



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



April 26, 2006

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 007-04

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. This adoption was adopted by the City on March 14, 2006. A notice of adoption was sent out on March 22, 2006, and has passed the 21-day appeal period from the date of the adoption. On April 5, 2006, an appeal was filed at the Land Use Board of Appeals No. 2006-055.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Amanda Ferguson, City of Cottage Grove

<paa> ya

FORM 2

D L C D 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
(See reverse side for submittal requirements)

DEPT OF

APR 20 2006

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Cottage Grove Local File No.: ZC 5-04
(If no number, use none)

Date of Adoption: 03-13-06 Date Mailed: 04-19-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 02-04-05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

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

Rezone 26.04 acres from County AGT-5 to PR Parks and Recreation District.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : _____ to _____

Zone Map Changed from: AGT-5 to PR Parks & Recreation

Location: Map No. 20-03-22; Tax Lots 800 & 1000 Acres Involved: 26.04

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1,2,8

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 007-04, LUBA 2006-055
(13547)

ORDINANCE NO. 2927

AN ORDINANCE AMENDING TITLE 18 OF THE
MUNICIPAL CODE OF COTTAGE GROVE,
THE CITY WIDE ZONING MAP FOR COTTAGE GROVE
SPEEDWAY AND WESTERN OREGON EXPOSITION

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:


Section 1. Purpose. The purpose of this ordinance is to amend the adopted city-wide "zoning map" to identify the rezoning of the property on North Douglas described as Map 20-03-22, Tax lots 800 & 1000, and shown on the map attached as Exhibit 'A'.

Section 2. 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 City Planning Commission public hearing and recommendation, that the zone change (ZC 5-04) 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. Findings. The findings for this zone change are attached as Exhibit B to this ordinance.

Section 4. Amendment. The city-wide "zoning map" which is a part of Title 18 is hereby amended as follows with respect to the property described in Exhibit 'A' change of zoning district classification from AGT 5 Agriculture, Grazing, Timber 5-Acres Minimum District to PR Parks & Recreation District.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 13TH
DAY OF MARCH, 2006.

