



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

03/05/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment
DLCD File Number 005-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, March 19, 2013

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Amanda Ferguson, City of Cottage Grove
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

FEB 27 2013

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Cottage Grove**

Local file number: **MCPA 2-12**

Date of Adoption: **2/25/2013**

Date Mailed: **2/26/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/29/2012

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".

Amended Comprehensive Plan map to C Community Commercial from I Industrial for one parcel (20-03-27-40-1600) and amended Land Use Map to change land use designation to C-2P Community Commercial from M-1 Light Industrial for one parcel (20-03-27-40-1600)

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

Plan Map Changed from: **I Industrial**

to: **C Community Commercial**

Zone Map Changed from: **M-1 Light Industrial**

to: **C-2P Community Commercial**

Location: **2975 Mosby Creek Road (20-03-27-40-1600)**

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 005-12 (19606) [17368]

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

Local Contact: **Amanda Ferguson**

Address: **400 Main St**

City: **Cottage Grove**

Phone: **(541) 942-3340** Extension:

Fax Number: **541-942-1267**

E-mail Address: **planner@cottagegrove.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Ordinance No. 3023

AN ORDINANCE AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM MAP
FOR DAVID DAY, 2875 Mosby Creek Road (MCPA 2-12)
Map 20-03-27-40 TL 1600

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted Comprehensive Plan land use diagram map for property described as 2875 Mosby Creek Road (Map 20-03-27-40, TL 1600), shown in the map(s) attached as Exhibit "A" attached hereto and forming a part of this ordinance. The City Comprehensive Plan for Cottage Grove that has been developed in accordance with Statewide Planning Goals and acknowledged by the Oregon Land Conservation and Development Commission.

Section 2. Procedural Compliance. This amendment is in compliance with the procedures of Title 14 of the Municipal Code of the City of Cottage Grove with required local notification of the public hearings, after the Planning commission held a public hearing and made a recommendation to Council, and after City Council held a Public Hearing on the Comprehensive Plan Map Amendment.

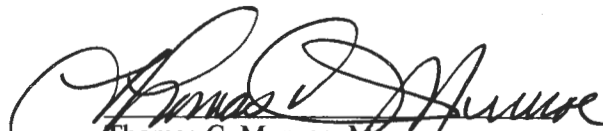
Section 3. Findings. The City Council determined that the Comprehensive Plan Map Amendment is the proper implementation of the Statewide Goals; that the amended plan adequately addresses the land needs of the community; is in the public interest and serves the health, safety, and welfare of the citizens of the City of Cottage Grove. City Council adopts the findings attached as Exhibit "B" attached hereto and forming a part of this ordinance.

Amendment. The citywide "diagram map" which is a part of the Cottage Grove Comprehensive Plan is hereby amended as follows:

Amend the Cottage Grove Comprehensive Plan Land Use Diagram Map from I Industrial to C Community Commercial for one parcel (0.39 acres) known as 2875 Mosby Creek Road, Map 20-03-27-40 TL 1600.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 25th DAY OF FEBRUARY, 2013.


Richard Meyers, City Manager


Thomas C. Munroe, Mayor

Dated: February 25, 2013

Dated: Feb. 25, 2013

EXHIBIT A
ORDINANCE NO. _____

Site Location
2875 Mosby Creek Road (Map 20-03-27-40 TL 1600)

