wide Right of Way; Thence leaving the Northerly Right of Way line of County Road #185 and along the Southerly line of County Road #9, South 88°38'00" East 3218.80 feet more or less along the Northerly line of the following Instruments, #2016-13152, #2007-5691, #1997-9086, #2007-6195, #2014-16813 and #2016-17822 said County Deeds and Records to the Westerly line of the 40.0 foot wide Right of Way of Duke County Road #155 as platted in Plat "M", Sutherlin Land and Water Company Subdivision, being the Northeast corner of Lot 5, Block 2, Plat "M", and the Northeast corner of Inst. #2016-17822; Thence leaving the Southerly line of Fort McKay County Road #9 and along the Westerly line of Duke County Road #155 and the Easterly line of Inst. #2016-17822 and Instruments #2016-17822, #2002-17203, #2012-4472 and #1974-7962 said County Deeds and Records, South 01°22'00" West 1256 feet more or less to the Southeast corner Inst. #1974-7962 being also the Southeast corner of Lot 5, Block 2, Plat "M"; Thence continuing along the Westerly line of Duke County Road #155 and the Easterly line of those lands described in Circuit Court Journal Volume 52, Page 824 and Instrument #2007-2370 said County Deeds and Records and Easterly line of Lot 2, Block 2, Plat "M", South 01°22'00" West 286.5 feet more or less to the point of intersection in the Southerly extension of the Westerly line of Duke County Road #155 with the Westerly extension of the Southerly line of Duke County Road #155; Thence leaving the Westerly Right of Way line of Duke County Road #155, North 88°28'00" East 40.0 feet along the Westerly extension of the Southerly Right of Way line of Duke County Road #155 to the Northwest corner of Lot 1, Block 2, Plat "M" being the Northwest corner of Instrument #2007-4101 said County Deeds and Records; Thence along the Southerly line of Duke County Road #155, the Northerly line of Lot 1, Block 2, Plat "M" and the Northerly line of Inst. #2007-4101, North 88°28'00" East 176 feet more or less to the Northeast corner of Inst. and Lot 1, Block 2, Plat "M"; Thence leaving the Southerly line of Duke County Road #155 and along the Easterly line of Lot 1, Block 2 and Inst. #2007-4101, South 00°02'00" East 330 feet more or less to the one quarter corner common to Section 24, Township 25 South, Range 6 West and Section 19, Township 25 South, Range 5 West, Willamette Meridian; Thence continuing along the Easterly line of Lot 1, Block 2 and Inst. #2007-4101 and the common line of Sections 24 and 19, South 00°32'00" West 151.8 feet more or less to the Northwest corner of Instrument #1971-12052 said County deeds and Records; Thence leaving the Easterly line of Lot 1, Block 2, Plat "M", Sutherlin Land and Water Company Subdivision, the common line of Sections 19 and 24 and the Easterly line of Inst. #2007-4101 and along the common line between Instrument's #1971-12052 and #2008-13811 said County Deeds and Records, South 86°44'00" East 356 feet more or less to a point being on the Westerly line of Instrument #2006-24415 said County Deeds and Records; Thence along the common line between Inst. #2006-24415 and Inst. #2008-13811, North 01°27'00" East 73.1 feet more or less to the Northwest corner of Inst. #2006-24415 said point being South 1°27'00" West 440.10 feet more or less from the Southeast corner of Lot 3, Block 1, S. L. & W. Co., Plat "M"; Thence along the Northerly line of Inst. #2006-24415 a portion of the Southerly line of Inst. #2008-13811, the Southerly line of Parcel 2, Partition Plat #2007-0075, Douglas County Partition Plat Records and the Southerly lines of Instruments #2005-18725 and #2012-2172 said County Deeds and Records, East 431.2 feet more or less to the Northeast corner of Inst. #2006-24415, said point being on the Westerly line of a 50 foot wide dedicated Right of Way being Fir Grove Lane as platted in Fir Grove Tracts, Volume 9, Page 20, Douglas County, Oregon Subdivision Plat Records; Thence crossing the 50 foot wide dedicated Right of Way of Fir Grove Lane, North 89°07'00" East 50 feet to a point on the Easterly line of Fir Grove Lane being on the Westerly line of Instrument #2000-23294 said County Deeds and Records being Lot 4, Fir Grove Tracts and a point in the current Urban Growth Boundary of the City of Sutherlin, Douglas County, Oregon; Thence along the Westerly line of Inst. #2000-23294 and Lot 4, Fir

Grove Tracts and the current Urban Growth Boundary line, South $00^{\circ}53'00''$ East 38.7 feet more or less to the Northwest corner of Inst. #2005-19683 being the Northwest corner of Lot 5, Fir Grove Tracts; Thence leaving the Easterly line of Fir Grove Lane and along the North line of Lot 5 following the current Urban Growth Boundary line, East 311.1 feet more or less to the Northeast corner thereof and being a point in the Westerly line of Instrument #2006-5085 said County Deeds and Records; Thence continuing along the current Urban Growth Boundary line, the Westerly line of Inst. #2006-5085 and Easterly line of Inst. #2000-23294, North 50.5 feet more or less to the Northwest corner of Inst. #2006-5085, Thence leaving said Easterly line of Inst. #2000-23294 and Lot 4, Fir Grove Tracts and along the Northerly line of Inst. #2006-5085 following the current Urban Growth Boundary line of the City of Sutherlin, Douglas County, Oregon, East 500.8 feet more or less to the Northeast corner of Inst. #2006-5085 being a point on the Westerly line of Instrument #1995-16363 said County Deeds and Records, said point being West 498.8 feet and North 3682.2 feet from the Southeast corner of Donation Land Claim #53, Township 25 South, Range 5 West, Willamette Meridian; Thence along the Easterly line of Inst. #2006-5085 and Westerly line of Inst. #1995-16363, South 16.5 feet more or less to a point being the Northwest corner of Instrument #2003-6218 said County Deeds and Records; Thence continuing Southerly along the Easterly line of Inst. #2006-5085 and the Westerly lines of Instrument's #2003-6218, #2003-6219, #2015-8457, Inst. #2015-8457, #1999-29060, #1993-10054, #1993-10053, #2015-3532, #2006-5085, #2011-14811 and #2000-19990 said County Deeds and Records South 1247.6 feet more or less to the Southwest corner of Inst. #2000-19990 being the Northwest corner of Instrument #1998-11492 said County Deeds and Records; Thence continuing along the current Urban Growth Boundary line of the City of Sutherlin, Douglas County, Oregon and the Northerly line of Instrument #1998-11492, North $89^{\circ}31'00''$ East 481.8 feet more or less to the Northeast corner thereof being also a point on the Westerly line of Parcel 6, Instrument #1999-5574 said County Deeds and Records; Thence continuing along said current Urban Growth Boundary line, a portion of the Easterly line of Instrument #1998-11492 and Westerly line of Parcel 6, Instrument #1999-5574, South $00^{\circ}27'00''$ East 83 feet more or less to the Southwest corner of Parcel 6, Inst. #99-5574; Thence leaving the Easterly line of Inst. #1998-11492 and along the current Urban Growth Boundary line and Southerly line of Parcel 6, Inst. #1999-5574, East 207 feet more or less to the Southeast corner thereof being on the Westerly Right of Way line of Interstate Highway #5; Thence along the Westerly Right of Way line of Interstate Highway #5, the Easterly line of Instrument #1988-14078 and #2002-26640, said County Deeds and Records and the current Urban Growth Boundary line 308 feet more or less along the Arc of a spiral curve to the left, said curve having a Long Chord which bears South $20^{\circ}31'51''$ East 308 feet more or less to the Southeast corner of Inst. #2002-26640, said point being the point of intersection of the Northerly line of a 48 foot wide Deeded Right of Way per Volume 24, Page 387, Douglas County, Oregon Deeds and Records and the Westerly Right of Way line of Interstate Highway #5; Thence continuing along said current Urban Growth Boundary line and the Westerly Right of Way line of Interstate Highway #5 along the Arc of a spiral curve to the left, said curve having a Long Chord which bears South $22^{\circ}37'10''$ East 52.9 feet more or less to the intersection of the Southerly line of said 48 foot wide deeded Right of Way with the Westerly line of Interstate Highway #5, said point being the Northeast corner of Instrument #2004-20863 said County Deeds and Records; Thence continuing along the current Urban Growth Boundary line, the Westerly Right of Way line of Interstate Highway #5 and along the Easterly line of Inst. #2004-20863 on the Arc of a spiral curve to the left, said curve having a Long Chord which bears South $24^{\circ}17'55''$ East 195 feet more or less to the Northeast corner of Parcel 3, Partition Plat #2001-0098, Douglas County, Oregon Partition Plat Records being recorded in Instrument #2001-28369 said County Deeds and Records; Thence continuing along the current Urban Growth Boundary line, the Easterly line of Parcel 3 and the Westerly Right of Way line of Interstate Highway #5 on the Arc of a spiral curve to the left, said curve having a Long Chord which bears South $26^{\circ}48'46''$ East 176.2 feet more or less to a point being Interstate Highway #5 Station 1835+43.61 Right 125.00 feet; Thence continuing on the Arc

of a spiral curve to the left, said curve having a Long Chord which bears South $29^{\circ}52'58''$ East 343.5 feet more or less to a point being Interstate Highway #5 Station 1838+80.00 125 feet Right and being the most Easterly Southeast corner of said Parcel 3, Partition Plat #2001-0098; Thence continuing along the current Urban Growth Boundary line, the Southeasterly line of Parcel 3 and the Westerly Right of Way of Interstate Highway #5, South $58^{\circ}44'30''$ West 194.50 feet more or less to the Southerly Southeast corner of said Parcel 3 being also the Northeast corner of Parcel 2 of said Land Partition Plat and an angle point in the Westerly Right of Way of Interstate Highway #5; Thence along the East line of Parcel 2, Partition Plat #2001-0098, the Westerly Right of Way line of Interstate Highway #5 and the current Urban Growth Boundary line, South $01^{\circ}15'42''$ West 181 feet more or less to the Southeast corner of Parcel 2 being a point on the Westerly Right of Way line of Interstate Highway #5 and the point of beginning.

Exhibit "B2"

Urban Growth Boundary Area (Glazner)

City of Sutherlin, Douglas County, Oregon

Beginning at a point on the centerline of Northeast 6th Avenue, said point being an angle point in the current City Limits Line of the City of Sutherlin, Douglas County, Oregon and being North $89^{\circ}42'50''$ East 309.61 feet, and South $01^{\circ}07'05''$ East 1020.65 feet from the Northwest corner of Section 15, Township 25 South, Range 5 West of the Willamette Meridian; Thence leaving said City Limits Line, North $01^{\circ}07'05''$ West 31.20 feet to a point on the Northerly Right of Way line of Northeast 6th Avenue being also the Southeast corner of that land described in Instrument #2013-10795, Douglas County, Oregon Deeds and Records; Thence along the Easterly line of Inst. #2013-10795, North $01^{\circ}07'05''$ West 500.00 feet to a point; Thence leaving said Easterly line, South $78^{\circ}42'51''$ West 126.38 feet to a point on the Westerly line of Inst. #2013-10795 being also a point on the current City Limits Line of the City of Sutherlin, Douglas County, Oregon; Thence along the Westerly boundary of Inst. #2013-10795 and the current City Limits Line, South $00^{\circ}26'31''$ East 504.22 feet to the Northerly Right of Way line of Northeast 6th Avenue and the Southwest corner of Instr. #2013-10795; Thence continuing along the current City Limits Line, South $00^{\circ}26'31''$ East 30.55 feet to a point in the centerline of Northeast 6th Avenue being an angle point in the current City Limits Line; Thence along the centerline of Northeast 6th Avenue and the current City Limits Line, North $78^{\circ}42'51''$ East 109.90 feet to an angle point in the current City Limits Line; Thence continuing along said centerline and current City Limits Line, North $72^{\circ}56'51''$ East 23.4 feet more or less to the point of beginning.

25 5 15B

SEE MAP 25 5 10

14 COR

SEE MAP 25 5 16A

INST. #2013-10
ANNEXATION
AREA B-2

SEE MAP 25 5 16AD

SEE MAP 25 5 15A

643,000

SEE MAP 25 5 15C

4,183,000

25 5 15B

Exhibit "C1"

Annexation Area #1

City of Sutherlin, Douglas County, Oregon

Beginning at a point in the current City Limits line of the City of Sutherlin, Douglas County, Oregon said point being the Southeast corner of Parcel 2, Land Partition Plat #2001-0098, Douglas County Oregon Partition Plat Records and being also on the Westerly Right of Way line of Interstate Highway #5 and a point on the South line of Section 19, Township 25 South, Range 5 West, Willamette Meridian; Thence leaving said Right of Way line and along the South line of Parcel 2 and Section 19, North 89°52'11" West 504.1 feet more or less to the Southwest corner of Parcel 2 being a point in the Easterly line of that land described in Instrument #2005-30164, Douglas County, Oregon Deeds and Records; Thence continuing along the South line of Section 19 and crossing Inst. #2005-30164, North 89°52'11" West (rec. West) 225 feet more or less to a point being on the Westerly line of that land described in Parcel 1, Inst. #2005-30164 said County Deeds and Records; Thence, North 00°25'00" West 918.55 feet more or less to a point on the Southerly line of Instrument #1998-11492 said County Deeds and Records; Thence along said Southerly line of Inst. #1998-11492 and Northerly line of Inst. #1998-24589, South 63°40'00" West 123.46 feet more or less to an angle point in the Southerly line of Inst. #1998-11492; Thence continuing, South 85°32'00" West 164.6 feet more or less to the Southwest corner of Inst. #1998-11492, the Northwest corner of Inst. #1998-24589 and a point on the Easterly line of Instrument #2006-5085 said County Deeds and Records; Thence Southerly along the Easterly line of Inst. #2006-5085 and Westerly line of Inst. #1998-24589, South 00°25'00" East 851 feet more or less to the South line of Section 19; Thence along said South Section line and crossing Instrument #2006-5085, North 89°52'11" West (rec. West) 500.8 feet more or less to a point in the Westerly line thereof; Thence leaving the South line of Section 19 and along the Westerly line of Inst. #2006-5085, North 1803 feet more or less to the Southeast corner of the North ½ of Lot 12, Fir Grove Tracts, Volume 9, Page 20, Douglas County, Oregon Subdivision Plat Records also being the Southeast corner of Instrument # 2015-19427 said County Deeds and Records; Thence leaving said Easterly line of Fir Grove Tracts, the Westerly line of Inst. #2006-5085 and along the Southerly line of Inst. #2015-19427, West 297.3 feet more or less to the Southwest corner of Inst. #2015-19427 being a point on the Easterly Right of Way line of Fir Grove Lane; Thence along the Easterly line of Fir Grove Lane and Westerly line of Instruments #2015-19427, #2005-11322 and #2005-19683 said County Deeds and Records, North 00°53'00" West 750 feet more or less to a point being the Northwest corner of Lot 5, Fir Grove Tracts; Thence leaving said Easterly Right of Way line and along the Northerly line of Lot 5, Fir Grove Tracts, East 311.1 feet more or less to the Northeast corner thereof being a point on the Easterly line of Fir Grove Tracts and on the Westerly line of Inst. #2006-5085; Thence along the Easterly line of Fir Grove Tracts and Westerly line of Inst. #2006-5085, North 00°10'00" West (rec. deed North) 50.5 feet more or less to the Northwest corner of Inst. #2006-5085; Thence leaving the Easterly line of Fir Grove Tracts and along the Northerly line of Inst. #2006-5085, East 500.8 feet more or less to the Northeast corner thereof said point being on the Westerly line of Instrument #1995-16363 said County Deeds and Records and being West 498.8 feet and North 3682.2 feet from the Southeast corner of Donation Land Claim #53, Township 25 South, Range 5 West, Willamette Meridian; Thence along the Easterly line of Inst. #2006-5085 and the Westerly lines of Instrument's #1995-16363, #2003-6218, #2003-6219, #1999-29060, #1993-10054, #1993-10053, #2015-3532, #2011-14811 and #2000-19990 said County Deeds and Records, South 1247.6 feet more or less to the Northwest corner of Instrument #1998-11492 said County Deeds and Records being the Southwest corner of Inst. #2000-19990; Thence leaving said Easterly line of Inst. #2006-5085 and along the Northerly line of Inst. #1998-11492, North 89°31'00" East 481.8 feet more or less to the Northeast corner thereof being also a point

in the Westerly line of Parcel 6, Instrument #1999-5574 said County Deeds and Records; Thence along a portion of the Easterly line of Inst. #1998-11492 and Westerly line of Parcel 6, Inst. #99-5574 of said County Deeds and Records, South 0°27' 00" East 83 feet more or less to the Southwest corner of Parcel 6, Inst. #1999-5574; Thence leaving the Easterly line of Inst. #1998-11492 and along the Southerly line of Parcel 6, Inst. #1999-5574, East 207 feet more or less to the Southeast corner thereof being on the Westerly Right of Way line of Interstate Highway #5; Thence along the Westerly Right of Way line of Interstate Highway #5 and the Easterly line of Instrument's #1988-14078 and #2002-26640 said County Deeds and Records 308 feet more or less along the Arc of a spiral curve to the left, said curve having a Long Chord which bears South 20°31'51" East 308 feet more or less to the Southeast corner of Inst. #2002-26640 said point being the point of intersection of the Northerly line of a 48 foot wide Deeded Right of Way per Volume 74, Page 387, Douglas County, Oregon Deeds and Records and the Westerly Right of Way line of Interstate Highway #5; Thence leaving said Westerly Right of Way line and along the Southerly line of Inst. #2002-26640 and Northerly line of the deeded 48 foot wide Right of Way, West 315.13 feet more or less to the Westerly end of the Northerly Right of Way line and the Easterly line of Inst. #1998-11492; Thence leaving said Northerly Right of Way line and along the Easterly line of Inst. #1998-11492 and Parcel 1, Inst. #2005-30164 being the Westerly end of the 48 foot wide Right of Way and Westerly line of Instrument #1965-6699, South 090°25'00" East 223 feet more or less to the Southwest corner of Inst. #1965-6699; Thence Leaving said Westerly lines and along the Southerly line of Inst. #1965-6699, East 188 feet more or less to the Southeast corner thereof being the Southwest corner of Instrument #2004-20863 said County Deeds and Records; Thence along the common line between Inst. #1965-6699 and #2004-20863, North 175 feet more or less to the Northeast corner of Inst. #1965-6699 and being a point on the Southerly line of the 48 foot wide deeded Right of Way; Thence along said Southerly line and the Northerly line of Inst. #2004-20863, East 147.47 feet more or less to the Northeast corner thereof being a point on the Westerly Right of Way line of Interstate Highway #5; Thence leaving said Northerly line and along the Westerly Right of Way line of Interstate Highway #5 and along the Easterly line of Instrument #2004-20863 on the Arc of a spiral curve to the left, said curve having a Long Chord which bears South 24°17'55" East 195 feet more or less to the Northeast corner of Parcel 3, Partition Plat #2001-0098, Douglas County, Oregon Partition Plat Records; Thence continuing along the Easterly line of Parcel 3 and the Westerly Right of Way line of Interstate Highway #5 on the Arc of a spiral curve to the left, said curve having a Long Chord which bears South 26°48'46" East 176.2 feet more or less to a point being Interstate Highway #5 Station 1835+43.61 Right 125.00 feet; Thence continuing along the Easterly line of Parcel 3 and the Westerly Right of Way line of Interstate Highway #5 on the Arc of a spiral curve to the left, said curve having a Long Chord which bears South 29°52'58" East 343.5 feet more or less to a point being Interstate Highway #5 Station 1838+80.00 125 feet right and being the most Easterly Southeast corner of said Parcel 3, Partition Plat #2001-0098; Thence continuing along the Southeasterly line of Parcel 3 and the Westerly Right of Way of Interstate Highway #5, South 58°44'30" West 194.50 feet more or less to the Southerly Southeast corner of said Parcel 3 being also the Northeast corner of Parcel 2 of said Land Partition Plat and an angle point in the Westerly Right of Way line of Interstate Highway #5; Thence along the East line of Parcel 2, Partition Plat #2001-0098 and the Westerly Right of Way line of Interstate Highway #5, South 01°15'42" West 181 feet more or less to the Southeast corner of Parcel 2 being a point on the Westerly Right of Way line of Interstate Highway #5 and the point of beginning.