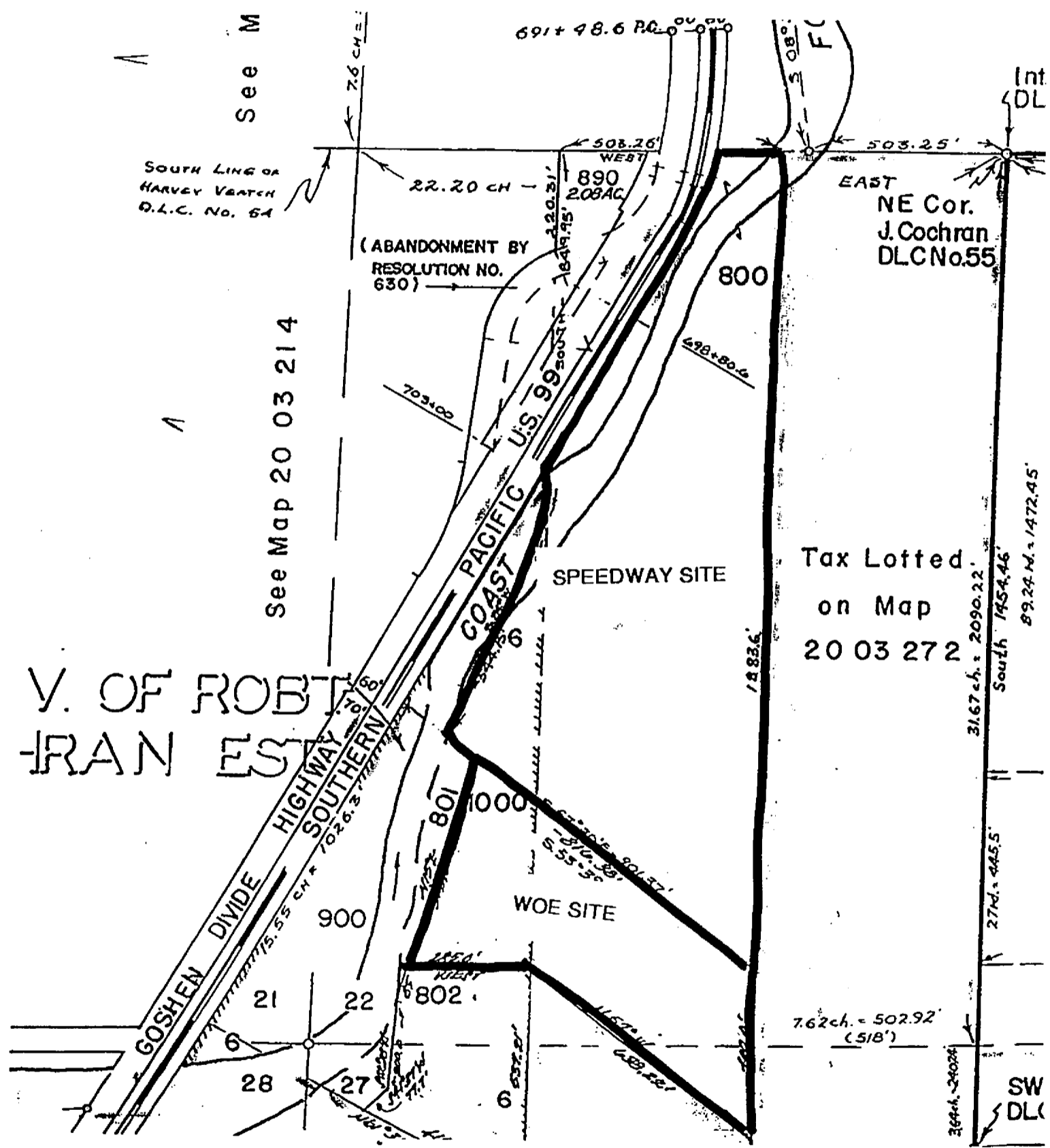

Richard Meyers, City Manager

Dated: March 14, 2006


Gary Williams, Mayor

Dated: March 14, 2006

EXHIBIT 'A'



See M

SOUTH LINE OF HARVEY VATCH D.L.C. NO. 64

See Map 20 03 214

V. OF ROBERT IRAN

Tax Lotted on Map 20 03 272

EXHIBIT 'B'

FINDINGS

ZONE CHANGE (ZC 5-04) – CG SPEEDWAY/WOE

1. Kim O'Dea (Law Office of Bill Kloos), on behalf of the property owners, made an application on March 25, 2004 for a Zone Change (ZC 5-04) to rezone land owned and occupied by Cottage Grove Speedway and Western Oregon Exposition from AGT-5 Agriculture, Grazing and Timber 5-Acre Minimum to PR Parks and Recreation District.
2. The purpose of the PR Parks & Recreation District is to implement the Parks, Recreation and Open Space element of the Cottage Grove Comprehensive Plan and the adopted Cottage Grove master parks plan, which includes private and public recreation uses.
3. Forty-five day notice was given to DLCD on April 14, 2004 for the Zone Change application for a first evidentiary hearing of June 16, 2004.
4. Notice was given on May 27, 2004 pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for the public hearing to be held on June 16, 2004. The applicants requested that the application be put on hold in a letter written June 10, 2004.
5. Forty-five day notice was given again to DLCD on February 4, 2005 for an initial evidentiary hearing of the Zone Change application on April 6, 2005.
6. Notice was given on March 16, 2005 to surrounding neighbors etc. pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for the public hearing held on April 6, 2005.
7. A Public Hearing was held on April 6, 2005 before the Planning Commission. The Planning Commission opened up the hearing and staff presented the staff report. A presentation was made by the applicant and 7 members of the public testified on behalf of the application. 5 members of the public testified against the application. The Planning Commission voted to continue the public hearing to May 11, 2005.
8. A Public Hearing was held on May 11, 2005 before the Planning Commission. 4 members of the public spoke against the application. The Planning Commission voted to continue the public hearing to June 8, 2005.
9. A Public Hearing was held on June 8, 2005 before the Planning Commission. The applicant and 8 members of the public spoke on behalf of the application; 6 members of the public spoke against the application. The Planning Commission voted to close the public hearing on the application, and hold deliberations on this application concurrently with deliberations on MUM 1-05 on July 20th.
10. Deliberations on ZC 5-04 were held on July 20th by the Planning Commission. The Planning Commission voted to recommend approval of ZC 5-04 to City Council at this meeting.
11. The zone change is in compliance with the Comprehensive Plan. The proposal conforms with the City Comprehensive Plan, which includes the parcels in the City UGB and designates them for Public/Quasi-Public use. The implementing

zone for the Public/Quasi-Public land use designation is PR Parks & Recreation. Thus lands designated for Public/Quasi-Public uses in the Comprehensive Plan are intended to provide for parks and recreation needs.

