



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

06/25/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment
DLCD File Number 001-12

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: Monday, July 09, 2012

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
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE STAMP

DEPT OF

JUN 19 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **MCPA 1-12**

Date of Adoption: **6/11/2012**

Date Mailed: **6/18/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 2/15/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amended the Cottage Grove Comprehensive Plan from I Industrial to C Community Commercial for 5 developed parcels described as 2425 E Whiteaker Ave, 2500 E Main St, 78658 Mosby Creek Rd/2645 E Main St, 2555 Mosby Creek Rd and 2494 E Whiteaker Ave at the intersection of E Whiteaker Ave/E Main St/Thornton Road (3.27 acres). See attached page for continuation of summary.

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

Plan Map Changed from: **I Industrial**

to: **C Community Commercial**

Zone Map Changed from: **M-1 Light Industrial**

to: **C-2P Community Commercial**

Location: **2425 E Whiteaker Ave (20-03-27-34-105), see attach**

Acres Involved: **3**

Specify Density: Previous: **0**

New: **0**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 001-12 (19186) [17086]

DLCD file No. _____

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

Local Contact: **Amanda Ferguson, City Planner**

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**

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 December 30, 2011

Continued "Summarize the adopted amendment":

These 5 parcels are developed with a combination of general commercial service and light industrial service uses.

Rezone the subject properties (3.27 acres total) to C-2P Community Commercial. The proposed rezoning will match the Comprehensive Land Use Designation presuming the plan amendment ordinance is approved.

Continued "Location":

2500 E Main St (20-03-27-34-200), 78658 Mosby Crk Rd/2645 E Main St (20-03-27-34-300), 2555 Mosby Crk Rd (Map 20-03-27-34-301) and 2494 E Whiteaker Ave (20-03-27-31-700)

Ordinance No. 3018

AN ORDINANCE AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP FOR E. Whiteaker/Thornton/E. Main intersection (MCPA 1-12).
2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105) 2500 E. Main Street (Map 20-03-27-34 TL 200)
78658 Mosby Creek Road/2645 E. Main Street (Map 20-03-27-34 TL 300) 2555 Mosby Creek Road (Map 20-03-27-34 TL 301) and 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700)

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted Comprehensive Plan land use diagram map for property described as 2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105), 2500 E. Main Street (Map 20-03-27-34 TL 200), 2645 E. Main Street (Map 20-03-27-34 TL 300), 2555 Mosby Creek Road (Map 20-03-27-34 TL 301), and 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700), shown in the map(s) attached as Exhibit "A" forming a part of this ordinance. The City Comprehensive Plan for Cottage Grove that has been developed in accordance with Statewide Planning Goals and acknowledged by the Oregon Land Conservation and Development Commission.

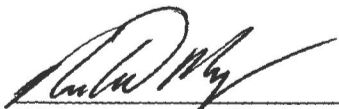
Section 2. Procedural Compliance. The Department of Land Conservation and Development was given forty-five day notice prior to the first hearing on September 24, 2010 pursuant to Oregon Revised Statutes. This amendment is in compliance with the procedures of Title 14 of the Municipal Code of the City of Cottage Grove with required local notification of the public hearings, after the Planning Commission held a public hearing and made a recommendation to Council, and after City Council held a Public Hearing on the Comprehensive Plan Map Amendment.

Section 3. Findings. The City Council determined that the Comprehensive Plan Map Amendment is the proper implementation of the Statewide Goals; that the amended plan adequately addresses the land needs of the community; is in the public interest; and serves the health, safety, and welfare of the citizens of the City of Cottage Grove. City Council adopts the findings attached as Exhibit "B" attached hereto and forming a part of this ordinance.


Section 4. Amendment. The City Comprehensive Plan for Cottage Grove is hereby amended as follows:

Change the land use designation of 5 parcels described as 2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105), 2500 E. Main Street (Map 20-03-27-34 TL 200), 2645 E. Main Street (Map 20-03-27-34 TL 300), 2555 Mosby Creek Road (Map 20-03-27-34 TL 301) and 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700) from I Industrial to C Community Commercial on the Land Use Diagram Map of the Comprehensive Plan.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 11th DAY OF JUNE, 2012.


