



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

AMENDED NOTICE OF ADOPTED AMENDMENT

December 27, 2007

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 013-07



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: January 3, 2008

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
Marguerite Nabeta, DLCD Regional Representative
Amanda Punton, DLCD Natural Resource Specialist
Amanda Ferguson, City of Cottage Grove

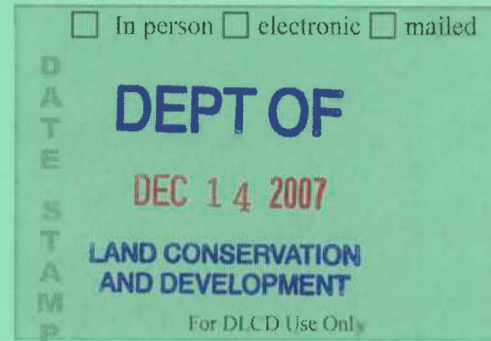
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FORM 2

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



Jurisdiction: **City of Cottage Grove**

Local file number: **PUD 1-07**

Date of Adoption: **12/10/2007**

Date Mailed: **12/13/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/1/2007

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Amended zoning map to rezone 17 acres from R-2 Medium Density Residential to R-2 Medium Density Residential/Planned Unit Development Overlay zone. Adopted subdivision plan for Riverwoods PUD. Development is within the Willamette River Greenway

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

Plan Map Changed from: _____ to: _____
 Zone Map Changed from: **R-2 Medium Density** to: **R-2/Planned Unit Development**
 Location: **Harrison Ave (N) Hwy 99S (E) Willamette River (W)** Acres Involved: **17**
 Specify Density: Previous: **75** New: **75**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

013-07(16075)

DLCD file No. _____

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

ODOT/Division of State Lands, State Parks

Local Contact: **Amanda Ferguson**

Phone: **(541) 942-3340** Extension: **124**

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. 2960

AN ORDINANCE AMENDING TITLE 18 OF THE COTTAGE GROVE
MUNICIPAL CODE, THE CITY WIDE ZONING MAP
RIVERWALK PLANNED UNIT DEVELOPMENT (PUD 1-07)
(HAYDEN ENTERPRISES)

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:


Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide "zoning map" to apply a Planned Unit Development Overlay District to Sunrise Ridge, described as Map 20-03-33-23, Tax Lot 1300 (part), and shown on the map attached as Exhibit "A", findings attached as Exhibit "B" and as conditions attached as Exhibit "C".

Section 2. Procedural Compliance. This amendment is in compliance with Title 18, Chapter 18.58 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 the Planned Unit Development (PUD 1-07) 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.


Section 3. Amendment. The citywide "zoning map" which is a part of the Title 18 is hereby amended as follows with respect to the property described as Map 20-03-33-23, Tax Lot 1300 (part):

Change of zoning district classification from R-2 Medium Density Multiple Family Residential District to R-2 Medium Density Multiple Family Residential District /PUD Planned Unit Development Overlay District.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 10th DAY
OF December, 2007.