25 5 19CD
SUTHERLIN

25 5 19CD
SUTHERLIN

Exhibit "C2"

Annexation Area #2

City of Sutherlin, Douglas County, Oregon

Beginning at the Northeast corner of Instrument #2007-4101, Douglas County, Oregon Deeds and Records, said point being South 00°02'00" East 20 feet from the Northeast corner of Lot 1, Block 2, Plat "M" Sutherlin Land And Water Company Subdivision, Volume 4, Page 67, Douglas County, Oregon Subdivision Plat Records on the Southerly Right of Way of Duke County Road No. 155, said point also being the Northwest corner of Parcel 1, Partition Plat No. 1999-0102, Douglas County, Oregon Partition Plat records; Thence along the Northerly line of Lot 1, Block 2 and Inst. #2007-4101 and the Southerly Right of Way line of Duke County Road, North 88°28'00" East 375.13 feet to the Northeast corner of Parcel 1; Thence, South 00°54'01" West 414.44 feet along the common line between Parcel 1 and 2, Partition Plat No. 1999-0102 to a point being the Southwest corner of Parcel 2, said point being a point in the North line of Instrument #2006-24415; Thence along the North line of Inst. #2006-24415 and the Southerly line of Parcel 1, North 89°05'28" West 24.62 feet to a point being the Northwest corner of Inst. #2006-24415; Thence along the Westerly line of Inst. #2006-24415 and the most Southern Easterly boundary of Parcel 1, South 02°25'57" West 73.09 feet to the Southerly Southeast corner of Parcel 1 being also the Northeast corner of Inst. #1971-12052 and being a point on the Westerly line of Instrument #2006-24415 of said County Records; Thence along the Easterly line of Inst. #1971-12052 and the Westerly line of Inst. #2006-24415 and Inst. #2007-19673 said County Deeds and Records, South 01°27'00" West 809.6 feet more or less to the Southeast corner of Inst. #1971-12052 being the Southwest corner of Inst. #2007-19673, said point being a point in the Northerly line of Instrument #2001-15784 said County Deeds and Records; Thence along the Southerly line of Inst. #1971-12052 and a portion of the Northerly line of Inst. #2001-15784, South 87°09'00" West 322 feet more or less to the Southwest corner of Inst. #1971-12052 and Northwest corner of Inst. #2001-15784, said point being a point in the Easterly line of Lot 1, Block 3, Plat "M", Sutherlin Land and Water Company Subdivision Plat; Thence along the East line of Lot 1, Block 3, Plat "M" and a portion of the East line of Lot 1, Block 2, Plat "M" North 00°32'00" East 563.2 feet more or less to a point being the Northeast corner of Instrument #2000-6491, Southeast corner of Inst. #2007-4101 and a point on the Westerly line of Inst. #1971-12052 all of said County Deeds and Records, Thence leaving the Easterly line of Lot 1, Block 2 and along the Southerly line of Inst. #2007-4101 and Northerly line of Instrument #2000-6491, North 88°28'00" West 184 feet more or less to the Northwest corner of Inst. #2000-6491; Thence continuing along the common line between Instrument's #2007-4101 and #2000-6491, South 19°48'00" West 111.2 feet more or less to a point on the Northerly Right of Way line of a 40 foot wide roadway as platted in Plat "M", Sutherlin Land and Water Company Subdivision and also being the Southwest corner of Inst. #2000-6491 and the Southerly Southeast corner of Inst. #2007-4101; Thence leaving the Westerly line of Inst. #2000-6491 and along the Southerly line of Inst. #2007-4101 and Northeasterly line of the platted 40 foot roadway, North 57°55'00" West 133.5 feet more or less to the Southwest corner of Inst. #2007-4101 said point being the intersection point of the Northeasterly line of the platted 40 foot wide Right of Way and the Easterly line of Duke County Road No. 155; Thence along the Westerly line of Inst. #2007-4101 and Easterly line of Duke County Road, North 33°05'00" East 279.9 feet more or less to an angle point; Thence continuing, North 01°22'00" East 645.0 feet more or less to the Northwest corner of Inst. #2007-4101; Thence along the Northerly line of Inst. #2007-4101, North 88°28'00" East 176.0 feet more or less to the point of beginning.

REVISED ON
1-4-17

SEC. 24 T. 25S. R. 6W. W.M.
DOUGLAS COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

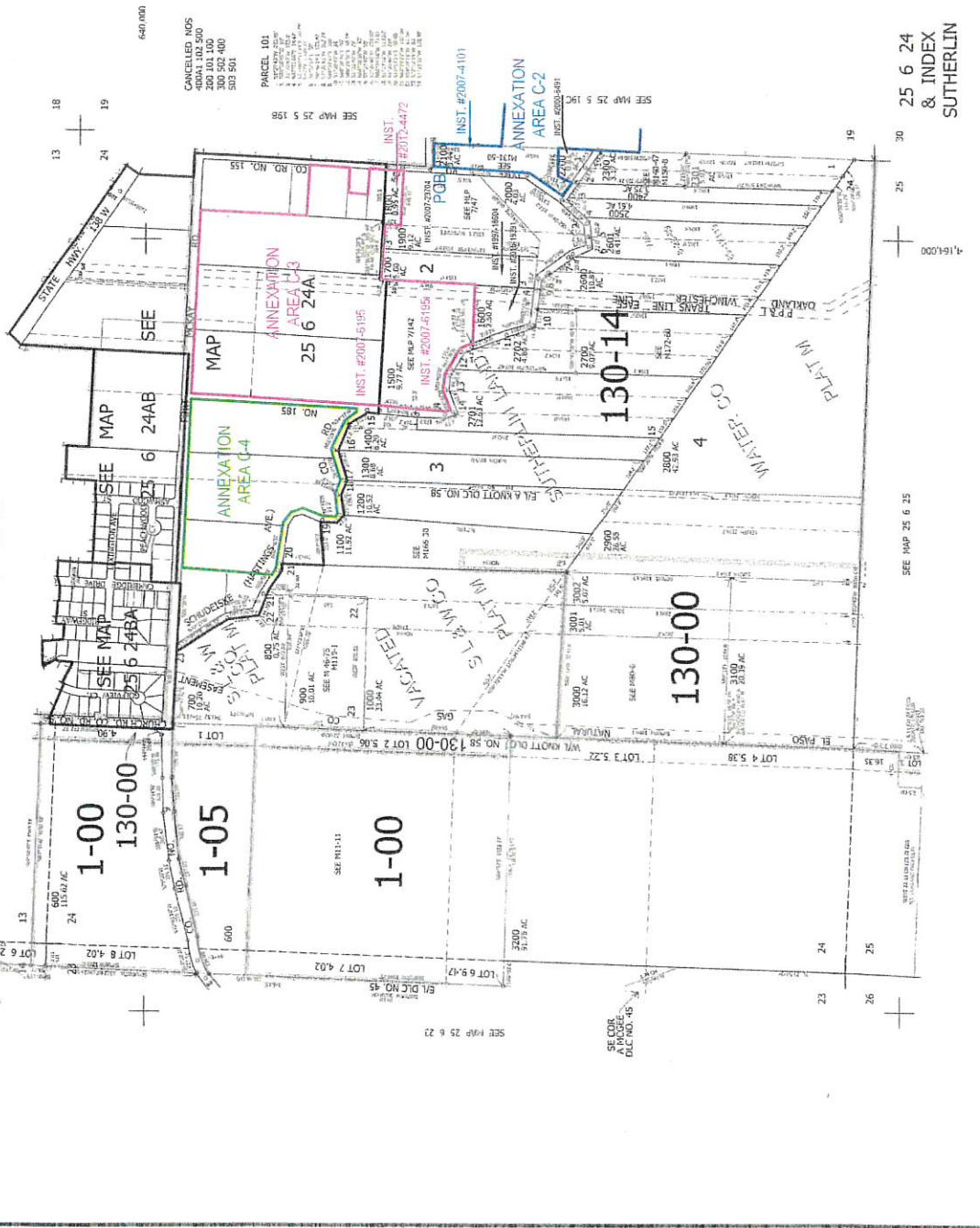
25 6 24
& INDEX
SUTHERLIN

SEE MAP 25 6 13

SEE MAP 25 6 13CD
1" = 400'

SEE MAP 25 6 13

SEE MAP 25 6 23



25 6 24
& INDEX
SUTHERLIN

SEE MAP 25 6 25

4.161,000

Exhibit "C3"

Annexation Area #3

City of Sutherlin, Douglas County, Oregon

Beginning at a point on the Southerly line of Fort McKay County Road No. 9, a 60 foot wide Right of Way said point being the Northwest corner of Instrument #2007-6195, Douglas County, Oregon Deeds and Records and is situated on the West line of Lot 8, Block 2, Plat "M" Sutherlin Land and Water Company Subdivision, Volume 4, Page 67, Douglas County, Oregon Subdivision Plat Records, said point being South 01°22'00" West 30.0 feet from the Northwest corner of Lot 8, Block 2, Plat "M"; Thence along the Southerly Right of Way line of County Road No. 9 and Northerly lines of Instruments #2007-6195 and #2014-16813 said County Deeds and Records, South 88°38'00" East 1192.6 feet more or less to a point being on the Easterly line of Lot 6, Block 2, Plat "M", said point being South 01°22'00" West 30.00 feet from the Northeast corner of Lot 6 and also being the Northeast corner of Inst. #2014-16813; Thence leaving said Southerly Right of Way line of County Road #9 and along the Easterly line of Inst. #2014-16813 and the Westerly lines of Instruments #2016-17822 and #2002-17203 said County Deeds and Records being also the common line between Lots 6 and 5, Block 2, South 01°22'00" West 747.48 feet more or less to the Southwest corner of Inst. #2002-17203; Thence leaving the Easterly line of Inst. #2014-16813 and along the common line between Inst. #2002-17203 and that certain property described in Instrument #76-15695, South 88°38'00" East 330.00 feet more or less to the Westerly Right of Way line of a 40 foot wide roadway being Duke County Road #155; Thence along the Westerly Right of Way line of Duke County Road #155 and the Easterly line of that land described in Instrument #76-15695, South 01°22'00" West 258.6 feet more or less to the Southeast corner thereof; Thence leaving the Westerly Right of Way of Duke County Road #155 and along the common line between Instrument #2012-4472 said County Deeds and Records and that land described in Instrument #76-15695, North 88°38'00" West 163.00 feet more or less to the Northwest corner of Inst. #2012-4472; Thence along the Westerly line of Inst. #2012-4472, South 01°22'00" West 138.92 feet more or less to the Southwest corner thereof being a point in the North line of that land described in Instrument #1976-12805 said County Deeds and Records; Thence along the common line between Inst. #1976-12805 and Inst. #2012-4472, South 88°38'00" East 163.00 feet more or less to the Westerly Right of Way of Duke County Road #155; Thence along said Westerly Right of Way line and the Easterly line of Inst. #1976-12805, South 01°22'00" West 110 feet more or less to the Southeast corner thereof being the Southeast corner of Lot 5, Block 2, Plat "M"; Thence continuing along said Westerly Right of Way line of County Road #155 and the Easterly line of that land described in Instrument #2012-4472, South 01°22'00" West 120 feet more or less to the Southeast corner thereof; Thence leaving said Westerly Right of Way line and along the Southerly line of that land described in Instrument #2012-4472 and the Northerly line of Instrument #2007-23704 said County Deeds and Records, North 88°38'00" West 345.47 feet more or less to a point being the Southwest corner of that land described in Instrument #2012-4472; Thence along the Westerly line of said land and a portion of the Easterly line of Inst. #2007-23704, North 01°20'28" East 120.03 feet more or less to a point on the Northerly line of Inst. #2007-23704 also being a point in the South line of Lot 6, Block 2 and on the Southerly line of Inst. #2014-16813; Thence along the Northerly line of Inst. #2007-23704, Instrument #1997-18604 and the Southerly line of Inst. #2014-16813 and a portion of the Southerly line of Parcel 1, #2007-6195, North 88°38'00" West 379.7 feet more or less to the Northwest corner of Inst. #1997-18604 said County Deeds and Records said point being the internal angle point in the Southerly line of Lot 7, Block 2, Plat "M"; Thence, South 01°22'00" West 40 feet more or less to the Southerly Southeast corner of Lot 7 and Northeast corner of Lot 4, Block 2 Plat "M" and being a point on the Easterly line of Inst. #2007-6195; Thence continuing along the Easterly line of Inst.

#2007-6195 and the Westerly line of Inst. #1997-18604, South $01^{\circ}22'00''$ West 608.4 feet more or less to the Northeast corner of that land described in Instrument #2015-19391 said County Deeds and Records; Thence leaving the Westerly line of Inst. #1997-18604 and along the Northerly line of Inst. #2015-19391 being also the Southerly line of Inst. #2007-6195, West 372.4 feet more or less to a point on the Northeasterly Right of Way line of Schudeiski County Road No. 185 said point being the Southwest corner of Inst. #2007-6195; Thence along the Southwesterly line of said Instrument and the Northeasterly line of Schudeiski County Road No. 185, North $22^{\circ}35'00''$ West 109.03 feet more or less to a point; Thence, North $61^{\circ}39'00''$ West 196.24 feet more or less to a point; Thence, North $82^{\circ}53'00''$ West 100.32 feet more or less to a point; Thence, South $66^{\circ}32'00''$ West 135.84 feet more or less to a point; Thence, North $24^{\circ}15'00''$ West 39.90 feet more or less to a point; Thence, North $00^{\circ}09'00''$ West 173.19 feet more or less to a point; Thence, North $04^{\circ}07'00''$ East 245.69 feet more or less to a point in the North line of Lot 4 and South line of Lot 8, Block 2 said point being East 20.05 feet more or less from the Northwest corner of Lot 4, Block 2 being in the center of Schudeiski County Road No. 185; Thence continuing along the Northeasterly line of Schudeiski County Road No. 185 and along the Westerly line of Instrument #2007-6195, North $4^{\circ}07'00''$ East 95.73 feet more or less to a point on the East line of a 30 foot wide dedicated Right of Way as platted in Plat "M", Sutherlin Land and Water Company Subdivision said roadway being situated over the common line between Lot 8, Block 2, and Lot 1 Block 5, Plat "M"; Thence continuing along the Westerly line of Inst. # 2007-6195 being the Easterly line of said 30 foot wide Right of Way, North $05^{\circ}46'53''$ East 107 feet more or less to a point; Thence, North $01^{\circ}22'00''$ East 1062.3 feet more or less to the Northwest corner thereof being the point of beginning.

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& INDEX
SUTHERLIN

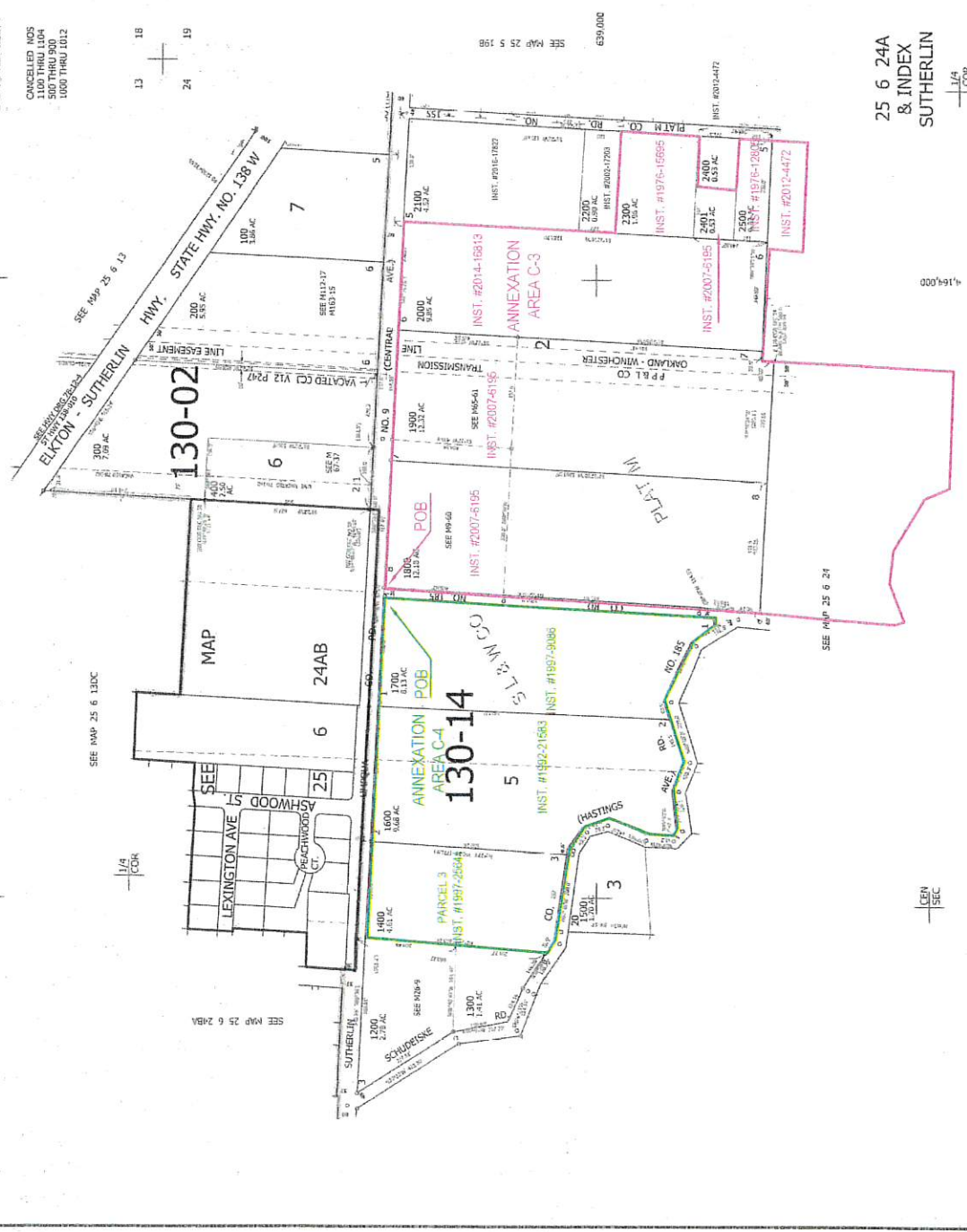
REVISED ON
6-25-14

NE 1/4 SEC. 24 T. 25S. R. 6W. W.M.
DOUGLAS COUNTY
1" = 200'

CANCELLED NOS
100 THRU 104
500 THRU 504
1000 THRU 1012

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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.



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& INDEX
SUTHERLIN
1/4 COR

Exhibit "C4"

Annexation Area #4

City of Sutherlin, Douglas County, Oregon

Beginning at a point on the Easterly line of Lot 1, Block 5, Plat "M", Sutherlin Land and Water Company Subdivision, Volume 4, Page 67, Douglas County, Oregon Subdivision Plat Records as also described in Instrument #1997-9086, Douglas County, Oregon Deeds and Records said point being South 01°22'00" West 30.00 feet from the Northeast corner of Lot 1, Block 5 and being the intersection of the Westerly Right of Way line of the dedicated 30 foot wide portion of County Road #185 with the Southerly Right of Way line of Fort McKay County Road No. 9; Thence along the Westerly line of the 30 foot wide portion of County Road No. 185, South 01°22'00" West 1060.48 feet more or less to the Southeast corner of Inst. #1997-9086 said point being the intersection point of the Westerly Right of Way line of the 30.0 foot portion of County Road #185 and the Northeasterly line of the 40.0 foot wide Right of Way of Schudeiske County Road No. 185, Thence continuing along the Northeasterly line of Schudeiski County Road No. 185 and along the Southerly line of Inst. #1997-9086, South 08°10'00" West 67.58 feet more or less to a point; Thence, North 34°17'00" West 123.17 feet more or less to a point; Thence, North 66°25'00" West 212.23 feet more or less to a point; Thence, South 69°10'00" West 63.50 feet more or less to a point being the Southwest corner of Inst. #1997-9086 and the Southeast corner of Instrument #1992-21583 said County Deeds and Records; Thence continuing along the Northeasterly line of County Road #185, South 69°10'00" West 145.86 feet more or less to a point; Thence, North 68°11'00" West 103.21 feet more or less to a point; Thence, South 79°53'00" West 124.38 feet more or less to a point; Thence, North 49°33'00" West 29.36 feet more or less to a point; Thence, North 00°40'00" West 78.42 feet more or less to a point; Thence, North 20°48'00" East 146.08 feet more or less to a point; Thence, North 22°09'00" West 90.14 feet more or less to a point; Thence, North 55°24'00" West 80.14 feet more or less to a point; Thence, North 82°46'00" 15.55 feet to a point being the Southwest corner of Inst. #1992-21583 and the Southeast corner of Parcel 3, Instrument #1997-25641 said County Deeds and Records; Thence continuing along the Northeasterly line of County Road No. 185, North 82°46'00" West 292.96 (rec. North 82°53'10" West 290.70 feet) feet more or less to a point; Thence, North 58°08'00" West (rec. North 58°15'10" West) 31.5 feet more or less to the Southwest corner of Parcel 3, Instrument #1997-25641; Thence leaving the Northeasterly line of the County Road No. 185 and along the Westerly line of Parcel 3, Instrument #1997-25641, North 01°22'00" East (rec. North 01°27'00" East) 605.26 feet more or less to a point on the Southerly Right of Way line of Fort McKay County Road No. 9; Thence along the Southerly Right of Way line of County Road No. 9 and along the Northerly line of the following Instruments, Parcel 3, Instrument #1997-25641, #1992-21583 and #1997-9086, South 88°38'00" East 811.51 feet to a point on the Westerly line of Instrument #1997-9086 said County Deeds and Records, Thence continuing along said Southerly Right of Way line and crossing Instrument #1997-9086, South 88°38'00" East 350 feet more or less to the point of beginning.