Richard Meyers, City Manager

Dated: June 11, 2012


Heather Murphy, Council President

Dated: 6-11-12

EXHIBIT A

Site Locations

- 2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105)
- 2500 E. Main Street (Map 20-03-27-34 TL 200)
- 2645 E. Main Street (Map 20-03-27-34 TL 300)
- 2555 Mosby Creek Road (Map 20-03-27-34 TL 301)
- 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700)

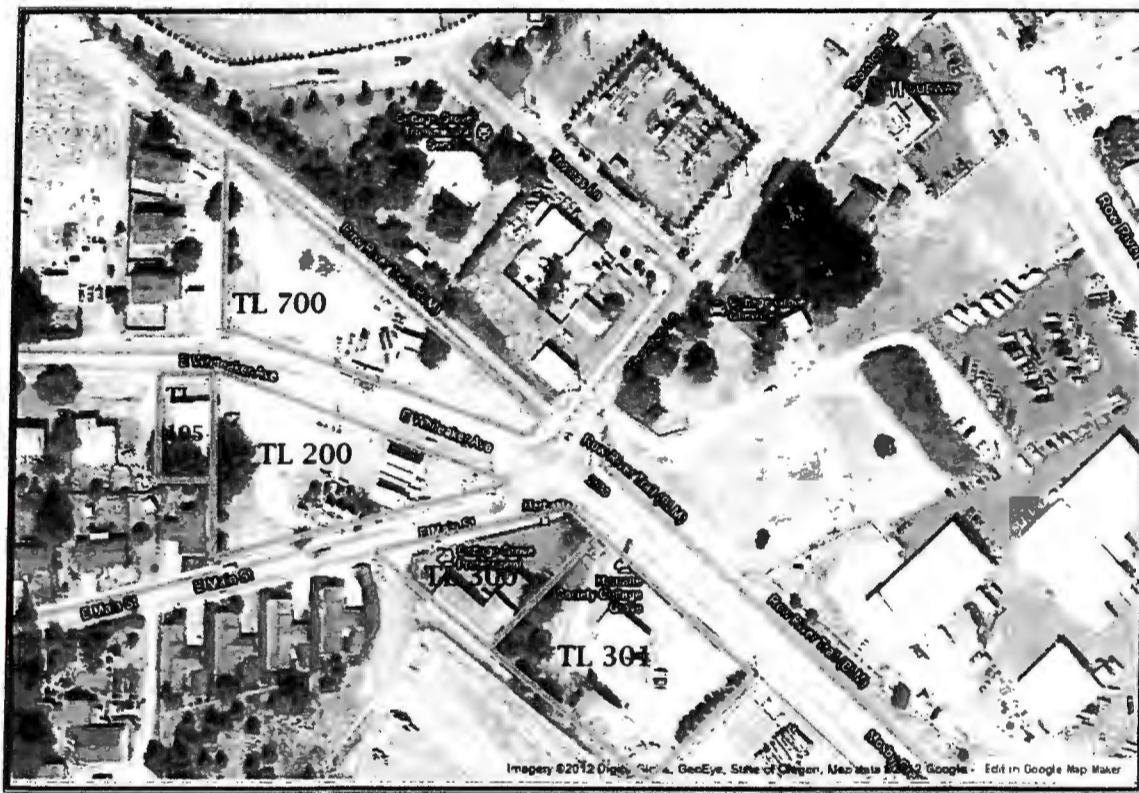


FIGURE 1: Site Location

(Courtesy Google Maps®)

