
Background Report

Urban Forest Management Plan

July 2023

City of Cottage Grove

Draft Report

City of Cottage Grove
400 East Main Street
Cottage Grove, OR 97424

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Vision and Mission

VISION:

1. Cottage Grove's Urban Forest is an integral component of our city and has funding in our city budget allowing the Tree City USA heritage to be protected and to flourish. Informed residents value their Urban Forest for health, economic, climate control and aesthetic benefits. Collaborating with city, local businesses and other entities, we manage our tree canopy to 28% with a diverse urban forest equitably distributed throughout our city. Cottage Grove is the benefactor of the past as well as stewards of our future of our trees.
2. Our vision for the future of Cottage Grove is to have a diverse tree canopy, equitably distributed throughout the city that is healthy and well maintained. Residents of the City are proud of all the trees in town and are well educated on the benefits that trees provide for all. The Cottage Grove Urban Forestry program is considered a model throughout the state of Oregon, it is well funded and strongly supported by its residents.
3. The City of Cottage Grove has more trees per acre than any city in the State of Oregon.

MISSION:

1. Cottage Grove Urban Forestry Master Plan provides an organized, accountable approach to managing and protecting our urban forest. Every tree, both public and private make up our diverse landscape. Through education, dedication and funding we will meet our canopy goal of 28% and reduce climate change. The master plan priorities, preserves and grows tree canopy equitably. Cottage Grove canopy alleviates health and heat disparities improving the quality of life for all its residents from humans to birds and animals.
2. The City of Cottage Grove Urban Forestry Committee mission is to serve the residents of the City by following a master plan that provides organization, guidance and direction in order to reach its goal of 28% canopy coverage within the city limits. The Urban Forestry program continues to find finding opportunities in order to manage the cities tree health in an efficient and professional manner, as well as increasing its species diversity and canopy coverage. The residents of the city value the benefits of urban trees and enjoy living in a city with clean air that is aesthetically beautiful, naturally resilient and resistant to climate change.
3. To inspire and nurture the human spirit – one neighborhood, one person, one tree at a time. OR; we are on a mission to change the world, one tree at a time.

Executive Summary

To be completed with final background report.

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Introduction

This document will serve as the City of Cottage Grove Urban Forest Management Plan. This plan is the work of a robust effort to engage with the residents of Cottage Grove and to identify not only the Vision and Mission to guide our urban forest, but to establish the connection between the city and its trees.

The City of Cottage Grove has operated an Urban Forestry Committee since 1994 when it received its first recognition as a Tree City USA member by the Arbor Day Foundation. The City has now received that recognition 29 years in a row and has received six Growth Awards. To qualify for Tree City USA recognition the City must complete several tasks each year. They are: declaring an Arbor Day Proclamation, hold an Arbor Day related event, and spend a minimum of \$2.00 per each resident of the City of Cottage Grove. The last component of Tree City USA qualification is the establishment of a “Tree Ordinance(s).”

The City of Cottage Grove Urban Forestry Committee was established via Ordinance No. 2846. In that Ordinance Chapter 2.30 was adopted into the Cottage Grove Municipal Code. The Ordinance was amended in 2017 to its current language. The stated purpose of the Urban Forestry Committee is to “act as an advisory body to the City Council” and further to “assist with the development and implementation of an Urban Forestry Plan.”

Why an Urban Forest Management Plan?

The benefits of trees within the urban environment are well documented, from reducing carbon from the atmosphere, reducing energy use, providing habitat, and supporting the overall quality of life of those within the City.

To ensure that our urban forest remains a vital contributor providing benefits as listed above it is necessary that a plan be established for the purpose of managing our urban forest. Where other services under the umbrella of City infrastructure often require replacement plans due to aging and improvements in technology the urban forest moves in the other direction. The urban forest as it grows and adapts to our community increases in value just as it increases in size. That is not to say that there are not tree related emergencies just as there are broken water mains, but in the case of the urban forest an adopted Urban Forest Management Plan establishes a strategy for all things related to the care, maintenance, and expansion of the urban forest.

The strategies included in this plan will include the following:

- Goal and plan for increasing our canopy
- Regular schedule for tree inventories
- Public outreach goals and plans
- Etc.

The scope of this plan will include the following types of trees:

- Street trees
- Facility trees
- Parking lot trees

- Park trees
- Register/Heritage trees
- Open space trees
- Hazard trees

The included tree types will allow the City to consider the multitude of situations that may be presented to the City through the course of the plan with the requirement that a five-year planning horizon be established to ensure that the plan remains relevant to the conditions of the urban forest.

Relationship to other Planning Documents

Cities and counties, as well as other public districts, typically have multiple layers of planning documents. This plan will incorporate elements from the following documents (this list will be expanded as necessary):

- Parks and recreation master plan(s)
- Urban renewal plans (none at this time)
- Specific elements of the comprehensive plan
- Design and landscaping guidelines and development standards (Public Works Specifications)
- Ordinances, including the local tree ordinance
- Cottage Grove Municipal Code; Titles 2, 12 and 14 (tree protection, street trees, landscaping, screening/buffering, Urban Forestry Committee)

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Appendix A: Municipal Code Audit

This section will contain an analysis of the existing Municipal Code sections applicable to the urban forest with the goal of identifying strengths and weaknesses of the existing Code. This effort will allow the Sub-committee to evaluate what areas need the most attention and/or amendment.

Important Topics:

- Approved Tree List (remove Ash)
- Penalty for removing a Street Tree (increase)
- Canopy vs. quantity of trees for parking lots
- Planting strip widths
- Codify a required inventory schedule

Chapter 2.30

URBAN FORESTRY COMMITTEE

Sections:

- 2.30.010 Establishment.
- 2.30.020 Membership.
- 2.30.030 Officers.
- 2.30.040 Duties and responsibilities.
- 2.30.050 Report.

2.30.010 Establishment.

There is established an urban forestry committee of the city. The purpose of this committee is to act as an advisory body to the city council. (Ord. 2846 §2(part), 2000)

2.30.020 Membership.

A. The urban forestry committee shall consist of seven members appointed by the city council to hold office for a term of three years. The terms of members of the committee shall overlap with no more than three members' terms expiring in a given year.

B. The members shall serve at the pleasure of the council.

C. If a vacancy occurs, the council shall appoint new members for the unexpired term.

D. No compensation shall be paid or allowed any member of the committee. (Ord. 2846 §2(part), 2000)

2.30.030 Officers.

At the first meeting each calendar year the committee shall elect from its members a chair, vice-chair and secretary. (Ord. 2846 §2(part), 2000)

2.30.040 Duties and responsibilities.

The committee shall:

A. Serve as an advisory committee to the city council regarding the community's urban forest and make recommendations regarding the development and improvement of the urban forest to the city council;

B. Assist with the development and implementation of an urban forestry plan;

C. Seek grants and other funding assistance to improve the quality of the urban forest;

D. Administer, with the approval of the city council, a memorial tree program;

E. Act in an advisory capacity to the city manager and to all city departments regarding tree maintenance and related issues in the city and on the city's properties;

F. Monitor the health and condition of the city's urban forest;

G. Provide information to the public regarding proper tree selection, planting and care to improve the quality of the urban forest. (Ord. 2846 §2(part), 2000)

2.30.050 Report.

The committee shall present an annual written report in May to the city council regarding the condition of the urban forest and the activities of the urban forestry committee. (Ord. 3079 §1, 2017: Ord. 2846 §2(part), 2000)

Chapter 12.20

STREET TREE REGULATIONS

Sections:

- 12.20.010 Title.
- 12.20.020 Enforcement authority.
- 12.20.030 Planting or removal prohibited without permission.
- 12.20.040 Change of list of approved trees by resolution.
- 12.20.050 List of trees.
- 12.20.060 Trimming, pruning, or removal requirements--Notice.
- 12.20.070 Endangerment as nuisance--Removal--Failure.
- 12.20.080 Appeals.
- 12.20.090 Abuse or destruction of trees, shrubs or plants.
- 12.20.100 Violation--Penalty.

12.20.010 Title.

This chapter shall hereafter be referred to and cited as the street tree ordinance of the city. (Ord. 2786 §2, 1996)

12.20.020 Enforcement authority.

The city engineer or his duly authorized representative shall be charged with the enforcement of this chapter. (Ord. 2786 §2, 1996)

12.20.030 Planting or removal prohibited without permission.

No trees or shrubs shall hereafter be planted in or removed from any public parking strip or any other public place in the city without permission from the engineer or his duly authorized representative. (Ord. 2786 §2, 1996)

12.20.040 Change of list of approved trees by resolution.

The council of the city may, from time to time, by resolution change the trees approved for street planting and trees not permitted for planting as referred to in Section 12.20.050. (Ord. 2786 §2, 1996)

12.20.050 List of trees.

A list of trees that may not be planted in the city, and a list of trees that may not be planted on parking strips in the city, are available in the office of the city engineer. (Ord. 2786 §2, 1996)

12.20.060 Trimming, pruning, or removal requirements--Notice.

The city manager or his duly authorized representative may cause to be trimmed, pruned, or removed any trees, shrubs, plants or vegetation in a parking strip or other public place, or may require any property owner to trim, prune, or remove any trees, shrubs, plants or vegetation in a parking strip abutting upon the owners property, and failure to comply therewith after thirty days' notice by the city recorder shall be deemed a violation of this chapter. (Ord. 2786 §2, 1996)

12.20.070 Endangerment as nuisance--Removal--Failure.

Any tree or shrub planted in a parking strip or any public place, or on private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer, or sidewalk, is declared a public nuisance, and the city may remove or trim such tree, or may require the property owner to remove or trim any such tree on private property, or in a parking strip abutting upon the owners property. Obstruction of the safe stopping sight distance as determined by the city engineer is considered to be endangering the usefulness of the public street. Failure of the property owner to remove or trim such tree after thirty days' notice by the city recorder shall be deemed a violation of this chapter, and the city engineer may then remove or trim the tree and assess the cost against the property. (Ord. 2786 §2, 1996)

12.20.080 Appeals.

Appeals from owners made under this chapter may be made by filing written notice thereof with the city recorder within ten days after such order is received, stating in substance that appeal is being made from such order to the city council. The recorder shall thereupon call such appeal to the attention of the city council at the next regularly

scheduled meeting, at which meeting the appellant and the city engineer may present evidence. Action taken by the city council after such hearing shall be conclusive. (Ord. 2786 §2, 1996)

12.20.090 Abuse or destruction of trees, shrubs or plants.

It is a violation of this chapter to abuse, destroy, or mutilate any tree, shrub, or plant in a public parking strip or in any public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any such tree. (Ord. 2786 §2, 1996)

12.20.100 Violation--Penalty.

Any person violating any of the provisions of this chapter or failing to comply with them shall upon conviction thereof be punished by a fine not to exceed fifty dollars or by imprisonment in the city jail not to exceed two days or both such fine and imprisonment. (Ord. 2786 §2, 1996)

Chapter 14.32

– Landscaping, Street Trees, Fences and Walls

Sections:

- 14.32.100 Purpose
- 14.32.200 Landscape Conservation
- 14.32.300 Landscaping
- 14.32.400 Street Trees
- 14.32.500 Fences and Walls

14.32.100 Purpose

The purpose of Chapter 14.32 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. The Chapter is organized into the following sections: (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.100)

Section 14.32.200 - Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references Chapter 14.37, which regulates development of sensitive lands. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.200)

Section 14.32.300 - Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in Chapter 2, Land Use Districts, for specific types of development. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.300)

Section 14.32.400 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.400)

Section 14.32.500 - Fences and Walls sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.100)

14.32.200 Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 14.37). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. “Significant vegetation” means individual trees and shrubs within designated Willamette River Greenway and/or Riparian areas, in accordance with Chapter 14.37, and trees not within a Sensitive Lands area that have a caliper of 8 inches or larger, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Lane County, and plants listed by the City as prohibited street trees and landscape plants. Non-native, invasive plants include, but are not limited to: purple loosestrife, leafy spurge, yellow starthistle, puncture vine, gorse, scotch broom, and non-native blackberry.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by Chapter 14.42, Site Design Review, and Chapter 14.37, Sensitive Lands. Significant trees shall be mapped individually and identified by

species and diameter or caliper at 4 feet above grade. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner’s consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

E. Construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent compaction, erosion, pollution, or landslide hazards.

F. Exemptions. The protection standards in “D” and “E” shall not apply to:

1. Dead or Diseased Vegetation. Dead or diseased significant vegetation may be removed through a Type I Land Use Review.
2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Chapter 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City or emergency service provider. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.200)

14.32.300 Landscaping

A. Applicability. This Section shall apply to all new developments requiring Site Design Review. This section is not applicable to single-family or two-family dwellings.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 14.42.500, Section B.5 (Landscape Plans).

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

1. Residential and Residential-Commercial Districts. 10% of the site. (*Note: Not applicable to detached single-family or two-family homes.*)
2. Central Business District. 0% of the site.
3. Community Commercial District. 10% of the site.
4. Commercial Tourist District. 15% of the site.
5. Commercial Tourist Limited District. 15% of the site.
6. Industrial Districts. 5% of the site.
7. Parks & Recreation District. 0% of the site.

Note: A 0% minimum landscaping requirement does not override requirements within individual sections of this code. See 14.32.300E.

D. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically 3 or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required depending on the number and size of existing tree(s) protected.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.
3. “Non-native, invasive” plants, as per Section 14.32.200.B, shall be removed during site development and the planting of new invasive species is prohibited.
4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.
6. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.
8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Significant Vegetation. Significant vegetation protected in accordance with Section 14.32.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 14.32.400 may be waived by the City when existing trees protected within the front or street side yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 14.34.400, shall be landscaped with water tolerant, native plants, including native grasses.

E. Landscape Design Standards. All yards, parking lots, and required street tree planter strips that are required to meet the standards of this Section shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

1. Yard Setback Landscaping. Landscaping in yards shall:
 - a. Provide visual screening and privacy within side and rear yards and from incompatible adjoining uses or busy streets;
 - b. Use shrubs and trees as wind breaks;
 - c. Retain natural vegetation;

- d. Define pedestrian pathways and open space areas with landscape materials;
- e. Provide focal points within a development, for example, by preserving large or unique trees or groves, hedges, and flowering plants;
- f. Use trees to provide summer shading within common open space areas and within front yards when street trees cannot be provided;
- g. Use a combination of plants for year-long color and interest;
- h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.

