



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT



April 28, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment
DLCD File Number 001-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 9, 2008

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Amanda Ferguson, City Of Cottage Grove

<paa> ya

Notice of Adoption

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



Jurisdiction: **City of Cottage Grove**

Local file number: **ZC 1-05**

Date of Adoption: **10/11/2005**

Date Mailed: **4/16/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/28/2005

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Rezoned portions of Lots 203 and 205 from Lane County Chapter 10 F-2 Impacted Forest Zone to City of Cottage Grove R-1 Single Family Residential

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

Plan Map Changed from:

to:

Zone Map Changed from: **F-2 (LCC 10)**

to: **R-1 Single Family Residential**

Location: **405 N P St (northeast Cottage Grove)**

Acres Involved: **90**

Specify Density: Previous: **0**

New: **249**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 001-05 (14113)

DLCD file No. _____

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

South Lane Rural Fire District

Local Contact: **Amanda Ferguson**

Phone: (541) 942-3340 Extension: 124

Address: 400 Main Street

Fax Number: 541-942-1267

City: Cottage Grove

Zip: 97424-

E-mail Address: planner@cottagegrove.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

Ordinance No. 2924

AN ORDINANCE AMENDING TITLE 18 OF THE COTTAGE GROVE
MUNICIPAL CODE, THE CITY WIDE ZONING MAP. (SunRise Ridge)

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "zoning map" to identify the rezoning of property described as Map 20 03 29; Tax Lot 205 and portion of 203, currently known as 405 N. P Street, shown in the map attached as Exhibit "A" and described in Exhibit "B".

Section 2. Findings of Fact. Findings of fact are attached as Exhibit C.

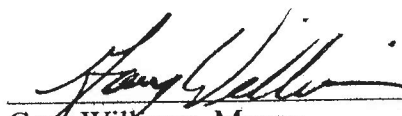
Section 3. Procedural Compliance. This amendment is in compliance with Title 18, Chapter 18.58 of the Municipal code of the City of Cottage Grove and is based upon the City Council determination, after a Planning Commission public hearing and recommendation, that the zone change (ZC-01-05) is a proper implementation of the City Comprehensive Land Use Plan and, therefore, is in the public interest and serves the health, safety, and welfare of the citizens of the City of Cottage Grove.

Section 4. Amendment. The citywide "zoning map" which is a part of the Title 18 is hereby amended as follows with respect to the property described as Map 20-03-29, Tax Lot 205 and portion of 203:

Change of zoning district classification from Lane County F-2 Impacted Forest to R-1 Low Density Single Family Residential District.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS
10TH DAY OF OCTOBER, 2005.


