



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

September 19, 2008



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 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 6, 2008**

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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative  
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

In person  electronic  mailed

DATE  
SEP 16 2008  
STAMP  
LAND CONSERVATION AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: **City of Cottage Grove**

Local file number: **DCTA 1-08**

Date of Adoption: **9/8/2008**

Date Mailed: **9/15/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/2/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
Amended scrivener errors in Section C of Ordinance No. 2959 that adopted the city-wide Title 14 Cottage Grove Development Code.

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:

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

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 # 001-08 (16934)



**DLCD file No.** \_\_\_\_\_

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

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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**

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### **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. 2970

AN ORDINANCE AMENDING TITLE 14 OF THE COTTAGE GROVE  
MUNICIPAL CODE AND ORDINANCE NO. 2959.

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. 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.

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

- A. Pg. 2-2  
Insert the following **bold** text into Table 2.1.100:

Comprehensive Plan Designation	Applicable Land Use District
<b>Residential Commercial</b>	<b>Residential Commercial</b>

- B. Pg. 2-7  
Remove ~~strike through~~ text and insert the following **bold** text into Table 2.2.110:

Key:  
P = Permitted, subject to land use/site review  
S = Permitted with standards (Section ~~2.2.210~~ **2.2.200**)

- C. Pg. 2-32  
Remove ~~strike through~~ text:  
2.2.190.C.2  
(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; ~~and/or~~



- D. Pg. 2-53  
Replace “[date]” in Table 2.3.100 – Commercial District Land Uses with date of adoption of Chapter 14 – **“January 1, 2008”**.
- E. Pg. 2-67  
Remove ~~strike through~~ text and replace with **bold** text:  
2.3.170.C Compatibility  
  
... “when the approval body finds that all of the criteria in 1-7-9, below, are met.”
- F. Pg. 2-87-89  
Replace current page header, “2.6 Overlay (O) Land Use Districts”, with **“2.5 – Parks & Recreation (PR) Land Use Districts”**
- G. Pg. 2-88  
Remove ~~strike through~~ text and replace with **bold** text:  
2.5.140.B.3 Development Compatibility  
  
“The architectural standards in Section 2.3.170 shall be met for all buildings over 20,000 **2,000** square feet in footprint.”
- H. P. 2-88  
Renumber Sections 3, 3, 4 and 5 to read 3, **34**, 5, 6.
- I. Pg. 3-13  
Remove ~~strike through~~ text and replace with **bold** text:  
3.1.300.A Site Layout and Design  
  
... “The pedestrian system shall be based on the standards in subsections 1-~~4~~ **3**, below:”
- J. Pg. 3-14  
Remove ~~strike through~~ text and replace with **bold** text:  
3.1.300.B Walkway Design and Construction  
  
“Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1- ~~4~~ **5**, as generally illustrated in Figure 3.1.300.B:”
- K. Pg. 3-89  
Remove ~~strike through~~ text and replace with **bold** text:  
3.7.200.K Floodplain Development Permit Required  
  
... “The Floodplain Development Permit shall be a Type ~~H~~ **I** Application as set forth by Chapter 4.1.”
- L. Pg. 3-91  
Remove ~~strike through~~ text and replace with **bold** text:

3.7.200.N.1.b.1 Specific Standards for Flood Hazard Protection, Residential Construction

1) "A minimum of 2 openings having a total net area ~~or~~ of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided."

M. Pg. 4-4

Remove the following ~~strike-through~~ text from chart:

Table 4.1.100 Summary of Approvals by Type of Review Procedure

Historic Alteration Permit    Type II or III    Chapter 2.5,~~3-6~~

N. Pg. 4-6

Remove the following ~~strike-through~~ text:

4.1.200.A Type I Procedure (Ministerial) – Types of Approvals

~~Property Line Adjustments~~

O. Pg. 4-7

Add the following bold text:

4.1.300.A Type II Procedure (Administrative) – Types of Approvals

**Property Line Adjustments**

P. Pg. 4-15

Remove ~~strike-through~~ text and replace with **bold** text:

4.1.300.F.2 Conduct of the Public Hearing

d. ... "The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph ~~2~~ **3** of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph ~~3~~ **4** of this subsection."

Q. Pg. 4-56

Correct the number sequence in section 4.3.140. Remove ~~strike-through~~ text and replace with **bold** text:

4. "All proposed private common areas and improvements (e.g., homeowners association property) are identified on the preliminary plat; ~~and~~

5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

~~8-6.~~ Evidence that improvements or conditions required by the City, road authority, Lane County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

~~9-7.~~ If any part of the site is located within an Overlay Zone"...

R. Pg. 4-79

Insert the following bold text:

4.7.500 Criteria for Legislative & Quasi-Judicial Amendments

"A recommendation or a decision to approve, approve with conditions or to deny an application for a **legislative amendment** or a quasi-judicial land use district map amendment shall be based on all of the following criteria:"

S. Pg. 4-83

Remove ~~strike-through~~ text and replace with **bold** text:


4.9.100.A Season and Special Events

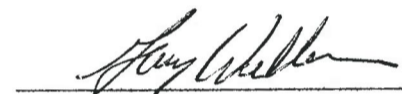
"These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure under Section 4.1.400 **300**, the City shall approve..."

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 8th DAY OF SEPTEMBER, 2008.

Attest:

Approved:

  
Richard Meyers, City Manager  
Dated: Sept. 8, 2008

  
Gary Williams, Mayor  
Dated: Sept. 8, 08

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**\$01.34**  
09/15/2008

Mailed From 97424  
**US POSTAGE**

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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