2. Parking areas.

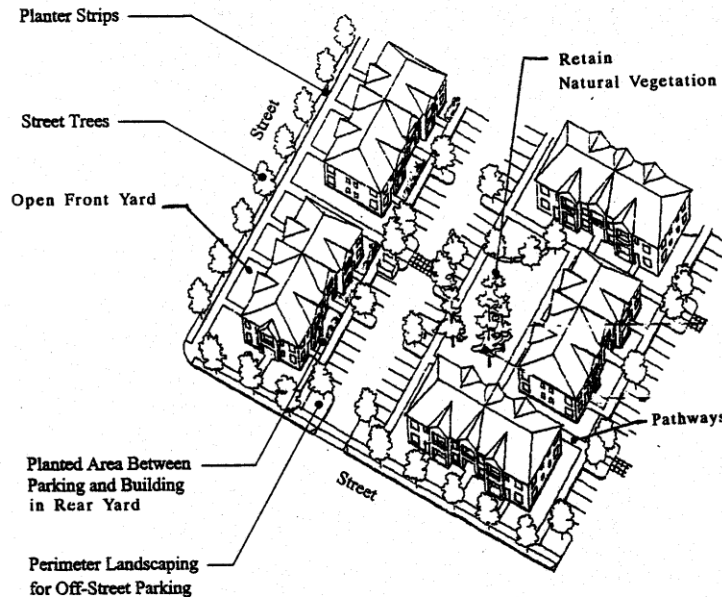
- a. A minimum of 10 percent of the total surface of all parking areas as measured around the perimeter of parking spaces and maneuvering areas shall be landscaped. Such landscaping shall consist of trees and shrubs and/or ground cover plants that conform to the criteria in Section 14.32.300.E.1.a-h above. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy.
- b. Parking area landscaping shall consist of at minimum:
 - 1) Trees: 1 tree for every 3,000 square feet of paved vehicular use area evenly distributed throughout site;
 - 2) Landscaping between street and parking area within 50 feet of street: A landscape strip at least 7 feet in width is required between a street and parking area. It may be pierced by pedestrian and vehicular accessways. Strips shall be planted with low shrubs to form a continuous screen at least 30 inches high and maintained not to exceed 42 inches high or a masonry wall; and shall contain 1 canopy tree every 30 linear feet as measured along street lot line and living plant materials covering 75% of required landscape area within 3 years;
 - 3) Perimeter parking area landscaping: All parking areas shall provide perimeter Landscape strip at least 7 feet in width along perimeter of parking lot must include 100% site obscuring 6 foot fence or wall against interior lot lines of residential districts, or 50% site obscuring 6 foot fence (chain link with slats and vegetation) against interior lot lines of adjoining commercial or industrial properties; and
 - 5) Planting islands: Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45 feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:

- a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a 7 foot wide landscape strip shall be located parallel to the street to provide visual buffering. The 7 foot wide landscape strip shall include either an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within 1 year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover to provide 75% vegetative cover. All landscaping shall be irrigated.

- b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot wide landscape buffer with a curbed edge may fulfill this requirement.

Figure 14.32.300E General Landscape Areas (Typical)



- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing areas shall be screened from view from all public streets and adjacent Residential districts. Garbage areas and/or containers shall be screened on all sides regardless of their location on the property. When these or other areas are required to be screened, such screening shall be provided by:

- 1) A decorative wall (i.e., masonry or similar quality material),
- 2) An evergreen hedge,
- 3) An opaque fence complying with Section 14.32.500, or
- 4) A similar feature that provides an opaque barrier.

Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 14.31, Access and Circulation. (See Section 14.32.500 for standards specific to fences and walls.)

- d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 14.43.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence; however, the owner may install one at his or her discretion.

F. Maintenance and Irrigation. Irrigation is required for all required commercial, industrial or multi-family landscape areas. The use of drought-tolerant plant species is encouraged. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous

tree replaces deciduous tree, etc.). All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Backflow devices shall be required for all irrigation systems. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.300)

14.32.400 Street Trees

Street trees shall be planted for all developments that are subject to Subdivision, Master Plan or Site Design Review. Requirements for street tree planting strips are provided in Section 14.34.100, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

A. Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

1. Provide a broad canopy where shade is desired and over pedestrian walkways or parking areas, except where limited by available space or except in section 4.
2. Use low-growing trees for spaces under low utility wires.
3. Select trees that can be “limbed-up” to comply with vision clearance requirements.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.
7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
8. Select trees for their seasonal color if desired.
9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Selected street tree species should be low maintenance and not interfere with public safety. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. If preexisting utility easements prohibit street trees within the sidewalk, required trees may be located in the front yard setback or within other required landscape areas as approved by the approval body.

D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

E. Street Tree List. See the following list for appropriate street trees. The developer may plant a tree species not included on this list when approved by the Community Development Director.

Table 14.32.400(F) TREES APPROVED FOR STREET TREE PLANTING

****THE SPACING OF STREET TREES WILL BE ON AVERAGE 30 FEET ON CENTER, EXCEPT IN SPECIAL PLANTING DESIGNATED OR APPROVED BY A LANDSCAPE ARCHITECT.**

Class I Ultimate height to thirty feet; for use where planter strip is less than four feet, or where there are overhead wires.

List of Acceptable Trees for Class I

Flowering Ash	Glorybower	Shadbush
Bitter Cherry	Goldenrain tree	Shantung Maple
Chitalpa	Lavelle Hawthorne	Silver Bell
Flowering Dogwood	Japanese Lilac	Tartarian Maple
Eastern Redbud	Amur Maple	Trident Maple
Franklin	Paperbark Maple	

Class II Ultimate height thirty-one to fifty feet, for use where planter strip is four to eight feet.

List of Acceptable trees for Class II

Claret Ash	Chinese Scholar Crimson	Hedge Maple
European Ash	Chinese Elm	Red Maple
Green Ash	American Hornbeam	Schwedleri Norway Maple
Modesto Ash	King Norway Maple	Forest Green Hungarian Oak
Oregon Ash	Columnar Norway Maple	Westminister Globe Oak
Tupelo		

Class III Ultimate height fifty-one feet and above, for use where planter strip is greater than six feet.

List of Acceptable Trees for Class III

White Alder	Douglas Fir	Northern Red Oak
Blue Ash	Ginkgo (Male Only)	Pin Oak
White Ash	Western Hemlock	Red Oak
White Birch	Japanese Zelkova	Scarlet Oak
American Birch	Katsura	Shumard Oak
Columnar European Beech	Kentucky Coffee Tree	Swamp White Oak
European Beech	London Plane	White Oak
Bald Cypress	Norway Maple	Willow Oak
Atlas Cedar	Sugar Maple	Oregon Myrtle

Deodar Cedar	Sycamore Maple	Pecan
Western Red Cedar	Burr Oak	
Common Hackberry	English Oak	

Trees Recommended for Riparian Soils**

Red Alder	American Elm	Oregon Oak Red Oak
Green Ash	Little Leaf Linden	White Oak
Oregon Ah	Big Leaf Maple	Sweetgum
White Ash	Red Maple	Tupelo
Western Catalpa	Silver Maple	Gingko (Male Only)
Bald Cypress	Sugar Maple	Hawthorne
Box Elder	Sycamore Maple	Western Hemlock

**Riparian soils are soils that are considered “flooded” or “wet land” sites.*

***Above trees are tolerant of riparian soils, but can be used in other soil conditions as well.*

Trees Recommended for right-of-way use

**RIGHT-OF-WAY TREES ARE MAXIMUM 35 FEET IN CANOPY SPREAD DUE TO POSSIBLE UNDERGROUND UTILITIES, RIGHT-OF-WAY TREES ARE SUBJECT TO REVIEW BY COMMUNITY DEVELOPMENT DEPARTMENT; SEE RECOMMENDATIONS FOR PLANTING*

Class I	Class II	Class III
Flowering Ash	Claret Ash	White Alder
Bitter Cherry	European Ash	White ‘paper’ Birch
Chitalpa	Oregon Ash	Common Hackberry
Flowering Dogwood	Columnar Norway Maple	Male Gingko
Eastern Redbud	Hedge Maple	Sugar Maple
Franklin	Tupelo	
Glorybower	Forest Green Hungarian Oak	
Goldenrain tree		
Lavelle Hawthorne		
Amur Maple		
Paperbark Maple		
Shantung Maple		
Tartarian Maple		
Trident Maple		
Shadbush		
Silver Bell		

Japanese Lilac

(Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.400)

14.32.500 Fences and Walls

Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district (Division 2) and the standards of this section. The city may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. If a fence is approved for greater than seven feet in height, a building permit is also required. Any wall over four feet in height (measured from the bottom of the footing to the top of the wall) shall require a building permit and appropriate design from a licensed engineer. Fences must be located on private property. Fences and walls proposed on public right-of-way or public easements shall be subject to land use review approval.

B. Dimensions.

1. Except as provided under subsections (B)(2) and (3) of this section, the height of fences and walls within a front yard setback shall not exceed four feet as measured from the grade closest to the street right-of-way.
2. A retaining wall exceeding four feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or site development review.
3. No fence or wall may exceed seven feet in height. Exceptions to this standard may be approved through a variance, master planned development or site design review.
4. One arbor, gate, or similar garden structure not exceeding 10 feet in height and 25 square feet in ground coverage, and having an entrance with a minimum clearance of 36 inches in width and 80 inches in height, is allowed within each yard abutting a street; provided, that it is not within a clear vision triangle.
5. Walls and fences to be built for required buffers shall comply with Section 14.32.300.
6. Fences, walls and hedges shall comply with the vision clearance standards of Section 14.31.200.

C. Maintenance. For safety and for compliance with the purpose of this chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

D. Materials.

1. Permitted fence and wall materials: wood; metal; bricks, stone; concrete block; stucco, or similar masonry; and nonprohibited evergreen plants.
2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than eight feet. Barbed wire on top of chain link or other fencing may only be approved on industrial, commercial or institutional use categories through a Class B variance (Section 14.51.400).
3. Retaining walls constructed of brick or masonry exceeding four feet in height (as measured from bottom of footing to top coping) shall be subject to building permit review and approval by the city building official. Design of such walls shall be certified by a licensed architect or engineer. (Ord. 3084 §3, 2017: Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.500)

Chapter 14.33

– Parking and Loading

Sections:

- 14.33.100 Purpose
- 14.33.200 Applicability
- 14.33.300 Automobile Parking Standards
- 14.33.400 Bicycle Parking Standards
- 14.33.500 Loading

14.33.100 Purpose

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.3.100)

14.33.200 Applicability

All developments subject to site design review (Chapter 14.42), including development of parking facilities, shall comply with the provisions of this Chapter. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.3.200)

14.33.300 Automobile Parking Standards

A. Applicability. All development within the City of Cottage Grove shall comply with the provisions of this Chapter.

B. Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 14.33.300.A, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review (or Type III review if the request is part of an application that is already subject to Type III review). Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. There is no minimum number of off-street parking spaces required in the Central Business District (or in designated downtown historic district); however, the “maximum parking” standards of this Chapter apply.

Table 14.33.300.A – Minimum Required Parking by Use

Use Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Residential Categories	
<i>Household Living</i>	
Accessory Dwelling	None
Single-Family Dwelling, including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit

Use Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Two-Family Dwelling (duplex)	1 space per dwelling unit
Triplex, Quadplex, Multifamily	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit
Group Living, such as congregate care, and similar special needs housing	0.5 space per 4 bedrooms in nursing or convalescent homes, rest homes, or assisted living 1 space per unit in retirement complexes for seniors 55 or older
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATMs, similar uses/facilities), per Section 14.23.180	1 space for each employee per shift. See Section 14.23.180 for queuing area requirements
Bed and Breakfast Inn	1 space per bedroom, plus 1 space for manager or proprietor
Educational Services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000 sq. ft. floor area
Entertainment, Major Event	per CU review (Chapter 14.44)
Offices	2 spaces per 1,000 sq. ft. floor area
Outdoor Recreation, Commercial	per CU review (Chapter 14.44)
Parking Lot (when not an accessory use)	per CU review (Chapter 14.44)
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through uses)	2 spaces, or per CU review (Chapter 14.44)
Retail Sales and Service	<u>General Retail</u> : 2 spaces per 1,000 sq. ft.
	<u>Restaurants and Bars</u> : 8 spaces per 1,000 sq. ft. of gross leaseable floor area
	<u>Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys)</u> : 3 spaces per 1,000 sq. ft.
	<u>Lodging (hotels, motels, inns) (see also Bed and Breakfast Inns)</u> : 1 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
	<u>Theaters and Cinemas</u> : 1 space per 4 seats
Self-Service Storage	Minimum of 3 spaces per site
Industrial Categories	
Light and Medium/Heavy Industrial Service (See also Drive-Up uses)	1 space per 500 sq. ft. of floor area per site review
Light and Medium/Heavy Manufacturing and Production	1 space per 1,000 sq. ft. of floor area, and 1 space per company vehicle
Warehouse and Freight Movement	1 space per 2,000 sq. ft. of floor area, and 1 space per company vehicle
Waste-Related	per CU review (Chapter 14.44)
Wholesale Sales	- fully enclosed 1 space per 1,000 sq. ft. - not enclosed per CU review (Chapter 14.44)

Use Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Institutional Categories	
Basic Utilities	None
Colleges	per CU review (Chapter 14.44)
Community Service	1 space per 200 sq. ft. of floor area, plus 1 space per fleet vehicle
Daycare, Adult or Child; does not include family daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Parks and Open Space	None required except as required for ADA compliance or as required by a conditional use permit
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area or 1 per 4 seats in chapel, whichever is greater; or per CU review, as applicable
Schools	<u>Grade, elementary, middle, junior high schools:</u> 1 space per employee or 1 per 4 seats in auditorium, whichever is greater, or per CU review (Chapter 14.44)
	<u>High schools:</u> 1.5 spaces per classroom, plus 1 space per 10 students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theaters, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats, or per CU review (Chapter 14.44)
Other Categories	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through land use review, conditional use permit review, or site design review
Agriculture – Animals	None, or per CU review (Chapter 14.44)
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale Sales, as applicable
Mining	Determined per CU review (Chapter 14.44)
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed	None
Temporary Uses (limited to “P” and “CU” uses), per Section 14.49.100	As determined per Section 14.49.100
Transportation Facilities (operation, maintenance, preservation, and construction)	None

C. Credit for On-Street Parking. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting a commercial or industrial development, up to 50 percent of the requirement. On-street parking shall follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. Parking credit can only be granted for developments with frontage on streets that allow parking on both sides.

