



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

11/24/2010

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 002-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Tuesday, December 07, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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

<paa> YA/

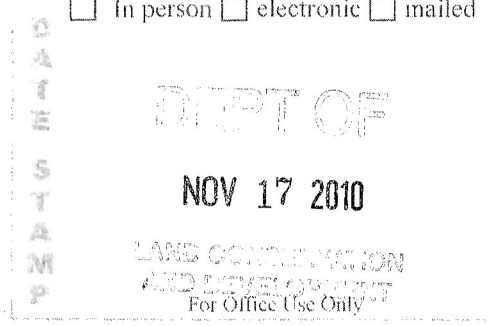


FORM **2**

DLCD

Notice of Adoption

In person electronic mailed



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: **ZC 5-04/MUM 1-05**

Date of Adoption: **11-8-10**

Date Mailed: **11-15-10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4-19-06

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".

LUBA remanded eight items to Council on Ordinances No. 2927, 2928 and 2929. Council considered new findings after a public hearing on the eight items remanded by LUBA.

Does the Adoption differ from proposal? Please select one
Additional findings and conditions were added to the ordinances.

Plan Map Changed from:

to:

Zone Map Changed from: **AGT-5**

to: **PR Parks & Recreation/Mixed Use Master plan**

Location: **north end of North Douglas**

Acres Involved: **26.04**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 file No. 002-05 (14133) [16417]

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

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 DLCDC 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. **DLCDC 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 DLCDC 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 DLCDC, 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 DLCDC (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 DLCDC Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

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'.

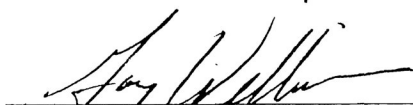
Section 2. Procedural Compliance. This amendment is in compliance with Title 18, Chapter 18.58 of the Municipal Code of the City of Cottage Grove and is based upon the City Council determination, after a City Planning Commission public hearing and recommendation, that the zone change (ZC 5-04) is a proper 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 8th DAY OF NOVEMBER, 2010.


Richard Meyers, City Manager


Gary Williams, Mayor

Dated: November 8, 2010

Dated: NOVEMBER 8, 2010

EXHIBIT 'A'

See M

SOUTH LINE OF HARVEY VEATCH D.L.C. NO. 54

See Map 20 03 214

Int. E DLC

NE Cor. J. Cochran DLC No. 55

Tax Lotted on Map 20 03 272

31.67 ch. = 2090.22'

South 1454.46'

89° 2' N. = 1472.45'

2742.4455'

SW DLC

1/4 OF ROBERT RAN

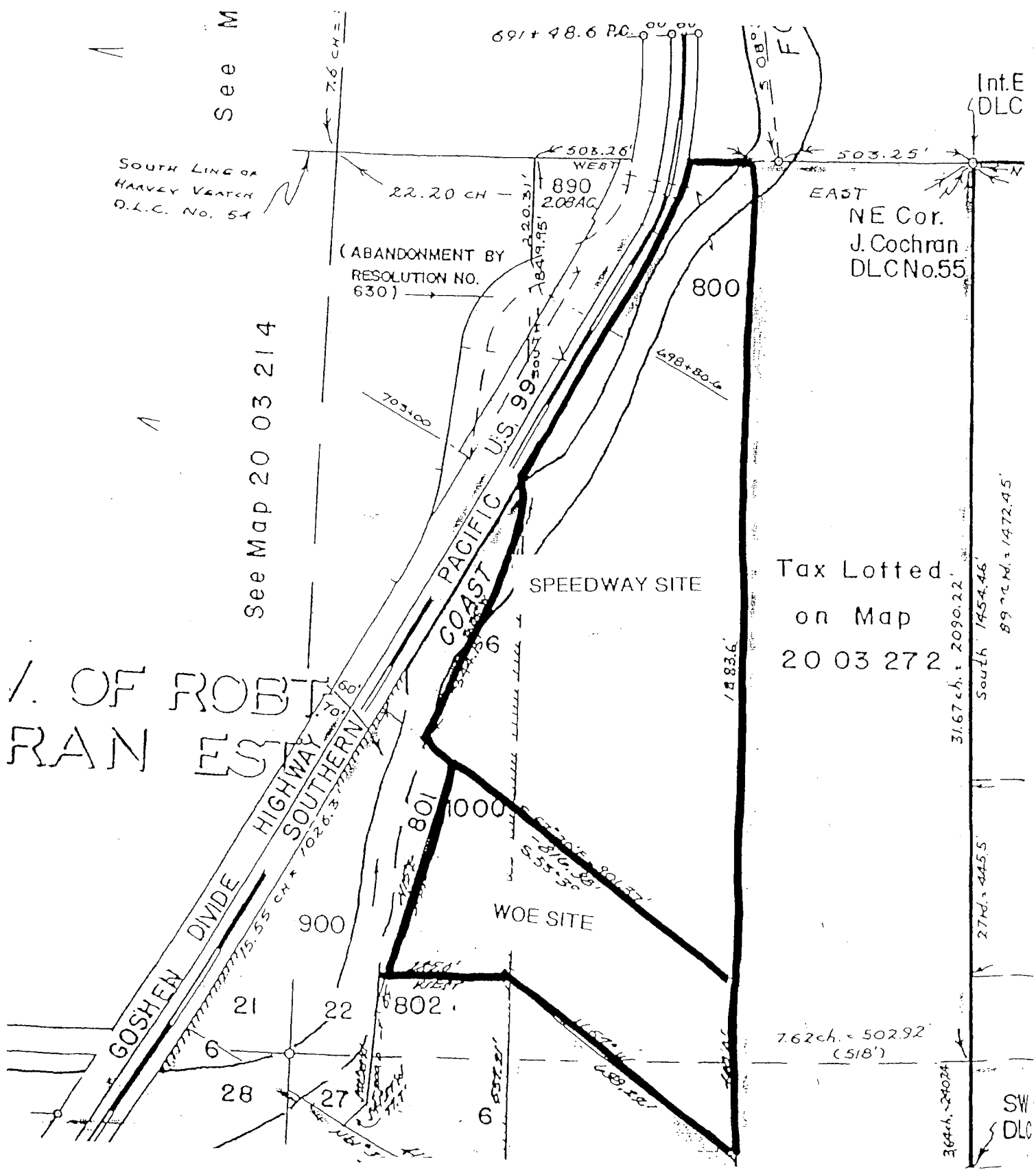


EXHIBIT 'B'

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. Additional findings on this goal are provided under item 17 (II) below.

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.

16. City Council on September 27, 2010 held a public hearing on the items remanded by the Land Use Board of Appeals of which one was related to the this zone change.
17. City Council following the public hearing adopted the following additional findings:

I. Conformance with the comprehensive plan and zoning code;

LUBA found the city's original finding sufficient. This factor is not subject to remand review.

1. The public need for the proposal;

FINDING: This factor focuses on the public need for the PR zoning district to be applied to the subject properties. The proposal meets the public need for having a Comprehensive Plan and Zoning Ordinance that are consistent, as required by state law. The properties are designated Public/Quasi-Public in the Cottage Grove Comprehensive Plan. The current zoning designation, AGT-5, is not a valid zoning district within the City and cannot implement the Public/Quasi-Public designation. The CGZO establishes an implementing zoning district for every Comprehensive Plan designation. Under the CGZO, the implementing zoning district for the Public/Quasi-Public designation is the PR zone. The only way to fix the inconsistency is to rezone the property to PR. Therefore, to the limited extent that public need is relevant to a rezone that resolves an inconsistency with the Comprehensive Plan, this policy is met.

2. *How public need will be best served by changing the zone classification of the proponent's property as compare with other available property;*

FINDING: This factor focuses on the public need for the PR zoning district to be applied to the subject properties. The proposal meets the public need for having a Comprehensive Plan and Zoning Ordinance that are consistent, as required by state law. The properties are designated Public/Quasi-Public in the Cottage Grove Comprehensive Plan. The current zoning designation, AGT-5, is not a valid zoning district within the City and cannot implement the Public/Quasi-Public designation. The CGZO establishes an implementing zoning district for every Comprehensive Plan designation. Under the CGZO, the implementing zoning district for the Public/Quasi-Public designation is the PR zone. The public need for consistency has already been established. That need is best served by changing the zoning classification of the subject property because a rezone is the only way the inconsistency can be corrected. Therefore, to the limited extent that public need is relevant to a rezone that resolves an inconsistency with the Comprehensive Plan, this policy is met.

3. *If other areas have been previously designated for use of development submitted in the proposal, then the necessity for introducing the proposal into an area not previously contemplated and why the property owners there should bear the burden, if any, of introducing that proposal into their area;*

FINDING: This factor focuses on the proposed rezone to PR. This factor is expressly contingent on whether other areas of the city have previously been designated for the proposed use. LUBA found that petitioners did not raise this contingency as an issue. It was, therefore, waived and the policy finding was not remanded.

4. *Mistake in the original comprehensive plan;*

The city drafted a finding to this factor as part of its original decision. That finding was not appealed to LUBA and is sufficient. This factor is not subject to remand review.

5. *Change in the character of the neighborhood;*

FINDING: This factor focuses on the proposed rezone to PR and whether this change in zoning will change the character of the neighborhood.

This factor focuses on the public need for the PR zoning district to be applied to the subject properties. The proposal meets the public need for having a Comprehensive Plan and Zoning Ordinance that are consistent, as required by state law, as established above. That need is best served by changing the zoning classification of the subject property because a rezone is the only way the inconsistency can be corrected. Because the proposed rezoning corrects an inconsistency between the property designation and zoning, and because there is no other way to correct the inconsistency except to rezone the property PR, this factor is not applicable to the proposal.

However, if even the factor was relevant, the properties, which previously were under County jurisdiction, have been developed as a speedway and fairgrounds for 50+ years. Those uses will be continued into the foreseeable future. The PR zoning district allows race tracks and fairgrounds as conditional uses subject to a MUM. Because the uses are preexisting, the rezoning itself, without additional land approvals, will not change the character of the neighborhood. Furthermore, compliance with this factor is ensured through the Mixed Used Master Plan (MUMP) process that is required for any increases in use. As part of the MUMP process, the applicant has established that the proposed use is compatible with the neighborhood and surrounding area.

6. *Factors listed in Oregon Revised States Section 227.240 as they apply to the specific proposal.*

FINDING: ORS 227.240 was repealed by 1975 c.767 §10. This factor is not applicable.

7. *Such other factors which relate to the public need for helpful, safe and aesthetic surroundings and conditions.*

FINDING: Because this rezone resolves an inconsistency between the Comprehensive Plan and zoning ordinance, and because consistency is required by law, this factor is not applicable. However, compliance with the MUMP process, which is required for any increase in use, ensures that the public need for helpful, safe and aesthetic surroundings and conditions is met. There are no other factors that are applicable.

II. Goal 12 – Transportation

LUBA found the city's original Goal 12 findings insufficient as it did not find whether or not the zone change from AGT-5 to PR complied with the Statewide Planning Goal 12 (Transportation) and the Transportation Planning Rule (TPR). Specifically that the city erred to the extent it relied upon a TIS that fails to evaluate traffic impacts for uses allowed in the PR zone through the end of the planning period identified in the city's TSP; that there were no findings addressing the Goal 12 Transportation Planning Rule (TPR). LUBA remanded for the city to adopt findings addressing the TPR and, if

necessary, to require a revised TIS that is sufficient to establish conformance with the rule.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system;
or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The end of the planning period for the Cottage Grove Transportation System Plan (TSP) that was in effect in 2004 was 2015. Applicants submitted a Traffic Impact Analysis (TIS) prepared by Access Engineering that obtained traffic data in 2004 and projected traffic levels for 2005 and 2015. The city finds that the TIS evaluates traffic impacts for uses allowed through the end of the TSP's planning period.

The city finds that the TSP recognized the on-going speed way use as it planned the function, capacity and performance standards of the transportation facilities in the vicinity of the speedway. TSP Figure B-3 Existing Land Use shows the speedway property designated for public use. Importantly, Figure B-4 Vacant and Underutilized Land does not show the speedway property as vacant or underutilized. The TSP planning was done with the speedway uses in mind.

The February 2005 TIS analyzes the traffic impacts at five key intersections. Two of those intersections – at Highway 99/Chamberlain Avenue and at Highway 99/railroad underpass – are the closest state transportation facility intersections to the speedway. Although separated by approximately 1,000 feet, they represent the first two access points to Highway 99 from the speedway.

The state uses a volume to capacity (V/C) ratio for determining capacities of state transportation facilities. The minimum acceptable performance standard for state transportation facilities depends, in part, upon the facility's classification and the allowable speed at a particular location. For a facility such as Highway 99 in Cottage Grove, at speeds 45 mph and greater, the maximum allowable V/C ratio is 0.8 (80% of capacity). At speeds between 35 mph and 45 mph the allowable V/C ratio is 0.85 (85%). At speeds 35mph and less it is 0.9 (90%).

The speed limit at the Highway 99/Chamberlain Avenue intersection is 25 mph. The speed limit at the Highway 99/Underpass connection intersection is 35 mph. Therefore, the maximum allowable V/C ratio for Highway 99 at either intersection is 0.9 (or 90% of capacity).

The TIS analyzed the traffic volumes for a 2005 speedway event with an average attendance of 1,000 persons and for a 2015 speedway event with a maximum attendance of 6,000 persons. For the 2005 event, all attendees could be handled by the on-site parking. For the 2015 event, attendance would exceed the on-site parking capacity. Consequently, the TIS analysis included the traffic flow for the maximum amount of traffic to the shared Speedway/WOE parking plus additional shuttle vehicle trips from off-site locations. Additionally, although most speedway events are on Saturdays and Sundays, the analysis adjusted the entering peak hour analysis to utilize the higher weekday background rush-hour traffic volume in case a large event occurs on a Friday night. The TIS analyzes the maximum potential traffic impacts from the proposed use. Furthermore, no party has argued that the proposed zoning allows any other use that would result in greater traffic impacts than the speedway use.

The TIS operational analysis contained in Tables 4 and 5 are expressed as V/C in percentages. The V/C ratios/percentages used in the tables can be used for the Goal 12 analysis of the state facilities. The TIS converted those V/C ratios to Level of Service (LOS) values in concluding that the proposal resulted in levels of travel or access consistent with the TSP for local streets. The Goal 12 analysis follows.

Goal 12 and the TPR are invoked whenever a local government approves an amendment to a land use regulation. A zone change represents an amendment to a land use regulation. Consequently, the TPR is applicable and must be addressed.

Under OAR 660-012-0060(1), a local government must determine whether an amendment to a land use regulation will "significantly affect" a transportation facility as described by the TPR. This proposal does not change the functional classification of an existing or planned transportation facility or change the standards implementing a

functional classification system. Consequently, the proposal does not trigger OAR 660-012-0060(1)(a) or (b).

The key question here is whether the proposal allows levels of development that results in levels of travel or access that are inconsistent with the functional capacity of a transportation facility, or will reduce the performance of a transportation facility below its minimum acceptable performance standard. OAR 660-012-0060(1)(c)(A) and (B).

Table 4 of the TIS demonstrates that Highway 99 will operate well below its V/C ratio of 0.9 (90%) in 2005 for both the entering and exiting peak hour trips for both the Chamberlain Avenue and the underpass intersections. Table 4 shows that the highest entering peak hour V/C occurs at the underpass intersection, at 28% (0.28) of capacity. The Chamberlain Avenue intersection maximum entering peak hour V/C is 26% (0.26). The maximum exiting peak hour V/C is 29% (0.29) for the underpass and 15% (0.15) for the Chamberlain Avenue intersection.

Table 5 shows the operational analysis for the 2015 maximum speedway event scenario. As expected, there is a demonstrable increase in the volume to capacity percentage/ratio, but it is still well below the minimum acceptable performance V/C standard of 0.9 (90%) for both the entering and exiting peak hours. The maximum entering peak hour V/C for the Highway 99/Chamberlain Avenue intersection is 65% (0.65), and for the Highway 99/underpass intersection it is 38% (0.38). The exiting peak hour numbers are 38% (0.38) for the Highway 99/Chamberlain Avenue intersection and 31% (0.31) for the Highway 99/underpass intersection.

Based upon the analysis contained in the TIS, the city concludes that the proposal will not significantly affect a state or local transportation facility.

This conclusion should not be surprising. As noted above, the TSP planned for transportation facilities to support the existing speedway uses. In fact, the approvals place a binding reduction on the traffic impacts of the speedway use from the prior county nonconforming use. Under the CGZO, speedways and racetracks are permitted only through a MUMP. The MUMP in this instance restricts on-site parking to 1500 spectators plus participants. Events that attract additional spectators must provide off-site parking and shuttle transportation to the speedway for those additional spectators. Uncontested from the *Leach v. Lane County*, 45 Or LUBA 580 (2003) nonconforming use litigation is that the nonconforming use included on-site parking for up to 1700 spectators plus participants. The proposed use as conditioned in this instance mandates a decrease in allowable on-site parking. The decrease in parking spaces results in a corresponding decrease in traffic impacts compared to what previously occurred with the speedway use. A decrease in related traffic impacts does not significantly affect a transportation facility under the TPR.

Furthermore, the maximum intensive use allowed under the CGZO – a racetrack/speedway – is identical to the maximum intensive use allowed by the Lane County Code for the property's county zoning. Racetracks were an allowable conditional use under the Lane Code zoning (AGT-5) for the property when the property was in the

county. See LC 10.322-15(1)(k). Under the city's zoning ordinance, racetracks are an allowable conditional use subject to additional mixed use master plan (MUMP) review. When one compares the conditional use review criteria for racetracks under the Lane Code to the approval criteria for racetracks under the CGZO, one sees that there is nothing about the Lane Code standards that would require a permitted race track use to be less intense than one that would be permitted under the CGZO. Instead, the opposite is more likely true; the CGZO approval standards are more restrictive than the previous county standards for racetracks. At the least, one can say that the change in zoning does not allow for greater levels of travel or access than would have been permitted under the previous zoning – the uses and consequent impacts are the same. An identical most-intensive use does not significantly affect a transportation facility under the TPR.

For the reasons provided above, the city concludes that the evidence in the record demonstrates that the proposal will not significantly affect a transportation facility and is consistent with Goal 12 and TPR.

Ordinance No. 2928

AN ORDINANCE AMENDING TITLE 18 OF THE COTTAGE GROVE
MUNICIPAL CODE ESTABLISHING THE
COTTAGE GROVE SPEEDWAY MIXED USE MASTER PLAN OVERLAY,
AND AMENDING THE CITY WIDE ZONING MAP

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "zoning map" to apply a Mixed Use Master Plan Overlay District to the Cottage Grove Speedway, described as Map 20-03-22 Tax Lot 800, described 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 Planning Commission public hearings and recommendation, that the Mixed Use Master Plan (MUM 1-05) 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. City Council with the adoption of this Ordinance hereby adopts the findings as detailed in "Exhibit B".


Section 4. Amendments. Title 18 is amended as follows:

- (1) The citywide "zoning map" is hereby amended as follows with respect to the property described in Exhibit "A":
 - a) Change of zoning district classification from PR Parks & Recreation District to PR Parks and Recreation District/MUM Mixed Use Master Plan Overlay District, and
 - b) The Cottage Grove Speedway Mixed Use Master Plan Overlay District is subject to the conditions in Exhibit 'C' attached to and forming a part of this Ordinance.

Section 5. Enforcement. Enforcement of this ordinance shall be pursuant to Section 18.33 and 18.60 of the Cottage Grove Municipal Code.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS
8th DAY OF NOVEMBER, 2010.

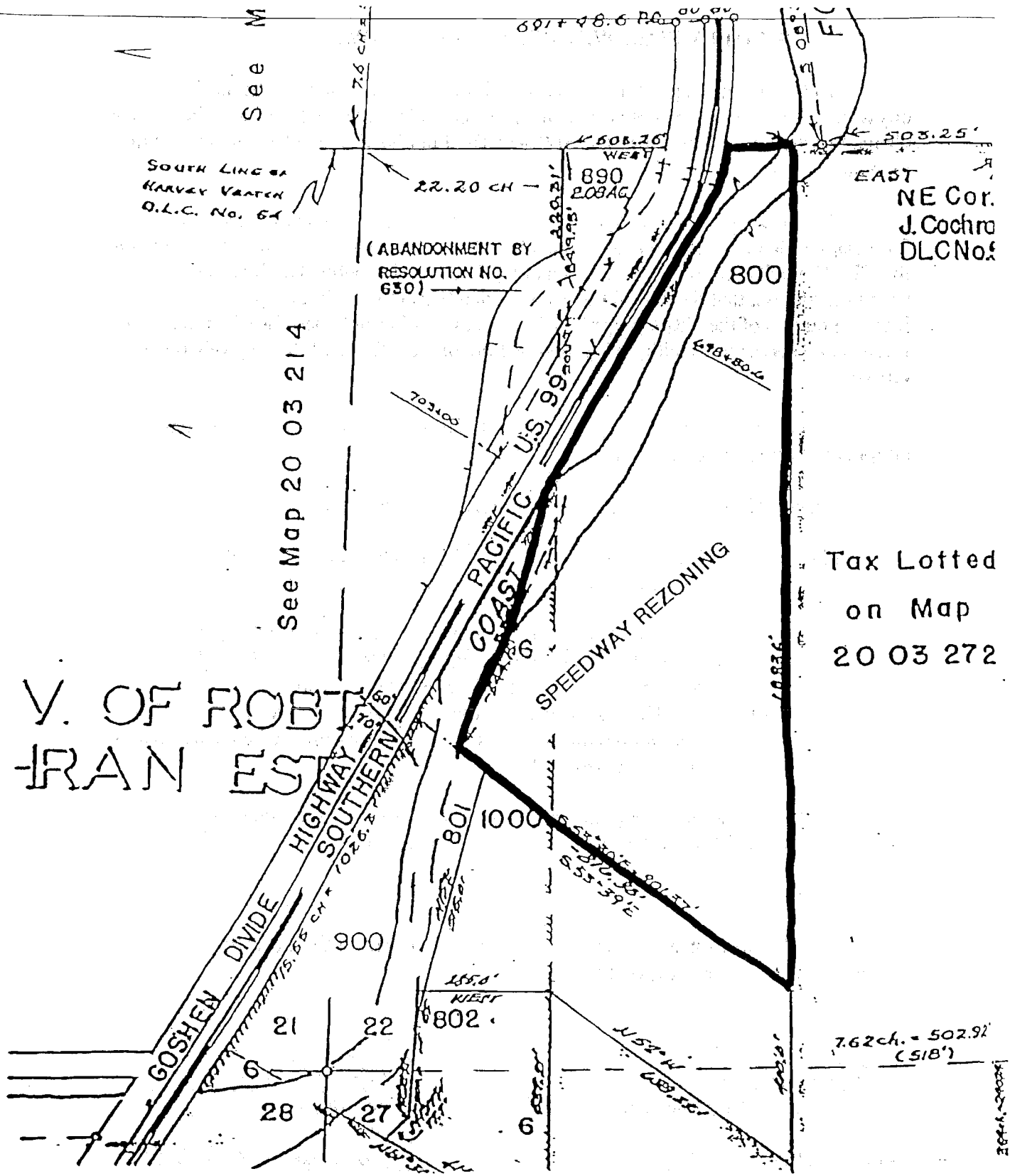

Richard Meyers, City Manager


Gary Williams, Mayor

Dated: November 8, 2010
11/2/2010

Dated: November 8, 2010

EXHIBIT 'A'
TO ORDINANCE NO. 2928



See M

SOUTH LINE of
HARVEY VAATCH
Q.L.C. No. 64

See Map 20 03 214

(ABANDONMENT BY
RESOLUTION NO.
630)

EAST
NE Cor.
J. Cochran
DLC No. 6

Tax Lotted
on Map
20 03 272

V. OF ROBERT
IRAN

7.62 ch. = 502.92'
(518')

EXHIBIT 'B'

FINDINGS OF FACT
MIXED USE MASTER PLAN (MUM-1-05) – CG SPEEDWAY

1. The Property owners of the Cottage Grove Speedway and the Western Oregon Exposition (WOE) made a pre-application on December 12, 2004 to establish Mixed Use Master Plan Combining Districts for the Cottage Grove Speedway and WOE.
2. A pre-application conference was held with the applicants and a letter was issued on January 6, 2005 requesting additional information in accordance with Section 18.33.090.
3. On January 26, 2005 the Mixed Use Master Plan was submitted and supplemental narrative and revised maps were submitted on February 3, 2005.
4. Forty-five day notice was given to DLCD on February 4, 2005 for the Mixed Use Master Plan application.
5. Notice was given on March 16, 2005 pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for the public hearing to be held on April 6, 2005.
6. Public Hearings were held on April 6, 2005 before the Planning Commission. The Planning Commission opened up the hearing and staff presented the staff report. The applicant made a presentation and various members of the public testified on behalf of the application and against the application. The Planning Commission voted to continue the public hearing to May 11, 2005.
7. A Public Hearing was held on May 11, 2005 before the Planning Commission with four members of the public speaking. The Planning Commission voted to continue the public hearing to June 8, 2005.
8. 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 ZC-5-04 on July 20, 2005.
9. Deliberations on the MUM-1-05 were held on July 20th by the Planning Commission. Their deliberations were continued on August 31 and September 14. The Planning Commission in their deliberations on September 14th considered the two properties separately, with separate conditions provided by staff. The Planning Commission voted to recommend approval with conditions to City Council on September 14 for both MUM's. There were two separate motions, one dealing with the MUM for the Speedway and one for the WOE.
10. Notice was given pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for a public hearing to be held on November 21, 2005. City Council held a public hearing on November 21, 2005 where staff presented the staff report and recommendation of the Planning Commission. A presentation was made by the applicant; various members of the public testified on behalf of the applicant and against the application. City Council closed the public hearing but kept the record open for 14 days. The record was closed at 5 PM on December 5, 2005. A copy is on file with the City of Cottage Grove.
11. City Council deliberated on the Speedway MUM at Council meetings held on December 19, 2005 and January 9 & 13, 2006. City Council on January 9th directed staff to prepare the Ordinance including findings and conditions for their consideration.
12. Primary criteria used to review this application was: Chapters 18.17 PR Parks and Recreation District, 18.33 Mixed Use Master Plan Overlay District and Chapter 18.46 Conditional Use Permits, which includes Willamette River Greenway compliance criteria. City Council found the following based on this criteria:

18.33.40 Development standards. To insure the orderly development of mixed use master plan developments, the following development standards shall apply:

- A. *Land coverage. Unless the planning commission prescribes otherwise, land coverage shall be the same as the zoning district in which the mixed use master plan combining district lies.*

The Parks & Recreation zone Section 18.17.080 states "the maximum lot coverage of the lots by all structures shall not exceed forty percent of the lot area." Structure is defined as "any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words "building" and "structure" shall be synonymous."

The applicant shows that the Speedway has 32,611 square feet of "structures" on site. This figure does not include the footprint of the track itself, which does not meet the above definition of "structure". This figure represents 0.74 acres of lot coverage, or 4% of the site. This criterion has been met for the Speedway.

The applicant shows that the WOE has 25,067 square feet of "structures" on site, or 6.5% lot coverage. This criterion has been met for the WOE.

- A. *Open space. Open space within a mixed use master plan may include land used for scenic, landscaping, or passive recreational purposes. Open space does not include areas covered by structures or parking, or required perimeter yards. In all mixed use master plan developments, a minimum of ten percent of the net development area shall be devoted to open space uses. However, the planning commission may require a greater amount of open space if it deems it necessary in order to accomplish the purpose of this chapter.*

The Cottage Grove Speedway occupies a lot of approximately 17.25 acres. 10% open space provision would require a minimum of 1.73 acres of open space. The Speedway has designated that portion of their property that is on the opposite shore of the Coast Fork (in the northwest corner of the lot) as an open space conservation area. This area is 3.5 acres. This area meets the requirements of this criterion. Conditions of approval require a conservation easement to be written to protect the designated portion of the property from development intrusion in perpetuity, and recorded with Lane County within one year of approval of this MUM.

- B. *Parking. Parking space requirements for buildings and uses shall be determined by the Community Development Director during the pre-application phase of the MUM application and applied to the MUM plan application. Parking areas shall not be considered open space.*

Cottage Grove Speedway:

Off-site: General spectator parking for the Speedway is on the WOE Fairgrounds property per an existing agreement (see Applicant's Exhibit G) as shown on the WOE site plan. This parking lot contains 207 spaces including 6 handicap parking spaces outside of the WOE compound. The applicant states that WOE provides an additional 149 parking spaces within the WOE compound for

a small fee on race nights. It appears that at least 6 parking spaces shown within the WOE compound are within the space needed for a 20' wide fire lane, reducing this total to 143. WOE and Speedway schedules are coordinated prior to the racing season to ensure that they do not overlap. If events do occur on the same calendar day, WOE events occur during the day and Speedway activities are held at night. Total WOE parking (during Speedway events) equals 350.

Within compound	=	143
Outside compound	=	207
Total on WOE	=	350

On-site: 16 preferred parking spaces (including 4 handicap) are located behind the grandstands within the chainlink enclosure. The applicant is showing an additional 16 spaces within the riparian setback next to the mechanical shed. 183 parking spaces are shown within the pit area (92 within the middle of the pit, 43 north of the fire lane on the east property line, 48 on the west property line between the river bank and the fire lane); 124 spaces within the center of the track. This makes for a total of 339 on-site parking spaces as per the applicant.

The 124 parking spaces in the middle of the track are currently undefined. Staff feels that use of these parking spaces poses safety hazards for pedestrians and drivers, as the only access through to the center of the track requires drivers and pedestrians to cross the track. Unless access to cars parked in this area is limited to before and after the racing events, conflicts may occur. Although participants may be willing to park cars in the middle of the track assuming they will not be leaving the event before its closure, this does not mean that they will not seek to access personal items left in a vehicle during the evening, or need to leave early for some reason. Spectators would have even more reasons to access their cars, and would want the ability to leave whenever they chose. Consequently, controlling pedestrian access to these cars would be a difficult challenge. As pedestrians would have to cross a dangerous right-of-way to access their cars, and cars would then have to cue inside the track until there was a break in racing to cross, staff does not feel that it is reasonable to assume that this area is a safe place to locate spectator or participant vehicles. Hence staff has removed 124 parking spaces from that delineated in the applicant's total.

Pit (participant only)	=	192
Behind grandstands	=	16
Preferred (along river)	=	16
Total On-site	=	224

This totals 574 identified parking spaces on-site or on the WOE property for use during Speedway events (350 + 224) (10 of which are handicap accessible). 192 of these are for Participants; 382 for spectators.

Total on or off-site parking	=	574
Participant	=	192
Spectator	=	382

Average attendance for general racing events is approximately 700 spectators and 300 participants, for a total of approximately 1,000 persons per evening. Maximum attendance (usually for special events such as the World of Outlaws, Fourth of July fireworks, etc.) is approximately 5,250 spectators and 700 participants, for a total of approximately 6,000 persons per evening.

The Off-Street Parking code states that "spectator-type auditoriums, assembly halls, places of public assembly, etc" require one parking space for each four seats. Participant parking is not delineated within the code. However, the pit is designated specifically for participants, and is only accessible via a participant pass. This area, with 192 parking spaces, can accommodate more than 300 participants at a 1 to 2 (vehicle to participant) ratio. This ratio is more reasonable than the standard assembly ratio of 1 to 4, as race participants have a higher need for additional vehicles (including trailers for racing vehicles, passenger vehicles, etc.).

"Average" attendance for general racing events would require 175 parking spaces minimum for spectators (1 to 4, 175 parking spaces for 700 spectators). The 382 parking spaces delineated by the Speedway's application would easily meet this need.

The total number of spectators that can be accommodated by the designated parking (382 total multiplied by 4) is 1,528.

The maximum seating capacity in the stands is 5,250 (per the applicant). This would equate to a need for 1,313 parking spaces when at full capacity for spectators (with no expansion allowed for additional participants beyond that already provided in the pit). At maximum attendance, with one car for every 2 participants (700 divided by 2), the Speedway would need to provide 1,663 parking spaces. Existing parking (including WOE parking lot) meets less than 1/3 of this need. Nor is provision made for employees.

Based on this analysis, attendance to the Speedway shall be limited to 300 participants and 1500 spectators. This attendance shall not be exceeded unless otherwise permitted by the City due to special circumstances.

Special circumstances can include parking agreements reached with other property owners. An example of one such agreement is the Speedway's agreement with the City of Cottage Grove. For the calendar year 2005, the City has granted permission to the Speedway to utilize a 2 acre portion of the City's 11 acre parcel located south of the wastewater treatment plant on N. Douglas Street for overflow spectator parking. This permission covers the use of this parking area for 9 specific days between April 2 and September 17. Conditions of approval require the Speedway to provide a shuttle from the parking area to the track to reduce pedestrian/traffic conflicts on the access road. Approximately 300 parking spaces may be accommodated within this lot, which will cover another 1200 spectators and/or participants. So consequently, in the calendar year 2005, the 1,500 maximum attendance could be exceeded by 1200 to a total of 2700 spectators/participants for the 9 days specified within the agreement between the City and Speedway.

Supplementary parking agreements must be submitted in writing at the beginning of each calendar year (or no later than January 31) to the Community Development Department for approval by the City Council. Maximum attendance at the Speedway will be established on an annual basis by the Community Development Director based on these approved arrangements prior to the initiation of each racing season. Parking agreements shall include a site plan detailing the proposed number of cars to be accommodated on the site, details on types and number of vehicles to be used for shuttling, number of vehicles that can be accommodated at proposed site, hours of shuttle operation, advertisement plan, etc. No residentially zoned land shall be used to accommodate off-site parking.

Parking surfacing:

Section 18.42 Off-Street Parking states:

18.42.070 Parking area improvements. All public or private parking areas, including loading and storage areas, which contain four or more parking spaces and outdoor vehicle sales and storage areas, shall be improved according to the following:

A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

It further states:

F. Parking Area Improvement Requirements set forth in paragraph 18.42.070 "A" may or may not be lessened subject to review and approval by the design review committee and/or the planning commission. Parking area surface improvement requirements may be lessened upon review and approval of individual applications as the same apply to equipment storage areas or compounds and infrequently used off-street parking areas where the same are required to be provided by this title. (Infrequent means an area used ten or less days or times per month.)