Richard Meyers, City Manager

Dated: December 10, 2007


Gary Williams, Mayor

Dated: Dec. 10, 2007

EXHIBIT 'A'
TO ORDINANCE NO. 2960

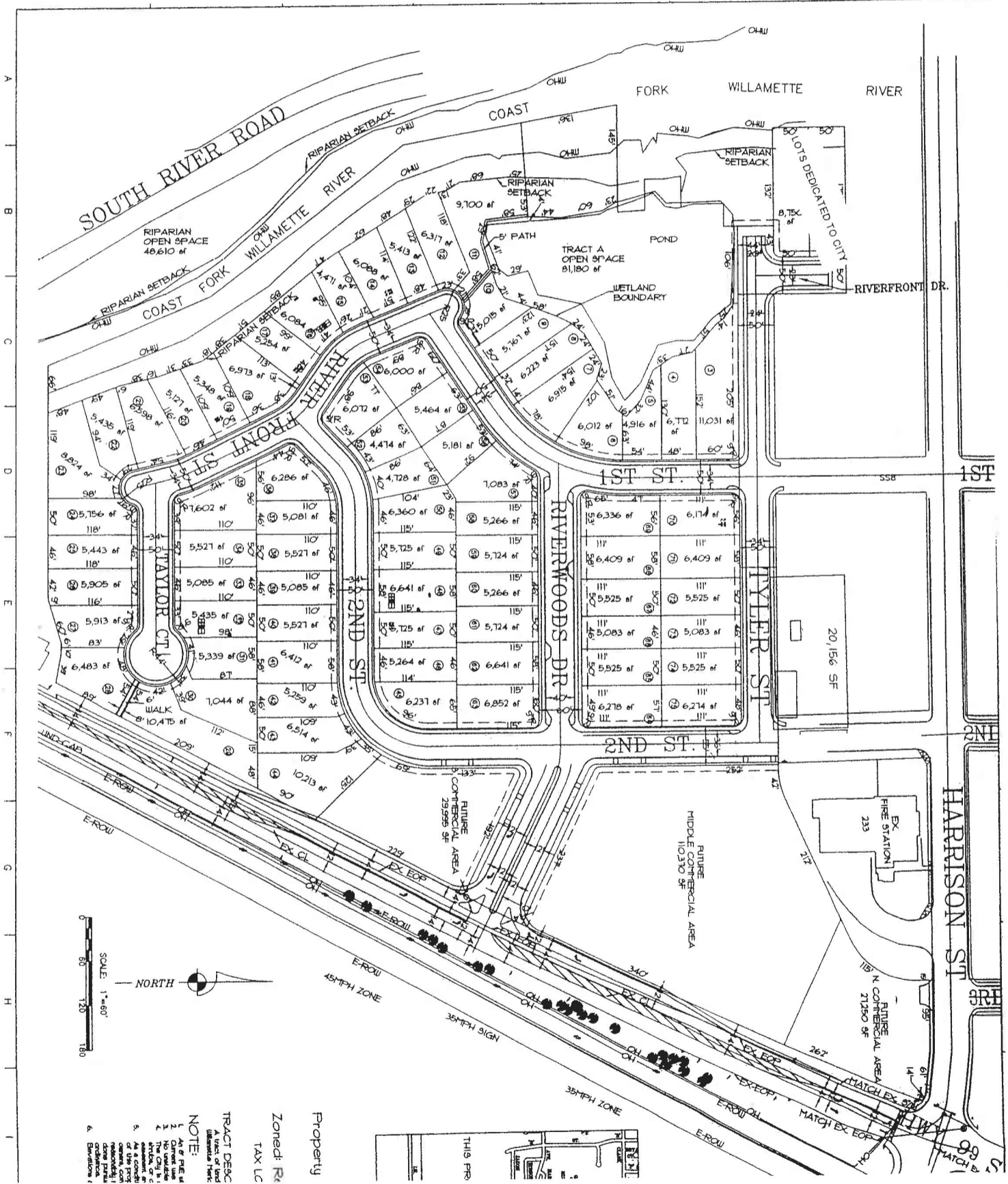


EXHIBIT 'B'
TO ORDINANCE NO. 2960

FINDINGS OF FACT PUD-1-07

1. Geomax, Inc has applied for a Planned Unit Development for River Walk on behalf of Hayden Homes of Redmond, Oregon, the owners of the property. The property is bounded by the Fire District Station #1, and single family dwellings on the north, Hwy 99 on the east, ReMax Realty Office on the south and the Coast Fork of the Willamette on the west. The property is also identified as Map 20-03-33-23, Tax Lot 1300.
2. The property is vacant and was the previous site of the Chambers Mill, which has been removed from the property.
3. The applicant is proposing to develop a medium-density residential planned unit development on approximately 17 acres along the east bank of the Coast Fork of the Willamette River. Although this PUD application is only dealing with the specifics of the 17 acre residential subdivision, the traffic plan and street layout is designed for the mixed residential/commercial development which will occur on tax lot 1300.
4. The planned unit development application is contingent upon the approval of Plan Amendment Application (PA-5-07), and Zone Change application (ZC-8-07) which will redesignate the land to Medium Density Residential and rezone it to R-2 Medium Density Multiple Family Residential.
5. The applications were submitted on April 19, 2007, and deemed complete May 1, 2007.
6. Notice of Proposed Amendment was sent to the Department of Land Conservation and Development on May 1, 2007.
7. Notification pursuant to Cottage Grove Municipal Code 18.58.050 was completed for the public hearing on June 21, 2007 before the Planning Commission on May 30, 2007.
8. The land is located in the Willamette River Greenway Notification of ODOT of the application was made who requested that we notify Oregon State Parks of the application. That notification was made. No comments were received from either agency.
9. The applicant submitted a letter requesting that the 120 day period of ORS 227.178 be extended to 245 days pursuant to ORS 227.178(5) on June 13, 2007.
10. Staff requested that the application be continued at the June 21st Public Hearing on the applicant's request. The Planning Commission moved to continue the application to a date unspecified.
11. Written comments on the proposal were received from City Engineer Ron Bradsby dated August 8, 2007 and City Fire Marshal Andy McClean on May 16, 2007. Written comments were received from ODOT Region 5 Planner Ed Moore on May 25, 2007 and July 30, 2007, and from Traffic Analyst Steve Wilson on July 30, 2007.

12. Notification pursuant to Cottage Grove Municipal Code 18.58.050 was completed for a public hearing on August 15, 2007 before the Planning Commission on July 12, 2007.
13. Planning Commission held a public hearing on the application on August 15, 2007. Two people spoke in favor of the application and two people spoke against the application.
14. At the regular August 15th meeting, following the close of the public hearing and discussion, the Planning Commission voted to continue deliberations on PUD 1-07 to their September 19th meeting.
15. At the regular September 19th meeting, following additional deliberation during which three conditions were added, the Planning Commission voted to continue deliberations to a special meeting to be held on September 26, 2007.
16. Following discussion on proposed findings, the Planning Commission voted to recommend approval to City Council of the Planned Unit Development PUD 1-07 subject to findings in staff report and supplementary findings/revised conditions presented by staff at the September 26th meeting conditions on September 26, 2007.
17. City Council held a public hearing on the application on November 26, 2007 at which two people spoke in favor. The representative of the applicant did request that the conditions dealing with alley access garages, townhouse/rowhouse development and garage alignment. The Mayor closed the public hearing.
18. After considerable discussion Council through separate motions removed the alley access garages, townhouse/rowhouse development and garage alignment requirements. The Council then approved the PUD based on of the other 15 conditions as recommended by the Planning Commission.
19. River Walk PUD will occupy 16.92 acres and hence meets the minimum size requirements for a planned unit development.
20. The underlying R-2 zone carries a maximum lot coverage standard of forty percent (40%) (Section 18.12.070). This 40% includes all structures on the property (buildings and structures) but does not include uncovered paved surfaces or garages. The applicant proposes to comply with this standard as required by 18.36.050.B.
21. The maximum number of dwelling units permitted by R-2 Code on the development would be based on the 16.92 acres less the area of road right of way (3.42 acres), undevelopable open space (river, pond, etc. 1.25 acres) which results in 12.20, acres based on actual calculations of developable land. The maximum would be 73 dwellings. The minimum density for an R-2 Medium Density development is 6 units per net development acre (or 73 units). The developer proposes 73 single family detached units, thus meeting minimum density requirements. Meeting minimum density is not specified as a criterion in Chapter 18.36, although minimum density must be met to ensure Department of Land Conservation & Development approval of the post-acknowledgment plan amendment.
22. One of the Comprehensive Plan's purposes is "to ensure a functionally and visually attractive environment for present and future generations of Cottage

