

**MEMORANDUM**

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: PUBLIC HEARING FOR ORDINANCE AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP & TITLE 14 LAND USE DISTRICT MAP FOR 208 SOUTH 6<sup>TH</sup> STREET (Map 20-03-28-34 TL 07400) (MCPA 4-23)

DATE: April 3, 2024

Background

The purpose of this public hearing is to receive comments on the proposed amendment of the Comprehensive Plan land use diagram map and the Title 14, Cottage Grove Development Code land use district map for 0.15 acres of land owned Erik Swanson and Amy Kennedy at 208 South 6<sup>th</sup> Street, from the current B – Central Business designation and C2P – Community Commercial zoning to C – Community Commercial designation and RC – Residential Commercial zoning.

The Planning Commission held a public hearing on February 21, 2024 and recommended approval to Council.

It is now appropriate that Council to hold the public hearing on the Ordinance. This Ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.

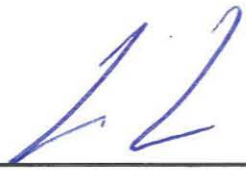
Recommendation

That the public hearing be held.

Cost

None

  
\_\_\_\_\_  
Mike Sauerwein, City Manager

  
\_\_\_\_\_  
Eric Mongan, City Planner

STAFF REPORT  
DIXON; MCPA 4-23  
COMPREHENSIVE PLAN AMENDMENT/LAND USE MAP AMENDMENT  
208 SOUTH 6<sup>TH</sup> STREET  
Map 20-03-28-34-07400

PROPOSAL DESCRIPTION

Date application filed: December 12, 2023

Date deemed complete: December 12, 2023

Applicant: Jane Dixon  
208 S 6<sup>th</sup> Street  
Cottage Grove, OR 97424

Owner: Richard Hill  
208 S 6<sup>th</sup> Street  
Cottage Grove, OR 97424

Location: 208 South 6<sup>th</sup> Street  
20-03-28-34-07400

Current Comp Plan: B-Central Business District

Current Zoning: C2P-Community Commercial

Proposed Comp Plan: C Community Commercial

Proposed Zoning: RC Residential Commercial

Proposal:

Ms. Dixon has made this application to change the designation and zoning on the dwelling located at 208 S 6<sup>th</sup> Street to RC Residential Commercial, in order to allow a home on the property if the existing house is destroyed. The Residential Commercial designation will allow some redevelopment for commercial uses that are appropriate at this location while allowing the retention of residential use.

There are two parts to this application:

- a. Amend the Comprehensive Plan Land Use Map to re-designate the subject property from B Central Business to C Community Commercial; and
- b. Amend Title 14, Cottage Grove Development Code land use district map to rezone the subject property described in Exhibit A from C2P Community Commercial to RC Residential Commercial.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; MCPA 4-23

*14.41.500.H Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*

Staff response and findings of fact:

The following Statewide Planning Goals are applicable and the amendment and concurrent zone change complies with them as noted below:

**Goal 1: Citizen Involvement**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Cottage Grove Development Code complies with Goal 1. The Type IV Permit Application process required by Title 14 has been used for the Plan amendment/zone change proposal and is in compliance with Goal 1. Proper public notice of the proposed change has been provided through the Type IV public notice process as specified in Section 14.41.500A of the Development Code. The Department of Land Conservation and Development was notified of the intended amendments on December 12, 2023. Public hearings have been held at the Planning Commission and City Council levels to consider this re-designation/rezoning. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and a recognized neighborhood group.

**Goal 2: Land Use Planning**

**To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed changes followed the process established in Title 14 of the City of Cottage Grove Municipal Code and have been found compatible with the City's Comprehensive Plan.

**Goal 3: Agricultural Lands**

**To preserve and maintain agricultural lands.**

This goal does not apply to the application as land within acknowledged urban growth boundaries is not considered agricultural. The subject properties are within the acknowledged urban growth boundary of Cottage Grove, and are within the city limits.

**Goal 4: Forest Lands**

**To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

This goal does not apply to the application. Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. The subject properties have never been acknowledged as forest lands.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

No known wetlands or historic areas are located on the subject property. The property is outside of the riparian corridor, and is not designated as floodplain. This designation/zone change is in compliance with Goal 5.

Conversion of this property to residential commercial from community commercial will continue the mix of residential and commercial development that exists in this area two blocks south of the historic downtown district. This designation/zone change is hence an improvement over the existing zoning and is in compliance with Goal 5.

**Goal 6: Air, Water and Land Resources Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

There are no anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential residential uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Hence Goal 6 does not apply at this time.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

**To protect people and property from natural hazards.**

The subject properties are not known to be subject to any natural disasters or hazards that are not city-wide in nature (such as earthquakes). Compliance with building code and development code regulations when developing residential buildings/uses or commercial uses will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible. The proposed change is in compliance with Goal 7.