The Speedway and WOE propose to maintain their parking lots in a combination of grass (WOE) and gravel/compacted dirt (Speedway). Neither party propose to pave the parking areas at this time.

Based on the criteria above, the Speedway and WOE parking lots do not need to be paved so long as they are used infrequently. Ten times per month would equate to 120 days or times of use per year. The Planning Commission and City Council found that permitting 10 days of use per month between September and May, and 15 days of use per month between June and August, meets the intent of the above criteria while allowing more flexibility for the joint use of the parking lot. The City Council also found that the applicants could have an additional 5 days in the calendar year as "floaters" if they chose to pave the parking lot (with a maximum number of days of 140). This 10 day/15 day use schedule shall be a condition of approval. The Speedway's 2005 calendar includes 40 events

(including special events, car shows, etc) and a potential additional 15 go-kart race days (on Sundays). This is well below the total permitted 135 use days. The WOE operates sporadically throughout the year but does not exceed 135 use days. Hence both the WOE/Speedway shared parking area and the Speedway parking areas meet the criteria for "infrequent use" and do not need to be paved.

The 10 day (September to May) and 15 day (June to August) limitation on use days (for Speedway and WOE combined event days) will be a condition of approval. The two applicants will have to submit a calendar of prospective use days as part of their annual report (no later than January 31). If combined number of events equals more than 10 days/month or more than 15 days/month during June-August, they will be required to request a formal amendment of this MUM approval.

- C. *Perimeter yards. Along the perimeter of any mixed use master plan combining zone, the planning commission may require adjacent to each contiguous district a yard at least as deep as that required by the front yard regulations of such zone. Open space may not serve as a perimeter yard unless the planning commission finds that such a dual purpose use of the land is in compliance with this regulation.*

Adjoining properties are either outside of the City (to the south of WOE), or zoned RS Residential Suburban (North Regional Park to east of both WOE and Speedway). The Coast Fork provides a perimeter separation from all properties on the west and north.

The RS zone's front yard regulation states:

"Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles."

The Speedway's east property line is fairly heavily vegetated and follows a slough that eventually turns into the North Regional Park before meeting the Coast Fork. Much of the 15' perimeter setback along this property line is an identified wetland. The City finds that designating a 15' perimeter setback within which no storage of materials, structures or parking may occur along this property line will serve the dual purpose of buffering the adjoining parcel and preserving the wetland. This perimeter setback shall be a condition of approval.

- D. *Height. Unless the planning commission prescribes otherwise, height shall be the same as the zoning district in which the mixed use master plan combining district lies.*

18.17.060. Building or structural height limitations. Building or structural height limitations in the PR district shall be as follows:

- A. The maximum or structural height of any building or accessory use shall be thirty feet.
B. The maximum height may be exceeded if included in a mixed-use master plan as approved by the Planning Commission under the provisions of Chapter 18.33.

The tallest building on the Speedway property is the main grandstand, the announcer booth of which stands 30' from grade. No other structures are proposed to be taller than 30'. This criterion is met for the Speedway.

The tallest buildings on the WOE property, the two barns, are 21' from grade. No other structures are proposed to be taller than 30'. This criterion is met for the WOE.

E. *Underground utilities. All new and/or replacement electrical, telephone, cable television, fire alarm, street light, and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer unless the planning commission waives this requirement because of unusual subsurface conditions.*

The City finds that all new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits shall be placed underground by the developers as a condition of approval.

F. *Waiver of Development Standards. The minimum development standards of the zoning district in which the MUM development lies shall not dictate the strict guidelines for development within the mixed use master plan but shall serve to inform the developer of the importance of developing a project that will reflect the intent of this chapter.*

The underlying zoning district is PR and requires a MUM for the proposed use. Development standards for uses requiring a MUM in the PR District are set out in Chapters 18.17 and 18.33 and are addressed elsewhere in this staff report. The applicant did request a specific waiver of the parking lot surfacing standard.

H. *Conditional Use General & Applicable Conditions. The general conditions, and applicable additional conditions set forth in Chapter 18.46 Conditional Use Permits shall apply.*

Applicable conditions and criteria have been inserted below.

18.46.110 General conditions. *The planning commission shall designate conditions in connection with the conditional use permit as it deems necessary to secure the purpose of this chapter and may require the guarantees and evidence that such conditions may include:*

A. *Regulation of uses, special yard setbacks, coverage and height;*

Use:

The subject properties are proposed for Park & Recreation zoning, under separate application ZC 5-04. Approval of this MUM is contingent upon the approval of the rezone application.

Parks & Recreation District Section 18.17.040 "Buildings and Uses permitted conditionally subject to a Mixed Use Master Plan" states that the following uses are permitted in the PR district subject to the provisions of Chapter 18.33 MUM Mixed Use Master Plan Combining District:

- A. Community parks;
- B. Natural Resource areas;
- C. Interpretive centers greater than ½ acre in size;
- D. Public or private racetracks or speedways;
- E. Public or private recreation facilities, including golf, swimming, tennis and country clubs;
- F. Public or private organized sports fields not on school district property, fairgrounds or arenas.

Racetracks and fairgrounds are allowed in the PR zone subject to a Mixed Use Master Plan.

For the Speedway, proposed uses include: motorized vehicle racing (including but not limited to the racing of cars, trucks, motorcycles, ATVs, monster trucks, go-karts, tractors and other similar vehicles); non-motorized vehicle racing (including but not limited to bicycles, BMX and other similar vehicles); similar events (including skating, stakeboard and pedestrian competitions); special venue events (including but not limited to destruction derbies, cross country racing, tractor pulls, monster truck events, and other similar events); special civic events (including holiday fireworks, concerts and gatherings, and other similar events); and other events consistent with or ancillary to the above uses (including events like costume races, relay races, holiday themed races, fund raisers).

The PR code does not specifically define “racetrack” or “speedway”. DEQ Noise Regulations define “Racing Events” as “any time, speed or distance competition using motor vehicles.” Webster’s Third New International Dictionary defines racetrack as “an oval course over which races are run,” and speedways as “a racecourse for automobiles or motorcycles.” Using these definitions, proposed use of the oval dirt track at the Cottage Grove Speedway for motorized vehicle racing of all kinds can be considered a permitted use subject to a MUM.

Non-motorized racing events and similar events such as pedestrian and skateboard competitions are similarly defined as races and hence covered under the definition of “racetrack” above. Special venue events that showcase motor vehicles and other types of racing vehicles are also permitted uses under “racetracks”.

Holiday events and civic events such as fireworks, concerts and gatherings are not typical events covered under a “racetrack” definition. However, “arenas” are permitted uses subject to MUM approval. Webster’s defines “arena” as a “central area or open space within an enclosure used for public entertainment.” The proposed use of the Speedway, a partially enclosed open space, as an entertainment venue for concerts and holiday events falls under the definition of “arena” above. Hence these uses are covered provided MUM approval is granted.

“Incidental accessory commercial uses, including eating and drinking, retail trade, office, entertainment and service commercial” are covered as permitted “conditional uses” under the PR code. Hence the Speedway’s concessions sales, office trailer and pit services (gasoline and parts sales to participants) are approved uses under a MUM (as conditional use criteria must be met to gain a MUM approval).

This provision has been met for the Speedway.

Yard regulations:

Parks & Recreation code Section 18.17.090 Yard regulations:

- A. *Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for the regular or constant parking of automobiles or other vehicles.*

The Speedway's "front yard" is demarcated by a chain link fence along the north side of the slough north of the WOE's parking lot. Two thirds of this property line are within the wetland habitat of the slough, and will not be impacted by any development or parking. This area, although not marked for "protection," will be required to be under a conservation agreement for its maintenance and preservation. The remaining third, immediately adjacent to the Speedway's entrance gate, is used for parking of automobiles on race days. As race days occur less than 10 or 15 times per month, the City finds that this is classified as "infrequent use" by the Off-Street Parking code, and hence does not qualify as "regular or constant parking". No new structures will be allowed within this 15 feet.

- B. *Side yards. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots which shall have a side yard abutting the street of not less than ten feet. Required side yards shall not be used for accessory buildings, storage of trailers, boats, or of any materials; nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.*

Required 15' perimeter setbacks (see above) for both the WOE and Speedway along the east sides will preempt the above criteria for side yard setback to the east. Side yard setbacks on the west will be preempted by the riparian setback, as both properties abut the Coast Fork of the Willamette River on the east.

- C. *Rear yards. Buildings and structures and accessory uses shall be set back not less than five feet from the rear property line.*

The Speedway's "rear yard" is either the end of the pit area, where the property narrows to meet the Coast Fork, or the property on the opposite bank of the river. The 3.5 acre section on the opposite bank is entirely wetlands, and will be protected through a conservation easement (see above). The end of the pit is in the floodway and in a wetlands area, and will be protected through the riparian setback standard below.

- D. *Riparian setback:*

Structures shall not be located closer than fifty feet from the ordinary high water line or twenty-five feet from the top of the river bank of a Class I stream, whichever is the greater. A lesser setback may be allowed if documentation is provided that existing riparian vegetation does not extend into the setback area defined above and the riparian vegetation has not been removed in violation of the

maintenance standards set forth in subsection B of Section 18.38.060 Riparian vegetation – Row River or Section 18.46.170 Additional conditions – Greenway conditional use permit, or for water dependent uses.

Twenty-five feet from the top of bank on the Coast Fork is the greater of the two standards in this case, as the ordinary high water line is low on the bank and difficult to determine from the Speedway or WOE side. Except on the north end of the Speedway pit site, where the vegetation does extend into the 25' setback area, riparian vegetation is contained within 15' of top of bank of both development sites (see attached site plans). Hence a lesser standard can apply for both properties when dealing with riparian vegetation.

The 15' Greenway riparian setback, which prohibits all new structures within 15' of top of bank and provides vegetation removal and maintenance standards, shall become the riparian setback for these two properties. This shall only be varied to a 25' setback at the northern end of the Speedway, where the vegetation extends into the pit area over a lower area of land within the floodway. No new structures shall be allowed within 15' of the top of bank on either the WOE or Speedway. Any existing structures substantially rebuilt (over 50% of value of structure replaced) or moved shall be moved at minimum 15' from top of bank.

In order to protect this riparian setback (both the 15' and 25') within the pit area of the Speedway, where users typically back their cars all the way to the top of the bank and impacts have occurred through use on the riparian vegetation, a 4' continuous fence will be required along the 15' riparian setback in the pit area, which shall curve around the northern end of the pit to the juncture with the fire access in the northeast corner. Construction and maintenance of this fence shall be a condition of approval. This fence construction shall occur within one year of approval of this MUM.

Revegetation of the riparian setback behind this fence shall occur with a combination of native trees and other appropriate riparian vegetation over the proceeding 10 years. A revegetation plan, complete with time lines and proposed species, shall be submitted within one year of approval of this MUM to the Community Development Director.

E. Floodway. No new structures shall be permitted within the Coast Fork Willamette River or Row River floodway.

The Willamette River floodway is contained within the banks of the Coast Fork adjacent to the WOE, and principally contained within the top of bank along the Speedway frontage. The floodway does scoop onto the property itself at the northern end of the Speedway's pit, in an area currently under native vegetation. This area shall be protected from development.

Coverage:

18.17.080 Lot coverage. The maximum lot coverage of the lots by all structures shall not exceed forty percent of the lot area.

Structure is defined as “any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words “building” and “structure” shall be synonymous.”

The applicant shows that the Speedway has 32,611 square feet of “structures” on site. This figure does not include the footprint of the track itself, which does not meet the above definition of “structure”. This figure represents 0.74 acres of lot coverage, or 4% of the site. This criterion has been met for the Speedway.

Height:

18.17.060 Building or structural height limitations. Building or structural height limitations in the PR district shall be as follows:

- A. The maximum or structural height of any building or accessory use shall be thirty feet.
- B. The maximum height may be exceeded if included in a mixed-use master plan as approved by the Planning Commission under the provisions of Chapter 18.33.

The tallest building on the Speedway property is the main grandstand, the announcer booth of which stands 30’ from grade. No other structures are proposed to be taller than 30’. This criterion is met for the Speedway.

B. Requiring fences, walls, screens, landscaping and maintenance;

18.17.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in a PR district shall be as follows: Fences, hedges, walls and other structures are permitted, but not required. Such fences and walls shall not exceed six feet in height. For residential uses, where fences or walls are located in the required front yard, the same shall not exceed four feet in height. All fences and structures shall be placed so that all required vision clearance areas are maintained.

As a condition of approval, all new or relocated fences and walls shall not exceed six feet in height on either property. Variance approval will be required for any new fence or wall to be constructed higher than 6’.

C. Regulation and control of points of vehicular ingress and egress;

The applicant provided information regarding regulation and control of points of vehicular ingress and egress on the attached site plans. There is one primary entrance into the WOE/Speedway site, via a private easement that extends from the terminus of N. Douglas Street just south of the City Wastewater Treatment Facility along the edge of the Coast Fork across private property in Lane County jurisdiction before entering the southwest corner of the WOE site.

This access can be blocked with a private gate, and/or controlled during events through the stationing of individuals at the entrance point. Parking attendants are used for both venues to control access and parking during events. When the parking lot is full, these attendants direct traffic to other

designated parking lots (such as the City's land south of the treatment facility). This access is currently paved in front of the wastewater treatment facility (on City property), and graveled for the remainder. The width of this access varies.

This primary access must meet standards established for private entrance/exit easements in the City of Cottage Grove Code (see Chapter 18.35 Panhandle/Flag Lot Regulations).

"Panhandle access that extends over 150 feet in length shall have an unobstructed width and a uniform surface of not less than 20 feet and an unobstructed vertical clearance of no less than 13'6". Such access roads shall be designed and maintained to support the imposed loads of a fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities... Vehicular parking shall not be allowed on required panhandle access strips unless additional sufficient width is provided as required by the Staff Review Committee."

To achieve this standard, the applicants will be required to:

- (1) Obtain (and submit to City of Cottage Grove) 25' wide access/maintenance easements in perpetuity from all involved property owners;
- (2) Widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement;
- (3) Where the easement is widened it shall have a surface of compacted gravel able to withstand 50,000 lbs and shall be constructed at the next construction season;
- (4) Pave (asphalt or concrete) 20' wide continuous surface along full length of easement. Pavement shall be required within two years after utilities are installed;
- (5) Sign length of easement for "No parking/Fire Lane".

These timeframe for these conditions shall run from the date of approval by City Council regardless of any appeal period.

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The easement currently makes a 90 degree turn from the end of N. Douglas (after the connection from the railroad underpass) before turning north in front of the wastewater treatment plant. The applicants are proposing to straighten this turn. The City of Cottage Grove, who owns the property over which this "road" runs, agrees with the need to realign this driving corridor to improve vehicle turning safety. The City will work with the applicants to choose the proper realignment. The applicants will be required to work with the City to record a permanent easement for this access, and pay any required fees.

This improvement will be required as a condition of approval, and will be scheduled in conjunction with the City Engineer following the completion of the City's expansion project at the wastewater treatment facility.

The applicants' Traffic Impact Study shows half of their traffic entering N. Douglas Street from Hwy 99 via a railroad undercrossing located immediately south of the wastewater treatment facility.

This undercrossing is not a legal public crossing according to Oregon Department of Transportation Rail Division (ODOT Rail). ODOT Rail will investigate this crossing. Should this crossing be closed by ODOT Rail, the applicants will be required to submit a revised Traffic Impact Study to the Community Development Department. The Community Development Director shall evaluate the revised TIS and approve the change or require a revision to the MUM, as per 18.33.130.

Secondary access, which is for emergency response vehicles only, is shown at two points, to the north of the Speedway's track via the North Regional Park bike trail, and to the south of the WOE via the wastewater treatment facility/North Regional Park bike trail. The northern access is currently developed with a compacted gravel surface over a culvert in the slough and a chainlink fence that is closed with a fire department approved lock. Access to this gate is gained by the Fire Department by the North Regional Park bike trail (fire department and police vehicles enter the trail via Middlefield Village, cross under the I-5 bridge, and travel a short distance on the trail before reaching the gate). As this access is limited by the height/width of the I-5 underpass, only smaller emergency vehicles can use this entrance. This entrance must be maintained to meet Fire Department standards as a condition of approval.

The southern access is proposed to wrap along the southern end of the wastewater treatment facility, follow the bike path for a short time, then veer to the north through the woods (still on City property) along an existing undeveloped pedestrian corridor through a heavily treed area before reaching the WOE property, where it will connect to a fire lane on the WOE property. This access must meet Fire Department standards (easement width of 25', unobstructed horizontal clearance of 20', paved width of 12', vertical clearance of 13'6" throughout full length, see Fire Department recommendations).

The City will work with the applicant to grant a permanent access easement (for emergency vehicle, pedestrian and bicycle use only) of 20' in width through the City's property. The applicant will be responsible for construction of the full length of the secondary access, including all portions on City property, and maintenance of that portion north of the bike trail (through the wooded area). This access shall be paved with 12' of uniform surface. The applicant will also be responsible for providing security lighting on the portion of the trail through the woods, and placing bollards before the emergency access path crosses the bike trail and end of the section of trail through the woods to prevent unauthorized vehicular traffic. Pedestrian and bicycle traffic shall be allowed without constraints on the full length of the access way. Construction of this secondary access shall occur within two years of approval of this MUM. Plans for construction shall be submitted for approval by the Community Development Department and Fire Department prior to initiation of construction of this access way.

D. Regulation of signs;

18.17.110 Signs. Only the following signs shall be permitted in the PR district:

- A. One or more unlighted signs not to exceed total twenty square feet in area, identifying park or building name and ownership.

- B. One sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of the occupant of the premises only in event of home occupation.
- C. Signs as permitted by Planning Commission as part of mixed-use master plan (Chapter 18.33).
- D. See general provisions set out in Chapters 18.40 for other sign requirements.

The Speedway proposes twelve (12) signboards (4'x8') for advertising of sponsors. These are located on the back stretch of the racetrack (on east side). These signs cannot be seen from adjoining properties. These signs are attached to the exterior wall of the track.

The Speedway also has one large banner at the entrance gate of the racetrack that is up during the duration of the racing season ("Welcome to the Cottage Grove Speedway"). As the Sign Code does not allow banners for "permanent" signage, this sign must be replaced with a permanent sign. A building permit will be required for this sign. The sign shall be no more than 50 square feet.

The Speedway has several large banner signs advertising current sponsors on the exterior of the grandstands, within the track and/or concessions area. So long as these banners remain temporary in nature and cannot be seen clearly from any public right-of-way, from the river, or from the North Regional Park, they are permissible.

E. Regulation of vibration, odors and sightlines;

There are no discernable odors or vibration concerns from Speedway.

Sightline concerns will be discussed under Greenway standards below.

F. Requiring surfacing of parking areas;

Based on 18.42.070(f), the Speedway and WOE parking lots do not need to be paved so long as they are used infrequently. Ten times per month would equate to 120 days or times of use per year. The Planning Commission and City Council found that permitting 10 days of use per month between September and May, and 15 days of use per month between June and August, meets the intent of the above criteria while allowing more flexibility for the joint use of the parking lot. This use schedule shall be a condition of approval. The Speedway's 2005 calendar includes 40 events (including special events, car shows, etc) and a potential additional 15 go-kart race days (on Sundays). This is well below the permitted 140 use days. The WOE operates events sporadically throughout the year but does not exceed 140 use days. Many of these events, although not operating concurrent hours, occur on the same days during the summer. Hence both the WOE/Speedway shared parking area and the Speedway parking areas meet the criteria for "infrequent use" and do not need to be paved.

If at any time combine use of the main WOE parking area exceeds 10 days of use per month between September and May, and 15 days of use per month between June and August, this parking

lot will need to be paved. The 10 days of use per month between September and May, and 15 days of use per month between June and August will be a condition of approval for the joint use parking lot.

G. Requiring rehabilitation plans;

Section 18.17.150 Development Standards states:

“Protection and enhancement of water quality shall be required, including no dumping of yard or household waste, no use of chemical pesticides or herbicides in wetlands, riparian areas or near water, and no dumping of hazardous waste, litter, rubbish or any materials further regulated by the City of Cottage Grove Municipal Code.”

This criterion shall be a condition of approval.

In order to meet this standard, the Speedway site, and to a lesser extent the WOE, must be cleaned of debris. Rehabilitation of the natural environment of these sites will require the removal of debris (including wood products, old cars and mechanical parts, metal, old tanks, barrels, pipe, etc.) from the entire area but specifically from riparian zones and identified wetlands.

The applicant will be required to remove all debris within 3 months of this MUM approval. No further dumping of materials as regulated by the City of Cottage Grove Municipal Code will be permitted.

Either applicant may propose an area for storage of such materials. However, these areas must be located outside of riparian zones, outside of designated wetlands, outside of designated perimeter buffers or open space, and must be screened from view with fencing or walls that meet the Community Development Department approval.

Rehabilitation of the native vegetation on the site will require the removal of blackberries and other invasive species from identified wetlands and riparian corridors and their replacement with native vegetation as specified in the Greenway maintenance standards. Revegetation plans should include the planting of native trees within the riparian corridor. Revegetation plans must be submitted within one year of approval of this MUM. This plan shall include a detailed schedule for work to be concluded within 10 years. This work must be completed to the specifications of the Community Development Department. Ongoing maintenance of natural areas will be required as a condition of approval.

H. Regulation of hours of operation and duration of use or operation;

The Speedway is limited to 140 days of “events” in a calendar year (with WOE) due to the unpaved nature of their parking lots as found elsewhere in this title. Although “operation” may occur throughout the year, the Speedway and WOE may host events on no more than 10 days per month, September–May, and 15 days per month, June–August, in any calendar year.

OAR 340-35-0040 stipulates specific noise control regulations (including days and times of operation) for "motor sports vehicles and facilities" in the State of Oregon. These standards provide the regulations that may be applied to the Speedway relating to times and days of operation.

OAR 340-035-0040

Noise Control Regulations for Motor Sports Vehicles and Facilities

(6) Operations:

(a) General. No motor sports facility owner and no person owning or controlling a racing vehicle shall permit its use or operation at any time other than the following:

(A) Sunday through Thursday during the hours 8 a.m. to 10 p.m. local time; and

(B) Friday through Saturday, state and national holidays and the day preceding, not to exceed three consecutive days, during the hours 8 a.m. to 11 p.m. local time.

(b) Overruns. Each motor sports facility may overrun the specified curfew times, including the time specified in subsection (11)(c) of this rule, not to exceed 30 minutes, no more than six days per year due to conditions beyond the control of the owner. Each overrun shall be documented to the Department within ten days of the occurrence;

(c) Special Events. Any approved special motor racing event may also be authorized to exceed this curfew pursuant to subsection (12)(a) of this rule.

The Speedway will be required to meet the hours of operation as stipulated above by OAR 340-035-0040. Sunday-Thursday events must cease by 10:00pm (except on state and national holidays); Friday and Saturday events must cease by 11:00pm. Additionally, six (6) ½ hour overruns will be permitted per season. These overruns may not be scheduled as they may only be used "due to conditions beyond the control of the owner". The Speedway will be required to notify the Community Development Department in writing of occurrences of overruns on the Monday following the event so that these may be tracked.

I. Requiring a time period within which the proposed use shall be developed;

Buildings:

Most of the Speedway uses are already developed to a non-urban level. The MUM application proposes only five (5) new structures. The exact date for beginning construction of these structures has not been determined.

Following final adoption of the MUM overlay ordinance, the Speedway will be able to receive and proceed with development of approved alterations and/or additions. Approval of additions will be granted based on other conditions contained within this staff report. Approval for new restrooms or other structures that require water and/or sewer services will be dictated by the development of public facilities to these sites.

Development of any new structures and/or alterations or additions to existing structures will be

contingent upon meeting Fire Code and Building Code requirements and/or permit requirements. New structures and additions to existing structures will be required to meet Chapter 18.50 Design Review requirements.

The timeline for development of proposed structures will be dictated by the approved MUM overlay ordinance, which will include timelines for development of public facilities.

Sewer:

City policy requires all newly annexed properties to connect to City services. City policy does not allow new facilities requiring sewer connections to connect to existing septic systems.

To ensure that sewer services are available on site at such time as the septic system fails and/or new connections are needed, the Speedway and WOE will be required to install sanitary sewer improvements from the wastewater treatment plant to the entrance gate of the Speedway with a branch line for the WOE within two years of approval of this application. The improvements include but are not limited to sewer main, manholes and service line.

This line shall be designed and stamped by a Registered Professional Engineer in the State of Oregon, and shall be reviewed for compliance with City standards prior to construction by the City Engineer. The line must be sized to meet all existing and proposed needs for the Speedway and WOE as delineated in this MUM (see Engineering Comments for specifics).

Food booths and concession stands need to be evaluated to determine if grease traps need to be installed once the WOE and Speedway are on sanitary sewer.

Any new construction is required to connect to the sanitary sewer system. The applicants are encouraged to connect the existing buildings to the new sewer system at such time when a sanitary sewer lateral is extended past existing facilities. The developers will be responsible for constructing the sanitary sewer service from the building to the sanitary sewer main.

Water:

The existing water supply line to the WOE and Speedway is a 2-inch line that extends from the City's wastewater treatment facility to the north past an existing residence (on property outside of the City's jurisdiction) to the end of the access road at the south boundary of the Speedway's property. The total length of the line is approximately 1,300 feet. Line pressures in this area are typically 70-90 psi according to the applicant. The applicant's fixture count for the WOE and Speedway combined is 127.5, while the residence (on the hill) served from this line has an estimated fixture count of 15, for a total count of 142.5. The Uniform Plumbing Code (UPC) allows a load of 340 fixture units on a 2-inch line at a pressure over 60 psi with a length of 300 feet. After this point the fixture count drops to 127.5 for the two private facilities. The service meters for the two facilities are another 1000 feet distant from the residential service. The UPC allows a fixture load of 129 on a 1000 foot long 2-inch line with typical line pressures over 60 psi.

It appears that the existing fixture unit load can be accommodated by the existing line, especially since the two facilities seldom operate concurrently. However, the applicants will need to provide a more thorough fixture count to the City of Cottage Grove so that the above assertion may be verified. The applicants will be required to submit a complete fixture count (number of bathrooms, trailers, food booths, concessions, etc.) to the Engineering Department to ensure that the water meter size and service line are adequately sized at the time of review of water improvement plans.

Fire hydrants will be required on-site for both properties. This will require an upgrade of the water line size on both parcels (to minimum 8"). Water improvements shall be installed, from the wastewater treatment plant to the northernmost fire hydrant on the Speedway property and a branch water main to the easternmost fire hydrant on the WOE property. The improvements shall include but not be limited to a water main, appurtenances and six fire hydrants (see below). The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration, and shall be a minimum of 8-inch ductile iron pipe (see Engineering Comments). This line shall be installed per City Engineering Department standards within two years following MUM approval.

Fire hydrants are to be used for fire suppression use only. If water tankers need to be filled, arrangements must be made with the City of Cottage Grove, i.e. a water meter will need to be installed on the fire hydrant and the water tanker will need to meet the requirements of the Cross Connection Control Officer (see Engineering Comments).

Upon completion and acceptance of the new water line, applicants will be expected to connect to the new water line and abandon the existing 2" line.

All new construction on either site shall require a backflow device. (See Engineering Comments.) The property owners shall be responsible for yearly testing of all backflow devices.

Fire Suppression:

Speedway & WOE: City Fire Marshal/Deputy Chief Andy McClean provided written comments on April 29, 2005 regarding the Speedway's final MUM application and the above fire suppression alternative. The International Fire Code specifies the following standards under which the above proposal was reviewed:

With annexation to the City, water supply for fire protection needs to meet the following requirements:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.2.1 Private fire service mains. Private service mains and appurtenances shall be installed in accordance with NFPA 24.

508.2.2 Water Tanks. Water tanks for private fire protection shall be installed in accordance with

NFPA 22.

508.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. See Appendix B.

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Oregon Fire Code Table B105.1 Minimum Required Fire Flow Duration for Buildings. Type V-B buildings that are 12,000 square feet require 3,000 gallons per minute for duration of 3 hours.

The Fire Marshal states: "In conclusion water supply for fire fighting purposes must be extended to both facilities as required by the International Fire Code." Extension of City water for fire hydrant supply to both sites will require the upgrading/upsizing of the existing 2-inch water line. This shall occur within two years following approval of this MUM.

The Fire Marshal indicated six (6) future hydrant locations (see drawings attached on comments, April 29, 2005). Fire hydrants must be located immediately to the right of the Speedway entrance gate (outside on WOE property) and immediately to the north of the grandstands (before entrance to pit). If parking is allowed in the center of the track, a hydrant will also be required in this area. Two (2) fire hydrants shall also be required to be located on the WOE site, one immediately to south of main entrance gate (inside compound) and one between Barn 1 and Building 2. Two (2) additional fire hydrants will need to be located on the main water line on the main access road to the south of the WOE (500' from the existing hydrant south of the wastewater treatment facility, and immediately adjacent to the wastewater treatment facility). All six (6) hydrants shall be located per Fire Department standards within two years following MUM approval.

Proper clearances around fire hydrants shall be maintained at all times per Fire Department requirements.

A temporary water supply source can be maintained on site for joint use until these permanent improvements can be made. The minimum accessible on site storage in this configuration will be 10,000 gallons. This tank can be removed after hydrants are properly installed.

A detailed plan indicating the size, type and distribution of fire extinguishers throughout both facilities must be provided as a condition of approval. The Fire Marshal retains the right to require changes to this plan, and stipulate location, type and number of fire extinguishers if the provided plan proves inadequate to meet International Fire Code requirements. This plan shall be provided within three (3) months of approval of this MUM regardless of appeals, and conditions placed by Fire Marshal upon its review shall be met immediately thereafter.

Fire Department Access Roads:

Fire Department Access Roads must be established and posted within both facilities. Permanent signs indicating Fire Access road must be installed to City specification.

The applicant has provided a map showing Fire Lanes on the Speedway property. These fire lanes, although located appropriately, must be altered to adhere to following Fire Code requirements:

- (1) The two turnarounds located on the Speedway property (near the northeast and southeast ends of the track) are substandard as shown. These turnarounds must have a horizontal clearance of 70' to accommodate fire trucks. Inside turning radius is to be 28 feet.
- (2) All fire lanes within the Speedway site must have a 20' wide horizontal clearance (with 12' of driving – asphalt or compacted gravel – surface). There is a choke point to the north of the family grandstands (labeled Grandstand B) that must be widened to 20' to meet this requirement. Additionally, the fire lane in front of the main grandstands must be widened to 20' (from its current 14' width). This widening must happen within one year of MUM approval, and may require moving of fences, berm, seating, etc. See drawings attached to Fire Marshal comments April 29, 2005 indicating emergency access road widths.
- (3) The entire route of emergency access must be posted to prevent obstruction by vehicle parking or other obstructions. To reduce the number of signs and still meet the posting requirements, sign posts can be installed every 75 feet staggered on opposite sides of the access road with signs posted on both sides of each pole.
- (4) The Speedway shall submit plans for monitoring apparatus access road clearance to verify no obstructions take place during events. These plans shall be submitted immediately upon approval of this MUM for approval by the Fire Marshal, and shall become a condition of approval for the duration of this MUM.

Secondary access improvements:

Temporary secondary access is currently provided via the North Regional Park bike path. Smaller emergency vehicles (police, ambulance) can either: (1) enter the park through Middlefield Village, cross underneath the highway via an ODOT approved/permitted emergency access route, and follow the bike path until reaching the northern end of the Speedway where a culvert has been installed in the slough to allow for vehicular crossing into the north end of the pit, and/or (2) enter the park north of the wastewater treatment facility and follow the outside loop of the bike trail to the above crossing into the pit.

This crossing has been graveled and surfaced for emergency vehicles. The Speedway owners are installing a 6' high gate at this crossing, which will have locks approved by Fire Department. The Speedway and City are working together to ensure that the bike trail's surface is adequate for temporary access needs.

This use of the bike path and this rear pit entrance as an emergency access, although adequate for smaller emergency vehicles in times of need, does not provide for large capacity emergency vehicle access. Fire trucks would not be able to utilize either the north or south routes along the trail, as the bike trail is less than the required width (driving surface of 12', clearance of 20') and is not built to withstand the weight of a fire truck. Consequently, a permanent secondary fire access must be developed as soon as possible to ensure the safety of fair and speedway spectators/users.

The City is requiring improvements to the secondary access. These include the development of a fire access road through the City's property (south of the wastewater treatment plant). This fire access road would enter from N. Douglas Street, cross a culvert on the City property, briefly join an upgraded portion of the bike path before crossing (on the path of a currently undeveloped pedestrian access) through a wooded area of the North Regional Park to the back (southeast) corner of the WOE property, then follow the WOE's fire department access lane along the northern property line to the entrance of the Speedway.

The City will work with the WOE/Speedway to grant a joint-use access easement for emergency vehicle/pedestrian/bicycle access across the City's property to facilitate the development of this permanent secondary access. All other fees associated with the development of this access (paving, emergency lighting, bollards, gating, etc.) will be at the joint expense of the Speedway/WOE. This secondary access shall meet the requirements of the International Fire Code and shall be reviewed by the Fire Marshal prior to and after construction before being accepted. Its minimum horizontal clearance shall be 20 feet; its minimum driving surface shall be 12 feet paved (asphalt, concrete or other acceptable surface); and its inside turning radius shall be 28 feet.

This secondary access shall be constructed within two years of the approval of this MUM.

Primary Access Improvements:

The primary access to the Speedway and WOE is on a private easement that extends to the north from the end of N. Douglas Street, a residential standard City street. N. Douglas is an underdeveloped public residential street until immediately south of the wastewater treatment facility.

This primary access must meet standards established for private entrance/exit easements in the City of Cottage Grove Code (see Chapter 18.35 Panhandle/Flag Lot Regulations).

"Panhandle access that extends over 150 feet in length shall have an unobstructed width and a uniform surface of not less than 20 feet and an unobstructed vertical clearance of no less than 13'6". Such access roads shall be designed and maintained to support the imposed loads of a fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities... Vehicular parking shall not be allowed on required panhandle access strips unless additional sufficient width is provided as required by the Staff Review Committee."