12. The proposal conforms to the City Zoning Ordinance. The City zoning ordinance, Chapter 18.56 Zoning of Annexed Areas, states that "county zoning shall continue to apply" to annexed territory until "the City Council enacts city zoning in the annexed area." The designated implementing zone for the property's Comprehensive Plan designation of Public/Quasi-Public is PR Parks & Recreation (through PA 2-03). This application conforms to the requirements of the City zoning ordinance by changing the existing Lane Code zoning to the city zoning specified by the adopted Comprehensive Plan Land Use Map.
13. Public need is established for these recreational facilities in the *Water To Woods: 2003 Cottage Grove Parks Plan*. This request will place 26.04 acres of land in the PR Parks & Recreation District and allow for the future development of these parcels as privately provided recreational facilities so long as they remain consistent with the requirements of the PR district and other sections of the Cottage Grove Zoning Code. The existing uses on these properties, a fairgrounds and a private racetrack, are listed in the PR code as uses permitted subject to a Mixed Use Master Plan (Section 18.17.040).
14. No mistake was made in the original Comprehensive Plan designation nor was one identified through periodic review in the late 1980's and early 1990's. The plan was amended in 2003 to provide an implementing zoning district, which was PR Parks and Recreation District. The subject parcels are immediately adjacent to another property with a Parks designation (the North Regional Park) and a Public/Quasi-Public property (single family residence). The Cottage Grove wastewater treatment facility further to the south is designated with a Parks designation. The subject properties have been designated as Public/Quasi-Public on the Comp Plan Land Use Map since 1980. This land use designation recognized the established nature of the uses on these sites.
15. The proposed amendments are in compliance with Statewide Goals, as noted below:
 - Goal 1: Citizen Involvement: Public hearings have been held before the Planning Commission in consideration of this Zone Change. These public hearings meet this goal, as the Planning Commission is the body designated in the code to consider Zone Change applications and make a recommendation to City Council. The process also includes a public hearing at the City Council level, various forms of notification of the public in the immediate area, notification of the general public through the media, and other governmental agencies through mailed notification. This application is in compliance with this goal.
 - Goal 2: Land Use Planning: 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 is compatible.
 - Goal 3: Agricultural Lands: Not applicable. Although these properties were zoned AGT-5 Agriculture, Grazing and Timber under Lane Code 10 before annexation into the City of Cottage Grove, the properties have been utilized for

park and recreation uses since the 1950s. The properties do not adjoin any properties under agricultural use. No agricultural lands are impacted by this zone change.

Goal 4: Forest Lands: Not applicable as the property is located in an urban area and within the urban growth boundary of the City of Cottage Grove.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources: The existing uses, a private speedway and fairgrounds, are permitted uses contingent upon Mixed Use Master Plan approval. The MUM Mixed Use Master Plan application process consolidates review of multiple land use applications, including design review, greenway conditional use permit, historic alteration review, etc. Applicants are required to show compliance with the criteria of each applicable land use code section during MUM review. Hence compliance with the zoning code and MUM application submittal/approval will ensure compliance with the requirements for open space and natural resource protection as established in the Comprehensive Plan and Zoning Code. There are no designated historic areas identified on the subject properties.

Goal 6: Air, Water and Land Resources Quality: Impacts to air, water and land resource quality shall be considered during MUM application review (see above).

Goal 7: Areas Subject to Natural Disasters and Hazards: The major concerns on these parcels relate to floodplain concerns, which will be addressed at the time of development review pursuant to the existing city ordinances.

