



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

11/06/2010

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 001-10A

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: Friday, December 17, 2010

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
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Amanda Punton, DLCD Regional Representative
Chris Shirley, DLCD Regional Representative
Thomas Hogue, DLCD Economic Policy Analyst

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

NOV 29 2010

**LAND CONSERVATION
AND DEVELOPMENT**

This Form 2 must be mailed to DLCD within **5-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: **MPCA 1-10**

Date of Adoption: **11-22-10**

Date Mailed: **11-26-10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6-6-10

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 land use of 20-03-32 TL 3101 from Light Industrial to R-2 Multiple Family Residential. Changed the land use of 20-03-32 TL 3100 from AGT-T to R-1 Single Family Residential. Changed the land use of 20-03-33 TL 1200 from AGT-5 to R-2 and changed the land use of 21-03-04-20 TL 8600 (part) and 8062 and Map 21-03-05-10 TL 1401 (part) from Exclusive Farm Use to R-2.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **AGT-5 & R-1**

to: **R-2 & R-1**

Location: **32257 Cleveland Avenue**

Acres Involved: **60**

Specify Density: Previous: **1**

New: **1**

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...

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:

ODOT, Lane County

Local Contact: **Howard Schesser**

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

Address: **400 Main Street**

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

City: **Cottage Grove**

Zip: **97424**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Ordinance No. 2998

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE, THE CITY WIDE LAND USE DISTRICT MAP.

KCW PROPERTIES (MCPA 1-10).

Map 20-03-32 TL 3100 & 3101

Map 20-03-33-33 TL 1200

Map 21-03-04-20 TL 8600 (part) & 8602

Map 21-03-05-10 TL 1401 (part)

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 Map 20-03-32 TL 3100 & 3101; Map 20-03-33-33 TL 1200; Map 21-03-04-20 TL 8600 (part) & 8602; Map 21-03-05-10 TL 1401 (part), bounded by Hwy 99 S on the west, Cleveland Avenue on the south, on north, and residential lots along the south of Hayes Avenue on the north, shown in the map(s) attached as Exhibit "A" and pursuant to finding of fact in Exhibit "B".

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, and a public hearing before City Council that the zone change (MCPA 1-10) 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 with respect to the property described as Map 20-03-32 TL 3100 & 3101; Map 20-03-33-33 TL 1200; Map 21-03-04-20 TL 8600 (part) & 8602; and Map 21-03-05-10 TL 1401 (part):

Change of land use district classification for Map 20-03-32 TL 3101 from Lane Code Chapter 10 Light Industrial to Cottage Grove Chapter 14 R-2 Medium Density Multiple Family Residential.

Change the land use classification of Map 20-03-32 TL 3100 from Lane Code Chapter 10 AGT-5 Agricultural, Grazing & Timber Raising to Cottage Grove Chapter 14 R-1 Low Density Single Family Residential.

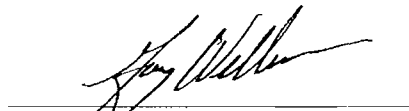
Change the land use classification of Map 20-03-33-33 TL 1200 from Lane Code Chapter 10 AGT-5 Agricultural, Grazing & Timber Raising to Cottage Grove Chapter 14 R-2 Medium Density Multiple Family Residential.

Change the land use classification of Map 21-03-04-20 TL 8600 (part) and 8602 and Map 21-03-05-10 TL 1401 (part) from Lane Code Chapter 10 Exclusive Farm Use to Cottage Grove Chapter 14 R-2 Medium Density Multiple Family Residential.