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& INDEX
SUTHERLIN

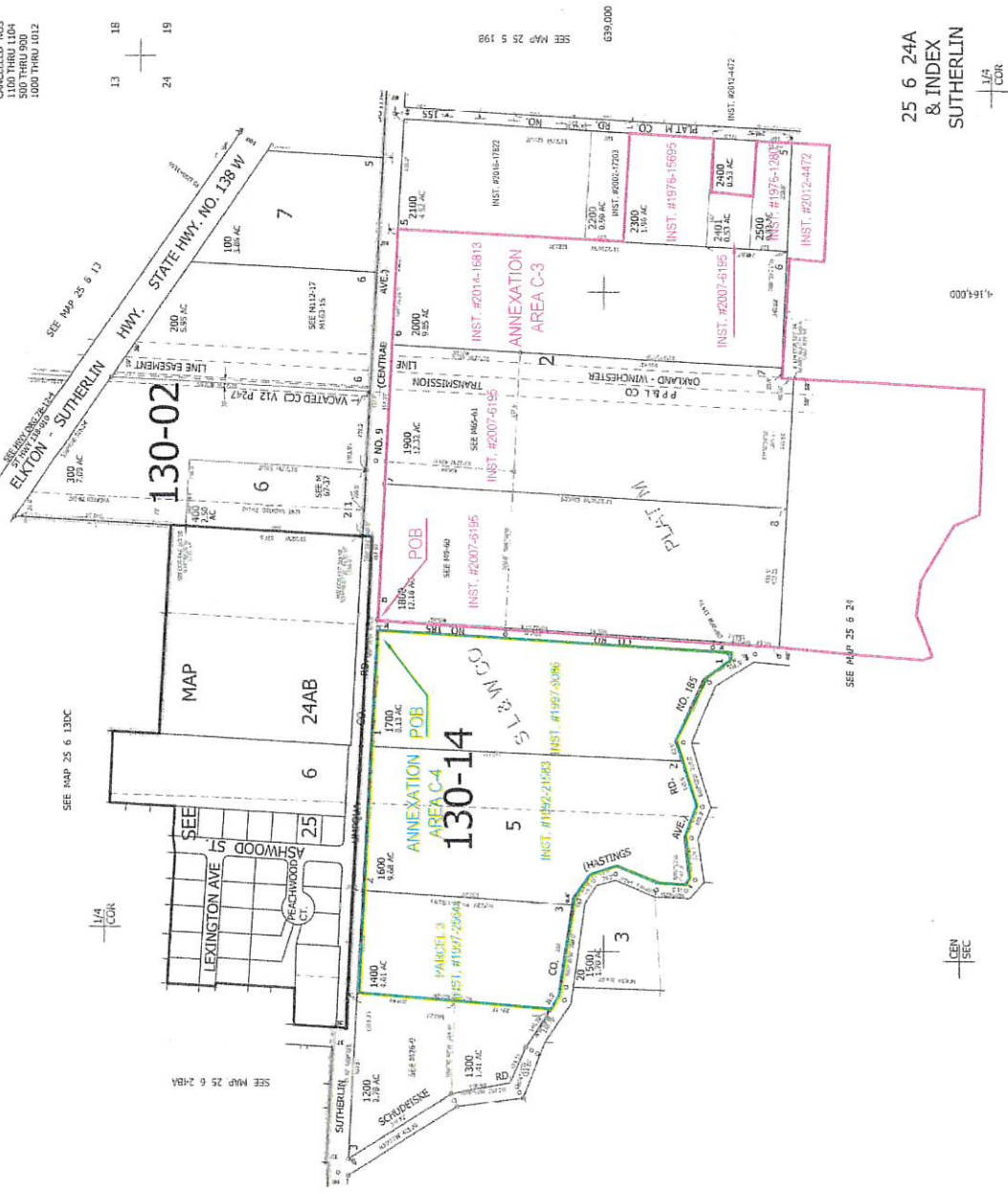
REVISED ON
6-25-14

NE1/4 SEC.24 T.25S. R.6W. W.M.
DOUGLAS COUNTY
1" = 200'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

CANCELLED NOS
1100 THRU 1200
3000 THRU 3900
1000 THRU 1012

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& INDEX
SUTHERLIN

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Exhibit "C5"

Annexation Area #5

City of Sutherlin, Douglas County, Oregon

Beginning at a point being the Northwest corner of Instrument #2016-16488, Douglas County, Oregon Deeds and Records, said point being on the Easterly Right of Way line of Plat "M" County Road No. 155 and being South 88°38'00" East 20 feet and South 01°22'00" West 197.9 feet more or less from the Northwest corner of Lot 3, Block 1, Plat "M", Sutherlin Land And Water Company Subdivision; Thence leaving said Right of Way line and along the Northerly line of Inst. #2016-16488, South 88°38'00" East 530 feet more or less to the Northeast corner thereof being said point also being a point on the Easterly line of Lot 3, Block 1, Plat "M"; Thence along the Easterly line of Lot 3, Block 1 and Inst. #2016-16488, South 01°22'00" West 197.9 feet more or less to the Southeast corner of Inst. #2016-116488; Thence leaving the Easterly line of Lot 3, Block 1, Plat "M" and along the Southerly line of Inst. #2016-16488, North 88°38'00" West 530 feet more or less to the Southwest corner thereof being also a point on the Easterly Right of Way line of Plat "M" County Road No. 155; Thence along the Easterly Right of Way line of Plat "M" County Road and the Westerly line of Inst. #2016-16488, North 01°22'00" East 197.9 feet more or less to the point of beginning.

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SUTHERLIN

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2101 2112 1602
2402 2501

SEE MAP 25 5 19B

130-14

INST. #2016-15488
ANNEXATION
AREA C-5

130-14

130-02

PARCEL 1

130-14

130-14

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130-02

INST. #1971-12052

SEE MAP 25 S 19C

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SUTHERLIN

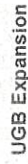
Exhibit "C6"

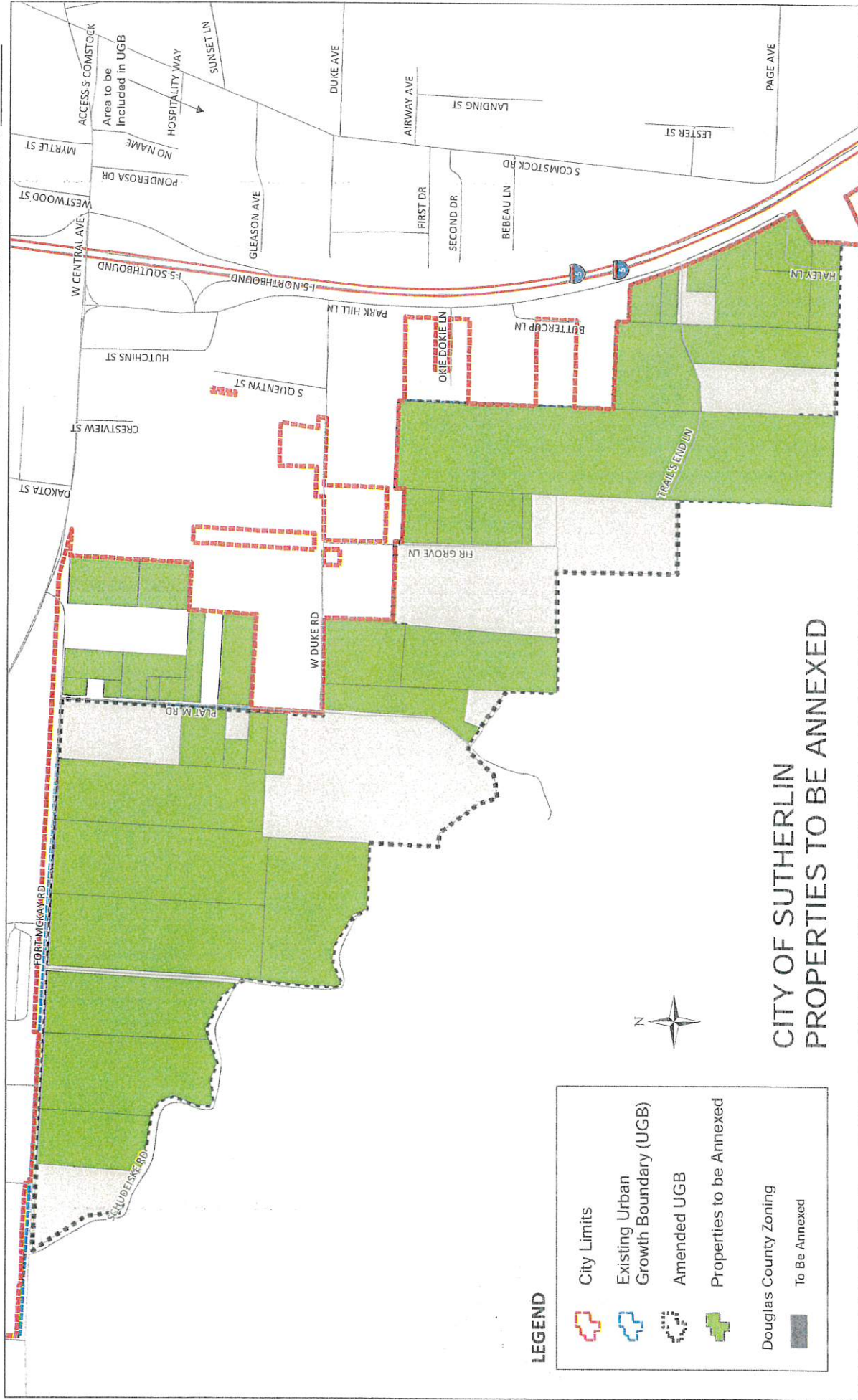
Annexation Area #6

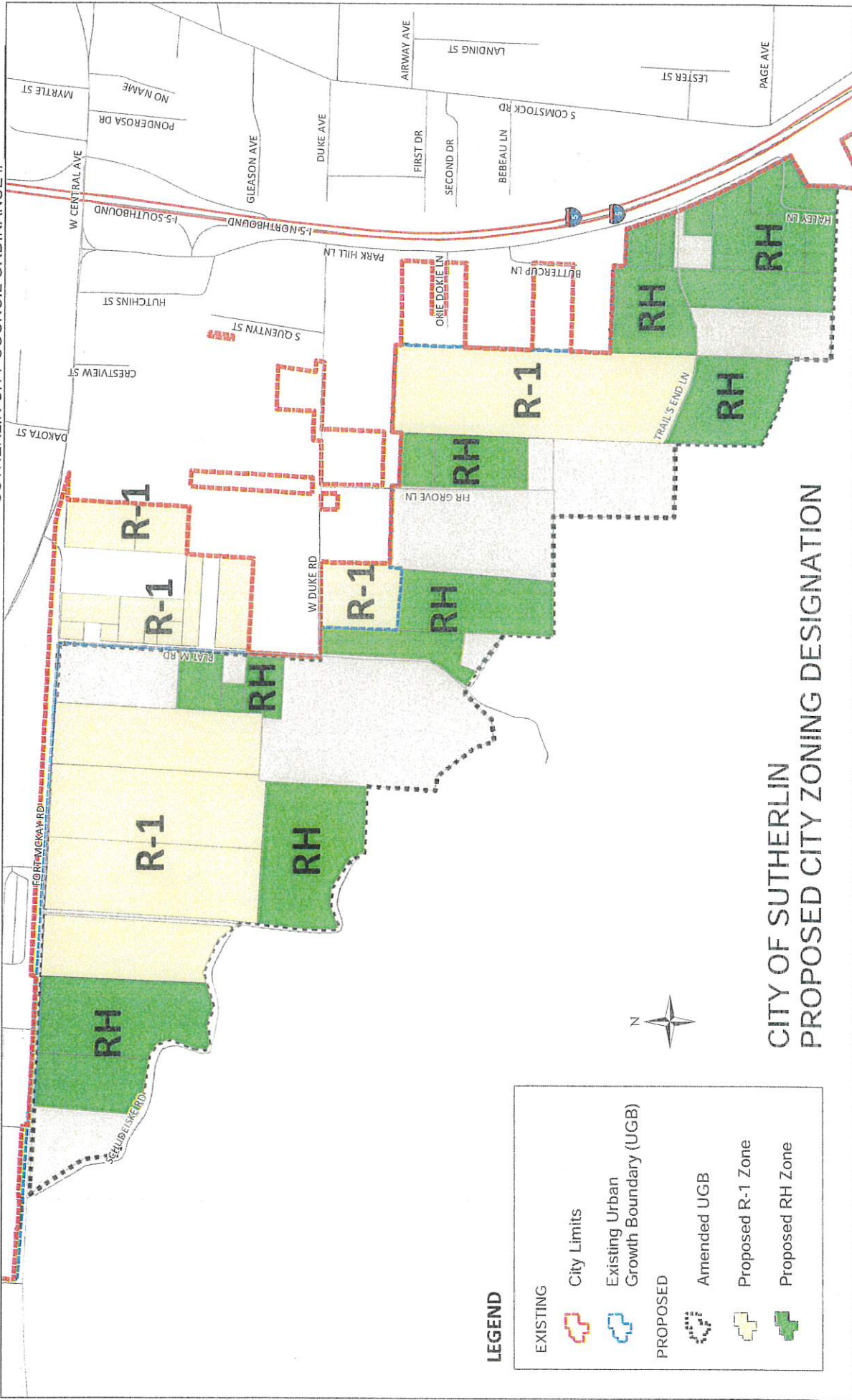
City of Sutherlin, Douglas County, Oregon

Beginning at the Northwest corner of Parcel 2, Instrument #2016-4348, Douglas County, Oregon Deeds and Records, said point being South 01°22'00" West 30 feet and South 88°38'00" East 20 feet from the Northwest corner of Lot 2, Block 1, Plat "M", Sutherlin Land and Water Company Subdivision and being also the point of intersection of the Easterly Right of Way line of Plat "M" County Road No. 155 and the Southerly Right of Way line of Fort McKay County Road No. 9; Thence crossing the North portion of Lot 2, Block 1, Plat "M" along the Southerly Right of Way line of Fort McKay County Road being also the Northerly line of Inst. #2016-4348 and crossing Instrument #2002-04664 of said County Deeds and Records, South 88°38'00" East 265 feet more or less to a point on the Easterly line of Instrument #2002-04664 being a point in the Easterly line of the Westerly one half of Lot 2, Block 1, Plat "M"; Thence leaving said Southerly Right of Way line and along the Easterly line of Instrument #2002-04664 and Instrument #2013-20388 of said County Deeds and Records, South 01°22'00" West 750 feet more or less to a point in the Southerly line of Lot 2, Block 1, Plat "M" said point being in the Northerly line of Instrument #2015-1429 of said County Deeds and Records and in the Northerly line of Lot 3, Block 1, Plat "M"; Thence along the Southerly line of Lot 2, Northerly line of Lot 3 and the Northerly line of Inst. #2015-1429, South 88°38'00" East 265 feet more or less to the Northeast corner of Inst. #2015-1429 being also the common corner of Lot 1, 2, 3 and 4, Block 1, Plat "M" and the Southwest corner of Inst. #2006-1225 of said County Records; Thence, North 01°22'00" East 750 feet more or less along the common line between Lot 1 and 2, Block 1, Plat "M" and the Westerly lines of Inst. #2006-1225 and Inst. #2010-8018 of said County Deeds and Records to a point on the Southerly Right of Way line of Fort McKay County Road No. 9 said point being the Northwest corner of Inst. #2010-8018; Thence, South 88°38'00" East 275 feet more or less along the Northerly line of Inst. #2010-8018 and the Southerly Right of Way line of County Road No. 9 to the Northeast corner of Inst. #2010-8018; Thence leaving said Southerly Right of Way line and along the Easterly line of Inst. #2010-8018 and Inst. #2006-1225, South 01°22'00" West 750 feet more or less to the Southeast corner of Inst. #2006-1225, said point being on the common line between Lot 1 and Lot 4, Block 1, Plat "M"; Thence along said common line and the Southerly line of Inst. #2006-1225, North 88°38'00" West 275 feet more or less to the Southwest thereof being again the common corner between Lots 1, 2, 3 and 4, Block 1, Plat "M"; Thence along the common line between Lot 3 and 4, Block 1, Plat "M" and Easterly line of Inst. #2015-1429, South 01°22'00" West 98.9 feet more or less to the Southeast corner of Inst. #2015-1429; Thence leaving said common line between Lot 3 and 4, Plat "M" and along the Southerly line of Inst. #2015-1429, North 88°38'00" West 530 feet more or less to the Easterly Right of Way line of Plat "M" County Road No. 155; Thence along said Easterly Right of Way line and along the Westerly line of Instr. # 2015-1429, Inst. #1996-11423, Inst. #2013-20388 and Inst. #2009-13118 all of said County Deeds and Records, North 01°22'00" East 574 feet more or less to the Northwest corner of Inst. #2009-13118; Thence leaving said Easterly Right of Way line and along the Northerly line of Inst. #2009-13118, South 88°38'00" East 100 feet more or less to the Northeast corner thereof being a point in the Westerly line of Inst. #2002-4664; Thence, North 01°22'00" East 100 feet more or less along the Westerly line of Inst. #2002-4664 to the Southeast corner of Parcel 2, Inst. #2016-4348; Thence leaving said Westerly line and along the Southerly line of Parcel 2,

Inst. #2016-4348, North $88^{\circ}38'00''$ West 100 feet more or less to the Easterly Right of Way line of Plat "M" County Road #155 and being the Southwest corner of Parcel 2, Inst. #2016-4348; Thence along the Westerly line of Parcel 2, Inst. #2016-4348 and the Easterly Right of Way line of Plat "M" County Road, North $01^{\circ}22'00''$ East 145 feet more or less to the Northwest corner of Parcel 2, Instr. #2016-4348 and the Point of Beginning.









Community Development
126 E. Central Avenue
Sutherlin, OR 97479
(541) 459-2856
Fax (541) 459-9363
www.ci.sutherlin.or.us

City of Sutherlin

September 24, 2018

MEMORANDUM – Exhibit H

TO: P/D File No. 17-S015: Urban Growth Boundary Amendment, Annexations, and Comprehensive and Zoning Map Amendments

FROM: Brian Elliot, Community Development Director

RE: MINOR TEXT CORRECTIONS TO CITY OF SUTHERLIN ORDINANCE #1060

In accordance with Sutherlin Development Code (SDC) Chapter 4.2.160(D), this memo is hereby submitted to file by the Community Development Director to correct the following errors found in Ordinance #1060 (the "Ordinance"):

1. Section 12 of the Ordinance refers to the annexed properties described in "Exhibits A4, A5, A6, A7 and A8". The Ordinance should instead reference "Exhibits C1, C2, C3, C4 and C5."
2. Exhibits A1, A2, C1, C2, C3, and C4 contained scrivener's errors. Corrected exhibits are attached to this memorandum and hereby submitted to file.
3. Exhibit G was mistakenly labeled "Exhibit B" as attached to the original ordinance. The label has been correct.

A corrected version of Ordinance #1060 is also attached. A draft of the corrected ordinance showing corrections is attached for clarification purposes only.

BEFORE THE PLANNING COMMISSION OF THE CITY OF SUTHERLIN

IN THE MATTER of an Urban Growth Boundary Amendment, Comprehensive Plan Map Amendment and Zoning Map Amendments and Annexations involving 479± acres. A 202± acre Ford's Pond property, owned by the City of Sutherlin, located on the west side of Church Road and a 100± acre property located off S. State Street on Schoon Mountain are proposed to be removed from the UGB and City Limits. The proposal will add 177± acres to the UGB located southwest of Exit 136 and south of W. Central Ave and Fort McKay Road, and is generally bounded by Schudeiske Road on the west and Parkhill Lane and Trails End Lane on the southeast adjacent to Interstate 5. A portion of this area will be annexed into the City Limits and be rezoned with City of Sutherlin Zoning.

FINDINGS OF FACT AND DECISION

Applicant: City of Sutherlin
Subject: UGB amendment, Comprehensive
Plan Amendment, Zoning Map Amendment
and Annexation
File No.: 17-S015

PROCEDURAL FINDINGS OF FACT

1. The Urban Growth Boundary (UGB) Amendment, Comprehensive Plan Map Amendment and Zone Map Change, and Annexations were advanced by the City of Sutherlin as a legislative action pursuant to Sutherlin Development Code and Oregon Revised Statute.
2. DLCD Notice of Proposed Amendment was mailed to the Department of Land Conservation and Development on July 24, 2017, which was at least 35 days prior to the first evidentiary public hearing on August 29, 2017. DLCD did not provide comments on the application.
3. Pursuant to Sections 4.2.150.D.4 and 4.2.140.C of the Sutherlin Development Code, notice of the public hearing was given by publication in the *News Review* on August 15, 2017, which was at least fourteen (14) days prior to the date of the public hearing.
4. Notice of a Public Hearing on an application for the UGB amendment, Annexation, Comprehensive Plan Map Amendment and Zone Map Change before the Planning Commission was provided in accordance with Section 4.2.150.D. Notice was sent to affected property owners of record within 100 feet of the subject properties, service providers, and governmental agencies on August 8, 2017. Four written comments were received.
 - a. Pursuant to the Urban Growth Management Agreement (UGMA) with Douglas County, notice was sent to the Douglas County Planning Department. No written comments on the proposal were submitted.

5. The Planning Commission held a public hearing on this matter on August 29, 2017.
6. At the public hearing on August 29, 2017, Planning Commissioner Sam Robinson declared an actual conflict of interest and recused himself from the hearing. There were no other declarations of ex parte contact or other conflicts of interest made by the Planning Commission. No objections were raised and the Commission was qualified to hear the matter.
7. The Planning Commission declared the following as parties to the hearing:
 - a. Jim Houseman, Friends of Ford's Pond
 - b. Jim Houseman
 - c. John McDonald, Oregon Dept of Transportation
 - d. Gale Peterson
 - e. Kathleen Case
 - f. Corina Blevins
 - g. Mark Rochester
 - h. Martha Oerman
 - i. Mavis Eckerd
8. Reference was made to the August 22, 2017 Staff Report, and findings of fact addressing conformance to the applicable criteria of the Statewide Planning Goals, the applicable goals and policies of the Sutherlin Comprehensive Plan, and the applicable criteria of the Sutherlin Development Code.
9. Lisa Hawley, Community Services Planner with the City of Sutherlin, presented the Staff Report dated August 22, 2017 and entered Staff Exhibits 1-25, including the staff report, into the record.
10. Ms. Hawley then entered three additional staff exhibits into the record, which were added since the notice was mailed: Staff Exhibit 26, Staff Memorandum dated August 22, 2017 with attached comments received on the proposed amendment; Staff Exhibit 27, copy of documentation from ODOT, dated August 15, 2007 regarding review of traffic analysis for zone change on Fords Pond property; and Staff Exhibit 28, Staff Memo, dated August 29, 2017 regarding traffic impact study (TIS) and recommendation for City Council.
11. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in support of the application. Jim Houseman testified in favor of the application as a representative of himself and Friends of Ford's Pond. Mr. Houseman addressed Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources and Goal 8, Recreational Needs and spoke about the work being done towards the establishment of Ford's Pond Community Park. The proposed UGB exchange will facilitate this development.
12. The Planning Commission provided opportunity to receive clarifying questions and oral testimony from persons in opposition to the application. John McDonald with the Oregon Department of Transportation (ODOT) testified in opposition of the application. He stated that ODOT objects to the Zone Changes, not to the UGB exchange. He requested a continuance of

the hearing to allow the City time to complete a traffic impact study (TIS). Mr. McDonald also proposed that if the City chose not to continue the hearing, the City could approve the UGB Exchange without the Zone Changes. He indicated that the information the City currently has is inadequate.