Goal 8: Recreational Needs: Rezoning of this area to P Parks & Recreation will allow for and encourage the development of the area for recreation-oriented use through private investment. This request will place 26.04 acres of land in the PR Parks & Recreation District and allow for the future development of these parcels as privately-provided recreational facilities so long as they remain consistent with the requirements of the PR district and other sections of the Cottage Grove Zoning Code. PR Parks & Recreation District requirements will require a MUM application review.

Goal 9: Economic Development: The *Water To Woods: 2003 Cottage Grove Parks Plan* recognizes large-scale recreational providers as important economic revitalization tools. "Parks, open spaces and recreation produce economic benefits, including attraction of tourists, enhancement of real estate values surrounding parks and open space, and attraction and retention of new business and industry." The Speedway and WOE are long time elements of the Cottage Grove community and have provided economic benefits to the City in terms of tourism, auto repair and detailing businesses, etc. Development and enhancement of these recreation uses may have long-term economic benefits to the City of Cottage Grove.

Goal 10: Housing: Although one caretaker residence may be allowed per parcel under a MUM approval, the P Public/Quasi-Public land use designation and its implementing district, PR Parks and Recreation district, are not intended to provide for needed housing. Hence this goal is not applicable.

Goal 11: Public Facilities and Services: The properties are being rezoned so that facilities and services may be extended to this area to better serve existing

and planned recreational development. The expansion of these services will protect public safety and welfare (through improvements to access, water lines for fire hydrants, sanitary sewer, etc.) and capitalize on the pre-existing public investment in these facilities by encouraging the urban-level development of these parcels. Upgrades to public services will be required under the MUM approval process to meet urban public facility standards. The City's existing water production and wastewater treatment plants will accommodate development resulting from this zone change.

Goal 12: Transportation: Any proposed development of these parcels will require traffic impact analysis which may identify impacts that will be required to be addressed at MUM approval stage.

Goal 13: Energy Conservation: The proposed zone changes meets the energy conservation objective of the Comprehensive Plan, as it encourages the urban-level development of dedicated recreation uses that are already served by some public facilities and developed transportation routes, which is a primary recommendation under Energy Conservation in the Comprehensive Plan.

Goal 14: Urbanization: The parcel is located in the Urban Growth Boundary and zoning from County zoning which is rural in nature to PR Parks & Recreation which is urban in nature. The zone change will allow for orderly and efficient transition from rural to urban land use, including the provision of urban services.

Goal 15: Willamette River Greenway: Both properties are entirely within the Willamette River Greenway. The existing uses, a private speedway and fairgrounds, are permitted uses in the PR/Greenway zone contingent upon Mixed Use Master Plan approval. The MUM Mixed Use Master Plan application process consolidates review of multiple land use applications, including greenway conditional use permit review. Hence compliance with the zoning code and MUM application submittal/approval will ensure compliance with the requirements for Willamette River Greenway protection as established in the Comprehensive Plan and Zoning Code.

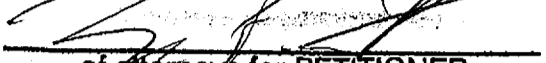
Goal 16: Estuarine Resources: Not applicable.

Goal 17: Coastal Shorelands: Not applicable.

Goal 18: Beaches and Dunes: Not applicable.

Goal 19: Ocean Resources: Not applicable.

CERTIFIED TO BE A TRUE, CORRECT
AND COMPLETE COPY OF ORIGINAL


of attorneys for PETITIONER

DLCD
007-04
(13547)

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

CARLTON WOODARD,
LARRY AND KRISTIN OKRAY, and
MARTIN KILMER

Petitioners,

vs.

CITY OF COTTAGE GROVE,

Respondent.

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) LUBA No. 2006-055
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APR05'06 AM11:26 LUBA

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Petitioners intend to appeal that land use decision or limited land use decision of Respondent entitled Ordinance No 2927:

"AN ORDINANCE AMENDING TITLE 18 OF THE MUNICIPAL CODE OF COTTAGE GROVE, THE CITY WIDE ZONING MAP FOR COTTAGE GROVE SPEEDWAY AND WESTERN OREGON EXPOSITION."

Such decision became final on or after March 14, 2006. The decision concerns the rezoning of property owned by the Cottage Grove Speedway and Western Oregon Exposition (W.O.E.) to PR Parks and Recreation District (City File No. ZC 5-04). See Notice of Adoption attached as Exhibit "A."

