



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: May 10, 2016  
Jurisdiction: City of Cottage Grove  
Local file no.: MC 1-16  
DLCD file no.: 002-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/02/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD less than 35 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](mailto:plan.amendments@state.or.us)

DLCD FORM 2



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

FOR DLCD USE
File No.:
MAY 02 2016
Received:
LAND CONSERVATION AND DEVELOPMENT

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.: **MC 1-16**

Date of adoption: 04-20-16

Date sent: 04-28-16

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):

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, City Planner

Phone: 541-942-3340

E-mail: [planner@cottagegrove.org](mailto: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 change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

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 c2	to c-2P	Acres: 0.70
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): 20-03-28-31-11000 & 20-03-28-42-5400

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List affected state or federal agencies, local governments and special districts: None

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. 3061**

**AN ORDINANCE AMENDING THE COTTAGE GROVE  
DEVELOPMENT CODE, TITLE 14 LAND USE DISTRICT MAP  
FOR ERIC SCULLY & GLEN TAYLOR  
115 & 125 N. LANE STREET (MC-1-16)  
MAP 20-03-28-31 TL 11000 & MAP 20-03-28-42 TL 5400**

**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, Eric Scully and Glen Taylor both own property on North Lane Street and have applied to rezone to C-2P Community Commercial. Glen Taylor owns 0.29 acres known as 115 N. Lane (identified as Map 20-03-28-31 TL 11000) and Eric Scully owns 0.40 acres known as 125 N. Lane (identified as 20-03-28-42 TL 5400) shown in the map in Exhibit "A" attached hereto and forming a part of this ordinance; and**

**WHEREAS, both owners have applied to amend the Cottage Grove Municipal Code, Title 14 Cottage Grove Development Code Land Use District Map for the subject properties to allow for additional uses of the existing buildings and properties, and**

**WHEREAS, on March 16, 2016, the Cottage Grove Planning Commission conducted a properly noticed public hearing, provided the public an opportunity to comment on the proposed rezone, and adopted findings and recommended Council approval of the proposal; and**

**WHEREAS, on April 11, 2016, the Cottage Grove City Council conducted a properly noticed public hearing concerning the proposed 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 rezone.**

**THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:**

Section 1. Purpose. The purpose of this ordinance is to amend the adopted 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 land use district map 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 rezone, as set forth in the above recitals and as detailed in Exhibit "B" attached hereto and incorporated as a part of this ordinance.

Section 3. Amendments. Title 14, Cottage Grove Development Code land use district map is hereby amended to rezone the subject property described in Exhibit A from C Central Business District to C-2P Community Commercial District.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 25th DAY OF APRIL, 2016.