T Q
**COMP PLAN CHANGE 2875 MOSBY CREEK RD TO
C COMMERCIAL**

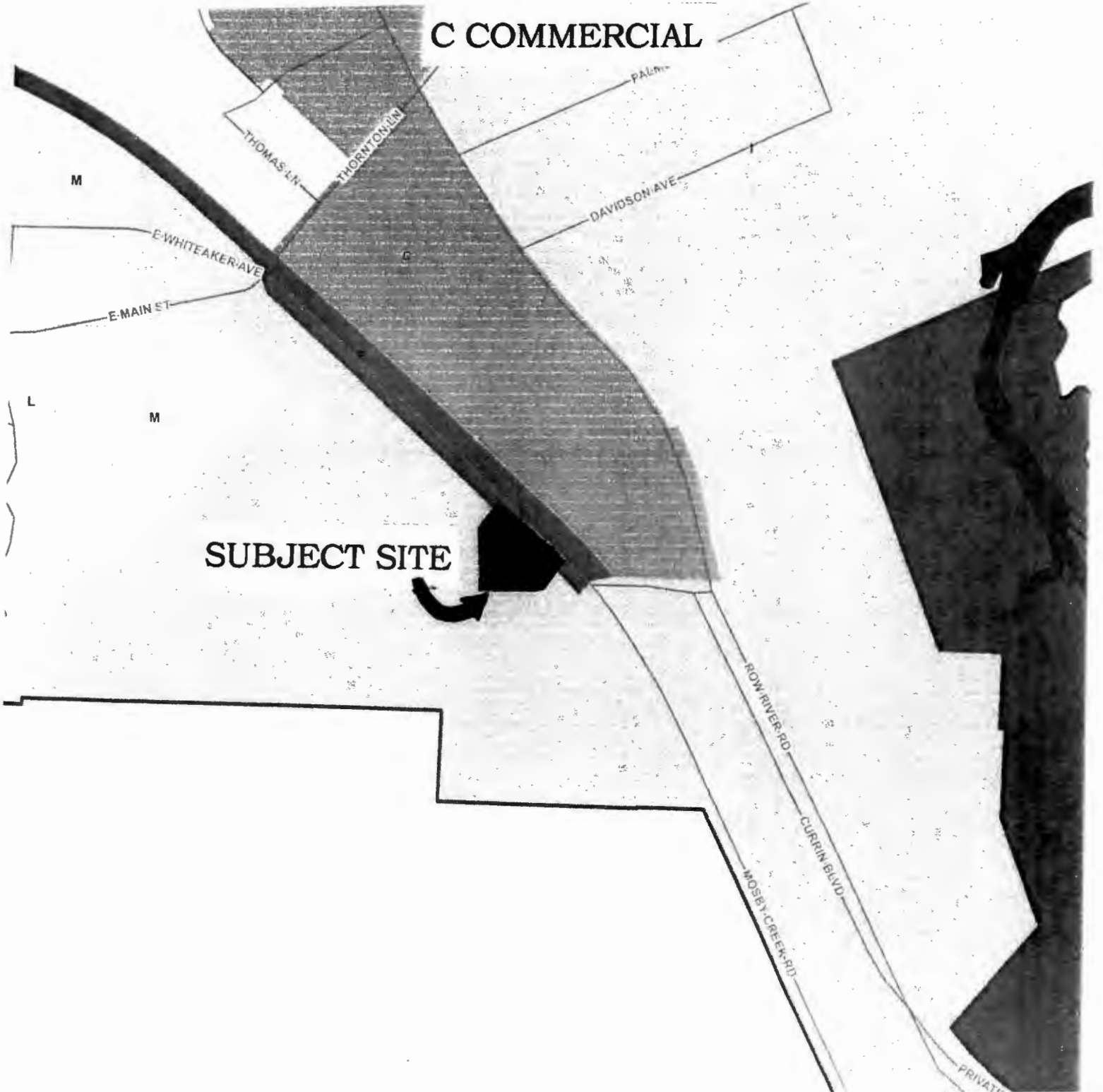


EXHIBIT B
ORDINANCE NO. _____

1. Christian/David Day has made an application to amend the Cottage Grove Comprehensive Plan from I Industrial to C Community Commercial for 0.39 acres at 2875 Mosby Creek Road. This lot is developed with a general commercial service and single family residential use.
2. The City of Cottage Grove Comprehensive Plan, under “The Plan in General,” states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
3. The City Comprehensive Plan also states that the plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
4. The subject property is located on Map 20-03-27-40 TL 1600, and has three addresses, 2875, 2897, and 2899 Mosby Creek Road. It is developed with multiple structures, including a single family house, detached accessory structures, and a commercial building. The commercial building has a zero setback from the right-of-way of Mosby Creek. The residential use is set behind/in the rear of the commercial building. Driveways for Starfire’s property line the western and southern edges of the subject property, so that the triangular parcel is effectively surrounded by paved surfaces (public and private).
5. The city proposes this comprehensive plan and zoning map change to correct the city’s maps to reflect current use of these properties. All of the current uses are either Not Permitted or Conditionally Permitted in the Industrial zones, whereas all of the uses are outright permitted or conditionally permitted in the Community Commercial zone. With the current development, it is more appropriate that this property to be zoned commercial. The lot is too small to allow for redevelopment for industrial use in the future. It would also allow the current uses, which have been on the site for many years, the opportunity to rebuild if destroyed.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the site. The property is accessed by Mosby Creek Road, an arterial. A Transportation Planning Rule analysis has been prepared, concluding that the proposed rezoning does not constitute a significant impact upon the transportation facility.
7. The following Statewide Planning Goals are not applicable to the proposed redesignation: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Natural Resources, Open Spaces; Goal 6 – Air and Water Resources; Goal 10 – Housing; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
8. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:

Goal 1: Citizen Involvement

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Development Code complies with Goal 1. The Type IV Permit Application process required by Title 14 has been

used for the Plan amendment/zone change proposal and is in compliance with Goal 1. Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.4.1.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification on November 29, 2012. Public hearings have been held at the Planning Commission and City Council levels to consider this redesignation/rezoning. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups.

Goal 2: Land Use Planning

The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City's Comprehensive Plan.

Goal 3: Agricultural Lands