EXHIBIT B
Ordinance NO. 3018

1. City of Cottage Grove has made an application to amend the Cottage Grove Comprehensive Plan from I Industrial to C Community Commercial for five developed parcels at the intersection of E. Whiteaker Avenue/E. Main Street/Thornton Road (3.27 acres). These five parcels are developed with a combination of general commercial service and light industrial service uses.
2. The City of Cottage Grove Comprehensive Plan, under "The Plan in General," states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
3. The City Comprehensive Plan also states that the plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
4. These properties comprise three corners of the intersection of E. Whiteaker/Thornton Road. Each has been fully developed with a use that would be currently classified as either General Commercial Service (such as the retail and office building at 2494 E. Whiteaker, the vet clinic at 2555 Mosby Creek, and the gas station at 2500 E. Main Street) or Light Industrial Service (recycler at 2645 E. Main). The Commercial uses on these properties were originally approved as part of Conditional Uses or grandfathered in at the time of the original zoning of the properties. Full scale industrial use has not occurred on these lots since the adoption of the comprehensive plan.
5. The city proposes this comprehensive plan and zoning map change to correct the city's maps to reflect current use of these properties. Apart from the recycling shop, all of the current uses are either Not Permitted or Conditionally Permitted in the Industrial zones, whereas all of the uses are outright permitted or conditionally permitted in the Community Commercial zone. With the current development, it is more appropriate that these properties be zoned commercial. The lots themselves are too small to allow for redevelopment for industrial use in the future. Additionally, adjoining properties are either residential (along E. Main Street and north on Whiteaker), commercial tourist (to east on Thornton) or commercial (to southeast). The new zoning would align these properties with the adjacent zonings, and provide security for the adjacent residential uses. It would also allow the current uses, which have been on the site for between 10-20 years, the opportunity to rebuild if destroyed.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the sites. The properties are accessed by E. Whiteaker/Mosby Creek Road, an arterial. Local streets providing access include E. Main Street. A Transportation Planning Rule analysis has been prepared, concluding that the proposed redesignation does not constitute a significant impact upon the transportation facility.
7. The following Statewide Planning Goals are not applicable to the proposed redesignation: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Natural Resources, Open Spaces; Goal 6 – Air and Water Resources; Goal 10 – Housing; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
8. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:
 1. **Goal 1: Citizen Involvement**

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Development Code complies with Goal 1. The Type IV Permit Application process required by Title 14 has been used for the Plan amendment/zone change proposal and is in compliance with Goal 1. Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.4.1.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification on February 15, 2012. Public hearings have been held at the Planning Commission and City Council levels to consider this redesignation/rezoning. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups. Individual letters were also sent to each property owner of a subject parcel on February 7, 2012.

2. Goal 2: Land Use Planning

The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City's Comprehensive Plan.

3. Goal 3: Agricultural Lands

This goal does not apply to the application as land within acknowledged urban growth boundaries is not considered agricultural. The subject properties are within the acknowledged urban growth boundary of Cottage Grove, and are within the city limits.

4. Goal 4: Forest Lands

This goal does not apply to the application. Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. The subject properties have never been acknowledged as forest lands.

5. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

No known wetlands or historic areas are located on the subject properties. None of the properties abut a riparian corridor. One of the parcels abuts the Row River Trail, a rails-to-trails multi-modal trail extending between Cottage Grove and Dorena Lake. This publicly owned facility is designated as a city park and is managed through the 2003 Water to Woods Parks Plan. Conversion of these properties to commercial from industrial will reduce the likelihood of inappropriate development along the trail, as Development Code regulations for commercial development require new development to take into consideration and mitigate for impacts to adjoining open spaces and recreation areas, whereas the same considerations are not required for industrial development. This designation/zone change is hence an improvement over the existing zoning and is in compliance with Goal 5.

6. Goal 6: Air, Water and Land Resources Quality

There are no anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential commercial uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Hence Goal 6 does not apply at this time.

7. Goal 7: Areas Subject to Natural Disasters and Hazards

The subject properties are not known to be subject to any natural disasters or hazards that are not city-wide in nature (such as earthquakes). Compliance with building code and development code regulations when remodeling or redeveloping existing buildings/uses will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible.

8. Goal 8: Recreational Needs

The Row River Trail, a multi-modal rails-to-trails path, runs along the northern property line of 2645 E. Main Street. This trail is within City-owned right-of-way, and is zoned PR Parks and Recreation. Consideration will be required to be given to impacts upon the trail during any new construction or redevelopment that occurs on the site under the new proposed designation/zoning (whereas the current industrial zoning does not require review of impacts upon adjacent parks). Hence the proposed designation/zone change enhances the City's ability to protect this important recreational resource and is in compliance with Goal 8.