Richard Meyers, City Manager

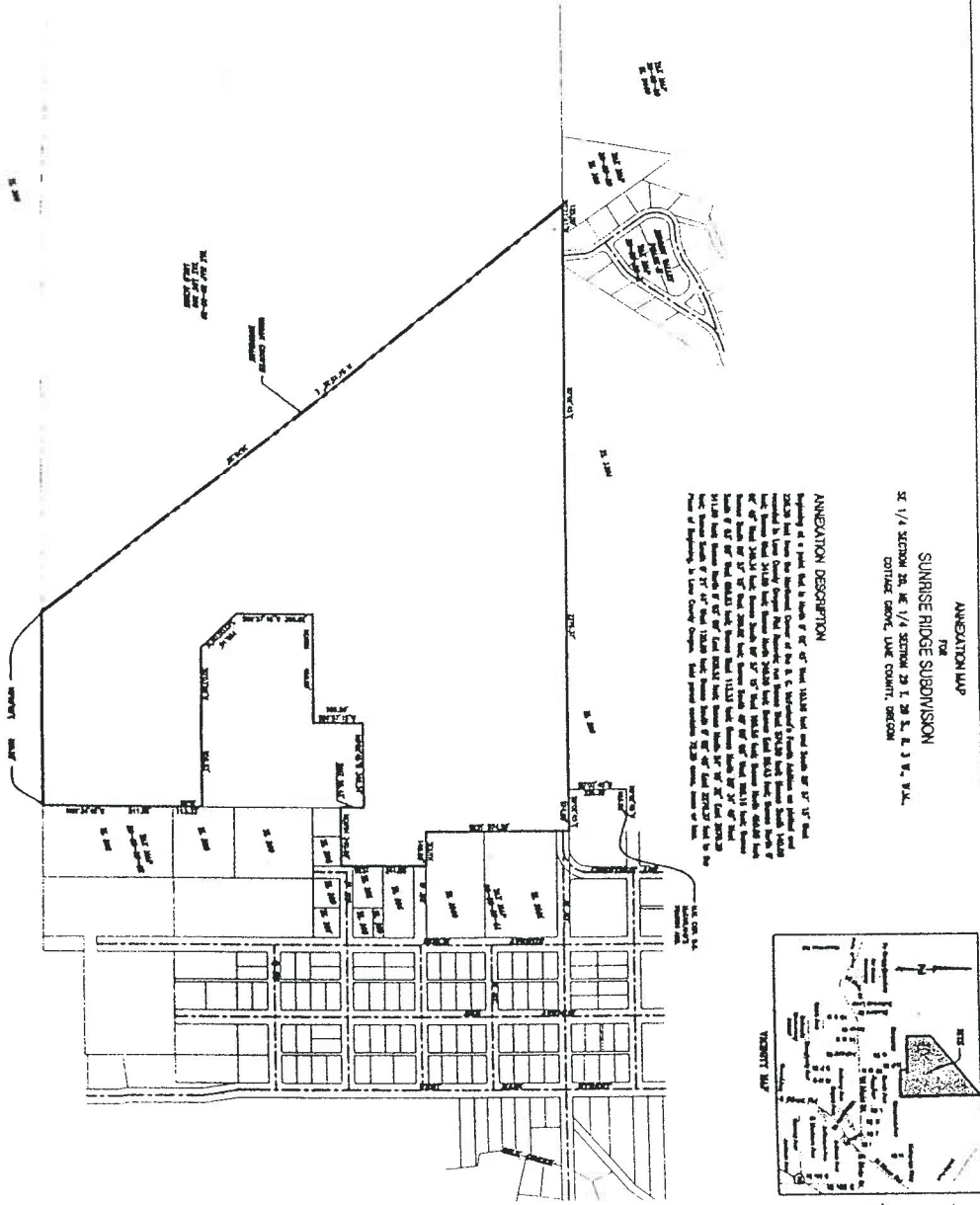

Gary Williams, Mayor

Dated: Oct. 11, 2005

Dated: 10-11-05

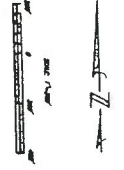
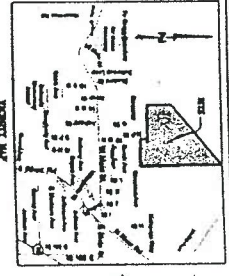
APPROXIMATE MAP AND RECORD-TO-THE-LEFT ROAD IS 200'

EXHIBIT A ORDINANCE NO. 2924



ANNEXATION MAP
FOR
SUNRISE RIDGE SUBDIVISION
COTTAGE CREEK, LANE COUNTY, OREGON

ANNEXATION DESCRIPTION
Beginning at a point that is four (4) feet (ft) west (W) and four (4) feet (ft) north (N) of the southwest (SW) corner of Section 26, NE 1/4 Section 28, E 1/4 Section 29, S. 28, S. E. 1/4, S. W. 1/4.



SHEET 1 OF 1	<table border="1"> <tr><th>REVISIONS</th></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>	REVISIONS				<table border="1"> <tr><td>DATE: 04/18/05</td></tr> <tr><td>DRAWN BY: JMI</td></tr> <tr><td>CHECKED BY: JSC</td></tr> <tr><td>DESIGNED BY: JSC</td></tr> <tr><td>CHECKED BY: JSC</td></tr> </table>	DATE: 04/18/05	DRAWN BY: JMI	CHECKED BY: JSC	DESIGNED BY: JSC	CHECKED BY: JSC
REVISIONS											
DATE: 04/18/05											
DRAWN BY: JMI											
CHECKED BY: JSC											
DESIGNED BY: JSC											
CHECKED BY: JSC											

Annexation Map

for
Sunrise Ridge Subdivision
Cottage Creek Lane County Oregon

Olson & Morris

Surveying,
Engineering,
& Planning

RECEIVED MAR - 9 2005

EXHIBIT B
ORDINANCE NO. 2924

Beg at a pt that is S89°57'15"W 228.30 ft from the NW cor of the D. G. McFarland's Fourth Addition as platted and recorded Bk 2, Pg 35, in Lane County Oregon Plat Records, S29 T20W R03W WM, in Lane County, Oregon, sd pt being on the existing limits of the City of Cottage Grove;

th along sd city limits W 820.08 ft m/l;

th leaving sd city limits N00°02'45"W 349.34 ft m/l;

th S89°57'15"W 198.56 ft m/l;

th N 450.00 ft m/l;

th S89°57'15"W 300.02 ft m/l;

th S45°00'08"W 198.16 ft m/l;

th S00°03'00"W 658.83 ft m/l to sd city limits;

th W 113.33 ft m/l;

th N89°34'40"W 511.69 ft m/l;

th N00°03'00"E 800.52 ft m/l;

th N51°15'32"E 2,670.29 ft m/l;

th S00°21'41"W 125.00 ft m/l;

th S00°02'45"E 2,380.35 ft m/l to the POB, in Lane County Oregon.

EXHIBIT C

ORDINANCE NO. 2924

This decision adopts city zoning for a tract of land that was recently annexed to the City. The tract was annexed to the City by Final Order No. 1260 of the Boundary Commission on June 2, 2005. See Boundary Commission File No. C CG 05-21. When property is annexed to the City, the county zoning remains in effect until the City adopts zoning for the property that is consistent with the city's comprehensive plan. Here, the owners of the property initiated annexation proceedings and rezoning proceedings for the property in early 2005. The rezoning application was filed on January 28, 2005. It sought a change from the county F-2 (Impacted Forest) zoning to city R-1 (Single Family Residential) zoning to implement the existing city comprehensive plan designation, which is Low Density Residential.