To achieve this standard, the applicants will be required to:

- (1) Obtain (and submit to City of Cottage Grove) 25' wide access/maintenance easements in perpetuity from all involved property owners;
- (2) Widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement;
- (3) Where the easement is widened it shall have a surface of compacted gravel able to withstand 50,000 lbs and shall be constructed at the next construction season;

- (4) Pave (asphalt or concrete) 20' wide continuous surface along full length of easement. Pavement shall be required within two years after utilities are installed;
- (5) Sign length of easement for "No parking/Fire Lane".

Unless otherwise stated above, these conditions shall be met within one year of approval of this MUM regardless of any appeal period.

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The City will work with the applicants to choose the proper realignment, negotiate a value and a method for exchanging this value, and record a permanent easement for this access. This improvement to N. Douglas Avenue will be required as a condition of approval, and will be scheduled in conjunction with the City Engineer following the completion of the City's expansion project at the wastewater treatment facility.

The applicants are showing that approximately 50% of their traffic enters N. Douglas Avenue from Hwy 99 via a railroad underpass located immediately south of the wastewater treatment facility. Vehicular clearance under this underpass is limited to eight (8) foot clearance to the bottom of the railroad trestle. This undercrossing is not a legal public crossing according to Oregon Department of Transportation Rail Division (ODOT Rail). ODOT Rail will investigate this crossing. Should this crossing be closed by ODOT Rail, the applicants will be required to submit a revised Traffic Impact Study to the Community Development Department. The Community Development Director shall evaluate the revised TIS and approve the change or require a revision to the MUM, as per 18.33.130.

Storm drainage:

A slough drains northerly along the east side of the WOE property, then turns westerly near the property line common to the WOE and Speedway. Storm water runoff from a 66" culvert under the Cottage Grove Connector follows this open slough, enters a culvert that goes under the Speedway's main entrance, and exits via a 36" culvert into the Coast Fork of the Willamette River. By the 1985 storm drainage master plan, this culvert has the potential flow of 54 cubic feet per second. Last year, it was discovered that this slough has an adverse grade for draining water into the Coast Fork. In February 2005, pictures were taken by the City of Cottage Grove Public Works staff showing standing water in two locations within the slough. It was discovered that some fill had been placed in the slough, thus affecting the drainage characteristics.

The City of Cottage Grove is in the process of obtaining the necessary permits to regrade the ditch to accommodate the design flow mentioned above. Once regrading of the ditch is completed, placement of fill in the drainage ditch will be prohibited.

The Speedway and WOE property owners shall grant a storm drainage easement to the City of Cottage Grove along the slough/drainage ditch so the City may maintain this public drainage way.

The existing 36" culvert under the main access was installed without any consideration to this public drainage way. Therefore the culvert needs to be removed and replaced with the appropriate size

culvert to handle 54 cfs, or this pipe needs to be replaced with a pipe to meet city standards and another culvert needs to be installed so the capacity of the two culverts is 54 cfs. This work will require a permit from Division of State Lands and Corps of Engineers. The replacement of this culvert will be the responsibility of the Speedway, and must occur within one year of approval of this MUM.

Pit storm drainage:

The Speedway's pit area currently has a catch basin that drains directly to the Coast Fork of the Willamette River. The applicants have been protecting this catch basin from contamination from oil and gasoline spills with oil absorbent pads. This does not meet City standards for water quality protection. This catch basin shall be replaced with an approved sediment and oil interceptor. This interceptor shall be maintained and cleaned as per manufacturer specifications or annually, whichever period is shortest. The installation of this catch basin shall occur within one year of approval of this MUM.

Off-site parking agreement:

Based on a parking analysis of Speedway/WOE parking, attendance to the Speedway shall be limited to 1,500 spectators + 300 participants, and attendance at the WOE shall be 1,400. These attendances shall not be exceeded unless otherwise permitted by the City due to off-site parking agreements. Attendance records shall be presented in writing to the Community Development Department on a quarterly basis (January, April, July, October).

Supplementary parking agreements must be submitted in writing at the beginning of each calendar year (or no later than January 31) to the Community Development Department for approval by the City Council. Maximum attendance at the Speedway will be established on an annual basis by the Community Development Director based on these approved arrangements prior to the initiation of each racing season. Parking agreements shall include a site plan detailing the proposed number of cars to be accommodated on the site, details on types and number of vehicles to be used for shuttling, number of vehicles that can be accommodated at proposed site, hours of shuttle operation, advertisement plan, etc.

Underground Utilities:

All new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits must be placed underground by the developers at time of construction as a condition of approval.

J. Requiring bonds to ensure performance of special conditions;

The developers will be responsible for payment of all system development charges and review fees for new and/or required improvements.

The developers will need to sign a developer's agreement and pay any associated fees due because

of the extension of public infrastructure (water and sewer). Applicants will bear all or a majority of the costs to extend or upgrade this public infrastructure.

K. *Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter;*

Conditions set forth elsewhere in this staff report will ensure that this development is integrated in an orderly and efficient manner.

L. *Regulation of noise to assure that any new source will meet Department of Environmental Quality (DEQ) Standards.*

The Speedway will have to meet Oregon State Department of Environmental Quality (DEQ) standards for motor sports facilities. These rules are designed to "encourage the motor sports facility owner, the vehicle operator, and government to cooperate to limit and diminish noise and its impacts." DEQ prescribes multiple avenues for mitigating noise, including limiting the noise emission levels of racing and recreational vehicles, designating equipment requirements, and establishing appropriate hours of operation.

Hours of operation per DEQ are discussed elsewhere in this report. Equipment requirements (types of mufflers, etc) for the Speedway will be as detailed in OAR 340-035. Compliance with both of these standards shall be a condition of approval.

Compliance with OAR 340-035-0040 noise standards as detailed below shall be a condition of approval for the Speedway, as amended by the Cottage Grove City Council following public testimony:

(2) Standards:

(c) Sports Car Racing Vehicle. No motor sports facility owner and no person owning or controlling a sports car racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well-maintained muffler and noise emissions from its operation do not exceed 95 dBA at trackside (as amended by City of Cottage Grove);

(i) Go-Kart Racing Vehicle. No motor sports facility owner and no person owning or controlling a go-kart racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well-maintained muffler and noise emissions from its operation do not exceed 95 dBA at trackside (as amended by City of Cottage Grove).

(ii) Special Events as defined in 3 above shall not exceed 105 dBA at trackside.

("Trackside" means a sound measuring point of 50 feet from the racing vehicle and specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPC-35.)

(7) Measurement and Procedures. All instruments, procedures and personnel involved in performing sound level measurements shall conform to the requirements specified in Motor Race Vehicle and

Facility Sound Measurement and Procedure Manual, NPC-35, or to standard methods approved in writing by the Department.

(8) Monitoring and Reporting:

It shall be the responsibility of the motor sports facility owner to measure and record the required noise level data as specified under subsections (2)(b) - (i) of this rule and the Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPC-35. The owner shall either keep such recorded noise data available for a period of at least one calendar year or submit such data to the Department for storage.

NOTE: The City will require that proof of compliance with above vehicle noise standards be provided to the Community Development Department in writing on a monthly basis during race season.

(9) Vehicle standards. No motor sports facility owner and no person owning or controlling a racing vehicle shall cause or permit a racing event or practice session unless the vehicle is equipped and operated in accordance with these rules.

18.46.170 Additional conditions – Greenway conditional use permit.

1. *The planning commission shall consider the following objectives and make affirmative findings on each of them:*

a. *Significant fish and wildlife habitats will be protected;*

The Cottage Grove Speedway has existed on site since the early 1950s. The footprint of the use on the property has changed little over the years, although additional structures have been added over the years onto areas already impacted by Speedway uses. The proposed new structures lie within the area already developed by Speedway uses and will not disturb any existing riparian vegetation or wetlands.

Ron Rice, COE certified wetland delineator, conducted a wetland reconnaissance on the Speedway and WOE properties. He was accompanied by a professional wetlands biologist. Identified wetlands are mapped on the attached site plan. The result of this review was that new development “results in no impacts.”

The City of Cottage Grove hired Phil Scoles, a soil and water scientist from Terra Science, to perform a peer review on the above wetlands reconnaissance. His full comments, in a letter dated February 24, 2005, are included in the file.

Mr. Scoles identified the study area as follows:

The study area includes the following wetlands and waters (non-wetland, but still regulated by the U.S. Army Corps of Engineers and Oregon Department of State Lands): Coast fork of the Willamette River (west edge of study area, including 2-year flood plain), unnamed drainage from

North Regional Park/--- Golf Course (northeast edge), another unnamed drainage (AKA "slough") from North Regional Park (south part), and overflow outfall ditch from the waste water treatment plant. Two additional "suspect" wetlands were noted – the broad depressional area within the crew pit area (north of the Speedway) and a very small depression (or two) within the center of the Speedway.

Mr. Scoles concluded: "It is unknown if the master plan would actually result in any impacts to wetlands or waters. That is, the proposed parking areas and fire access lane could be constructed in a manner that avoids such impacts. That is, summer parking within the pit/crew area does not necessarily result in filling of wetlands. On the other hand, if the low portion of the pit/crew area is re-graded or filled, or a culvert relocated, then a wetland permit is likely required. It is recommended that a formal wetland delineation be conducted to determine if future construction would impact any wetlands and/or waters."

The City concurs that future development that may have impacts upon wetland areas (whether that be paving of pit parking area, construction within 25' of the top of bank of the Coast Fork, or filling of a culvert feeding the slough) trigger a formal wetland delineation by a qualified soil scientist. If development does impact delineated wetlands, the applicant will be responsible for all USACE/ODFW permits required. This shall be a condition of approval.

The City feels that certain management techniques can be initiated to protect fish and wildlife habitat within riparian or wetland environments on these sites. For the purpose of this MUM approval, the following measures must be taken to ensure that there are no impacts to wetlands or waters (and consequently to significant fish or wildlife habitat within these sensitive environments):

Protection of on-site wetlands must include:

- Protection of slough from invasive species:
 - Including submittal and subsequent recording of conservation agreement between Speedway, WOE and City for protection of dedicated open space area along this slough.
 - Including submittal of revegetation plan for riparian and wetland areas by Speedway within one year of MUM approval, showing timeline for removal of invasive species and revegetation with native species within 10 year period.
- Protection of slough and wetlands areas from damage caused by pedestrians crossing from North Regional Park to either Speedway, litter (household and industrial), and/or contamination from oil products or human waste through:
 - On-going maintenance of existing fencing.
 - Fencing along slough on Speedway site behind the cell tower to prevent pedestrian crossing at that location.
 - Immediate removal of all potential contaminants.
- Protection of potential wetland in middle of pit area, including:
 - Protection from contamination from oil products or human waste.
 - No location of port-o-potties near potential wetland site.
 - Restriction of use to low-water time periods.

- Further testing if paving or storm drainage changes recommended.
- Removal of all debris from proximity of wetlands, including abandoned cars, metal, building materials, tires, trailers, etc. between cell tower and slough.

Protection of riparian zones:

- Protection of riparian setback along Coast Fork of Willamette River:
- Protection of riparian vegetation setback with 4' minimum height fence to be installed along 15' setback line for entire length of the Speedway's pit/crew area. This fencing shall curve around upper tip of Speedway along Floodway line to connect with existing fence on slough.
- Revegation of riparian vegetation behind above fence (to include planting of native trees and other species) within 10 years, on a schedule approved by the Community Development Department.
- Prohibition against any new structures within 15' of top of bank of Coast Fork.
- Removal of relocated and/or remodeled (greater than 50% value) building currently located within riparian corridor to outside of 15' riparian setback.
- Conservation easement for 3.5 acre open space area on other side of river bank, as approved by Community Development Director and recorded in perpetuity by owners of Speedway.
- Removal of all debris (abandoned cars, metal, building materials, tires, etc.) from riparian zone.

b. Identified scenic area, viewpoints and vistas will be preserved;

Although there are no significant sites identified in the Cottage Grove Comprehensive Plan within this area, the City finds that two areas represent vistas of great enough importance to the community to warrant discussion. These vistas are the Willamette River bank as seen from the vantage point of a person on a boat in the river, and the view of the Speedway and WOE as seen through the trees at the North Regional Park. The former is important as maintenance of the vista of the Willamette River and its banks are one of the primary reasons behind the Willamette River Greenway designation. The latter is important as the North Regional Park is one of the City's principal natural parks and views from the bike trail are an important part of the visceral experience of the North Regional Park.

Protection and preservation of these vistas is contingent upon the following, which will be conditions of approval:

- Removal of all debris from the riparian zone.
- Delineation of riparian corridor with a min. 4' high fence at 15' from top of bank of Coast Fork of Willamette within the pit area and restoration of vegetation between fence and top of bank.
- Removal of all structures as replaced and/or upgraded from 15' riparian setback area.
- Removal of all debris from pit area and from slough area.
- Preservation of existing trees on site and immediately off-site.
- Replanting of lost or diseased trees immediately upon removal.

- o Removal of invasive species on slope of Coast Fork, replacement with native ground cover and riparian vegetation per Greenway vegetation removal standards.
- c. *Any structure must be located outside the existing riparian vegetation or behind a setback line which is at least 15 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible.*

The riparian vegetation on the WOE site is limited to the 15' riparian corridor along the open grass parking lot (west side of lot). No structures are located within the 15' riparian setback on the WOE site. No structures are proposed within the 15' setback, nor will they be allowed under this MUM.

Riparian vegetation on the Speedway site is limited to within 15' from the top of bank or the top of bank until one passes the pit, where it curves to the east to absorb a low lying area at the confluence of the slough and river. Several structures are located within the 15' riparian setback on the Speedway site, including the mobile home, tool shop, and mechanical shed.

No new structures will be permitted within the 15' riparian corridor or within the riparian area at the north end of the lot. If the mobile office/home or any other structure is replaced, it may not be replaced within the riparian setback, but must be relocated so that the setback is properly maintained.

Parking spaces within the pit area are shown within the 15' riparian setback. These spaces must be moved outside of the 15' setback, and a 4-6' fence installed along this setback to ensure that no cars, equipment or use encroaches upon the riparian area. This fence shall loop around the north end of the pit to connect with the fence on the east property line along the slough to prohibit foot traffic from the pit into the riparian area. This fence must be installed within one year of approval of this MUM.

Vegetation within the setback will be required to be maintained and enhanced through the removal of blackberries and their replacement with native vegetation. Vegetation restoration shall follow Greenway vegetation maintenance standards. A vegetation restoration plan shall be submitted to the Community Development Director for approval within one year of MUM approval. This plan shall include a time schedule for work, showing a completion date within 10 years. This plan shall include the planting of trees within this 15' setback.

No trees shall be removed from the 15' riparian zone without prior written approval of the City of Cottage Grove Community Development Department. Tree removal will only be approved if a certified arborist has verified that the tree is a "hazard tree." Trees that are allowed to be removed shall be replaced with an approved species immediately.

The riparian corridor shall be kept free of all debris. All old vehicles, timber, tires, equipment, metal, etc, must be removed from the 15' riparian corridor. The applicant will be required to remove all debris within 3 months of this MUM approval. No further dumping of materials as regulated by the City of Cottage Grove Municipal Code will be permitted.

- d. *The natural vegetation along the river will be maintained to the maximum extent that is practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.*

Riparian vegetation on the Speedway site is limited to the top of bank until one passes the pit, where it curves to the east to absorb a low lying area at the confluence of the slough and river. Several structures are located within the 15' riparian setback on the Speedway site, including the mobile home, mechanical shed and tool shed. No new structures will be permitted within the 15' riparian corridor or within the riparian area at the north end of the lot. If the mobile office/home is replaced, it may not be replaced within the riparian setback, but must be relocated so that the setback is properly maintained.

Parking spaces within the pit area are shown within the 15' riparian setback. These spaces must be moved outside of the 15' setback, and a 4-6' fence installed along this setback to ensure that no cars, equipment or use encroaches upon the riparian area. This fence shall loop around the north end of the pit to connect with the fence on the east property line along the slough to prohibit foot traffic from the pit into the riparian area. This fence must be installed within one year of MUM approval.

Vegetation within the setback will be required to be maintained and enhanced through the removal of blackberries and their replacement with native vegetation. Vegetation restoration shall follow Greenway vegetation maintenance standards. A vegetation restoration plan shall be submitted to the Community Development Director for approval within one year of MUM approval. This plan shall include a time schedule for work, showing a completion date within 10 years. This plan shall include the planting of trees within this 15' setback.

There are a number of large trees within the Speedway site that play an important part in the feel of the development site and its integration into the riparian area. No trees shall be removed on either property without prior approval of the City of Cottage Grove Community Development Department. Tree removal will only be approved if a certified arborist has verified that the tree is a "hazard tree." Trees that are allowed to be removed shall be replaced with an approved species immediately.

The riparian corridor shall be kept free of all debris. All old vehicles, timber, tires, equipment, metal, etc, must be removed within 3 months of MUM approval.

- e. *The proposed development change or intensification of use is compatible with the site and surrounding area.*

Both developments have existed on site since at least the early 1960's. The footprint of these uses was established by the time the City delineated its Urban Growth Boundary around them. These two uses, although part of the City's UGB for thirty years, just annexed in 2004. Two sites bordering the subject parcels remain unannexed (the industrial site to the southeast and the residence directly south of the WOE), although they are within the City's UGB. Remaining neighbors are either within the

City (the North Regional Park/golf course/wastewater treatment facility) or permanently outside of the UGB (on opposite side of river/Hwy 99 or north at the confluence of Row & Coast Fork).

Both uses have grown over the years, as has the City. The residential areas to the south have become more densely developed. As spectators to either venue must cross through these residential neighborhoods to gain access to the Speedway or WOE, the densification of both sets of uses (Speedway/WOE & residential development) causes conflict. Although these areas have grown together and hence are as compatible as such divergent uses can be, the proposed long-term growth of the Speedway and WOE has the potential of negatively impacting these residential areas if transportation, emergency access, noise and hours of operation issues are not addressed.

State law defines the applicable (and enforceable) noise standards and hours of operations for motor facilities. These rules are designed to "encourage the motor sports facility owner, the vehicle operator, and government to cooperate to limit and diminish noise and its impacts." The City of Cottage Grove has the authority to enact more stringent requirements than State law provides, but cannot make these standards weaker. The City finds that the Speedway shall abide by State standards, as amended by City Council through this MUM.

Emergency access is an important issue for emergency service providers, spectators, participants, and community members. The Speedway and WOE have proposed joint upgrades to emergency access which have been elsewhere discussed in this staff report. Staff feels that so long as improvements to emergency access are implemented as elsewhere conditioned that emergency access issues can be adequately addressed. These conditions include the dedication and construction of two approved emergency access routes (into north end of Speedway and south end of WOE) and dedication and construction of approved fire lanes within both sites within one year of MUM approval regardless of appeals. Other fire suppression improvements on-site (fire hydrants, fire extinguishers, building improvements) will also enhance safety on-site and reduce potential conflicts with the surrounding neighborhoods.

Primary vehicular access into the Speedway/WOE is from a private easement that connects to N. Douglas Street, a residential City street. Improvements to this access route (paving, widening, straightening, etc.) have been discussed elsewhere and been recommended as conditions of approval. These improvements will be required within a reasonable time period.

Riparian vegetation and wetland areas will be preserved and/or restored through related conditions of approval. Large trees on site will be maintained. The openness and rural nature of the sites will be maintained. Preserving the natural character of the site will ensure the compatibility of the sites with the surrounding park and riparian zones.

The size of approved events will be strictly limited to the amount of parking that can be proven to be accommodated either on-site or off-site through approved parking agreements. The number of events will be limited to 10 days per month, September through May, and 15 days per month, June through August (for a maximum of 140 days if parking lot is paved) for both sites. Restricting traffic and number of events will limit conflicts with the surrounding neighborhood to acceptable levels.

The City finds that this criterion will be met so long as the aforementioned conditions of approval are met.

f. Any development will be located away from the river to the maximum extent possible.

The Speedway development site is spread equally throughout the site, with the track itself located closer to the slough than the river. The bleachers are located between the track and the river, to the east of a vehicle corridor (to access the pit area to the north) and a line of service buildings located along the top of bank. Approximately 4% of the site is covered with buildings, less than 1% of which is within 50' of the river. Approximately 1/3 of the site is covered with the track; the pit preparation area occupies another 1/3.

Buildings within 50' of the river include a mobile home/office, mechanical shed, tool shed, and one set of bleachers (the "family" bleachers). Other uses within 50' of the river include a 20' fire lane that runs the length of the river on the Speedway site, and vehicle parking in the pit area. No new uses are proposed within this area.

Some proposed uses are not permissible if the 15' riparian setback is to be maintained. These uses include pit uses within the 15' riparian setback. This type of "parking" is more of a concern than spectator parking that occurs in the WOE parking lot, as pit crews utilize this area as a work area during races. Consequently, there is much more foot traffic and intensified use of this area than a normal "parking lot". To reduce potential negative impacts to sensitive habitat areas, the City is requiring no parking within 15' of top of bank within the pit, and enforcement of this prohibition through a 4' fence.

Previous conditions have also required the removal of all debris within the riparian corridor. Other structures, such as the mobile office/home and sheds, located within the riparian corridor must be relocated away from the river if they are ever replaced, substantially (over 50% of value) rebuilt, or moved. No new structures will be allowed within the 15' riparian setback.

g. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation that is feasible between the activity and the river.

All existing landscaped areas and native vegetation on the site will be retained. Infrequently used parking areas will remain unpaved to allow for the retention of as much open space as possible. Development areas (for track or corral use, etc) will not be increased. Proposed new buildings will be constructed within existing impact zones. Dedicated open space areas on Speedway property will be preserved in perpetuity through conservation agreements or formal conservation easements. Perimeter yards that coexist with wetland areas (15' along slough on both property) will be protected from encroachment or contamination. All materials currently stored within riparian or wetland zones will be removed and/or stored in an approved screened storage area. Riparian vegetation restoration plans required for the Speedway's riparian zone will enhance existing vegetative areas. Existing

trees on both sites that serve to buffer the impacts of the development will be retained. The City finds that so long as these conditions are met the above criterion will be met.

18.33.050 Dedication and maintenance of facilities. The planning commission may, as a condition of approval for any development, require that portions of the parcel or parcels of the mixed use master plan be set aside, improved, conveyed or dedicated for the following uses:

A. Easements. Easements necessary to the orderly extension of public or private utilities may be required as a condition of approval.

The City will grant a 25' wide easement to the WOE/Speedway for a secondary access for emergency vehicle/pedestrian/bicycle use through the City's property (North Regional Park).

Primary access is gained over private land (under ownership of the City of Cottage Grove and other private land owners). The applicants will be required to obtain (and submit to City of Cottage Grove) 25' access/maintenance easements in perpetuity from all property owners.

The Speedway property owners shall grant a storm drainage easement to the City of Cottage Grove along the slough/drainage ditch so the City may maintain this public drainage way.

B. Streets. Streets necessary to the proper development of either the master plan development or adjacent properties may be required as a condition of approval.

The applicants will be required to widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement (except at one or two approved pinch points per Fire Department approval); pave (asphalt or concrete) 20' wide easement; and sign length of easement for "No parking". These criteria shall be met within two years of approval of this MUM.

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The easement currently makes a 90 degree turn from the end of N. Douglas (after the connection from the railroad underpass) before turning north in front of the wastewater treatment plant. The applicants are proposing to straighten this turn. The City of Cottage Grove, who owns the property over which this "road" runs, agrees with the need to realign this driving corridor to improve vehicle turning safety. The City will work with the applicants to choose the proper realignment. The applicants will be required to work with the City to record a permanent easement for this access.

This improvement will be required as a condition of approval, and will be scheduled in conjunction with the City Engineer following the completion of the City's expansion project at the wastewater treatment facility.

C. Recreation facilities. A suitable area for parks or playgrounds for the owners, residents, employees or patrons of the development may be required as a condition of approval.

Suitable links to trails, streets, pedestrian paths or bicycle paths may be required as conditions of approval.

Criteria discussed above regarding secondary fire access to the WOE site (and further to the Speedway) will meet this criterion through the dedication, construction and maintenance of an extension of the North Regional Park bike path system as a secondary emergency vehicle/pedestrian/bicycle access. This 25' easement with 20' clearance and 12' surface will enter City property from N. Douglas Street south of the wastewater treatment plant, cross City property and the bike trail through a wooded area to the southern property line of the WOE where it will connect with a 20' fire lane to be created on the WOE property. This fire lane will connect to the Speedway's front gate. This access, although intended to provide a safe and clear route for emergency vehicles to enter either site without using the main road into the Speedway, will serve to enhance the WOE/Speedway's links to the North Regional Park bike/pedestrian system. It will also provide a safe pedestrian path for users of the City's overflow parking lot. This path shall be bollarded at either side of the North Regional Trail bike path crossing to ensure that unauthorized vehicles do not enter, however it shall remain open at all other times to pedestrian and bicycle users. The City will work with the Speedway/WOE by granting an easement for this access. All development costs will be incurred by the applicants.

D. Open space and common facilities. Open space and common facilities may be required as conditions of approval per the development standards of this title. The planning commission shall require that open space and common facilities be maintained. Required maintenance of any common facilities including, but not limited to, common streets, parking, circulation areas, open spaces, trails and storm water facilities, shall be ensured by covenants approved by the City. Failure to maintain any common area or amenity shall be considered a violation of this title.

Conservation agreements and/or easements will be required for the maintenance in perpetuity of the agreed upon open space areas (on opposite shore of Willamette River). These agreements shall be approved and recorded by the City of Cottage Grove within one year of MUM approval. These agreements shall include maintenance standards for both areas.

E. Public Utilities. Provision of public utilities for water, wastewater, storm and/or fire protection may be required as a condition of approval.

See above staff findings related to public facility development.

18.33.060 General location criteria. A mixed use master plan permit may be granted by the Planning Commission and City Council only if it is found that the development conforms to all the following criteria as well as to the mixed use master plan development standards:

A. That the location, design, and size are such that the development can be integrated with its surroundings, or in the case of a departure in character from surrounding land uses that the location and design will address the impacts of the development;

The applicant interprets the work "surrounding" to mean uses within 1,000 feet of the subject property.

Land to the north of the Speedway is the Willamette River. Farther west and north lies Hwy 99 (on the west shore of the river). The Urban Growth Boundary follows the northern edge of the Speedway; lands to the north of the Speedway are zoned F-2 and are out of UGB/City limits. These lands are primarily undeveloped, and are floodways caused by the confluence of the Coast Fork and Row Rivers. Land to the east and south of the Speedway/WOE is City owned property designated as the North Regional Park. Much of this large property is used as a private golf course under long-term lease from the City. Farther east (on the other side of the public property) lies Interstate 5 (I-5). Across the highway lies Middlefield Village, a seniors-only manufactured home park, and the remainder of the golf course. To the southeast of WOE lies a private residence on a hill. This residence is zoned AGT-5 and remains outside of city limits. To the southeast of the Speedway and WOE on the other side of the river lies a small industrial site with one residence. This residence and industrial site remains outside of city limits. Further south, along N. Douglas Street and Chamberlain, lies a single family residential neighborhood. Although a few houses along N. Douglas Street date from the time when this area was still a farming community (1910-1930), most were constructed between 1960 and 1980.

The Cottage Grove Speedway was developed in 1956 on an area that had been utilized for agricultural purposes. The WOE was developed within a few years of the Speedway (approximately 1960). Both uses occupy approximately the same overall footprint now as they did then. The track is in the same location and of the same size as the original dirt track created in the late '50's. Additional grandstands, concessions booths and accessory sheds have appeared on the site over the years, but have not changed the overall impact footprint of the site. Similarly the WOE's barns, exhibit halls, and corrals are in the same general location as they were in the '60's, although buildings have been added over the years. All of the structures on both sites existed at time of annexation into the City of Cottage Grove.

Surrounding land uses such as the residential neighborhood to the south, the golf course to the east (and the residential neighborhood further to the east), and the industrial development to the south/southeast developed after the initiation of both the Speedway and WOE uses. In light of this, the Speedway and WOE are "integrated into [their] surroundings by virtue of having always been there." The form and use of the Speedway as a motor car racing facility existed prior to surrounding developments, and hence is "as integrated with its as a use can be." The Speedway and WOE grew up before the surrounding development, and were fixtures in the Cottage Grove community before there was a residential community or golf course in their back yards.

Staff concurs in part with this evaluation. The City's UGB line was originally drawn in 1970 to include both the Speedway and WOE as future "urban" developments. It was assumed at that time that the City would grow to include these uses, and that their more proper designation was as urban vs. rural uses. The 1980 Comprehensive Plan designated these areas for "regional and community parks". The 1993 Periodic Review amended this designation to "Public/Quasi-Public". Both

designations assumed that existing uses would remain. In the 1980 Comp Plan, the majority of the golf course and all of the area currently developed as Middlefield Village was outside of the UGB. The UGB was extended later to incorporate these areas, which were then designated Commercial Tourist and Multiple Family Residential respectively. The Speedway and WOE designations were not amended at this time. Additionally, the residential area to the south of the Speedway/WOE on N. Douglas was designated as residential at the same time as the Speedway/WOE were incorporated into the Comp Plan. These areas have always been viewed as neighbors. Consequently, the principal City planning documents have always viewed the Speedway and WOE as components of the City, and planned for their inclusion accordingly.

Additionally, the Speedway and WOE are fairly penned in by a combination of man-made and natural boundaries that serve to buffer these uses from surrounding neighborhoods and uses. The Willamette River and Hwy 99 run along the western edge of both properties, effectively creating a man-made and natural buffer for the length of this boundary. To the east, the North Regional Park, the majority of which is being used as a golf course by Middlefield under a long-term permit, creates a buffer on the east from residential and commercial uses that have developed over the last two decades in that direction. I-5 also creates a physical barrier to the east from other uses. The southern boundary of the WOE/Speedway area is marked by a tree-covered hill, partially privately owned and outside of the City, and partially publicly owned (part of North Regional Park). This hill blocks much of the sound that would naturally move in this direction from the Speedway/WOE and provides a visual and physical buffer between these uses and the low-density residential neighborhood to the south. This combination of buffers mitigates impacts upon surrounding uses by separating these uses physically and visually from them, and assists the Speedway and WOE with "integrating" with the surrounding neighborhood.

Staff does not concur, however, that all elements of the location, design and size of the Speedway and WOE are integrated into the surrounding area by virtue of their age, duration and physical separation. Traffic, parking, noise and emergency access issues remain. These issues, which have a negative impact upon the neighborhood to the south, must be addressed to ensure that the character of the surrounding land uses is maintained. The City finds that so long as conditions otherwise established in this staff report to deal with access, off-site parking, noise, operation parameters, traffic and utilities are met, these developments will be as integrated into the surrounding area as necessary to ensure that the intent of the Comprehensive Plan and zoning codes are met.

B. That the traffic generated by the development does not reduce the level of service below a fair standard as established in the Cottage Grove Transportation Plan;

In their February 3rd submittal the applicant states the following:

Traffic generated by the Speedway and the fairgrounds will not permanently affect the level of service on surrounding roads. Traffic generated by the speedway and WOE is intermittent. It is only associated with events, which are temporary and sporadic. Based on information provided as Exhibit H (in the application), a typical race night only adds approximately 500 vehicles to the road system. There are several entrances to Douglas avenue. Therefore, the vehicles will not all use one route.

This is confirmed by Exhibit H, Figure 2. The trips are concentrated: incoming from 4:00pm to 7:00pm and outgoing from 9:45pm to 12:45am. Fair events will have a similar ebb and flow of traffic, though their vehicle counts will likely be much less. Even with greater attendance, speedway and fairground events will not reduce the level of service below fair on Douglas Avenue.

The applicant turned in a Traffic Impact Study (TIS) completed by Access Engineering on February 23, 2005. The purpose of this TIS was to document estimated traffic impacts resulting from the combined development and recommended mitigation measures as necessary. TIS assumptions included: projections through 2015, increase in attendance from 1000 to 6000 persons, a total of 618 parking spaces (on two sites), and 300 parking spaces in the City-owned grass field for overflow parking.

The traffic study focused on speedway events, which have the highest traffic generation and parking demand. Traffic counts were taken during a Speedway event in September 2004. A total of 560 vehicles were generated by this event. The peak hours of traffic were found to be 5:15pm to 6:15pm, and 11:15pm to 12:15am. An analysis of the operation of critical intersections in the area during the peak hours before and after the event "indicated that all streets maintained a "Good" level of service" when at max design (for 6,000 persons). The 918 on-site and dedicated off-site parking spaces did not meet the need for 6,000 persons; transporting the remaining patrons to and from the site will require off-site parking and shuttle service. "Traffic levels on the residential streets leading to the site, Douglas, Ostrander, Oswald West and Chamberlain will increase substantially, however, the level of service will remain "Good" at all locations. The use of shuttle buses will moderate the increase in traffic on these streets but could increase noise especially after an event."

The City, prior to reviewing the full MUM application, had Branch Engineering perform a peer review on the above TIS. Branch Engineering offered several comments, expressing concerns over the lack of discussion within the TIS of emergency vehicle access, specifics for off-site parking, lack of manual turn movement counts at five designated intersections, and lack of accident evaluation.

The applicant submitted a response from Access Engineering to this peer review at the April 6th public hearing. Principally, their response stated that manual turn movement counts were not performed because the City did not ask for them, emergency vehicle access was discussed elsewhere in the application, and details of off-street parking agreements would be designed once the participating businesses have been determined. They also provided crash data for Highway 99 in the area of the underpass connector for the years 1999-2003. ODOT's data showed only two reported crashes on this stretch of highway in that 4 year period, neither attributable to the Speedway.

Staff concurs that the analysis provided does show that the residential streets and intersections reviewed as being impacted by traffic by the Speedway and WOE will remain at a "Good" level of service (LOS) as defined by the current Cottage Grove Transportation System Plan within the planning horizon (2005-2015). A street with a good LOS typically carries vehicles at 70% or lower of full street capacity. A street with fair LOS carries 70-85% of the street capacity. Both good and fair LOS are considered acceptable by the 1998 Transportation System Plan. Based on the

applicant's analysis, the highest volume/capacity ratio at the reviewed intersections was 65%, which retains a "good" classification based on the above standard.