II.

Petitioners are represented by Douglas M. DuPriest of Hutchinson, Cox, Coons, DuPriest, Orr & Sherlock, P.C., 777 High Street, Suite 200, Eugene, OR 97401, phone number (541) 686-9160.

III.

Respondent, City of Cottage Grove, has as its mailing address and telephone number: 400 Main Street, Cottage Grove, OR 97424, phone number (541) 942-5216 and has, as its legal counsel: Gary R. Ackley, Ackley, Melendy & Kelly, LLP, 30 N. 5th Street, P.O. Box 725, Cottage Grove, OR 97424, phone number (541) 942-2453.

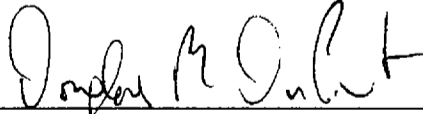
IV.

Applicants, Russell, Robert, Linda and Lori Leach, were represented in the proceeding below by: Bill Kloos, Attorney at Law, 375 W 4th St, Ste 204, Eugene, OR 97401, phone number (541) 343-8596.

Applicant WOE, Inc. has as its mailing address and telephone number: P.O. Box 793, Cottage Grove, OR 97424, phone number (541) 915-4718 and has, as its contact, Gary Mowrey.

Other persons mailed written notice of the land use decision or limited land use decision by the City of Cottage Grove, as indicated by its records in this matter, are listed on the attached Exhibit "B."

NOTICE: Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-10-050.

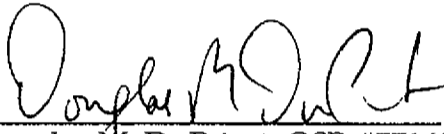


Douglas M. DuPriest, OSB # 77168
Of Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2006, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-10-015(2) by first class mail.

Dated this 4th day of April, 2006.

By: 
Douglas M. DuPriest, OSB #77168
Of Attorneys for Petitioners
Hutchinson, Cox, Coons,
DuPriest, Orr & Sherlock, P.C.
777 High Street, Suite 200
Eugene, OR 97401
(541) 686-9160



Cottage Grove



Community Development

400 Main Street
Cottage Grove, OR 97424

(541) 942-3340
Fax 942-1267

www.cottagegrove.org

E-mail: planning@cottagegrove.org

March 22, 2006

Re: Notice of Adoption of Ordinance 2927 Zone Change (ZC-5-04),
Notice of Adoption of Ordinance 2928, Mixed Use Master Plan for Cottage
Grove Speedway (MUM-1-05), and
Notice of Adoption of Ordinance 2929, Mixed Use Master Plan for W.O.E.

Please be advised that City Council at their regular meeting of March 13, 2006 adopted the following ordinances:


- Ordinance No. 2927 which rezoned the property owned by the Cottage Grove Speedway and Western Oregon Exposition (W.O.E.) to PR Parks and Recreation District.
- Ordinance No. 2928 which established the Mixed Use Master Plan Overlay for the Cottage Grove Speedway.
- Ordinance No. 2929 which established the Mixed Use Master Plan Overlay for the W.O.E.

Appeal of these decisions may be made pursuant to ORS 197.830 to 197.845. That appeal is made to the State of Oregon Land Use Board of Appeals (LUBA). The Notice of Intent to Appeal and the required fees (\$325) must be filed at LUBA within 21 days after the land use decision becomes final. Under LUBA's rules (OAR 661-010-0015(1)(b)), the date of filing a Notice of Intent to Appeal is either the date the Notice is actually received by LUBA or the date the Notice is mailed, provided it is mailed by registered or certified mail and the party filing the Notice obtains a receipt stamped by the U.S. Postal Service showing the date mailed and the certified or registered number.

LUBA may be contacted at 550 Capital Street NE, Suite 235, Salem, Oregon 97301-2552. The phone number is 503-373-1265 and the web site is:
<http://www.oregon.gov/LUBA/index.shtml>.

Copies of the above noted ordinances can be obtained at this office at a cost of \$0.25 per page. If I can provide any further information please contact this office.

Sincerely yours,


Howard P. Schesser
Community Development Director &
Emergency Program Manager