



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

04/25/2011

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 005-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 06, 2011

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

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

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA



FORM **2**

**DLCDD**

# Notice of Adoption

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**APR 18 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCDD 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: **MCPA 5-10**

Date of Adoption: **04-11-11**

Date Mailed: **04-15-11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCDD?  Yes  No Date: 12-13-10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation.

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

1. Amended the adopted Comprehensive Plan land use diagram map for property described as 1500 Harvey Lane, Map 20-03-28-14, Tax Lot 1701 from L Low Density Residential to M Medium Density Residential.
2. Rezoned property described as Map 20-03-28-14, Tax Lots 2105, 2107, and 2108, known as 720 N. 14<sup>th</sup> Street, from R-2 Medium Density Residential to RC Residential Commercial.
3. Rezoned property described as Map 20-03-28-14 Tax Lot 1701, known as 1500 Harvey Lane, from R-1 Single Family Residential to RC Residential Commercial.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **L Low Density**

to: **M Medium Density**

Zone Map Changed from: **R-1 Single Family, R-2 Multiple Family Residential** to: **RC Res Comm**

Location: **N 14<sup>th</sup> Street and Harvey Lane**

Acres Involved: **1.11**

Specify Density: Previous: **1**

New: **0**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCDD 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

**DLCDD file No.** 005-10 (18649) [16610]

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

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Local Contact: **Amanda Ferguson**

Phone: (541) 942-3340 Extension:

Address: **400 Main Street**

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

City: **Cottage Grove**

Zip: **97424**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

<http://www.oregon.gov/LCD/forms.shtml>

Updated March 17, 2011

Ordinance No. 3008

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE  
COMPREHENSIVE PLAN MAP.  
MURPHY/RELIEF NURSERY (MCPA 5-10).  
Map 20-03-28 14 TL 1701, 1500 Harvey

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted Comprehensive Plan map to identify the redesignation of property described as Map 20-03-28-14 TL 1701, identified as 1500 Harvey, shown in the map(s) attached as Exhibit "A" and subject to findings as described in Exhibit "B".

Section 2. Procedural Compliance. This amendment is in compliance with Title 14, Chapter 4.1 of the Municipal code of the City of Cottage Grove and is based upon the City Council determination, after a Planning Commission public hearing and recommendation, that the comprehensive plan map amendment (MCPA 5-10) is a proper implementation of the City Comprehensive Land Use Plan and, therefore, is in the public interest and serves the health, safety, and welfare of the citizens of the City of Cottage Grove.

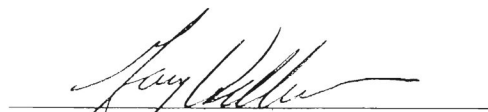
Section 3. Amendment. The citywide "comprehensive plan map" which is a part of the Comprehensive Plan is hereby amended as follows with respect to the property described as Map 20-03-28-14 TL 1701:

Change Comprehensive Plan Land Use Map Designation for Map 20-03-28-14 TL 1701 from Low Density Residential to Medium Density Residential.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 11<sup>th</sup> DAY OF APRIL, 2011.