9. Goal 9: Economic Development

The subject properties have been previously approved, through conditional use permits, for commercial-type development. It is appropriate at this time to align their comprehensive plan designations/zoning designations to their existing and proposed uses. This will further support the commercial uses on the property and allow adjacent landowners to plan for commercial development on these sites, rather than abiding under the understanding that they may be redeveloped for industrial uses.

As the city recently expanded the urban growth boundary to incorporate 240 acres of land primarily for industrial use, this redesignation/zone change will not have a negative impact upon the City's 20-year inventory of industrial lands. Their existing commercial uses have removed them from the City's current industrial lands inventory for over 10 years. The small parcel size and multiple ownership of these parcels do not lead to their redevelopment for industrial uses. It is appropriate at this time to

correct the mapping of these properties so that their present/future use is adequately represented in the City's long-term planning programs. Hence this redesignation/zone change is in compliance with Goal 9.

10. Goal 10: Housing

Goal 10 is not applicable. No residentially zoned properties are directly impacted by this redesignation/zone change, although property values on adjacent residential properties will be secured by correcting the mapping on these properties to more accurately reflect their current/proposed uses.

11. Goal 11: Public Facilities and Services

These properties are already developed with full urban services that meet the needs of existing and proposed uses. Modifications to these facilities are not expected at this time. The alignment of designation/zoning with current uses will ensure that future planning accurately reflects the impacts upon public facilities and services. Hence this application is in compliance with Goal 11.

12. Goal 12: Transportation

All parcels have access to a developed major arterial street, E. Whiteaker Avenue/Mosby Creek. This road is within the jurisdiction of the City of Cottage Grove, although Mosby Creek transfers to Lane County jurisdiction within 500' of the subject intersection.

A transportation planning rule analysis was prepared for this intersection by Branch Engineering (dated February 3, 2012, see exhibits). The results of this study, which evaluated the reasonable worst case development scenario for these properties under the proposed comprehensive plan designation and zoning, was a finding of no significant adverse impact to the performance of a transportation facility as defined in OAR 660-012-0060(1). No mitigation is necessary to accommodate the traffic generated by potential development. A traffic light is proposed at this intersection. This signal project will include the realignment of the Row River Trail so that crossings will occur at a protected crosswalk rather than 15' behind the stop line of the intersection, which will improve safety at this intersection. This project is scheduled for completion in the fall of 2012.

13. Goal 13: Energy Conservation

The Plan amendment/zone change will promote more energy efficient development by accurately aligning existing uses with underlying zonings. This will allow staff to plan for facilities and services to reflect actual field conditions. The change will also encourage the development of these lots to their greatest extent within the current fabric of the community, which will conserve energy by reducing needs for green-field development and expansion of city services. This application is in compliance with Goal 13.

14. Goal 14: Urbanization

The entire subject properties have been annexed to the City of Cottage Grove and are inside the City's acknowledged Urban Growth Boundary.

9. The property owners of the lands involved in the Plan Amendment are in favor of the redesignation.
10. 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.
11. The Planning Commission held a public hearing on March 21, 2012 and no one spoke.
12. The Planning Commission on March 21, 2012 recommended to City Council that the application be approved based on the staff report, findings and conclusions.
13. City Council held a public hearing on the application at their regular meeting of May 14, 2012. No one spoke.
14. Ordinance 3018 was read by Council a first time on May 14, 2012.

Ordinance No. 3019

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE, THE CITY WIDE LAND USE DISTRICT MAP, E. WHITEAKER/THORNTON ROAD INTERSECTION (MCPA 1-12); 2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105), 2500 E. Main Street (Map 20-03-27-34 TL 200), 2645 E. Main Street (Map 20-03-27-34 TL 300), 2555 Mosby Creek Road (Map 20-03-27-34 TL 301) and 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700)

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "land use district map" to identify the rezoning of property described as 2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105), 2500 E. Main Street (Map 20-03-27-34 TL 200), 2645 E. Main Street (Map 20-03-27-34 TL 300), 2555 Mosby Creek Road (Map 20-03-27-34 TL 301) and 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700), at the intersection of E. Whiteaker Avenue, E. Main Street, and Thornton Road, shown in the map(s) attached as Exhibit "A" forming a part of this ordinance.