A. Zoning Ordinance Standards

A Staff Report was issued on March 9 2005, evaluating the rezoning proposal against the standards for rezoning in the zoning code. The Staff Report explained why the application meets each of the substantive standards, which appear at section 18.58.180 of the zoning ordinance. That section of the zoning ordinance provides:

18.58.180 Burden of proof.

- A. *The burden of proof in a formal hearing is upon the proponent. The more drastic the change or the greater the impact of the proposal in an area, the greater is the burden upon the proponent.*
- B. *The following criteria and factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal:*
 1. *Conformance with the comprehensive plan and zoning code;*
 2. *The public need for the proposal;*
 3. *How public need will be best served by changing the zone classification of the proponent's property as compared with other available property;*
 4. *If other areas have been previously designated for a use of development submitted in the proposal, then the necessity for introducing the proposal into an area not previously contemplated and why the property owners there should bear the burden, if any, of introducing that proposal into their area;*
 5. *Mistake in the original comprehensive plan;*
 6. *Change in the character of the neighborhood;*
 7. *Factors listed in Oregon Revised Statutes Section 227.240 as they apply to the specific proposal;*
 8. *Such other factors which relate to the public need for helpful, safe and aesthetic surroundings and conditions*

The Staff Report evaluated each of the factors above and found that the proposed rezoning is in compliance. Those parts of the Staff Report that address the standards above are hereby adopted and incorporated herein.

In conclusion, the eight factors listed in the code are factors that are relevant and material. No one is controlling in the decision. The City finds that R-1 zoning for the subject property is in compliance with the factors stated in the code.

B. Statewide Planning Goals

The Statewide Planning Goals potentially apply to any zone change. The goals are addressed here.

Goals 1 (Citizen Participation) and Goal 2 (Land Use Planning): These are process goals. This decision complies with these goals because the City has followed the procedural and substantive provisions of its zoning code in making this decision.

Goals 3 (Agricultural Land) and Goal 4 (Forest Land): These goals do not apply inside the City.

Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources): The Goal 5 process is triggered only if the rezoning decision triggers one of the situations in the Goal 5 Rule – OAR 660-023-0250(3). Here none of the triggers is met. No acknowledged Goal 5 resource list is being created or amended. There are no acknowledged Goal 5 resources on the site with which residential uses might conflict.

Goal 6 (Air, Water and Land Resources Quality): Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are no state or federal standards for quality in air sheds or river basins, then the carrying capacity, nondegradation, and continued availability of the resources are standards.

The subject property is currently vacant and unused. Historically it has been used for farming. Water pollution associated with farming will cease with conversion to urban uses. Urban uses potentially cause pollution as well. However, any urban development will have to comply with state and federal standards. This ensures compliance with Goal 6.

Goal 7 (Areas Subject to Natural Disasters and Hazards): This goal focuses on “areas of natural disasters and hazards,” which means “areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.” OAR 660-15-000. There are no such areas known on the subject property subject property.

Goal 8 (Recreation): The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented

accommodations and developed recreational facilities in a setting with high natural amenities." Goal is not directly applicable to this proposal.

Goal 9 (Economic Development): Goal 9 is focused on commercial and industrial development. This goal is not directly applicable to this decision.

Goal 10 (Housing): Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries – this is, to sites such as this. This site is planned for residential use. Zoning it for residential use is consistent with the goal.

Goal 11 (Public Facilities): Goal 11 addresses facilities and services in urban and rural areas. It requires an appropriate level of public facilities. The record shows that a full range of urban services can be provided to the uses on this site.

Goal 12 (Transportation): Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule requires the goal be applied if a plan or zone change would “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.” The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2). There is a significant affect if the uses allowed would change the functional classification of transportation facility, change the standards implementing a functional classification, allows uses that would be inconsistent with a functional classification, or reduce the level of service below the minimum acceptable level identified in the TSP. None of these thresholds would be met by this rezoning. The city’ Transportation System Plan reflects development of this property consistent with its planned use, which is residential.

Goal 13 (Energy Conservation): This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.

Goal 14 (Urbanization): The subject property is already urban; this goal does not apply.

Goal 15 (Willamette River Greenway); Goal 16 (Estuarine Resources); Goal 17 (Coastal Shorelands); Goal 18 (Beaches and Dunes); Goal 19 (Ocean Resources). These goals do not apply.

C. Issues raised in the public hearing:

Several persons testified in opposition at the Planning Commission level. The issues they raised expressed concerns about how the site would be developed with residential uses and what the impacts of the development might be on the existing surrounding neighborhoods, some areas of which are historic in nature. Generally speaking, the issues raised are not relevant to the rezoning decision. There is only one appropriate city zone for the property. The site is appropriate for residential development. The question of

how the site develops and how its impacts are mitigated is more appropriate for consideration during the development review process.



COMMUNITY DEVELOPMENT

400 E. Main St.
Cottage Grove, OR 97424-2033

TO:

Attn: Plan Amendment Specialist
Dept. of Land Cons. & Dev.
635 Capitol Street NE Suite 150
Salem OR 97301-2540