One on-street parking space shall be defined as follows:

1. Parallel parking, each 24 feet of uninterrupted curb, where allowed;
2. 45 degree diagonal, each 14 feet of curb, where allowed;
3. 90 degree (perpendicular) parking, each 12 feet of curb, where allowed;

4. Curb space must be connected to the lot that contains the use;
5. Parking spaces will not obstruct a required clear vision area or violate any law; and
6. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted except as permitted by City Council.

D. Vehicle Parking - Minimum Accessible Parking.

1. Accessible parking shall be provided for all uses in accordance the standards in Table 14.33.300.B; parking spaces used to meet the standards in Table 14.33.300.B shall be counted toward meeting off-street parking requirements in Table 14.33.300.A;
2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway. Accessible routes should be linked to required access aisles;
3. Accessible spaces shall be grouped in pairs where possible;
4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
5. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 14.33.300.B - Minimum Number of Accessible Parking Spaces Source: Table 1106.1 2010 Oregon Structural Specialty Code			
Total Parking in Lot	Minimum Number of Accessible Spaces	Number of Van Accessible Spaces	“Wheelchair User Only” Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5		1
151 to 200	6		1
201 to 300	7		2
301 to 400	8		2
401 to 500	9		2
501 to 1000	2% of total	-	1 in every 6 accessible spaces or portion thereof
1001 and over	20 plus 1 for each 100, or fraction thereof, over 1,000	-	1 in every 6 accessible spaces or portion thereof

E. Off-site parking. Except for single-family or two-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 400 feet of the use it serves, commercial parking is allowed in the underlying zone, and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a

building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument as approved by the Community Development Director. This binding agreement may restrict future changes to the property.

F. General Parking Standards.

1. Location. Vehicle parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Chapter 2, Land Use Districts, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings), and Chapter 14.31, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area. Required off-street parking shall not be located in the front or street side setback.
2. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.
3. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The City may approve owner requests for shared parking through Land Use Review.
4. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 14.38.
5. Lighting. Parking areas shall have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.
6. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses, per Section 14.32.300.E.

G. Exceptions and Special Standards for Parking.

1. Exceptions for required parking.
 - a. Seasonal outdoor seating where the seating area is less than 500 square feet is exempt from the required parking standards.
 - b. The total number of required motor vehicle parking spaces for an industrial, commercial or office use may be reduced by 5 percent for each of the listed activities that are provided by the owners or operators, up to a maximum 15 percent reduction in the total number of motor vehicle spaces per development.
 - 1) Designating at least 10% of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
 - 2) Providing showers and lockers for employees who commute by bicycle;
 - 3) Providing twice as many covered, secured bicycle parking racks or facilities as required by this ordinance;

- 4) Providing a transit facility (e.g. bus stop) that is approved by the local transit authority, with related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, shelter and additional landscaping;
 - 5) Other incentives provided in an approved Employee Transportation Demand Management (TDM) Plan.
2. Special Standards for Commercial Customer Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets or transit stops. Ways to achieve this standard may include, but are not limited to:
- a. Front facades and primary entrances of all buildings are oriented to a public street or a private internal drive or street, to minimize pedestrian and bicycle travel through a parking area and to provide safe, convenient, and direct travel routes for pedestrians;
 - b. One or more raised walkways are provided through the parking areas, meeting federal American with Disabilities Act requirements, in order to provide safe, convenient, and direct travel routes for pedestrians through the parking areas;
 - c. Walkways abutting parking spaces or maneuvering areas are protected from vehicles through either landscaping buffers, minimum 3 feet wide on each side, or curbs on both sides;
 - d. Walkways across vehicle aisles are delineated with non-asphaltic material in a different color or texture than the parking areas;
 - e. On-site pedestrian walkways and bikeways connect to existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas;
 - f. Internal drives or streets are designed to City standards for local streets in regard to pavement width, sidewalks and street trees. Sidewalks comply with ADA standards. Sidewalks 10-15 feet wide abutting front building facades are strongly encouraged. Internal vehicular circulation design for the site complies with City street connectivity standards, including maximum block length and perimeter.
 - g. Internal drives or streets connect to public streets abutting the site, unless physically precluded by pre-existing buildings.
 - h. Structures are located on the site to facilitate future infill and redevelopment of parking and landscape areas.
 - i. For shopping centers abutting one or more transit routes, one or more transit stops are located and designed with the approval when applicable of the local transit provider;
 - j. No drive-up, drive-in, or drive-through drives or lanes are located between a building and a public or private street.

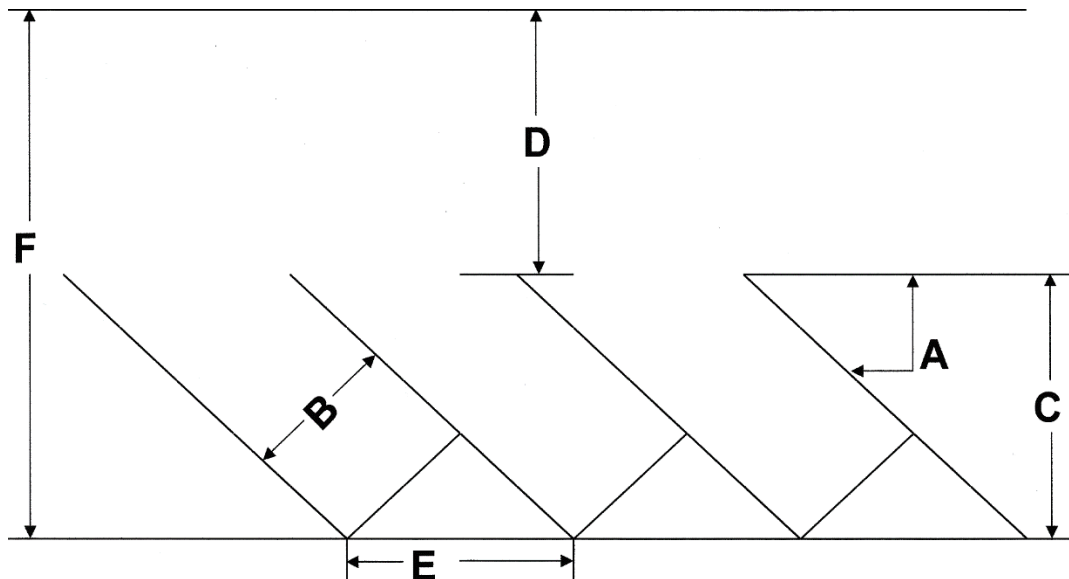
H. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the minimum number of spaces required for each use as provided by this Section by more than 50%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking or under-structure parking, or in multi-level parking above or below surface lots, shall not apply toward the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

I. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to city standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 14.33.300.F(1) through (4), and Table 14.33.300.F:

1. Motor vehicle parking spaces shall measure minimum nine feet wide by 18 feet long;

2. For large parking lots exceeding 10 stalls, alternate rows may be designated for compact cars; provided, that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall measure minimum eight feet in width and 15 feet in length and shall be signed for compact car use;
3. All parallel motor vehicle parking spaces shall measure nine feet by 20 feet unless within a public right-of-way, when they shall measure a minimum of seven to eight feet by 20 feet;
4. Parking area layout shall conform to the dimensions in Figures 14.33.300.F(1) and (2), and Table 14.33.300.F, below;
5. Public alley width may be included as part of dimension “D” in Figure 14.33.300.F(1), but all parking stalls must be on private property;
6. Parking areas shall conform to Federal Americans With Disabilities Act (ADA) standards and Oregon Structural Specialty Code for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and
7. Bicycle parking shall be on a two-foot by six-foot minimum concrete pad per bike, or within a garage or patio of residential use.

Figure 14.33.300.F(1) - Parking Area Layout



Parking Angle	Type	Stall Width (in feet)	Stall Depth (in feet)	Minimum Clear Aisle Width (*one way aisle) (in feet)	Stall Distance at Bay Side (curb length) (in feet)	Minimum Bay Width (in feet)
A		B	C	D	E	F
Parallel	compact	7.0	7.0	12.0	20.0	19.0
	regular	9.0	9.0	12.0	20.0	21.0
45 degrees	compact	8.0	11.0	13.0	11.5	24.0
	regular	9.0	13.0	13.0	12.6	26.0

Parking Angle	Type	Stall Width (in feet)	Stall Depth (in feet)	Minimum Clear Aisle Width (*one way aisle) (in feet)	Stall Distance at Bay Side (curb length) (in feet)	Minimum Bay Width (in feet)
A		B	C	D	E	F
60 degrees	compact	8.0	13.0	18.0	9.4	31.0
	regular	9.0	17.0	18.0	10.4	35.0
90 degrees	compact	8.0	15.0	24.0	8.0	39.0
	regular	9.0	18.0	24.0	9.0	42.0

