



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

June 2, 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 011-05B

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: June 15, 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  
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator  
Marguerite Nabeta, DLCD Regional Representative  
Howard Schesser, City of Cottage Grove

<paa> ya/

DLCD 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

(See reverse side for submittal requirements)

DEPT OF

MAY 26 2006

LAND CONSERVATION AND DEVELOPMENT

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

Date of Adoption: 05-23-06 (Must be filled in) Date Mailed: 05-25-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

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

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

Repeal extended moratorium.

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.: 011-05B (14796)

Ordinance No. 2935

AN ORDINANCE AMENDING TITLE 18 OF  
THE COTTAGE GROVE MUNICIPAL CODE  
RELATED TO HILLSIDE DEVELOPMENT REGULATIONS AND  
DECLARING AN EMERGENCY

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

WHEREAS, the City Council has adopted a Zoning Ordinance of the City of Cottage Grove, Oregon as Title 18 to the Cottage Grove Municipal Code;

WHEREAS, the City Council has amended Title 18 from time to time, including the adoption of new Chapters;

WHEREAS, a new Chapter 18.41 titled Hillside Development attached as Exhibit A has been prepared for City Council consideration,

WHEREAS, This new Chapter is based upon the City Council determination, after a Planning Commission public hearing and recommendation, and after a public hearing before City Council, that the ordinance amendment 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,

WHEREAS, City Council considered the findings attached as Appendix B, and

WHEREAS, with the adoption of this ordinance the moratorium shall be repealed as it is no longer needed,

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Enactment. Title 18 of the Cottage Grove Municipal Code is hereby amended as follows:

A new Chapter 18.41 Hillside Development of the Cottage Grove Municipal Code attached as Exhibit A and forming a part of this Ordinance is adopted.

Section 2. Repeal of Moratorium. Ordinance No. 2926 as amended by Ordinance No. 2932 is hereby repealed.

Section 3. Emergency Declared. City Council has determined that it is in the


public interest to declare an emergency and that this ordinance shall become effective immediately upon adoption.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 22ND  
DAY OF MAY, 2006.

ATTEST:

APPROVED:

  
Richard Meyers, City Manager

  
Gary Williams, Mayor

Dated: May 23, 2006

Dated: May 23, 2006

# EXHIBIT A

## Chapter 18.41

### HILLSIDE DEVELOPMENT

#### Section:

18.41.010	Intent and Purpose
18.41.020	Definitions
18.41.030	Applicability
18.41.040	Exemptions
18.41.050	Hillside Area Levels and Mapping
18.41.060	Geotechnical Evaluations, Assessments, and Reports
18.41.070	Review Procedure And Approvals
18.41.080	Independent Review
18.41.090	Appeals
18.41.100	Certification Of Compliance
18.41.110	Disclosure
18.41.120	Emergency Actions

18.41.010 Intent and Purpose. The intent and purpose of the provisions of this chapter are:

- A. To implement the landslide hazard goals in the City of Cottage Grove Natural Hazard Mitigation Plan;
- B. To implement the "Hillside Development" element of the City of Cottage Grove Comprehensive Plan;
- C. To provide for the review of hillside development applications and evaluate properties for potential slope related hazards;
- D. To assess the risk that a proposed use or activity may adversely affect the stability and slide susceptibility of an area; and thus promote the public health, safety, and welfare;
- E. To establish standards and requirements for the development of lands in a hillside area;
- F. To mitigate risk within a hillside area, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher risk of hazard at any location. Unless otherwise provided, the hillside area regulations are in addition to generally applicable standards provided elsewhere in this code.

18.41.020 Definitions. As used in this chapter, except where the context otherwise clearly requires:

- A. "Certified Engineering Geologist" is any Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705 and registered in the State of Oregon.