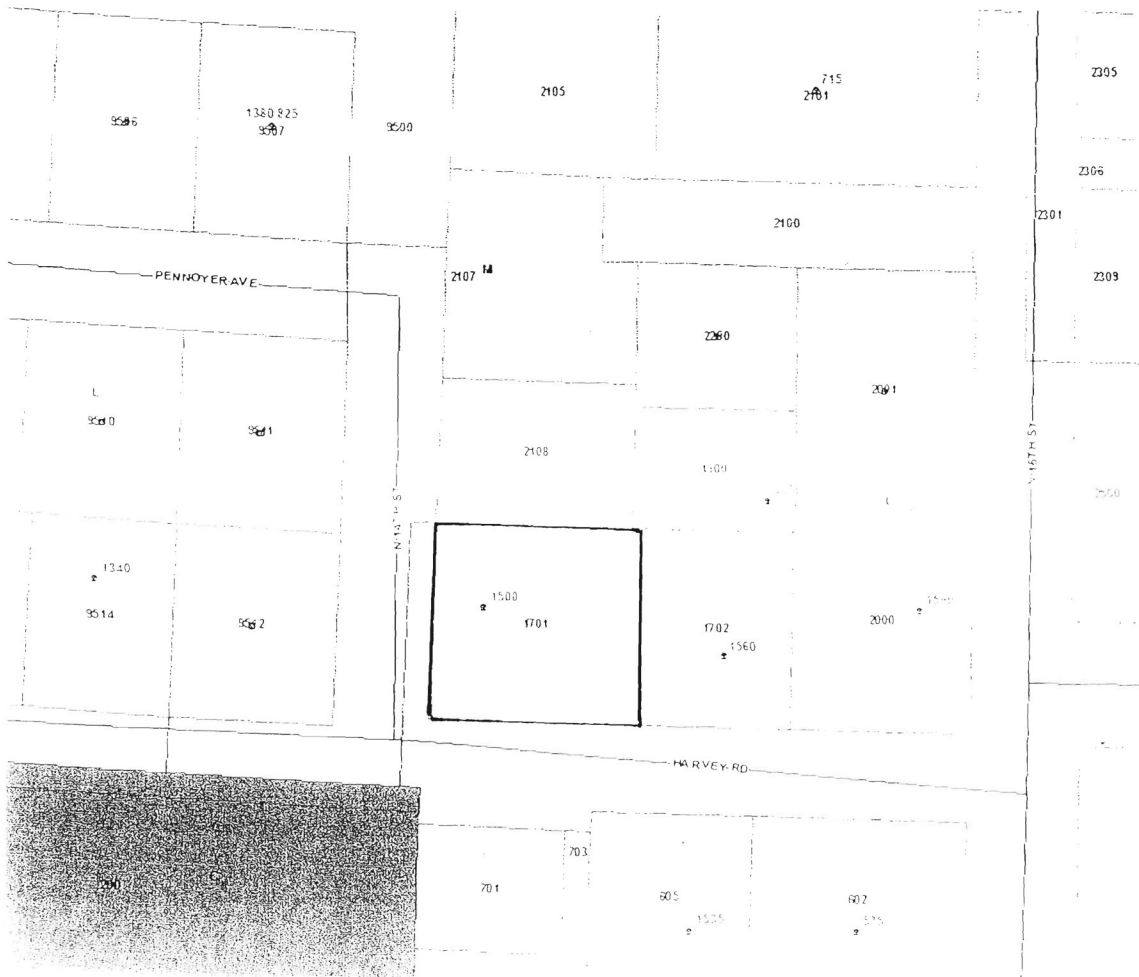
  
Richard Meyers, City Manager

Dated: April 11, 2011

  
Gary Williams, Mayor

Dated: April 11, 2011

EXHIBIT 'A'  
TO ORDINANCE NO. *3008*  
Map 20-03-29-14 TL 1701: Proposed Comprehensive Map Change



Change Subject Parcel from L Low Density to M Medium Density

EXHIBIT 'B'  
TO ORDINANCE NO. 3008

1. The Family Relief Nursery (c/o Heather Murphy) has made an application to redesignate 1 parcel (or 0.24 acres) described as Map 20-03-28-14 TL 1701 from L Low Density Residential to M Medium Density Residential.
2. The Family Relief Nursery (c/o Heather Murphy) has made an application to rezone 4 parcels (or 1.11 acres) described as Map 20-03-28-14 TL 1701, 2105, 2107, and 2108, from R-1 Single Family Residential (TL 1701) and R-2 Medium Density Residential (2105, 2107, 2108) to RC Residential Commercial.
3. The Relief Nursery currently occupies TL 2105 and 2107 as a Conditional Use in the R-2 Medium Density Residential district.
4. The City of Cottage Grove Comprehensive Plan, under "The Plan in General," states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
5. The City Comprehensive Plan also states that the plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
6. The land to be redesignated is comprised of 3 small lots on N. 14<sup>th</sup> Street, which are currently designated for Medium Density Residential development and the corner lot on N. 14<sup>th</sup> Street and Harvey Lane, which is designated for Low Density Residential development. Redesignation of the corner parcel as M Medium Density Residential. The proposal also rezones all four parcels to RC Residential Commercial, one of the implementing districts of the M Medium Density Residential land use designation. The proposal will allow the existing Relief Nursery to expand its use to encompass all four parcels, and will allow them to expand the services provided on site within the parameters allowed by the Medium Density Residential land use districts.
7. Adequate public facilities, including water, sewer, storm water, and streets, can be provided to the site. The vacant property is accessed via N. 16<sup>th</sup> Street and Harvey, a City of Cottage Grove minor arterial. ODOT has been apprised of this redesignation and has not submitted comments. Lane County has been apprised of this redesignation and has submitted comments confirming that the proposed redesignation is unlikely to change traffic generation; therefore is not anticipated to impact the Lane County Transportation System.
8. The following Statewide Planning Goals are not applicable to the proposed redesignation: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreational Needs; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
9. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:
  - a. Goal 1 – Citizen Involvement. Adequate public notice of the proposed changes will be provided through the Type IV public notice process as specified in Section 14.4.1.500 of the Development Code. Public hearings will be held at the Planning Commission and City Council levels to consider this redesignation. The process involves various forms of notification to the public in the immediate area, notification in local newspapers, and notification of impacted governmental agencies and recognized neighborhood groups.

