



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/04/2009

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 003-08

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: Friday, February 20, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Amanda Ferguson, City of Cottage Grove
Gloria Gardiner, DLCD Urban Planning Specialist

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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

In person electronic mailed

DATE
FEB 02 2009

STAMP
LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **DCTA 2-08**

Date of Adoption: **1/26/2009**

Date Mailed: **1/30/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/30/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Added option to apply for a Type II Class B Variance for barbed wire on chainlink fences in industrial, commercial, or institutional use categories.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 003-08 (17163)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Lane County

Local Contact: **Amanda Ferguson**

Phone: **(541) 942-3340** Extension:

Address: **400 Main Street**

Fax Number: **541-942-1267**

City: **Cottage Grove**

Zip: **97424-**

E-mail Address: **planner@cottagegrove.org**

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2972
CITY OF COTTAGE GROVE

AN ORDINANCE AMENDING SECTION 3.2.500 & ESTABLISHING A NEW
SECTION 5.1.400 OF TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend Fence & Wall Prohibited Materials Sections as defined in Title 14 of the Cottage Grove Development Code.

Section 2. Procedural Compliance. This amendment is in compliance with Section 14.4.7 of the Municipal Code of the City of Cottage Grove and is based upon the City Council's determination, after a Planning Commission public hearing and recommendation, that this amendment is a proper implementation of the comprehensive land use plan and, therefore, is in the public interest for the health, safety and welfare of the residents of the City of Cottage Grove.

Section 3. Amendment. Section 3.2.500(D) of Title 14 of the Cottage Grove Municipal Code is hereby amended to read as follows:

“3.2.500 Fences and Walls

D. Materials.

1. Permitted fence and wall materials: wood; metal; bricks; stone; concrete block; stucco, or similar masonry; and non-prohibited evergreen plants.
2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than 8 feet. Barbed wire on top of chain link or other fencing may only be approved on industrial, commercial or institutional use categories through a Class B Variance (Chapter 5.1.400).”

Section 4. New Section: Section 5.1.400 of Title 14 of the Cottage Grove Municipal Code is hereby amended by establishing a new section “I” which shall read to as follows:


“5.1.400 Class B Variances

- I. Variance to Fence Material (Barbed Wire) (Chapter 3.2.500(D)). City may approve, approve with conditions, or deny a variance to prohibit fence materials established in Chapter 3.2.500 to allow barbed wire on top of fences when the fence material does not negatively impact adjoining properties and the

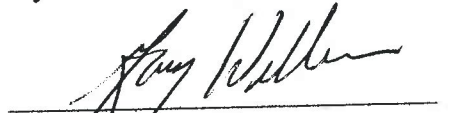
prohibited material is deemed necessary to mitigate special characteristics of the proposed use and/or extraordinary site conditions.”

Section 5. Effectiveness. This ordinance shall be effective 30 days of adoption pursuant to the City Charter and prior to acknowledgement pursuant to ORS 197.625(3)(a).

Passed by the Council and approved by the Mayor this 26th day of January 2009.


Richard Meyers, City Manager

Dated: JAN. 26, 2009


Gary Williams, Mayor

Dated: JAN 26, 2009



CITY OF
COMMUNITY DEVELOPMENT
COTTAGE GROVE

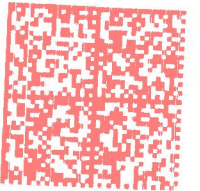
400 E. Main St.
Cottage Grove, OR 97424-2033

TO:



Attn: Plan Amendment Specialist
DLCD

635 Capitol Street NE Suite 150
Salem OR 97301-2540



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01/30/2009

Mailed From 97424

US POSTAGE