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 1-12) 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. City Council adopts the findings attached as Exhibit "B" forming a part of this ordinance.

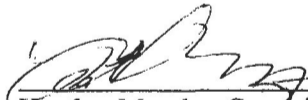
Section 3. Amendment. The citywide "land use district map" which is a part of the Title 14 is hereby amended as follows:

Change the land use classification of 5 parcels described as 2425 E. Whiteaker Avenue (Map 20-03-27-34 TL 105), 2500 E. Main Street (Map 20-03-27-34 TL 200), 2645 E. Main Street (Map 20-03-27-34 TL 300), 2555 Mosby Creek Road (Map 20-03-27-34 TL 301) and 2494 E. Whiteaker Avenue (Map 20-03-27-31 TL 700) from M-1 Light Industrial to C-2P Community Commercial.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 11th DAY OF JUNE, 2012.

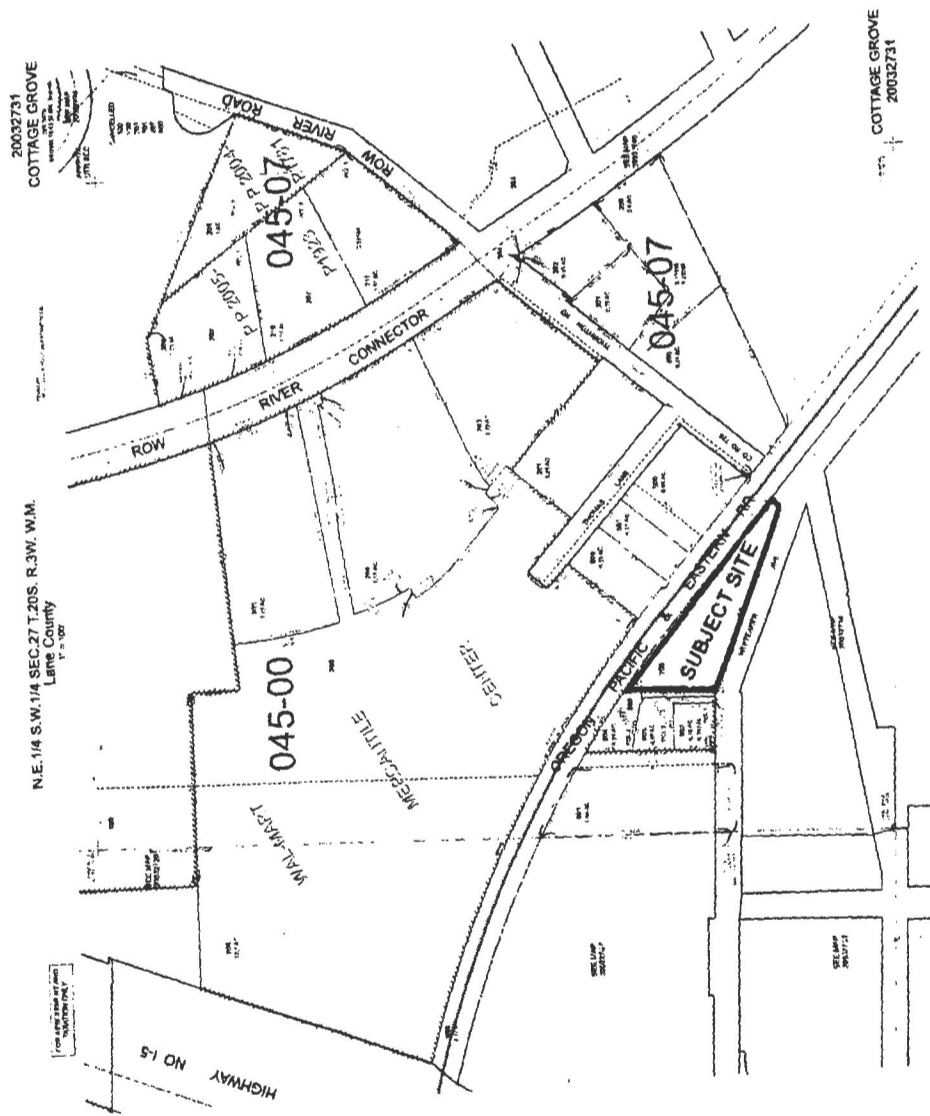

Richard Meyers, City Manager

Dated: June 11, 2012


Heather Murphy, Council President

Dated: 6-11-12

EXHIBIT 'A'
TO ORDINANCE NO. 3019
20-03-27-31 TL 700
2494 E. Whiteaker



20-03-27-34 TL 105 2425 E. Whiteaker
20-03-27-34 TL 200 2500 E. Main
20-03-27-34 TL 300 2645 E. Main
20-03-27-34 TL 301 2555 Mosby Creek