13. The Planning Commission provided opportunity for clarifying questions and oral testimony from persons neither opposing or supporting the application. Gale Peterson testified as a neutral party and testified that they have no objections as long as there will be no additional development south of Trails End Lane. She expressed concern that traffic impacts be adequately addressed and improvements made if the area is to be developed. Kathleen Case testified as a neutral party and stated that she was not interested in participating in the process. Ms. Hawley clarified that Ms. Case is already located within the UGB and that it is up to the property owners whether they wanted to annex into the City Limits. She noted that Ms. Case did not consent to opt in and that her property is not included in the proposed annexations. Corina Blevins testified as a neutral party and requested that the City hold a question and answer session to answer property owner questions. Ms. Blevins later testified that traffic on Ft McKay is bad and would recommend a speed reduction zone as traffic enters into Sutherlin. Mark Rochester testified as a neutral party and stated that he had concerns regarding the increase in traffic that would be generated. He stated that he would like a continuance to receive additional information and answers to questions. Martha Oerman testified as a neutral party and asked whether water and sewer lines would be placed through Schudeiske Road. Ms. Hawley clarified that water and sewer lines would be development driven and would go through the developments, rather than strictly along Schudeiske Rd. Mavis Eckerd asked about time of completion and when she could expect water and sewer for her property. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.
14. John McDonald, with ODOT further testified that the proposed Zone Change triggers the TIS and if the process is to move forward without completion of the TIS, then ODOT loses its teeth in the traffic requirements.
15. The Planning Commission closed the public portion of the hearing and commenced discussion on the application.

FINDINGS OF FACT RELATED TO DECISION

1. The Planning Commission expressed no objections to the proposed UGB Amendment, Comprehensive Plan Map and Zoning Map Amendments and Annexations. The Planning Commission discussed the issue of traffic impacts resulting from the zone change and agreed with Staff's assessment that a traffic impact study should be completed as a condition of future development approvals. The Commission requested that Staff host a public Q & A session to answer any outstanding questions on the proposal. The Commission also considered the request from the owners of property at 1814 and 1818 Trails End Lane to include the portions of those properties containing existing dwellings for inclusion in the UGB Amendment, Comprehensive Plan Map and Zoning Map Amendments and Annexations.

FINDINGS OF FACT

Finding No. 1. The Planning Commission finds that properties to be removed from the UGB and City Limits are zoned Forestry Resource (FR-20), Residential Hillside (RH) and Low Density Residential (R-1) under the Sutherlin Development Code and designated Residential-Agriculture/Forestry, Residential Hillside and Residential Low Density under the Sutherlin Comprehensive Plan.

Finding No. 2. The Planning Commission finds that properties to be added to the UGB are currently zoned Rural Residential and Farm Forest under Douglas County zoning and designated Committed Residential 2-Acre and Farm Forest Transitional under the Douglas County Comprehensive Plan.

Finding No. 3. The Planning Commission adopts by reference Option 2 from the Staff Memorandum dated August 22, 2017.

Finding No. 4. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested UGB amendment, Comprehensive Plan Map Amendment and Zoning Map Amendments and Annexations are consistent with the applicable Statewide Planning Goals, and that no exceptions to the goals were proposed.

Finding No. 5. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the requested UGB amendment, Comprehensive Plan Map Amendment and Zoning Map Amendments and Annexations is consistent with the applicable general goals and policies of the Sutherlin Comprehensive Plan and its implementing ordinances, including those related to Natural Features, Population, Air Water and Land Resource Quality, Natural Hazards, Recreational Needs, Economy, Housing, Public Facilities and Services, Transportation System, including Energy Conservation and Land Use and Urbanization.

Finding No. 6. The Planning Commission finds, based upon the staff report, application materials and the oral testimony provided, that the proposed amendment is consistent with the applicable criteria of Section 4.11 [Amendments] of the Sutherlin Development Code. The applicant has demonstrated consistency with the Comprehensive Plan, including inventory documents and facility plans.

CONCLUSION

1. A motion was made by Commissioner Lusby and seconded by Commissioner Price to approve the requested UGB amendment, Comprehensive Plan Map Amendment and Zoning Map Amendments and Annexations and forward the recommendation to approve these actions to the City Council, subject to the following conditions:
 - a. Prior to the issuance of any land division, subdivision, and planned unit development approval by the City for development of parcels subject to the UGB amendment, annexations and zone changes, a traffic impact study (TIS) shall be required as a condition of final approval; and

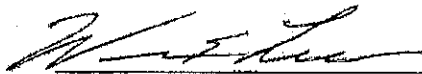
- b. The City shall host an informational meeting to answer outstanding questions from property owners regarding the proposed actions prior to the City Council hearing; and
- c. The UGB amendment, annexations and zone changes undertaken by the City shall include portions of properties located at 1814 and 1818 Trails End Lane (Tax Lot 100 in Section 19C of T25S, R5W, W.M., also identified by Property ID No. R22752) which contain two (2) existing dwellings, as requested by the property owner.

The motion passed unanimously.

- 2. The Commission adopts the findings of the staff report and staff memos in the record in support of their decision.

NOW, THEREFORE, based upon the foregoing findings of fact and the oral testimony provided, the Sutherlin Planning Commission recommends to City Council the **ADOPTION** of the requested UGB amendment, Comprehensive Plan Map Amendment and Zoning Map Amendments and Annexations involving 476± acres.

DATED THE 18TH DAY OF SEPT, 2017.



WILLIAM LEE, ACTING CHAIR

CORRECTED
ORDINANCE NO. 1060
LEGISLATIVE DRAFT

AN ORDINANCE DECLARING THE AMENDMENT OF THE CITY OF SUTHERLIN URBAN GROWTH BOUNDARY; AMENDMENT TO THE COMPREHENSIVE PLAN MAP; AMENDMENT TO THE ZONING MAP; AND DECLARING THE ANNEXATION BY CONSENT OF CERTAIN REAL PROPERTY; WITHDRAWING THE PROPERTIES TO BE ANNEXED FROM THE CALAPOOIA RURAL FIRE PROTECTION DISTRICT, AND DIRECTING THE FILING OF INSTRUMENTS OF RECORD WITH THE SECRETARY OF STATE, THE DEPARTMENT OF REVENUE AND THE DOUGLAS COUNTY ASSESSOR.

WHEREAS, the City of Sutherlin initiated an amendment to the Sutherlin Urban Growth Boundary (UGB) to exclude real property described on Exhibit A1, attached hereto and incorporated herein, which is identified as T25 South, R6 West, W.M., Section 14, Tax Lot 900 and a portion of T25 South, R6 West, W.M., Section 13, Tax Lot 800; and real property described on Exhibit A2, attached hereto and incorporated herein, which is identified as T25 South, R5 West, W.M., Section 20, Tax Lot 600; T25 South, R5 West, W.M., Section 29, Tax Lot 1300; and a portion of T25 South, R5 West, W.M., Section 20DA, Tax Lot 2601. Properties removed from the Sutherlin UGB will be re-designated for resource use with Douglas County Zoning Map and Comprehensive Plan Map designations; and,

WHEREAS, the City of Sutherlin initiated an amendment to the Sutherlin Urban Growth Boundary (UGB) to include real property described on Exhibit B1, attached hereto and incorporated herein, which is identified as T25 South, R6 West, W.M., Section 24, Tax Lots 1500, 1700, 1800, 1900, 2000, 2100, and 2200; T25 South, R6 West, W.M., Section 24A, Tax Lots 1200, 1300, 1400, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2401 and 2500; T25 South, R5 West, W.M., Section 19C, Tax Lots 100, 200, 201, 300, 400, 401, 500, 600, 700, 800, and 900; T25 South, R5 West, W.M., Section 19CD, Tax Lots 400, 500, 600, 700, 800, 900, 1000, 1100, 1101, and 1102; and a portion of real property described on Exhibit B2, attached hereto and incorporated herein, which is identified as T25 South, R5 West, W.M., Section 15B, Tax Lot 402; and,

WHEREAS, the City of Sutherlin initiated the annexation of real property described on Exhibits C1, C2, C3, and C4, C5, and C6, attached hereto and incorporated herein, which is identified as T25 South, R6 West, W.M., Section 24, Tax Lots 1500, 1800, and 2100; T25 South, R6 West, W.M., Section 24A, Tax Lots 1400, 1600, 1700, 1800, 1900, 2000, 2300, 2401 and 2500; T25 South, R5 West, W.M., Section 19C, Tax Lots 100, 200, 201, 300, 400, and 800; T25 South, R5 West, W.M., Section 19CD, Tax Lots 400, 500, 600, 800, 1000, 1100, 1101, and 1102; T25 South, R5 West, W.M., Section 19B, Tax

Lots 500, 700, 800, 900, 1000, 1100, 1400, and 1500; and T25 South, R5 West, W.M., Section 19BC, Tax Lots 1100, 1300, and 1600 be annexed into the city, and that therefore the Zone Map be amended to accommodate said amendment and annexations; and,

WHEREAS, the properties to be annexed abut the city limits and within the amended Urban Growth Boundary of the City of Sutherlin and such annexation would be a logical extension of the city limits; and

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for properties to be annexed to the city identified as T25 South, R5 West, W.M., Section 19B, Tax Lots 500, 700, 800, 900, 1000, 1100, 1400, and 1500; T25 South, R5 West, W.M., Section 19BC, Tax Lots 1100 and 1300, which are presently zoned for residential use (RS Suburban Residential) use by Douglas County and shall remain in residential use following annexation and receive a Low Density Residential (R-1) zoning designation under the City of Sutherlin Development Code. The above properties are presently designated RLD (Residential Low Density) on the Sutherlin Comprehensive Plan Map and will remain designated RLD (Residential Low Density) on the City of Sutherlin Comprehensive Plan Map following annexation.

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for properties identified as T25 South, R6 West, W.M., Section 24, Tax Lots 1500, 1800, and 2100; T25 South, R6 West, W.M., Section 24A, Tax Lots 1400, 1600, 2300, 2401, and 2500; T25 South, R5 West, W.M., Section 19CD, Tax Lots 400, 500, 600, 1000, 1100, 1101, and 1102; T25 South, R5 West, W.M., Section 19C, Tax Lots 200, 201, 300, 400, 800, which are presently zoned for rural residential (RR 2 Acre Rural Residential) use by Douglas County, and shall remain in residential use following annexation and receive a Residential Hillside (RH) zoning designation by the City of Sutherlin. The above properties are presently designated RC2 (Committed 2-Acre) on the Douglas County Comprehensive Plan Map and will be designated RH (Residential Hillside) on the City of Sutherlin Comprehensive Plan Map following annexation.

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for properties identified as T25 South, R6 West, W.M., Section 24A, Tax Lots 1700, 1800, 1900, and 2000, which are presently zoned for rural residential (RR 2 Acre Rural Residential) use by Douglas County, and shall remain in residential use following annexation and receive a Residential Low Density (R-1) zoning designation by the City of Sutherlin. The above properties are presently designated RC2 (Committed 2-Acre) on the Douglas County Comprehensive Plan Map and will be designated RLD (Residential Low Density) on the City of Sutherlin Comprehensive Plan Map following annexation.

WHEREAS, the City of Sutherlin initiated amendments to the Sutherlin Zoning Map for property identified as T25 South, R5 West, W.M., Section 19C, Tax Lot 100, which is presently zoned for resource (FF Farm Forest) use by Douglas County, a portion of which shall be amended to residential use upon annexation and receive a Residential Hillside (RH) zoning designation by the City of Sutherlin. The property is presently

designated FFT (Farm Forest Transitional) on the Douglas County Comprehensive Plan Map and portions shall be designated either RH (Residential Hillside) or RLD (Residential Low Density) on the City of Sutherlin Comprehensive Plan Map upon annexation and inclusion in the City of Sutherlin UGB.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

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

SECTION 2. The subject properties legally described in Exhibits A1 and A2, attached hereto and incorporated herein, are hereby removed from the City of Sutherlin Urban Growth Boundary.

SECTION 3. The subject properties legally described in Exhibits B1 and B2, attached hereto and incorporated herein, are hereby added to the City of Sutherlin Urban Growth Boundary.

SECTION 4. The subject properties legally described in Exhibits C1, C2, C3, and **C4, C5, and C6,** attached hereto and incorporated herein, are hereby annexed to the City of Sutherlin.

SECTION 5. The City of Sutherlin Comprehensive Plan Map and Zoning Map are hereby amended as described above and as shown on the maps attached hereto as Exhibits D, E, and F.

SECTION 6. The Urban Growth Boundary Amendment, Comprehensive Plan Map Amendment, Zoning Map Amendment, and Annexation, have been processed pursuant to the Sutherlin Development Code Section 4.11.

SECTION 7. This annexation is made pursuant to the provisions of ORS 222.170 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 8. The annexation meets the requirements of ORS 197.175 and adopted Statewide Planning Goals.

SECTION 9. This annexation and zone change meets the requirements of OAR 660-012-0060 as concluded by the Traffic Impact Analysis for the area completed for the City by Sandow Engineering upon Oregon Department of Transportation review.

SECTION 10. The City Council adopts as its own the Findings of Fact and Decision Document of the Planning Commission dated September 18, 2017 and incorporates that document herein as shown in Exhibit G, except where conditions of approval include that a traffic impact study be required as a condition of future development activity requiring land use approval.

SECTION 11. The Recorder shall make and submit to the Oregon Secretary of State for filing copies of all ordinances, maps and all other instruments required to be filed with the Secretary of State so as to evidence the annexation; the effective date thereof shall be the date upon which said papers are filed with the Secretary of State.

SECTION 12. It is further ordained that all annexed properties, legally described in Exhibits **C1, C2, C3, C4, C5, and C6**, be withdrawn from the jurisdiction of the Calapooia Rural Fire Protection District. 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 13. The Recorder shall make and submit to the Douglas County Clerk and the Oregon Department of Revenue for filing copies of all ordinances, maps and all other instruments required to be filed with the Secretary of State so as to evidence the annexation.

Approved by the Mayor on this _____ day of _____, 2018.

Todd McKnight, Mayor

ATTEST:

Diane Harris, CMC, City Recorder

EXHIBIT LIST

- EXHIBIT A1** Urban Growth Boundary Removal – Ford’s Pond Area
- EXHIBIT A2** City Limits Removal – Mountain View Area
- EXHIBIT B1** Urban Growth Boundary Addition Area #1
- EXHIBIT B2** Urban Growth Boundary Addition Area #2
- EXHIBIT C1** Annexation Area #1
- EXHIBIT C2** Annexation Area #2
- EXHIBIT C3** Annexation Area #3
- EXHIBIT C4** Annexation Area #4
- EXHIBIT C5** Annexation Area #5
- EXHIBIT C6** Annexation Area #6
- EXHIBIT D** Map of UGB Exchange Proposal
- EXHIBIT E** Map of Properties to Be Annexed
- EXHIBIT F** Map of Proposed City of Sutherlin Zoning
- EXHIBIT G** City of Sutherlin Planning Commission Findings of Fact
- EXHIBIT H** Memorandum - Corrections



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City of Sutherlin

July 19, 2017

STAFF REPORT

TO: Sutherlin Planning Commission

FROM: Lisa Hawley, Community Services Planner

RE: **City of Sutherlin;** Urban Growth Boundary Amendment involving the exchange of approximately 479± acres. The areas to be removed from the UGB are the City's 202± acre Ford's Pond property located on the west side of Church Road and 100± acres from a property located off S. State Street on Schoon Mountain. The area proposed to be added to the UGB is primarily located at the southwest corner of Exit 136 on the south side of W. Central Ave and Fort McKay Road, and is generally bounded by Schudeiske Road on the west and Parkhill Lane and Trails End Lane on the southeast adjacent to Interstate 5. **PLANNING DEPARTMENT FILE NO. 17-S015.**

INTRODUCTION

A city's urban growth boundary (UGB) is primarily intended to provide land for identified urban development needs and to identify and separate urban and urbanizable land from rural land. Local governments, including cities and counties, rely on UGBs to guide land use and zoning decisions and to plan for the orderly provision of public facilities and services as development occurs.

The City of Sutherlin ("the City") first established a UGB with the adoption and acknowledgment of its original Comprehensive Plan in 1984. It has been amended a number of times since that date, most recently in 2002.

The City is proposing a UGB exchange in accordance with Oregon Administrative Rule (OAR) 660-024. The exchange will involve a total of 479± acres, of which 302± acres will be removed from the UGB and 177± acres to be added to the UGB. As proposed, the exchange will result in approximately 125 fewer acres included in the City of Sutherlin UGB. Concurrent to the UGB

exchange process, the City is proposing to annex 168 acres into City boundaries, involving 41 properties, and to amend the Zoning and Comprehensive Plan maps to accommodate the properties newly added to the UGB and City limits.

Under Sutherlin Development Code (SDC), the UGB exchange is subject to SDC 4.2.150 – Type IV review procedure – and SDC 4.11 – Amendments to the Sutherlin Development Code and Land Use Plans. The annexation and zoning map amendment are subject to SDC 4.2.150, SDC 4.11, and also SDC 4.8 – Zoning District Map Amendments. A Type IV procedure requires that the matter first be reviewed by the City of Sutherlin Planning Commission (“Planning Commission”), which will then make a recommendation to City of Sutherlin City Council (“City Council”) in regards to the adoption, by ordinance, of the proposed UGB expansion. The annexation request is also subject to ORS 222.

In accordance with the procedure described above, a public hearing has been scheduled for August 29, 2017, before the Planning Commission. At this hearing, the Commission will accept public testimony and make a decision on the application following the hearing. As part of the hearing, the Planning Commission will review the proposal for compliance with the Statewide Planning Goals and the general goals and policies of the Sutherlin Comprehensive Plan and the applicable criteria of the Sutherlin Development Code.

After the public hearing, the Planning Commission must make a written recommendation and forward it to the City Council in the form of a Findings of Fact and Decision document, which justifies its decision and recommendation. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the proposed UGB exchange.

URBAN GROWTH BOUNDARY EXCHANGE

1. PROPOSAL

The City of Sutherlin is proposing an exchange of land inside its urban growth boundary (UGB) for land outside its UGB pursuant to the provisions of Oregon Administrative Rule (OAR) 660-024-0070. This exchange will facilitate more concentrated development within the UGB and allow for the better utilization of existing city services and a more orderly future expansion of those services.

The areas proposed to be removed and those proposed to be added to the UGB provide the City with a substantially equivalent supply of buildable land before and after the exchange, as prescribed in OAR 660-024-0070(3). As such, the City will rely on the land needs analysis contained in the current City of Sutherlin comprehensive plan, which satisfied the land need factors of Goal 14 and provides a basis for the current UGB. A new need analysis is therefore unnecessary and there is technically no need deficiency to address.

The City has identified two properties whose owners are willing to remove their lands from the existing UGB in order to facilitate this exchange. Upon execution of the proposed amendment, these two properties will be added back to unincorporated Douglas County as resource lands. The areas to be removed from the UGB are the City's 202± acre Ford's Pond property located on the west side of Church Road and a 100± acre property located off S. State Street on Schoon Mountain.

In its place, 177± acres will be added to the UGB. This area is primarily located at the southwest corner of Exit 136 on the south side of W. Central Avenue and Fort McKay Road, and is generally bounded by Schudeiske Road on the west and Parkhill Lane and Trails End Lane on the southeast adjacent to Interstate 5.

The following proposal reviews the lands proposed for removal from the UGB and those lands that will be exchanged and added in their place.

A. LAND PROPOSED TO BE EXCLUDED FROM UGB

The two properties identified below are proposed for removal from the City of Sutherlin UGB. Both properties are identified in Exhibit 8.

AREA #1 TO BE EXCLUDED (known as Ford's Pond)

Owner: City of Sutherlin

This property is 204.83± acres in size and is located on the west edge of the Sutherlin UGB at the intersection of Church Road and State Highway 138. The property is commonly known as Ford's Pond and is owned by the City of Sutherlin. It is used as part of its affluent discharge for the city's wastewater treatment facility located across State Highway 138.

This property was added to the UGB in June 2000, and redesignated from Heavy Industrial to its current plan/zone designations in January 2008, in anticipation of a future planned residential development. The City purchased the property in 2014 for the storage of its Class A recycled water from its nearby wastewater treatment facility. It is also used for a community recreational area and park. The City is in the process of drafting a Ford's Pond Community Park Master Plan for the site, which is expected to be completed by the end of 2017. No structural development is currently on the property.

The City proposes to remove nearly all of this property from the UGB, with the exception of a 5± acre site in the southeast portion of the property, which is adjacent to the existing pond and Church Road. The retention of this portion inside the UGB/city limits is for future restrooms and a parking area serving the park and will allow for connection to city water and sanitary sewer at that location.

Table 1.1. Current City Zoning for Area #1 to be Excluded from UGB.

CITY ZONE	ACRES	DU/ACRE
FR-20 [Forestry-Resource, 20 acres]*	130±	NA
RH [Residential Hillside, 0-3 DU/acre]	16.5±	0-3
R-1 [Low Density Residential, 3-6 DU/acre]	56.5±	3-6

* Note: Based on recent legislative amendments to the City's Development Code, adopted April 10, 2017, this zoning designation was added back into the Development Code and was changed from FR-75 to FR-20 to be consistent with the City's Comp Plan designation and state law.

Upon completion of the UGB exchange, approximately 198± acres of this property will be removed from the UGB/city limits and designated with Douglas County rural zoning (PR) Public Reserve, based on the existing park and planned uses for the park/recreation area owned by the City.

Table 1.2. County Zoning Proposed for Area #1 to be Excluded from UGB.

COUNTY ZONE	ACRES	DU/ACRE
PR [Public Reserve]	198±*	NA

Note: A 5.00± acre portion of the original 203 acre property along the southeast corner adjacent to Church Road will remain inside the UGB/city limits and rezoned to FR-20.

AREA #2 TO BE EXCLUDED (known as Schoon Mountain site)

Owner: Timothy and Leoni Rogers

This property is 128± acres in size and is located on the south edge of the UGB off S. State Street at the end of Mountain View Road. The property is privately owned, and the property owners are willing to withdraw the southerly 100± acres of the property from the UGB and city limits in order to facilitate the UGB exchange, leaving 28± acres adjacent to the south end of Mountain View Road within the UGB and city limits to allow for future urban development. No structural development is currently on the property.