- b. Goal 2 – Land Use Planning. The City of Cottage Grove has established a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure an adequate factual base for such decisions and actions. The proposed change will follow the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found to be compatible with the City’s Comprehensive Plan.
- c. Goal 3 – Agricultural Lands. The subject property contains no known agricultural lands.
- d. Goal 4 – Forest Lands. The subject property contains no known forest lands.
- e. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces. – The subject property is not near any designated natural resources, scenic or historic areas, wetlands or riparian areas. The properties are in the center of an area of residential development. This goal is not applicable.
- f. Goal 6 – Air, Water and Land Resources Quality. Development of this property will comply with city, state and federal standards to protect air and water quality. All waste and process discharges from future development will not violate applicable state or federal environmental quality statutes, rules and standards. The proposed redesignation is in keeping with adjacent and surrounding land uses.
- g. Goal 7 – Areas Subject to Natural Hazards. The subject property is not within a designated flood plain or in an subject to landslide hazard. Steps will be taken to protect life and property from natural disasters and hazards during any future development by following all applicable building codes and regulations.
- h. Goal 9 – Economic Development. The 2009 Economic Opportunities Analysis recognizes that Cottage Grove currently suffers from a shortage of employment lands. Redesignation to Residential Commercial is consistent with Goal 9 as it will add a relatively limited amount of land to the City’s deficient commercial land inventory while slightly decreasing the surplus available for residential lands.
- i. Goal 10 – Housing. The proposed redesignation changes 1.11 acres of Medium Density and Low Density Residential property to a mixed residential/commercial designation that would continue to allow medium density housing while also allowing low impact commercial enterprises that are consistent with surrounding residential uses. Mixed development can serve to anchor existing neighborhoods, provide day care and employment opportunities within walking distance from homes, and provide a mix of housing opportunities, which is consistent with Goal 10.
- j. Goal 11 – Public Facilities and Services. The redesignation will not require public facilities and services beyond the capacity of the City of Cottage Grove. The properties are currently served by City services that are adequate to address existing and proposed uses. Stormwater detention/retention requirements will be met as part of the development process.
- k. Goal 12 – Transportation. The redesignation is consistent with Goal 12 as shown by the preliminary traffic impact analysis. ODOT concurred that the proposal was in compliance with the TPR, and did not cause a significant impact upon the surrounding transportation system.
- l. Goal 13 – Energy Conservation. The subject property is currently served by City streets and services. Future development under the redesignation will be encouraged to utilize green building strategies to limit energy consumption.
- m. Goal 14 – Urbanization. The subject property is already in Cottage Grove’s urban growth boundary. No changes will be made to the city’s boundary.

10. The property owners of the lands involved in the Plan Amendment are in favor of the redesignation/zone change.
11. The proposed changes are in the public's interest; are in keeping with the development pattern in this area of the city; are in keeping with the intent of the City Comprehensive Plan; and serve the public's health, safety and welfare.



Ordinance No. 3009

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE, THE CITY WIDE LAND USE DISTRICT MAP. MURPHY/RELIEF NURSERY (MCPA 5-10). Map 20-03-28 14 TL 1701, 2105, 2107, 2108

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "land use district map" to identify the redesignation and rezoning of property described as Map 20-03-28-14 TL 2105, 2107, 2108, four adjacent lots identified as 720 N. 14<sup>th</sup> Street, and TL 1701, known as 1500Harvey Lane, as shown in the map(s) attached as Exhibit "A" and subject to findings as described in Exhibit "B".

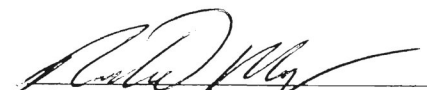
Section 2. Procedural Compliance. This amendment is in compliance with Title 14 of the Municipal code of the City of Cottage Grove and is based upon the City Council determination, after a Planning Commission public hearing and recommendation, that the zone change (MCPA 5-10) is a proper implementation of the City Comprehensive Land Use Plan and, therefore, is in the public interest and serves the health, safety, and welfare of the citizens of the City of Cottage Grove.

Section 3. Amendment. The citywide "land use district map" which is a part of the Title 14 is hereby amended as follows with respect to the property described in Exhibit A:

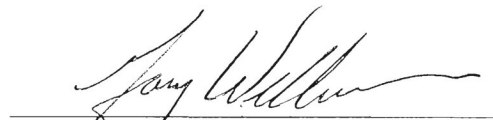
Change land use district classification from R-1 Single Family Residential to RC Residential Commercial on Map 20-03-28-14 TL 1701.

Change land use district classification from R-2 Medium Density Residential to RC Residential Commercial on Map 20-03-28-14 TL 2105, 2107, and 2108.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 11<sup>th</sup> DAY OF April, 2011.