**Goal 8: Recreational Needs**

**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

The Row River Trail, a multi-modal rails-to-trails path, runs east from Trailhead Park located approximately 1000' to the northeast of the subject parcel. This trail is within city-owned right-of-way, and is zoned PR Parks and Recreation. The proposed designation/zone change enhances the city's ability to protect this important recreational resource and is in compliance with Goal 8.

**Goal 9: Economic Development**

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

The subject properties have been designated for commercial use since at least 1993 (Periodic Review). The house was built on the property in 1924. The re-designation of this site to residential commercial will allow the retention of this single family home. It would be an allowed

use under the RC District, whereas it is a non-conforming use under C2P. The proposed change is in compliance with Goal 9.

**Goal 10: Housing**

**To provide for the housing needs of citizens of the state.**

Goal 10 is applicable. The comprehensive plan change/zone change will place 0.15 acres into the City’s housing lands inventory, meeting an identified need for more residential dwelling units in the 2018 Buildable Lands Analysis and for higher density residential land (high density and commercial plan designations). (See charts from 2018 Housing Needs Analysis below.) The property is ideally located for pedestrian and bicycle connectivity to the rest of the City. The proposed change is in compliance with Goal 10.

**Exhibit 1. Forecast of demand for new dwelling units, Cottage Grove UGB, 2018 to 2038**

Source: Calculations by ECONorthwest.

Needed new dwelling units (2018-2038)	1,379
Dwelling units by structure type	
<i>Single-family detached</i>	
<i>Percent single-family detached DU</i>	65%
<i>equals Total new single-family detached DU</i>	896
<i>Single-family attached</i>	
<i>Percent single-family attached DU</i>	10%
<i>equals Total new single-family attached DU</i>	138
<i>Multifamily</i>	
<i>Percent multifamily</i>	25%
<i>Total new multifamily</i>	345
<b>Total new dwelling units (2018-2038)</b>	<b>1,379</b>

**Exhibit 2. Comparison of capacity of existing residential land with demand for new dwelling units and land surplus or deficit, Cottage Grove UGB, 2018-2038**

Source: Buildable Lands Inventory; Calculations by ECONorthwest. *Note: DU is dwelling unit.*

Plan Designation	Capacity (Dwelling Units)	Demand for New Housing	Comparison (Supply minus Demand)
Low Density Residential	976	564	412
Medium Density Residential	521	483	38
High Density Residential	224	221	3
Commercial Plan Designations	112	110	2

**Goal 11: Public Facilities and Services**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

The properties can be adequately served with public facilities. Sidewalks are already existing on S 6<sup>th</sup> Street and Adams Avenue. The properties are adequately served by police service, public transit, and a thorough transportation network. The proposed change is in compliance with Goal 11.

**Goal 12: Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

The subject parcel is accessed via S 6<sup>th</sup> street and Adams Avenue two fully constructed right-of-ways. The proposed re-designation reduces potential traffic upon the 0.15 acres by changing the properties to Residential Commercial, which does not allow many of the traffic-intensive uses allowed under C2P Community Commercial. Hence, the proposed change is in compliance with Goal 12.

**Goal 13: Energy Conservation**

**To conserve energy.**

The Plan amendment/zone change will promote more energy efficient development by retaining existing development and public services. The change will conserve energy by reducing needs for green-field development and expansion of city services. The proposed change is in compliance with Goal 13.

**Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

The subject properties have been annexed to the City of Cottage Grove and are inside the City’s acknowledged Urban Growth Boundary. This application is in compliance with Goal 14. This criterion has been met.

**Non-applicable coastal goals**

- Goal 15: Willamette River Greenway
- Goal 16: Estuarine Resources
- Goal 17: Coastal Shorelands
- Goal 18: Beaches and Dunes
- Goal 19: Ocean Resources

This criterion has been met.

*2. Approval of the request is consistent with the Comprehensive Plan; and*

Staff response and findings of fact:

This request is consistent with the Comprehensive Plan, as modifications to the Comp Plan and its adopted implementing documents are expected overtime.

The Plan amendment and concurrent zone change is consistent with the following components of the Comprehensive Plan.

*Land Use*

*To assure wise and efficient use of our urbanizable lands.*

The land proposed for re-designation/rezoning is currently used for residential purposes, although it is zoned for commercial use. As the primary lot is too small to be redeveloped for independent commercial tourist use, it is appropriate to change its zoning to match the existing residential use and affirm that existing use as the best use for the property.



*Economy*

*To encourage opportunities to broaden our economic base, but this should be a gradual transition that will not destroy our rich historical heritage and the natural amenities of the area.*

The property has been developed over the last 100 years with a residential home, yard, and out buildings. Long-range plans show the use remaining consistent with the current use, as the primary lot is small and suited for house to commercial conversion or retention as a dwelling. It will encourage the maintenance of the current residence at 208 S 6<sup>th</sup> St by allowing for insurance and financing and providing assurance that the use can be rebuilt on the site if destroyed.