Grove residents and visitors.” The applicant states that this tradition will “continue to be upheld by the proposed development, encouraging the residents and visitors of Cottage Grove to appreciate and protect the natural resources retained in this unique area by the Willamette River.” The open space area that has been set aside by the development is approximately 2.98 acres. The minimum requirements for open space have been identified to be 94,045 square feet (based on 10% of area). The area provided for open space has been proposed to consist of approximately 129,790 square feet, exceeding the minimum requirements by 76%, and includes the National Wetland Inventory pond and the Riparian Tract. This Riparian Tract follows the full length of the river, and is a 15’ wide corridor corresponding to the required 15’ riparian setback under the Greenway standard. Additional open space is provided by a 5’ walking path to access the river and open space between the pond and river and a second path between lots 28 and 29 at the end of the Taylor Court cul-de-sac, which will provide bicycle and pedestrian access from this cul-de-sac to the new sidewalk on Hwy 99. This path will be 14’ wide to correspond with the utility easement over which it runs. Both paths, riparian tract and pond will be developed and maintained by the developer and then homeowner’s association as delineated in the conditions of approval.

23. Additional open space amenities proposed by the applicant include landscaping bump-outs at either end and in the center of River Walk Drive, and at the entry into the subdivision on 1st Street (south side of intersection with Tyler). These bump-outs will enhance the appearance of the streetscape and provide a visual separation from the commercial center on Hwy 99. To remain consistent with other recent planned unit developments in Cottage Grove, street trees will be required at approximately 50’ on center along all residential and collector streets within 5’ of the front property line.
24. Public utilities including water, sanitary sewer, stormwater, and fire protection, will be required to be constructed per City Engineer comments dated August 8, 2007. All new utilities will be placed underground.
25. Significant natural and cultural features shall be preserved to the greatest degree attainable or feasible. Design features have been adjusted to protect the riparian vegetation along the Coast Fork of the Willamette River stream corridor and around the pond. The pond has been identified as a significant wetland on the National Wetland Inventory and has been delineated for the purposes of this project by Environmental Science Associates. The rear property lines of the adjacent lots follow the end of this delineation. All of the wetland and the 15’ wide riparian setback along the Coast Fork shall be held in common by the homeowner’s association. No significant archaeological, topographical or historic resources have been found on the site. The Chambers Bridge is under City ownership and will be further enhanced by the donation of Lots 1 & 2 of this proposed subdivision to the City.
26. The applicant is requesting a waiver to several area and dimensional standards, including rear yard setbacks, lot depth, lot width and lot size. Over 75% of the proposed lots require lot size, lot depth or lot width variances. The Planning Commission found that the proposed variances are acceptable

provided that the development is adjusted to match the character of the surrounding neighborhoods. The surrounding neighborhoods are characterized by their historic development pattern, which included garages accessed via internal alleys and/or garages recessed or located behind the main home. To bring the proposed development into alignment with this predominant character while allowing the reduction in lot size requested by the developer, the Planning Commission found that the developer must modify the development to meet these characteristics, i.e. garages are to be recessed or flush with the face of the buildings or turned such that the front of the garage is not the predominant feature on all lots abutting the river/wetland or external property line of TL 1300, or garage/parking access is to be taken from alleys on all lots in the two central blocks (between Riverwoods Drive and 2nd Street and 2nd Street and Taylor Court).

27. Rear yard setbacks along the river or pond may only be modified if protective measures are installed to protect sensitive habitat. Planning Commission found that abbreviated rear yard setbacks should only be allowed if the builder 1) meets building code requirements for constructing within 5 feet of a property line, 2) changes the floor plan to eliminate exterior exits on the rear of the building along the Coast Fork (Lot 11), and 3) provides protective fencing along the wetland boundary to ensure that rear yards do not encroach into sensitive habitat areas.
28. Streets necessary to the proper development of the planned unit development and adjacent properties have been required as conditions of approval, as proposed in the approved Traffic Impact Analysis as approved by the Oregon Department of Transportation. There will be three street connections to the surrounding street system. River Walk Drive will connect directly to Hwy 99 S, 688 feet south of the Harrison Avenue/4th Street intersection, and will be the main access for retail and office traffic. There are two secondary street connections via 1st and 2nd Street extensions south of Harrison Avenue that will be used mainly for access to the residential area. The driveway access onto Harrison Avenue along the south side of the street opposite 3rd Street to serve the corner of the commercial site will not be allowed due to its proximity to the intersection of Hwy 99 and Harrison and the emergency response needs of the South Lane Fire Department. Streets and streetscape elements shall be constructed following the comments of the City Engineer.
29. In order to meet the requirements of the Water to Woods Plan, River Walk would have to develop at least $\frac{3}{4}$ of an acre of parkland (based on a population of 228, 73 houses with an average household size of 3.04 per 2000 Census). The applicants are proposing several areas to meet this recreation requirement, including a 15' riparian corridor along the western frontage of the property and the entire pond as community open space (totally 2.98 acres). This riparian open space meets many of the goals of the plan, as it preserves wildlife corridor, allows for safe pedestrian movement along the river without intrusion of private yards, fences, and development, and emphasizes harmony with the natural environment.