This property has been part of the existing UGB for many years. Table 1.3 details the current zoning, acreage and development potential of Area #2.

Table 1.3. Current Zoning of Area #2 to be Excluded from UGB.

CITY ZONE	ACRES	DU/ACRE
RH [Residential Hillside]	100±*	0-3

* Note: 28± acres of the subject property will remain inside the UGB/city limits and remain zoned RH.

Upon completion of the UGB exchange, the most southerly 100± acres of this property will be removed from the UGB/city limits and redesignated through Douglas County with rural zoning (mixed farm forest designation of (AW) Agriculture and Woodlot)), while the northerly 28± acre portion off the end of Mountain View Drive will remain inside the UGB/city limits and remain designated (RH) Residential Hillside. Table 1.4 details the current zoning, acreage and development potential of Area #2 following exclusion from the UGB.

Table 1.4. Proposed Zoning of Area #2 to be Excluded from UGB.

COUNTY ZONE	ACRES	DU/ACRE
AW [Agriculture and Woodlot]	100±*	NA

* Note: 28± acres of the original property will remain inside the UGB/city limits and remain zoned RH.

B. Land to be Included in the UGB:

The City proposes to add the area described below into the UGB as part of the proposed exchange. This area has been identified as the preferred area for expansion through a thorough analysis of alternative sites as prescribed in State statute. The area is located primarily southwest of Exit 136 on the south side of Fort McKay Road and W. Central Avenue, and extends southerly toward Exit 135 along Parkhill Road and Trail's End Lane.

This area is primarily designated committed rural residential (2 acre) land by Douglas County, with two parcels of land designated as mixed farm and forest lands (approximately 48± acres). A portion of the FF zoned parcels will be excluded from the expanded UGB.

Originally, the area proposed by the City for the UGB exchange included some properties located further south toward Exit 135, so as to allow for the future extension of Parkhill Lane/Rathburn Lane to connect into Exit 135, as discussed in the City's 2005 Transportation System Plan and 2009 Interchange Area Management Plan (IAMP) for Exit 136. However, due to the estimated engineering costs associated with the roadway extension (approximately \$14-15 million), the City is investigating alternate means to provide connectivity to Exit 135 from the commercial areas fronting Park Hill Lane.

The City is researching with Oregon Department of Transportation (ODOT) a possible overpass over I-5 near the intersection of Parkhill Lane and Trail's End Lane. This planned roadway would utilize an existing 60' public right-of-way that is perpendicular to I-5 at this location, and would provide a connection to S. Comstock Road on the east side of I-5. S. Comstock Road is an existing frontage road which extends north from the Exit 135 interchange. In June 2017, the City applied to ODOT for a Transportation Growth Management (TGM) Grant to help fund an update to its 2005 Transportation System Plan to address such future projects.

Based upon the existing land use designations and the amount of lands being removed from the UGB, the City calculates the following estimates for dwelling unit capacity for the exchange:

Table 1.5. Current Development Potential of Land to be Excluded from UGB (Based on City Zoning)

ZONE	ACRES	DU/ACRE	DWELLING UNITS		
			POTENTIAL	EXISTING	TOTAL
FR-20 [Forestry-Resource, 20 acres]	130 ¹	NA	NA	0	0
RH [Residential Hillside]	116.5	0-3	385 ²	0	385
R-1 [Low Density Residential]	56.5	6	373 ³	0	373
Totals	303	-	758	0	758

Other considerations:

The majority of the lands being considered for the UGB exchange are residentially zoned lands proposed to be exchanged for like-designated residential lands. However, there are two parcels currently designated with County resource zone (FF) mixed farm forest, which are planned to be added to the UGB/city limits due to their proximity to the other committed residential lands and their viability for the location of future connector roadways within the UGB. The two properties are owned by D & R Robinson, 29.73 acres and J. Rochester Rev Trust, 18.52 acres. As proposed, a portion of both of these two

¹ With the UGB exchange, the City will retain 5± acres of FR-20 for a future restroom and parking area inside the UGB/city limits for the Ford's Pond Community Park. In addition, the remaining 124± acres of the FR-20 zone around Ford's Pond will be converted back to County designated rural zoning.

² 116.50 acres * 3 DU/Acre = 350 DUs + 10% overage = 385 net DUs

³ 56.50 acres * 6 DU/Acre = 339 DUs + 10% overage = 373 net DUs

properties (24.22± acres) will remain designated FF within the County, while the remaining portions will be changed to a comparable residential designation (RH or R-1).

Based upon the existing soils of the two properties, planned transportation routes designated within the City's Transportation System Plan and IAMP for an on ramp associated with Exit 136 to extend through these properties.

As proposed, approximately 300± acres will be removed from the UGB/city limits and converted to County resource lands. In exchange, the City will be adding back approximately 179± acres to the UGB. Based upon the proposed lands considered for inclusion into the UGB, the City estimates the following proposed designations and densities:

Table 1.6. Development Potential of Land to be Included in UGB (Based on County Zoning)

ZONE	ACRES	DU/ACRE	DWELLING UNITS		
			POTENTIAL	EXISTING	TOTAL*
FR-20 [Forestry-Resource, 20 acres]	5.00±	NA	NA	0	0
RH [Residential Hillside]	113.46±	3	304	36	340
R-1 [Low Density Residential]	60.81±	6	363	2	365
Totals	203.5±	—	667	38	705

* Potential dwelling units based on development densities permitted under the applicable zoning.

2. **ANALYSIS OF PROPOSAL**

To further justify the UGB exchange as described above, the City has established a Study Area in compliance with OAR 660-024-0070 to examine alternative locations for expansion of the UGB. The following describes the process the City used in establishing the study area and the results of analysis of the areas identified as alternate sites for expansion of the UGB.

A. **STUDY AREA (OAR 660-024-0065)**

The City has identified an appropriate Study Area – see Exhibit 8 – to determine the location of the land to be added to replace the land being removed from the UGB under provisions found in OAR 660-024-0065. The City of Sutherlin has a UGB population of less than 10,000 (the UGB population was 8,298 in 2015 according to the Coordinated Population Forecast produced by Portland State University Population Research Center). As such, the City identified all land within ½ mile of the existing UGB boundary. Two areas on the east side of the boundary required an additional half mile extension for continuations of contiguous exception lands that are within the original distance from the UGB (i.e. County committed rural residential lands).

Any lands that are deemed patently unsuitable for urban development based on various criteria were excluded from the overall Alternative Expansion Area. Generally, these are areas that cannot be reasonably serviced with public facilities, are subject to significant natural hazards, have some high level of environmental or natural resource value, or are federal lands. The City has identified those lands which can be excluded from the overall Alternative Expansion Area. These include lands which meet various criteria to make them patently unsuitable for urban level development.

The City's proposal identifies four major areas which the City wants to exclude from its UGB exchange. These areas are primarily zoned (EFU) Exclusive Farm Use and are located adjacent and within ½ mile of the UGB boundary. The main area is located off Fort McKay Road and State Hwy 138 and surrounds Ford's Pond, which is the primary area being removed from the UGB. The other main EFU area being excluded is located adjacent to the northwestern portion of the UGB off Stearns Lane between State Highway 138 and the west side of Interstate 5. Current City public facilities, including water and sanitary sewer, extend only to Church Road between Fort McKay Road and State Hwy 138. The City wants to focus the extension of its public facilities in the area between Interstate 5 near Exit 136 in order to provide for orderly future urban development.

In accordance with OAR 660-024-0065(4)(a), the City has excluded areas identified as impracticable to provide necessary public facilities or services to the land. This includes the area on the southern end of the UGB boundary, which is primarily zoned EFU and is subject to a significant number of wetlands. There is also an area of EFU and rural residential properties located adjacent to the eastern edge of the UGB, where the cost to extend additional public facilities and services would not be practical or cost effective at this time.

Pursuant to OAR 660-024-0065(4)(b), the City has identified no significant development hazards to development, including lands subject to landslides, flooding or tsunamis. The identified slopes of the preferred expansion area are generally less than 8% slope, and are not subject to landslides. The Study Area includes no area identified as a FEMA Special Flood Hazard Area.

There are also no lands being considered that consist of significant scenic, natural, cultural or recreational resources, as described in OAR 660-024-0065(4)(c), including critical or essential habitat for threatened or endangered species; core habitat for Greater Sage Grouse; big game migration corridors or winter range, except where located on lands designated as exception areas; federal wild and scenic rivers and state scenic waterways; designated natural areas identified on the Oregon State Register of Natural Heritage Resources; wellhead protection areas; aquatic areas subject to SWPG 16 or the other coastal SWPGs; or lands owned by the federal government and managed primarily for rural uses.

B. EVALUATION OF STUDY AREA (OAR 660-024-0067)

Pursuant to direction found in OAR 660-024-0067, the City has divided up the Overall Study Area into five (5) smaller units for analysis ("Study Subareas"). These areas are identified within the larger Study Area in Exhibit 8. The preferred area for expansion is identified on this map as Study Subarea #1 and shown in more detail in Exhibit 9. The remaining Study Subareas are identified as areas #2 through #5 as mapped in Exhibits 10 through 13. Table 2.1 provides general descriptions of the location of the Study Subareas.

Table 2.1. Summary of Study Subareas

Study Subarea	Location Description (see Exhibits 8 through 13)	Size (acres)
#1	Generally southwest of existing UGB and City boundaries.	180±
#2	Generally north of existing UGB and City boundaries. Bounded on the west by Interstate 5.	155±
#3	Generally north of existing UGB and City boundaries. Adjacent to the UGB near Union Gap on the west side of the railroad tracks.	50±
#4	Generally northeast of existing UGB and City boundaries. Bounded on the south by Nonpareil Road and on the west by Plat A Street.	295±
#5	Generally southeast of existing UGB and City boundaries. Dissected by Southside Road and also bounded by Southside Road where it turns North.	203±

The Study Area map (Exhibit 8) identifies the area (Study Subarea #1) the City has proposed to add to the City of Sutherlin UGB. These properties, including a small, singular property for inclusion in the UGB, are identified in Exhibit 8. See Exhibit 7 for a table listing identified owners within the areas to be removed from the UGB and the preferred expansion area. The majority of the properties being added to the UGB will also be added to the city limits. As proposed, these properties will be re-designated with equivalent city plan and zoning designations at the same land capacity/density of those lands being removed from the UGB. For those properties that will be added to the UGB, but do not wish to be annexed into the city limits at this time, the City proposes to redesignate them with equivalent city plan designations, and retain their existing County zoning designation (i.e. RR, Rural Residential or FF, Farm Forest). For these properties, future annexation into the city limits will require a zone change from County zoning to City zoning for the affected property.

As noted above, the City is including portions of two County resource designated parcels (i.e. FF, Farm Forest) in the preferred expansion area. The slopes and soil, as well as air photos of the two sites indicate these parcels are not important to commercial agricultural enterprise or commercial forestry management. A more detailed analysis of these conditions is found below in the analysis of the preferred area for expansion.

These parcels are being including in the same unit of analysis as the committed rural residential lands in order to provide for future planned connector roads in the modified UGB. With the exception of these two resource parcels, nearly all of the lands being added to the UGB through this exchange consist of first priority lands (committed exception areas under Douglas County).

C. ANALYSIS OF STUDY SUBAREAS

Statewide Planning Goal 14 (OAR 660-015-0000(14)) requires that the location of an urban growth boundary be determined by evaluating alternative boundary locations in consideration of four locational factors. These factors include 1) Efficient accommodation of identified land needs; 2) Orderly and economic provision of public

facilities and services; 3) Comparative environmental, energy, economic and social consequences (more commonly known as an ESEE (Economic, Social, Environmental, and Energy) consequences); and 4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The following analysis applies these locational factors to each Study Subarea.

Study Subarea #1

Study Subarea #1 is located to the south of the existing UGB and west of Interstate 5. The City supports the inclusion of Subarea #1 in the City UGB as the preferred alternative, as it provides the most efficient accommodation of the land needs identified in the Comprehensive Plan. This preference is further supported by the ready availability of existing public facilities (e.g., water, sanitary sewer, and storm water), the nature of the area (e.g., few development constraints) and proximity to major transportation facilities (Interstate 5 and W. Central Avenue/OR 138).

The following narrative provides an analysis of Study Subarea #1, applying the locational factors from Goal 14 and ORS 197.298.

Efficient accommodation of identified land needs. The City of Sutherlin Comprehensive Plan identifies future residential land use needs to include an additional 2,875 housing units by 2010. Adding Subarea #1 to the UGB would maintain a substantially equivalent buildable residential land supply within the UGB, with a difference of 51 fewer potential dwelling units following the exchange.

Orderly and economic provision of public facilities and services. Of the alternatives analyzed, Subarea #1 provides the most orderly and economic provision of public facilities and services. The City Public Facilities Plan, incorporated into the Comprehensive Plan, identifies Duke Road as a future project for roadway improvements. The latest City Water Management and Conservation Plan indicates that an 18" waterline is available at Central Avenue/OR 138 to serve the adjacent area. The site has easy access to all necessary public facilities and services.

Comparative environmental, social, economic and energy (ESEE) Consequences. For Study Subarea #1:

Economic Consequences

Increasing residential densities in Subarea #1 would highly benefit businesses serving that general area, particularly those located along W. Central Avenue and west of I-5. These properties are zoned commercial and industrial and should see positive economic consequences from nearby residential development.

Social Consequences

Study Subarea #1 is located adjacent to existing residential lands and businesses serving the area. Easy access to W. Central Ave/OR 138 avails residents access to amenities within Sutherlin and in either direction along Interstate 5. Traffic

impacts identified in the City of Sutherlin IAMP for Exit 36 will need to be fully addressed for these conveniences to be fully realized and accessible.

Environmental Consequences

The National Wetland Inventory (NWI) indicates that one area subject to wetlands located adjacent or within Subarea #1, primarily associated with Cook Creek and other local drainages, as can be seen in Exhibit 25). More precise wetland information may be required prior to future development in the area. However, the NWI appears not to correlate with vegetation and topography information available to the City. Wetland delineations would define these areas with more granularity and provide the City and developers with better data with which to work. Regardless, the City sees no reason that the extension or intensification of existing land use patterns is not compatible with these identified wetland areas, such that they exist.

Energy Consequences

The inclusion of Subarea #1 into the City of Sutherlin UGB would ultimately increase traffic on W. Central Avenue/OR 138 and local streets in the adjacent residential area already incorporated into the City. However, the proximity to major transportation facilities means the area is better able to accommodate this traffic than other potential expansion areas. Future development will necessitate a number of improvements to local streets, to facilitate better access to nearby transportation routes. A more complete network of improved surface streets will reduce congestion and mitigate otherwise negative energy consequences.

The UGB exchange will replace residentially zoned lands on the Ford's Pond property with those in Subarea #1, which is closer to the City.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The expansion of the City of Sutherlin UGB in the location of Subarea #1 will have minimal impact on nearby farm or forest activities. While Douglas County Comprehensive Plan maps designate the area as Farm/Forest Transitional, steep slopes immediately to the south of Subarea #1 severely limit the area available for farm use. Many of the properties closest to this adjacent hilly, forested area are developed with residences already. Future residential development will be less impacted by any forestry activity that may occur in this area, and vice versa. The properties currently zoned FF by Douglas County are primarily classified as Class III soils and are therefore not considered high-value farmland as defined in ORS 195.300.

Study Subarea #2 (North Comstock Area)

The following narrative provides an analysis of Study Subarea #2, applying the locational factors from Goal 14 and ORS 197.298.

Efficient accommodation of identified land needs. Study Subarea #2 is designated committed rural residential area (2 acre) and is located along the northern boundary of the UGB. This area is approximately 149 acres in size and is located

adjacent to Interstate 5 near Exit 136 at the end of North Comstock Road. It is identified in the Douglas County Committed Lands Inventory as Committed Lands Site No. 16 within Calapooya Planning Advisory Committee (PAC) area boundaries. PAC boundaries have been used by Douglas County for numerous planning purposes over the years. Future needs within the UGB could be efficiently accommodated at this location.

Orderly and economic provision of public facilities and services. Of the alternatives analyzed, Study Subarea #1 provides the most orderly and economical extension of public facilities and services at this time, as part of the proposed UGB adjustment. Area #2 is similarly located adjacent to Interstate 5, off the north side of W. Central Ave at the end of North Comstock. It is comprised of approximately 149± acres. The primary access to the site is via North Comstock Road, which extends north from W. Central Ave. The City has the capacity to service the area with the extension of public water and sanitary sewer along North Comstock Road; existing services for sewer end 300 feet past Laurel Avenue, while public water extends to Jones-Buckley Road, an existing private road.

Comparative environmental, social, economic and energy (ESEE) consequences. For Alternative Expansion Site #2:

Economic Consequences

Alternative Area #2 is adjacent to Interstate 5 along the northern boundary of the current UGB. The site is primarily accessed via North Comstock Road, which extends north from W. Central Avenue. The City has the existing capacity to serve the area with the extension of public water and sanitary sewer along North Comstock Road, north to Laurel Avenue. Existing services for sewer end 300 feet past Laurel Avenue, while public water extends farther north to Jones-Buckley Road. Services beyond this point will require upgrade and extension to serve the properties in this Study Subarea .

In addition, North Comstock is the main the transportation route to access the area at this time. Investigation of future possible transportation routes will be needed to ascertain what alternate routes are available to service the area and provide greater connectivity, including any possibility of an extension to serve the properties in the north end of this study area.

Social Consequences

Study Subarea #2 is located adjacent to residential lands and public reserve zoning (elementary school), and is within ½ mile of commercial zoning near Exit 136 along W. Central Avenue. Traffic impacts (i.e. finding alternative traffic routes) could create possible negative social consequences on the residential development in the area. However, adding this area which is adjacent to the UGB and lands already designated for urban residential development would not be a negative social consequence.

Environmental Consequences

Immediately to the north and east of Subarea #2, there is a large area of mixed farm and forest resource zoning. Future development of this adjacent natural area may be negatively impacted by residential development, especially for necessary alternate transportation routes to service this area.

Energy Consequences

Expansion of the UGB into Study Subarea #2 would increase traffic on North Comstock Road, without providing an alternate transportation route. This would increase congestion and decrease transportation efficiency, which would be a negative energy consequence.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The expansion of the City of Sutherlin UGB in the location of Subarea #2 is not inherently incompatible with nearby farm or forest activities (located immediately north and east), particularly if alternative transportation routes are development that would limit urban uses and their impacts on the adjacent farm forest uses. No farm or agricultural uses exist near the subject site.

Study Subarea #3. (Union Gap, west side of railroad tracks).

The following narrative provides an analysis of Study Subarea #3, applying the locational factors from Goal 14 and ORS 197.298.

Efficient accommodation of identified land needs. Study Subarea #3 is designated committed rural residential area (5 acre) and is located adjacent to the UGB near Union Gap on the west side of the railroad tracks. It is identified in the Douglas County Committed Lands Inventory as part of Committed Lands Site No. 15 within the Calapooya PAC area boundaries. This 41± acre site was removed from Sutherlin UGB on December 26, 2001, by City Ordinance #935. Limitations in access and the requirement for the underground installation of public facilities under the railroad right-of-way hinder the availability of public water and sewer, and make this site less desirable for addition into the UGB.

Orderly and economic provision of public facilities and services. Of the alternatives analyzed, Subarea #3 is not ideally situated to provide for the orderly and economic provision of public facilities and services. The main portion of the Union Gap area (both east and west of the railroad tracks and Old Highway 99 North) is located within the Sutherlin UGB. The Union Gap Sanitary District and Water District service the properties in this area, and contract with the City of Sutherlin to connect into the City's water and sanitary sewer systems. The City has the capacity to service up to 100 connections; there are currently 76 connections provided.

Comparative environmental, social, economic and energy (ESEE) consequences. For Study Subarea #3:

Economic Consequences

The location of Alternative Study Subarea #3 on the west side of the railroad tracks and Old Highway 99 North make it difficult for the City to extend public

services to this area. As stated above, limitations in access to this area and the requirement for the underground installation of public facilities under the railroad right-of-way hinder the availability of public water and sewer, and make this site less desirable for addition into the UGB. The cost for such extension of public services would have negative economic consequences.

Social Consequences

Alternative Subarea #3 is located adjacent to residential lands located within the existing UGB boundary, so it would not be a negative social consequence to add this area to the UGB.

Environmental Consequences

Alternative Subarea #3 is located adjacent to lands zoned residential. No immediate wetlands or floodplain constraints are identified for the area to cause any negative environmental consequences if the area was added to the UGB.

Energy Consequences

Expansion of the UGB to include Subarea #3 would increase the cost of extending public facilities to the area. As stated above, limitations in access and the requirement for the underground installation of public facilities under the railroad right-of-way hinder the ability to readily extend public water and sewer to this area. This makes Subarea #3 less desirable for addition into the UGB, as the cost for such extension of public services would have negative energy consequences.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The expansion of the City of Sutherlin UGB in the location of Alternative Subarea #3 is not inherently incompatible with nearby farm or forest activities (located immediately west), particularly if alternative transportation routes are developed that would limit urban uses and their impacts on the adjacent mixed farm forest uses. No farm or agricultural uses exist near the subject site.

Study Subarea #4.

The following narrative provides an analysis of Study Subarea #4, applying the locational factors from Goal 14 and ORS 197.298.

Efficient accommodation of identified land needs. Alternative Study Subarea #4 is designated committed rural residential area and is located along the east boundary of the existing UGB, generally between E. Central Avenue/Nonpareil Road and E. Sixth Avenue. This adjacent area of committed residential properties extends over 5± miles east toward the community of Fair Oaks, and contains over 1000+ acres. It is identified in the Douglas County Committed Lands Inventory as a portion of Committed Lands Site No. 24 within Calapooya PAC area boundaries. Future land needs within the UGB could be efficiently accommodated at this location.