Staff disagrees that there are 618 dedicated parking spaces on the Speedway/WOE sites. Rather staff affirms no more than 402 parking spaces on site. The additional 300 parking spaces on City property used by the applicant for Speedway/WOE parking is only available through a 2005 agreement with the City Council which must be reaffirmed and reevaluated on an annual basis. This parking cannot be assumed for the long-term. Consequently, assumptions relating to parking in this TIS are flawed. However, staff has elsewhere conditioned maximum attendance at the Speedway to be 1,500 spectators and 300 participants, and at the WOE to be 1400. These attendance caps may not be violated unless additional formal written off-site parking agreements have been submitted and approved by City Council, which must occur on an annual basis. So long as attendance is capped at 1500 max, and parking agreements are reviewed for their impacts upon the neighborhood streets (including paths of entrance, hours of operation, etc.) the on-site parking figure at the Speedway/WOE will be greatly lower than the figure used in the TIS and hence should not change the overall findings of the TIS.

The City concurs that the traffic generated by the Speedway and WOE does not reduce the level of service below a fair standard as established in the Cottage Grove Transportation Plan.

- C. *That the location, design, size and land uses are such that the development can be adequately served with existing or planned facilities and services, such as utilities, fire, or engineering standards, which may be provided in phases.*

Both sites are either served or can be served by facilities and services. Existing facilities on both sites are shown on the Exhibit maps. Required utility connections and/or upgrades for water, sewer, fire suppression and fire access are discussed elsewhere in this staff report. Compliance with conditions stated in this staff report will ensure that the location, design, size and land uses proposed are adequately served with public services.

13. 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 which may be private or public in nature.

14. The proposed amendments are in compliance with Statewide Goals as detailed in the record, these findings and 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 as the property is located in an urban area and within the urban growth boundary of the City of Cottage Grove.
- 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 use, a private speedway is a permitted use 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 have shown compliance with the criteria of each applicable land use code section during MUM review. Hence compliance with the zoning code and MUM plan and conditions 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 have been considered during MUM review process and conditions have been established to ensure that this goal is met.
- Goal 7: Areas Subject to Natural Disasters and Hazards: The major concerns on these parcels relate to floodplain concerns have been addressed during development review pursuant to the existing city ordinances.
- Goal 8: Recreational Needs: The approval of this MUM plan and conditions will allow for and encourage the development of the area for recreation-oriented use through private investment.
- 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 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: Not applicable.
- Goal 11: Public Facilities and Services: The MUM plan and conditions ensure that facilities and services are 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 this parcel. The City's existing water production and wastewater treatment plants will accommodate development resulting from this development MUM.
- Goal 12: Transportation: Traffic impact has been review and it was found that the MUM was in compliance with the City's TPR.
- Goal 13: Energy Conservation: The MUM 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 in the Urban Growth Boundary and the MUM is requiring urban level of service and the orderly provision of such services..
- Goal 15: Willamette River Greenway: This property is entirely within the Willamette River Greenway. The existing use, a private speedway, is a permitted use in the PR/Greenway zone contingent upon Mixed Use Master Plan approval. The MUM Mixed Use Master Plan review process consolidates multiple land use applications, including greenway conditional use permit review. Hence compliance with the zoning code and MUM plan and conditions 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.

Additional findings for Ordinance No. 2928

I. Public Hearing

City Council held a public hearing on September 27, 2010 the eight items remanded by the Land Use Board of Appeals related to the Zone Change and Mixed Use Master Plans for the Cottage Grove Speedway and the Western Oregon Exposition.

II. Goal 12 – Transportation

LUBA found the city's original Goal 12 findings insufficient. Specifically, it found: that the city erred to the extent it relied upon a TIS that fails to evaluate traffic impacts for uses allowed in the PR zone through the end of the planning period identified in the city's TSP; that there were no findings addressing the Goal 12 Transportation Planning Rule (TPR); and that the city's findings failed to address issues related to the railroad underpass. LUBA remanded for the city to adopt findings addressing the TPR and, if necessary, to require a revised TIS that is sufficient to establish conformance with the rule.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The end of the planning period for the Cottage Grove Transportation System Plan (TSP) that was in effect in 2004 was 2015. Applicants submitted a Traffic Impact Analysis (TIS) prepared by Access Engineering that obtained traffic data in 2004 and projected traffic levels for 2005 and 2015. The city finds that the TIS evaluates traffic impacts for uses allowed through the end of the TSP's planning period.

The city finds that the TSP recognized the on-going speed way use as it planned the function, capacity and performance standards of the transportation facilities in the vicinity of the speedway. TSP Figure B-3 Existing Land Use shows the speedway property designated for public use. Importantly, Figure B-4 Vacant and Underutilized Land does not show the speedway property as vacant or underutilized. The TSP planning was done with the speedway uses in mind.

The February 2005 TIS analyzes the traffic impacts at five key intersections. Two of those intersections – at Highway 99/Chamberlain Avenue and at Highway 99/railroad underpass – are the closest state transportation facility intersections to the speedway. Although separated by approximately 1,000 feet, they represent the first two access points to Highway 99 from the speedway.

The state uses a volume to capacity (V/C) ratio for determining capacities of state transportation facilities. The minimum acceptable performance standard for state transportation facilities depends, in part, upon the facility's classification and the allowable speed at a particular location. For a facility such as Highway 99 in Cottage Grove, at speeds 45 mph and greater, the maximum allowable V/C ratio is 0.8 (80% of capacity). At speeds between 35 mph and 45 mph the allowable V/C ratio is 0.85 (85%). At speeds 35mph and less it is 0.9 (90%).

The speed limit at the Highway 99/Chamberlain Avenue intersection is 25 mph. The speed limit at the Highway 99/Underpass connection intersection is 35 mph. Therefore, the maximum allowable V/C ratio for Highway 99 at either intersection is 0.9 (or 90% of capacity).

The TIS analyzed the traffic volumes for a 2005 speedway event with an average attendance of 1,000 persons and for a 2015 speedway event with a maximum attendance of 6,000 persons. For the 2005 event, all attendees could be handled by the on-site parking. For the 2015 event, attendance would exceed the on-site parking capacity. Consequently, the TIS analysis included the traffic flow for the maximum amount of traffic to the shared Speedway/WOE parking plus additional shuttle vehicle trips from off-site locations. Additionally, although most speedway events are on Saturdays and Sundays, the analysis adjusted the entering peak hour analysis to

utilize the higher weekday background rush-hour traffic volume in case a large event occurs on a Friday night. The TIS analyzes the maximum potential traffic impacts from the proposed use. Furthermore, no party has argued that the proposed zoning allows any other use that would result in greater traffic impacts than the speedway use.

The TIS operational analysis contained in Tables 4 and 5 are expressed as V/C in percentages. The V/C ratios/percentages used in the tables can be used for the Goal 12 analysis of the state facilities. The TIS converted those V/C ratios to Level of Service (LOS) values in concluding that the proposal resulted in levels of travel or access consistent with the TSP for local streets. The Goal 12 analysis follows.

Goal 12 and the TPR are invoked whenever a local government approves an amendment to a land use regulation. A zone change represents an amendment to a land use regulation. Consequently, the TPR is applicable and must be addressed.

Under OAR 660-012-0060(1), a local government must determine whether an amendment to a land use regulation will "significantly affect" a transportation facility as described by the TPR. This proposal does not change the functional classification of an existing or planned transportation facility or change the standards implementing a functional classification system. Consequently, the proposal does not trigger OAR 660-012-0060(1)(a) or (b).

The key question here is whether the proposal allows levels of development that results in levels of travel or access that are inconsistent with the functional capacity of a transportation facility, or will reduce the performance of a transportation facility below its minimum acceptable performance standard. OAR 660-012-0060(1)(c)(A) and (B).

Table 4 of the TIS demonstrates that Highway 99 will operate well below its V/C ratio of 0.9 (90%) in 2005 for both the entering and exiting peak hour trips for both the Chamberlain Avenue and the underpass intersections. Table 4 shows that the highest entering peak hour V/C occurs at the underpass intersection, at 28% (0.28) of capacity. The Chamberlain Avenue intersection maximum entering peak hour V/C is 26% (0.26). The maximum exiting peak hour V/C is 29% (0.29) for the underpass and 15% (0.15) for the Chamberlain Avenue intersection.

Table 5 shows the operational analysis for the 2015 maximum speedway event scenario. As expected, there is a demonstrable increase in the volume to capacity percentage/ratio, but it is still well below the minimum acceptable performance V/C standard of 0.9 (90%) for both the entering and exiting peak hours. The maximum entering peak hour V/C for the Highway 99/Chamberlain Avenue intersection is 65% (0.65), and for the Highway 99/underpass intersection it is 38% (0.38). The exiting peak hour numbers are 38% (0.38) for the Highway 99/Chamberlain Avenue intersection and 31% (0.31) for the Highway 99/underpass intersection.

Based upon the analysis contained in the TIS, the city concludes that the proposal will not significantly affect a state or local transportation facility.

This conclusion should not be surprising. As noted above, the TSP planned for transportation facilities to support the existing speedway uses. In fact, the approvals place a binding reduction on the traffic impacts of the speedway use from the prior county nonconforming use. Under the CGZO, speedways and racetracks are permitted only through a MUMP. The MUMP in this instance restricts on-site parking to 1500 spectators plus participants. Events that attract additional spectators must provide off-site parking and shuttle transportation to the speedway for those additional spectators. Uncontested from the *Leach v. Lane County*, 45 Or LUBA 580 (2003) nonconforming use litigation is that the nonconforming use included on-site parking for up to 1700 spectators plus participants. The proposed use as conditioned in this instance mandates a decrease in allowable on-site parking. The decrease in parking spaces results in a corresponding decrease in traffic impacts compared to what previously occurred with the speedway use. A decrease in related traffic impacts does not significantly affect a transportation

Furthermore, the maximum intensive use allowed under the CGZO – a racetrack/speedway – is identical to the maximum intensive use allowed by the Lane County Code for the property's county zoning. Racetracks were an allowable conditional use under the Lane Code zoning (AGT-5) for the property when the property was in the county. See LC 10.322-15(1)(k). Under the city's zoning ordinance, racetracks are an allowable conditional use subject to additional mixed use master plan (MUMP) review. When one compares the conditional use review criteria for racetracks under the Lane Code to the approval criteria for racetracks under the CGZO, one sees that there is nothing about the Lane Code standards that would require a permitted race track use to be less intense than one that would be permitted under the CGZO. Instead, the opposite is more likely true; the CGZO approval standards are more restrictive than the previous county standards for racetracks. At the least, one can say that the change in zoning does not allow for greater levels of travel or access than would have been permitted under the previous zoning – the uses and consequent impacts are the same. An identical most-intensive use does not significantly affect a transportation facility under the TPR.

As part of this approval, the city imposes a condition of approval that requires that ODOT be notified in the event the speedway property owner requests an amendment to the MUMP to allow for an increase in the number of on-site parking spaces for speedway events. This condition will provide ODOT with notice of potential increases in traffic impacts that could arise and allows ODOT an opportunity to participate in that proceeding.

Last is the underpass issue. The city has received no notification from ODOT Rail that it intends to close the undercrossing and prevent its use by the public. Therefore, there is no evidence that the underpass will not be available for use for the foreseeable future. Condition of approval 9 has two components to it. The first requires that, if ODOT Rail closes the undercrossing, the applicants are required to submit a revised TIS to the Community Development Department. LUBA concluded that this requirement alone is not sufficient to ensure compliance with the

TPR. However, the second component of condition of approval 9 requires the applicant to provide a revised TIS and Goal 12/TPR analysis if the overpass closes. A problem, if one occurs anywhere, will likely occur at the Highway 99/Chamberlain Avenue intersection because the underpass is heading in the same direction and connects to the same transportation facility as does Chamberlain Avenue. It is this second requirement of the condition of approval that ensures that the development will not significantly affect the traffic facilities at Highway 99 and Chamberlain Avenue or elsewhere. Should the underpass be closed, the transportation impacts for the speedway use will be reviewed for consistency with the TSP, which includes Highway 99, and the MUMP will be modified if inconsistencies are found.

Furthermore, as discussed above, the TIS operational analysis indicates that the entering and exit peak hour V/C ratios for the most intensive speedway events at the end of the TSP planning period are well below the 0.9 (90%) minimum acceptable performance standards for those facilities. That evidence supports the conclusion that, even should the underpass be closed, the Highway 99/Chamberlain Avenue intersection will likely still operate within the planned capacity for the facility. The imposed condition of approval 9 will require verification that is the case and, if it is not, amendment to the MUMP.

In addition, should the undercrossing be closed, the Director shall require the property owner to amend the MUMP to address and establish compliance with CGZO 18.46.170(C)(2)(e) "compatibility with the surrounding area" as it relates to traffic issues created from the closed underpass. This will ensure compatibility, should the overpass close. Such amendments will require notice and an opportunity to appeal.

For the reasons provided above, the city concludes that the evidence in the record demonstrates that the proposal will not significantly affect a transportation facility and is consistent with Goal 12 and the TPR. The above findings are also incorporated by reference as supplemental findings for CGZO 18.33.060(B) and CGZO 18.46.170(C)(2)(e).

Condition (9) RAILROAD UNDERCROSSING

- a. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to Goal 12/TPR review related to impacts caused by the underpass closure. That applicant shall submit a revised Traffic Impact Study as part of the revision. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.
- b. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to CGZO 18.46.170(C)(2)(e) review related to traffic issues caused by the underpass closure. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.

III. CGZO 18.17.090 – PR Parks and Recreation District; Yard Regulations

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for the regular or constant parking of automobiles or other vehicles.**

FINDING: The original proposal showed parking within the 15 foot setback north of the fence. There is sufficient room on site to move the parking spaces located within the 15 foot front yard setback outside of the setback area. 15 feet of open space can be maintained to the north of the fence.

Condition of Approval: The Front Yard Setback condition #24 in Exhibit C of Ordinance 2928 shall be amended to read:

“Front Yard Setback: No new structures, storage of materials or off street parking will be allowed within the 15 foot front yard setback, including that area north of the chain link fence separating the Cottage Grove Speedway and the Western Oregon Exposition.”

This will bring the property into compliance with CGZO 18.17.090.

IV. CGZO 18.42.070(A) and (F) - Off Street Parking; Parking Area Improvements

All public or private parking areas *** which contain four or more parking spaces *** shall be improved according to the following:

A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. All parking areas *** shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

F. Parking Area Improvement Requirements set forth in paragraph 18.42.070 “A” may or may not be lessened subject to review and approval by the design review committee and/or the planning commission. Parking area surface improvement requirements may be lessened upon review and approval of individual applications the same apply to equipment storage areas or compounds and infrequently used off-street parking areas where the same are required to be provided by this title. (Infrequent means an area used ten or less days or times per month).

FINDING: The proposal is for 10 use days each month year round eliminating the 15 days each month during June, July and August as originally approved in Condition #1 – Number of Days of Operation. These are combined use days for the Speedway and WOE. The Speedway and WOE propose to maintain their parking lots in a combination of grass (WOE) and gravel/compacted dirt (Speedway). Because of this restriction on use days, the spectator parking areas will be used ten or less days per month. This meets the definition of “infrequent.” As such, the City has authority to lessen Parking Area Improvement Requirements. The City finds that because the spectator parking area will be used infrequently, the parking area can be maintained in gravel/compacted dirt.

Condition of Approval:

1. The Number of Days of Operation Condition #1 in Exhibit C to Ordinance No. 2928 (CG Speedway) shall be amended to read as follows:

“NUMBER OF DAYS OF OPERATION:

Maximum number of use days for Western Oregon Exposition (WOE) parking lot (principal spectator parking for Speedway): **10 days per month**. The two parties (Speedway and WOE) will have to submit in writing to the Community Development Department a calendar of prospective use days as part of an annual report (no later than January 31). If combined number of events equals more than **10 days/month** they will be required to request a formal amendment of this MUM approval. If the parking lot is paved, the total number of combined events shall not exceed 120 days per year.”

2. The Number of Days of Operation Condition #1 in Exhibit C to Ordinance No. 2929 (WOE) shall be amended to read as follows:

“NUMBER OF DAYS OF OPERATION:

Maximum number of use days for Western Oregon Exposition (WOE) parking lot (principal spectator parking for Speedway): **10 days per month**. The two parties (Speedway and WOE) will have to submit in writing to the Community Development Department a calendar of prospective use days as part of an annual report (no later than January 31). If combined number of events equals more than **10 days/month** they will be required to request a formal amendment of this MUM approval. If the parking lot is paved, the total number of combined events shall not exceed 120 days per year.”

The City finds with the changes to the conditions in the Mixed Use Master Plans this criterion is complied with.

V. CGZO 18.46.100 - General Conditional Use Standards

CGZO 18.33.040.H. - Conditional Use General and Applicable Conditions. The General Conditions and applicable additional conditions set forth in Chapter 18.46 Conditional Use Permits shall apply.

FINDING: The “general conditions” and “applicable additional conditions” are set forth in CGZO 18.46.110 and CGZO 18.46.170, respectively. LUBA found that the City sufficiently addressed those standards. CGZO 18.3.040.H does not require compliance with the “general criteria” of CGZO 18.46.100. Thus no findings are required under that section.

VI. CGZO 18.50.040 – Design Review Standards

Chapter 18.50.040 Criteria for design review. The following criteria shall be utilized by the staff review committee or planning commission, as the case may be and when design review is required to ensure that the purpose and intent of this chapter are met:

- A. General. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighborhood or area, and safe, efficient and attractive development of the site.***

Staff response and findings of fact:

The subject property is developed with a pre-existing speedway which covers most of the site. The property has not been in a natural state for more than 50+ years. The natural features of the site are on the edges of the property and along the river and include: open space, riparian area, slough, wetlands, native vegetation and trees. These features are protected by Conditions 15, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 in exhibit C of Ordinance 2928. The 3.5 acres of land located north of the river are required to be preserved in open space through a conservation easement. No trees are proposed for removal, nor will their removal be permitted at a later date except unless a certified arborist validates their need for removal due to disease or damage. No soil removal is proposed. Grading, if needed, is limited to minimal preparation for paving existing graveled areas for fire access, which will not result in noticeable grade changes. No other grade changes are proposed. Because the site is already developed and is not in a "natural state," and because proposed additional site development will result in limited impacts to the few natural features on site, this criteria has been met with the conditions of approval noted above.

- B. Relationship to Neighborhood and Areas. The proposed development or physical improvements will not impair or interfere with either the development, use, enjoyment or value of other property in the vicinity or the orderly and pleasing development of the neighborhood or area as a whole.***

Staff response and findings of fact:

This criterion focuses on whether the proposed development is compatible with the surrounding vicinity.

New structures will need to comply with this criterion at the time of building permit per Condition 40. Allowing review at the time of building permit is allowed by CGZO 18.50.030(B).

The site is developed with a pre-existing speedway. The speedway has been operating since the 1950's. Although a few houses on Ostrander date from the late 1940's, the remainder of the residential neighborhood to the south of the Speedway was built after the Speedway was in full operation (1960s-1990s). The golf course to the east was developed in the 1980s, with full

awareness of and in coordination with the adjacent Speedway. Proposed new development on the Speedway site is largely limited to infrastructure improvements that bring the site up to urban standards, such as paving emergency access and installing underground infrastructure. This development is limited and is consistent and secondary to the pre-existing use. The city finds that new development, when compared to the pre-existing nature and scope of the speedway, will neither impair or interfere with the development, use, enjoyment of value of other property in the vicinity or impair nor interfere with orderly and pleasing development of the neighborhood or area as a whole because the increase is consistent in scale and scope with the pre-existing use.

Conditions 1, 2, & 3 in Exhibit C of Ordinance No. 2928, ensure that the Speedway will continue to operate in a manner that is consistent with past/current development patterns. Conditions 5 and 6 ensure that parking will not negatively impact adjacent properties. Condition 32 preserve and improve the vistas from the North Regional Park and the river, by requiring the removal of all debris, the preservation of tree coverage, and the removal of invasive species. These improvements will enhance the property as viewed from surrounding areas.

In addition, the city finds that all new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits shall be placed underground (Condition 13). This will mitigate the visual impacts of the property and foster compatibility.

The city finds this criterion has been met.

C. Project Development.

- 1. The proposed development or physical improvement has a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses;**

Staff response and findings of fact:

This criterion focuses on whether the proposed development is internally compatible.

New structures will need to comply with this criterion at the time of building permit (Condition 40 OF Exhibit C of Ordinance No. 2928). Allowing review at the time of building permit is allowed by CGZO 18.50.030(B).

The site is developed with a pre-existing speedway. The speedway has been operating since the 1950's. Most of the structures on site are pre-existing. Proposed new development is limited to infrastructure improvements that bring the development up to urban design standards, such as paving existing gravel access, access improvements and underground infrastructure. This development is limited and is consistent and secondary to the pre-existing use. The character of the development, with regard to the interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses, is set by the preexisting development. New development does not alter the existing interrelationship on the site because it does not interfere

with other buildings, parking, circulation, open space, landscaping or related activities and uses. Therefore, new development maintains the desirable, efficient and workable interrelationship of the site.

Conditions of approval regarding urban-level utilities and services will enhance the proposed development and bring it into further compliance with this criterion.

Under Conditions 7 and 10, the Speedway will be required to bring its primary and secondary accesses into compliance with Uniform Fire Code. Permanent easements shall be granted for accesses of the proper width to ensure safe exiting, and these surfaces will be paved and signed for these uses. Pedestrian and bicycle traffic shall be allowed without constraints on the full length of the secondary access way, as it crosses through the publicly owned North Regional Park and through the WOE. The Speedway and WOE will also be responsible for providing security lighting on the portion of the trail through the woods, and placing bollards or a gate before the emergency access path crosses the bike trail and end of the section of trail through the woods to prevent unauthorized vehicular traffic.

Under Conditions 12, 14, 15, 16, 17, 19 & 20, the Speedway and WOE will be responsible for the extension of public infrastructure into the site, and the development of and payment for water, sanitary sewer, and storm drainage infrastructure to urban standards within the site. This includes the installation of water for fire suppression.

The Speedway will be required to install sanitary sewer improvements from the wastewater treatment plant to the entrance gate of the Speedway within two years of approval of this application. The line must be sized to meet all existing and proposed needs for the Speedway and WOE as delineated in the Mixed Use Master Plans which include specifics under Engineering Comments).

Any new construction is required to connect to the sanitary sewer system. The Speedway is encouraged to connect the existing buildings to the new sewer system at such time when a sanitary sewer lateral is extended past existing facilities. The Speedway will be responsible for constructing the sanitary sewer service from buildings to the sanitary sewer main.

The existing 36" storm water culvert under the main access must be removed and replaced with the appropriate size culvert to handle 54 cfs, or replaced with a same size pipe that meets current city standards and another culvert needs to be installed so the capacity of the two culverts is 54 cfs. This work will require a permit from Division of State Lands and Corps of Engineers. The replacement of this culvert will be the responsibility of the Speedway, and must occur within one year of approval of this MUM.

The Speedway's pit area currently has a catch basin that drains directly to the Coast Fork of the Willamette River. The applicants have been protecting this catch basin from contamination from oil and gasoline spills with oil absorbent pads. This does not meet City standards for water quality protection. This catch basin shall be replaced with an approved sediment and oil

interceptor. This interceptor shall be maintained and cleaned as per manufacturer specifications or annually, whichever period is shortest.

Condition 18 stipulates that water improvements shall include but not be limited to a water main, appurtenances and fire hydrants. The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration.

Extension of City water for fire hydrant supply will require the upgrading/upsizing of the existing 2-inch water line. Upon completion and acceptance of the new water line, applicants will be expected to connect to the new water line and abandon the existing 2" line.

Water improvements shall be installed from the wastewater treatment plant to the northernmost fire hydrant on the Speedway property (and a branch water main to the easternmost fire hydrant on the WOE property). The improvements shall include but not be limited to a water main, appurtenances and fire hydrants.

Fire hydrants must be located immediately to the right of the Speedway entrance gate (outside on WOE property) and immediately to the north of the grandstands (before entrance to pit). Two (2) fire hydrants shall also be required to be located on the WOE site. Two (2) additional fire hydrants will need to be located on the main water line on the main access road to the south of the WOE (500' from the existing hydrant south of the wastewater treatment facility, and immediately adjacent to the wastewater treatment facility). Proper clearances around fire hydrants shall be maintained at all times per Fire Department requirements.

Provided all of the above conditions are met as stipulated in the Conditions of Approval, the city finds that this application shall meet the intent of this criterion.

2. The proposed development or physical improvement is in character with the design qualities of other developments in the area;

Staff response and findings of fact:

Development in the "area" is limited, is largely vacant or municipal or public in nature, and does not have any design qualities. The proposed use and most of the associated structures are pre-existing and are exempt from this requirement. New development and physical improvements are minimal and in scale with the preexisting development. To the extent any design qualities exist in the area, proposed new development is in character because it remains in character with the preexisting development on the site. The city finds that this criterion has been met.

3. Due consideration has been given to the historical characteristics or architectural theme within an area;

Staff response and findings of fact:

The Speedway is not identified in the Comprehensive Plan or the Cottage Grove Historic Resource Inventory as a historical site or structure. There are no historical buildings in the immediate area, nor is there a strong overriding architectural theme. The conditions of approval preserving and enhancing the river frontage will restore some of the historic feel of site. The City finds this criterion has been met.

4. *There is sufficient variety in the design of the structures and ground to avoid monotony in the external appearance.*

Staff response and findings of fact:

The ground design is largely pre-existing. No new ground design development is proposed. The existing Speedway consists of a series of metal and wood bleachers/grand stands around 2 sides of an oval track, with smaller one story accessory structures behind the center grandstand for concessions, administration, ticketing, etc. The tallest structures are in the center of the property, well away from the view of the river or the golf course. The composition of the complex disallows monotony. New structures shall address this requirement at the time of building permit per conditions of approval. The City finds this criterion has been met.

D. *Aesthetic Design*

1. *The design, size, shape and arrangement of structures and uses are in scale and compatible with the surroundings;*

Staff response and findings of fact:

The surrounding area largely consists of public land: a golf course; an open park; a waste-water facility; undeveloped ODOT land; a river; and Hwy 99 (and in the distance, I-5). The city finds that the design, size, shape and arrangement of the existing Speedway complex can be brought into compliance with this criterion through conditions of approval that specifically enhance the riparian corridor, vistas, and natural habitat areas that screen the majority of the complex from view from adjacent properties, and through removal of debris, nonnative species, and extraneous signage that detract from the appearance of the property. The structures meet code requirements for building height and are no taller than the trees in the foreground when viewed from adjacent properties. The existing development is clustered in the center of the property away from adjoining properties, which helps keep the more substantial of the structures from overwhelming their surroundings. Proposed structures, and the use of those structures, will have to comply with this standard at the time of building permit, when schematic drawings are available. However, it is worth noting that new structures are few and will be in scale with preexisting structures and the use of the structures will be consistent with preexisting uses on the site. The City finds this criterion has been met.

2. ***Exposed utility lines, storage areas, machinery, installations, service and loading area, advertising features and similar accessory areas and structures are set back or screened to minimize the loss of natural light, views, privacy and general aesthetic value of surrounding properties;***

Staff response and findings of fact:

Utility lines shall be underground on the site per Condition 13 (Exhibit C of Ord. #2928). Riparian and perimeter yard setbacks (Conditions 26, 27 of Exhibit C) will keep all development, including parking and signage, away from property lines, which will minimize loss of natural light, views, privacy and general aesthetic value of the surrounding properties. Conditions 31 and 32, which protect the riparian zones and vistas from being used for the storage of debris or other materials, and Condition 36, Debris Removal, will also assist in bringing the property into compliance with this criterion. Condition 37 allows for the establishment of an area for exterior storage of materials; however this area must be located outside of riparian zones, designated wetlands, perimeter buffers or open space and must be screened from view. Condition 42 restricts signage to that which does not visually impair adjacent properties.

The city finds that compliance with these conditions will bring the proposed development into compliance with this criterion.

3. ***The development or physical improvement is so designed, sized or sited to minimize obstruction of scenic views.***

Staff response and findings of fact:

The existing development is clustered in the center of the property away from adjoining properties, which helps keep the more substantial of the structures from overwhelming their surroundings. New development will not obstruct scenic views, as it is limited in proposal to small one story structures clustered away from adjacent riparian areas, wetlands, perimeter yards or open space. Furthermore, scenic views are protected by Condition 32, which requires the Speedway to delineate a riparian corridor, restore and/or enhance the existing riparian corridor, and preserve and enhance riparian vegetation to buffer existing development from views of the Speedway. Provided this condition is met, the city finds the Speedway in compliance with this criterion.

E. Landscaping

1. ***The development or physical improvement shall provide sufficient landscaping to assure a pleasant and aesthetic on-site environment and provide protective screening, including fences, when necessary. Landscaping shall be located in at least the following separate areas:***

- a. *The front yard, when required, or that adjacent to the public right-of-way;*

Staff response and findings of fact:

No landscaping is required in the front yard, although this area will be kept free from parking or storage of materials per conditions of approval. No portion of the site is adjacent to the public right of way. This criterion is met.

- b. *Along any lot boundary adjacent to a residential zone;*

Staff response and findings of fact: There are no adjacent residential zones. This criterion is met.

- c. *To define, soften or screen the appearance of off-street parking areas from the public right-of-way.*

Staff response and findings of fact:

Off-street parking is obscured from public right of way by vegetation, existing development, and the river and associated riparian area. No additional screening is necessary apart from that offered by vegetation and trees, which are protected and/or enhanced through Conditions 25, 32, 33, and 34 of Exhibit C of Ordinance No 2928. This criterion has been met.

2. *All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing, in a substantially similar manner as approved.*

Staff response and findings of fact: No new ornamental landscape is required or proposed. However, the applicant will be responsible for the irrigation and maintenance of new native trees or other native vegetation planted to meet the goals of riparian or wetland enhancement and rehabilitation of native vegetation per Conditions of approval 33 and 34 of Exhibit C of Ordinance No 2928. This criterion has been met through conditions.

- F. *Advertising Features. The size, location and design of all exterior signs and illumination are in scale and harmony with the site and area.*

Staff response and findings of fact:

The Speedway has several large banner signs advertising current sponsors on the exterior of the grandstands, within the track and/or concessions area. So long as these banners remain temporary in nature and cannot be seen clearly from any public right-of-way, from the river, or from the North Regional Park, they are permissible.

The Speedway also has one large banner at the entrance gate of the racetrack that is up during the duration of the racing season ("Welcome to the Cottage Grove Speedway"). As the Sign Code does not allow banners for "permanent" signage, this sign must be replaced with a permanent sign. A building permit will be required for this sign. The sign shall be no more than 50 square feet, as required by Condition 42. That sign will be smaller than the existing banner and will therefore be more in scale and harmony with the neighborhood. Provided Condition 42 is followed, the city finds the Speedway in compliance with this criterion.

VI. CGZO 18.46.170(C)(2)(e) – Compatibility with the site and surrounding area.

FINDING:

Review of this provision on remand is limited to the railroad underpass. As established under Goal 12 above, the proposal relates to less traffic impacts, making the proposal compatible with the surrounding area. The Findings under Section III above regarding Goal 12 are incorporated herein.

EXHIBIT 'C'
TO ORDINANCE NO. 2928

MUM 1-05 CONDITIONS
COTTAGE GROVE SPEEDWAY

NOTE: These conditions shall become effective after all appeals are exhausted, unless otherwise specified in the individual conditions below.

(1) NUMBER OF DAYS OF OPERATION:

Maximum number of use days for Western Oregon Exposition (WOE) parking lot (principal spectator parking for Speedway): **10 days per month**. The two parties (Speedway and WOE) will have to submit in writing to the Community Development Department a calendar of prospective use days as part of an annual report (no later than January 31). If combined number of events equals more than **10 days/month** they will be required to request a formal amendment of this MUM approval which shall not include a waiver of the condition related to pavement.

(2) ATTENDANCE:

The maximum spectator attendance at the Speedway shall be 1,500, unless additional parking agreements, or parking plans for use within the development site, can be shown. These agreements must be submitted to the Community Development Director for City Council approval at the beginning of each year. Attendance records shall be presented in writing to the Community Development Department on a quarterly basis (January, April, July, October).

(3) HOURS OF OPERATION:

OAR 340-035-0040

- (A) Sunday through Thursday during the hours 8 a.m. to 10 p.m. local time; and
- (B) Friday through Saturday, state and national holidays and the day preceding, not to exceed three consecutive days, during the hours 8 a.m. to 11 p.m. local time.
- (C) Overruns. Each motor sports facility may overrun the specified curfew times, including the time specified in subsection (11)(c) of this rule, not to exceed 30 minutes, no more than three days per year due to conditions beyond the control of the owner. Each overrun shall be documented to the Community Development Department within ten days of the occurrence;
- (D) Special Events. Any approved special motor racing event (Outlaws & Monster Trucks for example), may also be authorized to exceed this curfew pursuant to subsection (12)(a) of this rule.

The Speedway will be required to notify the Community Development Department in writing of occurrences of overruns on the Monday following the event so that these may be tracked.

(4) NOISE STANDARDS:

OAR 340-035-0040:

(2) Standards:

(c) Sports Car Racing Vehicle. No motor sports facility owner and no person owning or controlling a sports car racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well-maintained muffler and noise emissions from its operation do not exceed 95 dBA at trackside, except for special events (as amended by City of Cottage Grove);

(i) Go-Kart Racing Vehicle. No motor sports facility owner and no person owning or controlling a go-kart racing vehicle shall cause or permit its operation at any motor sports facility unless the vehicle is equipped with a properly installed and well-maintained muffler and noise emissions from its operation do not exceed 95 dBA at trackside (as amended by City of Cottage Grove).

(ii) Special Events as defined in 3 above shall not exceed 105 dBA at trackside.

("Trackside" means a sound measuring point of 50 feet from the racing vehicle and specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPCS-35.)

(7) Measurement and Procedures. All instruments, procedures and personnel involved in performing sound level measurements shall conform to the requirements specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPCS-35, or to standard methods approved in writing by the Department.