30. The Water to Woods Plan identifies Greenway pedestrian crossings and increased recreational access to the Coast Fork as an important goal for the community, as “increased access to viewpoints and picnic sites would retain and strengthen this source of community identity.” The applicant is proposing to give the City lots 1 & 2 of the proposed subdivision in return for smaller than standard lot sizes. This area is immediately adjacent to the Chambers Railroad Bridge, a covered bridge owned by the City. The addition of this land to the bridge-head will allow the City to develop a nodal park with access to the bridge and the river at this location.
31. The Council found that the proposed development is reasonably compatible and harmonious with adjacent land uses 18.36.070.B), that the proposed development is in character with the design qualities of other developments in the area (18.50.040.C(2)), and that the design, size, shape and arrangement of structures and uses are in scale and compatible with the surroundings (18.50.040.D(1)). Street trees along all residential and commercial street frontages, protection of existing natural vegetation, and street and streetscape improvements will be required.
32. To ensure that there is sufficient variety in the design of the structures and ground to avoid monotony in the external appearance (18.50.040.C(4)), all structures to be built within the residential or commercial areas will be required to meet design standards in the zoning or development code that is in effect at time of building permit submittal. Design review will be required on all proposed commercial structures.
33. The proposed development shall identify and mitigate to the greatest extent possible the off-site impacts, including but not limited to such impacts as traffic, noise stormwater and runoff. Conditions of approval established by the Planning Commission ensure that this criterion is met, and include requirements for compliance with the approved Traffic Impact Analysis, prohibition against additional entrances onto Harrison Avenue, DEQ 1200-C permit compliance, and additional engineering conditions. The applicant has submitted a Traffic Impact Analysis that clearly illustrates that the traffic generated by the development (commercial and residential portions) does not reduce the level of service below a fair standard. There is an identified sanitary sewer issue in the residential neighborhood, which the developer of River Walk will be required to mitigate in order to add more users to the sanitary system.
34. The property is adjacent to the Coast Fork of the Willamette River, and hence contains designated floodplains. The floodplain, however, is contained within the areas designated for open space (the wetland pond and the river corridor to the top of bank). No development of any kind (beyond low-impact paths and invasive species removal) will be allowed within these areas.
35. To comply with Greenway Conditional Use requirements, tree removal shall be restricted to those that must be removed in order to place homes. No additional trees may be removed within the Greenway without community development department approval. The natural vegetation within the riparian corridor and within the delineated wetland shall be preserved.

36. The proposed Planned Unit Development is in compliance with Statewide Goals, as noted below:

- Goal 1: Citizen Involvement: The public hearings meet 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, 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 planned unit development 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: The proposed planned unit development provides open space and protects natural and scenic resources. The riparian areas, wetlands, and natural areas will be open space, recreation and natural areas. This goal is in compliance.
- Goal 6: Air, Water and Land Resources Quality: Impacts to air, water and land resource quality have been considered in the design. With the preservation of the wetland and riparian areas along the Coast Fork of the Willamette River this goal is being met.
- Goal 7: Areas Subject to Natural Disasters and Hazards: The potential for this area to be flooded has been taken into account as none of the lots are located within the floodway or 100 year flood plain. All structures will have to be one foot above the 100 year floodplain elevation for this area. This goal is in compliance.
- Goal 8: Recreational Needs: The proposed planned unit development provides for recreation areas as part of its design. The dedication of two lots for park purposes adjacent to the bridge over the river is in keeping with the goal and the City Parks Plan. This goal is in compliance.
- Goal 9: Economic Development: The proposed planned unit development provides taxes as a result of the residential development and will enhance the development of the adjacent commercial area along Highway 99. This goal is in compliance.
- Goal 10: Housing: This planned unit development provides for housing at a medium density. This goal is in compliance.
- Goal 11: Public Facilities and Services: The planned unit development will extend public facilities and services into the area where they are not presently present. The public facilities have the capacity for the

extension with a few minor upgrades required in the adjacent neighborhood. This goal is in compliance.

Goal 12: Transportation: The proposed planned unit development is in compliance with the Transportation Planning Rule as well as mitigating any potential impact to local roads. This goal is in compliance.

Goal 13: Energy Conservation: The proposed planned unit development will meet the energy code requirements. This goal is in compliance.

Goal 14: Urbanization: The planned unit development is located within our urban growth boundary in an area slated for development or urbanization. The property is being developed in a timely and efficient manner. This goal is in compliance.

Goal 15: Willamette River Greenway: Willamette River Greenway criterion is being met and is in compliance with the requirements of this goal. This goal is in compliance.

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.

EXHIBIT 'C'
TO ORDINANCE NO. 2960

CONDITIONS OF APPROVAL

1. DEVELOPMENT STANDARDS:

All proposed structures must be in compliance with R-2 District architectural standards (including eyes on the street, articulation and detailed design standards) in effect at time of building permit submittal.

2. REAR YARD SETBACK VARIANCE, LOTS 5, 6, 10 & 11:

Abbreviated rear yard setbacks shall only be allowed if the builder 1) meets building code requirements for constructing within 5 feet of a property line, 2) changes the floor plan to eliminate exterior exits on the rear of the building along the Coast Fork (Lot 11) within 5' of property line, and 3) provides protective fencing along the wetland boundary to ensure that rear yards do not encroach into sensitive habitat areas. This fencing may be decorative in nature (iron vs. chain link), but should be no more than 4' high to provide views into the wetland.

3. OPEN SPACE:

The 15' riparian setback area and pond shall be maintained by the homeowner's association. This open space shall be protected through the CC&Rs. Final draft CC&Rs must be submitted to the Community Development Department prior to recording of plat for approval. After recording, a copy of recorded CC&Rs must be submitted to the Community Development Department for the record. Any amendment to CC&Rs regarding these Conditions of Approval must be submitted to Community Development Department for review and approval before recorded.

The 15' riparian setback area is required to be maintained by the homeowner's association, and shall be included in the CC&Rs.