Orderly and economic provision of public facilities and services. Of the alternatives analyzed, Alternative Study Subarea #1 provides the most orderly and economic extension of public facilities and services at this time, as part of the proposed UGB adjustment. However, Alternate Study Subarea #4 is located immediately adjacent to the eastern boundary of the UGB, which makes it suited for the orderly provision of public facilities and utilities to service the area. The existing main line for sanitary sewer ends at the eastern boundary (near Quail Court). The main transmission line for the City's public water system extends easterly approximately 8 miles to the City's existing water treatment plant. This transmission line is an older system, which was not designed for direct connections. Significant upgrades to the water system would be required to provide for the efficient extension of water service to this area.

Comparative environmental, social, economic and energy (ESEE) consequences.
For Study Subarea #4:

Economic Consequences

As noted above, Alternative Subarea #4 is located immediately adjacent to the eastern boundary of the UGB, which makes it somewhat suited for the orderly provision of public facilities and utilities to service the area. Both sanitary sewer and public water would have to be extended to the area. Also, due to the older water transmission lines connecting to the city's water treatment plant, significant upgrades to the public water system would be required to provide for the efficient extension of water service to this area at this time. This is a limiting negative economic consequence on the provisions for the extension of public facilities to Subarea #4, and makes it relatively less desirable for residential expansion.

Social Consequences

Alternative Subarea #4 is located adjacent to residential lands located within the existing UGB boundary, so it would not be a negative social consequence to add this area to the UGB.

Environmental Consequences

Alternative Subarea #4 is located adjacent to lands zoned residential. Although this Subarea is not located within an identified floodplain, the National Wetland Inventory maps indicate the possible presence of wetlands on a portion of the properties. Although further analysis would be required if this site was added to the UGB, the presence of potential wetlands creates a limitation for immediate residential development, which would be a negative environmental consequence.

Energy Consequences

Expansion of the UGB to include Subarea #4 would increase the cost of extending public facilities to the area. As stated above, significant upgrades to the public water system would be required to provide for the efficient extension of water service to this area. This makes Subarea #4 less desirable

for addition into the UGB, as the cost for such extension of public services would have negative energy consequences.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The expansion of the City of Sutherlin UGB in the location of Alternative Subarea #4 is not inherently incompatible with nearby farm or forest activities. Properties to the north of this area are zoned for mixed farm and forest uses, while properties to the south are zoned for farm & agricultural uses (Exclusive Farm Use). Due to the extensive development of committed residential lands in the area, it is not anticipated that addition of this site to the UGB would have significant negative consequences on the existing farm uses in the area.

Study Subarea #5.

The following narrative provides an analysis of Alternative Study Subarea #5, applying the locational factors from Goal 14 and ORS 197.298.

Efficient accommodation of identified land needs. Alternative Study Subarea #5 is designated committed rural residential area and is located along the east boundary of the existing UGB, and extends generally east off South Side Road toward the Ridgewater Estates development. It is identified in the Douglas County Committed Lands Inventory as a portion of Committed Lands Site No. 26 within Calapooya PAC area boundaries, and contains 200± acres. Future land needs within the UGB could be efficiently accommodated at this location.

Orderly and economic provision of public facilities and services. Of the alternatives analyzed, Alternative Study Subarea #1 provides the most orderly and economic extension of public facilities and services at this time, as part of the proposed UGB adjustment. However, Alternate Study Subarea #5 is located immediately adjacent to the eastern boundary of the UGB, which makes it suited for the orderly provision of public facilities and utilities to service the area. Limitations on the service capacity of the water and sanitary sewer systems exist in this area. Major upgrades in the sanitary sewer and public water systems would be required to extend services to this area if added to the UGB.

Comparative environmental, social, economic and energy (ESEE) consequences. For Study Subarea #5:

Economic Consequences

As noted above, Alternative Subarea #5 is located immediately adjacent to the eastern boundary of the UGB, which makes it somewhat suited for the orderly provision of public facilities and utilities to service the area. Both sanitary sewer and public water would have to be extended to the area due to capacity limitations. This is a limiting negative economic consequence on the provisions for extending public facilities to Subarea #4, and makes it relatively less desirable for residential expansion. The lack of established traffic facilities with adequate capacity to serve this area and increased travel time and distance from existing amenities and services for future residents also makes Subarea

#5 a less desirable site for expansion of the UGB and eventual urban level development.

Social Consequences

Alternative Subarea #5 is located adjacent to residential lands located within the existing UGB boundary, so it would not be a negative social consequence to add this area to the UGB.

Environmental Consequences

Alternative Subarea #5 is located adjacent to lands zoned residential. Although this Subarea is not located within an identified floodplain, the National Wetland Inventory maps indicate the minor presence of wetlands on a portion of the properties. Although further analysis would be required if this site was added to the UGB, the presence of possible wetlands creates a limiting factor for immediate residential development, which would be a negative environmental consequence.

Energy Consequences

Expansion of the UGB to include Subarea #5 would increase the cost of extending public facilities to the area and development of alternate transportation routes off Southside Road. As stated above, significant upgrades to the public water and sanitary sewer systems would be required to increase capacity and provide for the efficient extension of public facilities to this area at this time. This makes Subarea #5 less desirable for addition into the UGB, as the cost for such extension of public services would have negative energy consequences.

Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The expansion of the City of Sutherlin UGB in the location of Alternative Subarea #5 is not inherently incompatible with nearby farm or forest activities. Properties to the north of this area are zoned for farm & agricultural uses (Exclusive Farm Use), and lie south of Alternative Study Subarea #4. There is also a large area zoned for mixed farm and forest uses, which lies between the eastern boundary of the UGB and the Ridgewater Estates development. Due to the extensive development of committed residential lands in the area, it is not anticipated that addition of this site to the UGB would have significant negative consequences on the existing farm uses and forest uses in the area. Future development of alternative transportation routes would need to limit urban uses and their impacts on these adjacent farm and forest uses.

3. PREFERRED AREA FOR EXPANSION

The City of Sutherlin has identified Subarea #1 as the preferred location for expansion of the UGB in conjunction with the proposed UGB exchange. This preference is based on the

preceding evaluation and by applying the four priorities defined OAR 660-024-0067(2) which a City must apply when justifying inclusion of new lands into its UGB. These priorities will be addressed in detail below. The following considerations constitute findings based on the requirements of OAR 660-024 for expansion of a UGB.

The five subareas of the overall study area, or alternative boundary locations, subject to the analysis above are ranked in Table 3.1 in consideration of their suitability for future urban level development and in accordance with OAR 660-24-0070).

Table 3.1. Alternative Expansion Areas Ranked

Rank	Subarea	Rationale
#1	#1	See findings below.
#2	#2	Appropriate for future expansion of UGB, however, issues surrounding transportation/circulation and provision of other public facilities will have to be fully explored and addressed.
#3	#5	Potential conflicts with wetlands and the expense and feasibility of extending services to accommodate future development make this area less reasonable for inclusion in the UGB.
#4	#3	Limitations in access and the requirement for the underground installation of public facilities under the railroad right-of-way hinder the availability of public water and sewer.
#5	#4	Generally unsuitable for expansion of UGB in this location due to numerous constraints.

PRIORITIES FOR UGB EXPANSION AREAS (OAR 660-024-0067(2))

OAR 660-024-0067(2) describes 4 priorities that cities are compelled to apply to any expansion of an urban growth boundary. In sum, the priorities are: 1) Lands that are urban reserve, exception land, or nonresource lands; 2) Marginal land (so designated under ORS 195.300); 3) Forest or farm land that is not predominantly high-value farm land (as defined in ORS 195.300); and 4) Agricultural land that is predominantly high-value farmland. Cities must apply these priorities, with very limited exception, when considering alternative expansion sites.

Finding: The preferred expansion area primarily consists of first priority lands that have been identified as committed rural lands by Douglas County on County Comprehensive Plan Maps. These maps designate the area as “Committed – 2 acre”. These properties have also been inventoried as rural committed lots of record by the 2006 County Rural Residential Lands Inventory and Analysis. Approximately 153.24± acres of the preferred expansion area is considered first priority under statute.

In addition to these first priority lands, Subarea #1 includes 24.03± acres of land zoned FF, which would be considered third priority land. OAR 660-024-067(3)(a) allows for some third and fourth priority land to be included in a UGB expansion provided that the land “is not important to the commercial agricultural enterprise in the area” and is necessary to “connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB.” These properties are not engaged for agricultural enterprise currently nor have

they been historically. The inclusion of third priority land is justified by the critical need for alternate access to commercial development along Park Hill Road following the interchange modernization project proposed in the City IAMP. Linking Trail's End Road to Fir Grove Lane will provide a crucial connection between committed residential lands currently separated by these resource lands.

For the proposed UGB exchange to work, the area to be added to the UGB must be substantially equivalent to the area to be removed from the UGB. According to the United States Department of Agriculture Natural Resources Conservation Service (NRCS) soil survey, 46.4 acres of the 50 acre parcel are predominantly classified as Class III, which is not considered high-value farmland as defined in ORS 195.300. See Exhibits 16 and 17 for soils maps of Fords Pond and the Trails End area of the preferred expansion area. The properties zoned FF Farm Forest that are proposed for inclusion in the UGB are not important to the "commercial agricultural enterprise in the area" and are further necessary to connect the rural residential land at the end of Park Hill Lane with "higher priority land" to the north west. Thus, the City of Sutherlin finds that the exception to the prioritization criteria found in OAR 660-024-067(3)(a) applies.

For the reasons detailed above the City of Sutherlin finds that Study Area #1 best accommodates the identified needs of the City.

4. CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

A. 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.

Finding: 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. The City of Sutherlin notifies nearby property owners, publishes a public hearing notice and contact information in the newspaper, and facilitates public participation during public hearings.

B. 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.

Finding: Sutherlin's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's Comprehensive Plan and implementing ordinances provide the local criteria by which the applicant's request will be reviewed. The subject properties being added to the Sutherlin Urban Growth Boundary will require review and compliance with the applicable statewide planning goals include Goals 13 and 14. No exception to statewide planning goals is necessary.

C. GOAL 3: AGRICULTURAL LANDS

Not applicable pursuant to OAR 660-024-0020(1)(b).

D. GOAL 4: FOREST LANDS

Not applicable pursuant to OAR 660-024-0020(1)(b).

E. GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES.

To conserve open space and protect natural and scenic resources.

Finding: This proposal will have little significant impact on any of the items of issue in Goal 5. Aside from a small area identified as Freshwater Emergent Wetland on the National Wetlands Inventory (NWI) issued by U.S. Fish and Wildlife Service (See Exhibit 25) there are no inventoried resources within the area to be added to the UGB that are subject to Goal 5. Future residential development can easily avoid impacting inventoried wetlands.

The City is currently completing a park master plan for the 200± acres Ford's Pond property, which will provide valuable open space for the general area. Removing the property from the UGB will better facilitate the development of this park, which will largely preserve the property for open space and natural and scenic resource value.

F. GOAL 6: AIR, WATER, AND LAND RESOURCE QUALITY

To maintain and improve the quality of air, water and land resources of the state.

Finding: The proposed UGB exchange will have little, if any effect on the quality of air, water and land resources of the area. Future development will be required to mitigate any work which will impact the small amount of wetland mapped on the preferred area for expansion.

G. GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect life and property from natural disasters and hazards.

Finding: The properties included in the UGB exchange are not subject to any known natural hazards. The area is not mapped as a special flood hazard area identified on FEMA flood insurance rate maps. Slopes of preferred expansion area are generally less than 8%.

H. GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreation facilities including destination resorts.

Finding: There are no master plans, identified parks, or recreational areas specifically planned for the area to be brought into the UGB. The City Park and Open Space Plan identifies Ford's Pond, proposed to be removed from the UGB, as a future community park. The City of Sutherlin is currently completing a parks master plan for the Ford's Pond property. The park will serve a wider geographic area, including the residentially zoned area proposed to be brought into the UGB and provide passive and active

recreational opportunities and open space for residents. The proposed UGB amendment proposes to reserve 5 acres of the Ford's Pond property in the UGB under current zoning for restroom and other park-related support facilities. The removal of the Ford's Pond property from the UGB will better facilitate the development of these recreational facilities.

I. GOAL 9: ECONOMIC DEVELOPMENT

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

There are no commercial or industrial zoned lands involved in the proposed UGB exchange.

Finding: The proposed UGB amendment would have a minimal effect on economic development except that development of alternate transportation access necessary with future development of the area would support the continued viability of existing businesses currently fronting Park Hill Lane.

J. GOAL 10: HOUSING

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

Finding: The UGB amendment will result in substantially the same number of housing units, with a potential for 705 units under County zoning following the exchange, which replacing 758 potential dwelling units under current zoning (see Tables 1.5 and 1.6). As such, there will be little impact on housing needs.

K. 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.

Finding: The area to be added to the UGB is adjacent to public water and sanitary sewer services available from the City of Sutherlin. Extension of these services in this area will be less costly and burdensome than other alternative area considered for expansion of the UGB. Existing fire and police protection will be extended by the City to serve the area.

L. GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

The City of Sutherlin IAMP identifies a preferred interchange design concept as part of a long term modernization project for Interstate 5 Exit 136. The preferred design includes utilizing the current alignment of Park Hill Lane for an expanded southbound access ramp from Central Avenue (Highway 138) onto Interstate 5. This requires that Park Hill Lane be disconnected between OR 138 and W. Duke Road. The UGB exchange provides for alternative access for businesses and residences south of Duke Road whose access will be impacted by the reconfiguration of Exit 136.

The IAMP also identifies Crestview Street and the extension of Fairway Drive or Dakota Street south of OR 138 for potential future access off of W. Central Avenue/OR 138. Either option would tie OR 138 into Duke Road and allow traffic to bypass Fort McKay Road and Plat M Road. This would be beneficial for access to businesses currently fronting on Park Hill Lane whose access will be impacted by the aforementioned project to modernize Exit 136.

Finding: Per ongoing discussions with Southwestern Region 3 representatives with ODOT, and in consultation with the City of Sutherlin Transportation Systems Plan (TSP) and IAMP, the proposed UGB amendment will open a number of options to accommodate future development and increase connectivity in the subject area.

M. GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The area to be added to the UGB is relatively close in proximity to existing high capacity transportation corridor, which will positively affect energy efficiency. This proximity should also reduce consumption of non-renewable sources of energy. The proposed change will otherwise have little impact on energy conservation.

N. GOAL 14: URBANIZATION

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

Finding: The proposed UGB amendment will have a net positive impact on the urban density in the areas subject to the exchange, and the proposed change will not adversely affect the existing land use pattern of the area.

5. CONSISTENCY WITH SUTHERLIN COMPREHENSIVE PLAN POLICIES

A. CITIZEN INVOLVEMENT ELEMENT

The Goal of the Citizen Involvement Element of the City of Sutherlin Comprehensive Plan is “To establish a framework for a planning and policy process which involves citizens and is a basis for all decisions and actions related to land use, and which ensures that an adequate factual base is available for such decisions and actions.” The policies implementing this goal task the Planning Commission with Citizen Involvement responsibilities.

Finding: This proposal will be reviewed by the Planning Commission in a public process following procedures laid out in the Sutherlin Development Code. Citizen involvement is a key component of this process. The public will be provided ample notice according to state and city requirements and given opportunity to provide input during a public hearing process.

B. NATURAL & CULTURAL RESOURCES ELEMENT

The properties to be included in the UGB following the exchange have few natural or cultural resources. The area does not contain an identified flood zone. There are no identified geologic hazards or **steep slopes** on the properties. All slopes are generally less than 8%. See Exhibit __. Nor do the properties contain any inventoried historic resources. The UGB amendment will also have no impact on preservation of any identified mineral and aggregate resources. The only resource of note is an area subject

to freshwater emergent wetland is partially within the area proposed to be taken into the UGB. Future development will need to coordinate with the appropriate state agency and address any mitigation or other concerns.

Finding: It is anticipated that the UGB exchange will not adversely burden any natural or cultural resources that have been inventoried or otherwise identified. The extent of any area subject to wetland conditions will need to be delineated by a qualified professional and any necessary mitigation measures will need to be employed prior to any future development of the area.

C. POPULATION & ECONOMIC ELEMENT

The properties subject to the UGB exchange have significant development potential. As part of the City's current comprehensive plan (1991) Population & Economic and Land Use Elements, the properties will be designated as low density residential and residential hillside exclusively following the UGB expansion.

Policy 19 states *"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."*

Finding: The zoning map amendment is generally neutral in regard to policies identified in the Population and Economic Element of the Comprehensive Plan, as it does not represent a significant gain or loss of housing or other opportunities identified in the comprehensive plan. The retiree and senior citizen population will be better served by housing located in closer proximity to major transportation routes and amenities, which will provide greater access to "housing, recreation, health, and transportation opportunities." The proximity of the subject properties to the Umpqua Golf Resort will likely make housing in this location extremely desirable for retirees.

D. PUBLIC FACILITIES ELEMENT

The City relies on various public facilities, including those providing water, sewer, transportation, solid waste, emergency services, parks and recreation, and other services, for the proper function. The stated purpose of the City of Sutherlin Public Facilities Plan, as incorporated into the City Comprehensive Plan, is "to help assure that urban development is guided and supported by services and facilities appropriate to the needs of the community and that this infrastructure is provided in a timely, orderly, and efficient arrangement, as required by Oregon's State Planning Goal 11." The following policies are applicable to the requested amendment:

Policy 1 states *"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."*

Finding: City water, sewer, and fire hydrants are located near the properties proposed to be added to the City UGB and are maintained by City of Sutherlin. The cost of extending and tying into these facilities will be borne by the future developer.

Policy 12 states *"the city shall provide sewer and water service to areas within the Urban Growth Boundary."*

Finding: Existing water and sanitary sewer are located near or along State Hwy 138 or Fort McKay Road. Improvements, meeting City standards, will be required to extend these public services to the UGB expansion area upon future development.

Policy 13 states *“the city shall require utilities to use the public right-of-way for future service ways and require utilities to coordinate activities in order to prevent unnecessary duplication.”*

Finding: Upon future development, the city will require utilities to use the public rights-of-way and/or utility easements over the subject properties, as needed for future service. Permits or submissions will be filed at the appropriate time when development is planned.

Policy 14 states *“ensure that as new development occurs, public facilities and services to support the development are available or will be available in a reasonable time.”* Water/sewer, gas, and fire hydrants are already in place adjacent to the area to be brought into the UGB. Electricity, internet and cable service are also available for future development.

Policy 15 states *“all public facility improvements in the Sutherlin Urban Growth Boundary shall be consistent with this plan.”*

Finding: Upon future development of properties subject to the UGB exchange, all public facility improvements required to service the property shall be consistent with the plan.

E. HOUSING ELEMENT

Under the Housing Element’s goal *“to locate future housing so that available land is both used efficiently and developed for a high degree of livability,”* the following policies are applicable to the requested amendment:

Policy 2 states to *“provide buffer zones between residential areas and conflicting land uses (i.e., industrial, certain kinds of commercial, residential, etc.) in order to protect the overall livability of these areas.”*

Finding: The proposal satisfies Policy 2. The City decision to exclude unnecessary portions of the two county properties zoned FF from the area to be included in the UGB creates an adequate buffer between future residential uses and resource lands to the south.

F. LAND USE ELEMENT

The stated goal of the Land Use element is *“To ensure that the development of Sutherlin is properly phased and orderly so that urban sprawl is avoided, livability is enhanced and enough suitable land is available for future development.”* The following policy is applicable to the proposed UGB exchange:

Policy 1 requires that the *“Conversion of urbanizable land to urban uses shall be based on consideration of;*

- A. Orderly, economic provision for public facilities and services;*
- B. Availability of sufficient land of various use designations to ensure choices in the market place;*
- C. Conformance with statewide planning goals;*

D. Encouragement of development within urban areas before conversion of non-urban areas.”

Finding: The proposed amendment satisfies the above policy. The provision of public facilities and services has been addressed in great detail elsewhere in this proposal. The proposal also discusses conformance with statewide planning goals elsewhere.

6. SUTHERLIN DEVELOPMENT CODE STANDARDS

A. SDC 4.11: AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE AND LAND USE PLANS

Pursuant to Section 4.11.110.C of the Sutherlin Development Code – Amendments to the Sutherlin Development Code and Land Use Plans – the proposed annexation and zone change exchange is subject to the following criteria:

- A. The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and*
- B. The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

Finding: See Section 5 above for an in depth discussion of compatibility of the proposal with City of Sutherlin Comprehensive Plan and supporting documents.

ANNEXATION AND ZONE CHANGE

The City of Sutherlin is proposing a zone change and annexation in conjunction with the UGB expansion subject to the above proposal. These processes will run concurrently and must therefore be addressed as part of this staff report. The following proposal details the proposed annexation and Zoning Map Amendment.

Current law requires Planning Commission and City Council approval of any amendment to the Sutherlin Zoning Map. The proposal shall be evaluated against the procedures and criteria for approving amendment to the Zoning Map and city boundary as provided in state statute and Sutherlin Development Code Sections 4.8 and 4.11. Each applicable criterion is addressed separately, and proposed findings are provided to assist the Planning Commission in making a recommendation on this matter.

The requested changes are specific to properties described in the proposal below. Because a decision must be reached by applying specific criteria in the City's Plan and Zoning ordinances, approval of the zone change and annexation request requires a quasi-judicial map amendment. Before the Sutherlin Planning Commission can make a formal recommendation to the City Council concerning this request, a quasi-judicial public hearing must be held in which the Planning Commission reviews a staff report, takes written and oral testimony, considers the facts, applies the appropriate criteria (in this case, the Statewide Planning Goals, and the City's

Comprehensive Plan and implementing ordinances), and adopts Findings of Fact which justify its decision and recommendation.

The Findings of Fact must demonstrate compliance with Oregon's Statewide Planning Goals and address pertinent criteria from Sutherlin's Comprehensive Plan and implementing ordinances. After relating the facts to the criteria, the Planning Commission must recommend approval, denial, or approval with conditions concerning the request.