(8) Monitoring and Reporting:

- (a) It shall be the responsibility of the motor sports facility owner to measure and record the required noise level data as specified under subsections (2)(b) - (i) of this rule and the Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPCS-35. The owner shall either keep such recorded noise data available for a period of at least one calendar year or submit such data to the Department for storage.

NOTE: The City will require that proof of compliance with above vehicle noise standards be provided to the Community Development Department in writing on a monthly basis during race season.

(9) Vehicle standards. No motor sports facility owner and no person owning or controlling a racing vehicle shall cause or permit a racing event or practice session unless the vehicle is equipped and operated in accordance with these rules.

(5) PARKING:

All event parking must be provided on-site or through formal parking agreements with other property owners as approved by City Council. No parking allowed in center of Speedway's track, in designated open space, in perimeter yards front yard, or within 15' of top of bank.

In the event an amendment to MUM-1-05 is proposed for on-site parking beyond 1,500 parking spaces plus participants, the applicant shall provide the City and ODOT a revised traffic impact analysis that demonstrates traffic generation from proposed increase of parking spaces is consistent with the Transportation Planning Rule. ODOT shall be notified and given an opportunity to participate in the review process.

(6) SUPPLEMENTARY PARKING AGREEMENTS:

Supplementary parking agreements must be submitted in writing at the beginning of each calendar year (or no later than January 31) to the Community Development Department for approval by the City Council. Maximum attendance at the Speedway will be established on an annual basis by the Community Development Director based on these approved arrangements. Parking agreements shall include a site plan detailing the proposed number of cars to be accommodated on the site, details on types and number of vehicles to be used for shuttling, number of vehicles that can be accommodated at proposed site, hours of shuttle operation, advertisement plan, etc.

(7) PRIMARY ACCESS DEVELOPMENT (from wastewater treatment plant to WOE property):

- (1) Obtain (and submit to City of Cottage Grove) 25' wide access/maintenance easements in perpetuity from all involved property owners;
- (2) Widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement;
- (3) Where the easement is widened it shall have a surface of compacted gravel able to withstand 50,000 lbs and shall be constructed at the next construction season;
- (4) Pave (asphalt or concrete) 20' wide continuous surface along full length of easement. Pavement shall be required within two years after utilities are installed;
- (5) Sign length of easement for "No parking/Fire Lane".

These timeframe for these conditions shall run from the date of approval by City Council regardless of any appeal period.

(8) N. DOUGLAS REALIGNMENT:

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The City will work with the applicants to choose the proper realignment. The applicants will be required to work with the City to record a permanent easement for this access. This improvement will be scheduled in conjunction with the City Engineer following the completion of the City's expansion project at the wastewater treatment facility.

(9) RAILROAD UNDERCROSSING

- a. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to Goal 12/TPR review related to impacts caused by the underpass closure. That applicant shall submit a revised Traffic Impact Study as part of the revision. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.

- b. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to CGZO 18.46.170(C)(2)(e) review related to traffic issues caused by the underpass closure. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.

(10) SECONDARY ACCESS (SOUTHERN):

The City will work with Speedway & WOE to designate and grant a permanent access easement (for emergency vehicle, pedestrian and bicycle use only) of 20' in width through the City's property. The WOE and Speedway will be responsible for construction and maintenance of the full length of the secondary access, including all portions on City property. Secondary access must meet Fire Department standards (easement width of 25', unobstructed horizontal clearance of 20', paved width of 12', vertical clearance of 13'6" throughout full length, see Fire Department recommendations). The Speedway and WOE will also be responsible for providing security lighting on the portion of the trail through the woods, and placing bollards or a gate before the emergency access path crosses the bike trail and end of the section of trail through the woods to prevent unauthorized vehicular traffic. Pedestrian and bicycle traffic shall be allowed without constraints on the full length of the access way. Maintenance of access will be responsibility of applicants (from the WOE to the existing bike path).

Construction of this secondary access shall occur within two years of approval of this MUM. Plans for construction shall be submitted for approval by the Community Development Department and Fire Department prior to initiation of construction.

(11) SECONDARY ACCESS LOCATED AT THE NORTH END OF THE PIT PARKING AREA:

This entrance must be maintained to meet Fire Department standards as a condition of approval.

(12) INFRASTRUCTURE DEVELOPMENT:

The WOE and Speedway will be responsible for payment of all system development charges and review fees for new and/or required improvements.

The WOE and Speedway will need to sign a developer's agreement and pay any associated fees due because of the extension of public infrastructure (water and sewer). WOE and Speedway will bear all or a majority of the costs to extend or upgrade this public infrastructure.

(13) UNDERGROUND UTILITIES:

All new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits shall be placed underground.

(14) SANITARY SEWER:

The Speedway will be required to install sanitary sewer improvements from the wastewater treatment plant to the entrance gate of the Speedway within two years of approval of this application. The improvements include but are not limited to sewer main, manholes and service line.

This line shall be designed and stamped by a Registered Professional Engineer in the State of Oregon, and shall be reviewed for compliance with City standards prior to construction. The line must be sized to meet all existing and proposed needs for the Speedway and WOE as delineated in this MUM (see Engineering Comments for specifics).

Any new construction is required to connect to the sanitary sewer system. The Speedway is encouraged to connect the existing buildings to the new sewer system at such time when a sanitary sewer lateral is extended past existing facilities. The Speedway will be responsible for constructing the sanitary sewer service from buildings to the sanitary sewer main.

(15) STORM DRAINAGE EASEMENT:

Speedway owners shall grant a storm drainage easement to the City of Cottage Grove along the slough/drainage ditch so the City may maintain this public drainage way. Placement of fill within the slough will be prohibited.

(16) STORM CULVERT:

The existing 36" culvert under the main access needs to be removed and replaced with the appropriate size culvert to handle 54 cfs, or this pipe needs to be replaced with a same size pipe that meets current city standards and another culvert needs to be installed so the capacity of the two culverts is 54 cfs. This work will require a permit from Division of State Lands and Corps of Engineers. The replacement of this culvert will be the responsibility of the Speedway, and must occur within one year of approval of this MUM.

(17) PIT STORM DRAINAGE:

The Speedway's pit area currently has a catch basin that drains directly to the Coast Fork of the Willamette River. The applicants have been protecting this catch basin from contamination from oil and gasoline spills with oil absorbent pads. This does not meet City standards for water quality protection. This catch basin shall be replaced with an approved sediment and oil interceptor. This interceptor shall be maintained and cleaned as per manufacturer specifications or annually, whichever period is shortest. The installation of this catch basin shall occur within one year of approval of this MUM.

(18) WATER:

Water improvements shall include but not be limited to a water main, appurtenances and fire hydrants (see Fire Marshal requirements). The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration, and shall be a minimum of 8-inch ductile iron pipe (see Engineering Department for specifications). This line shall be installed per City Engineering Department standards within two years following MUM approval.

Upon completion and acceptance of the new water line, applicants will be expected to connect to the new water line and abandon the existing 2" line.

The applicants will be required to submit a complete fixture count (number of bathrooms, trailers, food booths, concessions, etc.) to the Engineering Department to ensure that the water meter size and service line are adequately sized at the time of review of water improvement plans.

(19) BACKFLOW DEVICES:

A backflow device may be needed for the extension of existing operations. All new construction on either site shall require a backflow device. (See Engineering Comments.) The property owners shall be responsible for yearly testing of all backflow devices.

(20) WATER IMPROVEMENTS FOR FIRE SUPPRESSION:

Extension of City water for fire hydrant supply will require the upgrading/upsizing of the existing 2-inch water line. This shall occur within two years following approval of this MUM.

Water improvements shall be installed from the wastewater treatment plant to the northernmost fire hydrant on the Speedway property (and a branch water main to the easternmost fire hydrant on the WOE property). The improvements shall include but not be limited to a water main, appurtenances and fire hydrants.

Fire hydrants must be located immediately to the right of the Speedway entrance gate (outside on WOE property) and immediately to the north of the grandstands (before entrance to pit). Two (2) fire hydrants shall also be required to be located on the WOE site. Two (2) additional fire hydrants will need to be located on the main water line on the main access road to the south of the WOE (500' from the existing hydrant south of the wastewater treatment facility, and immediately adjacent to the wastewater treatment facility). All six (6) hydrants shall be located per Fire Department standards within two years following MUM approval.

The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration, and shall be a minimum of 8-inch ductile iron pipe (see Engineering Department for specifications). This line shall be installed per City Engineering Department standards within two years following MUM approval.

Proper clearances around fire hydrants shall be maintained at all times per Fire Department requirements.

(21) TEMPORARY WATER IMPROVEMENTS FOR FIRE SUPPRESSION:

A temporary water supply source can be maintained on site for joint use until permanent water system improvements can be made (see EXHIBIT A: COMBINED CONDITIONS). The minimum accessible on site storage in this configuration will be 10,000 gallons. This tank can be removed after hydrants are properly installed.

(22) FIRE EXTINGUISHERS:

A detailed plan indicating the size, type and distribution of fire extinguishers must be provided as a condition of approval. The Fire Marshal retains the right to require changes to this plan, and stipulate location, type and number of fire extinguishers if the provided

plan proves inadequate to meet International Fire Code requirements. This plan shall be provided within three (3) months of MUM approval regardless of appeals, and conditions placed by Fire Marshal upon its review shall be met immediately thereafter.

(23) FIRE LANES:

Fire lanes must adhere to following Fire Code requirements:

- (1) The two turnarounds located on the Speedway property (near the northeast and southeast ends of the track) are substandard as shown. These turnarounds must have a horizontal clearance of 20' to accommodate fire trucks. Inside turning radius is to be 28'.
- (2) All fire lanes within the Speedway site and WOE site must have a 20' wide horizontal clearance (with 12' of driving – asphalt or compacted gravel – surface). There is a choke point to the north of the family grandstands (labeled Grandstand B) that must be widened to 20' to meet this requirement. Additionally, the fire lane in front of the main grandstands must be widened to 20' (from its current 14' width). This widening must happen within one year of MUM approval prior to any appeals, and may require moving of fences, berm, seating, etc. See drawings attached to Fire Marshal comments April 29, 2005 indicating emergency access road widths.
- (3) The entire route of emergency access must be posted to prevent obstruction by vehicle parking or other obstructions. To reduce the number of signs and still meet the posting requirements, sign posts can be installed every 75 feet staggered on opposite sides of the access road with signs posted on both sides of each pole.

The Speedway shall submit plans for monitoring apparatus access road clearance to verify no obstructions take place during events. These plans shall be submitted immediately upon approval of this MUM regardless of appeals for approval by the Fire Marshal, and shall become a condition of approval for the duration of this MUM.

(24) FRONT YARD SETBACK:

No new structures, storage of materials or off street parking will be allowed within the 15 foot front yard setback, including that area north of the chain link fence separating the Cottage Grove Speedway and the Western Oregon Exposition.

(25) OPEN SPACE:

Speedway's open space area should be protected through a conservation easement. This conservation easement shall be written to protect the designated portion of the property from development intrusion in perpetuity, and must be recorded with Lane County within one year of approval of this MUM.

(26) PERIMETER YARD:

A 15' perimeter setback along east property line must be maintained. No storage of materials, structures or parking may occur within this 15' setback.

(27) RIPARIAN SETBACK:

No new structures shall be allowed within 15' of the top of bank. Any existing structures substantially rebuilt (over 50% of value of structure replaced) or moved shall be moved at minimum 15' from top of bank.

(28) RIPARIAN FENCING:

A 4' high continuous fence will be required along the 15' riparian setback in the pit area, which shall curve around the northern end of the pit to the juncture with the fire access in the northeast corner. Construction and maintenance of this fence shall be a condition of approval. This fence construction shall occur within one year of approval of this MUM.

(29) WETLANDS IMPACTS:

Future development that may have impacts upon wetland areas will trigger a formal wetland delineation by a qualified soil scientist. If development does impact delineated wetlands, the applicant will be responsible for all required USACE/DSL permits.

(30) PROTECTION OF ON-SITE WETLANDS:

- The Speedway shall protect the slough from invasive species by:
 - Recording a conservation agreement between Speedway and City for protection of dedicated open space area along this slough; and
 - Submitting a revegetation plan for riparian and wetland areas by Speedway within one year of MUM approval, showing timeline for removal of invasive species and revegetation with native species within 10 year period.
- The Speedway shall protect the slough and wetlands areas from damage caused by pedestrians crossing from North Regional Park, litter (household and industrial), and/or contamination from oil products or human waste by:
 - On-going maintenance of existing fencing,
 - Installing fencing along slough on Speedway site behind the cell tower to prevent pedestrian crossing at that location, and
 - Immediately removing of all potential contaminants and debris from proximity of wetlands, including but not limited to abandoned cars, metal, building materials, tires, trailers, etc.
- The Speedway shall protect potential wetland in middle of pit area, by:
 - Locating port-o-potties away from potential wetland site;
 - Using the wetland site for parking only during low-water periods;
 - Providing additional testing if paving or storm drainage changes are required.
- There shall be no filling allowed without USACE/DSL permit.

(31) PROTECTION OF RIPARIAN ZONES:

- The Speedway shall protect the riparian area along Coast Fork of Willamette River by:
 - Installing a 4' minimum height fence as established in the Riparian Fencing condition above.
 - Revegetating the riparian vegetation area above fence (to include planting of native trees and other species) within 10 years, on a schedule approved by the Community Development Department.

- Prohibiting new structures within 15' of top of bank of Coast Fork.
- Removing or relocating replacement and/or remodeled (greater than 50% value) buildings currently located within riparian corridor to outside of 15' riparian setback.
- Recording a conservation easement for 3.5 acre open space area on the north side of river bank, as approved by the Community Development Department. The easement shall be recorded in perpetuity.
- Removing all debris (abandoned cars, metal, building materials, tires, etc.) from riparian zone.

(32) VISTA PROTECTION:

The Speedway shall protect and preserve the vistas from river and North Regional Park by:

- Removing all debris from the riparian zone.
- Delineating the riparian corridor with a min. 4' high fence as established in the Riparian Fencing condition above and restoring vegetation between fence and top of bank.
- Removing all structures as replaced and/or upgraded from 15' riparian setback area.
- Removing of all debris from pit area and from slough area.
- Preserving existing trees on site and replanting of lost or diseased trees immediately upon removal.
- Removing invasive species on slope of Coast Fork, and replacing with native ground cover and riparian vegetation per Greenway vegetation removal standards.

(33) REHABILITATION OF NATIVE VEGETATION:

Rehabilitation of the native vegetation on the site will require the removal of blackberries and other invasive species from identified wetlands and riparian corridors and their replacement with native vegetation as specified in the Greenway maintenance standards. Revegetation plans should include the planting of native trees within the riparian corridor. Revegetation plans must be submitted within one year of approval of this MUM. This plan shall include a detailed schedule for work to be concluded within 10 years. This work must be completed to the specifications of the Community Development Department. Ongoing maintenance of natural areas will be required as a condition of approval.

(34) TREE PRESERVATION:

No trees shall be removed on either property without prior approval of the City of Cottage Grove Community Development Department. Tree removal will only be approved if a certified arborist has verified that the tree is a "hazard tree." Trees that are allowed to be removed shall be replaced with an approved species immediately.

(35) PROTECTION OF WATER QUALITY:

Protection and enhancement of water quality shall be required, including no dumping of yard or household waste, no use of chemical pesticides or herbicides in wetlands, riparian areas or near water, and no dumping of hazardous waste, litter, rubbish or any materials further regulated by the City of Cottage Grove Municipal Code.

(36) DEBRIS REMOVAL:

The applicant will be required to remove all debris within 3 months of this MUM approval. No further dumping of materials as regulated by the City of Cottage Grove Municipal Code will be permitted.

(37) MATERIAL STORAGE:

The applicant may propose an area for exterior storage of materials. However, these areas must be located outside of riparian zones, outside of designated wetlands, outside of designated perimeter buffers or open space, and must be screened from view with fencing or walls that meet the Community Development Department approval.

(38) FENCES:

All new or relocated fences and walls shall not exceed six feet in height on either property. Variance approval will be required for any new fence or wall to be constructed higher than 6'.

(39) BUILDING PERMITS:

Building, electrical, mechanical and plumbing permits will be required for all new and/or renovated structures on site.

(40) DESIGN REVIEW:

Design review approval per Chapter 18.50 will be required for all new structures.

(41) BUILDING HEIGHT:

The maximum or structural height of any building or accessory use shall be thirty feet.

(42) SIGNS:

The Speedway also has one large banner at the entrance gate of the racetrack that is up during the duration of the racing season ("Welcome to the Cottage Grove Speedway"). As the Sign Code does not allow banners for "permanent" signage, this sign must be replaced with a permanent sign. A building permit will be required for this sign. The sign shall be no more than 50 square feet.

The Speedway has several large banner signs advertising current sponsors on the exterior of the grandstands, within the track and/or concessions area. So long as these banners remain temporary in nature and cannot be seen clearly from any public right-of-way, from the river, or from the North Regional Park, they are permissible.

(43) RESPONSIBLE PARTY:

If Speedway and WOE choose to enter into an agreement to jointly develop their properties, a formal agreement shall be drafted and signed by representatives from the Speedway, WOE and City designating which party (Speedway or WOE) shall be responsible for utility extensions, access improvements, etc. A draft of this agreement shall be approved by the City prior to signing. A signed agreement must be submitted to the City within 3 months of MUM approval.

(44) ENFORCEMENT:

Enforcement of the conditions of this MUM approval shall be subject to Section 18.33.130 (MUM Regulations) and Chapter 18.60 (Enforcement & Penalty) of the Cottage Grove Municipal Code.

Further, the Speedway shall also be subject to following: Upon written notice from the Community Development Director that any or all conditions specified in this ordinance are not in compliance and failure to bring them into compliance by the specified time stated in the written notice, operation of the Speedway shall cease.

(47) EXPIRATION:

Subject to 18.33.140 of the Cottage Grove Municipal Code.

Ordinance No. 2929

AN ORDINANCE AMENDING TITLE 18 OF THE COTTAGE GROVE
MUNICIPAL CODE ESTABLISHING THE
WESTERN OREGON EXPOSITION MIXED USE MASTER PLAN
OVERLAY, AND AMENDING THE CITY WIDE ZONING MAP

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "zoning map" to apply a Mixed Use Master Plan Overlay District to the Western Oregon Exposition, described as Map 20-03-22 Tax Lot 1000, described 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 Planning Commission public hearings and recommendation, that the Mixed Use Master Plan (MUM 1-05) 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. City Council with the adoption of this Ordinance hereby adopts the findings as detailed in "Exhibit B".

Section 4. Amendments. Title 18 is amended as follows:

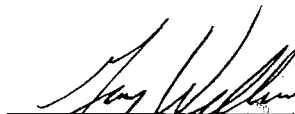
- (1) The citywide "zoning map" is hereby amended as follows with respect to the property described in Exhibit "A":
 - a) Change of zoning district classification from PR Parks & Recreation District to PR Parks and Recreation District/MUM Mixed Use Master Plan Overlay District, and
 - b) The Western Oregon Exposition Mixed Use Master Plan Overlay District is subject to the conditions in Exhibit 'C' attached to and forming a part of this Ordinance.

Section 5. Enforcement. Enforcement of this ordinance shall be pursuant to Section 18.33 and 18.60 of the Cottage Grove Municipal Code.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS
8th DAY OF NOVEMBER, 2010.

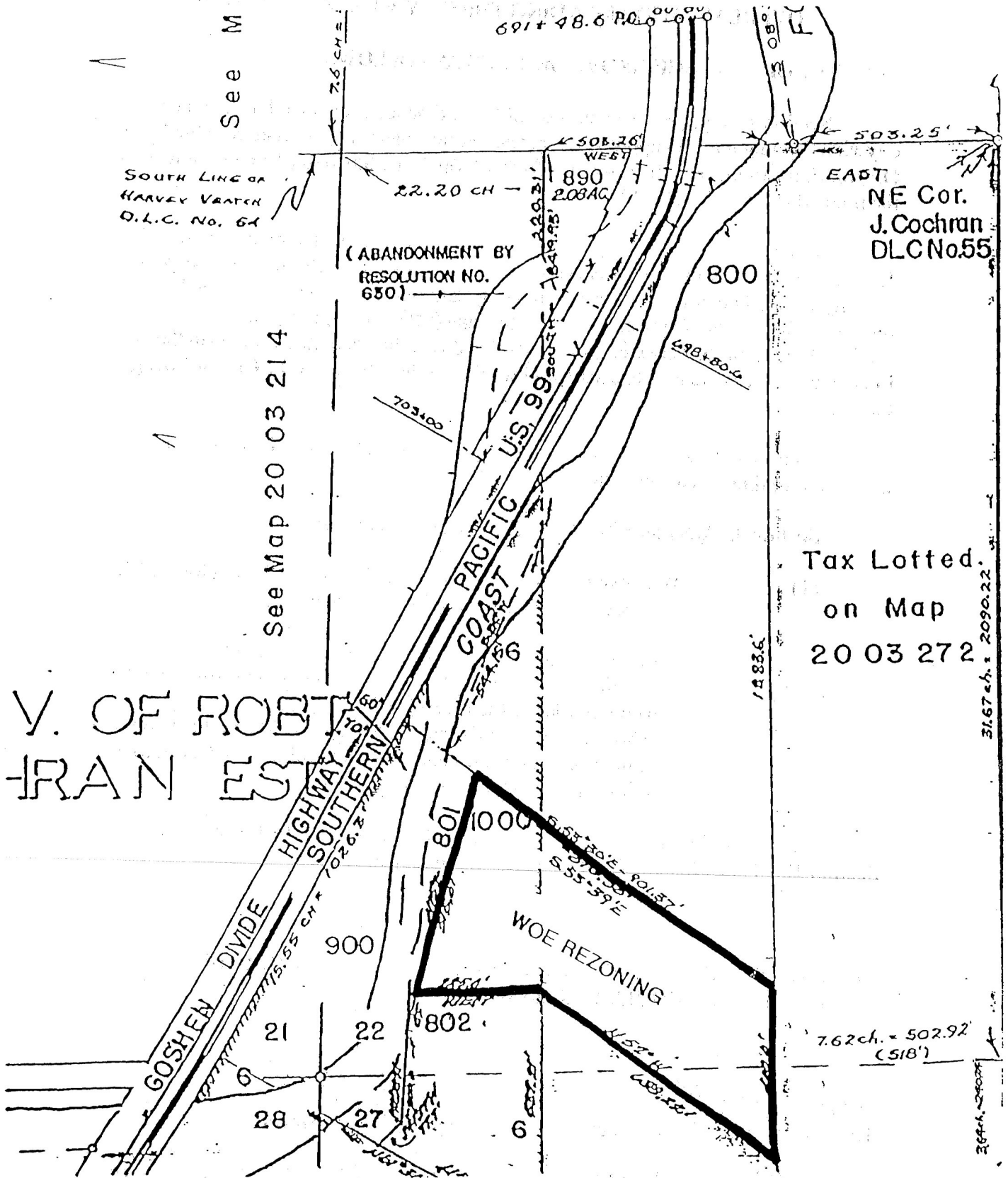

Richard Meyers, City Manager

Dated: November 8, 2010
11/2/2010


Gary Williams, Mayor

Dated: November 8, 2010

EXHIBIT 'A'
TO ORDINANCE NO. 2929



See M

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

See Map 20 03 214

NE Cor.
J. Cochran
DLC No. 55

Tax Lotted.
on Map
20 03 272

31.67 ch. = 2090.22'

V. OF ROBT
-FRAN

EXHIBIT 'B'

FINDINGS OF FACT
MIXED USE MASTER PLAN (MUM-1-05) – WOE

1. The Property owners of the Cottage Grove Speedway and the Western Oregon Exposition (WOE) made a pre-application on December 12, 2004 to establish Mixed Use Master Plan Combining Districts for the Cottage Grove Speedway and WOE.
2. A pre-application conference was held with the applicants and a letter was issued on January 6, 2005 requesting additional information in accordance with Section 18.33.090.
3. On January 26, 2005 the Mixed Use Master Plan was submitted and supplemental narrative and revised maps were submitted on February 3, 2005.
4. Forty-five day notice was given to DLCD on February 4, 2005 for the Mixed Use Master Plan application.
5. Notice was given on March 16, 2005 pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for the public hearing to be held on April 6, 2005.
6. Public Hearings were held on April 6, 2005 before the Planning Commission. The Planning Commission opened up the hearing and staff presented the staff report. The applicant made a presentation and various members of the public testified on behalf of the application and against the application. The Planning Commission voted to continue the public hearing to May 11, 2005.
7. A Public Hearing was held on May 11, 2005 before the Planning Commission with four members of the public speaking. The Planning Commission voted to continue the public hearing to June 8, 2005.
8. 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 ZC-5-04 on July 20, 2005.
9. Deliberations on the MUM-1-05 were held on July 20th by the Planning Commission. Their deliberations were continued on August 31 and September 14. The Planning Commission in their deliberations on September 14th considered the two properties separately, with separate conditions provided by staff. The Planning Commission voted to recommend approval with conditions to City Council on September 14 for both MUM's. There were two separate motions, one dealing with the MUM for the Speedway and one for the WOE.
10. Notice was given pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for a public hearing to be held on November 21, 2005. City Council held a public hearing on November 21, 2005 where staff presented the staff report and recommendation of the Planning Commission. A presentation was made by the applicant; various members of the public testified on behalf of the applicant and against the application. City Council closed the public hearing but kept the record open for 14 days. The record was closed at 5 PM on December 5, 2005. A copy is on file with the City of Cottage Grove.
11. City Council deliberated on the Speedway MUM at Council meetings held on December 19, 2005 and January 9 & 23, and February 13, 2006. City Council on February 13th directed staff to prepare the Ordinance including findings and conditions for their consideration.
12. Primary criteria used to review this application was: Chapters 18.17 PR Parks and Recreation District, 18.33 Mixed Use Master Plan Overlay District and Chapter 18.46 Conditional Use Permits, which includes Willamette River Greenway compliance criteria. City Council found the following based on this criteria:

18.33.040 *Development standards. To insure the orderly development of mixed use master plan developments, the following development standards shall apply:*

- A. *Land coverage. Unless the planning commission prescribes otherwise, land coverage shall be the same as the zoning district in which the mixed use master plan combining district lies.*

The Parks & Recreation zone Section 18.17.080 states "the maximum lot coverage of the lots by all structures shall not exceed forty percent of the lot area." Structure is defined as "any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words "building" and "structure" shall be synonymous."

The applicant shows that the WOE has 25,067 square feet of "structures" on site, or 6.5% lot coverage. This criterion has been met for the WOE.

- B. *Open space. Open space within a mixed use master plan may include land used for scenic, landscaping, or passive recreational purposes. Open space does not include areas covered by structures or parking, or required perimeter yards. In all mixed use master plan developments, a minimum of ten percent of the net development area shall be devoted to open space uses. However, the planning commission may require a greater amount of open space if it deems it necessary in order to accomplish the purpose of this chapter.*

The WOE occupies a lot of approximately 8.79 acres. Therefore this provision requires a minimum of 0.88 acres of open space. The WOE has designated two areas as "open space". The first is a 8,867 square foot area on the steep slope to the immediate right of the entrance drive at the southwest corner of the property. This 0.20 acre area is heavily wooded and unsuitable for development. The second area runs the length of the slough along the east and north property lines, and is contained between the slough and the fire lane. Much of this 55,109 square foot area is considered riparian or wetlands and is consequently an appropriate area for designation as open space. This 1.26 acre area, together with the 0.20 acre wooded slope, meet this criterion's requirements for open space, so long as no parking, structures, or other uses (including RV parking) occur within the designated area. This shall be a condition of approval.

The City feels that the WOE's open space area along the slough should be protected through a conservation agreement, as it is a natural area with wetlands and riparian vegetation. This conservation easement shall be written to protect the designated portion of the property from development intrusion in perpetuity, and must be recorded with Lane County within one year of approval of this MUM.

- C. *Parking. Parking space requirements for buildings and uses shall be determined by the Community Development Director during the pre-application phase of the MUM application and applied to the MUM plan application. Parking areas shall not be*

considered open space.

The principal parking lot for the WOE is at the western end of their property, directly accessed from N. Douglas Street. This lot abuts the Coast Fork of the Willamette River on the west, and is enclosed with chain link on the north and east (where it abuts the WOE fairgrounds). A gravel access road from N. Douglas to the Speedway runs parallel to the river along the western boundary of this lot. A second gravel road veers off at the south property line from the main road towards the east to enter the WOE property. The applicants are also showing a fire lane along the northern edge of this lane leading from the WOE to the Speedway's access road. This fire lane is not currently paved or graveled.

The main parking lot contains 207 spaces including 6 handicap parking spaces (for the WOE at southeast corner of parking lot). This parking lot is shared through a recorded agreement with the Speedway. WOE and Speedway schedules are coordinated prior to the racing season to ensure that they do not overlap. Generally, WOE events occur during the day and Speedway activities are held at night.

Although the Off-Street Parking code does not specifically state a parking minimum for "fairgrounds", it does give a parking ratio for participatory auditorium type spaces (open assembly). Section 18.42.040 Parking Spaces Required states that "participating type-skating rinks, dancehalls, etc." are listed as needing one parking space for each seventy-five square feet of gross floor area. Use of the main assembly-type buildings (Building 1 & 2, Bar 1 & 2) would require 170 parking spaces at that ratio. The 207 parking space lot will accommodate this need while leaving ample parking for vendors and staff.

The applicant states that average attendance at WOE events is between 300-500 persons. If a standard assembly parking ratio is used of 4 persons per vehicle, there is a minimum need for 125 parking spaces for 500 attendants. The 207 parking space lot will accommodate this need while leaving ample parking for vendors and staff. Based on either criteria used, the WOE has adequate parking to accommodate their proposed need.

The application states that additional parking can be accommodated within the WOE fairgrounds area. Caretaker parking (2) is provided adjacent to the caretaker's mobile homes at the northwest corner of the fairground. Additionally, 143 parking spaces are delineated within the compound (see above description for Speedway parking).

The **maximum attendance at the WOE shall be 1,400** (based on 350 parking spaces x 4 passengers). To exceed this maximum, additional off-site parking agreements would have to be provided. Additional parking agreements to provide more parking must be submitted to the Community Development Director in writing for City Council approval at the beginning of each year. No residentially zoned land shall be used to accommodate off-site parking.

Note: RV parking is shown outside of the southern property line of the WOE. This parking appears to be on City property (part of North Regional Park). To retain rights for this use and/or parking, the City will have to apply to the Oregon State Parks division for approval to use these lands, originally purchased with State and Federal funds, for this use. If approval is granted, the City will issue the WOE a permit for this area. The WOE will be responsible for meeting any conditions of this permit, including but not

limited to maintenance, fee, and development of other improvements in return for use of public lands. If a permit is not issued, these areas shall not be used.

Parking surfacing:

Section 18.42 Off-Street Parking states:

18.42.070 Parking area improvements. All public or private parking areas, including loading and storage areas, which contain four or more parking spaces and outdoor vehicle sales and storage areas, shall be improved according to the following:

- A. All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. All parking areas, except those in conjunction with a single-family or two-family dwelling, shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

It further states:

- F. Parking Area Improvement Requirements set forth in paragraph 18.42.070 "A" may or may not be lessened subject to review and approval by the design review committee and/or the planning commission. Parking area surface improvement requirements may be lessened upon review and approval of individual applications as the same apply to equipment storage areas or compounds and infrequently used off-street parking areas where the same are required to be provided by this title. (Infrequent means an area used ten or less days or times per month.)

The Speedway and WOE propose to maintain their parking lots in a combination of grass (WOE) and gravel/compacted dirt (Speedway). Neither party propose to pave the parking areas at this time.

Based on the criteria above, the Speedway and WOE parking lots do not need to be paved so long as they are used infrequently. Ten times per month would equate to 120 days or times of use per year. The Planning Commission and City Council found that permitting 10 days of use per month between September and May, and 15 days of use per month between June and August, meets the intent of the above criteria while allowing more flexibility for the joint use of the parking lot. This 140-day use schedule shall be a condition of approval. The Speedway's 2005 calendar includes 40 events (including special events, car shows, etc) and a potential additional 15 go-kart race days (on Sundays). This is well below the permitted 135 use days. The WOE operates sporadically throughout the year but does not exceed 135 use days. Hence both the WOE/Speedway shared parking area and the Speedway parking areas meet the criteria for "infrequent use" and do not need to be paved.

The 10 day (September to May) and 15 day (June to August) limitation on use days (for Speedway and WOE combined event days) will be a condition of approval. The two applicants will have to submit a calendar of prospective use days as part of their annual report (no later than January 31). If combined

number of events equals more than 10 days/month or more than 15 days/month during June-August, they will be required to request a formal amendment of this MUM approval.

- D. Perimeter yards. Along the perimeter of any mixed use master plan combining zone, the planning commission may require adjacent to each contiguous district a yard at least as deep as that required by the front yard regulations of such zone. Open space may not serve as a perimeter yard unless the planning commission finds that such a dual purpose use of the land is in compliance with this regulation.*

Adjoining properties are either outside of the City (to the south of WOE), or zoned RS Residential Suburban (North Regional Park to east of WOE). The Coast Fork provides a perimeter separation from all properties on the west and north.

The RS zone's front yard regulation states:

"Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for accessory buildings, clothes lines, incinerators, storage of trailers, boats, or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles."

The WOE property line adjoining the North Regional Park is not designated for any structures, and can easily meet a 15' setback requirement. However, it is designated as an open space. The City finds that this is a proper dual use, as the property line runs along a natural slough surrounded on both sides by wetland vegetation. The use of this perimeter yard as open space will further protect this sensitive habitat and ensure that no fairground uses encroach upon either the wetlands or the North Regional Park. No parking, storage of materials, or structures may be located within this 15' as a condition of approval.

- E. Height. Unless the planning commission prescribes otherwise, height shall be the same as the zoning district in which the mixed use master plan combining district lies.*

18.17.060 Building or structural height limitations. Building or structural height limitations in the PR district shall be as follows:

- A. The maximum or structural height of any building or accessory use shall be thirty feet.
B. The maximum height may be exceeded if included in a mixed-use master plan as approved by the Planning Commission under the provisions of Chapter 18.33.