This goal does not apply to the application as land within acknowledged urban growth boundaries is not considered agricultural. The subject property is within the acknowledged urban growth boundary of Cottage Grove, and is within the city limits.

Goal 4: Forest Lands

This goal does not apply to the application. Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. The subject property has never been acknowledged as forest lands.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

No known wetlands or historic areas are located on the subject property. The property does not abut a riparian corridor. This designation/zone change is hence an improvement over the existing zoning and is in compliance with Goal 5.

Goal 6: Air, Water and Land Resources Quality

There are no anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential commercial uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Hence Goal 6 does not apply at this time.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is not known to be subject to any natural disasters or hazards that are not city-wide in nature (such as earthquakes). Compliance with building code and development code regulations when remodeling or redeveloping existing buildings/uses will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible.

Goal 8: Recreational Needs

The proposed designation/zone change enhances the city's ability to protect this important recreational resource and is in compliance with Goal 8.

Goal 9: Economic Development

The subject property had been previously developed, prior to the adoption of local zoning, for commercial-type development and residential development. It is appropriate at this time to align the comprehensive plan designation/zoning designation to the existing and proposed uses. This will further support the commercial and residential uses on the property and allow adjacent landowners to plan for commercial development on this site, rather than abiding under the understanding that it may be redeveloped for industrial use.

As the city recently expanded the urban growth boundary to incorporate 240 acres of land primarily for industrial use, this redesignation/zone change will not have a negative impact upon the city's 20-year inventory of industrial lands. The existing commercial use has removed this parcel from the city's current industrial lands inventory for over 30 years. The small parcel size does not lead to their redevelopment for industrial use other than its absorption into the adjacent industrial use. As this absorption has not occurred since the adoption of zoning in 1980, it is appropriate at this time to correct the mapping of these properties so that their present/future use is adequately represented in the city's long-term planning programs. Hence this redesignation/zone change is in compliance with Goal 9.

Goal 10: Housing

Goal 10 is not applicable. No residentially zoned properties are directly impacted by this redesignation/zone change, although property values on adjacent residential properties will be secured by correcting the mapping on these properties to more accurately reflect their current/proposed use. The residential use on this property is accessory to the commercial use, and allowed as an accessory use in the proposed C2P zoning.