No intrusions (including lawns, fences, stairs, decks, etc.) shall be allowed into the 15' setback, which shall be measured from the top of bank of the Willamette River, or in the wetland as delineated by the Environmental Science Associates' wetland delineation. No trees shall be removed from this riparian corridor or wetland without Community Development Department approval. The City shall require the recommendations of a certified arborist prior to the removal of any tree.

Invasive species such as blackberries may be removed, but areas must be revegetated with native species (i.e. willow, etc.) and may not be cleared to create lawn.

No development apart from low-impact paths and picnic facilities, except for those related to the maintenance and/or improvement of the existing weir, shall be allowed within this open space without prior approval from the Community Development Department. New development within the open space may require a Greenway Conditional Use permit and appropriate floodplain development permits.

No storage areas, machinery, service or loading areas or similar accessory areas or structures will be allowed within the riparian corridor or within the delineated wetland.

The applicant shall be responsible for the construction of all paths per plans prior to approval of subdivision and prior to approval of any building permits for houses therein. 5' walking path to access the river and open space between pond and river shall be cleared and graded with a bark/mulch surface. Bicycle/pedestrian path between lots 28 and 29 at the end of the Taylor Court cul-de-sac shall be the full width of the utility easement (14') and shall be required to be cleared, graded, and developed with a 5' wide impervious (asphalt or concrete) surface to one side and street trees and other landscaping to the other. Maintenance of both paths will be the responsibility of the applicant and/or homeowners association. This requirement shall be added to the CC&Rs.

4. RIPARIAN VEGETATION:

Property owner(s) must meet Vegetation Management Standards for the Willamette River Greenway as specified by the City of Cottage Grove Code.

No riparian vegetation shall be allowed to be removed from the riparian area under this development proposal other than that necessary to locate the 5' wide path for communal access. Any vegetation that is removed, including invasive species such as blackberries, must be replaced with indigenous vegetation during the next planting season.

The riparian setback shall be 15 feet from the top of bank.

5. DEDICATION OF LOTS 1 & 2:

City shall accept Lots 1 & 2 as a public park. All existing trees on this park shall be retained and preserved. The dedication of the space currently designated as Lots 1 & 2 and the right-of-way of Tyler will be a condition of approval, and must be on the face of the subdivision plat.

6. SIDEWALKS:

Sidewalks must meet the American Disabilities Act (ADA) Standards. The developer shall construct all sidewalks along public and/or private open spaces at time of street development. All other sidewalks may be constructed by individual property owners on a lot-by-lot basis.

Handicap ramps shall be installed at all intersections by the developer. Additional right-of-way must be dedicated to meet ADA standards for a handicap ramp.

7. STREET TREES:

Street trees will be required at approximately 50' on center along all residential and collector streets within the 5' of the front property line. Trees shall be planted along residential areas and along commercial frontage along S. 2nd Street before occupancy of each building. Trees shall be planted along Hwy 99 S frontage prior to approval of first building permit. Trees shall be at minimum 1 ½" in width at 4' height at time of planting.

These trees shall be chosen from the approved City street tree list, available from the Community Development Department. Street trees shall be large canopy trees that are resistant to drought and wind damage. Trees shall be maintained for minimum 3 years; dead trees shall be replaced with tree of similar size and species. CC&Rs shall require that the Homeowner's Association take responsibility of these street trees and ensure their survival and replacement over time.

8. STREET LIGHTING:

Placement of street lighting is required at all the intersections. The developer must contact the appropriate power provider for details.

9. BUMP-OUTS & BOULEVARD LANDSCAPING:

Landscaping bump-outs and boulevard strip on River Walk Drive and 1st Street shall be irrigated and maintained by the developer/homeowner's association as a condition of approval. Street trees from the approved city street tree list shall be included in their design. These areas shall be installed with irrigation and plantings prior to subdivision approval. Survival of trees planted within bump-outs shall be the responsibility of the developer until such time as the homeowner's association is created, at which time it shall switch to the HA.

10. FENCING:

Fencing shall be required to be installed by the developer along all residential properties abutting future commercial development or Hwy 99 S prior to the issuance of the first building permit. This fencing shall be solid wood or other approved material and 6' in height.

11. CC&Rs:

The applicant shall adopt and record Declarations of Covenants and Restrictions (CC&Rs) for the maintenance and management of all open spaces and common facilities. Final draft CC&Rs must be submitted to the Community Development Department prior to recording of plat for approval. After recording, a copy of recorded CC&Rs must be submitted to the Community Development Department for the record. Any amendment to CC&Rs related to these conditions of approval must be submitted to the Community Development Department for review and approval before recorded.

12. TREE PRESERVATION:

The applicant will be required to place on the face of each plat the requirement that all trees be preserved to the greatest extent possible. Homes should be sited so as to avoid all large trees, and all trees outside of the footprint of proposed homes and/or roads shall be preserved wherever practical.

13. ENGINEERING COMMENTS:

All Engineering Comments dated August 8, 2007 shall be considered conditions of approval. These include conditions regarding partition requirements, utilities, stormwater, drinking water, sanitary sewer, backflow devices, erosion control, fire hydrants and streets. See Exhibit 1.

14. EROSION CONTROL & 1200-C PERMIT:

The applicant will be required to provide a copy of the approved Department of Environmental Quality 1200-C Stormwater Permit before they may begin any grading or site preparation.

Erosion control will also be required during all construction. The developer will be responsible for the installation of erosion control during all construction activities (clearing, road work, utilities, etc.) per requirements of 1200-C Permit. Each home owner will be required to initiate steps for erosion control on a site-by-site basis.

15. FIRE HYDRANTS:

Fire hydrants shall be installed throughout the development as per approval of City Fire Marshal and City Engineer (see Exhibit A & B).