The tallest buildings on the WOE property, the two barns, are 21' from grade. No other structures are proposed to be taller than 30'. This criterion is met for the WOE.

- F. Underground utilities. All new and/or replacement electrical, telephone, cable television, fire alarm, street light, and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer unless the planning commission waives this requirement because of unusual subsurface conditions.*

The City finds that all new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits shall be placed underground by the developers as a condition of approval.

- G. *Waiver of Development Standards. The minimum development standards of the zoning district in which the MUM development lies shall not dictate the strict guidelines for development within the mixed use master plan but shall serve to inform the developer of the importance of developing a project that will reflect the intent of this chapter.*

The underlying zoning district is PR and requires a MUM for the proposed use. Development standards for uses requiring a MUM in the PR District are set out in Chapters 18.17 and 18.33 and are addressed elsewhere in this staff report. The applicant did request a specific waiver of the parking lot surfacing standard.

- H. *Conditional Use General & Applicable Conditions. The general conditions, and applicable additional conditions set forth in Chapter 18.46 Conditional Use Permits shall apply.*

Applicable conditions and criteria have been inserted below.

18.46.110 *General conditions. The planning commission shall designate conditions in connection with the conditional use permit as it deems necessary to secure the purpose of this chapter and may require the guarantees and evidence that such conditions may include:*

- A. *Regulation of uses, special yard setbacks, coverage and height;*

Use:

The subject properties are proposed for Park & Recreation zoning, under separate application ZC 5-04. Approval of this MUM is contingent upon the approval of the rezone application.

Parks & Recreation District Section 18.17.040 "Buildings and Uses permitted conditionally subject to a Mixed Use Master Plan" states that the following uses are permitted in the PR district subject to the provisions of Chapter 18.33 MUM Mixed Use Master Plan Combining District:

- A. Community parks;
- B. Natural Resource areas;
- C. Interpretive centers greater than ½ acre in size;
- D. Public or private racetracks or speedways;
- E. Public or private recreation facilities, including golf, swimming, tennis and country clubs;
- F. Public or private organized sports fields not on school district property, fairgrounds or arenas.

Racetracks and fairgrounds are allowed in the PR zone subject to a Mixed Use Master Plan.

Proposed uses for the Western Oregon Exposition (WOE) Fairgrounds include: general fairground events (including but not limited to livestock shows, events and sales; pet shows, events and sales; horse

shows, events and sales; car shows, events and sales; bazaars; craft shows); special civic events (including but not limited to circuses, concerts and gatherings, community garage sales); and other events consistent with or ancillary to the above uses. Ancillary uses include a resident caretaker and overnight RV camping (for attendants of events).

Webster's defines "Fairground" as "an enclosure where outdoor fairs, circuses or exhibitions are held." "Fairs" are defined either as "a gathering of buyers and sellers at a particular place at a fixed time for purposes or trade", "a competitive exhibition (as of wares, farm products, livestock) with prizes for excellence", or "a bazaar or sale of a collection of articles usu. for some charitable purpose." The types of events held at the WOE are typical of county fairgrounds, and are covered under the above definition.

Dwellings for caretakers or watchmen are covered as "conditional uses" under the PR code, and hence are approved uses under a MUM (as conditional use criteria must be met to gain a MUM approval).

The WOE is also proposing RV camping/parking on site in two locations – along the north property line (along the designated fire lane), and immediately south of the WOE's southern property line, on part of the North Regional Park. This camping would occur during multi-day events only.

The City does not have any concerns regarding dedicating this area for this use per se. There are no long term plans for conversion of this area to other forms of recreation use, and this area is inaccessible from the rest of the North Regional Park due to topography. However, as this parcel, which is part of the North Regional Park, was purchased with Land Water Conservation Funds, there are conditions that must be met before this area can be dedicated to any type of recreation use other than open space. The City must initiate an application with the Oregon State Parks Department to gain approval for this use on City property. Until such time as the City has approval for this use, and a permit is issued to the WOE for its long-term use as RV camping, the WOE is restricted from making any permanent infrastructure or development improvements in this area (including water and sewer for hook-ups). If the State denies use of the area for RV camping, the WOE will have to remove any such improvements in this area. The area will then revert to open space.

This provision has been met for the WOE.

Yard regulations:

Parks & Recreation code Section 18.17.090 Yard regulations

- A. Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for the regular or constant parking of automobiles or other vehicles.

The WOE's front yard is along its parking lot which it shares with the Speedway. No parking is shown in this area.

- B. Side yards. Each lot shall maintain a required side yard on each side of the lot of not less than five feet, except corner lots which shall have a side yard abutting the street of not

less than ten feet. Required side yards shall not be used for accessory buildings, storage of trailers, boats, or of any materials; nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.

Required 15' perimeter setbacks (see above) for both the WOE and Speedway along the east sides will preempt the above criteria for side yard setback to the east. Side yard setbacks on the west will be preempted by the riparian setback, as both properties abut the Coast Fork of the Willamette River on the east.

The WOE's "side" yard on the south property line adjoins City of Cottage Grove park property in part. This area has been for some years used for WOE purposes (horse riding, picnicking, RV parking), and these uses have spread onto City property. The WOE has shown this area as being dedicated to RV camping on their site plan. This camping would occur during multi-day events only.

The City does not have any concerns regarding dedicating this area for this use per se, as there are no long term plans for conversion of this area to other forms of recreation use, and this area is inaccessible from the rest of the North Regional Park due to topography. However, as this parcel, which is part of the North Regional Park, was purchased with Land Water Conservation Funds, there are conditions that must be met before this area can be dedicated to any type of recreation use other than open space. The City must initiate an application with the Oregon State Parks Department to gain approval for this use on City property. Until such time as the City has approval for this use, and a permit is issued to the WOE for its long-term use as RV camping, the WOE is restricted from making any permanent infrastructure or development improvements in this area (including water and sewer for hook-ups). If the State denies use of the area for RV camping, the WOE will have to remove any such improvements in this area. The area will then revert to open space. Either use of this side yard or City property for WOE purposes will require a permit from the City of Cottage Grove. This permit shall be a condition of approval.

So long as the WOE is utilizing the area, they are responsible for all maintenance and safety of users. This will be a condition of approval.

- C. Rear yards. Buildings and structures and accessory uses shall be set back not less than five feet from the rear property line.

The WOE's "rear yard" is the slough that separates the Speedway and WOE, and is a designated open space. This open space area will be protected through a recorded conservation agreement, which will restrict all development of structures, parking of vehicles or storage of materials from this area. This open space area will meet the rear yard setback requirement as it is in excess of 5'.

- D. Riparian setback:

Structures shall not be located closer than fifty feet from the ordinary high water line or twenty-five feet from the top of the river bank of a Class I stream, whichever is the greater. A lesser setback may be allowed if documentation is provided that existing riparian vegetation does not extend into the setback area defined above and the riparian

vegetation has not been removed in violation of the maintenance standards set forth in subsection B of Section 18.38.060 Riparian vegetation – Row River or Section 18.46.170 Additional conditions – Greenway conditional use permit, or for water dependent uses.

Twenty-five feet from the top of bank on the Coast Fork is the greater of the two standards in this case, as the ordinary high water line is low on the bank and difficult to determine from the WOE side. Except on the north end of the Speedway pit site, where the vegetation does extend into the 25' setback area, riparian vegetation is contained within 15' of top of bank of both development sites (see attached site plans). Hence a lesser standard can apply for both properties when dealing with riparian vegetation.

The 15' Greenway riparian setback, which prohibits all new structures within 15' of top of bank and provides vegetation removal and maintenance standards, shall become the riparian setback for the property. No new structures shall be allowed within 15' of the top of bank on the WOE. Any existing structures substantially rebuilt (over 50% of value of structure replaced) or moved shall be moved at minimum 15' from top of bank.

(E) Floodway. No new structures shall be permitted within the Coast Fork Willamette River or Row River floodway.

The Willamette River floodway is contained within the banks of the Coast Fork adjacent to the WOE.

Coverage:

18.17.080 Lot coverage. The maximum lot coverage of the lots by all structures shall not exceed forty percent of the lot area.

Structure is defined as “any temporary or permanent structure built and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattel or personal or real property of any kind. The words “building” and “structure” shall be synonymous.”

The applicant shows that the WOE has 25,067 square feet of “structures” on site, or 6.5% lot coverage. This criterion has been met for the WOE.

Height:

18.17.060 Building or structural height limitations. Building or structural height limitations in the PR district shall be as follows:

- A. The maximum or structural height of any building or accessory use shall be thirty feet.
- B. The maximum height may be exceeded if included in a mixed-use master plan as approved by the Planning Commission under the provisions of Chapter 18.33.

The tallest buildings on the WOE property, the two barns, are 21' from grade. No other structures are proposed to be taller than 30'. This criterion is met for the WOE.

B. Requiring fences, walls, screens, landscaping and maintenance;

18.17.100 Fences, hedges, walls and other structures. Fences, hedges, walls and other structures in a PR district shall be as follows: Fences, hedges, walls and other structures are permitted, but not required. Such fences and walls shall not exceed six feet in height. For residential uses, where fences or walls are located in the required front yard, the same shall not exceed four feet in height. All fences and structures shall be placed so that all required vision clearance areas are maintained.

As a condition of approval, all new or relocated fences and walls shall not exceed six feet in height on either property. Variance approval will be required for any new fence or wall to be constructed higher than 6'.

C. Regulation and control of points of vehicular ingress and egress;

The applicant provided information regarding regulation and control of points of vehicular ingress and egress on the attached site plans. There is one primary entrance into the WOE/Speedway site, via a private easement that extends from the terminus of N. Douglas Street just south of the City Wastewater Treatment Facility along the edge of the Coast Fork across private property in Lane County jurisdiction before entering the southwest corner of the WOE site.

This access can be blocked with a private gate, and/or controlled during events through the stationing of individuals at the entrance point. Parking attendants are used for both venues to control access and parking during events. When the parking lot is full, these attendants direct traffic to other designated parking lots (such as the City's land south of the treatment facility). This access is currently paved in front of the wastewater treatment facility (on City property), and graveled for the remainder. The width of this access varies.

This primary access must meet standards established for private entrance/exit easements in the City of Cottage Grove Code (see Chapter 18.35 Panhandle/Flag Lot Regulations).

"Panhandle access that extends over 150 feet in length shall have an unobstructed width and a uniform surface of not less than 20 feet and an unobstructed vertical clearance of no less than 13'6". Such access roads shall be designed and maintained to support the imposed loads of a fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities... Vehicular parking shall not be allowed on required panhandle access strips unless additional sufficient width is provided as required by the Staff Review Committee."

To achieve this standard, the applicants will be required to:

- (1) Obtain (and submit to City of Cottage Grove) 25' wide access/maintenance easements in perpetuity from all involved property owners;
- (2) Widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement;

- (3) Where the easement is widened it shall have a surface of compacted gravel able to withstand 50,000 lbs and shall be constructed at the next construction season;
- (4) Pave (asphalt or concrete) 20' wide continuous surface along full length of easement. Pavement shall be required within two years after utilities are installed;
- (5) Sign length of easement for "No parking/Fire Lane".

These timeframe for these conditions, except for #3 above, shall be met within one year from the date of approval by City Council regardless of any appeal period.

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The easement currently makes a 90 degree turn from the end of N. Douglas (after the connection from the railroad underpass) before turning north in front of the wastewater treatment plant. The applicants are proposing to straighten this turn. The City of Cottage Grove, who owns the property over which this "road" runs, agrees with the need to realign this driving corridor to improve vehicle turning safety. The City will work with the applicants to choose the proper realignment. The applicants will be required to work with the City to record a permanent easement for this access, and pay any required fees.

This improvement will be required as a condition of approval, and will be scheduled in conjunction with the City Engineer following the completion of the City's expansion project at the wastewater treatment facility.

The applicants' Traffic Impact Study shows half of their traffic entering N. Douglas Street from Hwy 99 via a railroad undercrossing located immediately south of the wastewater treatment facility. This undercrossing is not a legal public crossing according to Oregon Department of Transportation Rail Division (ODOT Rail). ODOT Rail will investigate this crossing. Should this crossing be closed by ODOT Rail, the applicants will be required to submit a revised Traffic Impact Study to the Community Development Department. The Community Development Director shall evaluate the revised TIS and approve the change or require a revision to the MUM, as per 18.33.130.

Secondary access, which is for emergency response vehicles only, is shown at two points, to the north of the Speedway's track via the North Regional Park bike trail, and to the south of the WOE via the wastewater treatment facility/North Regional Park bike trail. The northern access is currently developed with a compacted gravel surface over a culvert in the slough and a chainlink fence that is closed with a fire department approved lock. Access to this gate is gained by the Fire Department by the North Regional Park bike trail (fire department and police vehicles enter the trail via Middlefield Village, cross under the I-5 bridge, and travel a short distance on the trail before reaching the gate). As this access is limited by the height/width of the I-5 underpass, only smaller emergency vehicles can use this entrance. This entrance must be maintained to meet Fire Department standards as a condition of approval.

The southern access is proposed to wrap along the southern end of the wastewater treatment facility, follow the bike path for a short time, then veer to the north through the woods (still on City property) along an existing undeveloped pedestrian corridor through a heavily treed area before reaching the WOE property, where it will connect to a fire lane on the WOE property. This access must meet Fire

Department standards (easement width of 25', unobstructed horizontal clearance of 20', paved width of 12', vertical clearance of 13'6" throughout full length, see Fire Department recommendations).

The City will work with the applicant to grant a permanent access easement (for emergency vehicle, pedestrian and bicycle use only) of 20' in width through the City's property. The applicant will be responsible for construction of the full length of the secondary access, including all portions on City property, and maintenance of that portion north of the bike trail (through the wooded area). This access shall be paved with 12' of uniform surface. The applicant will also be responsible for providing security lighting on the portion of the trail through the woods, and placing bollards before the emergency access path crosses the bike trail and end of the section of trail through the woods to prevent unauthorized vehicular traffic. Pedestrian and bicycle traffic shall be allowed without constraints on the full length of the access way. Construction of this secondary access shall occur within two years of approval of this MUM. Plans for construction shall be submitted for approval by the Community Development Department and Fire Department prior to initiation of construction of this access way.

D. Regulation of signs;

18.17.110 Signs. Only the following signs shall be permitted in the PR district:

- A. One or more unlighted signs not to exceed total twenty square feet in area, identifying park or building name and ownership.
- B. One sign not exceeding one square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or occupation of the occupant of the premises only in event of home occupation.
- C. Signs as permitted by Planning Commission as part of mixed-use master plan (Chapter 18.33).
- D. See general provisions set out in Chapters 18.40 for other sign requirements.

The WOE has one existing sign on Hwy 99. This sign is approximately 6' x 4'. No other signs are proposed at this time. Replacement or relocation of this sign within the state right-of-way will require ODOT approval. The only "permanent" signs on the WOE are building signs (Food Court, Plant Pavilion, Information, etc.). Temporary signs in the form of banners are also used on site, but only for specific events that last less than two weeks. This combination of signage is appropriate for the use.

E. Regulation of vibration, odors and sightlines;

There are no discernable odors or vibration concerns from the WOE.

Sightline concerns will be discussed under Greenway standards below.

F. Requiring surfacing of parking areas;

Based on 18.42.070(f), the WOE parking lots do not need to be paved so long as they are used infrequently. Ten times per month would equate to 120 days or times of use per year. The Planning Commission and City Council found that permitting 10 days of use per month between September and

May, and 15 days of use per month between June and August, meets the intent of the above criteria while allowing more flexibility for the joint use of the parking lot. This use schedule shall be a condition of approval. The Speedway's 2005 calendar includes 40 events (including special events, car shows, etc) and a potential additional 15 go-kart race days (on Sundays). This is well below the permitted 140 use days. The WOE operates events sporadically throughout the year but does not exceed 140 use days. Many of these events, although not operating concurrent hours, occur on the same days during the summer. Hence both the WOE/Speedway shared parking area and the WOE parking areas meet the criteria for "infrequent use" and do not need to be paved.

If at any time combine use of the main WOE parking area exceeds 10 days of use per month between September and May, and 15 days of use per month between June and August, this parking lot will need to be paved. The 10 days of use per month between September and May, and 15 days of use per month between June and August will be a condition of approval for the joint use parking lot.

G. Requiring rehabilitation plans;

Section 18.17.150 Development Standards states:

"Protection and enhancement of water quality shall be required, including no dumping of yard or household waste, no use of chemical pesticides or herbicides in wetlands, riparian areas or near water, and no dumping of hazardous waste, litter, rubbish or any materials further regulated by the City of Cottage Grove Municipal Code."

This criterion shall be a condition of approval.

In order to meet this standard, the WOE must be cleaned of debris. Rehabilitation of the natural environment of these sites will require the removal of debris (including wood products, old cars and mechanical parts, metal, old tanks, barrels, pipe, etc.) from the entire area but specifically from riparian zones and identified wetlands.

The applicant will be required to remove all debris within 3 months of this MUM approval. No further dumping of materials as regulated by the City of Cottage Grove Municipal Code will be permitted.

Either applicant may propose an area for storage of such materials. However, these areas must be located outside of riparian zones, outside of designated wetlands, outside of designated perimeter buffers or open space, and must be screened from view with fencing or walls that meet the Community Development Department approval.

Rehabilitation of the native vegetation on the site will require the removal of blackberries and other invasive species from identified wetlands and riparian corridors and their replacement with native vegetation as specified in the Greenway maintenance standards. Revegetation plans should include the planting of native trees within the riparian corridor. Revegetation plans must be submitted within one year of approval of this MUM. This plan shall include a detailed schedule for work to be concluded within 10 years. This work must be completed to the specifications of the Community Development Department. Ongoing maintenance of natural areas will be required as a condition of approval.

H. Regulation of hours of operation and duration of use or operation;

The WOE states that their "General Season" is year-around, with Days of Operation being Monday through Sunday, excluding holidays. "Operation" is inferred to mean use of the site for any reason, including caretaker residence, maintenance, event preparation, events, cleanup, etc. Year-around occupation by a caretaker is a conditionally permitted use in the PR zone, and maintenance is necessary to ensure the proper care of the site. However, the WOE and Speedway are limited to 120 days of "events" in a calendar year due to the unpaved nature of the parking lot. Although "operation" may occur throughout the year, the WOE and Speedway may host events on no more than 120 days in any calendar year (including overnight RV camping).

The City finds that it is appropriate to limit the WOE to the same hours of operation/closure as the Speedway due to their proximity and shared use of parking. This will mean Sunday through Thursday during the hours 8 a.m. to 10 p.m. local time; and Friday through Saturday, State and National holidays and the day preceding, not to exceed three consecutive days, during the hours 8 a.m. to 11:00 p.m. local time.

If overruns are proposed, the WOE must apply to the City Manager for a Special Event permit on a case-by-case basis.

I. Requiring a time period within which the proposed use shall be developed;

Buildings:

Most of the WOE fairground structures are already developed. The MUM proposes only two new structures (an event building and covered picnic area). The exact date for beginning construction has not been determined.

Following final adoption of the MUM overlay ordinance, the WOE will be able to receive and proceed with development of approved alterations and/or additions. Approval of additions will be granted based on other conditions contained within this staff report.

Development of any new structures and/or alterations or additions to existing structures will be contingent upon meeting Fire Code and Building Code requirements and/or permit requirements. New structures and additions to existing structures will be required to meet Chapter 18.50 Design Review requirements.

The timeline for development of proposed structures will be dictated by the approved MUM overlay ordinance, which will include timelines for development of public facilities.

Sewer:

City policy requires all newly annexed properties to connect to City services. City policy does not allow

new facilities requiring sewer connections to connect to existing septic systems.

To ensure that sewer services are available on site at such time as the septic system fails and/or new connections are needed, the WOE will be required to install sanitary sewer improvements from the wastewater treatment plant to the entrance gate of the Speedway with a branch line for the WOE within two years of approval of this application. The improvements include but are not limited to sewer main, manholes and service line.

This line shall be designed and stamped by a Registered Professional Engineer in the State of Oregon, and shall be reviewed for compliance with City standards prior to construction by the City Engineer. The line must be sized to meet all existing and proposed needs for the Speedway and WOE as delineated in this MUM (see Engineering Comments for specifics).

If the City of Cottage Grove allows RV parking on its property for the WOE, sanitary services shall be extended to serve the recreational vehicle sites.

Food booths and concession stands need to be evaluated to determine if grease traps need to be installed once the WOE and Speedway are on sanitary sewer.

Any new construction is required to connect to the sanitary sewer system. The applicants are encouraged to connect the existing buildings to the new sewer system at such time when a sanitary sewer lateral is extended past existing facilities. The developers will be responsible for constructing the sanitary sewer service from the building to the sanitary sewer main.

Water:

The existing water supply line to the WOE and Speedway is a 2-inch line that extends from the City's wastewater treatment facility to the north past an existing residence (on property outside of the City's jurisdiction) to the end of the access road at the south boundary of the Speedway's property. The total length of the line is approximately 1,300 feet. Line pressures in this area are typically 70-90 psi according to the applicant. The applicant's fixture count for the WOE and Speedway combined is 127.5, while the residence (on the hill) served from this line has an estimated fixture count of 15, for a total count of 142.5. The Uniform Plumbing Code (UPC) allows a load of 340 fixture units on a 2-inch line at a pressure over 60 psi with a length of 300 feet. After this point the fixture count drops to 127.5 for the two private facilities. The service meters for the two facilities are another 1000 feet distant from the residential service. The UPC allows a fixture load of 129 on a 1000 foot long 2-inch line with typical line pressures over 60 psi.

It appears that the existing fixture unit load can be accommodated by the existing line, especially since the two facilities seldom operate concurrently. However, the applicants will need to provide a more thorough fixture count to the City of Cottage Grove so that the above assertion may be verified. The applicants will be required to submit a complete fixture count (number of bathrooms, trailers, food booths, concessions, etc.) to the Engineering Department to ensure that the water meter size and service line are adequately sized at the time of review of water improvement plans.

Fire hydrants will be required on-site for both properties. This will require an upgrade of the water line size on both parcels (to minimum 8"). Water improvements shall be installed from the wastewater treatment plant to the northernmost fire hydrant on the Speedway property and a branch water main to the easternmost fire hydrant on the WOE property. The improvements shall include but not be limited to a water main, appurtenances and six fire hydrants (see below). The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration, and shall be a minimum of 8-inch ductile iron pipe (see Engineering Comments). This line shall be installed per City Engineering Department standards within two years following MUM approval.

Fire hydrants are to be used for fire suppression use only. If water tankers need to be filled, arrangements must be made with the City of Cottage Grove, i.e. a water meter will need to be installed on the fire hydrant and the water tanker will need to meet the requirements of the Cross Connection Control Officer (see Engineering Comments).

Upon completion and acceptance of the new water line, applicants will be expected to connect to the new water line and abandon the existing 2" line.

A backflow device may be needed for the extension of existing operations within the WOE to RV parking areas, etc. All new construction on either site shall require a backflow device. (See Engineering Comments.) The property owners shall be responsible for yearly testing of all backflow devices.

Fire Suppression:

Speedway & WOE: City Fire Marshal/Deputy Chief Andy McClean provided written comments on April 29, 2005 regarding the Speedway's final MUM application and the above fire suppression alternative. The International Fire Code specifies the following standards under which the above proposal was reviewed:

With annexation to the City, water supply for fire protection needs to meet the following requirements:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.2.1 Private fire service mains. Private service mains and appurtenances shall be installed in accordance with NFPA 24.

508.2.2 Water Tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

508.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. See Appendix B.

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Oregon Fire Code Table B105.1 Minimum Required Fire Flow Duration for Buildings.

Type V-B buildings that are 12,000 square feet require 3,000 gallons per minute for duration of 3 hours.

The Fire Marshal states: "In conclusion water supply for fire fighting purposes must be extended to both facilities as required by the International Fire Code." Extension of City water for fire hydrant supply to both sites will require the upgrading/upsizing of the existing 2-inch water line. This shall occur within two years following approval of this MUM.

The Fire Marshal indicated six (6) future hydrant locations (see drawings attached on comments, April 29, 2005). Fire hydrants must be located immediately to the right of the Speedway entrance gate (outside on WOE property) and immediately to the north of the grandstands (before entrance to pit). If parking is allowed in the center of the track, a hydrant will also be required in this area. Two (2) fire hydrants shall also be required to be located on the WOE site, one immediately to south of main entrance gate (inside compound) and one between Barn 1 and Building 2. Two (2) additional fire hydrants will need to be located on the main water line on the main access road to the south of the WOE (500' from the existing hydrant south of the wastewater treatment facility, and immediately adjacent to the wastewater treatment facility). All six (6) hydrants shall be located per Fire Department standards within two years following MUM approval.

Proper clearances around fire hydrants shall be maintained at all times per Fire Department requirements.

A temporary water supply source can be maintained on site for joint use until these permanent improvements can be made. The minimum accessible on site storage in this configuration will be 10,000 gallons. This tank can be removed after hydrants are properly installed.

A detailed plan indicating the size, type and distribution of fire extinguishers throughout both facilities must be provided as a condition of approval. The Fire Marshal retains the right to require changes to this plan, and stipulate location, type and number of fire extinguishers if the provided plan proves inadequate to meet International Fire Code requirements. This plan shall be provided within three (3) months of approval of this MUM, and conditions placed by Fire Marshal upon its review shall be met immediately thereafter.

Fire Department Access Roads:

Fire Department Access Roads must be established and posted within both facilities. Permanent signs indicating Fire Access road must be installed to City specification.

The applicant has provided a map showing Fire Lanes on the WOE property. These fire lanes, although located appropriately, must be altered to adhere to following Fire Code requirements:

- (1) All fire lanes within the WOE site must have a 20' wide horizontal clearance and 12' wide driving (asphalt or compacted gravel) surface. The fire access entering the southeast corner

of the WOE must be widened to meet this standard and continue to meet this standard for the entire width of the fire lane. This will require more surfacing than is currently on site. The surfacing will need to be placed from the main Speedway drive through the WOE's compound to the southeast property line and further onto City property (see below).

- (2) The entire route of emergency access (on both sites) must be posted to prevent obstruction by vehicle parking or other obstructions. To reduce the number of signs and still meet the posting requirements, sign posts can be installed every 75 feet staggered on opposite sides of the access road with signs posted on both sides of each pole.
- (3) The WOE shall submit plans for monitoring apparatus access road clearance to verify no obstructions take place during events. These plans shall be submitted immediately upon approval of this MUM for approval by the Fire Marshal, and shall become a condition of approval for the duration of this MUM.

Secondary access improvements:

Temporary secondary access is currently provided via the North Regional Park bike path. Smaller emergency vehicles (police, ambulance) can either: (1) enter the park through Middlefield Village, cross underneath the highway via an ODOT approved/permitted emergency access route, and follow the bike path until reaching the northern end of the Speedway where a culvert has been installed in the slough to allow for vehicular crossing into the north end of the pit, and/or (2) enter the park north of the wastewater treatment facility and follow the outside loop of the bike trail to the above crossing into the pit.

This use of the bike path and this rear pit entrance as an emergency access, although adequate for smaller emergency vehicles in times of need, does not provide for large capacity emergency vehicle access. Fire trucks would not be able to utilize either the north or south routes along the trail, as the bike trail is less than the required width (driving surface of 12', clearance of 20') and is not built to withstand the weight of a fire truck. Consequently, a permanent secondary fire access must be developed as soon as possible to ensure the safety of fair and speedway spectators/users.

The City is proposing improvements to secondary access. These include the development of a fire access road through the City's property (south of the wastewater treatment plant). This fire access road would enter from N. Douglas Street, cross a culvert on the City property, briefly join an upgraded portion of the bike path before crossing (on the path of a currently undeveloped pedestrian access) through a wooded area of the North Regional Park to the back (southeast) corner of the WOE property, then follow the WOE's fire department access lane along the northern property line to the entrance of the Speedway.

The City will work with the WOE/Speedway to grant a joint-use access easement for emergency vehicle/pedestrian/bicycle access across the City's property to facilitate the development of this permanent secondary access. All other fees associated with the development of this access (paving, emergency lighting, bollards, gating, etc.) will be at the joint expense of the Speedway/WOE. This secondary access shall meet the requirements of the International Fire Code and shall be reviewed by the Fire Marshal prior to and after construction before being accepted. Its minimum horizontal clearance

shall be 20 feet; its minimum driving surface shall be 12 feet paved (asphalt, concrete or other acceptable surface); and its inside turning radius shall be 28 feet.

This secondary access shall be constructed within two years of the approval of this MUM.

Primary Access Improvements:

The primary access to the Speedway and WOE is on a private easement that extends to the north from the end of N. Douglas Street, a residential standard City street. N. Douglas is an underdeveloped public residential street until immediately south of the wastewater treatment facility.

This primary access must meet standards established for private entrance/exit easements in the City of Cottage Grove Code (see Chapter 18.35 Panhandle/Flag Lot Regulations).

“Panhandle access that extends over 150 feet in length shall have an unobstructed width and a uniform surface of not less than 20 feet and an unobstructed vertical clearance of no less than 13’6”. Such access roads shall be designed and maintained to support the imposed loads of a fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities... Vehicular parking shall not be allowed on required panhandle access strips unless additional sufficient width is provided as required by the Staff Review Committee.”

To achieve this standard, the applicants will be required to:

- (1) Obtain (and submit to City of Cottage Grove) 25’ wide access/maintenance easements in perpetuity from all involved property owners;
- (2) Widen the access easement to provide a 20’ clear corridor for vehicular travel for length of easement;
- (3) Where the easement is widened it shall have a surface of compacted gravel able to withstand 50,000 lbs and shall be constructed at the next construction season;
- (4) Pave (asphalt or concrete) 20’ wide continuous surface along full length of easement. Pavement shall be required within two years after utilities are installed;
- (5) Sign length of easement for “No parking/Fire Lane”.

These timeframe for these conditions, except #3 above, shall be from one year of the date of approval by City Council irregardless of any appeal period.

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The City will work with the applicants to choose the proper realignment, negotiate a value and a method for exchanging this value, and record a permanent easement for this access. This improvement to N. Douglas Avenue will be required as a condition of approval, and will be scheduled in conjunction with the City Engineer following the completion of the City’s expansion project at the wastewater treatment facility.

The applicants are showing that approximately 50% of their traffic enters N. Douglas Avenue from Hwy 99 via a railroad underpass located immediately south of the wastewater treatment facility. Vehicular

clearance under this underpass is limited to eight (8) foot clearance to the bottom of the railroad trestle. This undercrossing is not a legal public crossing according to Oregon Department of Transportation Rail Division (ODOT Rail). ODOT Rail will investigate this crossing. Should this crossing be closed by ODOT Rail, the applicants will be required to submit a revised Traffic Impact Study to the Community Development Department. The Community Development Director shall evaluate the revised TIS and approve the change or require a revision to the MUM, as per 18.33.130.

Storm drainage:

A slough drains northerly along the east side of the WOE property, then turns westerly near the property line common to the WOE and Speedway. Storm water runoff from a 66" culvert under the Cottage Grove Connector follows this open slough, enters a culvert that goes under the Speedway's main entrance, and exits via a 36" culvert into the Coast Fork of the Willamette River. By the 1985 storm drainage master plan, this culvert has the potential flow of 54 cubic feet per second. Last year, it was discovered that this slough has an adverse grade for draining water into the Coast Fork. In February 2005, pictures were taken by the City of Cottage Grove Public Works staff showing standing water in two locations within the slough. It was discovered that some fill had been placed in the slough, thus affecting the drainage characteristics.

The City of Cottage Grove is in the process of obtaining the necessary permits to regrade the ditch to accommodate the design flow mentioned above. Once regrading of the ditch is completed, placement of fill in the drainage ditch will be prohibited.

The Speedway and WOE property owners shall grant a storm drainage easement to the City of Cottage Grove along the slough/drainage ditch so the City may maintain this public drainage way.

Off-site parking agreement:

Based on a parking analysis of Speedway/WOE parking, attendance to the WOE shall be limited to 1,400. These attendances shall not be exceeded unless otherwise permitted by the City due to off-site parking agreements. Attendance records shall be presented in writing to the Community Development Department on a quarterly basis (January, April, July, October).

Supplementary parking agreements must be submitted in writing at the beginning of each calendar year (or no later than January 31) to the Community Development Department for approval by the City Council. Maximum attendance at the Speedway will be established on an annual basis by the Community Development Director based on these approved arrangements prior to the initiation of each racing season. Parking agreements shall include a site plan detailing the proposed number of cars to be accommodated on the site, details on types and number of vehicles to be used for shuttling, number of vehicles that can be accommodated at proposed site, hours of shuttle operation, advertisement plan, etc.

Underground Utilities:

All new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits must be placed underground by the developers at time of construction as a condition of approval.

J. Requiring bonds to ensure performance of special conditions;

The developers will be responsible for payment of all system development charges and review fees for new and/or required improvements.

The developers will need to sign a developer's agreement and pay any associated fees due because of the extension of public infrastructure (water and sewer). Applicants will bear all or a majority of the costs to extend or upgrade this public infrastructure.

K. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter;

Conditions set forth elsewhere in this staff report will ensure that this development is integrated in an orderly and efficient manner.

L. Regulation of noise to assure that any new source will meet Department of Environmental Quality (DEQ) Standards.

Not applicable to the WOE.

18.46.170 Additional conditions – Greenway conditional use permit.

I. The planning commission shall consider the following objectives and make affirmative findings on each of them:

a. Significant fish and wildlife habitats will be protected;

The WOE fairgrounds have existed on site since the early 1960s. The footprint of the use has changed little since that time. New structures lie within the area already developed by fairground uses and will not disturb any existing riparian vegetation or wetlands. The additional uses proposed are similar to existing uses and will not result in any additional impact to fish or wildlife.

Ron Rice, COE certified wetland delineator, conducted a wetland reconnaissance on the Speedway and WOE properties. He was accompanied by a professional wetlands biologist. Identified wetlands are mapped on the attached site plan. The result of this review was that new development "results in no impacts."

The City of Cottage Grove hired Phil Scoles, a soil and water scientist from Terra Science, to perform a peer review on the above wetlands reconnaissance. His full comments, in a letter dated February 24, 2005, are included in the file.