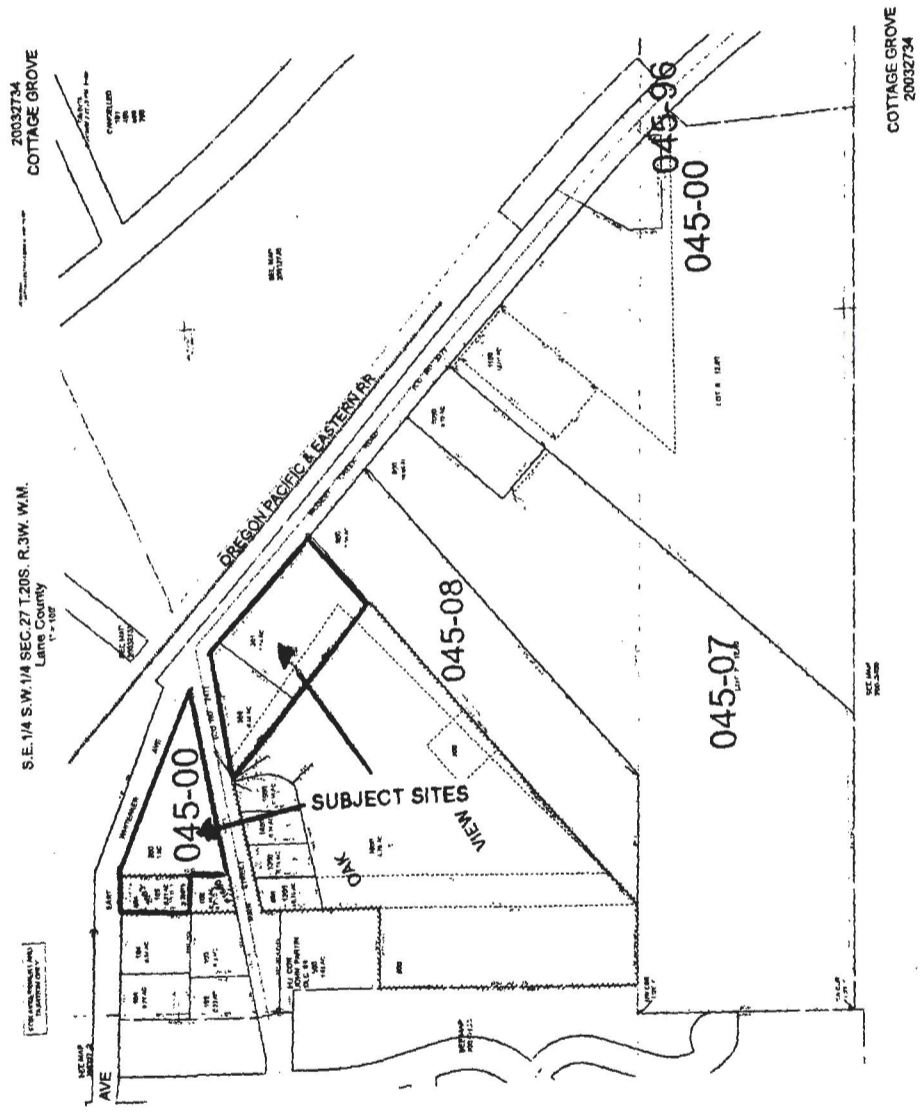


EXHIBIT B
ORDINANCE NO. 3019

1. City of Cottage Grove has made an application to amend the Cottage Grove Land Use Map from M-1 Light Industrial to C-2P Community Commercial for five developed parcels at the intersection of E. Whiteaker Avenue/E. Main Street/Thornton Road (3.27 acres). These five parcels are developed with a combination of general commercial service and light industrial service uses.
2. These properties comprise three corners of the intersection of E. Whiteaker/Thornton Road. Each has been fully developed with a use that would be currently classified as either General Commercial Service (such as the retail and office building at 2494 E. Whiteaker, the vet clinic at 2555 Mosby Creek, and the gas station at 2500 E. Main Street) or Light Industrial Service (recycler at 2645 E. Main). The Commercial uses on these properties were originally approved as part of Conditional Uses or grandfathered in at the time of the original zoning of the properties. Full scale industrial use has not occurred on these lots since the adoption of the comprehensive plan.
3. The city proposes this zoning map change to correct the city's maps to reflect current use of these properties. Apart from the recycling shop, all of the current uses are either Not Permitted or Conditionally Permitted in the Industrial zones, whereas all of the uses are outright permitted or conditionally permitted in the Community Commercial zone. With the current development, it is more appropriate that these properties be zoned commercial. The lots themselves are too small to allow for redevelopment for industrial use in the future. Additionally, adjoining properties are either residential (along E. Main Street and north on Whiteaker), commercial tourist (to east on Thornton) or commercial (to southeast). The new zoning would align these properties with the adjacent zonings, and provide security for the adjacent residential uses. It would also allow the current uses, which have been on the site for between 10-20 years, the opportunity to rebuild if destroyed.
4. Adequate public facilities, including water, sewer, storm water, and streets are provided to the sites. The properties are accessed by E. Whiteaker/Mosby Creek Road, an arterial. Local streets providing access include E. Main Street. A Transportation Planning Rule analysis has been prepared, concluding that the proposed redesignation does not constitute a significant impact upon the transportation facility.
5. The following Statewide Planning Goals are not applicable to the proposed redesignation: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Natural Resources, Open Spaces; Goal 6 – Air and Water Resources; Goal 10 – Housing; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
6. The following Statewide Planning Goals are applicable and the zone change complies with them as noted below:
 1. **Goal 1: Citizen Involvement**

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Development Code complies with Goal 1. The Type IV Permit Application process required by Title 14 has been used for the Plan amendment/zone change proposal and is in compliance with Goal 1. Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.4.1.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification on February 15, 2012. Public hearings have been held at the Planning Commission and City Council levels to consider this rezoning. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups. Individual letters were also sent to each property owner of a subject parcel on February 7, 2012.
 2. **Goal 2: Land Use Planning**

The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City's Comprehensive Plan.
 3. **Goal 3: Agricultural Lands**

This goal does not apply to the application as land within acknowledged urban growth boundaries is not considered agricultural. The subject properties are within the acknowledged urban growth boundary of Cottage Grove, and are within the city limits.

- 4. Goal 4: Forest Lands**

This goal does not apply to the application. Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. The subject properties have never been acknowledged as forest lands.
- 5. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

No known wetlands or historic areas are located on the subject properties. None of the properties abut a riparian corridor. One of the parcels abuts the Row River Trail, a rails-to-trails multi-modal trail extending between Cottage Grove and Dorena Lake. This publicly owned facility is designated as a city park and is managed through the 2003 Water to Woods Parks Plan. Conversion of these properties to commercial from industrial will reduce the likelihood of inappropriate development along the trail, as Development Code regulations for commercial development require new development to take into consideration and mitigate for impacts to adjoining open spaces and recreation areas, whereas the same considerations are not required for industrial development. This designation/zone change is hence an improvement over the existing zoning and is in compliance with Goal 5.
- 6. Goal 6: Air, Water and Land Resources Quality**

There are no anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential commercial uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Hence Goal 6 does not apply at this time.
- 7. Goal 7: Areas Subject to Natural Disasters and Hazards**

The subject properties are not known to be subject to any natural disasters or hazards that are not city-wide in nature (such as earthquakes). Compliance with building code and development code regulations when remodeling or redeveloping existing buildings/uses will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible.
- 8. Goal 8: Recreational Needs**

