



Oregon

Theodore R. Kulongoski, 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

09/26/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cottage Grove Plan Amendment
DLCD File Number 003-11

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: Monday, October 10, 2011

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Amanda Ferguson, City of Cottage Grove
Angela Lazarean, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

SEP 20 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **DCTA 1-11**

Date of Adoption: **9/12/2011**

Date Mailed: **9/19/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **5/12/2011**

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".

To amend Cottage Grove Development Code sections 2.2.190.c(2), 2.2.190.C(3), 2.3.150.C(4)(b), 3.0.200.B., 3.3.300.A, 3.1.300.I(3)(b), Table 4.1.100, and 4.3.160.(9) to correct scrivener's errors and correlate code to approved Code Interpretations.

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:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 File No. 003-11 (18829) [16766]

DLCD file No. _____

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

Local Contact: **Amanda Ferguson, City Planner** 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 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

Ordinance No. 3013

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE AND ORDINANCE NO. 2959 (SCRIVENER'S ERRORS & INTERPRETATIONS).

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend scrivener errors in Section C of Ordinance No. 2959 that adopted the city-wide Title 14 Cottage Grove Development Code.

Section 2. Scrivener Error & Interpretations. Ordinance No. 2959 repealed Title 18 Zoning Code and adopted Title 14 Development Code. The staff report, public hearing notices, minutes at the Planning Commission and City Council all show that the intent being the adoption of this Title. This ordinance amends scrivener errors found in the document since adoption and codifies code interpretations, and changes to the International Fire Code and Oregon Revised Statutes made since adoption.

Section 3. Procedural Compliance. This amendment is in compliance with 14.4.7.500-600 of the Municipal code of the City of Cottage Grove and is based upon the City Council 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 and for the health, safety and welfare of the residents of the City of Cottage Grove.

Section 4. Findings. The findings attached as Exhibit A to this ordinance are adopted in support of these applications.

Section 5. Amendment. Title 14 of the Cottage Grove Municipal Code and Section "C" of Ordinance No. 2959 is hereby amended as follows:

- A. Section 2.2.190.C(2) Residential Districts -- Architectural Design Standards -- Standards is amended to read as follows:

2. Articulation. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, decorative windows or surrounds, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along all vertical faces of a structure, such elements shall occur at a minimum interval of 30 feet, as generally shown in Figure 2.2.190.C (1):

- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet; or
 - b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
- B. Section 2.2.190.C(3) Residential Districts -- Architectural Design Standards -- Standards is amended to read as follows:
3. Eyes on the Street. Front elevations visible from a street right of way shall provide a main entrance, and a combination of windows, porches, and/or balconies. Side elevations facing street-side setbacks shall provide a combination of windows, porches, and/or balconies. 40 percent of front elevations (30 percent of manufactures homes that also conform to Section 2.2.200.D), and a minimum of 30 percent of street-side elevations shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard does not apply to panhandle or flag lots.
- C. Section 2.3.150.C(4)(b) Commercial Districts – Building Orientation and Commercial Block Layout: Building Orientation Standards is amended to read as follows:
- b. The proposed vehicles areas are limited to one driveway of not more than 24 feet in width with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. (The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping); and
- D. Section 3.0.200.A & B Design Standards – Applicability is amended to read as follows:
- A. Major Project.** Major projects, including developments that require Site Design Review (Chapter 4.2), Land Division approval (Chapter 4.3), Master Planned Development (Chapter 4.5), and amendments to the Comprehensive Plan or Zoning Map (Chapter 4.7), must conform to the applicable sections of:
- Access and Circulation (Chapter 3.1)

- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)
- Public Facilities (Chapter 3.4)
- Surface Water Management (Chapter 3.5)
- Sensitive Lands (Chapter 3.7)
- Signs (Chapter 3.8)

B. Minor Project. Minor projects are small developments and land use actions that require only Land Use Review or Conditional Use approval (no site design review). The following chapters generally apply; however, individual sections will not apply to some projects.

- Access and Circulation (Chapter 3.1)
- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)
- Surface Water Management (Chapter 3.5)
- Sensitive Lands (Chapter 3.7)
- Signs (Chapter 3.8)

E. Section 3.1.200.I (3) (b) Joint and Cross Access – Requirement is amended to read as follows:

- b. A design speed of 10 miles per hour and a maximum paved width of 24 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;

F. Section 3.3.300, Table 3.3.300.A – Minimum Required Parking by Use is amended for the following Uses in the Commercial Categories of Table 3.3.300A:

Drive-Up/Drive-In/Drive-Through (drive-up windows, requirements. kiosks, ATM's, Similar uses/facilities).	1 space for each employee per shift. See Section 2.3.190 for queuing area
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General Retail: 2 spaces per 1,000 sq. ft.