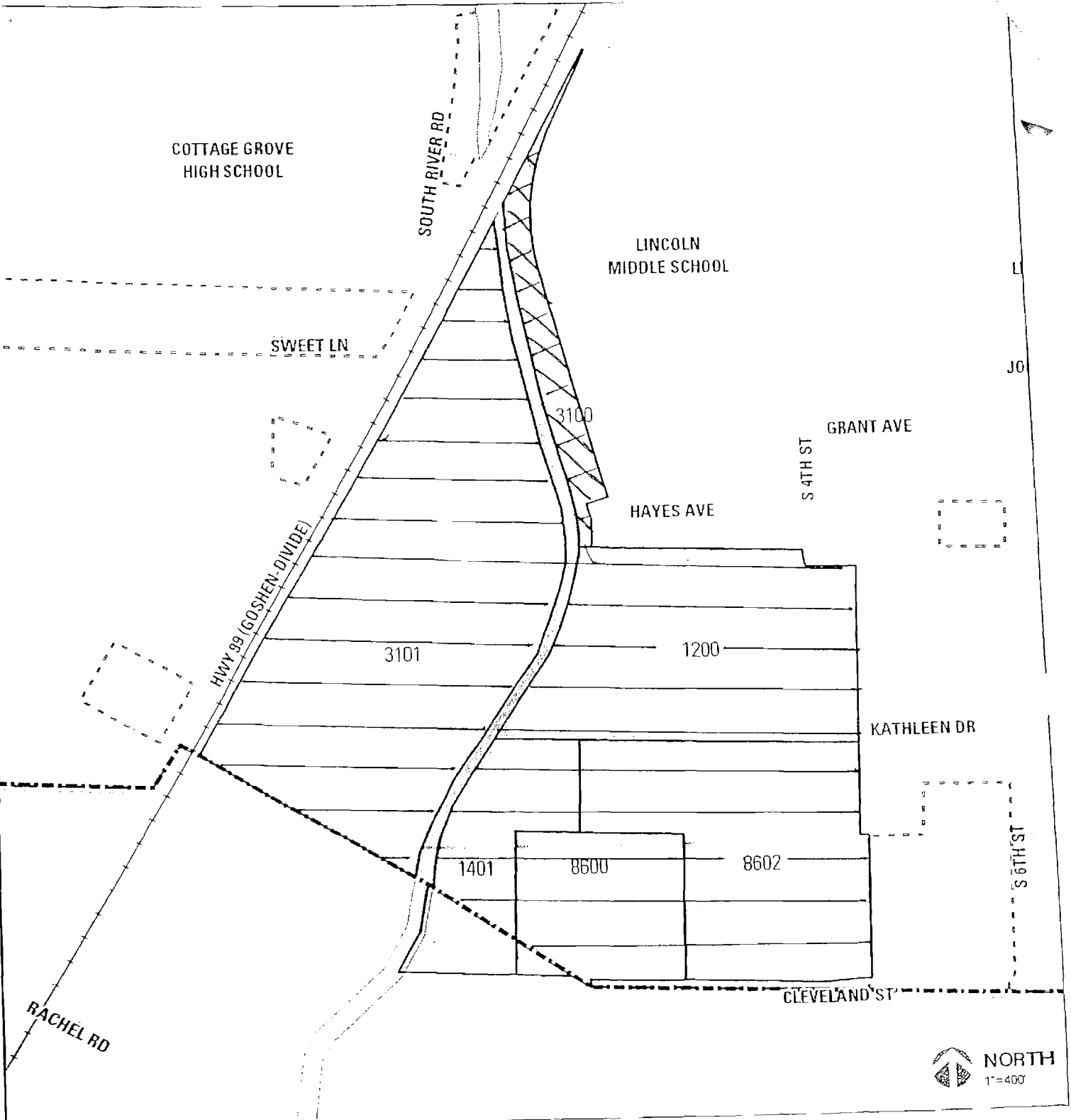
PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 22nd DAY OF NOVEMBER, 2010.


Richard Meyers, City Manager

Dated: November 22, 2010


Gary Williams, Mayor

Dated: November 23, 2010



KCW Properties, LLC: Proposed Zoning Districts



R1, Low Density Residential



R2, Medium Density Residential



Development Site

Taxlots



River



UGB



City Limits



NORTH
1"=400'

EXHIBIT B
ORDINANCE NO. 2998

1. Harry A. Taylor, land use Consultant has made an application on behalf of KCW Properties LLC to rezone Map 20-03-32 TL 3101 from Lane Code Chapter 10 Light Industrial to Cottage Grove Chapter 14 R-2 Medium Density Multiple Family Residential; rezone Map 20-03-32 TL 3100 from Lane Code Chapter 10 AGT-5 Agricultural, Grazing & Timber Raising to Cottage Grove Chapter 14 R-1 Low Density Single Family Residential; rezone Map 20-03-33 TL 1200 from Lane Code Chapter 10 AGT-5 Agricultural, Grazing & Timber Raising to Cottage Grove Chapter 14 R-2 Medium Density Multiple Family Residential; and rezone Map 21-03-04-20 TL 8600 (part) and 8602 and Map 21-03-05-10 TL 1401 (part) from Lane Code Chapter 10 Exclusive Farm Use to Cottage Grove Chapter 14 R-2 Medium Density Multiple Family Residential.
2. The lands to be rezoned R-2 Medium Density Residential are bounded by Hwy 99 S on the west, Cleveland Avenue on the south, on north, and residential lots along the south of Hayes Avenue on the north.
3. 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.
4. 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.
5. The property owner annexed the subject parcels into the City of Cottage Grove in 2008, but the properties have retained County zoning. It is appropriate and compliant with the Cottage Grove Comprehensive Plan and Development Code to apply City zoning to annexed parcels, to match their Comprehensive Plan designation.
6. All but one of properties are designated for M Medium Density residential use in the Comprehensive Plan and are proposed for R-2 Medium Density Residential zoning. Map 20-03-32 TL 3100 is designated for L Low Density Residential, and is to be zoned R-1 Single Family Residential.
7. Adequate public facilities, including water, sewer, streets, etc. are either already provided or available to the sites.
8. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 9 – Economic Development; Goal 11 – Public Facilities and Services; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
9. The following Statewide Planning Goals are applicable and the zone change complies with them as noted below:
 - a) **Goal 1: Citizen Involvement**

