



Oregon

Theodore R. Kubangski, 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

04/02/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment
DLCD File Number 002-08

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: Thursday, April 16, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<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

In person electronic mailed

DEPT OF

MAR 27 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **CPA 1-08**

Date of Adoption: **3/23/2009**

Date Mailed: **3/25/2009**

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

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".

Changed the Comprehensive Plan Map Designation on 7 parcels from M Medium Density to H High Density Residential (Map 20-03-28-33 Tax Lot 2202, Map 20-03-29-44 TL 702, 1100, 1200, 4900, Map 20-03-28-11 TL 200, 300).

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

Plan Map Changed from: **M Medium Density Res.** to: **H High Density Residential**

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: **43** New: **no change**

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. _____

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

Lane County

Local Contact: **Amanda Ferguson**

Phone: (541) 942-3340 Extension: 124

Address: **400 Main Street**

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

City: **Cottage Grove**

Zip:

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. 1700

A RESOLUTION AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM MAP (CPA 1-08)
Map 20-03-28-11 TL 200 & 300
1721 & 1723 Hwy 99 N

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

WHEREAS, the City of Cottage Grove has made an application to amend the said Development Plan; and,

WHEREAS, the City of Cottage Grove proposes to change the Land Use Designation of 2 parcels described as 1721 & 1723 Hwy 99 N (Map 20-03-28-11 TL 200 & 300) and shown in Exhibit "A" attached hereto and by reference made a part of this resolution from M Medium Density Residential to H High Density Residential; and

WHEREAS, the Department of Land Conservation and Development was given forty-five day notice prior to the first hearing on November 14, 2008 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 January 21, 2009; and,

WHEREAS, the City Council held a public hearing on the said amendment to the Plan on March 23, 2009; 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 Map 20-03-28-11 TL 200 & 300 and known as 1721 & 1723 Hwy 99 N from M Medium Density Residential to H High Density Residential on the Land Use Diagram Map of the Comprehensive Plan, as shown on Exhibit "A" attached hereto and by reference made a part hereof.

This resolution shall take effect immediately.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS

23RD DAY OF MARCH, 2009.


