



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

12/22/2011

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 004-11

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: Friday, January 06, 2012

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 Planner
Amanda Punton, DLCD Natural Resources Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



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

| | |
|---------------------|--|
| DATE STAMP | <input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed |
| | DEPT OF |
| | DEC 19 2011 |
| | LAND CONSERVATION AND DEVELOPMENT |
| For Office Use Only | |

Jurisdiction: **City of Cottage Grove**

Local file number: **DCTA 2-11**

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

Date Mailed: **12/16/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 07-25-11

☐ 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".

Amended the Riparian Development section of the Cottage Grove Development Code (14.3.7.300) to comply with Statewide Planning Goal 5 requirements for Riparian safe harbor (OAR 660-015), which requires protection for all fish-bearing streams (including Bennett Creek, previously unidentified) and wetlands identified on acknowledge Local Wetland Inventories (code previously refers to National Wetlands Inventory).

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 |
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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 File No. 004-11 (18900) [16873]

DLCD file No. _____

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

Lane County, Department of State Lands

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 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.

Ordinance No. 3016

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE
MUNICIPAL CODE SECTION 3.7.300 RIPARIAN DEVELOPMENT

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the Riparian Development section of the Cottage Grove Development Code to comply with Statewide Planning Goal 5 requirements for Riparian safe harbor (OAR 660-015), which requires protection for all fish-bearing streams and wetlands identified on acknowledged Local Wetland Inventories.

Section 2. Bennett Creek. Bennett Creek is one of four fish-bearing streams in Cottage Grove's UGB, but was not identified in Riparian Development Section 3.7.300 of the Cottage Grove Development Code. Additionally, the Department of State Lands has acknowledged a local wetlands inventory map for the City of Cottage Grove, which supersedes the National Wetlands Inventory Map per OAR 660-015 and the City of Cottage Grove Comprehensive Plan.

Section 3. Findings. City Council with the adoption of this Ordinance hereby adopts the findings as detailed in "Exhibit A".

Section 4. 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 5. Amendment. Sections 3.7.300 (A) & (C) of the Cottage Grove Development Code are hereby amended as read as follows:

3.7.300 Riparian Development

"3.7.300(A) Applicability. The following standards are applicable to lands Adjacent to the Coast Fork of the Willamette River, Row River, Silk Creek and Bennett Creek. This section applies the standards and specific rules for riparian safe harbors as established in OAR 660-023. The requirements of this section are in addition to other provisions of this code, and will be enforced as part of Land Use, Site Review, or other development review. If riparian modifications occur that are not associated with a development project, these standards shall be enforced through a Type II application.


3.7.300(C) Riparian Corridor Boundary. Along all riparian areas identified in the adopted Goal 5 Riparian Resource Inventory, the riparian corridor

boundary shall be 50 feet from top of bank.

When the riparian corridor includes all or portions of a significant wetland as Defined by the acknowledged Local Wetland Inventory map, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of he wetland.”

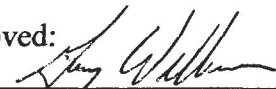
PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 12TH DAY OF DECEMBER, 2011.

Attest:


Richard Meyers, City Manager

Dated: Dec 12, 2011

Approved:


Gary Williams, Mayor

Dated: Dec. 12, 11

EXHIBIT 'A' TO ORDINANCE 3016

1. City of Cottage Grove made an application to amend Section 3.7.300 A & C, Riparian Development in the Cottage Grove Development Code in order to add 'Bennett Creek' to the list of fish bearing streams in Section 3.7.300 (A) and to change the reference from National Wetland Inventory to Local Wetland Inventory in Section 3.7.300 C.
2. Notice of the proposed amendment was provided to the Department of Land Conservation and Development 45 days prior to the first evidentiary hearing pursuant to ORS 197.610 and OAR 660-018-000.
3. The proposed amendments are in compliance with Section 4.1.500 H:
 - a. The amendments are consistent with the Statewide Planning Goals. In particular Goal 1 Public Involvement: opportunities have been provided to obtain public input; Goal 2 Land Use Planning : by bringing the code into compliance based on new information; and Goal 5 Natural resources: the City has utilized the Safe harbor approach with riparian corridors and requires all ODFW listed fish bearing streams be identified in the code.
 - b. The amendments are consistent with the Comprehensive Plan.
 - c. The code changes do not affect the provision of public services, but only clarify and implement the intent of the state law to protect identified wetlands and riparian areas. Section 4.1.500 H (3) does not apply.
4. A public hearing was held before the Planning Commission on September 21, 2011 where the Planning Commission recommended approval to the City Council.
5. A public hearing was held before the City Council on November 28, 2011.
6. The proposed amendments are in compliance with Section 4.7.500-600 of the Cottage Development Code.
7. The amendments are the proper implementation of the comprehensive land use plan.
8. The amendments are in the public interest and for the health, safety and welfare of the residents of the City of Cottage Grove.



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12/16/2011
Mailed From 97301
US POSTAGE

DEPT OF

DEC 19 2011

LAND CONSERVATION
AND DEVELOPMENT



Community Development

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