If the Planning Commission finds that the zone change and annexation proposed by the City satisfy the applicable approval criteria for these land use actions they may make a written recommendation to approve the requested Zoning Map amendment and concurrent annexation to the City Council. The Council will consider the Commission's recommendation, hold a public hearing, and make a decision to grant, amend or deny the request.

1. PROPOSAL

The Zoning Map Amendment and Annexation proposal under review were initiated by the City as part of the effort to amend the City UGB, as described above. The City has In conjunction with the proposed UGB exchange, the City of Sutherlin is proposing to annex approximately 168 acres, including 41 properties, into City limits. The request also includes a zone change from Douglas County Rural Residential 2 (RR) and Farm Forest (FF) zones to City of Sutherlin Residential Hillside (RH) and Single Family Residential (R-1) zones. Exhibit 19 lists the existing and proposed comprehensive plan and zoning designations on the individual properties involved. This will facilitate the extension of public services to the area and the orderly development of the properties. Sanitary sewer will be required with future residential development in the area and the City may consider requesting the owners sign a waiver not to remonstrate a future service LID.

The properties subject to the proposed annexation and zone change are located along Duke Road, Fir Grove Lane and Plat M Road approximately one quarter mile west of Interstate 5 and are further identified on Douglas County Assessor map T25-R06-S24: Tax lot 1500, Property ID R46083 (Calkins Enterprises LLC); Tax lot 1800, Property ID R46041 (O'Banion); Tax lot 2100, Property ID R46027 (Koch); Douglas County Assessor map as T25-R06-S24A: Tax lot 1400, Property ID R46419 (Heritage Loving Trust); Tax lot 1600, Property ID R46412 (Palomares); Tax lot 1700, Property ID R46405 (Fisher); Tax lots 1800/1900, Property IDs R46153/R46146 (Calkins Enterprises LLC); Tax lot 2000, Property ID R46139 (Robinson & Srikureja, et al); Tax lot 2300/2401, Property ID R46104/R46132 (Ecker); Tax lot 2500, Property ID R46118 (O'Banion); Douglas County Assessor map as T25-R05-S19C: Tax lots 100/200, Property IDs R22752/R22768/R46986 (Robinson); Tax lot 201, Property ID R46993 (Haley); Tax lot 300/400, Property ID R47000/R47007 (Germond); Tax lot 800, Property IDs R141456/R22744 (Stookey LLC); Tax lot 900, Property ID R22672/22688 (J. Rochester Rev Trust); Douglas County Assessor map as T25-R05-S19CD: Tax lots 400/500, Property IDs R22624/R22632 (Baskids LLC); Tax lot 600, Property ID R22832 (Bangs); Tax lot 1000, Property ID R22784 (Bartram); Tax lots 1100/1101, Property IDs R22808/R120911 (Robinson Loving Trust); Tax lot 1102, Property ID R120808 (Haley); Douglas County Assessor map T25-R05-S19B: Tax lot 500, Property ID R45915 (Tucker Rev Liv Trust); Tax lots 700/900, Property IDs R45922/R45950 (Nelson); Tax lot 800, Property ID R45915 (Tucker

First Family LLC); Tax lots 1000/1100, Property IDs R45943/45936 (Oliver); Tax lots 1400/1500, Property IDs R45880/R45887 (Walker); and Douglas County Assessor map T25-R05-S19BC as: Tax lot 1100, Property ID R45985 (Oliver); Tax lot 1300, Property ID R45957 (Haaby); Tax lot 1600, Property ID R22664 (Van Laarhoven); Tax lot 1700, Property ID R22736 (Robinson). See Exhibit 19 for a complete list of properties subject to this annexation proposal.

The majority of the subject properties contain existing residential development. The subject properties will be located within the UGB following the proposed exchange and given Low Density Residential (RLD) or Residential Hillside (RH) designations under the Sutherlin Comprehensive Plan. The proposed zone change and annexation will allow connection to public water service on the 168 area as permitted under the City code.

The proposal also requires amendments to the official City of Sutherlin Zoning Map as the subject properties currently carry County RR and FF zoning designations. The narrative below demonstrates compliance with the Comprehensive Plan and to ensure consistency between the Plan and its implementing ordinances (i.e. zoning).

The surrounding property is comprised of a mix of residential, commercial and industrial zoned properties. Lands to the south of the subject properties are zoned FF by Douglas County. Properties to the north of the area are zoned Low Density Residential (R-1), Community Commercial (C-3) and General Industrial (M-2).

2. APPLICABLE CRITERIA

A. Oregon Revised Statutes (ORS) 222.111(1) & (2) states:

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, 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. Such territory may lie either wholly or partially within or without the same county in which the city lies.

(2) 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.

Finding: The properties proposed to be annexed are wholly and completely within the current City of Sutherlin Urban Growth Boundary. The subject properties are located in the southwest portion of the UGB and are contiguous to the city limits to the north.

Finding: The owners of the real property subject to the proposed annexation have submitted written consent for annexation under ORS 222.125. This annexation request is being reviewed under the provisions of ORS 222.125 below.

B. ORS 222.125 states as follows:

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.

- a. Upon completion of the UGB exchange, the territory proposed to be annexed is or will be wholly and completely within the City of Sutherlin Urban Growth Boundary.
- b. The subject territories are adjacent to the City of Sutherlin city limits on its west, north and east property lines. The properties are considered contiguous to the city limits.
- c. A statement of consent to annexation has been filed with the City of Sutherlin in the form of a "Consent to Annexation to the City of Sutherlin, Oregon", signed by all of the owners/electors party to the annexation.
- d. The Sutherlin City Council, under the authority of ORS 222.125, need not call or hold an election nor hold the hearing otherwise required by ORS 222.120. The City Council, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

3. CONSISTENCY WITH THE STATEWIDE PLANNING GOALS

A. 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.

Finding: 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. The City of Sutherlin notifies nearby property owners, publishes a public hearing notice and contact information in the newspaper, and facilitates public participation during public hearings.

B. 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.

Finding: Sutherlin's acknowledged Comprehensive Plan and implementing ordinances provide a State-approved process for land use decision making, and a policy framework derived from a proper factual base. The City's Comprehensive Plan and implementing ordinances provide the local criteria by which the applicant's request will be reviewed. The subject properties being added to the Sutherlin Urban Growth Boundary will require review and compliance with the applicable statewide planning goals include Goals 13 and 14. No exception to statewide planning goals is necessary.

C. GOAL 3: AGRICULTURAL LANDS

D. GOAL 4: FOREST LANDS

Finding: The subject properties are not agricultural or forest land as defined by Statewide Goals 3 and 4. The properties are situated within the urban area and have been designated for urban use by the Sutherlin Comprehensive Plan. The proposed annexation and zone change does not involve the conversion of designated farm or forest land to urban use. Statewide Goals 3 and 4 are not applicable to this requested amendment.

E. GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES.

To conserve open space and protect natural and scenic resources.

Finding: 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. According to this inventory, the properties contain no wetlands, riparian corridor or significant wildlife habitat. No known historic or cultural resources exist on the properties, and they contain no open spaces or scenic areas as identified by the City of Sutherlin. The relative elevation of the subject properties places them well outside the flood plain of any area streams.

F. GOAL 6: AIR, WATER, AND LAND RESOURCE QUALITY

To maintain and improve the quality of air, water and land resources of the state.

Finding: 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 properties to RH and R-I is not expected to result in any additional development with the typical associated

waste stream characteristics. The proposed residential zoning is an acknowledgement of the existing development on the subject properties. Any further development of the area will undergo the required City of Sutherlin site development review process which will help assure that future waste streams that occur will be no more adverse to the environment and the City's treatment capacity than would be the case under the current zoning. The City has regulations in place to control the generation and disposal of residential wastes. Although the subject properties are currently served by private water sources, the proposed amendment will allow the ownerships to be served by City water. The area is also served by private sewer service.

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.

G. GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect life and property from natural disasters and hazards.

Finding: The properties included in the proposed annexation are not subject to any known natural hazards. The properties have generally flat topography and are not located within any special overlay zones or in an area that is designated as susceptible to flooding or other natural hazards. Any new development on the site will comply with building codes and fire safety requirements. These existing regulations serve to ensure the protection of life and property.

H. GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreation facilities including destination resorts.

Finding: The subject properties have not been designated by the City of Sutherlin as land needed to meet the recreational needs of the citizens of, or visitors to, the state of Oregon. The properties are currently zoned for residential use and have no special geographic or natural advantages for recreational use. The requested amendment does not conflict with Goal 8.

I. GOAL 9: ECONOMIC DEVELOPMENT

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

Finding: There are no commercial or industrial zoned lands involved in the proposed annexation.

The subject properties will be inside the UGB and will be planned and zoned and utilized for residential purposes. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future economic development in the area is enhanced. The application for zone change will not impact the current inventory of land needed for economic development and is therefore consistent with Goal 9.

J. GOAL 10: HOUSING

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

Finding: The properties, consisting of approximately 168 acres, will be zoned RH and RLD under the proposed Zone Change. The properties already in the UGB are currently designated Low Density Residential and Residential Hillside by the Sutherlin Comprehensive Plan, and those to be added to the UGB and annexed are currently designated Committed Land – 2 Acres (RC2) under the Douglas County Comprehensive Plan. The Sutherlin Comprehensive Plan contains specific policies for protecting and ensuring future residential development in the area is enhanced. The properties involved in this request are mostly developed for residential uses already and will remain part of the inventory of residential lands for the City; therefore, there will be no negative impact on housing in the area. The application for zone change will have no negative impact on the current inventory of land needed for residential development and is consistent with Goal 10.

K. 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.

Finding: The area to be annexed into the City will be entirely within the City UGB and is adjacent to public water and sanitary sewer services available from the City of Sutherlin. Existing fire and police protection will be extended by the City. Future development would require that the City review the specific development plans for the site to determine any additional infrastructure requirements. The City has both the capacity and ability to provide the required public facilities, as available, with sufficient infrastructure investment on the part of the owners. It can be expected that the property will be served by city water and private sewer, as well as other necessary public utilities. The proposed amendment is not in conflict with Goal 11.

L. GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

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

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

- (1) The applicant shall certify the proposed land use designations, densities 01' design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.
 - (a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan."
 - (b) The jurisdiction providing direct access (County or ODOT) may require the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).

Finding: The functional classifications of transportation facilities within the City of Sutherlin Transportation System Plan (TSP) are identified in Table 7-1 of that document. The roads utilized for access are not currently under jurisdiction of the City. However, Duke Road and Plat M Road are each currently classified by the City as a "Local" with a future designation of "Collector". Fir Grove Lane is classified as a "Local Access Road" and is not under public maintenance, but will be brought into the City's maintenance system at such time as the street is improved to an urban standard, As previously noted, the subject area is situated on the west side of Interstate 5. At the present time, the public roads in the area are and have been adequate to accommodate existing traffic volumes generated by the properties. Future development will generate additional traffic volumes on the existing access and will be addressed by the developers at the time of development.

City of Sutherlin Development Code standards will help to insure any future residential development approval of the property and its associated impacts will be in compliance with the TSP and IAMP. Staff finds that the requested annexation and zone change meet the requirements of Goal 12.

M. GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: Statewide Planning Goal 13 requires that land uses shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. A number of the properties contain pre-existing residential uses. Any future development on the properties will be completed under City standards for residential use. The proposed map amendment is to change the zoning on the property from RR and FF to RH and R-I in conformance with proposed residential designations under the City of Sutherlin Comprehensive Plan, The 168 acres will also be subject to development standards and building codes that provide for a minimum level of energy efficiency. The proposal is consistent with principles of efficient land use and energy efficiency and Goal 13.

N. GOAL 14: URBANIZATION

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

Finding: With the concurrent UGB exchange, the state will have acknowledged the lands within Sutherlin as being in compliance with Goal 14.

4. CONSISTENCY WITH SUTHERLIN COMPREHENSIVE PLAN POLICIES

A. CITIZEN INVOLVEMENT ELEMENT

The Goal of the Citizen Involvement Element of the City of Sutherlin Comprehensive Plan is “To establish a framework for a planning and policy process which involves citizens and is a basis for all decisions and actions related to land use, and which ensures that an adequate factual base is available for such decisions and actions.” The policies implementing this goal task the Planning Commission with Citizen Involvement responsibilities.

Finding: This proposal will be reviewed by the Planning Commission in a public process following procedures laid out in the Sutherlin Development Code. Citizen involvement is a key component of this process. The public will be provided ample notice according to state and city requirements and given opportunity to provide input during a public hearing process.

B. NATURAL & CULTURAL RESOURCES ELEMENT

The properties to be included in the UGB following the exchange have few natural or cultural resources. The area does not contain a special flood hazard area as identified on FEMA flood insurance rate maps. There are no identified geologic hazards or steep slopes on the properties. The properties do not contain any inventoried historic resources. The Zoning Map Amendment will also have no impact on preservation of any identified mineral and aggregate resources. The only resource of note is an area subject to freshwater emergent wetland is partially within the area proposed to be taken into the UGB, as identified on National Wetland Inventory maps. Future development will need to coordinate with the appropriate state agency and address any mitigation or other concerns.

Finding: It is anticipated that the UGB expansion will not adversely burden any natural or cultural resources that have been inventoried or otherwise identified.

C. POPULATION & ECONOMIC ELEMENT

The properties subject to the Zone Map Amendment have significant development potential. As part of the City’s current comprehensive plan (1991) Population & Economic Element and Land Use Element, the properties will be designated as low density residential and residential hillside exclusively following the UGB expansion, zone change, and annexation.

Policy 19 states “*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.*”

Finding: The zoning map amendment is generally neutral in regard to policies identified in the Population and Economic Element of the Comprehensive Plan, as it does not represent a significant gain or loss of housing or other opportunities identified in the

comprehensive plan. The retiree and senior citizen population will be better served by housing located in closer proximity to major transportation routes and amenities, which will provide greater access to “housing, recreation, health, and transportation opportunities.” The proximity of the subject properties to the Umpqua Golf Resort will likely make housing in this location extremely desirable for retirees.

D. PUBLIC FACILITIES ELEMENT

The City relies on various public facilities, including those providing water, sewer, transportation, solid waste, emergency services, parks and recreation, and other services, for the proper City function. The stated purpose of the City of Sutherlin Public Facilities Plan, as incorporated into the City Comprehensive Plan, is “to help assure that urban development is guided and supported by services and facilities appropriate to the needs of the community and that this infrastructure is provided in a timely, orderly, and efficient arrangement, as required by Oregon's State Planning Goal 11.” The following policies are applicable to the requested amendment:

Policy 1 states *“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.”*

Finding: City water, sewer, and fire hydrants are located near the properties proposed to be added to the City UGB and are maintained by City of Sutherlin. The cost of extending and tying into these facilities will be borne by the future developer.

Policy 12 states *“the city shall provide sewer and water service to areas within the Urban Growth Boundary.”*

Finding: Existing water and sanitary sewer are located near or along State Hwy 138 or Fort McKay Road. Improvements, meeting City standards, will be required to extend these public services to the UGB expansion area upon future development.

Policy 13 states *“the city shall require utilities to use the public right-of-way for future service ways and require utilities to coordinate activities in order to prevent unnecessary duplication.”*

Finding: Upon future development, the city will require utilities to use the public rights-of-way and/or utility easements over the subject properties, as needed for future service. Permits or submissions will be filed at the appropriate time when development is planned.

Policy 14 states *“ensure that as new development occurs, public facilities and services to support the development are available or will be available in a reasonable time.”* Water/sewer, gas, and fire hydrants are already in place adjacent to the area to be brought into the UGB. Electricity, internet and cable service are also available for future development.

Policy 15 states *“all public facility improvements in the Sutherlin Urban Growth Boundary shall be consistent with this plan.”*

Finding: Policy 15 is satisfied. Upon future development of properties subject to the UGB exchange, all public facility improvements required to service the property shall be consistent with the plan.

E. HOUSING ELEMENT

Under the Housing Element's goal "to locate future housing so that available land is both used efficiently and developed for a high degree of livability," the following policies are applicable to the requested amendment:

Policy 2 states to *"provide buffer zones between residential areas and conflicting land uses (i.e., industrial, certain kinds of commercial, residential, etc.) in order to protect the overall livability of these areas."*

Finding: The proposal satisfies Policy 2. The City decision to exclude unnecessary portions of the two county properties zoned FF from the area to be included in the UGB creates an adequate buffer between future residential uses and resource lands to the south.

F. LAND USE ELEMENT

The stated goal of the Land Use element is "To ensure that the development of Sutherlin is properly phased and orderly so that urban sprawl is avoided, livability is enhanced and enough suitable land is available for future development." The following policy is applicable to the proposed UGB exchange:

Policy 1 requires that the *"Conversion of urbanizable land to urban uses shall be based on consideration of;*

- A. Orderly, economic provision for public facilities and services;*
- B. Availability of sufficient land of various use designations to ensure choices in the market place;*
- C. Conformance with statewide planning goals;*
- D. Encouragement of development within urban areas before conversion of non-urban areas."*

Finding: The proposed zoning map amendment satisfies the above policy. The provision of public facilities and services has been addressed in detail elsewhere in this staff report. The proposal also discusses conformance with statewide planning goals elsewhere.

5. SUTHERLIN DEVELOPMENT CODE STANDARDS

A. SDC 4.8: ZONING DISTRICT MAP AMENDMENTS

Section 4.8.110.C of the Sutherlin Development Code – Zoning District Map Amendments – the proposed zoning map change is subject to the following criteria:

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

- 1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;*

2. *Demonstration that the most intense uses and density that would be allowed, outright in the proposed zone, considering the sites characteristics, can be served through the orderly extension of urban facilities and services, including a demonstration of consistency with OAR 660-012-0060. The determination of consistency with OAR 660-012-0060 can be deferred to development review pursuant to 4.3.120 for those zone changes that are located within the approved interchange 136 IAMP area and do not require a comprehensive plan amendment; and*
3. *Evidence of change in the neighborhood or community, or a mistake or inconsistency between the comprehensive plan or zoning district map regarding the subject property which warrants the amendment.*

Finding: Findings found in Sections 3 and 4 above demonstrate compliance with all comprehensive plan policies and map designations.

The change in the area that warrants the zoning map amendment is the inclusion of the area in the City UGB and the annexation of the properties. These actions require that the properties subject to the proposal receive a City zoning and comprehensive plan designations.

B. SDC 4.11: AMENDMENTS TO THE SUTHERLIN DEVELOPMENT CODE AND LAND USE PLANS

Pursuant to Section 4.11.110.C of the Sutherlin Development Code – Amendments to the Sutherlin Development Code and Land Use Plans – the proposed annexation and zoning map change is subject to the following criteria:

- C. *The proposed amendment is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and*
- D. *The proposed amendment is consistent with the remainder of the comprehensive plan, including inventory documents and facility plans incorporated therein.*

Finding: See Section 3 and 4 above for an in depth discussion of compatibility of the proposal with City of Sutherlin Comprehensive Plan and supporting documents.

CONCLUSION

City Staff recommends that the Planning Commission forward a recommendation for approval to the Sutherlin City Council of the requested urban growth boundary exchange, annexation and zone change for properties consenting to be annexed into City limits at this time.

DECISION OPTIONS

Based on the City Staff Report and the testimony and evidence provided during the public hearing, the Planning Commission can move to either:

1. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council **approval** of the requested Urban Growth Boundary exchange; or
2. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend** to the City Council approval of the requested Urban Growth Boundary exchange amendments with specified **conditions**; or
3. Pass a motion to **continue the public hearing** to a specified date and time, or to close the public hearing and to leave the record open to a specified date and time for submittal of additional evidence and rebuttal; or
4. Close the public hearing and, after deliberating on the matter, pass a motion to **recommend denial** of the requested Urban Growth Boundary exchange on the grounds that the proposal does not satisfy the applicable approval criteria.

