



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

AMENDED NOTICE OF ADOPTED AMENDMENT

November 2, 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 014-07



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: November 16, 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 Punton, DLCD Natural Resource Specialist
Amanda Ferguson, City of Cottage Grove

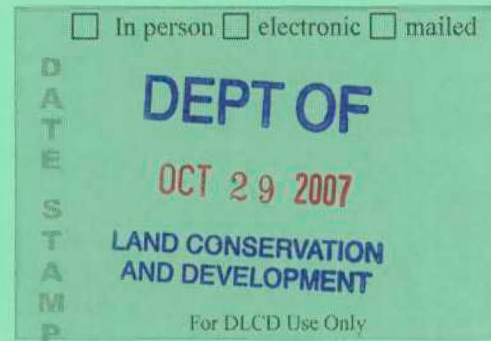
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FORM 2

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



Jurisdiction: **City of Cottage Grove**

Local file number: **PA 5-07**

Date of Adoption: **10/22/2007**

Date Mailed: **10/26/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/1/2007

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".

Amended comprehensive plan map to redesignate 17 acres from C Community Commercial to M Medium Density Residential. Property is within the Willamette River Greenway.

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

Plan Map Changed from: **C Community Commercial** to: **M Medium Density Residential**

Zone Map Changed from: _____ to: _____

Location: **Harrison Ave /Hwy 99 S/Willamette Greenway**

Acres Involved: **17**

Specify Density: Previous: **0**

New: **75**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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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 # 014-07 (1607b)

DLCD file No. _____

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

ODOT, State Parks, Division of State Lands

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.

RESOLUTION NO. 1644

A RESOLUTION AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM MAP (PA-5-07)
HAYDEN ENTERPRISES PROPERTIES

WHEREAS, a Comprehensive Plan for Cottage Grove has been developed in accordance with State-wide Planning Goals and acknowledged by the Oregon Land Conservation and Development Commission; and,

WHEREAS, Hayden Enterprises have made an application to amend the said Development Plan; and,

WHEREAS, the City of Cottage Grove proposes to change the Land Use Designation of the land described as Map 20-03-33-23 Tax Lot 1300 (part), as shown in Exhibit "A" attached hereto and by reference made a part of this resolution from C Community Commercial to M Medium Density Residential on the Land Use Diagram Map of the Comprehensive Plan; and

WHEREAS, the Department of Land Conservation and Development was given forty-five day notice prior to the first hearing on June 20, 2007 pursuant to Oregon Revised Statutes; and

WHEREAS, the Planning Commission has forwarded said amendment to the Plan to the City Council with a favorable recommendation after holding a public hearing on August 15, 2007; and,

WHEREAS, the City Council held a public hearing on the said amendment to the Plan on October 22, 2007; and

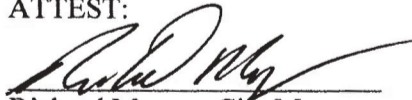
WHEREAS, the City Council finds the amended plan to adequately address the land use needs of the community and adopted findings attached as Exhibit "B";

NOW, THEREFORE, BE IT RESOLVED that the Comprehensive Plan for Cottage Grove is hereby amended to change the land use designation of the land described as the Map 20-03-33-23 Tax Lot 1300, shown on Exhibit "A" attached hereto and by reference made a part hereof from C Community Commercial to M Medium Density Residential on the Land use Diagram Map of the Comprehensive Plan.

This resolution shall take effect immediately.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS
22ND DAY OF OCTOBER, 2007.

ATTEST:


Richard Meyers, City Manager
Date: Oct. 22, 2007

APPROVED:

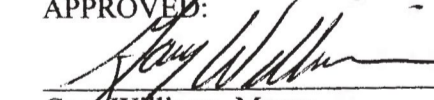

Gary Williams, Mayor
Date: Oct. 22, 2007

EXHIBIT 'A'
RESOLUTION NO. 1644

Map 20-03-33-23 TL 1300 (part)

