



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: August 19, 2015
Jurisdiction: City of Cottage Grove
Local file no.: MCPA 1-15
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/17/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 47 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE DEPT OF File No.: Received: 7 2015
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Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Cottage Grove

Local file no.: **MCPA 1-15**

Date of adoption: 08-10-15

Date sent: 8/12/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 04-28-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Amanda Ferguson

Phone: 541-942-3340

E-mail: planner@cottagegrove.org

Street address: 400 Main Street

City: Cottage Grove

Zip: 97424

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from C	to H	3 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 20-03-33-23-9800 and 900

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from C-2P	to R-3	Acres: 3
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 20-03-33-33-23-9800 and 9900

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 3055

AN ORDINANCE AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM
MAP & TITLE 14 LAND USE DISTRICT MAP
FOR HAYDEN HOMES (MCPA 1-15)
Map 20-03-33-23 TL 9800 & 9900

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

WHEREAS, the City of Cottage Grove has developed and adopted the City Comprehensive Plan including the land use diagram map in accordance with Statewide Planning Goals and acknowledged by the Oregon State Land Conservation and Development Commission; and

WHEREAS, the City of Cottage Grove adopted Title 14 Cottage Grove Development Code including the land use district map which implements the City Comprehensive Land Use Plan and has been acknowledged by the Oregon State Department of Land Conservation and Development; and

WHEREAS, Hayden Homes owns 3.13 acres located at the northwest corner of Hwy 99 S and River Walk Place known as the subject property and further described as Map 20-03-33-23, TL 9800 & 9900, shown in the map in Exhibit "A" attached hereto and forming a part of this ordinance; and

WHEREAS, Hayden Homes has made an application to amend the Comprehensive Plan Land Use Plan Land Use Diagram Map and Title 14 Cottage Grove Development Code Land Use District Map for the subject property; and

WHEREAS, on June 17, 2015, the Cottage Grove Planning Commission conducted a properly noticed public hearing, provided the public an opportunity to comment on the proposed plan change and rezone, and adopted findings and recommended Council approval of the proposal; and

WHEREAS, on July 27, 2015, the Cottage Grove City Council conducted a properly noticed public hearing concerning the proposed plan change and rezone and provided the public with an opportunity to be heard; and

WHEREAS, the Council has reviewed the record and Planning Commission recommendation of approval, and has determined to approve the plan change and rezone.

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 and the Title 14, Cottage Grove Development Code land use district map for the subject properties shown in Exhibit "A" attached hereto and forming a part of this ordinance.


Section 2. Findings. The City Council has determined that : (1) the Comprehensive Plan land use diagram map and Cottage Grove Development Code land use district map amendments properly implement the Statewide Goals; (2) the amended plan and code maps adequately address the land needs of the community; and (3) the amendments are in the public's interest and will serve the health, safety, and welfare of the citizens of the City of Cottage Grove. Further, the City Council hereby adopts findings in support of this redesignation and rezone, as set forth in the above recitals and as attached as Exhibit "B" attached hereto and incorporated as a part of this ordinance.

Section 3. Amendments.


a. The Cottage Grove Comprehensive Plan land use diagram map is hereby amended to redesignate the subject property described in Exhibit A from C Community Commercial to H High Density Residential; and

b. Title 14, Cottage Grove Development Code land use district map is hereby amended to rezone the subject property described in Exhibit A from C-2P Community Commercial to R-3 High Density Multiple Family Residential.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 10th OF August, 2015.


Thomas C. Munroe, Mayor

Dated: Aug. 10, 2015


Richard Meyers, City Manager

Dated: August 10, 2015

EXHIBIT A
ORDINANCE NO. 3055

Site Location
Hwy 99 S & River Walk Place (Map 20-03-33-23 TL 9800 & 9900)