*24' minimum for two-way traffic

Figure 14.33.300.F(2) Minimum Standard Single-Accessible Parking Space

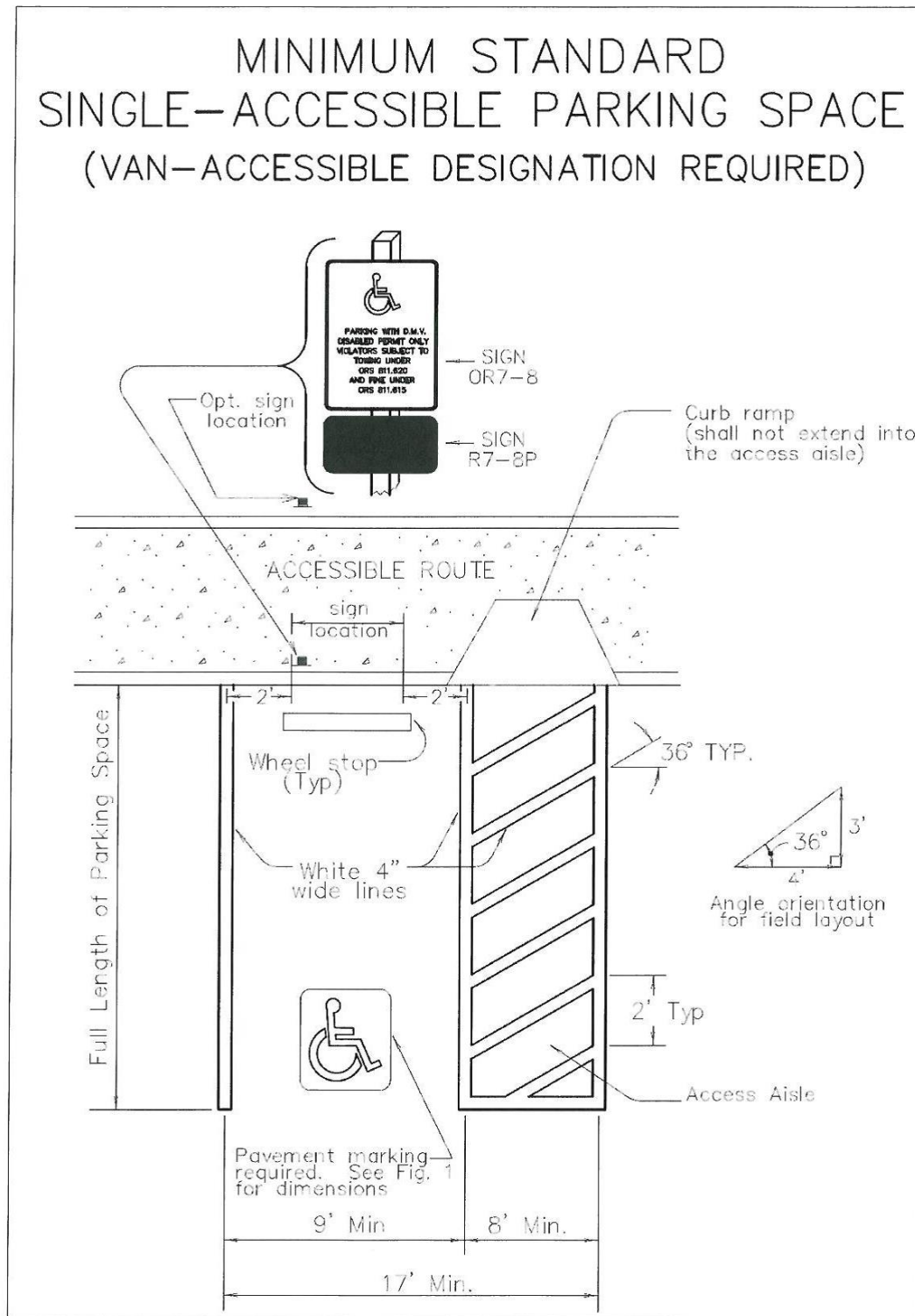


Figure 14.33.300.F(3) Minimum Standard Double-Accessible Parking Space

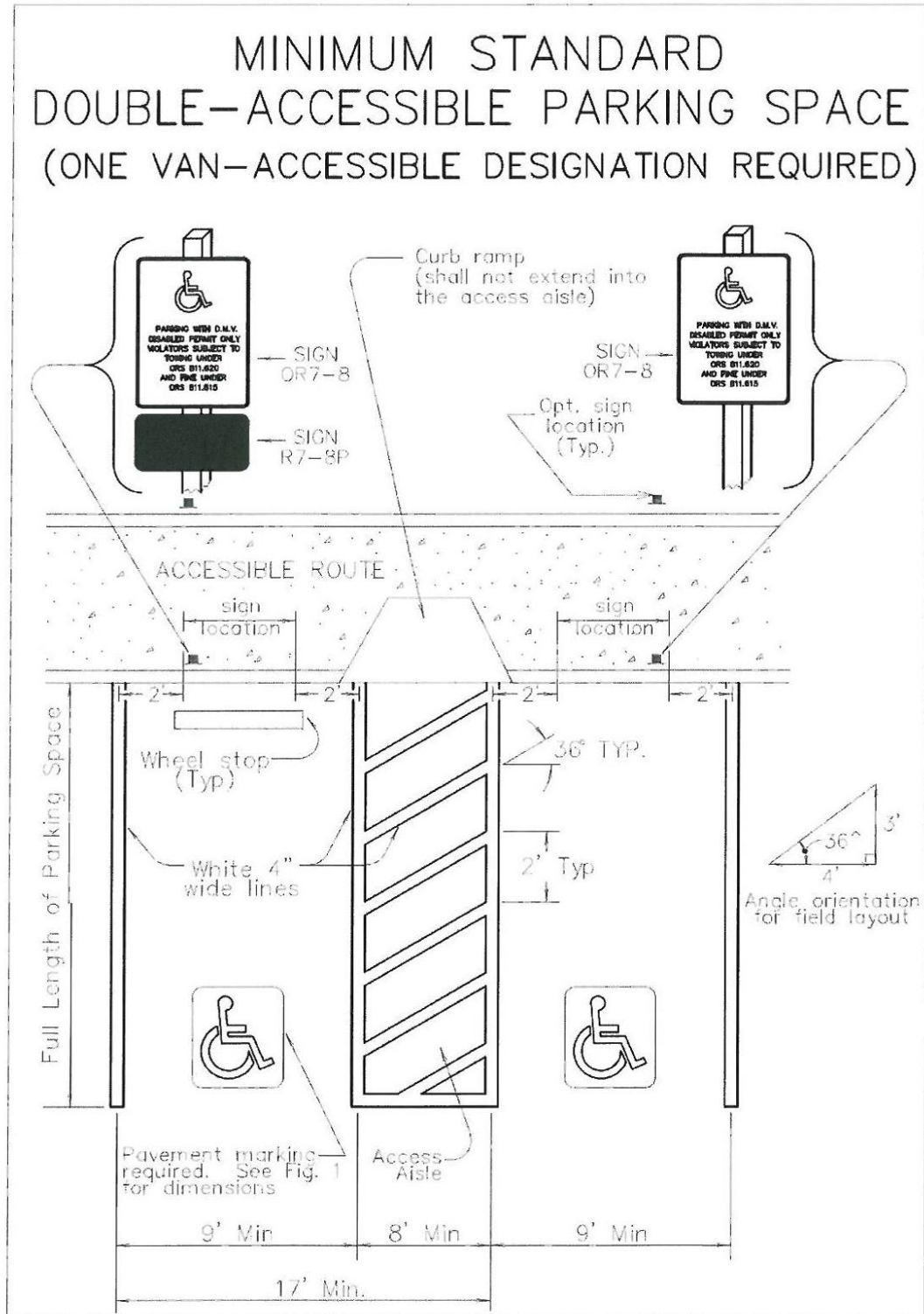
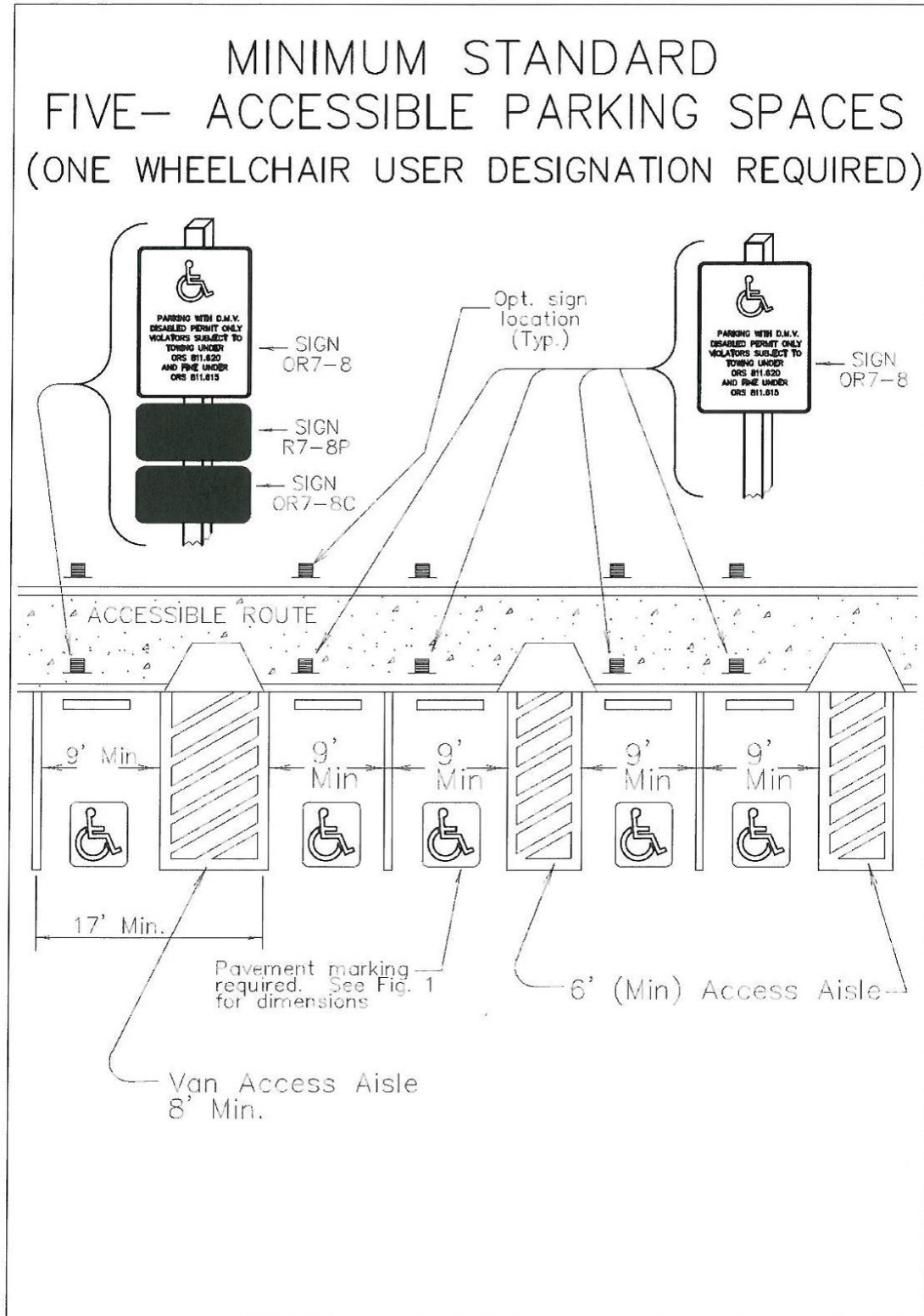


Figure 14.33.300.F(4) Minimum Standard Five-Accessible Parking Spaces
(One Wheelchair User Designation Required)



Important cross-references:

See also, Chapter 2, Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Chapter 14.31, Access and Circulation, for driveway standards; Chapter 14.32, Landscaping ; and Chapter 14.35, Surface Water Management. (Ord. 3136 §9, 2021; Ord. 3120 §14, 2020; Ord. 3087 §4(E), 2017; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.3.300)

14.33.400 Bicycle Parking Requirements

A. Applicability. All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 14.33.400, and subsections A-H, below. This section does not apply to single-family, two-family, and three-family housing (detached, attached or manufactured housing), home occupations or other developments with fewer than 3 vehicle parking spaces.

B. Minimum Required Bicycle Parking Spaces. A minimum of one bicycle parking space per use is required for all uses subject to Site Design Review. Table 14.33.400 lists additional standards that apply to specific types of development. Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 14.33.400 and subsections C-J below. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

Table 14.33.400 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms or per CU review	None
Retirement home or assisted living complex		2, or 2 per 10 employees	
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation areas only)		None	8, or per CU review

Table 14.33.400 Minimum Required Bicycle Parking Spaces			
Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Schools	Grades 1-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

C. Special Standards for the Central Business District. Within the Central Business District zone, bicycle parking for customers shall be provided in the right-of-way along the street at a rate of at least one space per building. In addition, individual uses shall provide the required bicycle parking in front along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Several businesses may combine required parking into common bicycle parking structures if desired. Common bicycle parking shall not exceed 6 bicycle areas per parking structure.

D. Location and Design.

1. **Location.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or no more than 50 feet. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Street furniture includes benches, street lights, planters and other pedestrian amenities.
2. **Pedestrian passage.** The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Walkways from bicycle parking to the main entrance shall be hard surfaced and a minimum 4 feet in width.
3. **Parking Space Dimensions.** Bicycle parking spaces shall be at least 2 feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.
4. **Design.** Bicycle racks shall hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle parking racks, shelters and lockers must be securely anchored to the ground or to the structure.

E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

F. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

G. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.

H. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

I. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 14.31, Access and Circulation).

J. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.3.400)

14.33.500 Loading Areas

A. Purpose. The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. Applicability. Section 14.33.400 applies to residential projects with 50 or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

C. Number of Loading Spaces.

1. Residential buildings. Buildings where all of the floor area is in residential use shall meet the following standards:

- a. Fewer than 20 dwelling units on a site that abuts a local street: No loading spaces are required.
- b. All other buildings: One space.

2. Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses shall meet the following standards:

- a. Less than 20,000 square feet total floor area: No loading spaces required.
- b. 20,000 to 50,000 square feet of total floor area: One loading space.
- c. More than 50,000 square feet of total floor area: Two loading spaces.

D. Size of Spaces. Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13 feet 6 inches.

E. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards in Chapters 2 and 3. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than 1 hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.3.500)

Chapter 14.37

– Sensitive Lands

Sections:

- 14.37.010 Purpose and Applicability
- 14.37.100 Hillside Development
- 14.37.200 Flood Damage Prevention
- 14.37.300 Riparian Development
- 14.37.400 Willamette River Greenway
- 14.37.500 Wetland Protection

14.37.010 Purpose and Applicability

The following sections contain design standards related to areas of environmental concern within the City of Cottage Grove. These standards are applicable to any development subject to Land Use or Site Design Review on hillsides, in designated floodplains, along river corridors, or within the state-designated Willamette River Greenway.

The requirements of this section are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are more restrictive of regulated development activity shall govern. Requirements of this chapter are in addition to those of the Specialty Codes adopted by Chapter 15.04 of the Cottage Grove Municipal Code. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.7.010)

14.37.100 Hillside Development

A. Intent and Purpose. The intent and purpose of the provisions of this section are as follows. Unless otherwise provided, the hillside area regulations are in addition to generally applicable standards provided elsewhere in this code.

1. To implement the landslide hazard prevention goals in the City of Cottage Grove Natural Hazard Mitigation Plan;
2. To implement the “Hillside Development” element of the City of Cottage Grove Comprehensive Plan;
3. To provide for the review of hillside development applications and evaluate properties for potential slope related hazards;
4. To assess the risk that a proposed use or activity may adversely affect the stability and slide susceptibility of an area; and thus promote the public health, safety, and welfare;
5. To establish standards and requirements for the development of lands in a hillside area; and
6. To mitigate risk within a hillside area, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher risk of hazard at any location.

B. Definitions. As used in this chapter, except where the context otherwise clearly requires:

1. Certified Engineering Geologist means any Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705 and registered in the State of Oregon.
2. Civil Engineer means a Professional Engineer, registered with the State of Oregon, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
3. Contiguous Slope means a slope bounded by a summit, benches or plateaus (including basal plains) of sufficient width that a profile line constructed from the lower toe of the slope to the furthest point of the plateau or bench will have a slope of less than that specified by the particular Hillside Area Level detailed in Exhibit 1 to this ordinance.

4. Emergency Action means an action that must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property.
5. Erosion means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.
6. Excavation means any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting there from.
7. Fill or Backfill means a deposit of earth or other natural or manmade material placed by artificial means. This includes approved waste materials and the re-deposit of previously removed material.
8. Geological Assessment means an assessment prepared and stamped by a Certified Engineering Geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geological hazards, and furnish professional analysis of information to assess the suitability of the site for development. Geological assessment must be prepared in accordance with the report requirements identified in this chapter. The geological assessment may be incorporated into or included as an appendix to the geotechnical report.
9. Geotechnical Assessment means a written assessment prepared and stamped by a geotechnical engineer or professional licensed in the State of Oregon to perform such work stating whether or not a significant risk of landslide hazard exists due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment. The assessment shall detail the surface and subsurface conditions of the site and delineate the areas of the property that might be subject to geotechnical hazards.
10. Geotechnical Engineer means a Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
11. Geotechnical Evaluation means a written letter or evaluation prepared and stamped by a geotechnical or civil engineer identifying whether a landslide hazard exists due to seismic or water induced forces or soil conditions; and whether a significant landslide hazard risk may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.
12. Geotechnical Report means a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and recommending design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with the report requirements identified in this Chapter.
13. Grading means the act of excavating or filling, which results in the changing of the elevation or drainage pattern of the surface of the land.
14. Ground Disturbance means any excavation of 50 cubic yards or more.
15. Hazardous Vegetation means as defined by Section 8.12.045 of the Municipal Code.
16. Hillside Area means any property with slopes of 15% or more.
17. Landslide means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.
18. Mitigation Measure means an action designed to reduce project-induced geologically hazardous area impacts.
19. Slope means an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A fifteen percent slope, for example, refers to a fifteen foot rise in elevation over a distance of one hundred feet. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance.

20. Tree means any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point of four feet above grade at the base of the trunk.

21. Tree Removal means to cut down a tree or remove all or 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. “Removal” includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. “Removal” does not include normal trimming or pruning of trees.

22. Vegetative Removal means the disturbance or removal of more than 2,500 square feet of existing vegetative ground cover including but not limited to trees, brush, grass and low growing ground cover plants.

C. Regulated Activities; Permit and Approval Requirements; Applicability. Except as provided under subsection E of this section, no person shall engage in any of the following regulated activities in hillside areas of 15 percent or greater, without first obtaining a Hillside Development Permit as required by this chapter:

1. Tentative or final platting of partitions, subdivisions, manufactured home parks, planned unit developments, or mixed use master plans;
2. Proposed planned unit developments, or mixed use master plans;
3. Construction of new commercial building;
4. Construction of new residential building;
5. Construction of roads and/or utilities;
6. Excavation/fill/grading;
7. Expansion of footprint of more than 500 square feet of any existing structure, building, road or utility; or
8. Tree removal on slopes greater than 60%;
9. Vegetation removal that exceeds 2,500 square feet;
10. Any property where a geotechnical evaluation, assessment or geotechnical report has not been conducted in the last 10 years, subject to review by the City Engineer;
11. At the request of the City Engineer.

D. Application Process. The application may be processed simultaneously with other land use applications, but approval of the other land use applications shall be subject to the Hillside Development Permit being issued and the appeal period having expired.

The requirements of this chapter are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are more restrictive of regulated development activity shall govern.