- B. "Civil Engineer" is a Professional Engineer, registered with the State of Oregon, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
- C. "Emergency action" is an action that must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property.
- D. "Erosion" is the wearing away of the earth's surface as a result of the movement of wind, water, or ice.
- E. "Excavation" is any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting there from.
- F. "Fill" or "backfill" is a deposit of earth or other natural or manmade material placed by artificial means. This includes approved waste materials and the re-deposit of previously removed material.
- G. "Geological assessment" is an assessment prepared and stamped by a Certified Engineering Geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geological hazards, and furnish professional analysis of information to assess the suitability of the site for development. Geological assessment must be prepared in accordance with the report requirements identified in this chapter. The geological assessment may be incorporated into or included as an appendix to the geotechnical report.
- H. "Geotechnical Engineer" is a Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
- I. "Geotechnical Report" is a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and recommending design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with the report requirements identified in this Chapter.
- J. "Grading" is the act of excavating or filling, which results in the changing of the elevation or drainage pattern of the surface of the land.
- K. "Ground Disturbance" is any excavation of 50 cubic yards or more.
- L. "Hillside Area" is any property with slopes of 15% or more.
- M. "Landslide" is the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.
- N. "Mitigation Measure" is an action designed to reduce project-induced geologically hazardous area impacts.
- O. "Hazardous Vegetation" as defined by Section 8.12.045 of the Municipal Code.
- P. "Slope" is an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A fifteen percent slope, for example, refers to a fifteen foot rise in elevation over a

distance of one hundred feet. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance.

- Q. "Contiguous slope" means a slope bounded by a summit, benches or plateaus (including basal plains) of sufficient width that a profile line constructed from the lower toe of the slope to the furthest point of the plateau or bench will have a slope of less than that specified by the particular Hillside Area Level detailed in Exhibit 1 to this ordinance.
- R. "Tree" means any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point of four feet above grade at the base of the trunk.
- S. "Tree Removal" means to cut down a tree or remove all or 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.
- T. "Vegetative Removal" means the disturbance or removal of more than 2,500 square feet of existing vegetative ground cover including but not limited to trees, brush, grass and low growing ground cover plants.

18.41.030 Applicability. Except as provided under section 18.41.040, no person shall engage in any of the following regulated activities in hillside areas of 15% or greater, without first obtaining a Hillside Development Permit as required by this chapter.

- A. Tentative or final platting of partitions, subdivisions, manufactured home parks, planned unit developments, or mixed use master plans;
- B. Proposed planned unit developments, or mixed use master plans;
- C. Construction of new commercial building;
- D. Construction of new residential building;
- E. Construction of roads and/or utilities;
- F. Excavation/fill/grading;
- G. Expansion of footprint of more than 500 square feet of any existing structure, building, road or utility; or
- H. Tree removal on slopes greater than 60%.
- I. Vegetation removal that exceeds 2,500 square feet;
- J. Any property where a geotechnical evaluation, assessment or geotechnical report has not been conducted in the last 10 years, subject to review by the City Engineer.
- K. At the request of the City Engineer.

The application may be processed simultaneously with other land use applications, but approval of the other land use applications shall be subject to the Hillside Development Permit being issued, and the appeal period has expired.

The requirements of this chapter are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are more restrictive of regulated development activity shall govern. Requirements of this chapter are in addition to those of the Specialty Codes adopted by Chapter 15.04 of the Cottage Grove Municipal Code.

18.41.040 Exemptions. The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter:

- A. Construction/modifications of utilities and streets within existing footprint of street;
- B. Interior remodels;
- C. Exterior alterations and/or additions under 500 square feet in area;
- D. Construction of accessory structures under 200 square feet in area;
- E. Construction/renovation of retaining walls less than 4' in height (measured from bottom of footing to top of wall);
- F. Excavation or fill under 50 cubic yards; or
- G. Construction/replacement of fences as allowed elsewhere in this code. ; or

18.41.050 Hillside Area Levels & Mapping

Hillside Area Levels for the purpose of this Chapter are:

- A. Level 1 hillside area is any area with a slope of 15 to 20 percent,
- B. Level 2 hillside area is any area with a slope of 20 to 25 percent, and
- C. Level 3 hillside area is any area with a slope of greater than 25 percent.
- D. Hillside area levels 1-3 are mapped on the "Slopes In Cottage Grove", prepared by Lane Council of Governments, dated April 19, 2006, which is on file in the Community Development Department.