  
Richard Meyers, City Manager

Dated: April 11, 2011

  
Gary Williams, Mayor

Dated: April 11, 2011



EXHIBIT 'B'  
TO ORDINANCE NO. 3009

1. The Family Relief Nursery (c/o Heather Murphy) has made an application to redesignate 1 parcel (or 0.24 acres) described as Map 20-03-28-14 TL 1701 from L Low Density Residential to M Medium Density Residential.
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3. The Relief Nursery currently occupies TL 2105 and 2107 as a Conditional Use in the R-2 Medium Density Residential district.
4. The City of Cottage Grove Comprehensive Plan, under "The Plan in General," states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
5. The City Comprehensive Plan also states that the plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
6. The land to be redesignated is comprised of 3 small lots on N. 14<sup>th</sup> Street, which are currently designated for Medium Density Residential development and the corner lot on N. 14<sup>th</sup> Street and Harvey Lane, which is designated for Low Density Residential development. Redesignation of the corner parcel as M Medium Density Residential. The proposal also rezones all four parcels to RC Residential Commercial, one of the implementing districts of the M Medium Density Residential land use designation. The proposal will allow the existing Relief Nursery to expand its use to encompass all four parcels, and will allow them to expand the services provided on site within the parameters allowed by the Medium Density Residential land use districts.
7. Adequate public facilities, including water, sewer, storm water, and streets, can be provided to the site. The vacant property is accessed via N. 16<sup>th</sup> Street and Harvey, a City of Cottage Grove minor arterial. ODOT has been apprised of this redesignation and has not submitted comments. Lane County has been apprised of this redesignation and has submitted comments confirming that the proposed redesignation is unlikely to change traffic generation; therefore is not anticipated to impact the Lane County Transportation System.
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9. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:
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- b. Goal 2 – Land Use Planning. The City of Cottage Grove has established a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure an adequate factual base for such decisions and actions. The proposed change will follow the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found to be compatible with the City’s Comprehensive Plan.
- c. Goal 3 – Agricultural Lands. The subject property contains no known agricultural lands.
- d. Goal 4 – Forest Lands. The subject property contains no known forest lands.
- e. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces. – The subject property is not near any designated natural resources, scenic or historic areas, wetlands or riparian areas. The properties are in the center of an area of residential development. This goal is not applicable.
- f. Goal 6 – Air, Water and Land Resources Quality. Development of this property will comply with city, state and federal standards to protect air and water quality. All waste and process discharges from future development will not violate applicable state or federal environmental quality statutes, rules and standards. The proposed redesignation is in keeping with adjacent and surrounding land uses.
- g. Goal 7 – Areas Subject to Natural Hazards. The subject property is not within a designated flood plain or in an subject to landslide hazard. Steps will be taken to protect life and property from natural disasters and hazards during any future development by following all applicable building codes and regulations.
- h. Goal 9 – Economic Development. The 2009 Economic Opportunities Analysis recognizes that Cottage Grove currently suffers from a shortage of employment lands. Redesignation to Residential Commercial is consistent with Goal 9 as it will add a relatively limited amount of land to the City’s deficient commercial land inventory while slightly decreasing the surplus available for residential lands.
- i. Goal 10 – Housing. The proposed redesignation changes 1.11 acres of Medium Density and Low Density Residential property to a mixed residential/commercial designation that would continue to allow medium density housing while also allowing low impact commercial enterprises that are consistent with surrounding residential uses. Mixed development can serve to anchor existing neighborhoods, provide day care and employment opportunities within walking distance from homes, and provide a mix of housing opportunities, which is consistent with Goal 10.
- j. Goal 11 – Public Facilities and Services. The redesignation will not require public facilities and services beyond the capacity of the City of Cottage Grove. The properties are currently served by City services that are adequate to address existing and proposed uses. Stormwater detention/retention requirements will be met as part of the development process.
- k. Goal 12 – Transportation. The redesignation is consistent with Goal 12 as shown by the preliminary traffic impact analysis. ODOT concurred that the proposal was in compliance with the TPR, and did not cause a significant impact upon the surrounding transportation system.
- l. Goal 13 – Energy Conservation. The subject property is currently served by City streets and services. Future development under the redesignation will be encouraged to utilize green building strategies to limit energy consumption.
- m. Goal 14 – Urbanization. The subject property is already in Cottage Grove’s urban growth boundary. No changes will be made to the city’s boundary.

10. The property owners of the lands involved in the Plan Amendment are in favor of the redesignation/zone change.
11. The proposed changes are in the public's interest; are in keeping with the development pattern in this area of the city; are in keeping with the intent of the City Comprehensive Plan; and serve the public's health, safety and welfare.



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04/15/2011

Mailed From 97424

US POSTAGE

DEPT OF

APR 18 2011

LAND CONSERVATION  
AND DEVELOPMENT



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