Goal 11: Public Facilities and Services

The property is already developed with full urban services that meet the needs of existing and proposed uses. Modifications to these facilities are not expected at this time. The alignment of designation/zoning with current uses will ensure that future planning accurately reflects the impacts upon public facilities and services. Hence this application is in compliance with Goal 11.

Goal 12: Transportation

The parcel has access to a developed major arterial street, Mosby Creek Road. This road is within the jurisdiction of the City of Cottage Grove, although Mosby Creek transfers to Lane County jurisdiction within 500' of the subject property.

A transportation planning rule analysis was prepared for this intersection by Branch Engineering (dated November 19, 2012, see exhibits). The results of this study, which evaluated the reasonable worst case development scenario for these properties under the proposed comprehensive plan designation and zoning, was a finding of no significant adverse impact to the performance of a transportation facility as defined in OAR 660-012-0060(1). No mitigation is necessary to accommodate the traffic generated by potential development.

The existing roadway network in the project vicinity includes Mosby Creek Road, the Currin Connector and Row River Road. All of these roadways are functionally classified as arterial roadways. The addition of traffic resulting from potential development is not going to have a significant effect on these roadways, considering the arterial classification and the associated traffic volumes and types of traffic that arterial roadways are intended to accommodate.

A traffic light is under construction at the Mosby/E. Whiteaker/Main/Thornton intersection to the north of this parcel. This signal project will include the realignment of the Row River Trail so that

crossings will occur at a protected crosswalk rather than 15' behind the stop line of the intersection, which will improve safety at this intersection. This intersection will function at an LOS B after the traffic light is installed. The modest additional traffic possible under the worst case development scenario for the subject property will not reduce this LOS.

Goal 13: Energy Conservation

The Plan amendment/zone change will promote more energy efficient development by accurately aligning existing uses with underlying zoning. This will allow staff to plan for facilities and services to reflect actual field conditions. The change will also encourage the development of this lot to its greatest extent within the current fabric of the community, which will conserve energy by reducing needs for green-field development and expansion of city services. This application is in compliance with Goal 13.

Goal 14: Urbanization

The entire subject property has been annexed to the City of Cottage Grove and is inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14.

Non-applicable coastal goals

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

This criterion has been met.

9. The property owner of the land involved in the Plan Amendment/Rezoning is in favor of the redesignation.
10. The proposed change is in the public's interest; is in keeping with the development pattern in this area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare.

Ordinance No. 3024

AN ORDINANCE AMENDING TITLE 14 OF THE
COTTAGE GROVE MUNICIPAL CODE, THE CITY WIDE LAND USE DISTRICT MAP.
DAVID DAY (MCPA 2-12).
2875 Mosby Creek Road (Map 20-03-27-40 TL 1600)

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "land use district map" to identify the rezoning of property described as 2875 Mosby Creek Road (Map 20-03-27-40 TL 1600), shown in the map attached as Exhibit "A", and pursuant to finding of fact in Exhibit "B" both attached hereto and forming a part of this ordinance.

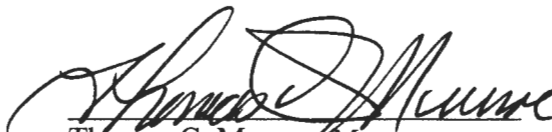
Section 2. Procedural Compliance. This amendment is in compliance with Title 14 of the Municipal code of the City of Cottage Grove and is based upon the City Council determination, after a Planning Commission public hearing and recommendation, that the zone change (MCPA 2-12) is a proper implementation 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 3. Amendment. The citywide "land use district map" which is a part of the Title 14 is hereby amended as follows:

Rezone the subject property (0.39 acres) known as 2875 Mosby Creek Road, Map 20-03-27-40 TL 1600, from M-1 Light Industrial to C-2P Community Commercial.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 25th DAY OF FEBRUARY, 2013.


