



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 006-11

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 with less than the required 45-day notice. 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
Ed Moore, DLCD Regional Representative

<paa> YA



PROF **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
DEC 19 2011
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **DCTA 4-11**

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: 9/30/2011

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".

Amended 3.1.200(L)(B) Vehicle Access and Circulation -- Commercial Driveway Throat Lengths to remove conflict with adopted 2007 Transportation System Plan.

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. 006-11 (19000) [16875]

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

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.

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

Updated April 22, 2011

Ordinance No. 3014

AN ORDINANCE AMENDING SECTION 3.1.200 (L)(1)(b) OF THE COTTAGE GROVE DEVELOPMENT CODE RELATED TO COMMERCIAL DRIVEWAY THROAT LENGTHS (DCTA-4-11)

CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend Section 3.1.200(L)(1)(b) of the Cottage Grove Development Code related to commercial driveway throat lengths.

Section 2. 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 3. Findings. City Council with the adoption of this Ordinance hereby adopts the findings as detailed in "Exhibit A".

Section 4. Amendment. Section 3.1.200(L)(1)(b) OF THE Cottage Grove Development Code is amended to read s follows:


"3.1.200.L(1)(b)

- b. Commercial Driveway Throat Lengths. Minimum commercial driveway throat lengths, measured from curb line to first on-site conflict point, are 35 feet (approximately 2 car lengths) on commercial collector and arterial streets. The City may require longer driveway throat lengths when deemed necessary."

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

Attest:

Approved:


Richard Meyers, City Manager
Dated: Dec. 12, 2011

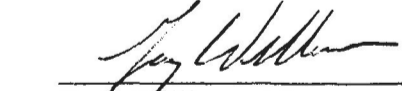

Gary Williams, Mayor
Dated: Dec 12, 11

EXHIBIT A TO ORDINANCE NO 3014

1. Thomas Fox Properties has made a Type IV Legislative application to amend Section 3.1.200 L (1)(b) of the Cottage Grove Development Code as it relates to the standard for commercial throat lengths.
2. A 45 day notice was given to the Department of Land Conservation and Development prior to the first evidentiary hearing.
3. The proposed amendments are in compliance with Section 4.1.500 H:
 - a. The proposed amendments are consistent with the Statewide Planning Goals as the amendment does not modify or change the substance or meaning of the adopted Development Code (CGDC). The amendment is consistent with Goal 1 Public Involvement as public notice was provided through the Type IV public notice process as specified in Section 4.1.500 of the CGDC. It is also consistent with Goal 2 Lane Use Planning which requires that local comprehensive plans be consistent with the Goals, be internally consistent, and that implementing ordinances be consistent with acknowledged comprehensive plans. The Transportation System Plan (TSP) is adopted as a refinement plan to the Cottage Grove Comprehensive Plan. The CGDC is the implementing ordinance for both the Comprehensive Plan and the TSP. As the code amendment brings the TSP and the Development Code into consistency with each other it complies with Goal 2. The proposed amendment is consistent or not applicable to goals 3-011 and 13-19. Goal 12 Transportation is implemented through the Transportation Planning Rule, OAR 660-012-0060. The proposed amendment to the driveway throat length distance standard for commercial properties will not result in a significant impact on the transportation facility, so the criterion of the Transportation Planning Rule does not apply. The amendment does not change the functional classification of any facility, and it does not allow for any type or level of land use inconsistent with the functional classification of the relevant transportation facility, nor will it reduce the performance of the relevant facilities below the minimum acceptable level identified in the TSP.
 - b. The proposed amendment is consistent with the Cottage Grove Comprehensive Plan. Under the Transportation section of the plan it is consistent with the policies, in particular:
 1. Policy 2 as the amendment does not stop the consideration of the impact of land use decisions on the existing or planned transportation. It actually gives the City more flexibility to consider the impact with the use of the Traffic Impact Analysis.

2. Policy 14 as the amendment will still consider the transportation needs in decisions on access management and roadway construction or reconstruction.
3. Policy 15 does not apply as the standard does not prohibit the consideration of setbacks encroaching on potential street expansions as the standard is not a setback standard.
 - c. The code change does not affect the provisions of public services. No individual properties are impacted by this amendment but will be applied to all commercial properties.
4. A public hearing was held before the Planning Commission on November 16, 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 CGDC.
7. The amendments are the proper implantation 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 974
US POSTAGE

DEPT OF

DEC 19 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