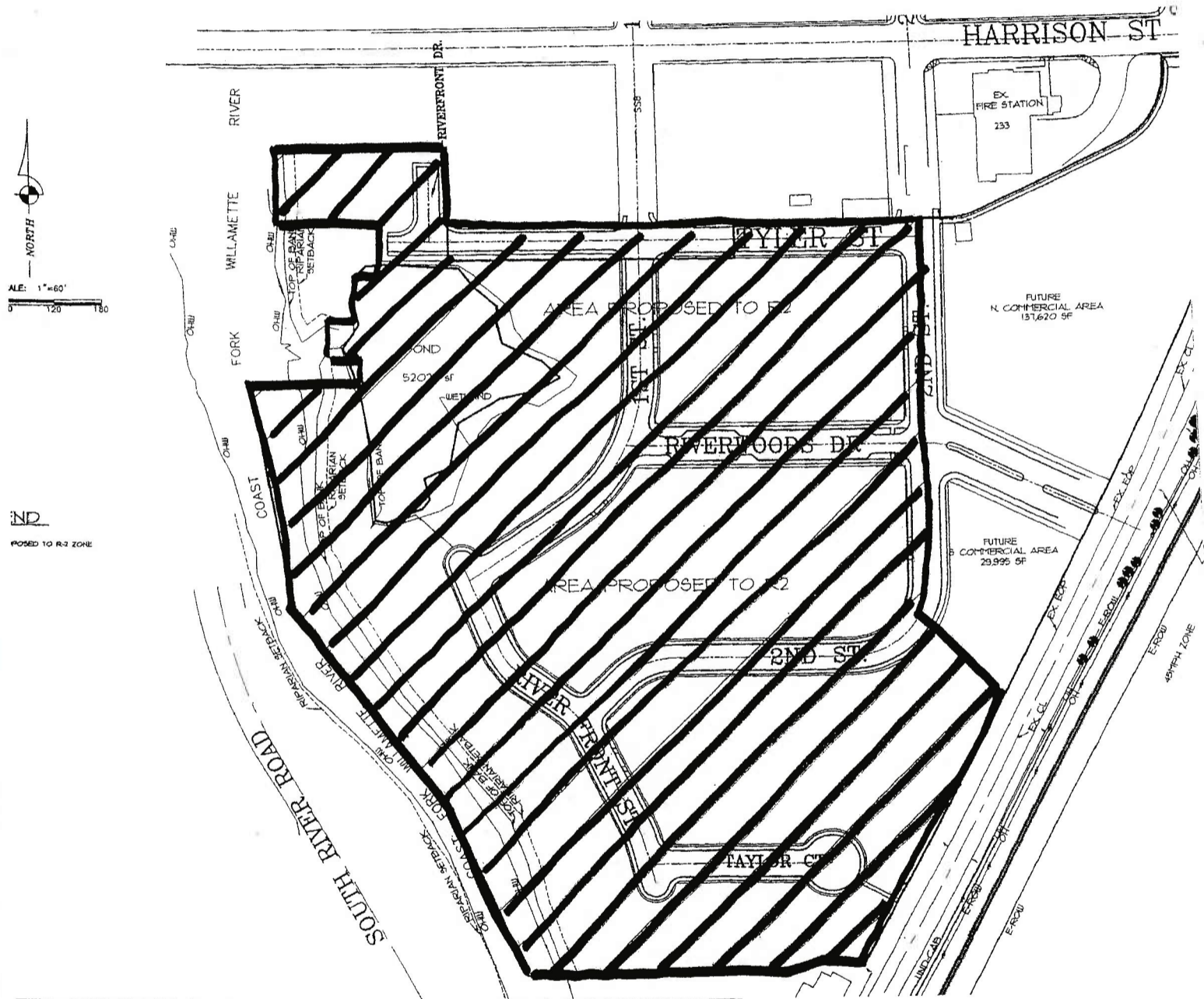


EXHIBIT B
RESOLUTION NO 1644

1. Madonna Properties LLC made an application to amend the Comprehensive Plan to redesignate 17 acres from Community Commercial to Medium Density Residential located east of the Coast Fork of the Willamette River and south of the Fire Station on Harrison Ave. The land is identified as Map 20033323, portion of Tax Lot 1300.
 2. The City 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 give 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. The application is in keeping with the intent of the Comprehensive Plan.
 4. The land is currently vacant.
 5. The application will assure a wise and efficient use of our urbansizable lands as there is a surplus of commercial land based on the 2005 buildable land study.
 6. Pubic facilities and services will be provided in a timely, orderly and efficient arrangement as required for the types and levels appropriate the needs of the proposed residential area.
 7. The proposed designation meets the energy conservation objective of the Plan as it encourages the development of a vacant parcel that is already served by public facilites and transportation routes.
 8. The public need for the application is identified in the buildable lands study as more medium and high density residential land is needed for our 20 year supply.
 9. The public need will be best served by the changing of the designation and eventual zone classification of the property.
 10. The change is in compliance with the Statewide Goals as noted below:
- Goal 1: Citizen Involvement: The Comprehensive Plan states that it is the intent of the City "to provide for citizen participation to assure that the plan is responsive to changing conditions and community attitudes." Furthermore, the Comprehensive Plan recommends that all proposed plan amendments follow the procedures outlined in the Citizen Involvement Program. Citizen participation is implemented through the Zoning Ordinance procedures regulating amendments to the Comprehensive Plan. Specifically, the ordinance requires that both the Planning Commission and City Council hold public hearings subject to the notification requirements outlined in the code. In accordance with these requirements, two public hearings will be conducted, by the Planning Commission and City Council respectively, to hear and consider public testimony related to the proposed amendment.
- Additional elements of the Citizen Involvement Program include various forms of notification of the public in the immediate area (including posting on site, at City Hall, and at the Community Center, and mailed notification of all property owners within 300 feet of the subject parcel), notification of the general public through the media, and notification of other governmental agencies through mail.
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- Goal 2: Land Use Planning: The Cottage Grove Comprehensive Plan, as implemented through the Cottage Grove Zoning Ordinance, contains a land use process and policy framework which provides the basis for all decisions and actions related to use of land and assures an adequate factual base for such decisions and actions. The findings contained herein further demonstrate that the decision is in compliance with the process and policy framework established in the Comprehensive Plan. Based on these findings, the proposed redesignation is in compliance with Statewide Planning Goal 2.
- Goal 3: Agricultural Lands: The subject property is currently zoned as Lane Code Chapter 10 AGT-5, however, it was an abandoned mill site and is now vacant and unimproved. Therefore the redesignation will not impact existing farm/resource lands. Nevertheless, the proposed amendments comply with Statewide Planning Goal 3 by providing for a needed land use inside the Cottage Grove Urban Growth Boundary thereby reducing the need to expand the UGB and potentially impact agricultural lands.
- Goal 4: Forest Lands: The subject amendments do not directly impact any lands zoned for forest use. Nevertheless, the proposed amendments comply with Statewide Planning Goal 4 by providing for a needed land use inside the Cottage Grove Urban Growth Boundary thereby reducing the need to expand the UGB and potentially impact forest lands.
- Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources: The subject property is located along a river corridor and within the Willamette River Greenway. However, it was historically developed as a mill site and as such did not contribute to either the open space or scenic environment of Cottage Grove. Development of the property will have to comply with the requirements of the Willamette River Greenway, and the applicants will be required to dedicate additional lands for open space as part of their proposed planned unit development. The provisions of the zoning code for planned unit developments and Willamette River Greenway development will ensure that the open space, scenic and natural resource potential of this property is realized. A wetland delineation has been performed on the site, and delineated wetlands will be protected during development. Hence this goal will be met.