Richard Meyers, City Manager


Thomas C. Munroe, Mayor

Dated: February 25, 2013

Dated: Feb. 25, 2013

EXHIBIT 'A'
ORDINANCE NO. _____
20-03-27-40 TL 1600
2875 Mosby Creek Road

ZONE CHANGE 2875 MOSBY CREEK RD TO C-2P

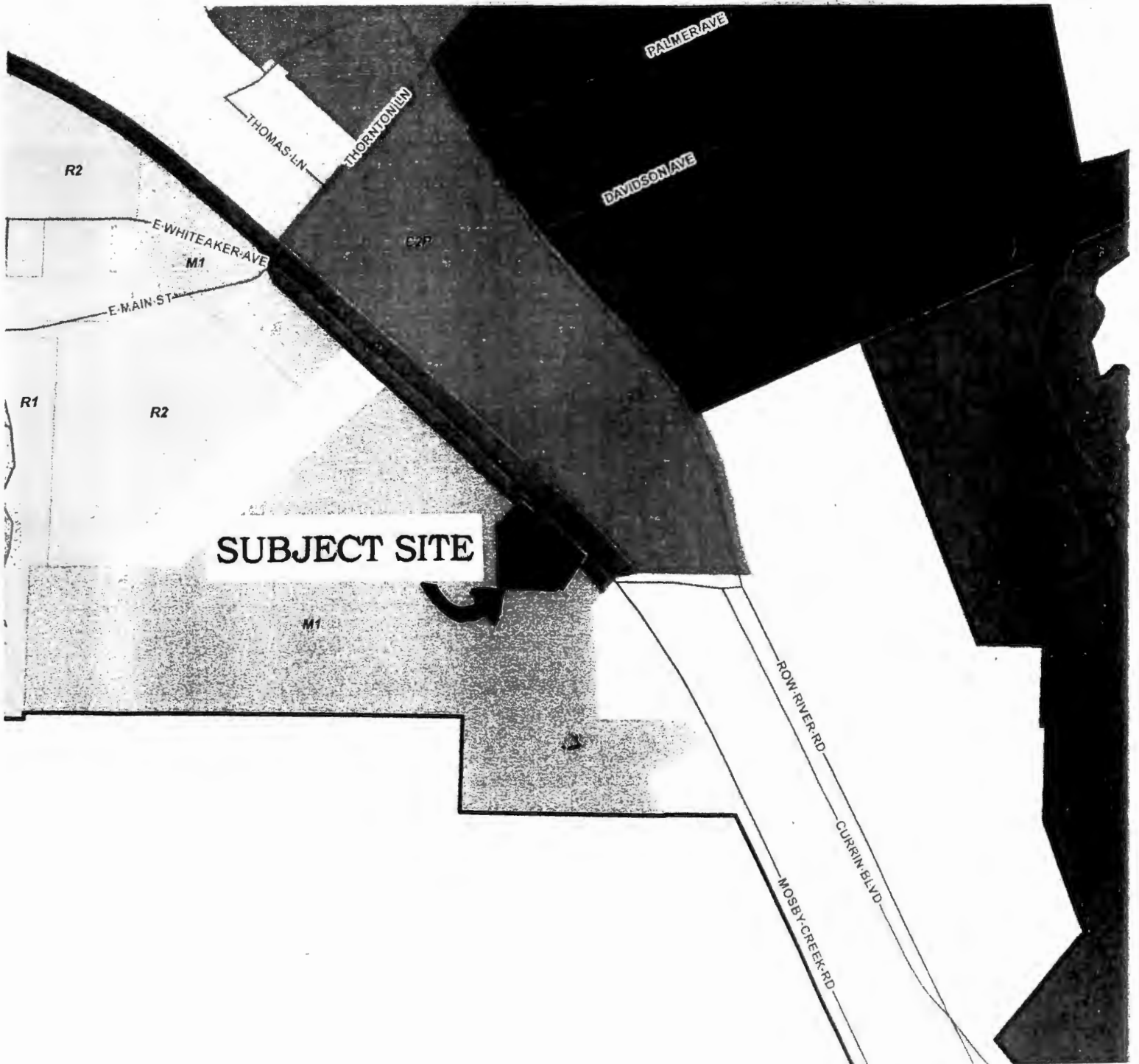


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5. The city proposes this comprehensive plan and zoning map change to correct the city’s maps to reflect current use of these properties. All of the current uses are either Not Permitted or Conditionally Permitted in the Industrial zones, whereas all of the uses are outright permitted or conditionally permitted in the Community Commercial zone. With the current development, it is more appropriate that this property to be zoned commercial. The lot is too small to allow for redevelopment for industrial use in the future. It would also allow the current uses, which have been on the site for many years, the opportunity to rebuild if destroyed.
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7. The following Statewide Planning Goals are not applicable to the proposed redesignation: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Natural Resources, Open Spaces; Goal 6 – Air and Water Resources; Goal 10 – Housing; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
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Goal 2: Land Use Planning

The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City's Comprehensive Plan.

Goal 3: Agricultural Lands

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Goal 4: Forest Lands

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Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

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Goal 7: Areas Subject to Natural Disasters and Hazards

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The proposed designation/zone change enhances the city's ability to protect this important recreational resource and is in compliance with Goal 8.

Goal 9: Economic Development

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Goal 10: Housing

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Goal 11: Public Facilities and Services

The property is already developed with full urban services that meet the needs of existing and proposed uses. Modifications to these facilities are not expected at this time. The alignment of designation/zoning with current uses will ensure that future planning accurately reflects the impacts upon public facilities and services. Hence this application is in compliance with Goal 11.

Goal 12: Transportation

The parcel has access to a developed major arterial street, Mosby Creek Road. This road is within the jurisdiction of the City of Cottage Grove, although Mosby Creek transfers to Lane County jurisdiction within 500' of the subject property.