Richard Meyers, City Manager


Gary Williams, Mayor

Dated: March 23, 2009

Dated: March 23, 2009

EXHIBIT A
 RESOLUTION NO. 1700

Map 20-03-28-11 TL 200, 300

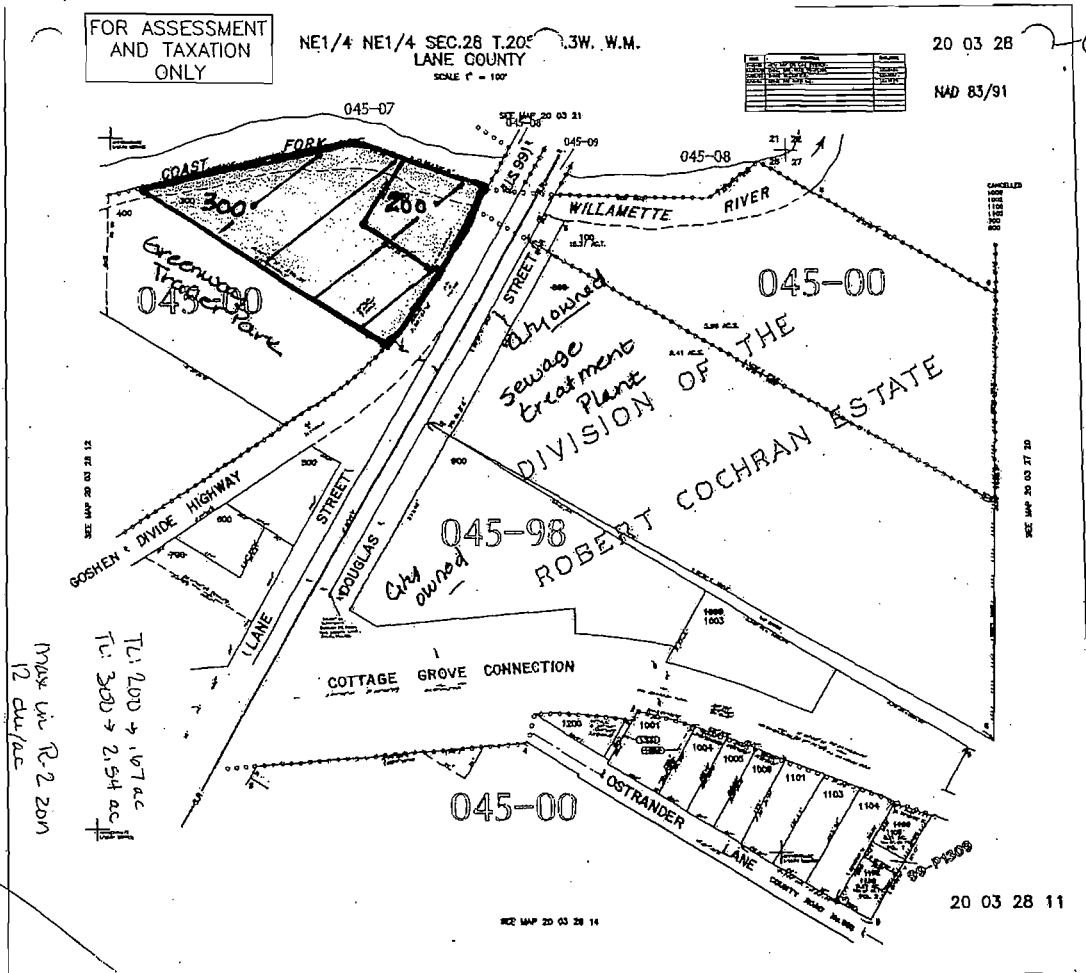


EXHIBIT B
RESOLUTION NO. 1700

1. City of Cottage Grove has made an application to redesignate 3 acres of land described as Map 20-03-28-11 TL 200 & 300 and comprising an apartment complex at 1721 & 1723 Hwy 99 North from M Medium Density Residential to H High Density Residential.
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 lands to be redesignated comprise an apartment complex with seven two-story and one one-story buildings, with a total of 43 apartments. The current density of the complex is 13.4 units per acre. The current designation of Medium Density Residential has a corresponding zoning designation of R-2 Multiple Family Medium Density Residential. The Cottage Grove Development Code establishes a maximum density of 12 units per acre for the R-2 district, whereas the R-3 High Density Residential District, the implementing designation of the H High Density Residential Comprehensive Plan designation, has a 10 unit minimum density and no maximum density. Redesignation of this property as H High Density Residential will correct the designation to properly identify the property as High Density, and correct the city's land use inventory to correctly reflect existing land uses.
5. Adequate public facilities, including water, sewer, storm water, and streets are already provided to the site. The property is accessed via Hwy 99 N, a State Highway. ODOT has been apprised of this redesignation and has submitted comments confirming that the proposed redesignation does not constitute a significant impact upon the transportation facility.
6. The following Statewide Planning Goals are not applicable to the proposed redesignation: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreational Needs; Goal 9 – Economic Development; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
7. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:
 - a. Goal 1 – Citizen Involvement. Public hearings have been held at the Planning Commission and City Council levels to consider this redesignation. 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.
 - b. 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 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.
 - c. Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources. The properties contain known riparian areas (the bank of the Coast Fork of the Willamette River). This redesignation will not change the land use of the property and will not impact the condition of the river in any way.
 - d. Goal 6 – Air, Water & Land Resources Quality. No new development is proposed. Redevelopment of these properties, if proposed, will comply with city, state and federal standards to protect air and water quality.

- e. Goal 7 – Areas Subject to Natural Disasters and Hazards. The property is subject to flooding from the Coast Fork of the Willamette River. Steps will be taken to protect life and property from natural disasters and hazards during any future development, which is not proposed at this time. Flood areas are restricted to the bank of the river; no existing structures are within the designated floodway.
 - f. Goal 10 – Housing. This redesignation corrects the City’s buildable lands inventory by correctly identifying 3.21 acres currently used for high density development but designated as medium density for its proper use – high density. New housing units may be proposed under the new designation, but only through a zone change (from R-2 to R-3 High Density Residential), Site Design Review and potentially Greenway Conditional Use Permit approval. Additional housing units would be required to meet compatibility standards found in the Development Code as approved and adopted by City Council.
 - g. Goal 11 – Public Facilities and Services. The property is currently developed to H High Density Residential standards, although it is designated as M Medium Density. This redesignation will bring the Comprehensive Plan Land Use map into correlation with existing land use patterns. Public facilities and services are already provided to the site at high density standards. The property takes access onto Hwy 99, a state highway. The proposed redesignation is not significant as defined in the Transportation Planning Rule and will not hinder or change the level of service of Hwy 99.
 - h. Goal 13 – Energy Conservation. Preservation of existing development maximizes energy conservation.
 - i. Goal 14 – Urbanization. The areas are already in Cottage Grove’s urban growth boundary. No changes will be made to the city’s boundary.
 - j. Goal 15 – Willamette River Greenway. The river bank and 6 of the two-story apartment buildings are within the Willamette River Greenway. The property’s redesignation from M to H High Density will not impact this resource. Any modifications to or intensifications of development within the Greenway will require a Greenway Conditional Use Permit and compliance with the requirements of Goal 15.
8. The property owner of the lands involved in the Plan Amendment is in favor of the redesignation.
 9. The proposed changes are in the public’s interest; are in keeping with the development pattern in this area of the city; are in keeping with the intent of the City Comprehensive Plan; and serve the public’s health, safety and welfare.

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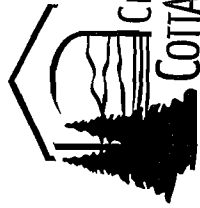
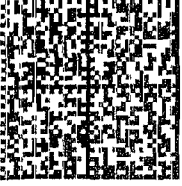
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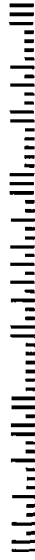
COMMUNITY DEVELOPMENT

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