  
Thomas C. Munroe, Mayor

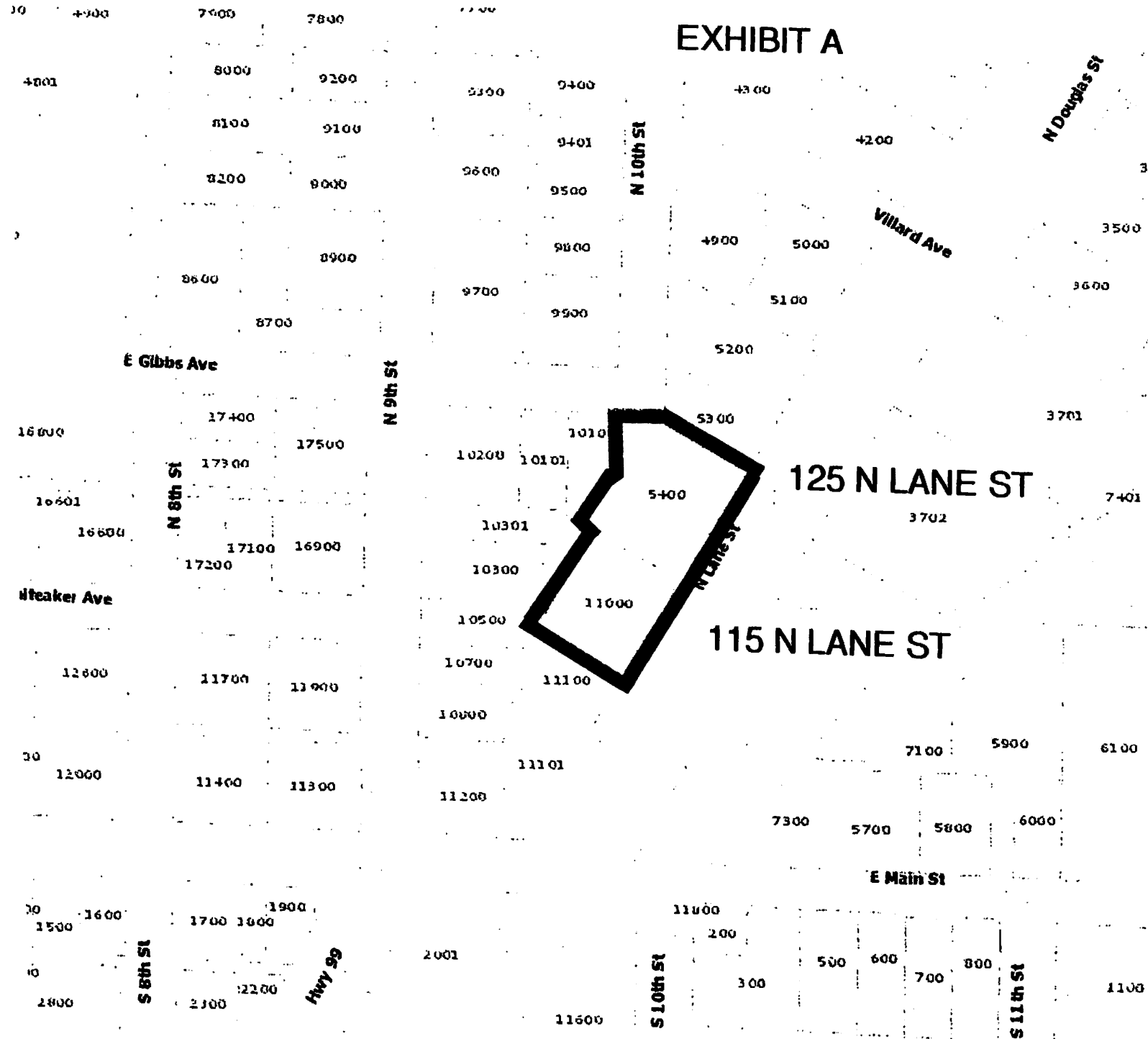
Dated: April 25, 2016

  
Richard Meyers, City Manager

Dated: April 25, 2016

EXHIBIT A  
ORDINANCE NO. 3061

Site Location



**EXHIBIT B**  
**ORDINANCE NO. 3061**

1. Eric Scully submitted an application to amend Title 14 Cottage Grove Development Code land use district map from C-2 Central Business District to C-2P Community Commercial for 0.40 acres located at 125 N Lane Street, identified as Map 20-03-28-42 TL 5400. This lot is developed with a commercial structure including an accessory apartment.
2. Glen Taylor joined the application to amend Title 14 Cottage Grove Development Code land use district map from C-2 Central Business District to C-2P Community Commercial for 0.29 acres located at 115 N Lane Street, identified as Map 20-03-28-31 TL 11000. This lot is developed with a commercial structure.
3. The City of Cottage Grove Comprehensive Plan designates these properties as C Community Commercial which permits the properties to be zoned C-2P Community Commercial. Under "The Plan in General," it 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. The Comprehensive Plan is not being changed.
4. The subject properties both have access to North Lane Street, and the property located at 125 N Lane also has access to Gibbs Avenue
5. The applicants propose this zoning map change to allow for uses that are more suited to the size and location of the buildings. Both buildings have been used for community commercial uses in the past including storage, wood construction, retail, to name a few.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the sites. The properties can be accessed from the existing driveways and aprons off of N. Lane Street. No future transportation impacts have been identified due to the proposed change.