The minimum fire flow requirements for one and two family dwellings having a fire flow calculation area, which does not exceed 3,600 square feet, shall be 1,000 gallons per minute. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 to 4,800 square feet shall be 1,750 gallons per minute. For fire flows of 1,750 gallons per minute or less hydrant spacing shall be no more than 500'. The maximum distance from any point on a street or road frontage to a hydrant shall be 250'. Minimum water line diameter for fire fighting purposes is 8 inches.

Upon completion of the water line improvements and passing the required testing, the developer shall provide documentation (2 copies) of flow capabilities of all hydrants within this development as well as system capabilities of the developed area in accordance with National Fire Protection Association (NFPA) 25 and the Uniform Fire Code. House construction (and requirements for sprinkler systems, etc.) will be based upon the fire flow achieved.

Exhibit 1
Engineering Comments referred to in condition #16

From: Ron Bradsby, City Engineer

Subject: **REVISED ENGINEERING COMMENTS FOR PUD 1-07 (HAYDEN ENTERPRISES – RIVER WALK PROPERTY)**

Date: August 15, 2007

The following comments are based on the planned unit development (PUD) application (3 pages) dated April 18, 2007, set of plans (4 sheets) showing existing conditions, preliminary plat, site plan and utilities plan dated April 4, 2007, a revised set plans (3 sheets) showing preliminary plat, site plan and utilities plan dated June 30, 2007, a revised set of plans (2 sheets) showing plat and site plan dated July 9, 2007, a letter of transmittal (1 page) to Howard Schesser dated July 3, 2007, a traffic impact study dated May 15, 2006 and a traffic impact analysis dated May 22, 2007. The comments are guidelines for the design/construction of the project. Changes may occur during the design phase that will be in conflict with statements below and some issues may have been overlooked that will require comment on during the building permit review phase of this project.

Subdivision Comments

General

- A Professional Land Surveyor registered in the State of Oregon shall perform the subdivision.
- Work shall conform to the Oregon Revised Statutes Chapter 92, Lane County Surveyor's Office and the City of Cottage Grove. The platted subdivision needs to show existing easements and their reference/filing numbers, proposed easements, and proposed dedications. Any proposed dedications and easements to the City of Cottage Grove shown on the plat shall have acceptance language on the face of the plat. A condition of all proposed easements shall be that no structure can be built over them. This condition should also be on the plat.
- Lane County Surveyor's Office and City of Cottage Grove shall review subdivision plat prior to filing.
- Developer, Property Owner or Surveyor shall provide the City of Cottage Grove with a Mylar copy of the filed plat for the City's records.
- Developer shall sign a Developer's Agreement and pay associated fees with the City of Cottage Grove prior to finalizing an agreement with an engineering firm. The developer's agreement shall outline the expectations of the developer, developer's engineer and the City of Cottage Grove.

Development Comments

General

- Applicant will be required to provide a copy of the entire approved 1200-C permit from the Department of Environmental Quality.
- Private utilities such as telephone, television and power will need to be extended to serve this annexation. Development of the property will require that all cable utilities be placed underground including telephone, television and power. This requirement is inclusive of any connections to the feeder main. Separate permits from the individual private utilities will be required. Private utilities designs will be required prior to construction.
- The City of Cottage Grove requires a minimum of five feet clear horizontal separation from all other utilities. This distance is measured between the pipes (outside of one pipe to the outside of pipe). Other utility companies may have stricter standards than this. The standard with the greatest separation will apply.
- Traffic control shall be in accordance of the Manual of Uniform Traffic Control Devices for all work performed in the public right-of-way.
- Erosion control is required during construction. Improvement plans shall include details and language on the method of erosion control in the contract documentation.
- All infrastructure improvements (streets, water, sanitary sewer and storm drainage) shall be designed and stamped by a Professional Engineer registered in the State of Oregon. Plans shall be reviewed and approved by city staff prior to construction.
- Some of the proposed infrastructure improvements may qualify for SDC credits and/or reimbursements, as outlined in Chapter 15.16 of the Cottage Grove Municipal Code for costs of eligible capital improvements within an intersection and for the costs of any over sizing of the public facilities. Developer will be responsible for determining, quantifying and requesting those SDC credits and/or reimbursements.
- All infrastructure facilities (street, water, sanitary sewer and storm drainage) shall be extended or upgraded to current standards to serve all parcels in the development. This may include improving facilities off site.
- Upon completion and acceptance of the water and sanitary sewer infrastructure, jurisdiction of those systems will be turned the City of Cottage Grove for maintenance and operation. The City of Cottage Grove will require adequate access easements to operate and maintain these public facilities.
- Upon completion and acceptance of the street and storm drainage infrastructure, those systems may be turned over to the City of Cottage Grove for maintenance and operation. If the developer chooses not to turn over those facilities, a homeowner association or similar responsible entity will need to be formed to maintain those facilities. If The City of Cottage Grove will require adequate access easements to operate and maintain its public facilities.
- Developer will be responsible for payment of all system development charges and design review and other associated fees.
- All easements for public infrastructure shall be a minimum of 14 feet wide. Acquisition of easements shall be the responsibility of the developer.

- Developer has the opportunity to place conduit during construction of fiber optics. Contact Engineering Department for details.