The acknowledged Cottage Grove Comprehensive Plan (Plan) complies with Goal 1. This Plan designates the majority of the subject property for Medium Density Residential use. The zone change proposed for this portion of the site is consistent with the Plan. 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 June 16, 2010. Public hearings have been held at the Planning Commission and City Council levels to consider this 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.
 - b) **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.
 - c) **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.
 - d) **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.

- e) **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**
No known wetlands or historic areas are located on the subject property. Riparian habitat along the Coast Fork of the Willamette River will be protected during future development phases through Title 14 Development Code protections for riparian setbacks. Any scenic features on the site are associated with the Coast Fork of the Willamette River Greenway and will be addressed by Goal 15.
- f) **Goal 6: Air, Water and Land Resources Quality**
When the subject property was annexed to Cottage Grove in 2008, it was determined that there were no anticipated capacity problems with the existing and planned stormwater facilities in the area to accommodate planned Medium and High Density Residential uses. Any development taking place outside of the Willamette Greenway boundaries but within identified wetlands or riparian areas close to the river are required to address the provisions of Section 3.7.300 of the City Development Code (Riparian Development).
- g) **Goal 7: Areas Subject to Natural Disasters and Hazards**
The portion of the subject property that is adjacent to the river is subject to flooding hazards, as identified in FIRM maps 2087 and 2090. All development within areas subject to flooding will be required to comply with the provisions of Section 3.7.200 of the Cottage Grove Development Code (Floodplain Development).
- h) **Goal 8: Recreational Needs**
No specific recreational facilities have been identified on the subject property. The river would provide the greatest recreational potential on the site, and its characteristics are addressed in Goal 15.
- i) **Goal 9: Economic Development**
This goal is not applicable as the Plan amendment and rezoning request is limited to residential Plan designations and zoning districts.
- j) **Goal 10: Housing**
The rezoning will permit the eventual development of the subject property in a manner that is consistent with the City's 2005 Buildable Lands Analysis. The 2005 Buildable Lands Analysis recommends conversion of Low Density Residential lands to Medium and High Density Residential to meet projected housing mix. As the Buildable Lands Analysis's recommendations are designed to ensure Cottage Grove's compliance with Statewide Planning Goal 10, Housing, compliance with BLA recommendations brings this request into alignment with Goal 10. The properties have been designated for residential use in the Comprehensive Plan map, and their zoning for that use is appropriate and compliant with the City's Comprehensive Plan and Goal 10.
- k) **Goal 11: Public Facilities and Services**
During the annexation of the subject property to the city, it was determined that improvements are planned for the water and sanitary sewer systems that serve the surrounding area. These improvements will accommodate development allowed by the appropriate zoning districts.
- l) **Goal 12: Transportation**
The Traffic Impact Analysis developed by Access Engineering LLC has found that the zone change is consistent with the functional classification, capacity, and performance transportation standards of Cottage Grove, Lane County, and the Oregon Department of Transportation. A more detailed traffic analysis to address safety and operations, permitting, and potential roadway improvements, if warranted, will be necessary at time of planning approval for any subdivision or master planned development. Lane County and ODOT will be given opportunity to review all such further studies.
- m) **Goal 13: Energy Conservation**
The zone change will promote more energy efficient development. Higher densities of development require less energy for space heating as attached dwelling units, which are typical for higher densities, have fewer exterior walls. Less energy is required for transportation as well, since multiple family dwellings have fewer trips per unit than single family dwellings.
- n) **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.
- o) **Goal 15: Willamette River Greenway**
Any development on the subject property within the Willamette Greenway boundaries will be required to address the provisions of Section 3.7.400 of the City Development Code (Willamette River Greenway).

10. The Planning Commission held a public hearing on the proposal on August 18, 2010 and recommended to Council approval.
11. The City Council held a public hearing on November 8, 2010.
12. 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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11/26/2010

Mailed From 97424

US POSTAGE

POSTAGE DUE 44 \$



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