Mr. Scoles identified the study area as follows:

The study area includes the following wetlands and waters (non-wetland, but still regulated by the U.S. Army Corps of Engineers and Oregon Department of State Lands): Coast fork of the Willamette River (west edge of study area, including 2-year flood plain), unnamed drainage from North Regional Park/--- Golf Course (northeast edge), another unnamed drainage (AKA "slough") from North Regional Park (south part), and overflow outfall ditch from the waste water treatment plant. Two additional "suspect" wetlands were noted – the broad depressional area within the crew pit area (north of the Speedway) and a very small depression (or two) within the center of the Speedway.

Mr. Scoles concluded: "It is unknown if the master plan would actually result in any impacts to wetlands or waters. That is, the proposed parking areas and fire access lane could be constructed in a manner that avoids such impacts. That is, summer parking within the pit/crew area does not necessarily result in filling of wetlands. On the other hand, if the low portion of the pit/crew area is re-graded or filled, or a culvert relocated, then a wetland permit is likely required. It is recommended that a formal wetland delineation be conducted to determine if future construction would impact any wetlands and/or waters."

The City concurs that future development that may have impacts upon wetland areas (whether that be paving of pit parking area, construction within 25' of the top of bank of the Coast Fork, or filling of a culvert feeding the slough) trigger a formal wetland delineation by a qualified soil scientist. If development does impact delineated wetlands, the applicant will be responsible for all USACE/ODFW permits required. This shall be a condition of approval.

The City feels that certain management techniques can be initiated to protect fish and wildlife habitat within riparian or wetland environments on these sites. For the purpose of this MUM approval, the following measures must be taken to ensure that there are no impacts to wetlands or waters (and consequently to significant fish or wildlife habitat within these sensitive environments):

Protection of on-site wetlands must include:

- Protection of slough from invasive species
 - Including submittal and subsequent recording of conservation agreement between Speedway, WOE and City for protection of dedicated open space area along this slough.
- Protection of slough and wetlands areas from damage caused by pedestrians crossing from North Regional Park to WOE, litter (household and industrial), and/or contamination from oil products or human waste through:
 - On-going maintenance of existing fencing.
 - Immediate removal of all potential contaminants.
- Protection of potential wetland in middle of pit area, including:
 - Protection from contamination from oil products or human waste
 - No location of port-o-potties near potential wetland site.
 - Restriction of use to low-water time periods.
- Removal of all debris from proximity of wetlands.

Protection of riparian zones:

- Protection of riparian setback along Coast Fork of Willamette River:
- Prohibition against any new structures within 15' of top of bank of Coast Fork.
- Removal of all debris (abandoned cars, metal, building materials, tires, etc.) from riparian zone.

b. *Identified scenic area, viewpoints and vistas will be preserved;*

Although there are no significant sites identified in the Cottage Grove Comprehensive Plan within this area, the City finds that two views as vistas of great enough importance to the community. This vista is the Willamette River bank as seen from the vantage point of a person on a boat in the river, and the view of the Speedway and WOE as seen through the trees at the North Regional Park. The former is important as maintenance of the vista of the Willamette River and its banks are one of the primary reasons behind the Willamette River Greenway designation. The latter is important as the North Regional Park is one of the City's principal natural parks and views from the bike trail are an important part of the visceral experience of the North Regional Park.

Protection and preservation of these vistas is contingent upon the following, which will be conditions of approval:

- Removal of all debris from the riparian zone.
- Removal of all debris from pit area and from slough area.
- Preservation of existing trees on site and immediately off-site.
- Replanting of lost or diseased trees immediately upon removal.
- Removal of invasive species on slope of Coast Fork, replacement with native ground cover and riparian vegetation per Greenway vegetation removal standards.

c. *Any structure must be located outside the existing riparian vegetation or behind a setback line which is at least 15 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible.*

The riparian vegetation on the WOE site is limited to the 15' riparian corridor along the open grass parking lot (west side of lot). No structures are located within the 15' riparian setback on the WOE site. No structures are proposed within the 15' setback, nor will they be allowed under this MUM.

Vegetation within the setback will be required to be maintained and enhanced through the removal of blackberries and their replacement with native vegetation. Vegetation restoration shall follow Greenway vegetation maintenance standards.

No trees shall be removed from the 15' riparian zone on either property without prior written approval of the City of Cottage Grove Community Development Department. Tree removal will only be approved if a certified arborist has verified that the tree is a "hazard tree." Trees that are allowed to be removed shall be replaced with an approved species immediately.

The riparian corridor shall be kept free of all debris. No further dumping of materials as regulated by the City of Cottage Grove Municipal Code will be permitted.

- d. *The natural vegetation along the river will be maintained to the maximum extent that is practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.*

The natural vegetation along the river on the WOE site is limited to the banks of the Willamette River along the open grass parking lot (west side of lot). No structures are located within the 15' riparian setback on the WOE site. No structures are proposed within the 15' setback, nor will they be allowed under this MUM. Infrequent parking is located along this corridor, but shall not be allowed on a permanent basis (if paving is required).

There are a number of large trees within the WOE site that play an important part in the feel of the development site and its integration into the riparian area. No trees shall be removed on the property without prior approval of the City of Cottage Grove Community Development Department. Tree removal will only be approved if a certified arborist has verified that the tree is a "hazard tree." Trees that are allowed to be removed shall be replaced with an approved species immediately.

The riparian corridor shall be kept free of all debris. All old vehicles, timber, tires, equipment, metal, etc, must be removed within 3 months of MUM approval.

- e. *The proposed development change or intensification of use is compatible with the site and surrounding area.*

Both developments have existed on site since at least the early 1960's. The footprint of these uses was established by the time the City delineated its Urban Growth Boundary around them. These two uses, although part of the City's UGB for thirty years, just annexed in 2004. Two sites bordering the subject parcels remain unannexed (the industrial site to the southeast and the residence directly south of the WOE), although they are within the City's UGB. Remaining neighbors are either within the City (the North Regional Park/golf course/wastewater treatment facility) or permanently outside of the UGB (on opposite side of river/Hwy 99 or north at the confluence of Row & Coast Fork).

Both uses have grown over the years, as has the City. The residential areas to the south have become more densely developed. As spectators to either venue must cross through these residential neighborhoods to gain access to the Speedway or WOE, the densification of both sets of uses (Speedway/WOE & residential development) causes conflict. Although these areas have grown together and hence are as compatible as such divergent uses can be, the proposed long-term growth of the Speedway and WOE has the potential of negatively impacting these residential areas if transportation, emergency access, noise and hours of operation issues are not addressed.

State law defines the applicable (and enforceable) noise standards and hours of operations for motor facilities. These rules are designed to "encourage the motor sports facility owner, the vehicle operator,

and government to cooperate to limit and diminish noise and its impacts.” The City of Cottage Grove has the authority to enact more stringent requirements than State law provides, but cannot make these standards weaker. The City finds that the WOE shall abide by State standards, as amended by City Council through this MUM.

Emergency access is an important issue for emergency service providers, spectators, participants, and community members. The Speedway/WOE have proposed upgrades to emergency access which have been elsewhere discussed in this staff report. Staff feels that so long as improvements to emergency access are implemented as elsewhere conditioned that emergency access issues can be adequately addressed. These conditions include the dedication and construction of two approved emergency access routes (into north end of Speedway and south end of WOE) and dedication and construction of approved fire lanes within both sites within one year of MUM approval. Other fire suppression improvements on-site (fire hydrants, fire extinguishers, building improvements) will also enhance safety on-site and reduce potential conflicts with the surrounding neighborhoods.

Primary vehicular access into the Speedway/WOE is from a private easement that connects to N. Douglas Street, a residential City street. Improvements to this access route (paving, widening, straightening, etc.) have been discussed elsewhere and been recommended as conditions of approval. These improvements will be required within a reasonable time period.

Riparian vegetation and wetland areas will be preserved and/or restored through related conditions of approval. Large trees on site will be maintained. The openness and rural nature of the sites will be maintained. Preserving the natural character of the site will ensure the compatibility of the sites with the surrounding park and riparian zones.

The size of approved events will be strictly limited to the amount of parking that can be proven to be accommodated either on-site or off-site through approved parking agreements. The number of events will be limited to 10 days per month, September through May, and 15 days per month, June through August (140 days overall) for both sites. Restricting traffic and number of events will limit conflicts with the surrounding neighborhood to acceptable levels.

The City finds that this criterion will be met so long as the aforementioned conditions of approval are met.

f. Any development will be located away from the river to the maximum extent possible.

The WOE development site is located to as far away from the river as possible. All structures are located in an enclosed compound on the right half of the property, away from the river that lines its left bank. A grass parking lot occupies the space between the compound and the river. This parking lot is used sporadically (3 days/week) for 6 months of the year, and less frequently during the remainder of the year for periodic special events on weekends. Conditions of approval stated elsewhere in this staff report limit use of this parking lot to no more than 10 days per month, September through May, and 15 days per month, June through August. No new structures or construction is suggested within the parking area or adjacent to the river.

- g. *The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation that is feasible between the activity and the river.*

All existing landscaped areas and native vegetation on the site will be retained. Infrequently used parking areas will remain unpaved to allow for the retention of as much open space as possible. Development areas (for track or corral use, etc) will not be increased. Proposed new buildings will be constructed within existing impact zones. Dedicated open space areas on WOE property will be preserved in perpetuity through conservation agreements or formal conservation easements. Perimeter yards that coexist with wetland areas (15' along slough) will be protected from encroachment or contamination. All materials currently stored within riparian or wetland zones will be removed and/or stored in an approved screened storage area. Existing trees that serve to buffer the impacts of the development will be retained. The City finds that so long as these conditions are met the above criterion will be met.

18.33.050 *Dedication and maintenance of facilities. The planning commission may, as a condition of approval for any development, require that portions of the parcel or parcels of the mixed use master plan be set aside, improved, conveyed or dedicated for the following uses:*

- A. *Easements. Easements necessary to the orderly extension of public or private utilities may be required as a condition of approval.*

The City will grant a 25' wide easement to the WOE/Speedway for a secondary access for emergency vehicle/pedestrian/bicycle use through the City's property (North Regional Park).

Primary access is gained over private land (under ownership of the City of Cottage Grove and other private land owners). The applicants will be required to obtain (and submit to City of Cottage Grove) 25' access/maintenance easements in perpetuity from all property owners.

- B. *Streets. Streets necessary to the proper development of either the master plan development or adjacent properties may be required as a condition of approval.*

The applicants will be required to widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement (except at one or two approved pinch points per Fire Department approval); pave (asphalt or concrete) 20' wide easement; and sign length of easement for "No parking". These criteria shall be met within two years of approval of this MUM.

The applicants are showing some off-site improvements to this easement where it connects to N. Douglas Street to improve fire access and safety. The easement currently makes a 90 degree turn from the end of N. Douglas (after the connection from the railroad underpass) before turning north in front of the wastewater treatment plant. The applicants are proposing to straighten this turn. The City of Cottage Grove, who owns the property over which this "road" runs, agrees with the need to realign this driving corridor to improve vehicle turning safety. The City will work with the applicants to choose the proper realignment. The applicants will be required to work with the City to record a permanent easement for this access.

This improvement will be required as a condition of approval, and will be scheduled in conjunction with the City Engineer following the completion of the City's expansion project at the wastewater treatment facility.

- C. *Recreation facilities. A suitable area for parks or playgrounds for the owners, residents, employees or patrons of the development may be required as a condition of approval. Suitable links to trails, streets, pedestrian paths or bicycle paths may be required as conditions of approval.*

Criteria discussed above regarding secondary fire access to the WOE site (and further to the Speedway) will meet this criterion through the dedication, construction and maintenance of an extension of the North Regional Park bike path system as a secondary emergency vehicle/pedestrian/bicycle access to the WOE. This 25' easement with 20' clearance and 12' surface will enter City property from N. Douglas Street south of the wastewater treatment plant, cross City property and the bike trail through a wooded area to the southern property line of the WOE where it will connect with a 20' fire lane to be created on the WOE property. This fire lane will connect to the Speedway's front gate. This access, although intended to provide a safe and clear route for emergency vehicles to enter either site without using the main road into the Speedway, will serve to enhance the WOE/Speedway's links to the North Regional Park bike/pedestrian system. It will also provide a safe pedestrian path for users of the City's overflow parking lot. This path shall be bollarded at either side of the North Regional Trail bike path crossing to ensure that unauthorized vehicles do not enter; however it shall remain open at all other times to pedestrian and bicycle users. The City will work with the Speedway/WOE by granting an easement for this access. All development costs will be incurred by the applicants.

- D. *Open space and common facilities. Open space and common facilities may be required as conditions of approval per the development standards of this title. The planning commission shall require that open space and common facilities be maintained. Required maintenance of any common facilities including, but not limited to, common streets, parking, circulation areas, open spaces, trails and storm water facilities, shall be ensured by covenants approved by the City. Failure to maintain any common area or amenity shall be considered a violation of this title.*

Conservation agreements and/or easements will be required by from the WOE for the maintenance in perpetuity of the agreed upon open space areas (along slough and south side of parking lot). These agreements shall be approved and recorded by the City of Cottage Grove within one year of MUM approval. These agreements shall include maintenance standards for both areas.

- E. *Public Utilities. Provision of public utilities for water, wastewater, storm and/or fire protection may be required as a condition of approval.*

See above staff findings related to public facility development.

18.33.060 *General location criteria. A mixed use master plan permit may be granted by the Planning Commission and City Council only if it is found that the development conforms to all the*

following criteria as well as to the mixed use master plan development standards:

- A. *That the location, design, and size are such that the development can be integrated with its surroundings, or in the case of a departure in character from surrounding land uses that the location and design will address the impacts of the development;*

The applicant interprets the work "surrounding" to mean uses within 1,000 feet of the subject property.

Land to the north of the Speedway is the Willamette River. Farther west and north lies Hwy 99 (on the west shore of the river). The Urban Growth Boundary follows the northern edge of the Speedway; lands to the north of the Speedway are zoned F-2 and are out of UGB/City limits. These lands are primarily undeveloped, and are floodways caused by the confluence of the Coast Fork and Row Rivers. Land to the east and south of the Speedway/WOE is City owned property designated as the North Regional Park. Much of this large property is used as a private golf course under long-term lease from the City. Farther east (on the other side of the public property) lies Interstate 5 (I-5). Across the highway lies Middlefield Village, a seniors-only manufactured home park, and the remainder of the golf course. To the southeast of WOE lies a private residence on a hill. This residence is zoned AGT-5 and remains outside of city limits. To the southeast of the Speedway and WOE on the other side of the river lies a small industrial site with one residence. This residence and industrial site remains outside of city limits. Further south, along N. Douglas Street and Chamberlain, lies a single family residential neighborhood. Although a few houses along N. Douglas Street date from the time when this area was still a farming community (1910-1930), most were constructed between 1960 and 1980.

The Cottage Grove Speedway was developed in 1956 on an area that had been utilized for agricultural purposes. The WOE was developed within a few years of the Speedway (approximately 1960). Both uses occupy approximately the same overall footprint now as they did then. The track is in the same location and of the same size as the original dirt track created in the late '50's. Additional grandstands, concessions booths and accessory sheds have appeared on the site over the years, but have not changed the overall impact footprint of the site. Similarly the WOE's barns, exhibit halls, and corrals are in the same general location as they were in the '60's, although buildings have been added over the years. All of the structures on both sites existed at time of annexation into the City of Cottage Grove.

Surrounding land uses such as the residential neighborhood to the south, the golf course to the east (and the residential neighborhood further to the east), and the industrial development to the south/southeast developed after the initiation of both the Speedway and WOE uses. In light of this, the Speedway and WOE are "integrated into [their] surroundings by virtue of having always been there." The form and use of the Speedway as a motor car racing facility existed prior to surrounding developments, and hence is "as integrated with its as a use can be." The Speedway and WOE grew up before the surrounding development, and were fixtures in the Cottage Grove community before there was a residential community or golf course in their back yards.

Staff concurs in part with this evaluation. The City's UGB line was originally drawn in 1970 to include both the Speedway and WOE as future "urban" developments. It was assumed at that time that the City would grow to include these uses, and that their more proper designation was as urban vs. rural uses.

The 1980 Comprehensive Plan designated these areas for "regional and community parks". The 1993 Periodic Review amended this designation to "Public/Quasi-Public". Both designations assumed that existing uses would remain. In the 1980 Comp Plan, the majority of the golf course and all of the area currently developed as Middlefield Village was outside of the UGB. The UGB was extended later to incorporate these areas, which were then designated Commercial Tourist and Multiple Family Residential respectively. The Speedway and WOE designations were not amended at this time. Additionally, the residential area to the south of the Speedway/WOE on N. Douglas was designated as residential at the same time as the Speedway/WOE were incorporated into the Comp Plan. These areas have always been viewed as neighbors. Consequently, the principal City planning documents have always viewed the Speedway and WOE as components of the City, and planned for their inclusion accordingly.

Additionally, the Speedway and WOE are fairly penned in by a combination of man-made and natural boundaries that serve to buffer these uses from surrounding neighborhoods and uses. The Willamette River and Hwy 99 run along the western edge of both properties, effectively creating a man-made and natural buffer for the length of this boundary. To the east, the North Regional Park, the majority of which is being used as a golf course by Middlefield under a long-term permit, creates a buffer on the east from residential and commercial uses that have developed over the last two decades in that direction. I-5 also creates a physical barrier to the east from other uses. The southern boundary of the WOE/Speedway area is marked by a tree-covered hill, partially privately owned and outside of the City, and partially publicly owned (part of North Regional Park). This hill blocks much of the sound that would naturally move in this direction from the Speedway/WOE and provides a visual and physical buffer between these uses and the low-density residential neighborhood to the south. This combination of buffers mitigates impacts upon surrounding uses by separating these uses physically and visually from them, and assists the Speedway and WOE with "integrating" with the surrounding neighborhood.

Staff does not concur, however, that all elements of the location, design and size of the Speedway and WOE are integrated into the surrounding area by virtue of their age, duration and physical separation. Traffic, parking, noise and emergency access issues remain. These issues, which have a negative impact upon the neighborhood to the south, must be addressed to ensure that the character of the surrounding land uses is maintained. The City finds that so long as conditions otherwise established in this staff report to deal with access, off-site parking, noise, operation parameters, traffic and utilities are met, these developments will be as integrated into the surrounding area as necessary to ensure that the intent of the Comprehensive Plan and zoning codes are met.

B. *That the traffic generated by the development does not reduce the level of service below a fair standard as established in the Cottage Grove Transportation Plan;*

In their February 3rd submittal the applicant states the following:

Traffic generated by the Speedway and the fairgrounds will not permanently affect the level of service on surrounding roads. Traffic generated by the speedway and WOE is intermittent. It is only associated with events, which are temporary and sporadic. Based on information provided as Exhibit H (in the application), a typical race night only adds approximately 500 vehicles to the

road system. There are several entrances to Douglas Avenue. Therefore, the vehicles will not all use one route. This is confirmed by Exhibit H, Figure 2. The trips are concentrated: incoming from 4:00pm to 7:00pm and outgoing from 9:45pm to 12:45am. Fair events will have a similar ebb and flow of traffic, though their vehicle counts will likely be much less. Even with greater attendance, speedway and fairground events will not reduce the level of service below fair on Douglas Avenue.

The applicant turned in a Traffic Impact Study (TIS) completed by Access Engineering on February 23, 2005. The purpose of this TIS was to document estimated traffic impacts resulting from the combined development and recommended mitigation measures as necessary. TIS assumptions included: projections through 2015, increase in attendance from 1000 to 6000 persons, a total of 618 parking spaces (on two sites), and 300 parking spaces in the City-owned grass field for overflow parking.

The traffic study focused on speedway events, which have the highest traffic generation and parking demand. Traffic counts were taken during a Speedway event in September 2004. A total of 560 vehicles were generated by this event. The peak hours of traffic were found to be 5:15pm to 6:15pm, and 11:15pm to 12:15am. An analysis of the operation of critical intersections in the area during the peak hours before and after the event "indicated that all streets maintained a "Good" level of service" when at max design (for 6,000 persons). The 918 on-site and dedicated off-site parking spaces did not meet the need for 6,000 persons; transporting the remaining patrons to and from the site will require off-site parking and shuttle service. "Traffic levels on the residential streets leading to the site, Douglas, Ostrander, Oswald West and Chamberlain will increase substantially, however, the level of service will remain "Good" at all locations. The use of shuttle buses will moderate the increase in traffic on these streets but could increase noise especially after an event."

The City, prior to reviewing the full MUM application, had Branch Engineering perform a peer review on the above TIS. Branch Engineering offered several comments, expressing concerns over the lack of discussion within the TIS of emergency vehicle access, specifics for off-site parking, lack of manual turn movement counts at five designated intersections, and lack of accident evaluation.

The applicant submitted a response from Access Engineering to this peer review at the April 6th public hearing. Principally, their response stated that manual turn movement counts were not performed because the City did not ask for them, emergency vehicle access was discussed elsewhere in the application, and details of off-street parking agreements would be designed once the participating businesses have been determined. They also provided crash data for Highway 99 in the area of the underpass connector for the years 1999-2003. ODOT's data showed only two reported crashes on this stretch of highway in that 4 year period, neither attributable to the Speedway.

Staff concurs that the analysis provided does show that the residential streets and intersections reviewed as being impacted by traffic by the Speedway and WOE will remain at a "Good" level of service (LOS) as defined by the current Cottage Grove Transportation System Plan within the planning horizon (2005-2015). A street with a good LOS typically carries vehicles at 70% or lower of full street capacity. A street with fair LOS carries 70-85% of the street capacity. Both good and fair LOS are considered acceptable by the 1998 Transportation System Plan. Based on the applicant's analysis, the highest

volume/capacity ratio at the reviewed intersections was 65%, which retains a "good" classification based on the above standard.

Staff disagrees that there are 618 dedicated parking spaces on the Speedway/WOE sites. Rather staff affirms no more than 402 parking spaces on site. The additional 300 parking spaces on City property used by the applicant for Speedway/WOE parking is only available through a 2005 agreement with the City Council which must be reaffirmed and reevaluated on an annual basis. This parking cannot be assumed for the long-term. Consequently, assumptions relating to parking in this TIS are flawed. However, staff has elsewhere conditioned maximum attendance at the Speedway to be 1,500 spectators and 300 participants, and at the WOE to be 1400. These attendance caps may not be violated unless additional formal written off-site parking agreements have been submitted and approved by City Council, which must occur on an annual basis. So long as attendance is capped at 1500 max, and parking agreements are reviewed for their impacts upon the neighborhood streets (including paths of entrance, hours of operation, etc.) the on-site parking figure at the Speedway/WOE will be greatly lower than the figure used in the TIS and hence should not change the overall findings of the TIS.

The City concurs that the traffic generated by the Speedway and WOE does not reduce the level of service below a fair standard as established in the Cottage Grove Transportation Plan.

- C. *That the location, design, size and land uses are such that the development can be adequately served with existing or planned facilities and services, such as utilities, fire, or engineering standards, which may be provided in phases.*

Both sites are either served or can be served by facilities and services. Existing facilities on both sites are shown on the Exhibit maps. Required utility connections and/or upgrades for water, sewer, fire suppression and fire access are discussed elsewhere in this staff report. Compliance with conditions stated in this staff report will ensure that the location, design, size and land uses proposed are adequately served with public services.

13. The proposal conforms with the City Comprehensive Plan, which includes the parcel 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 which may be private or public in nature.
14. The proposed amendments are in compliance with Statewide Goals as detailed in the record, these findings and 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 as the property is located in an urban area and within the urban growth boundary of the City of Cottage Grove.
- 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 use, a private speedway is a permitted use 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 have shown compliance with the criteria of each applicable land use code section during MUM review. Hence compliance with the zoning code and MUM plan and conditions 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 have been considered during MUM review process and conditions have been established to ensure that this goal is met.
- Goal 7: Areas Subject to Natural Disasters and Hazards: The major concerns on these parcels relate to floodplain concerns have been addressed during development review pursuant to the existing city ordinances.
- Goal 8: Recreational Needs: The approval of this MUM plan and conditions will allow for and encourage the development of the area for recreation-oriented use through private investment.
- 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 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: Not applicable.
- Goal 11: Public Facilities and Services: The MUM plan and conditions ensure that facilities and services are 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 this parcel. The City's existing water production and wastewater treatment plants will accommodate development resulting from this development MUM.

- Goal 12: Transportation: Traffic impact has been review and it was found that the MUM was in compliance with the City's TPR.
- Goal 13: Energy Conservation: The MUM 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 in the Urban Growth Boundary and the MUM is requiring urban level of service and the orderly provision of such services..
- Goal 15: Willamette River Greenway: This property is entirely within the Willamette River Greenway. The existing use, a private speedway, is a permitted use in the PR/Greenway zone contingent upon Mixed Use Master Plan approval. The MUM Mixed Use Master Plan review process consolidates multiple land use applications, including greenway conditional use permit review. Hence compliance with the zoning code and MUM plan and conditions 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.

Additional findings for Ordinance No. 2929

I. Public Hearing

City Council held a public hearing on September 27, 2010 the eight items remanded by the Land Use Board of Appeals related to the Zone Change and Mixed Use Master Plans for the Cottage Grove Speedway and the Western Oregon Exposition.

II. Goal 12 – Transportation

LUBA found the city's original Goal 12 findings insufficient. Specifically, it found: that the city erred to the extent it relied upon a TIS that fails to evaluate traffic impacts for uses allowed in the PR zone through the end of the planning period identified in the city's TSP; that there were no findings addressing the Goal 12 Transportation Planning Rule (TPR); and that the city's findings failed to address issues related to the railroad underpass. LUBA remanded for the city to adopt findings addressing the TPR and, if necessary, to require a revised TIS that is sufficient to establish conformance with the rule.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The end of the planning period for the Cottage Grove Transportation System Plan (TSP) that was in effect in 2004 was 2015. Applicants submitted a Traffic Impact Analysis (TIS) prepared by Access Engineering that obtained traffic data in 2004 and projected traffic levels for 2005 and 2015. The city finds that the TIS evaluates traffic impacts for uses allowed through the end of the TSP's planning period.

The city finds that the TSP recognized the on-going speed way use as it planned the function, capacity and performance standards of the transportation facilities in the vicinity of the speedway. TSP Figure B-3 Existing Land Use shows the speedway property designated for public use. Importantly, Figure B-4 Vacant and Underutilized Land does not show the speedway property as vacant or underutilized. The TSP planning was done with the speedway uses in mind.

The February 2005 TIS analyzes the traffic impacts at five key intersections. Two of those intersections – at Highway 99/Chamberlain Avenue and at Highway 99/railroad underpass – are the closest state transportation facility intersections to the speedway. Although separated by approximately 1,000 feet, they represent the first two access points to Highway 99 from the speedway.

The state uses a volume to capacity (V/C) ratio for determining capacities of state transportation facilities. The minimum acceptable performance standard for state transportation facilities depends, in part, upon the facility's classification and the allowable speed at a particular location. For a facility such as Highway 99 in Cottage Grove, at speeds 45 mph and greater, the maximum allowable V/C ratio is 0.8 (80% of capacity). At speeds between 35 mph and 45 mph the allowable V/C ratio is 0.85 (85%). At speeds 35mph and less it is 0.9 (90%).

The speed limit at the Highway 99/Chamberlain Avenue intersection is 25 mph. The speed limit at the Highway 99/Underpass connection intersection is 35 mph. Therefore, the maximum allowable V/C ratio for Highway 99 at either intersection is 0.9 (or 90% of capacity).

The TIS analyzed the traffic volumes for a 2005 speedway event with an average attendance of 1,000 persons and for a 2015 speedway event with a maximum attendance of 6,000 persons. For the 2005 event, all attendees could be handled by the on-site parking. For the 2015 event, attendance would exceed the on-site parking capacity. Consequently, the TIS analysis included the traffic flow for the maximum amount of traffic to the shared Speedway/WOE parking plus additional shuttle vehicle trips from off-site locations. Additionally, although most speedway events are on Saturdays and Sundays, the analysis adjusted the entering peak hour analysis to

utilize the higher weekday background rush-hour traffic volume in case a large event occurs on a Friday night. The TIS analyzes the maximum potential traffic impacts from the proposed use. Furthermore, no party has argued that the proposed zoning allows any other use that would result in greater traffic impacts than the speedway use.

The TIS operational analysis contained in Tables 4 and 5 are expressed as V/C in percentages. The V/C ratios/percentages used in the tables can be used for the Goal 12 analysis of the state facilities. The TIS converted those V/C ratios to Level of Service (LOS) values in concluding that the proposal resulted in levels of travel or access consistent with the TSP for local streets. The Goal 12 analysis follows.

Goal 12 and the TPR are invoked whenever a local government approves an amendment to a land use regulation. A zone change represents an amendment to a land use regulation. Consequently, the TPR is applicable and must be addressed.

Under OAR 660-012-0060(1), a local government must determine whether an amendment to a land use regulation will "significantly affect" a transportation facility as described by the TPR. This proposal does not change the functional classification of an existing or planned transportation facility or change the standards implementing a functional classification system. Consequently, the proposal does not trigger OAR 660-012-0060(1)(a) or (b).

The key question here is whether the proposal allows levels of development that results in levels of travel or access that are inconsistent with the functional capacity of a transportation facility, or will reduce the performance of a transportation facility below its minimum acceptable performance standard. OAR 660-012-0060(1)(c)(A) and (B).

Table 4 of the TIS demonstrates that Highway 99 will operate well below its V/C ratio of 0.9 (90%) in 2005 for both the entering and exiting peak hour trips for both the Chamberlain Avenue and the underpass intersections. Table 4 shows that the highest entering peak hour V/C occurs at the underpass intersection, at 28% (0.28) of capacity. The Chamberlain Avenue intersection maximum entering peak hour V/C is 26% (0.26). The maximum exiting peak hour V/C is 29% (0.29) for the underpass and 15% (0.15) for the Chamberlain Avenue intersection.

Table 5 shows the operational analysis for the 2015 maximum speedway event scenario. As expected, there is a demonstrable increase in the volume to capacity percentage/ratio, but it is still well below the minimum acceptable performance V/C standard of 0.9 (90%) for both the entering and exiting peak hours. The maximum entering peak hour V/C for the Highway 99/Chamberlain Avenue intersection is 65% (0.65), and for the Highway 99/underpass intersection it is 38% (0.38). The exiting peak hour numbers are 38% (0.38) for the Highway 99/Chamberlain Avenue intersection and 31% (0.31) for the Highway 99/underpass intersection.

Based upon the analysis contained in the TIS, the city concludes that the proposal will not significantly affect a state or local transportation facility.

This conclusion should not be surprising. As noted above, the TSP planned for transportation facilities to support the existing speedway uses. In fact, the approvals place a binding reduction on the traffic impacts of the speedway use from the prior county nonconforming use. Under the CGZO, speedways and racetracks are permitted only through a MUMP. The MUMP in this instance restricts on-site parking to 1500 spectators plus participants. Events that attract additional spectators must provide off-site parking and shuttle transportation to the speedway for those additional spectators. Uncontested from the *Leach v. Lane County*, 45 Or LUBA 580 (2003) nonconforming use litigation is that the nonconforming use included on-site parking for up to 1700 spectators plus participants. The proposed use as conditioned in this instance mandates a decrease in allowable on-site parking. The decrease in parking spaces results in a corresponding decrease in traffic impacts compared to what previously occurred with the speedway use. A decrease in related traffic impacts does not significantly affect a transportation facility under the TPR.

As part of this approval, the city imposes a condition of approval that requires that ODOT be notified in the event the speedway property owner requests an amendment to the MUMP to allow for an increase in the number of on-site parking spaces for speedway events. This condition will provide ODOT with notice of potential increases in traffic impacts that could arise and allows ODOT an opportunity to participate in that proceeding.

Furthermore, the maximum intensive use allowed under the CGZO – a racetrack/speedway – is identical to the maximum intensive use allowed by the Lane County Code for the property's county zoning. Racetracks were an allowable conditional use under the Lane Code zoning (AGT-5) for the property when the property was in the county. See LC 10.322-15(1)(k). Under the city's zoning ordinance, racetracks are an allowable conditional use subject to additional mixed use master plan (MUMP) review. When one compares the conditional use review criteria for racetracks under the Lane Code to the approval criteria for racetracks under the CGZO, one sees that there is nothing about the Lane Code standards that would require a permitted race track use to be less intense than one that would be permitted under the CGZO. Instead, the opposite is more likely true; the CGZO approval standards are more restrictive than the previous county standards for racetracks. At the least, one can say that the change in zoning does not allow for greater levels of travel or access than would have been permitted under the previous zoning – the uses and consequent impacts are the same. An identical most-intensive use does not significantly affect a transportation facility under the TPR.

Last is the underpass issue. The city has received no notification from ODOT Rail that it intends to close the undercrossing and prevent its use by the public. Condition of approval 9 has two components to it. The first requires that, if ODOT Rail closes the undercrossing, the applicants are required to submit a revised TIS to the Community Development Department. LUBA concluded that this requirement alone is not sufficient to ensure compliance with the TPR. However, the second component of condition of approval 9 provides the Community Development Director the authority to require that the property owner amend the MUMP should

the mandated TIS indicate a problem. This problem, if it occurs anywhere, will likely occur at the Highway 99/Chamberlain Avenue intersection because the underpass is heading in the same direction and connects to the same transportation facility as does Chamberlin Avenue. It is this second requirement of the condition of approval that ensures that the development will not significantly affect the traffic facilities at Highway 99 and Chamberlin Avenue or elsewhere. Should the underpass be closed, the transportation impacts for the speedway use will be reviewed for consistency with the TSP, which includes Highway 99, and the MUMP will be modified if inconsistencies are found.

Furthermore, as discussed above, the TIS operational analysis indicates that the entering and exit peak hour V/C ratios for the most intensive speedway events at the end of the TSP planning period are well below the 0.9 (90%) minimum acceptable performance standards for those facilities. That evidence supports the conclusion that, even should the underpass be closed, the Highway 99/Chamberlain Avenue intersection will likely still operate within the planned capacity for the facility. The imposed condition of approval 9 will require verification that is the case and, if it is not, amendment to the MUMP.