18.41.060 Geotechnical Evaluation, Assessments & Reports

- A. Geotechnical Evaluations-Level 1
  1. Geotechnical Evaluations shall be based on site visits(s) and literature review and shall state the planned property use for which the evaluation was performed.
  2. Geotechnical Evaluations shall be performed by a Geotechnical Engineer registered in the State of Oregon, or Civil Engineer registered in the State of Oregon, or a combination thereof.
  3. The author of the evaluation shall state whether or not, in their professional opinion, a significant landslide hazard exists due to seismic or water induced forces; soil conditions; and if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.



4. The evaluation shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds it probable that a significant risk may exist, at which point the author(s) shall recommend either a Geotechnical Assessment or a Geotechnical Report.
5. The geotechnical evaluation shall be stamped by the author.
6. The geotechnical evaluation is required at the time of Hillside Development Permit application submittal.

**B. Geotechnical Assessment – Level 2**

1. Geotechnical *Assessments* shall be based on site visit(s), literature review and shallow borings of sufficient depth, frequency and distribution to identify the soil or rock zones apt to mobilize under seismic or water induced forces.
2. Geotechnical Assessment shall be performed by a Geotechnical Engineer registered in the State of Oregon.
3. The author of the assessment shall state whether or not, in their professional opinion, a significant risk of landslide hazard exist due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment.
4. The assessment shall detail the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geotechnical hazards;
5. The assessment shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds that a significant risk may exist, at which point they shall recommend a Geo-Technical Report be performed.
6. The geotechnical assessment shall be stamped by the author.
7. The geotechnical assessment is required at the time of Hillside Development Permit application submittal.

**C. Geo-technical Report-Level 3**

1. A geo-technical report shall be required:
  - a. For slopes greater than 25% or;
  - b. Where a geotechnical geological evaluation or assessment recommends preparation of a Geo-Technical Report, or,
  - c. Where a landslide risk has been identified by the Oregon Department of Geology and Mineral industries, or
  - d. Where unusual and site specific circumstances including, but not limited to, importance of facility, land form mobilization history or potential impacts to surrounding existing structures exists and the City Engineer makes a written finding that such hazard may

exist based on the evidence available and a detailed examination of the site geo-technical characteristics is warranted.

2. The geotechnical report shall include at minimum the following:
  - a. Geological Assessment shall be performed by a Certified Engineering Geologist registered in the State of Oregon. Assessments shall be prepared in accordance with the Guidelines for Preparing Engineering Geologic Reports in Oregon as adopted by the Oregon State Board of Geologist Examiners. The report shall detail the conditions of the surface and subsurface conditions of the site and delineating the areas of the property that might be subject to specified geologic hazards. The report shall be stamped by the author.
  - b. Comprehensive description of the site topography; including the characterization of each type of native and imported soil likely to be impacted by the planned activities including: Atterburg Limits, Specific Gravity, Natural Moisture Content, Cohesion, Internal Angle of Friction.
  - c. An estimate of the safety factor against slope instability before and after development considering gravity forces, seismic forces, hydraulic impacts under varied ground water or vadose zone conditions, and vegetation removal;
  - d. Sections through the hillside illustrating pre and post development configurations for structures, piping and roads;
  - e. Estimate of the allowable bearing strength of the soil for foundations and identification of areas requiring further detailed work;
  - f. Assessment of the safety of and recommendations for cut and fill operations, including specific requirements for plan modification, corrective grading and special techniques and systems to facilitate a safe and stable development;
  - g. Assessment of and recommendations for mitigation of potential adverse impacts on structures, roads, and piping systems;
  - h. Recommendations for transport and collection of surface and subsurface (if present) water;
  - i. Recommendations on vegetation removal and replacement;
  - j. Description of the field investigation and findings;
  - k. Other recommendations as necessary, commensurate with the project grading and development;
  - l. Geotechnical reports shall be in accordance with recommendations of the Geotechnical Institute of the American Society of Civil Engineers; The geotechnical report shall be prepared and stamped by the author; and
  - m. The geotechnical report is required at the time of Hillside Development Permit application submittal.