Retail Sales and Service	<u>Restaurants and Bars:</u> 8 spaces per 1,000 sq. ft. of gross leaseable floor area
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Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 3 space per 1,000 sq. ft.

Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 1 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above

Theaters and Cinemas: 1 space per 4 seats

- G. Section 4.1.100, Table 4.1.100 Summary of Approvals by Type of Application Type is amended to read as follows for the following approval in Table 4.1.100:

Property Line Adjustments and Lot Consolidations Type II Chapter 4.3

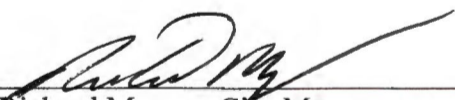
- H. Section 4.3.160.B(9) Final Plat Submission Requirements and Approval Criteria is amended to read as follows:

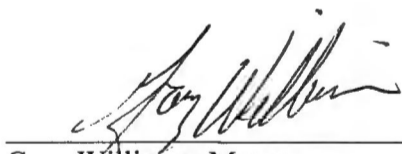
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92 and 209.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 12th DAY OF SEPTEMBER, 2011.

Attest:

Approved:


Richard Meyers, City Manager
Dated: September 12, 2011


Gary Williams, Mayor
Dated: September 12, 2011

**Exhibit A –FINDINGS
DCTA-1-11**

1. The City of Cottage Grove in implementing the Cottage Grove Development Code that became effective on January 1, 2008 has identified various scrivener errors, changes in the Fire Code and in the Oregon Revised Statutes that needed to be corrected.
2. Several interpretations have been made through the Type II process by the Community Development Director. Those interpretations need to be codified.
3. The City made an application to amend the text of the development code pursuant to Chapter 4 of the Cottage Grove Development Code.
4. Notice was given to the DLCD pursuant to ORS 197.610 on May 12, 2011.
5. Notice to the public was given on June 28, 2011 pursuant to Cottage Grove Development Code Section 4.1.500.
6. A public hearing was held on July 20, 2011. No one spoke at the hearing. Planning Commission deliberated on the application at the same meeting and recommended to City Council approval of the proposed text amendments.
7. City Council held a public hearing on August 15, 2011.
8. The proposed amendments are in compliance with Statewide Goals, as noted below:

Goal 1: Citizen Involvement: This public hearings meet this goal, as the Planning Commission and City Council are the bodies designated to consider text amendments. Our process includes various forms of notification of the public in the immediate area, notification of the general public through the media, and other governmental agencies through mailed notification. Our public process followed our citizen involvement program. This goal is in compliance.

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: Natural Resources, Scenic and Historic Areas and Open Spaces: Not applicable as the proposed text amendments do not impact the resources of this goal.

Goal 6: Air, Water and Land Resources Quality: Impacts to air, water and land resource quality shall be considered during application review for any development proposal. This goal is not impacted by the text amendments.

- Goal 7: Areas Subject to Natural Disasters and Hazards: Not applicable.
- Goal 8: Recreational Needs: Not applicable.
- Goal 9: Economic Development: Not applicable.
- Goal 10: Housing: This proposal is not applicable to Goal 10.
- Goal 11: Public Facilities and Services: The text changes do not change the requirement for public facilities as uses develop. This goal is in compliance.
- Goal 12: Transportation: Not applicable.
- Goal 13: Energy Conservation: Not applicable.
- Goal 14: Urbanization: Not applicable.
- Goal 15: Willamette River Greenway: Willamette River Greenway criteria will still be required and is not included in any of the text amendments. Not applicable.
- Goal 16: Estuarine Resources: Not applicable.
- Goal 17: Coastal Shorelands: Not applicable.
- Goal 18: Beaches and Dunes: Not applicable.
- Goal 19: Ocean Resources: Not applicable.

9. City Council found the approval of the text amendments to the various sections of the Development Code 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.



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09/19/2011

Mailed From 97424

US POSTAGE

DEPT OF

SEP 20 2011

LAND CONSERVATION
AND DEVELOPMENT


Community Development
 CITY OF
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