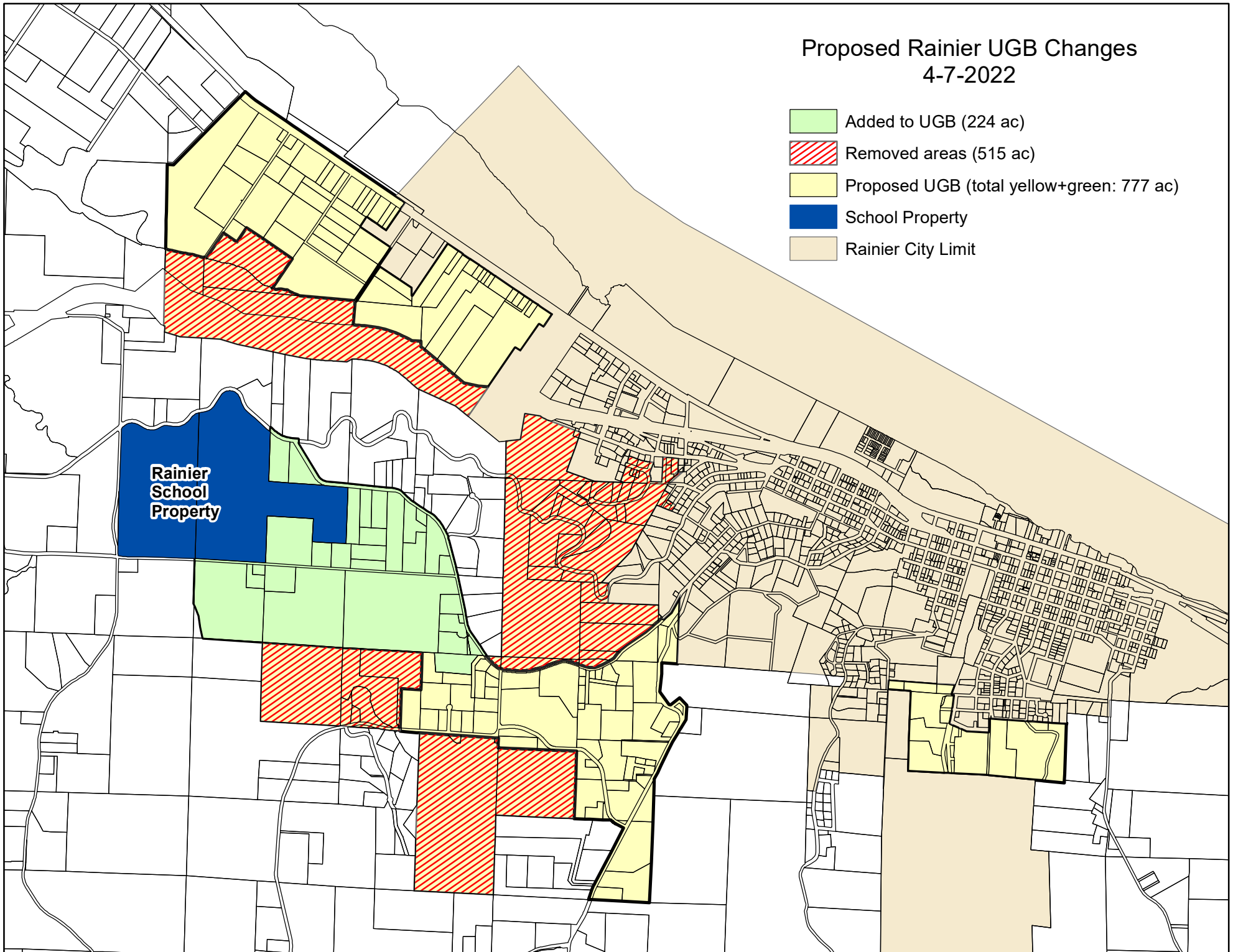
DRAFT

STAFF EXHIBITS

1. Vicinity Map
2. Douglas County Zoning Map
3. City of Sutherlin Zoning Map
4. City of Sutherlin Comprehensive Plan Map
5. Staff Report with Responses Attached and affidavit of mailing
6. Proposed UGB Exchange
7. Properties Involved in UGB Exchange - Table
8. Study Area
9. Study Subarea #1
10. Study Subarea #2
11. Study Subarea #3
12. Study Subarea #4
13. Study Subarea #5
14. Areas to Be Removed from UGB – Fords Pond Current Zoning
15. Areas to Be Removed from UGB – Schoon Mountain Current Zoning
16. Fords Pond Soil Maps
17. Trails End Soil Maps
18. Properties Subject to Zone Change and Annexation – Map
19. Properties Subject to Zone Change and Annexation – Table
20. DLR Notice of Proposed Amendment with affidavit of mailing
21. Notice of Public Hearing with affidavit of mailing
22. Copy of legal notice posted in the *New Review*
23. Property Owners within 100 feet
24. Contour Map of Preferred Expansion Area
25. Wetlands Map

Proposed Rainier UGB Changes 4-7-2022

- Added to UGB (224 ac)
- Removed areas (515 ac)
- Proposed UGB (total yellow+green: 777 ac)
- School Property
- Rainier City Limit



URBAN GROWTH BOUNDARY SWAP PROCESS

CITY OF SUTHERLIN

STEP ONE: Determine the land use designation and urban capacity of the land to be removed from the urban growth boundary. The proper unit of measurement should be number of potential dwelling units for residentially-designated land, and the number of developable acres for commercial and industrial land. This will provide information for the amount of land necessary to exchange with the land to be removed.

STEP TWO: Determine the needed land use designations and urban capacity of the land to be added to the urban growth boundary (UGB). The same units of measurements should be used as with the land to be removed. If the amount of dwelling unit capacity or land is roughly proportional for land to be added is roughly proportional, within 10%, of the capacity of the land removed, then the city does not need to determine if its 20-year land needs within the urban growth boundary are being met or are being exceeded. NOTE: that there are three cautions regarding this process: 1) the residential unit capacity in the lands exchanged must be of the same type of residential land, for example, low density residential capacity removed must be replaced with new low density residential capacity; 2) in general commercial or industrial lands removed must be replaced with commercial or industrial lands zoned for similar uses, for example, commercially-zoned land removed must be replaced with commercially-zoned land added; and 3) in the one exception to 2), if the land added is for a particular industrial use that requires specific site characteristics, the land removed can be either commercially or industrially-designated land.

STEP THREE: Determine the location of the land to be added to replace the land being removed. First, use OAR 660-024-0065 to determine appropriate study areas. For a city with a UGB population less than 10,000, the city must consider all land within ½ mile of the existing UGB boundary. Cities with a UGB population greater than 10,000 must consider all land within 1 mile of the existing UGB. Extensions must go out an additional half mile for continuations of contiguous exception lands (rural residential, urban reserve, non-resource lands) that are within the original distance from the UGB. A city can include lands even farther than this distance if it chooses to do so.

STEP FOUR: Exclude from the overall study area any lands that meet various criteria that make them patently unsuitable for urban development. Generally, these are areas that cannot be reasonably serviced with public facilities, are subject to significant natural hazards, have some a high level of environmental or natural resource value, or are federal lands. The details are found in the rules of 660-024-0065(4), with additional details regarding public facilities in 660-024-0065(7), attached. The total study area must be at least twice the area needed.

STEP FIVE: Divide up the overall study area into smaller units of analysis. The units of analysis should consist of different blocks of different types of rural lands – for instance, rural residential “exception” lands vs. farm and forest lands. The one exception is that a unit of analysis that is mostly rural residential land, but includes some farm or forest land that is not important to commercial agricultural enterprise and must be included to connect a nearby and significantly larger area of land that is rural residential can be put into the same unit of analysis as the rural residential land. So, for example, the parcel of forest land on the south side of Sutherlin that we discussed could be included in the same subarea as the rural residential parcels around it because the road connecting it all would go through it. And, given the amount of land Sutherlin is considering, the city can ignore all of the large blocks of farm and forest land that are within the overall study area and just concentrate on the units of analysis consisting primarily of rural residential or other “exception” lands.

STEP SIX: For the units of analysis that are subject to more detailed review, the city must then look at all of them and “grade” them according to the four factors for location of UGB expansions found in Goal 14. They are attached, but can be summarized as 1) efficient urban form, 2) public facilities, 3) ESEE

consequences, and 4) impact on adjacent farm and forest activities in rural areas. The city's analysis must consider and analyze all four factors, but the city can weigh and balance those factors based upon a set of findings and policy judgments which, unless they are without merit, will be upheld on judicial review. Many cities set up a quantitative "grading" system to compare the units of analysis and then make a decision based upon the grades.

STEP SEVEN: The city must make findings for compliance with the other relevant statewide planning goals. The list of those goals is found in OAR 660-024-0020, below.

STEP EIGHT: The County must concur and adopt the city's decision. We discussed the problems with Douglas County's approach and what, if anything, can be done about it.

STEP NINE: The city must apply appropriate city urban plan designations, and appropriate city urban or future urban zoning designations, on the land to be added to the UGB. The city must apply appropriate rural plan designations and appropriate rural zoning designations, on the land to be removed from the UGB (am I correct that the land to be removed from the UGB is already within the city boundaries? If so, it doesn't have to be de-annexed, but it has to have rural zoning applied to it).

ATTACHMENT ONE

660-024-0070

UGB Adjustments

(1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division[and ORS 197.298] apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.296 may also apply when land is added to a UGB, as specified in that statute. If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.

(2) A local government may remove land from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local government may remove land from the UGB following the procedures and requirements of 197.610 to 197.650, provided it determines:

- (a) The removal of land would not violate applicable statewide planning goals and rules;
- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, or would provide roughly the same supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;
- (c) Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;
- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and
- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.

(3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

(a) The amount of buildable land added to the UGB to meet:

(A) A specific type of residential need is substantially equivalent to the amount of buildable residential land removed, or

(B) The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment land removed, and

(b) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated:

(A) For the same residential uses and at the same housing density as the land removed from the UGB, or

(B) For the same employment uses as allowed on the land removed from the UGB, or

(C) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of ORS 197A.320(6).

ATTACHMENT TWO – FIXING OF STUDY AREAS

660-024-0065

Establishment of Study Area to Evaluate Land for Inclusion in the UGB

(1) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a “study area” established pursuant to this rule. To establish the study area, the city must first identify a “preliminary study area” which shall not include land within a different UGB or the corporate limits of a city within a different UGB. The preliminary study area shall include:

(a) All lands in the city’s acknowledged urban reserve, if any;

(b) All lands that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one-half mile;

(B) For cities with a UGB population equal to or greater than 10,000: one mile;

(c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:

(A) For cities with a UGB population less than 10,000: one mile;

(B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

(d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

(2) A city that initiated the evaluation or amendment of its UGB prior to January 1, 2016, may choose to identify a preliminary study area applying the standard in this section rather than section (1). For such cities, the preliminary study area shall consist of:

(a) All land adjacent to the acknowledged UGB, including all land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency, and

(b) All land in the city’s acknowledged urban reserve established under OAR chapter 660, division 21, if applicable.

(3) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations within the distance described in section (1) or (2), whichever is appropriate, that have or could be improved to provide the required site characteristics. For purposes of this section:

(a) The definition of “site characteristics” in OAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.

(b) A "public facility" may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

(4) The city may exclude land from the preliminary study area if it determines that:

(a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;

(b) The land is subject to significant development hazards, due to a risk of:

(A) Landslides: The land consists of a landslide deposit or scarp flank that is described and mapped on the Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2 Geodatabase published by the Oregon Department of Geology and Mineral Industries (DOGAMI) December 2014, provided that the deposit or scarp flank in the data source is mapped at a scale of 1:40,000 or finer. If the owner of a lot or parcel provides the city with a site-specific analysis by a certified engineering geologist demonstrating that development of the property would not be subject to significant landslide risk, the city may not exclude the lot or parcel under this paragraph;

(B) Flooding, including inundation during storm surges: the land is within the Special Flood Hazard Area (SFHA) identified on the applicable Flood Insurance Rate Map (FIRM);

(C) Tsunamis: the land is within a tsunami inundation zone established pursuant to ORS 455.446;

(c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection:

(A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:

(i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;

(ii) Core habitat for Greater Sage Grouse; or

(iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;

(B) Federal Wild and Scenic Rivers and State Scenic Waterways, including Related Adjacent Lands described by ORS 390.805, as mapped by the applicable state or federal agency responsible for the scenic program;

(C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;

(D) Wellhead protection areas described under OAR 660-023-0140 and delineated on a local comprehensive plan;

(E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;

(F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;

(G) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 18, Implementation Requirement 2;

(d) The land is owned by the federal government and managed primarily for rural uses.

(5) After excluding land from the preliminary study area under section (4), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.

(6) For purposes of evaluating the priority of land under OAR 660-024-0067, the "study area" shall consist of all land that remains in the preliminary study area described in section (1), (2) or (3) of this rule after adjustments to the area based on sections (4) and (5), provided that when a purpose of the UGB expansion is to accommodate a public park need, the city must also consider whether land excluded under subsection (4)(a) through (c) of this rule can reasonably accommodate the park use.

(7) For purposes of subsection (4)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:

(a) Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals;

(b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:

(A) The likely amount of development that could occur on the land within the planning period;

(B) The likely cost of facilities and services; and,

(C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.

(c) As used in this section, "impediments to service provision" may include but are not limited to:

(A) Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;

(B) Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;

(C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;

(D) Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, or on a published state or

federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.

(8) Land may not be excluded from the preliminary study area based on a finding of impracticability that is primarily a result of existing development patterns. However, a city may forecast development capacity for such land as provided in OAR 660-024-0067(1)(d).

(9) Notwithstanding OAR 660-024-0050(4) and section (1) of this rule, except during periodic review or other legislative review of the UGB, the city may approve an application under ORS 197.610 to 197.625 for a UGB amendment to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235, Statewide Planning Goal 14

Stats. Implemented: ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764, 197A.300 – 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

ATTACHMENT THREE – CHOOSING OF LANDS TO ADD TO UGB

660-024-0067

Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

(b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).

(c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

(d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.

(e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

(c) Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farmland as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture

Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

(d) Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

(3) Notwithstanding section (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

(a) The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or

(b) The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

(4) For purposes of categorizing and evaluating land pursuant to subsections (2)(c) and (d) and section (3) of this rule,

(a) Areas of land not larger than 100 acres may be grouped together and studied as a single unit of land;

(b) Areas of land larger than 100 acres that are similarly situated and have similar soils may be grouped together provided soils of lower agricultural or forest capability may not be grouped with soils of higher capability in a manner inconsistent with the intent of section (2) of this rule, which requires that higher capability resource lands shall be the last priority for inclusion in a UGB;

(c) Notwithstanding subsection (4)(a), if a city initiated the evaluation or amendment of its UGB prior to January 1, 2016, and if the analysis involves more than one lot or parcel or area within a particular priority category for which circumstances are reasonably similar, these lots, parcels and areas may be considered and evaluated as a single group;

(d) When determining whether the land is predominantly high-value farmland, or predominantly prime or unique, "predominantly" means more than 50 percent.

(5) With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is "suitable" to satisfy a need deficiency identified in OAR 660-024-0050(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section: Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified employment need; as follows:

- (A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or
- (B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.”
- (b) The land would qualify for exclusion from the preliminary study area under the factors in OAR 660-024-0065(4) but the city declined to exclude it pending more detailed analysis.
- (c) The land is, or will be upon inclusion in the UGB, subject to natural resources protections under Statewide Planning Goal 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.
- (d) With respect to needed industrial uses only, the land is over 10 percent slope, or is an existing lot or parcel that is smaller than 5 acres in size, or both. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten-foot contour intervals.
- (e) With respect to a particular industrial use or particular public facility use described in OAR 660-024-0065(3), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics.
- (f) The land is subject to a conservation easement described in ORS 271.715 that prohibits urban development.
- (g) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:
- (A) Public park, church, school, or cemetery, or
- (B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan.
- (6) For vacant or partially vacant lands added to the UGB to provide for residential uses:
 - (a) Existing lots or parcels one acre or less may be assumed to have a development capacity of one dwelling unit per lot or parcel. Existing lots or parcels greater than one acre but less than two acres shall be assumed to have an aggregate development capacity of two dwelling units per acre.
 - (b) In any subsequent review of a UGB pursuant to this division, the city may use a development assumption for land described in subsection (a) of this section for a period of up to 14 years from the date the lands were added to the UGB.
- (7) Pursuant to subsection (1)(c), if the amount of suitable land in a particular priority category under section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by first applying the boundary location factors of Goal 14 and then applying applicable criteria in the acknowledged comprehensive plan and land use regulations acknowledged prior to initiation of the UGB evaluation or amendment. The city may not apply local comprehensive plan criteria that contradict the requirements of the boundary location factors of Goal 14. The boundary location factors are not independent criteria; when the factors are applied to compare alternative boundary locations and to determine the UGB location the city must show that it considered and balanced all the factors. The criteria in this section may not be used to select lands designated for

agriculture or forest use that have higher land capability or cubic foot site class, as applicable, ahead of lands that have lower capability or cubic foot site class.

(8) The city must apply the boundary location factors of Goal 14 in coordination with service providers and state agencies, including the Oregon Department of Transportation (ODOT) with respect to Factor 2 regarding impacts on the state transportation system, and the Oregon Department of Fish and Wildlife (ODFW) and the Department of State Lands (DSL) with respect to Factor 3 regarding environmental consequences. "Coordination" includes timely notice to agencies and service providers and consideration of any recommended evaluation methodologies.

(9) In applying Goal 14 Boundary Location Factor 2 to evaluate alternative locations under section (7), the city must compare relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. For purposes of this section, the term "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities. The evaluation and comparison under Boundary Location Factor 2 must consider:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

(10) The adopted findings for UGB amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis.

Stat. Auth.: ORS 197.040, 197A.305, 197A.320 & 197.235, Statewide Planning Goal 14

Stats. Implemented: ORS 195.036, 197.015, 197.295 – 197.314, 197.610 – 197.650, 197.764, 197A.300 - 197A.325

Hist.: LCDD 6-2015, f. 12-29-15, cert. ef. 1-1-16

ATTACHMENT FOUR – NECESSARY GOAL FINDINGS FOR UGB EXPANSION

660-024-0020

Adoption or Amendment of a UGB

(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR chapter 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;

(c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

(g) Goal 19 is not applicable to a UGB amendment.

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

Stat. Auth.: ORS 197.040, Statewide Planning Goal 14

Stats. Implemented: ORS 195.036, 197.015, 197.295 - 197.314, 197.610 - 197.650, 197.764

Hist.: LCDD 8-2006, f. 10-19-06, cert. ef. 4-5-07; LCDD 2-2009, f. 4-8-09, cert. ef. 4-16-09

ATTACHMENT FIVE – GOAL 14 BOUNDARY LOCATION FACTORS

] GOAL 14: URBANIZATION

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 or, for the Metropolitan Service District, ORS 197.298, and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Division I. Introductory Provisions

Chapter 18.05 INTRODUCTION

Sections:

18.05.010 Title.

18.05.020 Purpose.

18.05.030 Definitions.

18.05.010 Title.

This title shall be known as the "Zoning Ordinance of the City of Rainier." (Ord. 974 § 4 (Exh. A.2 § 1.1), 1998)

18.05.020 Purpose.

The purpose of this title is to promote the orderly development of the city in accordance with the comprehensive plan, to conserve and stabilize the value of property, and to protect the public health, safety and welfare. (Ord. 974 § 4 (Exh. A.2 § 1.2), 1998)

18.05.030 Definitions.

As used in this title:

"Access" means the place, means or way by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use.

"Accessory use" means a use incidental to the primary use of a property and located on the same lot as the primary use.

"Alley" means a street which affords secondary access to a property.

"Alteration" means a change in construction or a change of occupancy.

"Building" means a structure intended for the support, shelter, or enclosure of persons, animals, or property of any kind.

"City" means the city of Rainier, Oregon.

"Commission" means the planning commission of the city of Rainier.

"Comprehensive plan" means the comprehensive plan adopted by the city of Rainier and acknowledged by the Land Conservation and Development Commission.

"Condominium" means a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

Exhibit 1. Condominium

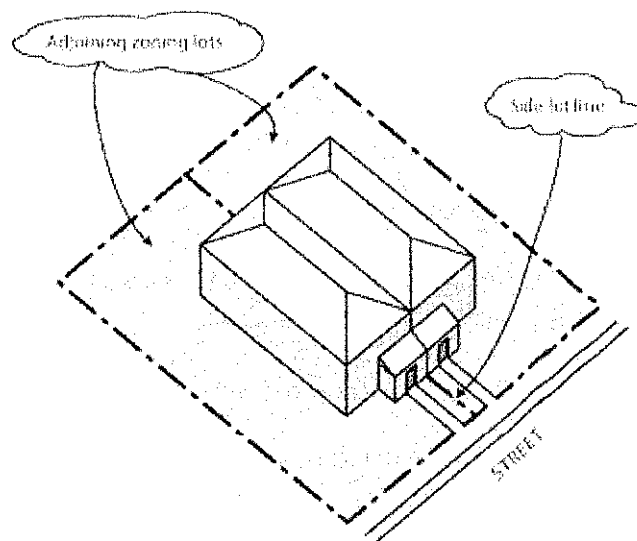


"Density" means a measurement of dwelling units in relationship to a specified amount of land. As used in this code, density does include land devoted to street right-of-way.

"Dwelling, attached" means two single-family structures, on individual lots, attached by a common wall and a common property line with another structure.

Exhibit 2. Dwelling (Single-Family) Attached





"Dwelling, multifamily" means a building containing three or more dwelling units.

"Dwelling, single-family" means a building containing one dwelling unit and a **garage**.

"Dwelling, two-family" means a building containing two dwelling units, each with a **garage**.

"Dwelling unit" means one or more rooms designed for occupancy by one family.

"Family" means an individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons; or a group of not more than five persons who need not be related by blood, marriage, legal adoption or guardianship living together in a dwelling unit.

"Floodplain" means land subject to flooding as designated on the "Flood Boundary and Floodway Map" on file at Rainier City Hall.

"Floodway" means an area designated as floodway on the "Flood Boundary and Floodway Map" on file at Rainier City Hall.

"Floor area" means the area within the exterior walls of a building multiplied by the number of stories.

"**Garage**" means a fully enclosed attached or detached structure of sufficient size to store a minimum of one full-sized automobile, built on a concrete foundation using materials similar to and compatible with the dwelling unit or other building it is intended to serve. A minimum one-car **garage** shall be 120 square feet.

"Grade" means the average of the finished ground level at the center of all walls of a building. If a wall is parallel to and within five feet of a sidewalk, the grade shall be measured at the sidewalk.

"Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the highest gable of a pitch or hip roof.

"Historical building" means any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites.

"Home occupation" means an occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

"Lot" means a parcel of land which is a separate legal entity for the purpose of transfer of title.

"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements of access to other property.

"Lot coverage" means the area of a lot covered by buildings.

"Lot line, front" means the line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

"Lot width" means the average horizontal distance between side lot lines.

"Manufactured dwelling" means a single-family dwelling built to federal standards for manufactured housing in effect at the time of construction, including kitchen and bathroom facilities and a garage.

"Nonconforming structure" means a lawful structure existing at the time the ordinance codified in this title was adopted or amended and which does not conform to the requirements of the zone in which it is located.

"Nonconforming use" means a lawful use existing at the time the ordinance codified in this title was adopted or amended and which does not conform to the requirements of the zone in which it is located.

"Owner" means the owner of record or the owner's authorized agent.

"Parking space" means a space not less than 18 feet long and nine feet wide, accessible from a street or alley, and intended for the temporary parking of one vehicle.

"Public use" means a use intended or used for a public purpose by the city, school district, county, state, or other public agency, or by a public utility.

"Semipublic use" means a use intended or used for a semipublic purpose by a church, lodge, club, or other nonprofit entity.

Sign definitions are found in RMC 18.110.040.

"Structural alteration" means a change to the supporting members of a building.

"Structure" means something constructed and having a fixed connection to the ground or another structure.

"Townhouse" means one of a series of attached single-family dwelling units (three or more), each having its own lot and principal access from the ground floor and each separated from adjacent units by a common continuous wall from basement to roof.

Exhibit 3a. Townhouse