18.41.070 Review Procedure And Approvals.

- A. No regulated activity may be initiated until the City Engineer has reviewed the geotechnical evaluation, assessment or report, and/or the geological assessment; has made a recommendation to the Community Development Director, and the Community Development Director has made a decision and issued a Hillside Development Permit.
- B. The Community Development Director shall establish a Hillside Development Permit application and applicable fees.
- C. A geotechnical evaluation, assessment or report and/or a geological assessment must be submitted concurrently with the Hillside Development Permit application.
- D. Review of submittals shall include examination to ensure that the following criteria are met:
  - 1. Required elements are completed;
  - 2. Geotechnical or geological report procedures and assumptions are generally accepted; and
  - 3. All conclusions and recommendations are supported and reasonable.
- E. Conclusions and recommendations stated in an approved geotechnical evaluation, assessment or report; and/or geological assessment shall then be directly incorporated as permit conditions or provide the basis for conditions of approval of the regulated activity.
- F. Upon the issuance of the Hillside Development Permit for hillside area level 2 or 3, the Community Development Director shall give written notice of the decision to properties within 100 feet of the subject property.
- G. An excavation and fill permit may be required pursuant to Section 15.20 "Erosion Prevention and Construction Site Management Practices" of the Cottage Grove Municipal Code.

18.41.080 Independent Review.

- A. Where the City Engineer determines that a geotechnical evaluation, assessment or report and/or the geological assessment fails to meet one or more of the review criteria, or the City Engineer determines that it lacks the qualifications or expertise to fully review the above noted items, the Community Development Director on the recommendation of the City Engineer, may elect to have an independent Certified Engineering Geologist and/or Geotechnical Engineer undertake the review, at City expense.

18.41.090 Appeals

- A. Appeals to the staff determination and/or hillside development permit that a geological assessment and/or an geotechnical evaluation, assessment or report fails to meet the review criteria, or disagrees with the conditions of approval imposed on the project. The appeal shall be to the Planning Commission.
- B. The appeal shall be in writing on a form provided by the Community

Development Director and appeal fees shall be paid.

18.41.100 Certification Of Compliance. No regulated activity requiring a geotechnical evaluation, assessment, or report shall receive initial inspection on a valid permit for properties located in a hillside area until the City receives a written statement by a Geotechnical Engineer that all performance, mitigation, or monitoring measures contained in an approved geotechnical report are completed, in place, and operable.

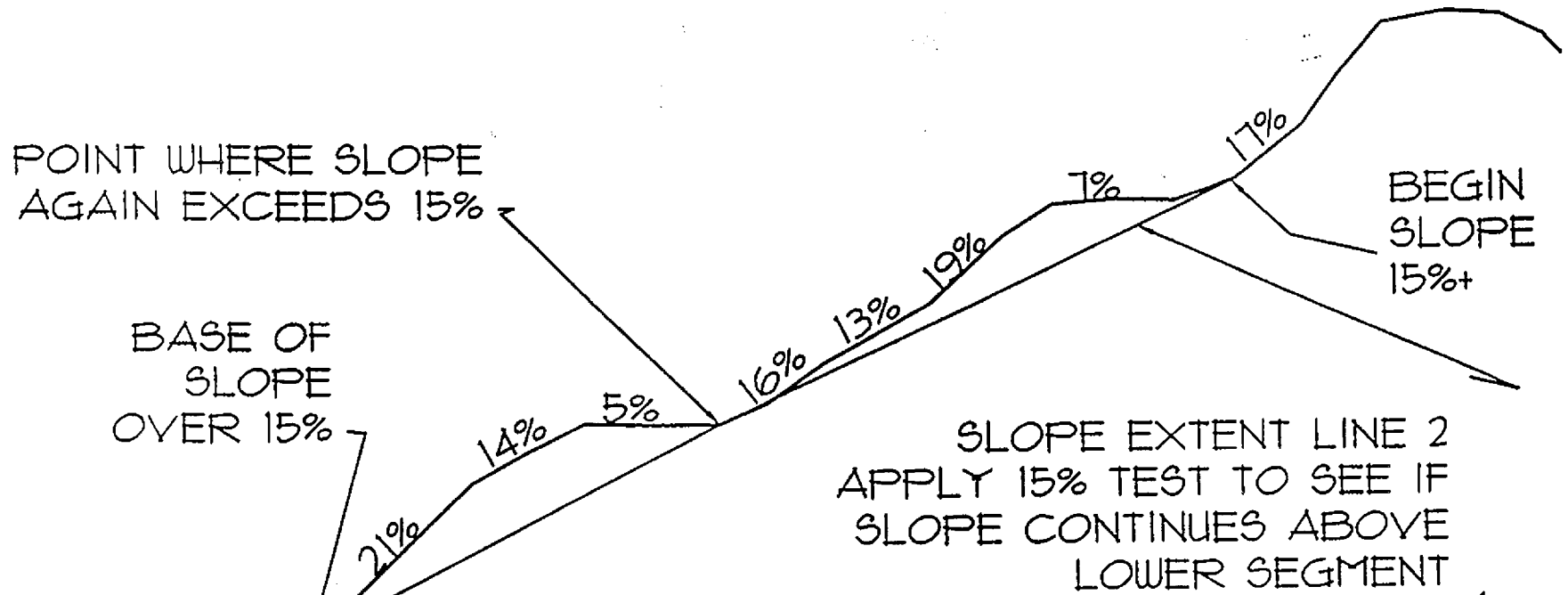
18.41.110 Disclosure. As a condition of City permits or approvals of regulated activities located in hillside areas, the owner:

- A. Shall record a declaratory statement against the property stating the property contains slopes of fifteen percent or more and that all approved geotechnical evaluations, assessment, or reports and/or geological assessments for such property are on file with the City and;
- B. Shall provide evidence of such recording to the Community Development Department.

18.41.120 Emergency Actions. The person undertaking an emergency action as defined by this chapter shall notify the Community Development Director or City Engineer upon the immediately following the commencement of the emergency activity. If the Community Development Director after review by the City Engineer determines that the action or part of the action taken is beyond the scope of an allowed emergency action, enforcement action may be taken.

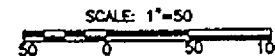
FIGURE FOR ILLUSTRATIVE PURPOSES

# DETERMINATION OF CONTIGUOUS SLOPES



SLOPE EXTENT LINE 1  
IF UNDER 15% SLOPE CONTINUITY ENDS  
IF OVER 15% SLOPE CONTINUES UPWARD

SLOPE EXTENT LINE 2  
APPLY 15% TEST TO SEE IF  
SLOPE CONTINUES ABOVE  
LOWER SEGMENT



CITY OF COTTAGE GROVE 400 E. MAIN STREET COTTAGE GROVE, OREGON 97104		
JOB NO.:	DRAWN:	CHECKED:
DATE:	BY:	OF:

**EXHIBIT B:  
Findings**

**ORDINANCE AMENDMENT (OA 1-06)-HILLSIDE DEVELOPMENT**

1. The City has made an application to establish Chapter 18.41 Hillside Development (OA-1-06).
2. The purpose of Hillside Development is to:
  - A. To implement the landslide hazard goals in the City of Cottage Grove Natural Hazard Mitigation Plan;
  - B. To implement the "Hillside Development" element of the City of Cottage Grove Comprehensive Plan;
  - C. To provide for the review of hillside development applications and evaluate properties for potential slope related hazards;
  - D. To assess the risk that a proposed use or activity will adversely affect the stability and slide susceptibility of an area; and thus promote the public health, safety, and welfare;
  - E. To establish standards and requirements for the development of lands in a hillside area;
  - F. To mitigate risk within a hillside area, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher risk of hazard at any location. Unless otherwise provided, the hillside area regulations are in addition to generally applicable standards provided elsewhere in this code.
3. Forty-five day notice was given to DLCD on December 1, 2005 of the proposed Hillside Development Ordinance pursuant to ORS 197.610, OAR Chapter 660, Division 18.
4. Notice was given pursuant to Chapter 18.58 of the Cottage Grove Municipal Code for the public hearings held on January 18, 2006.
5. A Public Hearing was continued and testimony was not taken at both the January 18, 2006 and February 8, 2006 meetings before the Planning Commission. A Public Hearing was held on February 15, 2006. The Planning Commission closed the hearing after taking testimony, and the record was kept open for seven days until February 22, 2006. The Planning Commission did not deliberate on the proposed ordinance on February 22, 2006 but did deliberate on March 1, 2006. The Planning Commission following deliberation on March 1, 2006 and reviewing the draft ordinance, which was amended, based on the input from the public hearing, recommended to City Council that the amended ordinance be adopted.