The Row River Trail, a multi-modal rails-to-trails path, runs along the northern property line of 2645 E. Main Street. This trail is within city-owned right-of-way, and is zoned PR Parks and Recreation. Consideration will be required to be given to impacts upon the trail during any new construction or redevelopment that occurs on the site under the new proposed zoning (whereas the current industrial zoning does not require review of impacts upon adjacent parks). Hence the proposed designation/zone change enhances the city's ability to protect this important recreational resource and is in compliance with Goal 8.
- 9. Goal 9: Economic Development**

The subject properties have been previously approved, through conditional use permits, for commercial-type development. It is appropriate at this time to align their comprehensive plan designations/zoning designations to their existing and proposed uses. This will further support the commercial uses on the property and allow adjacent landowners to plan for commercial development on these sites, rather than abiding under the understanding that they may be redeveloped for industrial uses.

As the city recently expanded the urban growth boundary to incorporate 240 acres of land primarily for industrial use, this zone change will not have a negative impact upon the city's 20-year inventory of industrial lands. Their existing commercial uses have removed them from the city's current industrial lands inventory for over 10 years. The small parcel size and multiple ownership of these parcels do not lead to their redevelopment for industrial uses. It is appropriate at this time to correct the mapping of these properties so that their present/future use is adequately represented in the city's long-term planning programs. Hence this zone change is in compliance with Goal 9.
- 10. Goal 10: Housing**

Goal 10 is not applicable. No residentially zoned properties are directly impacted by this zone change, although property values on adjacent residential properties will be secured by correcting the mapping on these properties to more accurately reflect their current/proposed uses.
- 11. Goal 11: Public Facilities and Services**

These properties are already developed with full urban services that meet the needs of existing and proposed uses. Modifications to these facilities are not expected at this time. The alignment of zoning

with current uses will ensure that future planning accurately reflects the impacts upon public facilities and services. Hence this application is in compliance with Goal 11.

12. Goal 12: Transportation

All parcels have access to a developed major arterial street, E. Whiteaker Avenue/Mosby Creek. This road is within the jurisdiction of the City of Cottage Grove, although Mosby Creek transfers to Lane County jurisdiction within 500' of the subject intersection.

A transportation planning rule analysis was prepared for this intersection by Branch Engineering (dated February 3, 2012, see exhibits). The results of this study, which evaluated the reasonable worst case development scenario for these properties under the proposed comprehensive plan designation and zoning, was a finding of no significant adverse impact to the performance of a transportation facility as defined in OAR 660-012-0060(1). No mitigation is necessary to accommodate the traffic generated by potential development. A traffic light is proposed at this intersection. This signal project will include the realignment of the Row River Trail so that crossings will occur at a protected crosswalk rather than 15' behind the stop line of the intersection, which will improve safety at this intersection. This project is scheduled for completion in the fall of 2012.

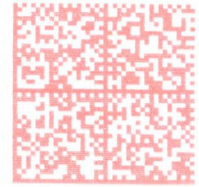
13. Goal 13: Energy Conservation

The zone change will promote more energy efficient development by accurately aligning existing uses with underlying zonings. This will allow staff to plan for facilities and services to reflect actual field conditions. The change will also encourage the development of these lots to their greatest extent within the current fabric of the community, which will conserve energy by reducing needs for green-field development and expansion of city services. This application is in compliance with Goal 13.

14. Goal 14: Urbanization

The entire subject properties have been annexed to the City of Cottage Grove and are inside the City's acknowledged Urban Growth Boundary.

7. The City Council adopted Ordinance No. 3018 amending the Comprehensive Plan Land Use Diagram Map to C Commercial for the subject properties. As a result this zone change is in keeping with the Comprehensive Plan and its amended land use diagram map.
8. 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.
9. City Council held a public hearing on May 14, 2012 and no one spoke.
10. Ordinance No. 3019 was read a first time by Council on May 14, 2012.



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 LAND CONSERVATION
 AND DEVELOPMENT



TO:



Attn: Plan Amendment Specialist
 DLCD
 635 Capitol St NE, Suite 150
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