



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

May 22, 2007

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 004-07 A



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: June 7, 2007

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

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

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

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

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FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
MAY 18 2007
STAMP
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **OA 1-07**

Date of Adoption: **5/14/2007**

Date Mailed: **5/17/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/19/2007

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".
Delete the MHS Manufactured Home Individual Lot District.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 file No. DLCD # 004-07^A-(15813)

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

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. 2943
CITY OF COTTAGE GROVE

AN ORDINANCE AMENDING TITLE 18 OF THE COTTAGE GROVE MUNICIPAL
CODE REPEALING CHAPTER 18.14 MHS MANUFACTURED HOME
INDIVIDUAL LOT DISTRICT

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend Title 18 of the Cottage Grove Municipal Code by repealing Chapter 18.14 MHS Manufactured Home Individual Lot District;

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's determination, after a Planning Commission public hearing and recommendation, that this amendment is a proper implementation of the comprehensive land use plan and, therefore, is in the public interest for the health, safety and welfare of the residents of the City of Cottage Grove.

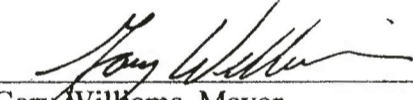
Section 3. Findings. The findings attached as Exhibit A and forming a part of this Ordinance are adopted.

Section 4. Amendment. Title 18 of the Cottage Grove Municipal Code is hereby amended by repealing Chapter 18.14 MHS Manufactured Home Individual Lot District.

Passed by the Council and approved by the Mayor this 14th day of May 2007.


Richard Meyers, City Manager

Dated: May 14, 2007


Gary Williams, Mayor

Dated: May 14, 2007

EXHIBIT A TO ORDINANCE 2943

FINDINGS OF FACT
OA-1-07

1. The Cottage Grove Municipal Code Chapter 18.14 are regulations related to Manufactured Home Individual Lot District.
 2. The City of Cottage Grove has made an application to repeal Chapter 18.14 MHS Manufactured Home Individual Lot District as the district is not in keeping with current state law. The City is prohibited from discrimination in the type of single family housing, whether it be stick built or manufactured home.
 3. Chapter 18.14 only allows for manufactured housing.
 4. Section 18.58.180 Burden of Proof (B) provides criteria:
 - A. Conformance with the comprehensive plan and zoning code:* The Comprehensive Plan is a document that is subject to revision from time to time in reflecting the desire and needs of the citizens and changing form of the community. State law has changed and it is now unlawful to discriminate between manufactured homes and stick built single family dwellings. Repeal of Chapter 18.14 will bring the code into compliance with state law. Chapter 18.14 is one of the implementing districts allowed for the Low Density Residential plan designation of the Comprehensive Plan. With the approval of the Plan Amendment to remove this designation (PA-2-07) Chapter 18.14 is obsolete and needs to be removed. This criteria is complied with.
 - B. The public need for the proposal:* Only one subdivision is zoned MHS and with the rezoning of Rose Subdivision to R-1 Single Family District Chapter 18.14 is not required. The repeal of this Chapter 18.14 will not negatively impact any other property in the City. Repealing Chapter 18.14 completes the process of removing this obsolete reference from the zoning code and keeps the code up to date. This criteria is complied with.
 - C. How public need will be best served by changing the zone classification of the proponent's property as compared with other available property:* This proposal will not change the zone classification of any properties. If this application is approved there will be no properties in the City zoned MHS. This criteria is complied with.
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D. 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 no previously contemplated and why the property owners there should bear the burden, if any, of introducing that proposal into their area: This criteria is not applicable as the proposal is to repeal a district that is not needed.

E. Mistake in the original comprehensive plan: There was no mistake in the original comprehensive plan as this district was permitted and acknowledged by DLCD. The laws have changed over time. This criteria is complied with.

F. Change in character of the neighborhood: This application reflects a change state law. Manufactured homes are allowed in any zone where single family dwellings are allowed. This criteria is not applicable.

G. Factors listed in ORS 227.240 as they apply to the specific proposal: This ORS is repealed so this criteria is not applicable.

H. Such other factors which relate to the public need for helpful, safe and aesthetic surroundings and conditions: The code provides regulations designed to ensure healthful, safe and aesthetic surroundings and conditions. Removing this code section will not impact the public need for helpful, safe and aesthetic surroundings and conditions, and will not be needed for future development in the City. This criteria is complied with.

5. The Statewide Planning Goals are addressed here:

Goal 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.

Goal 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): Goal 5 does not apply with this application as open space, historic areas and natural resources are not being repealed. Not applicable.

Goal 6 (Air, Water and Land Resources Quality): Goal 6 protects the quality of land, air and water resources. The proposal does not impact this goal and therefore is not applicable.

Goal 7 (Areas Subject to Natural Disasters and Hazards): This goal focuses on “areas of natural disasters and hazards,” and is not applicable for this application.

Goal 8 (Recreation): The overriding purpose of Goal 8 is to address all recreational needs. This goal is not applicable for this application.

Goal 9 (Economic Development): Goal 9 is focused on commercial and industrial development. This application does not deal with the repeal of a residential district and this goal is not applicable.

Goal 10 (Housing): Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The repeal of the MHS District and subsequent rezoning of the land to R-1 District will not change the use or number of dwelling units developed on the land. This goal is complied with.

Goal 11 (Public Facilities): Goal 11 addresses facilities and services in urban and rural areas. It requires an appropriate level of public facilities. This goal is not applicable for this application.

Goal 12 (Transportation): Goal 12 is implemented through the Goal 12 Rule (OAR 660-12). 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 application is not a plan or zone change. The goal is not applicable.

Goal 13 (Energy Conservation): Not applicable,

Goal 14 (Urbanization): Not applicable.

Goal 15 (Willamette River Greenway): Not applicable.

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