E. Exemptions. The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter:

1. Construction/modifications of utilities and streets within existing footprint of street;
2. Interior remodels;
3. Exterior alterations and/or additions under 500 square feet in area;
4. Construction of accessory structures under 200 square feet in area;

5. Construction/renovation of retaining walls less than 4' in height (measured from bottom of footing to top of wall); or
6. Excavation or fill under 50 cubic yards.

F. Hillside Area Levels & Mapping. Hillside Area Levels for the purpose of this Chapter are:

1. Level 1 hillside area is any area with a slope of 15 to 20 percent;
2. Level 2 hillside area is any area with a slope of 20 to 25 percent; and
3. Level 3 hillside area is any area with a slope of greater than 25 percent.
4. Hillside area levels 1-3 are mapped on the "Slopes In Cottage Grove", as prepared by Lane Council of Governments, dated April 19, 2006, which is on file in the Community Development Department. This map provides guidance only. Final determination of slopes should be determined by a professional licensed in the State of Oregon to perform such surveys. This map provides guidance only. Slopes should be determined on a site-specific basis by a registered surveyor.

G. Geotechnical Evaluation, Assessments & Reports.

1. Geotechnical Evaluations-Level 1.

- a. Geotechnical Evaluations shall be based on site visits(s) and literature review and shall state the planned property use for which the evaluation was performed.
- b. Geotechnical Evaluations shall be performed by a Geotechnical Engineer registered in the State of Oregon, or Civil Engineer registered in the State of Oregon, or a combination thereof.
- c. The author of the evaluation shall state whether or not, in their professional opinion, a significant landslide hazard exists due to seismic or water induced forces; soil conditions; and if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.
- d. The evaluation shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds it probable that a significant risk may exist, at which point the author(s) shall recommend either a Geotechnical Assessment or a Geotechnical Report.
- e. The Geotechnical Evaluation shall be stamped by the author(s).
- f. The Geotechnical Evaluation is required at the time of Hillside Development Permit application submittal.

2. Geotechnical Assessment – Level 2.

- a. Geotechnical Assessments shall be based on site visit(s), literature review and shallow borings of sufficient depth, frequency and distribution to identify the soil or rock zones apt to mobilize under seismic or water induced forces;
- b. Geotechnical Assessment shall be performed by a Geotechnical Engineer registered in the State of Oregon;
- c. The author of the assessment shall state whether or not, in their professional opinion, a significant risk of landslide hazard exist due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment;

- d. The assessment shall detail the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geotechnical hazards;
 - e. The assessment shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds that a significant risk may exist, at which point they shall recommend a Geotechnical Report be performed;
 - f. The Geotechnical Assessment shall be stamped by the author; and
 - g. The Geotechnical Assessment is required at the time of Hillside Development Permit application submittal.
3. Geotechnical Report-Level 3.
- a. A Geotechnical Report shall be required:
 - 1. For slopes greater than 25%; or
 - 2. Where a geological evaluation or assessment recommends preparation of a Geotechnical Report; or
 - 3. Where a landslide risk has been identified by the Oregon Department of Geology and Mineral industries; or
 - 4. Where unusual and site specific circumstances including, but not limited to, importance of facility, land form mobilization history or potential impacts to surrounding existing structures, exist and the City Engineer makes a written finding that such hazard may exist based on the evidence available and that a detailed examination of the site's geotechnical characteristics is warranted.
 - b. The Geotechnical Report shall include at minimum the following:
 - 1) A report shall evaluate the site conditions and recommend design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development;
 - 2) The author of the geotechnical report shall state that, in their opinion, a geological assessment is not required. If a Geological Assessment is required, it shall be performed by a Certified Engineering Geologist registered in the State of Oregon. Assessments shall be prepared in accordance with the Guidelines for Preparing Engineering Geologic Reports in Oregon as adopted by the Oregon State Board of Geologist Examiners. The report shall detail the conditions of the surface and subsurface conditions of the site and delineating the areas of the property that might be subject to specified geologic hazards. The report shall be stamped by the author;
 - 3) Comprehensive description of the site topography; including the characterization of each type of native and imported soil likely to be impacted by the planned activities including: Atterburg Limits, Specific Gravity, Natural Moisture Content, Cohesion, Internal Angle of Friction;
 - 4) An estimate of the safety factor against slope instability before and after development considering gravity forces, seismic forces, hydraulic impacts under varied ground water or vadose zone conditions, and vegetation removal;
 - 5) Sections through the hillside illustrating pre and post development configurations for structures, piping and roads;
 - 6) Estimate of the allowable bearing strength of the soil for foundations and identification of areas requiring further detailed work;

- 7) Assessment of the safety of and recommendations for cut and fill operations, including specific requirements for plan modification, corrective grading and special techniques and systems to facilitate a safe and stable development;
- 8) Assessment of and recommendations for mitigation of potential adverse impacts on structures, roads, and piping systems;
- 9) Recommendations for transport and collection of surface and subsurface (if present) water;
- 10) Recommendations on vegetation removal and replacement;
- 11) Description of the field investigation and findings;
- 12) Other recommendations as necessary, commensurate with the project grading and development;
- 13) Geotechnical Reports shall be in accordance with recommendations of the Geotechnical Institute of the American Society of Civil Engineers; The Geotechnical Report shall be prepared and stamped by the author; and
- 14) The Geotechnical Report is required at the time of Hillside Development Permit application submittal.

H. Review Procedure and Approvals.

1. No regulated activity may be initiated until the City Engineer has reviewed the Geotechnical Evaluation, Assessment or Report, and/or the Geological Assessment; has made a recommendation to the Community Development Director, and the Community Development Director has made a decision and issued a Hillside Development Permit (Type I or II).
2. Level 1 Hillside Development Permits shall be processed as Type I applications. Level 2 & Level 3 Hillside Development Permits shall be processed as Type II applications. Upon review of the application, the Community Development Director and/or City Engineer may choose to process a Level 3 Permit as a Type III application.
3. A Geotechnical Evaluation, Assessment or Report and/or a Geological Assessment must be submitted concurrently with the Hillside Development Permit application.
4. Review of submittals shall include examination to ensure that the following criteria are met:
 - a. Required elements are completed;
 - b. Geotechnical or Geological Report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.
5. Conclusions and recommendations stated in an approved Geotechnical Evaluation, Assessment or Report; and/or Geological Assessment shall then be directly incorporated as permit conditions or provide the basis for conditions of approval of the regulated activity.
6. An excavation and fill permit may be required pursuant to Section 15.20 “Erosion Prevention and Construction Site Management Practices” of the Cottage Grove Municipal Code.

I. Independent Review. Where the City Engineer determines that a Geotechnical Evaluation, Assessment or Report and/or the Geological Assessment fails to meet one or more of the review criteria, or the City Engineer determines that it lacks the qualifications or expertise to fully review the above noted items, the Community Development Director on the recommendation of the City Engineer, may elect to have an independent Certified Engineering Geologist and/or Geotechnical Engineer undertake the review, at City expense.

J. Certification of Compliance. No regulated activity requiring a Geotechnical Evaluation, Assessment, or Report shall receive initial inspection on a valid permit for properties located in a hillside area until the City receives a written statement by a civil or geotechnical engineer or other licensed professional that all performance, mitigation, or monitoring measures contained in an approved Geotechnical Report are completed, in place, and operable.

K. Disclosure. As a condition of City permits or approvals of regulated activities located in hillside areas, the owner:

1. Shall record a declaratory statement against the property stating the property contains slopes of fifteen percent or more and that all approved Geotechnical Evaluations, Assessment, or Reports and/or Geological Assessments for such property are on file with the City; and
2. Shall provide evidence of such recording to the Community Development Department.

L. Emergency Actions. The person undertaking an emergency action as defined by this chapter shall notify the Community Development Director or City Engineer upon the immediately following the commencement of the emergency activity. If the Community Development Director after review by the City Engineer determines that the action or part of the action taken is beyond the scope of an allowed emergency action, enforcement action may be taken. (Ord. 3087 §4(G), 2017; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.7.100)

14.37.200 Flood Damage Prevention

A. Statutory Authorization. The state of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city of Cottage Grove does ordain as follows:

B. Findings of Fact.

1. The flood hazard areas of Cottage Grove are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
3. The city has the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper management of special flood hazard areas.

C. Purpose. It is the purpose of this section to promote the public health, safety and general welfare, and to minimize public and private losses due to flood condition in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize damage to public facilities and utilities, such as water and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges, that are located in areas of special flood hazard;
3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas so as to minimize blight areas caused by flooding;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue, emergency services, and relief associated with flooding and generally undertaken at the expense of the general public;

6. Minimize prolonged business interruptions, unnecessary disruption of commerce, access and public service during times of flood;
7. Notify potential buyers that property is in an area of special flood hazard;
8. Ensure that those who occupy within the areas of special flood hazard assume responsibility for their actions;
9. Manage the alteration of areas of special flood hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions; and
10. Participate in and maintain eligibility for flood insurance and disaster relief.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this section includes methods and provisions for:

1. Requiring development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;
2. Restricting or prohibiting development which is dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Controlling filling, grading, dredging and other development which may increase flood damage or erosion;
4. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
5. Preserving and restoring natural floodplains, stream channels, and natural protective barriers which carry and store flood waters; and
6. Coordinating with and supplementing provisions of State of Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.

E. Definitions.

1. For purposes of this section, the following words, terms, and phrases shall be defined as follows:
 - a. **Accessory structure.** A structure on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure.
 - b. **Appeal.** A request for a review of the interpretation of any provision of this section or a request for a variance.
 - c. **Area of shallow flooding.** Designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
 - d. **Area of special flood hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."
 - e. **Base flood.** A flood having a one percent chance of being equaled or exceeded in any given year.

- f. **Base flood elevation (BFE).** The elevation to which floodwater is anticipated to rise during the base flood.
- g. **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.
- h. **Below-grade crawlspace.** An enclosed area below the base flood elevation in which the interior grade does not exceed two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the bottom of the lowest horizontal structural member of the lowest floor, does not exceed four feet at any point.
- i. **Conditional letter of map revision (CLOMR).** A letter from FEMA commenting on whether a proposed project, if built as proposed, would meet the minimum NFIP standards or proposed hydrology changes. If the project, built as proposed, revises the Flood Insurance Rate Map and/or Flood Insurance Study, a LOMR is required to be submitted no later than six months after project completion.
- j. **Datum.** The vertical control datum from which all vertical elevations are determined. Historically, Flood Insurance Rate Maps have used the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88). (See “Mean sea level.”)
- k. **De minimis development.** Development that is exempt under this code, provided impacts of the development are negligible or insignificant. Examples include: landscaping; certain types of fencing per Table 14.7.210; and raised garden beds.
- l. **Development.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- m. **Digital FIRM (DFIRM).** Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.
- n. **Elevated building.** A nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- o. **Encroachment.** The activities or construction within the floodway, including fill, excavation, grading, new construction, substantial improvements and other development.
- p. **Essential facility or critical facility.**
 - 1. Hospitals and other medical facilities having surgery and emergency treatment areas;
 - 2. Fire and police stations;
 - 3. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
 - 4. Emergency vehicle shelters and garages;
 - 5. Structures and equipment in emergency-preparedness centers;
 - 6. Standby power generating equipment for essential facilities; and
 - 7. Structures and equipment in government communication centers and other facilities required for emergency response.
- q. **FEMA.** The Federal Emergency Management Agency.

r. **Flood or flooding.**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

i. The overflow of inland or tidal waters.

ii. The unusual and rapid accumulation of runoff or surface waters from any source.

iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (E)(1)(r)(1)(ii) of this section and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (E)(1)(r)(1)(i) of this section.

s. **Flood elevation study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

t. **Flood Insurance Rate Map (FIRM).** The official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

u. **Flood Insurance Study (FIS).** See also “Flood elevation study.”

v. **Floodproofed or floodproofing.** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

w. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory floodway.”

x. **Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

y. **Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

z. **Historic structure.** A structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior; or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
- aa. **Letter of map change (LOMC).** An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and/or Flood Insurance Studies. LOMCs are issued in the following categories:
1. **Letter of map amendment (LOMA).** An amendment to the FIRM based on technical data showing that an existing structure or parcel of land that has not been elevated by fill (natural grade) was inadvertently included in the special flood hazard area because of an area of naturally high ground above the base flood.
 2. **Letter of map revision (LOMR).** A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood. A LOMR revises the current FIRM and/or FIS to show changes to the floodplains, floodways or flood elevations. LOMRs are generally based on manmade alterations that affected the hydrologic or hydraulic characteristics of a flooding source and thus result in modification to the existing regulatory floodway, the effective base flood elevation or the special flood hazard area. It is recommended that a conditional letter of map revision be approved by FEMA prior to issuing a permit to start a project that has a potential to affect the special flood hazard area. (See “Conditional letter of map revision.”)
- bb. **Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this section.
- cc. **Manufactured dwelling or home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle” and is synonymous with “manufactured home.”
- dd. **Manufactured dwelling park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.
- ee. **Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- ff. **New construction.** For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by Cottage Grove (November 11, 1985) and includes any subsequent improvements to such structures.
- gg. **Oregon Specialty Codes.** The combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but not including regulations adopted by the State Fire Marshal pursuant to ORS Chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.
- hh. **Recreational vehicle.** A vehicle which is:
1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- ii. **Special flood hazard area.** See “Area of special flood hazard” for this definition.
- jj. **Start of construction.** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not the alteration affects the external dimensions of a building.
- kk. **Structure.** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured dwelling.
- ll. **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.
- mm. **Substantial improvement.** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 49 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- nn. **Variance.** A grant of relief by the city of Cottage Grove from the terms of a floodplain management regulation.
- oo. **Violation.** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance with this section is presumed to be in violation until such time as that documentation is provided.
- pp. **Water surface elevation.** The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

2. Unless specifically defined in this section, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

F. Applicability. This section shall apply to all special flood hazard areas within the jurisdiction of Cottage Grove. All development within special flood hazard areas is subject to the terms of this section and required to comply with its provisions and all other applicable regulations. Nothing in this section is intended to allow uses or structures that are otherwise prohibited by this development code or State of Oregon Specialty Codes.

G. Basis for Areas of Special Flood Hazard. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled the “Flood Insurance Study (FIS) for Lane County,

Oregon and Incorporated Areas,” dated June 2, 1999, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), as amended and updated by FEMA, are adopted by reference and declared a part of this section. The FIS and the FIRM are on file at the public works and development department, City Hall, 400 East Main Street, Cottage Grove, Oregon.

H. Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division. Pursuant to the requirement established in ORS Chapter 455 that the city of Cottage Grove administers and enforces the State of Oregon Specialty Codes, the city council of the city of Cottage Grove does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

I. Floodplain Development Permit Required. A floodplain development permit shall be obtained prior to start of all proposed construction and other development, including the placement of manufactured homes and all other development activities for all other development, as defined in subsection E of this section, including fill and other development activities within any area horizontally within the special flood hazard area.

J. Administration.

1. Designation of Floodplain Administrator. The public works and development director or his/her designee is appointed as the floodplain administrator, who is responsible for administering, implementing, and enforcing the provisions of this section by granting or denying development permits in accordance with its provisions.
2. Duties of the floodplain administrator shall include, but not be limited to:
 - a. Permit Review. Review all development permits to determine that:
 1. The permit requirements of this title have been satisfied;
 2. All other required local, state, and federal permits have been obtained and approved;
 3. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway, assure that the floodway provisions of subsection (N)(2) of this section are met;
 4. Review all development permits to determine if the proposed development is located in an area where base flood elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source;
 5. Provide to building officials the base flood elevation (BFE) and required freeboard elevation (two feet above BFE) applicable to any building requiring a development permit;
 6. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement or substantial development;
 7. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of subsections J and L of this section;
 8. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation; and
 9. Issue development permits when the provisions of this section have been met, or deny the same in the event of noncompliance.
 - b. Information to Be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:

1. Make periodic inspections of special flood hazard areas to establish that development activities are being performed in compliance with this section, and to verify that existing buildings and structures maintain compliance with this section;
 2. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where base flood elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with the requirements of this section;
 3. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of this section are adhered to;
 4. Upon placement of the lowest floor of a structure (including basement), but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement) is in compliance with the two-foot freeboard requirements of this section;
 5. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection;
 6. Maintain all elevation certificates (EC) submitted to the city of Cottage Grove;
 7. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this section and where base flood elevation (BFE) data is provided through the FIS or FIRM;
 8. Maintain all floodproofing certificates required under this section;
 9. Record and maintain all variance actions, including justification for their issuance;
 10. Obtain and maintain all hydrologic and hydraulic analyses performed as a permit requirement;
 11. Record and maintain all substantial improvement and substantial damage calculations and determinations;
 12. Maintain for public inspection all records pertaining to the provisions of this section;
 13. Coordinate with the building official to inspect areas where buildings and structures in special flood hazard areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required to repair, rehabilitate, demolish, relocate, or reconstruct structures if substantial damage thresholds are met; and
 14. Conduct substantial improvement (SI) reviews for all structural development proposal applications in the special flood hazard area and maintain a record of SI calculations within permit files. Conduct substantial damage (SD) assessments when structures in the special flood hazard area are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area are damaged to the extent that the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.
- c. Requirement to Notify Other Entities and Submit New Technical Data. The following information shall be obtained and maintained and shall be submitted to appropriate agencies as needed:
1. Community Boundary Alterations. Notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has

otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

2. Watercourse Alterations. The floodplain administrator shall notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of the watercourse. Copies of such notification shall be submitted to the Federal Insurance Administrator. The applicant shall provide to the floodplain administrator the technical information necessary to prepare the notification. This notification shall be provided by the applicant to the Federal Insurance Administration as a letter of map revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a conditional letter of map revision (CLOMR) when required under subsection L of this section.

d. Requirement to Submit New Technical Data through LOMC Process. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with 44 CFR 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA letter of map change (LOMC) process.

1. The floodplain administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation;
- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway; and
- iii. Proposed development that involves more than 50 cubic yards of fill (or 1,350 cubic feet), alters a watercourse, modifies floodplain boundaries, or modifies base flood elevations.

2. Within six months of project completion, an applicant who obtains a conditional letter of map revision (CLOMR) from FEMA shall obtain from FEMA a letter of map revision (LOMR) reflecting the as-built changes to the FIS and/or FIRM and provide a copy of the final LOMR to the city.

3. It is the responsibility of the applicant to have technical data prepared in a format required for a CLOMR or LOMR and to submit such data to FEMA on the appropriate FEMA Form MT-2 application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

4. Applicants shall be responsible for all costs associated with obtaining a CLOMR or LOMR from FEMA.

5. The floodplain administrator shall be under no obligation to sign the community acknowledgment form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met all applicable requirements of this section.

K. Floodplain Development Permit.

1. A floodplain development permit shall be obtained prior to start of all proposed construction and other development including the placement of manufactured homes within any area horizontally within the special flood hazard area established in subsection G of this section.
2. The floodplain development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in subsection E of this section, including fill and other development activities.
3. The floodplain development permit shall be a Type I application as set forth by Chapter 14.41. The public works and development director may require a Type II application if discretion is involved in the review of the application.
4. Application Requirements for Floodplain Development Permit. Application for a development permit shall be made on forms furnished by the public works and development department and may include but not be limited to:
 - a. Plans in triplicate drawn to scale, with elevations of the project area and the nature, location, and dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities;
 - b. Delineation of special flood hazard areas, regulatory floodway boundaries including base flood elevations, or flood depth in AO zones;
 - c. For all proposed or substantially improved structures, elevation in relation to the highest adjacent grade and the base flood elevation, or flood depth in AO zones, of the:
 1. Lowest enclosed area including crawlspace or basement floor; and
 2. Top of the proposed garage slab, if any; and
 3. Next highest floor; and
 4. Attendant utilities;
 - d. Locations and sizes of all flood openings, if required, in any proposed structure;
 - e. The proposed elevation to which a nonresidential structure will be floodproofed or elevated;
 - f. Certification by a registered professional engineer or architect licensed in the state of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria in subsection (O)(3) of this section;
 - g. The amount, location and proposed final elevations of any fill or exaction activities proposed;
 - h. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
 - i. Evidence that all necessary permits can be obtained from those governmental agencies from which approval is required by federal or state law; and
 - j. Substantial Damage/Improvement Calculation. For reconstruction, rehabilitation, additions or other improvements to existing nonconforming buildings, evidence to determine improvement costs and actual repair/damage value for substantial improvement/substantial damage calculation, including market value estimates of existing building(s) prior to damage/improvement, and market value estimate of building(s) post repair/improvement. Estimates must include all structural elements, interior finish elements, utility

and service equipment, labor and other costs associated with demolishing, removing, or altering building components, construction management, and any improvements beyond predamaged condition.

5. Approval Requirements. No floodplain development permit shall be issued until compliance with this section and other applicable codes and regulations has been demonstrated. Specifically, the following documentation is required prior to issuance of a floodplain development permit:

- a. Evidence of compliance with the standards of this section;
- b. Evidence that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law;
- c. A FEMA-approved CLOMR if the project will involve adding fill exceeding 50 cubic yards (or 1,350 cubic feet), cause a watercourse alteration, modify base flood elevation, or change the boundaries of the floodway or special flood hazard area;
- d. A complete preconstruction elevation certificate signed and sealed by a registered professional surveyor for structures, except as provided in subsection (O)(3) of this section for wet-proofed accessory structures; and
- e. Certified elevations for nonstructural development prepared by registered professional surveyor.

6. During Construction.

- a. For all new construction and substantial improvements, the permit holder shall provide to the floodplain administrator an as-built certification of the floor elevation or floodproofing level immediately after the lowest floor or floodproofing is placed and prior to further vertical construction; and
- b. Any deficiencies identified by the floodplain administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the floodplain administrator to issue a stop-work order for the project.

7. Finished Construction. In addition to the requirements of the Oregon Specialty Codes pertaining to certificate of occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:

- a. For elevated buildings and structures in special flood hazard areas, the elevation of the lowest floor, including basement.
- b. For nonresidential buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.
- c. Failure to submit certification or failure to correct violations shall be cause for the floodplain administrator to withhold a certificate of occupancy until such deficiencies are corrected.

8. Expiration of Floodplain Development Permit. Floodplain development permits issued under this section shall become invalid unless the work authorized by such permit is commenced within 180 days after issuance or the work is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and shall be reviewed against the current FIRM and this section.

L. Watercourse Alterations.

1. Development shall not diminish the flood carrying capacity of a watercourse. If a watercourse will be altered or relocated as a result of the proposed development the applicant must submit certification by a registered professional engineer that the flood carrying capacity of the watercourse is maintained and will not be diminished.

2. Applicant will be responsible for obtaining all necessary permits from governmental agencies from which approval is required by federal, state, or local law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531 through 1544; and State of Oregon Division of State Lands regulations. The applicant shall also be required to submit a conditional letter of map revision (CLOMR) to FEMA for watercourse alterations.

3. The floodplain administrator shall assure that maintenance for the altered or relocated portion of the watercourse is provided so that the flood carrying capacity will not be diminished. It shall be the responsibility of the applicant to perform required maintenance.

4. The applicant shall submit required technical data to the floodplain administrator prior to any watercourse alteration that will result in the expansion, relocation or elimination of the special flood hazard area.

M. Nonconversion of Enclosed Areas below the Lowest Floor. To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation/recreation/bathrooms, etc., the floodplain administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; and

2. Require such applicants to enter into a “NON-CONVERSION DEED DECLARATION FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS” or equivalent. The deed declaration shall be recorded with Lane County, and shall be in a form acceptable to the floodplain administrator.

N. Provisions for Flood Hazard Reduction.

1. Site Improvements and Subdivisions.

a. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within the regulatory floodway. All new lots shall be buildable without requiring development within the floodway (i.e., minimum lot size under base zoning must be provided outside of the floodway) and, where possible, allow building outside of the special flood hazard area.

b. If a parcel has a buildable site outside the special flood hazard area, it shall not be subdivided to create a new lot, tract or parcel for a building that does not have a buildable site outside the special flood hazard area. This provision does not apply to lots set aside from development and preserved as open space.

c. Where a special flood hazard area has been defined but a base flood elevation has not been provided, it shall be generated for subdivision and partition proposals and all other proposed development (including proposals for manufactured home parks and commercial or industrial site developments) by the applicant. Development proposals located within a riverine unnumbered A zone shall be reasonably safe from flooding. The test of reasonableness includes use of historical data, high water marks, FEMA-provided base level engineering data, and photographs of past flooding, etc., where available.

d. Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate flood damage and infiltration of floodwaters into the systems. Replacement public utilities and facilities such as sewer, gas, electric, and water systems likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.

e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid functional impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

- f. Subdivisions proposals and other proposed new development, including manufactured home parks, shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from proposed structures.
- g. New essential facilities shall not be constructed in the regulatory floodway, and shall be, to the extent possible, located outside the limits of the special flood hazard area.

2. Development in Regulatory Floodways.

- a. Development Prohibited in Floodway. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, except as provided below, encroachments, including fill, new construction, substantial improvements, solid fences or other non-de minimis development, are prohibited in the regulatory floodway.
- b. Temporary Encroachments. Temporary encroachments in the regulatory floodway for the purposes of capital improvement projects (including bridge construction/repair) may be allowed provided:
 - 1. A floodplain development permit is obtained prior to initiating development activities; and
 - 2. All other permits and permissions have been obtained from federal, state and local agencies; and
 - 3. Certification by a registered professional civil engineer must be provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
 - 4. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR 65.12 are fulfilled.
- c. Stream Habitat Restoration. Projects for stream habitat restoration may be allowed provided:
 - 1. A floodplain development permit is obtained prior to initiating development activities; and
 - 2. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and
 - 3. Certification by a registered professional civil engineer must be provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
 - 4. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR 65.12 are fulfilled.
- d. Public Infrastructure. Public infrastructure that requires close proximity near water, including water intake structures, stormwater outfalls, bridges, etc., may be allowed provided:
 - 1. A floodplain development permit is obtained prior to initiating development activities; and
 - 2. The project limits placement of equipment, material, and structures in the regulatory floodway to that which is absolutely necessary for the purposes of the project; and
 - 3. Certification by a registered professional civil engineer must be provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the

proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or

4. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR 65.12 are fulfilled.

e. Fences in the Floodway. Fences are allowed in the regulatory floodway if they are open barb or barless, or open pipe or rail fencing (e.g., corrals). “Open” means no more than one horizontal strand per foot of height, with rails occupying less than 10 percent of the fence area and posts spaced no closer than eight feet apart. Other types of fencing in a regulatory floodway may be approved through a floodplain development variance as detailed in subsection V of this section.

3. Zones with Base Flood Elevations but No Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

O. Building Design and Construction. Within the special flood hazard area, buildings and structures shall be designed and constructed in accordance with the flood-resistant construction provisions of the Oregon Specialty Codes, including but not limited to the Residential Specialty Code, the Manufactured Dwelling Installation Specialty Code, and the Structural Specialty Code, and as specified below:

1. In All Special Flood Hazard Areas.

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

c. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

d. New structures placed in the SFHA should be elevated by methods other than fill. Projects that involve adding fill exceeding 50 cubic yards (1,350 cubic feet) shall pursue CLOMR-Fs prior to LOMR-Fs to ensure ESA compliance;

e. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above two feet above base flood level, with the exception of electrical systems, equipment and components, heating, ventilation and air-conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall meet all substantial improvement requirements of this section;

f. Any alteration, repair, reconstruction or nonsubstantial improvement to a building that is not in compliance with the provisions of this section shall be undertaken only if said nonconformity is not furthered, extended or replaced. Flood-resistant materials shall be used below BFE; and

g. Structures Located in Multiple or Partial Flood Zones.

