



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 4, 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 011-05A

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: May 22, 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 Schesser, City of Cottage Grove

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D L C D NOTICE OF ADOPTION

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

DEPT OF

(See reverse side for submittal requirements)

AY 02 2006

**LAND CONSERVATION
AND DEVELOPMENT**

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

Date of Adoption: 04-24-06 Date Mailed: 05-01-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

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

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

Extend existing moratorium for 30 days.

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."

Same.

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.: 011-05A
(14796)

Ordinance No. 2932

AN ORDINANCE EXTENDING 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 extend the 120 day moratorium established on January 9, 2006 by Ordinance 2926 for one month (30 days) 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 problem giving rise to the need for a moratorium still exists;
6. Reasonable progress is being made to alleviate the problem as City Council has considered the draft ordinance on March 13, 2006 and referred it back to the Planning Commission for clarification. The Planning Commission held a public hearing on the revised ordinance on April 19th and made a recommendation to City Council;

7. City Council is scheduled to consider the revised proposed ordinance at a public hearing on May 8, 2006;
8. The original moratorium will end on May 9, 2006 unless extended;
9. The City has determined that public harm would outweigh the adverse effects of not allowing hillside development until new regulations are developed; and,
10. 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 as extended.

Section 3. Program

The City has developed a revised program including the 30 day extension, which is proposed as follows:

1. Revise the proposed new regulations for hillside development, in Chapter 18, by April 12, 2006;
2. Hold a public hearing before the Planning Commission on April 19, 2006;
3. Hold a public hearing before the City Council, declare an emergency, and adopt the ordinance on May 8, 2006; and
4. Ordinance to take effect immediately by declaring an emergency.

Section 4. Moratorium

The moratorium established by Ordinance No 2926 is hereby extended for 30 days from May 9, 2006 to June 8, 2006. No permits or approvals will be issued by the City of Cottage Grove until June 8, 2006 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 for an additional 30 days 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
24TH DAY OF APRIL, 2006.

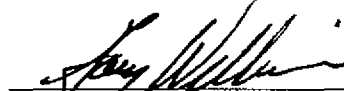
Attest:

Approved:



Richard Meyers, City Manager

Dated: April 24, 2006



Gary Williams, Mayor

Dated: April 25, 2006