- Goal 6: Air, Water and Land Resources Quality: The proposed amendments will not alter existing policy related to air, water or land resource quality. Riparian vegetation and tree cover which impact water quality along the Coast Fork of the Willamette River will be protected through the Greenway Conditional Use Permit process. Development on these properties will have to comply with city, state and federal standards to protect air and water quality. The land has the capacity to accommodate proposed future development.
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- Goal 7: Areas Subject to Natural Disasters and Hazards: The only identified natural hazard associated with this property is the floodway/floodplain of the Coast Fork of Willamette River. Development will have to adhere to City policies regarding development within a floodplain, and development will not occur within the floodway. The proposed plan amendments do not alter city policies currently in effect regarding Natural Hazards.
- Goal 8: Recreational Needs: The proposed plan amendment does not adversely impact recreational opportunities and will through the planned unit development process enhance recreation by providing public access to the river front.
- Goal 9: Economic Development: Cottage Grove's economic base has been gradually shifting over the last 20 years from a resource (lumber) based economy to tourism, retail and service based economy. The site in question was historically developed as a lumber and saw mill. After the mill closed down, the property sat vacant. Redevelopment of this property for commercial development along the highway, and residential development along the river, is an appropriate mix of uses for the site which will revitalize this area of Cottage Grove.
- Goal 10: Housing: This redesignation provides needed housing, as the City's supply of medium density housing does not meet the 20 year projected supply. The project will make efficient use of buildable lands within the existing UGB by redesignating surplus commercial lands for residential use. Since the Cottage Grove Comprehensive Plan states that areas of medium density residential development should have good access to major streets and should be located near commercial services and open space, the development of a medium density residential community adjacent to a commercial area and accessed off of a collector (Harrison) and a major arterial (Hwy 99) and adjacent to the Coast Fork of the Willamette River will be a convenient and efficient means of providing for medium density housing needs.
- Goal 11: Public Facilities and Services: It has been determined that the City can provide adequate services including water, sanitary sewer and police protection, to the subject property. The South Lane Fire District, located immediately adjacent to the subject parcel, can provide fire protection. Existing utilities can be extended from 1st and 2nd Streets to the proposed residential area. Therefore the redesignation of this property will not interfere with the provision of public facilities and hence is in compliance with Goal 11.
- Goal 12: Transportation: The proposed plan amendments will allow for the capitalization of investment in the existing transportation network. Impacts to the transportation network will be reviewed during the Planned Unit Development application, which will require a Transportation Impact Analysis for the proposed residential development. Compliance with this
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requirement will ensure that the proposed development or any other development locating on these properties comply with Goal 12.

- Goal 13: Energy Conservation: The urbanization inherent in the proposed development will act to conserve energy by allowing for more use of less expensive natural gas for heating and by fuel savings inherent in a compact urban environment as opposed to less densely developed rural settings.
- Goal 14: Urbanization: The subject parcels are already within the city's urban growth boundary and in the city limits. These amendments provide for needed land uses inside the Cottage Grove Urban Growth Boundary thereby reducing the need to impact rural lands surrounding the UGB. Hence there will be no additional impacts under this goal.
- Goal 15: Willamette River Greenway: The property is within the Willamette River Greenway. Any development on the property will be required to comply with Greenway Conditional Use Permit development standards and Goal 15. The proposed planned unit development will be reviewed for compliance with this Goal.
- 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.
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