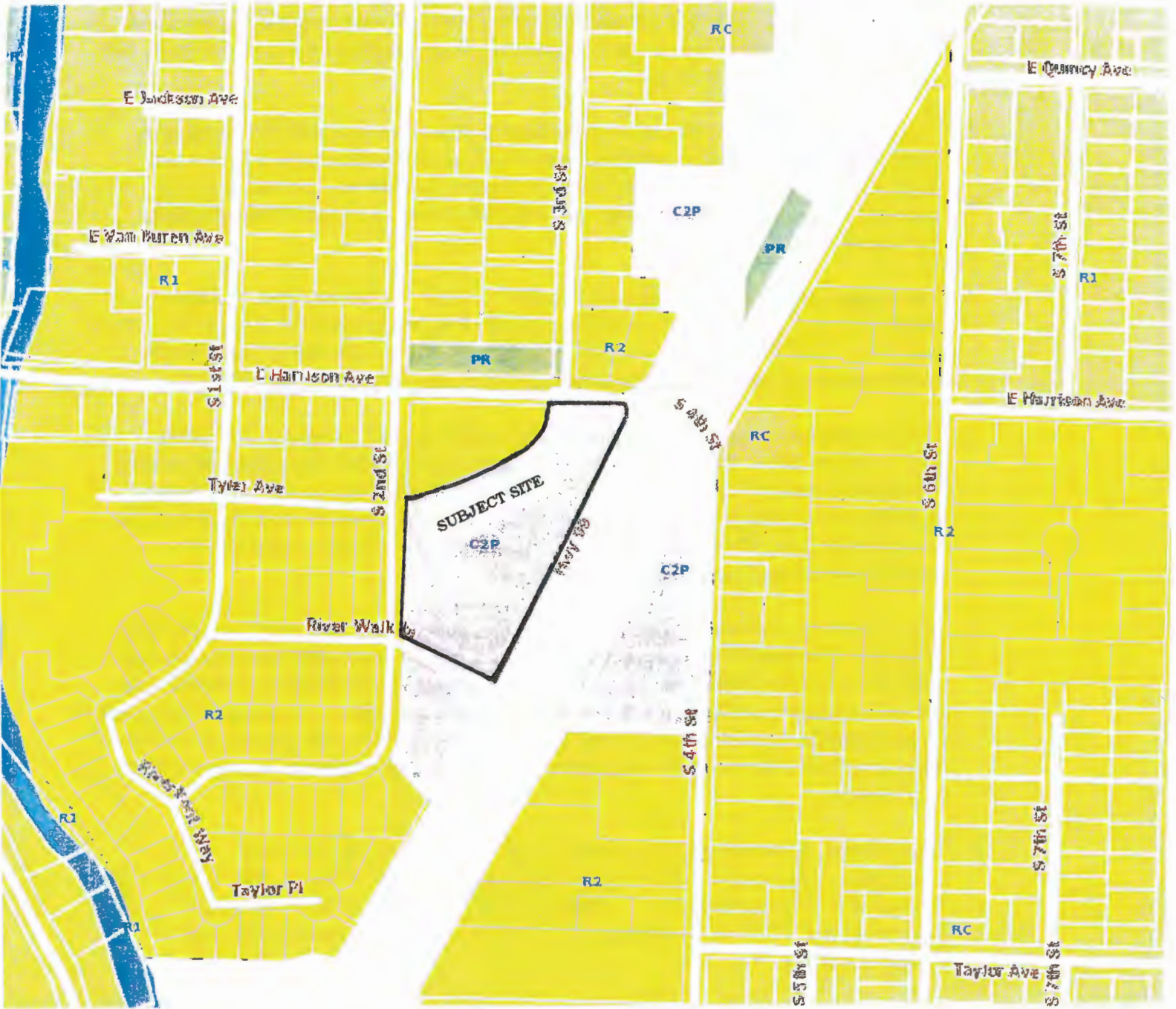


EXHIBIT B
ORDINANCE NO. 3055

1. Hayden Homes submitted an application to amend the Cottage Grove Comprehensive Plan land use diagram map from C Community Commercial to H High Density Residential, and amend Title 14 Cottage Grove Development Code land use district map from C-2P Community Commercial to R-3 High Density Multiple Family Residential, for 3.13 acres at the intersection of Hwy 99S & River Walk Place. These lots are vacant.
2. The City of Cottage Grove Comprehensive Plan, under “The Plan in General,” states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
3. The City Comprehensive Plan also states that the plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
4. The subject properties are located on Map 20-03-33-32 TL 9800 & 9900, and have no addresses at present. These properties are vacant. They are bordered by Hwy 99 S. on the east, River Walk Place on the south, S. 2nd Street on the west, the South Lane Fire & Rescue District’s station on the northwest, and Harrison Avenue on the northeast.
5. The City proposes these comprehensive plan and zoning map changes to correct the City’s maps to allow for the development of high density residential on these properties. The development of these properties for high density residential use will meet need for High Density Residential as identified in the City’s 2005 Buildable Lands Analysis. The single family home development to the south and west of these properties will be benefited by the residential buffer along Hwy 99.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the site. The properties are accessed by Hwy 99 S, a major arterial, Harrison Avenue, a collector, and River Walk Place, a local street. A Transportation Planning Rule analysis has been prepared, concluding that the proposed rezoning does not constitute a significant impact upon the transportation facility. The applicant has shown that the transportation impacts will be lessened by the proposed comprehensive plan map and land use district map changes.
7. The following Statewide Planning Goals are not applicable to the proposed redesignation/rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 6 – Air and Water Resources; Goal 15 – Willamette River Greenway; ;Goal 16-Estuarine Resources 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:

Goal 1: Citizen Involvement

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Cottage Grove 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. Proper public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.4.1.500A of the Development Code. The Department of Land Conservation and Development was notified of the intended amendments on April 28, 2015. 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.

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.

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

No known wetlands or historic areas are located on the subject properties. The properties are outside of the riparian corridor, and are not designated as floodplain. This designation/zone change is in compliance with Goal 5.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is 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 developing high density residential buildings/uses will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible. The proposed changes are in compliance with Goal 7.

Goal 8: Recreational Needs

The proposed designation/zone change enhances the city's ability to provide recreational resources as the multi family development will be required to provide recreational space. The proposed changes are in compliance with Goal 8.

Goal 9: Economic Development

The subject properties have been designated for commercial use for decades, but have not been used for commercial use since the lumber mill burned down in the 1950's. The property owner has attempted to sell the properties for commercial use, but has not been successful. The redesignation of this site to high density residential will ensure its quick development, while meeting our housing inventory needs. The proposed changes are in compliance with Goal 9.

Goal 10: Housing

Goal 10 is applicable. The comprehensive plan change/zone change will place 3.13 acres into the City's housing lands inventory, meeting an identified need for more high density residential lands in the 2005 Buildable Lands Analysis that has not been addressed in the intervening years. The residential use of the properties will buffer the adjacent residential uses from the state-owned highway along the east and the railroad tracks across the highway. Residential uses will also reduce traffic impacts on Hwy 99. The properties are ideally located for pedestrian and bicycle connectivity to the rest of the City, with the Chambers Bridge, a historic pedestrian bridge off of S. 1st Street, connecting the development to S. River Road and the high school and an LTD bus stop. The proposed changes are in compliance with Goal 10.

Goal 11: Public Facilities and Services

The properties can be adequately served with public facilities. Infrastructure exists in each of the four streets surrounding the vacant lots. Sidewalks are already existing on most street frontages. Development of the properties will trigger the remainder of the public facility upgrades. The properties are immediately adjacent to the fire station, and adequately served by police service, public transit, and a thorough transportation network. The proposed changes are in compliance with Goal 11.

Goal 12: Transportation

The parcels have access to developed roads on all four sides, including a state highway on the east, a collector on the north, and local streets to the west and south.

A transportation planning rule analysis was prepared for this intersection by H.A. McCoy Engineering & Surveying (dated April 22, 2015). 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.

The addition of traffic resulting from potential development is not going to have a significant effect on these roadways, considering the major arterial classification of Hwy 99 and the associated traffic volumes and types of traffic that arterial roadways are intended to accommodate. The Oregon Department of Transportation agrees with this analysis. The proposed changes are in compliance with Goal 12.

Goal 13: Energy Conservation

The Plan amendment/zone change will promote more energy efficient development by developing vacant lots surrounded by existing development and public services. The change will also encourage the development of this lot, which will conserve energy by reducing needs for green-field development and expansion of city services. The proposed changes are in compliance with Goal 13.

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. This application is in compliance with Goal 14.

Non-applicable coastal goals

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

This criterion has been met.

9. The property owner of the land involved in the Plan Amendment/Rezoning is in favor of the redesignation.
10. The proposed change is in the public's interest; is in keeping with the development pattern in this area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare.



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08/13/2015

Mailed From 97424
US POSTAGE



400 E. Main St.
Cottage Grove, OR 97424-2033

TO:



Attn: Plan amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF
AUG 17 2015
LAND CONSERVATION
AND DEVELOPMENT