



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

January 20, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment  
DLCD File Number 011-05

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: February 7, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator  
Howard P. Schesser, City of Cottage Grove

<paa> y



DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

JAN 18 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Cottage Grove Local File No.: OA 1-05 (If no number, use none)

Date of Adoption: 01-09-06 Date Mailed: 01-17-06 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-3-05

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
XX Other: Moratorium Ordinance (Please Specify Type of Action)

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

Moratorium Ordinance related to hillside development. Six month moratorium to allow City to develop regulations. Relates to slopes greater than 15%.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Definition of slope was amended and the length of the moratorium was changed to four months from six.

Plan Map Changed from : to

Zone Map Changed from: to

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 7, 14, 2

Was an Exception Adopted? Yes: No: XX

DLCD File No.: 011-05 (14796)

Ordinance No. 2926

AN ORDINANCE ESTABLISHING A MORATORIUM  
RELATED TO HILLSIDE DEVELOPMENT  
AND DECLARING AN EMERGENCY

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish a moratorium not to exceed four months related to the issuance of permits and development for hillside development where the slope of any part of the property is 15% or greater.

Section 2. Procedural Compliance. This moratorium is in compliance with ORS 197.505 to 197.540.

Section 3. Findings.

1. The moratorium is needed as the application of Chapter 18 Zoning Ordinance of the City of Cottage Grove is inadequate to prevent irrevocable public harm from construction and land development of hillside development within the City of Cottage Grove;
2. The moratorium is limited to hillside development where the slope of any part of the property is greater than 15%. Slope shall be measured denoting a given rise in elevation over a given run in distance. A fifteen percent slope, refers to a fifteen foot rise in elevation over a horizontal distance of one hundred feet. The supply of housing, commercial and industrial facilities within the City are not unreasonably restricted by the adoption of this moratorium;
3. Chapter 18 did not anticipate regulations related to hillside development where slopes are greater than 15%;
4. The moratorium will not apply to lots in approved subdivisions, planned unit developments, or mixed use master plans; on existing lots to be developed with single or two family homes; and developments with complete applications prior to January 9, 2006.
5. The City has determined that public harm would outweigh the adverse effects of not allowing hillside development until new regulations are developed; and,
6. The City has determined that there are sufficient resources available to complete the development of needed permanent changes in Chapter 18 within the period of effectiveness of the moratorium.

Section 3. Program

The City has developed a program to correct the problem creating this four-month moratorium, which is proposed as follows:

1. Develop new regulations for hillside development to be incorporated in Chapter 18 by December 2, 2005;
2. Hold a public hearing before the Planning Commission on January 18, 2006;
3. Hold a public hearing before the City Council & read the ordinance a first time on February 27, 2006;
4. Council to read the ordinance a second time and consider adoption of the ordinance on March 28, 2006; and
5. Ordinance to take effect immediately by declaring an emergency.

This time frame may be extended as dictated by the public process but shall not exceed the time limits of this moratorium.

Section 4. Moratorium

No permits or approvals will be issued by the City of Cottage Grove for four months from the effective date of this ordinance where the slope of the land is 15% or greater, except for lots within approved subdivisions, planned unit developments, or mixed use master plans; on existing lots to be developed with single or two family homes; and developments with complete applications prior to January 9, 2006.


Section 5. Emergency Declared

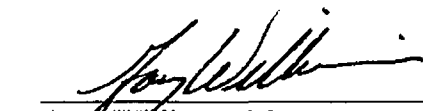
City Council has determined that it is in the public interest that the development and construction on hillsides not be allowed until standards and criteria therefore are adopted, an emergency is declared and that this ordinance shall become effective immediately upon adoption.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS  
9TH DAY OF JANUARY, 2006.

Attest:

Approved:

  
Richard Meyers, City Manager  
Dated: Jan. 9, 2006

  
Gary Williams, Mayor  
Dated: January 10, 2006