In addition, should the undercrossing be closed, the Director shall require the property owner to amend the MUMP to address and establish compliance with CGZO 18.46.170(C)(2)(e) "compatibility with the surrounding area" as it relates to traffic issues created from the closed underpass. This will ensure compatibility, should the overpass close. Such amendments will require notice and an opportunity to appeal.

For the reasons provided above, the city concludes that the evidence in the record demonstrates that the proposal will not significantly affect a transportation facility and is consistent with Goal 12 and the TPR. The above findings are also incorporated by reference as supplemental findings for CGZO 18.33.060(B) and CGZO 18.46.170(C)(2)(e).

Condition (9) RAILROAD UNDERCROSSING

- a. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to Goal 12/TPR review related to impacts caused by the underpass closure. That applicant shall submit a revised Traffic Impact Study as part of the revision. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.
- b. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to CGZO 18.46.170(C)(2)(e) review related to traffic issues caused by the underpass closure. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.

III. CGZO 18.17.090 – PR Parks and Recreation District; Yard Regulations

- A. *Front yards. Each lot shall maintain a front yard of not less than fifteen feet. Front yards shall not be used for the regular or constant parking of automobiles or other vehicles.*

FINDING: The original proposal showed parking within the 15 foot setback north of the fence. There is sufficient room on site to move the parking spaces located within the 15 foot front yard setback outside of the setback area. 15 feet of open space can be maintained to the north of the fence.

Condition of Approval: A front yard setback condition shall be included in Exhibit C of Ordinance 2929 which shall to read:

“Front Yard Setback: No new structures, storage of materials or off street parking will be allowed within the 15 foot front yard setback. This will bring the property into compliance with CGZO 18.17.090.

IV. CGZO 18.42.070(A) and (F) - Off Street Parking; Parking Area Improvements

*All public or private parking areas *** which contain four or more parking spaces *** shall be improved according to the following:*

A. *All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete or other approved materials. All parking areas *** shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.*

F. *Parking Area Improvement Requirements set forth in paragraph 18.42.070 “A” may or may not be lessened subject to review and approval by the design review committee and/or the planning commission. Parking area surface improvement requirements may be lessened upon review and approval of individual applications the same apply to equipment storage areas or compounds and infrequently used off-street parking areas where the same are required to be provided by this title. (Infrequent means an area used ten or less days or times per month).*

FINDING: The proposal is for 10 use days each month year round eliminating the 15 days each month during June, July and August as originally approved in Condition #1 – Number of Days of Operation. These are combined use days for the Speedway and WOE. The Speedway and WOE propose to maintain their parking lots in a combination of grass (WOE) and gravel/compacted dirt (Speedway). Because of this restriction on use days, the spectator parking areas will be used ten or less days per month. This meets the definition of “infrequent.” As such, the City has authority to lessen Parking Area Improvement Requirements. The City finds that because the spectator parking area will be used infrequently, the parking area can be maintained in gravel/compacted dirt.

Condition of Approval:

1. The Number of Days of Operation Condition #1 in Exhibit C to Ordinance No. 2928 (CG Speedway) shall be amended to read as follows:

“NUMBER OF DAYS OF OPERATION:

Maximum number of use days for Western Oregon Exposition (WOE) parking lot (principal spectator parking for Speedway): **10 days per month**. The two parties (Speedway and WOE) will have to submit in writing to the Community Development Department a calendar of prospective use days as part of an annual report (no later than January 31). If combined number of events equals more than **10 days/month** they will be required to request a formal amendment of this MUM approval.”

2. The Number of Days of Operation Condition #1 in Exhibit C to Ordinance No. 2929 (WOE) shall be amended to read as follows:

“NUMBER OF DAYS OF OPERATION:

Maximum number of use days for Western Oregon Exposition (WOE) parking lot (principal spectator parking for Speedway): **10 days per month**. The two parties (Speedway and WOE) will have to submit in writing to the Community Development Department a calendar of prospective use days as part of an annual report (no later than January 31). If combined number of events equals more than **10 days/month** they will be required to request a formal amendment of this MUM approval.”

The City finds with the changes to the conditions in the Mixed Use Master Plans this criterion is complied with.

V. CGZO 18.46.100 - General Conditional Use Standards

CGZO 18.33.040.H. - Conditional Use General and Applicable Conditions. The General Conditions and applicable additional conditions set forth in Chapter 18.46 Conditional Use Permits shall apply.

LUBA instructed the city to make findings on CGZO 18.46.100 or establish why they need not be addressed. Compliance with substance of CGZO 18.33.040(G) was not at issue.

CGZO 18.33.040(G) states, “Waiver of Development Standards. The minimum development standards of the zoning district in which the MUM development lies shall not dictate the strict guidelines for development within the mixed use master plan but shall serve to inform the developer of the importance of developing a project that will reflect the intent of this chapter.”

This provision is a standard, but it is a standard that simply gives context to the rest of subsection .040 and does not qualify as an independent approval criteria. In short, it doesn't require the city

or the applicant to do anything. Therefore, neither the applicant nor the city need address it. Based on a plain language reading, it does not make the seven general conditional use standards of CGZO 18.46.100 applicable to a MUMP, as the LUBA decision suggests. Opposition did not raise objection to CGZO 18.3.040(G). LUBA did not remand on the substance CGZO 18.33.040(G). Therefore, compliance with this provision is not part of this proceeding. LUBA's decision, while referencing subsection G, focuses on compliance with 18.46.100.

We think the confusion above was created by a typo in the LUBA decision. We think the decision meant to reference 18.33.040(H). This section is fully addressed in the findings and does not require compliance with CGZO 18.46.100. CGZO 18.46.100 is not applicable to a MUM.

FINDING: The "general conditions" and "applicable additional conditions" are set forth in CGZO 18.46.110 and CGZO 18.46.170, respectively. LUBA found that the City sufficiently addressed those standards. CGZO 18.33.040.H does not require compliance with the "general criteria" of CGZO 18.46.100. Thus no findings are required under that section

VI. CGZO 18.50.040 – Design Review Standards

Chapter 18.50.040 Criteria for design review. The following criteria shall be utilized by the staff review committee or planning commission, as the case may be and when design review is required to ensure that the purpose and intent of this chapter are met:

- A. General. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighborhood or area, and safe, efficient and attractive development of the site.***

Staff response and findings of fact:

The subject property is developed with a pre-existing speedway which covers most of the site. The property has not been in a natural state for more than 50+ years. The natural features of the site are on the edges of the property and along the river and include: open space, riparian area, slough, wetlands, native vegetation and trees. These features are protected by Conditions 18, 20, 21, 22, 23, 24, 25, 26, and 27 in exhibit C of Ordinance 2929. The 3.5 acres of land located north of the river are required to be preserved in open space through a conservation easement. No trees are proposed for removal, nor will their removal be permitted at a later date except unless a certified arborist validates their need for removal due to disease or damage. No soil removal is proposed. Grading, if needed, is limited to minimal preparation for paving existing graveled areas for fire access, which will not result in noticeable grade changes. No other grade changes are proposed. Because the site is already developed and is not in a "natural state," and because proposed additional site development will result in limited impacts to the few natural features on site, this criteria has been met with the conditions of approval noted above.

- B. *Relationship to Neighborhood and Areas. The proposed development or physical improvements will not impair or interfere with either the development, use, enjoyment or value of other property in the vicinity or the orderly and pleasing development of the neighborhood or area as a whole.***

Staff response and findings of fact:

This criterion focuses on whether the proposed development is compatible with the surrounding vicinity.

New structures will need to comply with this criterion at the time of building permit per Condition 40. Allowing review at the time of building permit is allowed by CGZO 18.50.030(B).

The site is developed with a pre-existing speedway. The speedway has been operating since the 1950's. Although a few houses on Ostrander date from the late 1940's, the remainder of the residential neighborhood to the south of the Speedway was built after the Speedway was in full operation (1960s-1990s). The golf course to the east was developed in the 1980s, with full awareness of and in coordination with the adjacent Speedway. Proposed new development on the Speedway site is largely limited to infrastructure improvements that bring the site up to urban standards, such as paving emergency access and installing underground infrastructure. This development is limited and is consistent and secondary to the pre-existing use. The city finds that new development, when compared to the pre-existing nature and scope of the speedway, will neither impair or interfere with the development, use, enjoyment of value of other property in the vicinity or impair nor interfere with orderly and pleasing development of the neighborhood or area as a whole because the increase is consistent in scale and scope with the pre-existing use.

Conditions 1, 2, & 3 in Exhibit C of Ordinance No. 2929, ensure that the WOE will continue to operate in a manner that is consistent with past/current development patterns. Conditions 4, 5 and 6 ensure that parking will not negatively impact adjacent properties. Condition 32 preserve and improve the vistas from the North Regional Park and the river, by requiring the removal of all debris, the preservation of tree coverage, and the removal of invasive species. These improvements will enhance the property as viewed from surrounding areas.

In addition, the city finds that all new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits shall be placed underground (Condition 91). This will mitigate the visual impacts of the property and foster compatibility.

The city finds this criterion has been met.

C. *Project Development.*

- 1. *The proposed development or physical improvement has a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses;***

Staff response and findings of fact:

This criterion focuses on whether the proposed development is internally compatible.

New structures will need to comply with this criterion at the time of building permit (Condition 31 OF Exhibit C of Ordinance No. 2929). Allowing review at the time of building permit is allowed by CGZO 18.50.030(B).

The site is developed with a pre-existing speedway. The speedway has been operating since the 1950's. Most of the structures on site are pre-existing. Proposed new development is limited to infrastructure improvements that bring the development up to urban design standards, such as paving existing gravel access, access improvements and underground infrastructure. This development is limited and is consistent and secondary to the pre-existing use. The character of the development, with regard to the interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses, is set by the preexisting development. New development does not alter the existing interrelationship on the site because it does not interfere with other buildings, parking, circulation, open space, landscaping or related activities and uses. Therefore, new development maintains the desirable, efficient and workable interrelationship of the site.

Conditions of approval regarding urban-level utilities and services will enhance the proposed development and bring it into further compliance with this criterion.

Under Conditions 7 and 9, the Speedway will be required to bring its primary and secondary accesses into compliance with Uniform Fire Code. Permanent easements shall be granted for accesses of the proper width to ensure safe exiting, and these surfaces will be paved and signed for these uses. Pedestrian and bicycle traffic shall be allowed without constraints on the full length of the secondary access way, as it crosses through the publicly owned North Regional Park and through the WOE. The Speedway and WOE will also be responsible for providing security lighting on the portion of the trail through the woods, and placing bollards or a gate before the emergency access path crosses the bike trail and end of the section of trail through the woods to prevent unauthorized vehicular traffic.

Under Conditions 10, 11, 12, 13, 14, 15, 16, & 17 the Speedway and WOE will be responsible for the extension of public infrastructure into the site, and the development of and payment for water, sanitary sewer, and storm drainage infrastructure to urban standards within the site. This includes the installation of water for fire suppression.

The Speedway will be required to install sanitary sewer improvements from the wastewater treatment plant to the entrance gate of the Speedway within two years of approval of this application. The line must be sized to meet all existing and proposed needs for the Speedway and

WOE as delineated in the Mixed Use Master Plans which include specifics under Engineering Comments).

Any new construction is required to connect to the sanitary sewer system. The Speedway is encouraged to connect the existing buildings to the new sewer system at such time when a sanitary sewer lateral is extended past existing facilities. The Speedway will be responsible for constructing the sanitary sewer service from buildings to the sanitary sewer main.

The existing 36" storm water culvert under the main access must be removed and replaced with the appropriate size culvert to handle 54 cfs, or replaced with a same size pipe that meets current city standards and another culvert needs to be installed so the capacity of the two culverts is 54 cfs. This work will require a permit from Division of State Lands and Corps of Engineers. The replacement of this culvert will be the responsibility of the Speedway, and must occur within one year of approval of this MUM.

The Speedway's pit area currently has a catch basin that drains directly to the Coast Fork of the Willamette River. The applicants have been protecting this catch basin from contamination from oil and gasoline spills with oil absorbent pads. This does not meet City standards for water quality protection. This catch basin shall be replaced with an approved sediment and oil interceptor. This interceptor shall be maintained and cleaned as per manufacturer specifications or annually, whichever period is shortest.

Condition 18 stipulates that water improvements shall include but not be limited to a water main, appurtenances and fire hydrants. The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration.

Extension of City water for fire hydrant supply will require the upgrading/upsizing of the existing 2-inch water line. Upon completion and acceptance of the new water line, applicants will be expected to connect to the new water line and abandon the existing 2" line.

Water improvements shall be installed from the wastewater treatment plant to the northernmost fire hydrant on the Speedway property (and a branch water main to the easternmost fire hydrant on the WOE property). The improvements shall include but not be limited to a water main, appurtenances and fire hydrants.

Fire hydrants must be located immediately to the right of the Speedway entrance gate (outside on WOE property) and immediately to the north of the grandstands (before entrance to pit). Two (2) fire hydrants shall also be required to be located on the WOE site. Two (2) additional fire hydrants will need to be located on the main water line on the main access road to the south of the WOE (500' from the existing hydrant south of the wastewater treatment facility, and immediately adjacent to the wastewater treatment facility). Proper clearances around fire hydrants shall be maintained at all times per Fire Department requirements.

Provided all of the above conditions are met as stipulated in the Conditions of Approval, the city finds that this application shall meet the intent of this criterion.

2. *The proposed development or physical improvement is in character with the design qualities of other developments in the area;*

Staff response and findings of fact:

Development in the “area” is limited, is largely vacant or municipal or public in nature, and does not have any design qualities. The proposed use and most of the associated structures are pre-existing and are exempt from this requirement. New development and physical improvements are minimal and in scale with the preexisting development. To the extent any design qualities exist in the area, proposed new development is in character because it remains in character with the preexisting development on the site. The city finds that this criterion has been met.

3. *Due consideration has been given to the historical characteristics or architectural theme within an area;*

Staff response and findings of fact:

The Speedway is not identified in the Comprehensive Plan or the Cottage Grove Historic Resource Inventory as a historical site or structure. There are no historical buildings in the immediate area, nor is there a strong overriding architectural theme. The conditions of approval preserving and enhancing the river frontage will restore some of the historic feel of site. The City finds this criterion has been met.

4. *There is sufficient variety in the design of the structures and ground to avoid monotony in the external appearance.*

Staff response and findings of fact:

The ground design is largely pre-existing. No new ground design development is proposed. The existing Speedway consists of a series of metal and wood bleachers/grand stands around 2 sides of an oval track, with smaller one story accessory structures behind the center grandstand for concessions, administration, ticketing, etc. The tallest structures are in the center of the property, well away from the view of the river or the golf course. The composition of the complex disallows monotony. New structures shall address this requirement at the time of building permit per conditions of approval. The City finds this criterion has been met.

D. *Aesthetic Design*

1. *The design, size, shape and arrangement of structures and uses are in scale and compatible with the surroundings;*

Staff response and findings of fact:

The surrounding area largely consists of public land: a golf course; an open park; a waste-water facility; undeveloped ODOT land; a river; and Hwy 99 (and in the distance, I-5). The city finds that the design, size, shape and arrangement of the existing Speedway complex can be brought into compliance with this criterion through conditions of approval that specifically enhance the riparian corridor, vistas, and natural habitat areas that screen the majority of the complex from view from adjacent properties, and through removal of debris, nonnative species, and extraneous signage that detract from the appearance of the property. The structures meet code requirements for building height and are no taller than the trees in the foreground when viewed from adjacent properties. The existing development is clustered in the center of the property away from adjoining properties, which helps keep the more substantial of the structures from overwhelming their surroundings. Proposed structures, and the use of those structures, will have to comply with this standard at the time of building permit, when schematic drawings are available. However, it is worth noting that new structures are few and will be in scale with preexisting structures and the use of the structures will be consistent with preexisting uses on the site. The City finds this criterion has been met.

2. *Exposed utility lines, storage areas, machinery, installations, service and loading area, advertising features and similar accessory areas and structures are set back or screened to minimize the loss of natural light, views, privacy and general aesthetic value of surrounding properties;*

Staff response and findings of fact:

Utility lines shall be underground on the site per Condition 13 (Exhibit C of Ord. #2929). Riparian and perimeter yard setbacks (Conditions 26, 27 of Exhibit C) will keep all development, including parking and signage, away from property lines, which will minimize loss of natural light, views, privacy and general aesthetic value of the surrounding properties. Conditions 23 and 24, which protect the riparian zones and vistas from being used for the storage of debris or other materials, will also assist in bringing the property into compliance with this criterion. Condition 34 restricts signage to that which does not visually impair adjacent properties.

The city finds that compliance with these conditions will bring the proposed development into compliance with this criterion.

3. *The development or physical improvement is so designed, sized or sited to minimize obstruction of scenic views.*

Staff response and findings of fact:

The existing development is clustered in the center of the property away from adjoining properties, which helps keep the more substantial of the structures from overwhelming their surroundings. New development will not obstruct scenic views, as it is limited in proposal to

small one story structures clustered away from adjacent riparian areas, wetlands, perimeter yards or open space. Furthermore, scenic views are protected by Condition 24, which requires the WOE to delineate a riparian corridor, restore and/or enhance the existing riparian corridor, and preserve and enhance riparian vegetation to buffer existing development from views of the Speedway. Provided this condition is met, the city finds the Speedway in compliance with this criterion.

E. Landscaping

1. The development or physical improvement shall provide sufficient landscaping to assure a pleasant and aesthetic on-site environment and provide protective screening, including fences, when necessary. Landscaping shall be located in at least the following separate areas:

a. The front yard, when required, or that adjacent to the public right-of-way;

Staff response and findings of fact:

No landscaping is required in the front yard, although this area will be kept free from parking or storage of materials per conditions of approval. No portion of the site is adjacent to the public right of way. This criterion is met.

b. Along any lot boundary adjacent to a residential zone;

Staff response and findings of fact: There are no adjacent residential zones. This criterion is met.

c. To define, soften or screen the appearance of off-street parking areas from the public right-of-way.

Staff response and findings of fact:

Off-street parking is obscured from public right of way by vegetation, existing development, and the river and associated riparian area. No additional screening is necessary apart from that offered by vegetation and trees, which are protected and/or enhanced through Conditions 20, 21, 22, 23, 24, 25, & of Exhibit C of Ordinance No 2929. This criterion has been met.

2. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing, in a substantially similar manner as approved.

Staff response and findings of fact: No new ornamental landscape is required or proposed. However, the applicant will be responsible for the irrigation and maintenance of new native trees or other native vegetation planted to meet the goals of riparian or wetland enhancement and

rehabilitation of native vegetation per Conditions of approval 25 of Exhibit C of Ordinance No. 2929. This criterion has been met through conditions.

F. Advertising Features. The size, location and design of all exterior signs and illumination are in scale and harmony with the site and area.

Staff response and findings of fact:

The WOE signage will have to comply with the CGZO sign. Provided Condition 34 is followed the signs will be in scale and harmony with the neighborhood. The city finds the WOE in compliance with this criterion.

VI. CGZO 18.46.170(C)(2)(e) – Compatibility with the site and surrounding area.

FINDING:

Review of this provision on remand is limited to the railroad underpass. As established under Goal 12 above, the proposal relates to less traffic impacts, making the proposal compatible with the surrounding area. The Findings under Goal 12 above are incorporated herein.

EXHIBIT 'C'
TO ORDINANCE NO. 2929
MUM 1-05 CONDITIONS
WESTERN OREGON EXPOSITION (WOE)

NOTE: These conditions shall become effective after all appeals are exhausted, unless otherwise specified in the individual conditions below.

(1) NUMBER OF DAYS OF OPERATION:

Maximum number of use days for Western Oregon Exposition (WOE) parking lot (principal spectator parking for Speedway): **10 days per month**. The two parties (Speedway and WOE) will have to submit in writing to the Community Development Department a calendar of prospective use days as part of an annual report (no later than January 31). If combined number of events equals more than **10 days/month** they will be required to request a formal amendment of this MUM approval which shall not include a waiver of the condition related to pavement.

(2) ATTENDANCE:

The maximum attendance at the WOE shall be 1,400, unless additional parking agreements or parking plans for use within the development site can be shown. These agreements must be submitted to the Community Development Director for City Council approval at the beginning of each year. Attendance records shall be presented in writing to the Community Development Department on a quarterly basis (January, April, July, October).

(3) HOURS OF OPERATION:

Sunday through Thursday during the hours 8 a.m. to 10 p.m. local time; and Friday through Saturday, State and National holidays and the day preceding, not to exceed three consecutive days, during the hours 8 a.m. to 11:00 p.m. local time.

If overruns are proposed, the WOE must apply to the City Manager for a Special Event permit on a case-by-case basis.

(4) PARKING:

All event parking must be provided on-site or through formal parking agreements with other property owners as approved by City Council. No parking allowed in designated open space or in perimeter yards.

(5) SUPPLEMENTARY PARKING AGREEMENTS:

Supplementary parking agreements must be submitted in writing at the beginning of each calendar year (or no later than January 31) to the Community Development Department for approval by the City Council. Maximum attendance at the WOE will be established on an annual basis by the Community Development Director based on these approved arrangements. Parking agreements shall include a site plan detailing the proposed number of cars to be accommodated on the site, details on types and number of vehicles to be used for shuttling, number of vehicles that can be accommodated at proposed site, hours of shuttle operation, advertisement plan, etc.

(6) USE OF CITY LANDS:

RV parking is shown outside of the southern property line of the WOE. To retain rights for this use and/or parking, the City will have to apply to the Oregon State Parks Division for approval to use these lands, originally purchased with State and Federal funds, for this use. If approval is granted, the City will issue the WOE a permit for this area. The WOE will be responsible for meeting any conditions of this permit, including but not limited to maintenance, fee, and development of other improvements in return for use of public lands.

(7) PRIMARY ACCESS DEVELOPMENT (from wastewater treatment plant to WOE property):

- (1) Obtain (and submit to City of Cottage Grove) 25' wide access/maintenance easements in perpetuity from all involved property owners;
- (2) Widen the access easement to provide a 20' clear corridor for vehicular travel for length of easement;
- (3) Pave (asphalt or concrete) 20' wide continuous surface along full length of easement. Pavement shall be required within two years after utilities are installed;
- (4) Sign length of easement for "No parking/Fire Lane".

The timeframe for these conditions shall run from the date of approval by City Council regardless of any appeal.

(8) RAILROAD UNDERCROSSING

- a. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to Goal 12/TPR review related to impacts caused by the underpass closure. That applicant shall submit a revised Traffic Impact Study as part of the revision. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.
- b. Should this crossing be closed by ODOT Rail, the applicants shall be required to revise the MUM, as per 18.33.130. The MUM revision shall be limited to CGZO 18.46.170(C)(2)(e) review related to traffic issues caused by the underpass closure. Revision under CGZO 18.33.130 requires notice and an opportunity to appeal.

(9) SECONDARY ACCESS:

The City will work with WOE & Speedway to designate and grant a permanent joint access easement (for emergency vehicle, pedestrian and bicycle use only) of 20' in width through the City's property. The Speedway & WOE will be responsible for construction and maintenance of the full length of the secondary access, including all portions on City property and on WOE property. Secondary access must meet Fire Department standards (easement width of 25', unobstructed horizontal clearance of 20', paved width of 12', vertical clearance of 13'6" throughout full length, see Fire Department recommendations). The Speedway and WOE will also be responsible for providing security lighting on the portion of the trail through the woods, and placing bollards or a gate before the emergency access path crosses the bike trail and end of the section of trail through the woods to prevent unauthorized vehicular traffic. Pedestrian and bicycle traffic shall be allowed without constraints on the full length of the access way.

Maintenance of access will be responsibility of Speedway/WOE (from the WOE to the existing bike path).

Construction of this secondary access shall occur within two years of approval of this MUM. Plans for construction shall be submitted for approval by the Community Development Department and Fire Department prior to initiation of construction.

(10) INFRASTRUCTURE DEVELOPMENT:

The developers will be responsible for payment of all system development charges and review fees for new and/or required improvements.

The WOE and Speedway will need to sign a developer's agreement and pay any associated fees due because of the extension of public infrastructure (water and sewer). WOE and Speedway will bear all or a majority of the costs to extend or upgrade this public infrastructure.

(11) UNDERGROUND UTILITIES:

All new or replacement electrical, telephone, cable, fire alarm, street light or other wiring or conduits shall be placed underground.

(12) SANITARY SEWER:

WOE will be required to install sanitary sewer improvements from the wastewater treatment plant to the entrance gate of the WOE within two years of approval of this application. The improvements include but are not limited to sewer main, manholes and service line.

This line shall be designed and stamped by a Registered Professional Engineer in the State of Oregon, and shall be reviewed for compliance with City standards prior to construction. The line must be sized to meet all existing and proposed needs for the Speedway and WOE as delineated in this MUM (see Engineering Comments for specifics).

If the City of Cottage Grove allows RV parking on its property for the WOE, sanitary services shall be extended to serve the recreational vehicles. Infrastructure shall be placed on WOE property only.

Food booths and concession stands need to be evaluated to determine if grease traps need to be installed once the WOE is on sanitary sewer.

Any new construction is required to connect to the sanitary sewer system. The WOE is encouraged to connect the existing buildings to the new sewer system at such time when a sanitary sewer lateral is extended past existing facilities. The WOE will be responsible for constructing the sanitary sewer service from buildings to the sanitary sewer main.

(13) WATER:

Water improvements shall include but not be limited to a water main, appurtenances and fire hydrants (see below). The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration, and shall be

a minimum of 8-inch ductile iron pipe (see Engineering Department for specifications). This line shall be installed per City Engineering Department standards within two years following MUM approval.

Upon completion and acceptance of the new water line, applicants will be expected to connect to the new water line and abandon the existing 2" line.

The applicants will be required to submit a complete fixture count (number of bathrooms, trailers, food booths, concessions, etc.) to the Engineering Department to ensure that the water meter size and service line are adequately sized at the time of review of water improvement plans.

(14) BACKFLOW DEVICES:

A backflow device may be needed for the extension of existing operations. All new construction on either site shall require a backflow device. (See Engineering Comments.) The property owner shall be responsible for yearly testing of all backflow devices.

(15) WATER IMPROVEMENTS FOR FIRE SUPPRESSION:

Extension of City water for fire hydrant supply to WOE and Speedway sites will require the upgrading/upsizing of the existing 2-inch water line. This shall occur within two years following approval of this MUM.

Water improvements shall be installed from the wastewater treatment plan to the northernmost fire hydrant on the Speedway property and a branch water main to the easternmost fire hydrant on the WOE property. The improvements shall include but not be limited to a water main, appurtenances and fire hydrants.

Two (2) fire hydrants shall be required to be located on the WOE site, one immediately to south of main entrance gate (inside compound) and one between Barn 1 and Building 2. Two (2) additional fire hydrants will need to be located on the main water line on the main access road to the south of the WOE (500' from the existing hydrant south of the wastewater treatment facility, and immediately adjacent to the wastewater treatment facility). All four (4) hydrants shall be located per Fire Department standards within two years following MUM approval.

The water main as well as the fire hydrants shall meet the fire suppression requirements of 3,000 gallons per minute for a 3-hour duration, and shall be a minimum of 8-inch ductile iron pipe (see Engineering Department for specifications). This line shall be installed per City Engineering Department standards within two years following MUM approval.

Proper clearances around fire hydrants shall be maintained at all times per Fire Department requirements.

(16) FIRE EXTINGUISHERS:

A detailed plan indicating the size, type and distribution of fire extinguishers must be provided as a condition of approval. The Fire Marshal retains the right to require changes to this plan, and stipulate location, type and number of fire extinguishers if the provided

plan proves inadequate to meet International Fire Code requirements. This plan shall be provided within three (3) months of MUM approval regardless of appeals, and conditions placed by Fire Marshal upon its review shall be met immediately thereafter.

(17) FIRE LANES:

These fire lanes must adhere to following Fire Code requirements:

- (1) All fire lanes within the WOE site must have a 20' wide horizontal clearance and 12' wide driving (asphalt or compacted gravel) surface. The fire access entering the southeast corner of the WOE must be widened to meet this standard and continue to meet this standard for the entire width of the fire lane.
- (2) The entire route of emergency access must be posted to prevent obstruction by vehicle parking or other obstructions. To reduce the number of signs and still meet the posting requirements, sign posts can be installed every 75 feet staggered on opposite sides of the access road with signs posted on both sides of each pole.

The WOE shall submit plans for monitoring apparatus access road clearance to verify no obstructions take place during events. These plans shall be submitted immediately upon approval of this MUM regardless of appeals for approval by the Fire Marshal, and shall become a condition of approval for the duration of this MUM.

(18) OPEN SPACE:

Open space area along the slough shall be protected through a conservation agreement. This conservation easement shall be written to protect the designated portion of the property from development intrusion in perpetuity, and must be recorded with Lane County within one year of approval of this MUM.

(19) PERIMETER YARDS:

No parking, storage of materials, or structures may be located within the 15' perimeter yard (along west and north property line).

(20) RIPARIAN SETBACK:

No new structures shall be allowed within 15' of the top of bank of the Coast Fork.

(21) WETLANDS IMPACTS:

Future development that may have impacts upon wetland areas will trigger a formal wetland delineation by a qualified soil scientist. If development does impact delineated wetlands, the applicant will be responsible for all required USACE/DSL permits.

(22) PROTECTION OF ON-SITE WETLANDS:

- o The WOE shall protect the slough from invasive species by:
 - o Recording a conservation agreement between Speedway, WOE and City for protection of dedicated open space area along this slough
 - o Submitting a revegetation plan for riparian and wetland areas by Speedway and WOE within one year of MUM approval, showing timeline

for removal of invasive species and revegetation with native species within 10 year period.

- The WOE shall protect the slough and wetlands areas from damage caused by pedestrians crossing from North Regional Park to either Speedway or to WOE, litter (household and industrial), and/or contamination from oil products or human waste by:
 - On-going maintenance of existing fencing,
 - Installing fencing along slough on Speedway site behind the cell tower to prevent pedestrian crossing at that location, and
 - Immediately removing all potential contaminants and debris from proximity of wetlands including but not limited to: Abandoned cars, metal, building materials, tires, trailers, etc.

(23) PROTECTION OF RIPARIAN ZONES:

Protection of riparian setback along Coast Fork of Willamette River, including:

- Prohibition against any new structures within 15' of top of bank of Coast Fork.
- Removal of all debris (abandoned cars, metal, building materials, tires, etc.) from riparian zone.

(24) VISTA PROTECTION:

The WOE shall protect and preserve the vistas from river or North Regional Park by:

- Removing all debris from the riparian zone.
- Removing all debris from slough area.
- Preserving existing trees on-site and replanting lost or diseased trees immediately upon removal.
- Removing invasive species on slope of Coast Fork, and replacing with native ground cover and riparian vegetation per Greenway vegetation removal standards.

(25) REHABILITATION OF NATIVE VEGETATION:

Rehabilitation of the native vegetation on the site will require the removal of blackberries and other invasive species from identified wetlands and riparian corridors and their replacement with native vegetation as specified in the Greenway maintenance standards. Revegetation plans should include the planting of native trees within the riparian corridor. Revegetation plans must be submitted within one year of approval of this MUM. This plan shall include a detailed schedule for work to be concluded within 10 years. This work must be completed to the specifications of the Community Development Department. Ongoing maintenance of natural areas will be required as a condition of approval.

(26) TREE PRESERVATION:

No trees shall be removed on either property without prior approval of the City of Cottage Grove Community Development Department. Tree removal will only be approved if a certified arborist has verified that the tree is a "hazard tree." Trees that are allowed to be removed shall be replaced with an approved species immediately.

(27) PROTECTION OF WATER QUALITY:

Protection and enhancement of water quality shall be required, including no dumping of yard or household waste, no use of chemical pesticides or herbicides in wetlands, riparian

areas or near water, and no dumping of hazardous waste, litter, rubbish or any materials further regulated by the City of Cottage Grove Municipal Code.

(28) DEBRIS REMOVAL:

The applicant will be required to remove all debris within 3 months of this MUM approval. No further dumping of materials as regulated by the City of Cottage Grove Municipal Code will be permitted.

(29) MATERIAL STORAGE:

The applicant may propose an area for storage of such materials. However, these areas must be located outside of riparian zones, outside of designated wetlands, outside of designated perimeter buffers or open space, and must be screened from view with fencing or walls that meet the Community Development Department approval.

(30) FENCES:

All new or relocated fences and walls shall not exceed six feet in height on either property. Variance approval will be required for any new fence or wall to be constructed higher than 6'.

(31) DESIGN REVIEW:

Design review approval per Chapter 18.50 will be required for all new structures.

(32) BUILDING PERMITS:

Building, electrical, mechanical and plumbing permits will be required for all new and/or renovated structures on site.

(33) BUILDING HEIGHT:

The maximum or structural height of any building or accessory use shall be thirty feet.

(34) SIGNS:

Replacement or relocation of existing sign on Hwy 99 within the state right-of-way will require ODOT approval. Temporary signs in the form of banners may be used on site, but only for specific events that last less than two weeks.

(35) RESPONSIBLE PARTY:

If Speedway and WOE choose to enter into an agreement to jointly develop their properties, a formal agreement shall be drafted and signed by representatives from the Speedway, WOE and City designating which party (Speedway or WOE) shall be responsible for utility extensions, access improvements, etc. A draft of this agreement shall be approved by the City prior to signing. A signed agreement must be submitted to the City within 3 months of MUM approval.

(36) ENFORCEMENT:

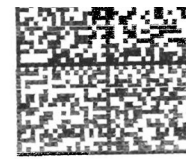
Enforcement of the conditions of this MUM approval shall be subject to Section 18.33.130 (MUM Regulations) and Chapter 18.60 (Enforcement & Penalty) of the Cottage Grove Municipal Code.

Further, the WOE shall also be subject to following:

Upon written notice from the Community Development Director that any or all conditions specified in this ordinance are not in compliance and failure to bring them into compliance by the specified time stated in the written notice, operation of WOE Fairgrounds shall cease.

(37) EXPIRATION:

Subject to 18.33.140 of the Cottage Grove Municipal Code.



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11/16/2010

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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 St NE Suite 150
Salem OR 97301-2540