6. A Public Hearing was held before City Council on March 13, 2006 at which time testimony was taken. At the close of the public hearing City Council referred the proposed Ordinance back to the Planning Commission for clarification and to allow additional public input.
7. The Planning Commission considered the proposed Ordinance at their meeting of April 19, 2006 and recommended to City Council...
8. Under "The Plan in General" of the Comprehensive Land Use Plan it states: "The plan is not completed. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future, but are unforeseen now. 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." This Hillside Development Ordinance is an urban design tool to enhance the flexibility and responsiveness of the Comprehensive Plan. It meets the some of the recommendations of the Hillside Development section in the Comprehensive Plan.
11. The public need for the Hillside Development Ordinance is itemized in the purpose and has been occasionally demonstrated during severe storm events.
12. This Hillside Development Ordinance does not change the zone classification of the property it would be applied to, but will require additional steps to be undertaken in order to develop the property.
13. Establishment of regulations will emphasize the importance of maintaining helpful, safe and aesthetic surroundings and conditions when designing or redesigning developments.
14. The proposed amendments are in compliance with Statewide Goals, as noted below:
  - Goal 1: Citizen Involvement: This public hearing meets this goal, as the Planning Commission is the body designated in the plan to consider zoning ordinance amendments. Our process also includes public hearings at the City Council level, notification of the general public through the media, and other governmental agencies through mailed notification.
  - 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 is compatible.
  - Goal 3: Agricultural Lands: Not applicable.

- Goal 4: Forest Lands: Not applicable.
- Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources: The Hillside Development Ordinance protects hillsides from unsafe development by requiring engineering prior to development taking place. Properties that are affected by this ordinance are not exempt from other open space, historic, and natural resource requirements as outlined in the Comprehensive Plan and Zoning Code.
- Goal 6: Air, Water, and Land Resources Quality: The quality of hillside areas is protected by the Hillside Development Ordinance as it requires engineering and hazard mitigation if necessary in order to prevent unsafe development.
- Goal 7: Areas Subject to Natural Disasters and Hazards: The Hillside Development Ordinance meets two of the mitigation action items outlined in the Natural Hazards Mitigation Plan related to landslide hazards. The ordinance requires mitigation in areas that are deemed by geological assessment or geotechnical reports to be in potential jeopardy from natural hazards.
- Goal 8: Recreational Needs: The requirements of the Hillside Development Ordinance do not effect other zoning code requirements such as open space and parks requirements.
- Goal 9: Economic Development: Not applicable.
- Goal 10: Housing: Not applicable.
- Goal 11: Public Facilities and Services: Hillside Development Permits shall be required under the Hillside Development Ordinance for the construction of new roads and utilities as well as any excavation, fill, or grading on parcels with slopes of 15% or more.
- Goal 12: Transportation: A geological assessment shall be required under the Hillside Development Ordinance for the construction of new roads on parcels with slopes of 15% or more. This ordinance will ensure that roads are being developed in a way that will provide for safe transportation systems in hillside areas.
- Goal 13: Energy Conservation: Not applicable.
- Goal 14: Urbanization: The ordinance is in keeping with urban development and will assist in the efficient and orderly development of our hillside areas.
- Goal 15: Willamette River Greenway: Not applicable.
- Goal 16: Estuarine Resources: Not applicable.
- Goal 17: Coastal Shorelands: Not applicable.
- Goal 18: Ocean Resources: Not applicable.

15. City Council found the establishment of Chapter 18.41 is a proper implementation of the comprehensive land use plan and, therefore is in the public interest and for the health, safety and welfare of the residents of the City of Cottage Grove.
16. This Hillside Development Ordinance meets the intent of Senate Bill 12, to protect the public from landslide hazards by requiring that all properties with



slopes of 15% or more at any point obtain engineering prior to development. Without conducting a site-specific analysis of all properties in the City, which the City cannot afford to do at this time, this ordinance is a tool to protect the community from the threats of landslide hazard to life and property.

16. **Natural Hazard Mitigation Plan:** This application meets two of the mitigation action items identified in the Natural Hazard Mitigation Plan. The first is short-term landslide goal 2 to “limit future development in high landslide potential areas.” The second is short-term multi-hazard goal 4 to, “integrate the information, objectives, mitigation strategies and action items into existing regulatory documents and programs.”