Streets

- Access off Goshen Divide Highway as well as developing Goshen Divide Highway to an Urban Standard, i.e. curb, gutter and sidewalk for the frontage of the property along the highway, shall be permitted with the Oregon Department of Transportation. The City of Cottage Grove will receive a copy of the approved permit and plans prior to construction.
- Staff is concerned about the ingress/egress driveway at the intersection Harrison Avenue/South 3rd Street for emergency services. The TIA addresses queuing lengths in Harrison Avenue during peak hour but did not address the operation of ambulances and fire apparatus during that peak hour. Staff will defer to ODOT's decision whether this driveway is allowed.
- Street names shall be according to City Municipal Code. Tyler Street should be Tyler Avenue. Taylor Court should be Taylor Place. Riverwoods Drive should be Riverwoods Place. The application refers to the entrance road as Riverwoods Boulevard. The suffix boulevard needs to be approved by City Council.
- South 1st Street, Riverfront Street, Riverwoods Place, Tyler Avenue and that portion of South 2nd Street south and west of the South Commercial Area's driveway approach meet or exceed the City's requirements for right-of-way and pavement widths.
- According the Municipal Code, the throat (straight portion) of Taylor Place should have a 60 foot right-of-way and 36 foot paved surface from curb face to curb face. Taylor Place is proposed to have a 50 foot right-of-way and 34 foot paved surface.
- Taylor Place is proposed to have a 44 foot radius circular end for right-of-way. Chapter 17.28.030 states the circular end of a cul-de-sac is be 46 feet radius for right-of-way and 39.5 foot radius of paved surface. Developer and Developer's engineer told staff that a 39.5 foot radius of paved surface including curb, gutter and sidewalk could be constructed inside a 44 foot radius
- Residential streets shall be constructed to the City of Cottage Grove standards as per the Cottage Grove Municipal Code for street and right-of-way widths based on classification, grades, curb & gutter and sidewalks etc. Some design considerations for a residential street, as per code; grade cannot exceed 15 percent and centerline curve radii shall be no less than 100 feet unless otherwise approved by the planning commission because of restrictive topographic conditions.
- Residential streets shall be constructed to the City of Cottage Grove standards as per cross-section as outlined in the City of Cottage Grove standard drawings. Their structural sections shall include no less than 4 inches of compacted asphaltic concrete and no less than 8 inches of compacted crushed rock base. Additional street structure may be required if vehicle loadings require it or sub grade material is not suitable.

- The City of Cottage Grove considers that portion South 2nd Street from the north property line of the subdivision to the south edge of the driveway approach for the South commercial area and entrance of Highway 99 as business streets.
- Business streets shall be constructed to the City of Cottage Grove standards as per the Cottage Grove Municipal Code for street and right-of-way widths based on classification, grades, curb & gutter and sidewalks etc. Business streets shall have 60-80 feet of right-of-way and a pavement width of 38-44 feet from curb face to curb face. Proposed Riverwood Boulevard meets this criteria. A portion of South 2nd Street does not meet this criteria however a fully developed 38-foot road can be developed within a 55-foot right-of-way. Therefore staff recommends allowing the developer to have a 55-foot right-of-way for S. Second Street.
- Other design considerations for a business street, as per code; grade cannot exceed 10 percent and centerline curve radii shall be no less than 200 feet unless otherwise approved by the planning commission because of restrictive topographic conditions.
- Business streets shall be constructed to the City of Cottage Grove standards as per cross-section as outlined in the City of Cottage Grove standard drawings. Their structural sections shall be no less than 4 inches of compacted asphaltic concrete and no less than 12 inches of compacted crushed rock base. Additional street structure may be required if vehicle loadings require it or sub grade material is not suitable.
- Sidewalk installation can be deferred until the building permit process. Commercial sidewalks are eight (8) feet wide and residential sidewalks are five (5) feet wide.
- Commercial sidewalk is required on the entire property frontage on Highway 99, the frontage on Harrison Avenue, both sides of Riverwood Boulevard and the east side of South 2nd Street along the frontage of the Commercial Areas.
- The bulbs on River Front Street seem small for emergency vehicles. The radius of the bulbs should be a minimum of 28 feet to the face of curb; thus making the minimum radius for the right-of-way 33.5 feet. Staff suggests making the radius for the right-of-way 35 feet.
- South 1st Street shall be constructed from Harrison Avenue to Tyler Avenue to City standards including but not limited to curb and gutter, handicap ramps, street width and street cross section. Construction should include sidewalk and driveway approaches at the individual parcels and alleys.
- City standard sidewalks, driveway approaches and handicap ramps meeting current standards shall be constructed on South 2nd Street between Harrison Avenue and Tyler Avenue where those items do not exist.
- Sidewalks and handicap facilities must meet the current American Disabilities Act (ADA) Standards. For example, a minimum of 4-feet of the sidewalk must be free of obstructions to accommodate wheel chair clearance.
- Handicap ramps shall be installed at all intersection corners. Sufficient right-of-way will need to be acquired and dedicated to meet the new ADA standards for a handicap ramp.
- Placement of streetlights is required at all the intersections. Contact the appropriate power service provider for streetlight details.

- No driveway shall be placed within 30 feet of the end of the curb return at an intersection as per the municipal code.
- All dead end streets over 150 feet in length shall comply with the Fire Code by having an appropriate fire turn around.
- Lot 3 will be required to sign a waiver of non-remonstrance for the full development of Tyler Avenue including water, curb, gutter, sidewalk and paved surface. In lieu of a non-remonstrance, the City would consider pre-payment for Lot 3's fair share as determined by the City of Cottage Grove.