The following Statewide Planning Goals are not applicable to the proposed rezoning:  
Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8: Recreational Needs; Goal 10: Housing Goal 15 – Willamette River Greenway; ;Goal 16-Estuarine Resources Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.

7. Section 14.4.1.500 H (1) requires that the zone change is consistent with the Statewide goals. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:

**Goal 1: Citizen Involvement**

This request is consistent with Goal 1. Adequate public notice of the proposed changes has been provided through the Type III public notice process as specified in Section 14.4.1.400 of the Development Code. A public hearing has been held at the Planning Commission to consider this land use change. 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 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**

The subject properties contain no known wetland and riparian resources, nor designated historic structures.

**Goal 6: Air, Water & Land Resources Quality.**

These properties are currently developed. Redevelopment of these properties will comply with city, state and federal standards to protect air and water quality. No identified natural resources are being degraded by this rezoning, as the lots were originally developed for commercial & light industrial use.

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

Areas Subject to Natural Disasters and Hazards. The subject properties are not subject to flooding and contain no known wetlands. Steps will be taken to protect life and property from natural disasters and hazards during any future development.

**Goal 9: Economic Development**

The subject properties have been used for commercial uses for many decades. The change from C2 to C-2P will allow for the broadening of the types of commercial uses, including potential light industrial, horticultural, and light manufacturing uses, with appropriate conditional use permits. It will not greatly change the character of the neighborhood or the types of uses seen by these properties over the years, however, as each has housed light manufacturing and light industrial uses in the past. The C-2P zoning will require redevelopment or new uses to develop paved parking for future proposed uses.

**Goal 11: Public Facilities and Services**



The parcels are served by City water, sewer, and storm water services. The public street is gravel and may need paved/developed to urban standards in the future; however, this modification will be driven by redevelopment of the lots or other changes to traffic needs. As no through traffic is allowed on Lane Street to the south of the subject parcels, it is unlikely that traffic will increase markedly in the future. A new fire hydrant was located immediately between the two parcels in the Lane Street right-of-way in 2015, providing adequate fire services for the existing developments.

#### **Goal 12: Transportation**

The zone change is in compliance with the Transportation System Plan and does not generate any additional demand for any of the various modes of transportation. Development proposals will be considered on their own merits and a traffic study may or may not be required

#### **Goal 13: Energy Conservation**

The parcels are served by City streets and services. Preservation of existing development patterns maximizes energy conservation.

#### **Goal 14: Urbanization**

The lots are already in Cottage Grove's urban growth boundary. No changes will be made to the city's boundary.

The rezone is consistent with the applicable Statewide Planning Goals. This criterion is met.

8. Section 14.4.1.500 H (2) Requires that the proposed change is consistent with the Comprehensive Plan. This request is consistent with the Comprehensive Plan, as the comprehensive plan designation for these properties is not being changed. Modifications to the Comp Plan and its adopted implementing documents are expected overtime.
9. Section 14.4.1.500 H (3) The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

Water and sanitary services exist within the right-of-way of N. Lane Street and in N. 10<sup>th</sup> Street to the northwest of 125 N. Lane. These existing public facilities will remain unchanged. The properties are next to the right-of-way of Lane Street. Lane Street is graveled at this time. Existing development does not need to modify this street configuration. If redeveloped, property owners may be asked to sign a non-remonstrance agreement to develop Lane Street fully (curbs, sidewalks, street, etc.) at such time as the City deems it necessary to provide adequate transportation access. As the properties and affected area are presently provided with adequate public facilities, services and

transportation networks to support Community Commercial level uses, this rezoning is in compliance with this criterion.

10. The property owners of the land involved in the rezoning are in favor of the proposed actions.
11. 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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04/28/2016

Mailed From 97424  
US POSTAGE



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 Ste 150  
Salem, OR 97301-2540

DEPT OF

MAY 02 2016

LAND CONSERVATION  
AND DEVELOPMENT