1. When a structure is located in multiple flood zones on the FIRM, the provisions of the more restrictive flood zone shall apply.
2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
2. Specific Building Design and Construction Standards for Residential Construction. In addition to subsection (O)(1) of this section:
 - a. Required Freeboard. New construction and substantial improvement of residential structures located in special flood hazard areas shall have the lowest floor elevation, including basement, elevated a minimum of two feet above the base flood elevation or three feet above highest adjacent grade where no BFE is defined; and
 - b. Requirements for Enclosed Spaces Below Lowest Floor (Flood Openings). All new construction and substantial improvements with fully enclosed areas below the lowest floor (including basements) are subject to the following requirements. Enclosed areas below the base flood elevation, including crawlspaces shall:
 1. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters;
 2. Be used solely for parking, storage, or building access; and
 3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - i. A minimum of two openings;
 - ii. The total net area of nonengineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
 - iii. The bottom of all openings shall be no higher than one foot above grade;
 - iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area;
 - v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
3. Specific Building Design and Construction Standards for Nonresidential Construction.
 - a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall:
 1. Have the lowest floor, including basement, elevated at or above two feet above the base flood elevation (BFE); or, together with attendant utility and sanitary facilities;
 2. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 3. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 4. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this

section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the floodplain administrator in this section;

5. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection (O)(2) of this section; and

6. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

b. Applicants floodproofing nonresidential buildings shall provide a comprehensive maintenance plan for the entire structure to include but not be limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

c. Applicants floodproofing nonresidential buildings shall supply an emergency action plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

4. Specific Building Design and Construction Standards for Manufactured Dwellings. In addition to subsections (O)(1) and (O)(2)(b) of this section, new, replacement, and substantially improved manufactured dwellings are subject to the following standards:

a. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with subsection (O)(2) of this section;

b. The bottom of the longitudinal chassis frame beam shall be at or above one foot above the base flood elevation;

c. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and

d. Electrical crossover connections shall be a minimum of two feet above base flood elevation (BFE).

P. Below Grade Crawlspace.

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection (P)(2) of this section. Because of hydrodynamic loads, crawlspace construction is not recommended in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

2. The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottoms of joists and all insulation above BFE.

4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the bottom of the structural support of the next higher floor, must not exceed four feet at any point.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

Q. Recreational Vehicles. In all special flood hazard areas, recreational vehicles authorized as temporary trailers under Section 14.49.100 or stored on properties in special flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
3. Meet the requirements of subsection (O)(4) of this section, including the anchoring and elevation requirements for manufactured dwellings.

R. Essential Facilities. Construction of new essential facilities shall be prohibited in floodways and, to the extent possible, located outside the limits of the special flood hazard area. Construction of new essential facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. The lowest floor shall be elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. Access routes elevated to or above the level of the base flood elevation shall be provided to all essential facilities to the maximum extent possible.

S. Tanks.

1. New and replacement tanks in flood hazard areas either shall be elevated above the base flood elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.
2. New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two feet above base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

T. Fences. Floodplain development permits are required for solid walls and certain fences located in the special flood hazard area to ensure that they are reasonably safe from impacts of flooding. Fencing located in the regulatory floodway shall meet the requirements of subsection (N)(2) of this section, Development in Regulatory Floodways.

U. Other Development, Including Accessory Structures, in Special Flood Hazard Areas (All A Zones).

1. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (noncoastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Obtain a floodplain permit;
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- c. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet. Appurtenant structures on properties that are zoned as nonresidential are limited in size to 120 square feet;
- d. The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials;
- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection (O)(2) of this section;
- g. Appurtenant structures shall be located and constructed to have low damage potential;
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with subsection S of this section; and
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

2. Garages.

- a. Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) in riverine flood zones, if the following requirements are met:
 1. The floors are at or above grade on not less than one side;
 2. The garage is used solely for parking, building access, and/or storage;
 3. The garage is constructed with flood openings in compliance with subsection O of this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
 4. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 5. The garage is constructed in compliance with the standards in subsection O of this section; and
 6. The garage is constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for nonresidential structures in subsection (O)(3) of this section.

V. Floodplain Development Variance Procedures and Criteria.

1. Floodplain Development Variance Procedure.

- a. An application for a floodplain development variance is a Type III quasi-judicial decision. A Type III application must be submitted to the city of Cottage Grove on an application form provided by the city and include at minimum the same information required for a floodplain development permit and an explanation for the basis for the variance request.
- b. The applicant carries the burden to show that the variance is warranted and meets the criteria set out herein.
- c. Upon consideration of the criteria in subsection (V)(2) of this section (Criteria for Variances) and the purposes of this section, the city of Cottage Grove may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
- d. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.
- e. The floodplain administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

2. Criteria for Variances. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, or economic or financial circumstances. As such, variances from the floodplain development standards should be quite rare.

- a. In passing upon such applications, the city shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section, and the:
 1. Danger that material may be swept onto other lands to the injury of others;
 2. Danger to life and property due to flooding or erosion damage;
 3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. Importance of the services provided by the proposed facility to the community;
 5. Necessity to the facility of a waterfront location, where applicable;
 6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. Compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at this site; and
 11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- b. Variances shall only be granted upon a:
 - 1. Showing of good and sufficient cause;
 - 2. Determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances; and
 - 4. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall not be issued within a designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the Statewide Inventory of Historic Properties, or designated with a local historic preservation overlay zone without regard to the procedures set forth in this section.
 - e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
3. Variance Decision. If the variance is approved, the public works and development director shall notify the applicant in writing following the procedures established in Section 14.41.300 that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

W. Violation and Penalty.

- 1. No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this section and other applicable regulations.
- 2. Violation of the provisions of this section by failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. The city shall enforce violations of this section or its requirements in accordance with the procedures of Section 14.15.500.
- 3. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this section are committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor, as provided for in this section.
- 4. In addition, each person, firm or corporation found guilty of a violation shall pay all costs and expenses involved in the case of all parties.
- 5. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

X. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and another chapter, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

Y. Severability. This section and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of the chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this section.

Z. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

AA. Warning and Disclaimer of Liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administration decision lawfully made thereunder. (Ord. 3149 §§3, 4, 2021; Ord. 3129 §3(Exh. A), 2020)

14.37.300 Riparian Development

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.

B. Purpose. The purpose of this section is to:

1. To improve and maintain water quality in the Coast Fork Willamette River sub-basin;
2. To mitigate potential flood damage caused by modification of natural riparian habitats;
3. To protect native riparian habitats for sensitive fish and animals that depend upon the rivers and their banks;
4. To implement the “Willamette River Greenway” and “Riparian Resources” elements of the Cottage Grove Comprehensive Plan;
5. To protect aesthetic value of the City’s waterways; and
6. To implement Goal 5 Riparian Safe Harbor standards established in OAR 660-023.

C. Definitions. For the purpose of this section, the following definitions from OAR 660-023-0090 Riparian Corridors apply:

1. Riparian Area is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. Significant riparian areas are identified in the adopted Goal 5 Riparian Resource Inventory.
2. Riparian Corridor is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
3. Riparian corridor boundary is an imaginary line that is a certain distance upland from the top bank as specified in subsection D of this section.

4. Stream is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
5. Structure is a building or other improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components.
6. Top of bank shall have the same meaning as “bankfull stage” defined in OAR 141-085-0010(12).

D. 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 the wetland.

E. Prohibited Development & Vegetation Removal within Riparian Corridor Boundary.

Permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces shall be prohibited within the riparian corridor boundary, except as identified in subsection E below. Vegetation removal shall be prohibited, except as identified in subsection F below.

F. Exempt Development.

The following uses are allowed through a Type II application, provided they are designed and constructed to minimize intrusion into the riparian area:

1. Streets, roads and paths;
2. Drainage facilities, utilities, and irrigation pumps;
3. Water-related and water-dependent uses;
4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and
5. Removal of non-native vegetation and replacement with native plant species; and
6. Removal of vegetation necessary for the development of water-related or water-dependent uses.

G. Variance from Riparian Corridor Requirements. Request for relief from the above standards shall be processed pursuant to the Type III Variance application requirements set forth in Chapter 14.41. Variances may be granted for the permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary if:

1. The restrictions in this section render a lot existing at the date of the adoption of this ordinance not buildable, at which time a lesser setback of 25 feet from the riparian boundary corridor shall be applied; or
2. It can be demonstrated that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.7.300)

14.37.400 Willamette River Greenway

A. Intent and Purpose. The Willamette River Greenway is a State-designated scenic corridor along both sides of the Coast Fork of the Willamette River within the City of Cottage Grove. The boundaries of the approved Willamette River Greenway shall be maintained on a map at the City of Cottage Grove Community Development Department Office.

The purpose of the Willamette River Greenway designation is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.

The qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1975. Intensification of uses, changes in use or developments may be permitted after this date only when they are consistent with the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals, as appropriate, and when such changes have been approved by the approval body through a Type III application process.

B. Applicability. The land use element of the comprehensive plan and underlying zoning district shall determine the uses permitted in the Greenway. All intensification, changes of use or development activities in the Greenway are subject to this section unless otherwise exempted in Section C Definitions.

C. Definitions.

1. **Change of Use:** means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for purposes of this section.

2. **Intensification:** means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this section.

D. Criteria and conditions. The approval body shall consider the following objectives, make affirmative findings on each of them through a Type III Conditional Use Permit per Chapter 14.44, and shall impose conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes:

1. Significant fish and wildlife habitats shall be protected;
2. Identified scenic area, viewpoints and vistas shall be preserved;
3. Any structure must be located outside the existing vegetative fringe or behind a setback line which is at least 50 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible (setback line shall not apply to water-related or water-dependent uses);
4. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river;
5. The proposed development change or intensification of use is compatible with the site and surrounding area;
6. Any development will be located away from the river to the maximum extent possible;

7. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation between the activity and the river;
8. Necessary public access will be provided to and along the river by appropriate legal means;
9. The proposed development meets the Vegetation Maintenance Standards in Section 14.37.300; and
10. The proposed development, change or intensification of use meets the requirements of the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals.

E. Notice to Department of Transportation. The city will not permit an intensification, change of use or development on lands within the boundaries of the Willamette River Greenway without first giving immediate notice by “certified mail – return receipt requested” to the Department of Transportation of an application for a Greenway conditional use permit. Notice of action taken by the city on an application shall be furnished to the Department of Transportation. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.7.400)

14.37.500 Wetland Protection

A. Background. The City of Cottage Grove completed a Local Wetland inventory (LWI) in 2011 in accordance with Department of State Lands (DSL) administrative rules (OAR). DSL approved this inventory on 1/5/2012. The LWI report describes the location, quantity, and quality of a total of 47 wetlands within the study area including 27 wetlands not previously on file with DSL. The study area consisted of Cottage Grove’s Urban Growth Boundary with potential expansion properties to the South. Of these 47 wetlands, 37 met state criteria for locally significant wetland (LSW) qualification. 35 of the wetlands designated as locally significant lie partially or entirely within the City of Cottage Grove’s urban growth boundary. These 35 LSW were the subject of a 2012 Economic, Social, Environmental, and Energy (ESEE) analysis. Review LWI map for specific wetland designations.

B. Applicability. This ordinance is applicable to any activity within any wetlands within the corporate limits of the City of Cottage Grove, whether on the LWI map or not.

Unless otherwise stated, the City of Cottage Grove shall apply the following provisions in conjunction and concurrently with the requirements of any other development permit being sought by an applicant. If no other permit is being sought, the Community Development Director shall serve as the approving authority through a Type I or II process.

C. Purpose. It is the purpose of this chapter to promote the health, safety, and general welfare of the present and future residents of the City of Cottage Grove by providing for the protection, preservation, proper maintenance, and use of the wetland areas within the City of Cottage Grove. This code is designed to:

1. Implement the goals and policies of the City of Cottage Grove’s Comprehensive Plan;
2. Satisfy the requirements of Statewide Planning Goals 5 and 6;
3. Protect Cottage Grove wetland areas, thereby protecting the hydrologic and ecologic functions wetlands provide, including reduced adverse effects of erosion and flooding;
4. Protect fish and wildlife habitat;
5. Protect the amenity values and educational opportunities of wetlands;
6. Improve and promote coordination among local, state, and federal agencies regarding development activities in and near wetlands.

D. Determination of Locally Significant Wetlands. In accordance with rules adopted by DSL (OAR 141-086-3000), wetlands within the City of Cottage Grove have been assessed and a local significance determination made. Locally significant wetlands are identified as such on the City of Cottage Grove LWI map.

All wetlands, mapped or not, remain subject to DSL review and permitting. Oregon's Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a permit from the DSL. The City of Cottage Grove shall notify the Oregon DSL in writing of all applications to the City of Cottage Grove for development that occurs in, or within 20 feet of, any wetland identified on the Local Wetlands Inventory map whether locally significant or not.

E. Definitions. As used in this chapter:

1. Economic, Social, Environmental, Energy (ESEE) Analysis – Analysis required of local governments in developing a program to achieve Goal 5 compliance for all significant resource sites. “ESEE consequences” are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. [See OAR 660-023-0040 for more detail on ESEE Decision Process.]
2. Jurisdictional Delineation – A current delineation of a wetland's boundaries that is approved by DSL. A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a LWI boundary may only be a rough map with an accuracy target of 5 meters (approximately 16.5 feet). [See OAR 141-90-005 et seq. for specifications for wetland delineation reports.]
3. Jurisdictional Determination – A written decision by DSL that waters of the state subject to regulation and authorization requirements of OAR 141-085, 141-089, 141-0100 and 141-0102 are present or not present on a land parcel. The Jurisdictional Determination may include a determination of the geographic boundaries of the area subject to state jurisdiction. A Jurisdictional Determination may, but does not necessarily, include a determination that a particular activity is subject to DSL permitting requirements.
4. Jurisdictional Wetland – Wetlands regulated by the U.S. Environmental Protection Agency, the Army Corps of Engineers, and the DSL. This includes all wetlands on the City of Cottage Grove LWI map. Activities that may affect these wetlands are subject to agency review and may be restricted or require state/local permits before work may be done.
5. Locally Significant Wetland – Wetlands determined to be Locally Significant Wetlands based on Oregon Administrative Rules for Identifying Significant Wetlands (OAR 141-86-300 through 141-86-350). If the assessed wetland unit provides “diverse” wildlife habitat, “intact” fish habitat, “intact” water quality function, or “intact” hydrologic control function, then the wetland is locally significant. Locally Significant Wetlands are identified on the City of Cottage Grove LWI. Locally Significant Wetlands also constitute the Wetland Protection Area (unless otherwise indicated in this ordinance).
6. Local Wetlands Inventory (LWI) – Cottage Grove Local Wetland Inventory Report and LWI map produced by Environmental Science Associates (ESA) in 2011 and approved by DSL in 2012, and any subsequent revisions as approved by the DSL. The LWI is a comprehensive survey and assessment of all wetlands over a half acre in size within the urbanizing area. This includes both locally significant wetlands, and wetlands that are not identified as locally significant (including probable wetlands).
7. Probable Wetlands (PW) – An area noted during the course of LWI field work that appears to meet, or does meet, wetland criteria but is small or of undetermined size, and is mapped as a point rather than a polygon on the LWI maps.
8. Qualified Wetland Professional – A professional with a background in wetland science and experience with conducting wetland delineations and determinations.
9. Wetland – An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
10. Wetland Protection Area – An area subject to the provisions of this chapter that is constituted by wetlands determined to be locally significant as shown on the LWI (unless otherwise indicated under Section H.5). The

wetland protection area extends 20 feet from the mapped LWI boundary unless an onsite or off site determination or wetland delineation provides a more refined estimation of the wetland boundary.