Water

- A 12-inch distribution water main is required from the north property line to the south property line. This can be achieved by replacing the 6-inch water main along the property's frontage on Highway 99 or as proposed with some slight modifications.
- On August 2, 2007, City crews potholed the waterline in South 2nd Street south of Harrison Avenue and discovered the water line is an 8-inch versus as 12-inch as printed on the City's reference maps. This block of water line will need to be replaced to meet the first condition mentioned above.
- To complete the 12-inch loop as proposed, the second modification would be to replace the 6-inch water main on Highway 99 from the south property line northeasterly 90 feet to where the proposed 12-inch water line leaves the right-of-way.
- The existing 6-inch water main within the Highway 99 right-of-way shall remain in service. The maps show that this water main is abandoned or will be abandoned.
- Adequate water facilities are necessary prior to or in conjunction with development. The developer shall provide that the existing and proposed water facilities will meet the following conditions:
 - o A minimum residual pressure of 20 psi at the hydrant with a fire flow of 2,000-3000 gpm** on the maximum demand day for commercial property and 1,000-1,500** gpm on the maximum demand day for residential property. (**Fire Marshall to set rates for commercial and residential flows).
- Fire hydrants will be required at spacings of no less than 500-feet, as the hose lays in the residential portion on the property and at closer interval in the commercial portion of the property.
- The water on South 1st Street will be extended to Harrison Avenue and tapped to the 12-inch main.
- Fire hydrant at the Southeast corner of Harrison Avenue and South 1st Street will need to be relocated so a handicap ramp can be installed.
- All new water lines shall be 8" minimum Class 52 or 53 ductile iron pipe except where otherwise specified.
- Customer water service lines shall be copper as per city standard.
- If any lots are planned for duplexes, duplexes shall have separate water services for each dwelling unit.

- The Oregon Administrative Rules require a 10-foot horizontal separation between water lines and sanitary sewer lines.
- Water lines shall have city standard blow off assemblies at all terminus points as per city standards.
- All new development is required to install a backflow device on the customer side of each water meter. This requirement can be deferred until the building permit process. Contact Utility Maintenance Supervisor for details.
- Upon completion of the water line improvements and passing the required disinfection and pressure testing, the developer shall provide documentation (2 copies, one to Fire Marshall and one to the Engineering Department) of flow capabilities of all hydrants within this development as well as system capabilities of the developed area in accordance with National Fire Protection Association (NFPA) 25 and the Uniform Fire Code.
- Depending on hydraulic analysis, an 8-inch water main may need to be constructed along Riverwood Boulevard between South 2nd Street and Highway 99.
- Water mains on Harrison Avenue and Highway 99 will be required to be hot tapped at South 1st Street, South 2nd Street and Riverwood Boulevard, respectively by a contractor that has been approved by the City of Cottage Grove.
- Chlorination taps will be required within 10 feet of the hot tap gate valves mentioned above.
- Easement for water line between Lots 28 and 29 shall be 14 feet. This easement shall be assessable for maintenance. Removable bollards are a suggestion for the easement. They would allow pedestrian and bicycle traffic until access needed.
- No water stubs are shown on the maps for the commercial areas. Improvement plans should provide for the water stubs so South 2nd Street or Highway 99 will not have to be cut.

Sanitary Sewer

- There is an 8-inch sanitary sewer main in South 1st Street and South 2nd Street. Both sewers combine and flow north along South 2nd Street.
- Sanitary sewer services are not shown for the commercial areas. Improvement plans shall include sanitary sewer studs for these areas so South 2nd Street will not have to cut once it is paved.
- A sanitary sewer main needs to extend to the South property line of the property so the remaining properties to the South will have access to a public sanitary sewer system upon annexation. If the sanitary sewer main is extended to the south property line through an easement, that easement shall be at least 14 feet wide. Conditions of that easement shall be that no structures are built on it.
- The sewage from the development will flow through a failing section (2-3 blocks) of the sanitary sewer system. The replacement of this section sewer infrastructure will be a development responsibility. The City believes it can justify SDC credits for the replacement of off-site collection wastewater lines that are currently substandard and that are essential for the development of the River Walk property.

- Developer shall provide a sanitary sewer computer analysis of the “build out” condition of the properties bordered by the Coast Fork, Goshen Divide Highway and the applicant’s north property line. The analysis should show the on site as well as off site improvements needed to convey the sanitary sewerage to the wastewater treatment plant. It is anticipated that this analysis will require upsizing of the sanitary sewer main on South 2nd Street.
- Any sanitary sewer infrastructure shall be designed and constructed to the City of Cottage Grove and Department of Environmental Quality’s standards.
- All new sanitary sewer mains shall be 8” minimum diameter D3034 PVC pipe.
- New sanitary sewer services shall be constructed to City standards for the proposed lots. Pipe standards for sanitary sewer service laterals shall be D3034 PVC pipe and a sanitary sewer cleanout for each lateral is required at the property line. See Engineering Department for details.
- If any lots are planned for duplexes, duplexes shall have separate sanitary sewer services for each dwelling unit.
- Developer is responsible for the costs and the construction of the sewer service from the sanitary sewer main to the building.
- Manholes shall be installed at all terminuses of the sanitary sewer if the distance from the downstream manhole is greater than 250 feet. If the distance is less than 250 feet and the line will not be continued in the future, a lamp hole may be installed in lieu of a manhole.
- Sanitary sewer service lines must connect to the main line. Connections to manholes are not preferred.
- Access for operations and maintenance to all sanitary sewer manholes is required.

Storm Drainage

- Plans show the storm runoff to be collected in an existing on-site pond. At some point the water will be discharged into the Coast Fork of the Willamette River.
 - Conversations with Division of Lands and Corps of Engineers have indicated that the developer needs a permit. Developer is required to obtain a permit and provide a copy of the permit prior to construction or provide a copy of written documentation stating that a permit is not required.
 - As a minimum, pollution control manhole (City standard #306 – a manhole with a sump) shall be installed upstream of the waters entering the wetlands.
 - Storm water runoff from any parcel of land in the proposed development may not adversely affect adjacent property owners.
 - The pipe standards for storm drainage are 12” minimum, PVC, rating D3034 and for pipe over 12” is reinforced concrete pipe, Class 5.
 - Access for operations and maintenance to all storm drainage manholes is required.
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 CITY OF
COTTAGE GROVE
 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