A transportation planning rule analysis was prepared for this intersection by Branch Engineering (dated November 19, 2012, see exhibits). The results of this study, which evaluated the reasonable worst case development scenario for these properties under the proposed comprehensive plan designation and zoning, was a finding of no significant adverse impact to the performance of a transportation facility as defined in OAR 660-012-0060(1). No mitigation is necessary to accommodate the traffic generated by potential development.

The existing roadway network in the project vicinity includes Mosby Creek Road, the Currin Connector and Row River Road. All of these roadways are functionally classified as arterial roadways. The addition of traffic resulting from potential development is not going to have a significant effect on these roadways, considering the arterial classification and the associated traffic volumes and types of traffic that arterial roadways are intended to accommodate.

A traffic light is under construction at the Mosby/E. Whiteaker/Main/Thornton intersection to the north of this parcel. This signal project will include the realignment of the Row River Trail so that

crossings will occur at a protected crosswalk rather than 15' behind the stop line of the intersection, which will improve safety at this intersection. This intersection will function at an LOS B after the traffic light is installed. The modest additional traffic possible under the worst case development scenario for the subject property will not reduce this LOS.

Goal 13: Energy Conservation

The Plan amendment/zone change will promote more energy efficient development by accurately aligning existing uses with underlying zoning. This will allow staff to plan for facilities and services to reflect actual field conditions. The change will also encourage the development of this lot to its greatest extent within the current fabric of the community, which will conserve energy by reducing needs for green-field development and expansion of city services. This application is in compliance with Goal 13.

Goal 14: Urbanization

The entire subject property has been annexed to the City of Cottage Grove and is inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14.

Non-applicable coastal goals

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

This criterion has been met.

9. The property owner of the land involved in the Plan Amendment/Rezoning is in favor of the redesignation.
10. The proposed change is in the public's interest; is in keeping with the development pattern in this area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare.



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02/26/2013

Mailed From 97424

US POSTAGE



Community Development

CITY OF

COTTAGE GROVE

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

TO:



Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF

FEB 27 2013

LAND CONSERVATION
AND DEVELOPMENT