F. Prohibited Uses. Except as exempted or allowed in Sections G-H, the following uses are prohibited within a wetland protection area:

1. Placement of new structures or impervious surfaces;
2. Excavation, drainage, grading, fill, or removal of vegetation;
3. Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the wetland protection area;
4. Disposal or temporary storage of refuse, yard debris, or other material;
5. Discharge or direct runoff of untreated stormwater unless as a conditional use meeting requirements in Section H; or
6. Any use not specifically allowed in Section H.

G. Exempt Uses. The following activities and maintenance thereof are exempted from wetland protection area regulations, provided that any applicable state or federal permits are secured:

1. Maintenance of any use or development that was lawfully existing on the date of adoption of this ordinance, [October 14, 2013] per the standards for Non-Conforming Development in Chapter 14.52;
2. The maintenance and alteration of pre-existing ornamental landscaping so long as no additional native vegetation is disturbed;
3. Wetland restoration and enhancement of native vegetation;
4. Cutting and removal of trees that pose a hazard to life or property due to threat of falling;
5. Cutting and removal of trees to establish and maintain defensible space for fire protection;
6. Removal of non-native vegetation;
7. Maintenance and repair of existing utilities;
8. Maintenance of existing drainage ways, ditches, or other water control structures, as approved by DSL;
9. Emergency stream bank stabilization approved by DSL, to remedy immediate threats to life or property; or
10. Non-motorized, passive outdoor recreational activities, including hiking, mountain biking, wildlife viewing, picnicking, etc.

H. Allowed Uses. The following activities and maintenance thereof are allowed within a wetland protection area upon City review and approval through a Type I or II process and provided any applicable state or federal permits are secured:

1. Replacement of a permanent, legal, nonconforming structure in existence on the date of adoption of this ordinance with a structure on the same building footprint, or expansion of the original building footprint, and in accordance with the provisions of Sections 14.37.2, 14.37.3, and 14.52.
2. Expansion of existing roads and streets in adopted Transportation System Plan provided that such practices avoid sedimentation and other discharges into the wetland or waterway.
3. Installation of interpretive/educational displays.

4. New fencing, provided:
 - a. The fencing does not affect the hydrology of the site;
 - b. The fencing does not present an obstruction that would increase flood velocity or intensity; and,
 - c. Fish habitat is not adversely affected by the fencing.
5. The following activities are also allowed on wetlands receiving Limited Protection as identified in the ESEE Analysis with varying development buffers of 25 or 50 feet also provided impacts to the wetland are minimized or mitigated (Type II review):
 - a. Wetland restoration and enhancement activities including:
 - i. Non-native vegetation removal.
 - ii. Invasive species removal.
 - iii. Native plantings.
 - iv. Endangered species habitat restoration.
 - v. Maintenance of wetland functions.
 - b. Trails and low impact recreational and educational park uses including:
 - i. Expanded and new multi-use trails.
 - ii. Information signs and kiosks.
 - iii. Wildlife viewing platforms.
 - iv. Active recreational activities.
 - c. Adopted Master Plan activities.
 - d. Unavoidable planned public roads.
 - e. Limited access points when no others exist.
 - f. Culvert replacement, meeting Oregon Department of Fish and Wildlife (ODFW) guidelines and criteria, to:
 - i. Remove barriers to fish passage.
 - ii. Reduce upstream flooding.
 - iii. Improve water quality.
 - iv. Maintain or repair culvert function.

I. Notification and Coordination with State Agencies. The City of Cottage Grove shall notify the Oregon DSL in writing of all applications to the City of Cottage Grove for development activities - including development applications, building permits, and other development proposals - that occur in, or within 20 feet of, any wetland identified on the Local Wetlands Inventory map.

J. Violations and Penalty. When a wetland has been altered in violation of this Chapter, enforcement shall be conducted as outlined in Chapter 14.15 of the Development Code. In instances where violations of DSL

requirements have occurred, DSL enforcement mechanisms apply. In some cases, both local and DSL enforcements may occur.

K. Application requirements for Wetland Review. Where Wetland Review is applicable to approve any Allowed Uses under Section H., applicants shall submit the following materials:

1. A scale drawing that clearly depicts any LWI map wetland boundary within the subject parcel and any wetland within 20 feet of the development on an adjacent parcel, all surface water sources, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.
2. Written statement of compliance demonstrating consistency with approval criteria for any proposed Allowed Use(s).
3. Demonstration of avoidance of impacts to wetland protection area (if applicable). This can be demonstrated by any one of the following:
 - a. Submitting an offsite determination, conducted by DSL, that concludes the proposed activities will occur outside the wetland; or
 - b. Submitting an onsite determination, conducted by a qualified wetland professional, that concludes the proposed activities will occur outside the wetland protection area; or
 - c. Submitting a current wetland delineation (completed within the last five years), certified by DSL, that shows the proposed activities will occur outside the wetland protection area.

L. Approval Criteria for Wetland Review. In approving Allowed Uses under Section H, and/or ensuring compliance with Prohibited Uses, the approval body shall base its decision on the following criteria through a Type I or II process:

1. The proposed project will not result in excavation or filling of a wetland or reduction of wetland protection area, except as allowed elsewhere in this code;
2. Specified criteria for proposed use in Section H. Allowed Uses; and
3. Comments and recommendations on proposed uses received from DSL and ODFW.

M. Variances. The Planning Commission shall be the approval body for applications for variances to the Wetland protection provisions. Variances shall be processed as a Type III land use procedure following sections 14.41.400 of the Development Code. The Planning Commission may approve or approve with conditions a request for a Variance based upon findings that all of the following approval criteria have been satisfied:

1. The applicant has exhausted all other options available under this chapter to relieve the hardship;
2. The variance is the minimum necessary to alleviate the hardship;
3. All state and federal permits required for authorization of wetland impacts are obtained;
4. There is no feasible on-site alternative to the proposed activities, including but not necessarily limited to: reduction in size, density or intensity; phasing of project implementation; change in timing of activities, revision of road and lot layout; and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts;
5. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of wetland functions and values; and

6. The area of disturbance is limited to the area that has the least practical impact on the wetland functions and values.

N. Mapping Boundary Corrections. The boundaries of locally significant wetlands are based on the City's LWI.

1. Wetland boundary corrections will be processed administratively. The Community Development Director may correct the location of the wetland boundary when the applicant has shown that a mapping error has occurred and the error has been verified by the DSL.
2. Delineations verified by DSL shall be used to automatically update and replace LWI mapping.
3. No formal variance application or plan amendment is needed for map corrections where approved delineations are provided. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.7.500)

Chapter 14.45

– Master Planned Developments

Sections:

- 14.45.100 Master Planned Development - Purpose
- 14.45.110 Master Planned Development - Applicability
- 14.45.120 Master Planned Development - Review and Approvals Process
- 14.45.130 Master Planned Development - Modification of District Standards (Chapter 2) and Design Standards (Chapter 3)
- 14.45.140 Master Planned Development - Overlay Zone and Concept Plan Submission
- 14.45.150 Master Planned Development - Overlay Zone and Concept Plan Approval Criteria
- 14.45.160 Master Planned Development - Administrative Procedures
- 14.45.170 Master Planned Development - Detailed Development Plan Submission Requirements
- 14.45.180 Master Planned Development - Detailed Development Plan Approval Criteria
- 14.45.190 Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

14.45.100 Master Planned Development - Purpose

The purposes of this Section are to:

1. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;
2. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);
3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
4. Facilitate the efficient use of land;
5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
6. Preserve to the greatest extent possible the existing landscape features, trees and amenities that may not otherwise be protected through conventional development;
7. Encourage energy conservation and improved air and water quality;
8. Assist the City in planning infrastructure improvements; and
9. Consolidate review of multiple land use applications, ex. site design review, conditional use and greenway conditional use permit. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.100)

14.45.110 Master Planned Development - Applicability

The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this Chapter. In addition, the City may require that the following types of development be processed using the provisions of this Chapter:

1. Subdivisions of large residential sites (5 acres and larger).
2. Larger-scale Parks & Recreation uses, as identified in Section 14.25.160.
3. Subdivisions of large residential sites (3 acres or greater) with slopes in excess of 15%.

4. Large commercial developments (5 acres or greater) proposing mixed-use development.
5. Industrial developments (10 acres or greater).
6. Business Park developments.
7. Commercial developments added to the UGB to meet land needs identified in the Cottage Grove Economic Opportunities Analysis (2009) (10 acres or greater).
8. Industrial developments added to the UGB to meet land needs identified in the Cottage Grove Economic Opportunities Analysis (2009) (20 acres or greater). (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.110)

14.45.120 Master Planned Development - Review and Approvals Process

A. Review Steps. There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:

1. The approval of a planned development overlay zone and concept plan;
2. The approval of a detailed development plan; and
3. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

B. Approval Process.

1. The Master Planned Development (PD) overlay zone and Concept Plan shall be reviewed together using the Type III procedure in Section 14.41.400, the submission requirements in Section 14.45.170, and the approval criteria in Section 14.45.150.
2. The detailed development plan shall be reviewed using the Type III procedure in Section 14.41.400, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats, conditional use permits and site design review applications for approved planned developments shall be reviewed using a Type III procedure, as governed by Section 14.42.400.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in Section 14.45.120.A, above. Notification and hearings may be combined. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.120)

14.45.130 Master Planned Development - Modification of District Standards (Chapter 2) and Design Standards (Chapter 3)

The district standards in Chapter 2 and design standards of Chapter 3 may be modified through the master plan approval without the need for variances, except that the following standards within Chapters 2 and 3 shall not be modified:

- A.** Public improvement standards and engineering design criteria shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other Planned Development approvals;
- B.** Residential densities, as specified in Chapter 2; and
- C.** Uses not permitted or conditionally permitted in the underlying zone are not allowed in master plans. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.130)

14.45.140 Master Planned Development - Overlay Zone & Concept Plan Submission

A. General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 14.41.400. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 14.45.150.
4. Special studies prepared by qualified professionals as required by the Community Development Director or Planning Commission to determine potential traffic, geologic, water quality, wetland, sensitive habitat, archeological, natural vegetation and other impacts, and required mitigation.

B. Additional Information. In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:

1. Existing Conditions map, as defined in Section 14.42.500 - Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);
6. Sign concept plan (e.g., locations, general size, style and materials of signs);
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.);
8. A copy of an approved State Access Permit, if taking new access onto a State Highway. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.140)

14.45.150 Master Planned Development - Overlay Zone & Concept Plan Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that all of the following criteria are satisfied when approving an application:

- A. Comprehensive Plan.** All relevant provisions of the Comprehensive Plan are met;
- B. Land Division Chapter.** All of the requirements for land divisions, as applicable, shall be met (Chapter 14.43);
- C. Chapter 2 and Chapter 3 Standards.** All of the land use, development, and design standards contained in Chapters 2 and 3 are met, except as may be modified in Section 14.45.130;
- D. Chapter 4 Standards.** Master plans that involve the creation of new parcels shall meet the standards established in Section 14.43 Land Divisions. Conditional uses within master plans shall comply with the criteria found in Chapter 14.44.400.A.

E. Open Space. Master plans shall contain a minimum of 15 percent open space. Public open space shall be integral to the master plan. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation and contribute toward a sense of place. Where public or common private open space is designated, the following standards apply:

1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
2. The open space shall be conveyed in accordance with one of the following methods:
 - a. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
 - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
3. The open space shall meet the following minimum design standards:
 - a. Master plans shall contain open space that equal or exceeding 15 percent of the site area. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);
 - b. In meeting the common open space standard, the master plan shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor dining areas, walking fitness courses, pedestrian amenities, or similar open space amenities for residents and/or employees. Sensitive lands such as prominent ridgelines, floodways or wetlands shall be considered of highest importance and shall be designated for protection as open space;
 - c. Historic buildings or landmarks that are open to the public may count toward meeting the open space requirements when approved by the planning commission;
 - d. To receive credit under Section 14.45.150.D, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.150)

14.45.160 Master Planned Development - Administrative Procedures

A. Land Use District Map Designation. After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with Chapter 14.47, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire provided the time limits specified in (B) and (C) below are met.

B. Time Limit on Filing of Detailed Development Plan. Within three (3) years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with Section 14.45.170 through 14.45.180. The City shall revoke the concept plan approval if this time limit has not been met.

C. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes have been made on the original conceptual development plan as approved;
2. The applicant can show intent of applying for detailed development plan review within the one-year extension period;

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
4. The extension request is made before expiration of the original approval period. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.160)

14.45.170 Master Planned Development - Detailed Development Plan Submission Requirements

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, land use review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type III procedure. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.170)

14.45.180 Master Planned Development - Detailed Development Plan Approval Criteria & Modifications

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section 14.45.170, those applications shall additionally be subject to the applicable approval criteria in Chapter 4. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 14.46.

- A. Increased residential densities** (overall or reallocated between development phases) by no more than 10 percent, provided such increase conforms to the underlying District;
- B. Increase in lot coverage or impervious surface** (overall or reallocated between development phases) by no more than 10 percent over that which is approved;
- C. Reduction in open space or landscaping** by no more than 10 percent of what was originally approved;
- D. Increase in overall automobile parking spaces** by no more than 10 percent;
- E. Land use.** No change in land use shall be permitted without a major modification to the concept plan;
- F. Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard** shall require a major modification to the concept plan;
- G. Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 14.46.** “Major” in this subsection means by more than 100 feet, or 15 percent, relative to setbacks; and
- H. Other substantial modifications** not listed in A-G, above, shall require approval of a major modification, in conformance with Chapter 14.46. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.180)

14.45.190 Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

- A. Land Use and Site Design Reviews.** For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. Chapter 14.42 applies to site design review.
- B. Land Divisions.** For projects requiring a land division, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. Chapter 14.43 applies to land divisions.
- C. Streamlined Review Option.** Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant’s option. The variation from the standard procedures of Chapter 14.42 - Site Design Review, and Chapter 14.43 - Land Divisions is

intended to streamline review of projects that have received master planned development approvals, since those projects have previously been subject to public review and hearings. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.5.190)