*Energy Conservation Goal*

*To strive to conserve all forms of energy through efficient use of our lands and promotion of sound energy conservation techniques.*

The land proposed for re-designation/rezoning is currently used for residential purposes, although it has been zoned for commercial tourist use. As the lot is too small to be redeveloped for commercial tourist use, it is appropriate to change the zoning to match the existing residential nature. This re-designation/rezoning will conserve existing infrastructure and private investment, and is an efficient use of our land

This criterion has been met.

- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*

Staff response and findings of fact:

The properties are currently served by city water, sanitary sewer, storm sewer, police and fire services. Utilities are available for residential uses on S 6<sup>th</sup> Street.

This criterion has been met.

- 4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application;*

The primary parcel proposed for re-designation/rezoning is currently used for residential purposes, although it is zoned for commercial tourist use. As the lot is too small to be redeveloped for commercial tourist use, and whereas access to Gateway for large scale commercial development is very limited, it is appropriate to change the zoning to match the existing residential use while still allowing small-scale commercial use. This re-designation/rezoning will conserve existing infrastructure and private investment, and is an efficient use of the land.

This criterion has been met.

- 5. The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12) and;*

The home at 1945 Harvey has frontage, but no access, along a developed major arterial street, Gateway Blvd. This road is within the jurisdiction of the City of Cottage Grove, and is considered

a minor arterial. At this corner, new accesses would be discouraged onto Gateway due to site restrictions. This prohibition makes the development of the lot for large scale commercial use difficult, whereas its development for residential or smaller scale commercial uses when accessed via Harvey Road is much simpler. Residential Commercial zoning on this property would not trigger a Transportation Planning Rule analysis, as expected traffic impacts will be much less than expected under the current zoning.

This criterion has been met.

6. *The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800.*

No impact is expected from the change of designation/rezoning, as the proposed zoning has a lesser potential traffic generation than the current zoning.

This criterion has been met.

## CONCLUSION

Ordinance amendment approval pursuant to Sections 14.41.500.H Decision-Making Criteria is supported by the findings of fact that establish compliance with the applicable state and local standards.

## STAFF RECOMMENDATION

**Approval** of MCPA 4-23 to amend the Comprehensive Plan Land Use Map, pursuant to Section 14.41.500, which is supported by findings of fact, to:

- a. Amend the Cottage Grove Comprehensive Plan from B Central Business to C Community Commercial for 208 S 6<sup>th</sup> Street, Map/TL: 20-03-2834-07400.
- b. Amend the Cottage Grove Land Use Map from C2P Community Commercial to RC Residential Commercial for 208 S 6<sup>th</sup> Street, Map/TL: 20-03-2834-07400.

## CONDITIONS OF APPROVAL

None.

## MATERIALS TO BE PART OF THE RECORD

File MCPA 4-23

## EXHIBITS

Draft Ordinance



EXHIBIT A:  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING THE COTTAGE GROVE  
COMPREHENSIVE PLAN LAND USE DIAGRAM  
MAP & TITLE 14 LAND USE DISTRICT MAP  
FOR THE CITY OF COTTAGE GROVE  
208 SOUTH 6<sup>TH</sup> STREET  
Map/TL: 20-03-28-34-07400

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

WHEREAS, the City of Cottage Grove has developed and adopted the City Comprehensive Plan including the Land Use Diagram Map in accordance with Statewide Planning Goals and acknowledged by the Oregon State Land Conservation and Development Commission; and

WHEREAS, the City of Cottage Grove adopted Title 14 Cottage Grove Development Code including the Land Use District Map which implements the City Comprehensive Land Use Plan and has been acknowledged by the Oregon State Department of Land Conservation and Development; and

WHEREAS, The Erik Swanson and Amy Kennedy own 0.15 acres identified as Map/TL: 20-03-28-34-07400, and addressed as 208 S 6<sup>th</sup> Street, which is developed with a single family home built in 1924, shown in the map in Exhibit "A" attached hereto and forming a part of this ordinance; and

WHEREAS, the owner has applied to amend the Comprehensive Plan Land Use Plan and Title 14 Cottage Grove Development Code Land Use District Map for the subject property to preserve residential development; and

WHEREAS, on February 21<sup>st</sup>, 2024, the Cottage Grove Planning Commission conducted a properly noticed public hearing, provided the public an opportunity to comment on the proposed plan change and rezone, and adopted findings and recommended Council approval of the proposal; and

WHEREAS, on April 8<sup>th</sup>, 2024, the Cottage Grove City Council conducted a properly noticed public hearing concerning the proposed plan change and rezone and provided the public with an opportunity to be heard; and

WHEREAS, the Council has reviewed the record and Planning Commission recommendation of approval, and has determined to approve the Plan change and rezone.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted Comprehensive Plan Land Use Diagram Map and the Title 14, Cottage Grove Development Code Land Use District Map for the subject properties shown in Exhibit "A" attached hereto and forming a part of this ordinance.

Section 2. Findings. The City Council has determined that: (1) the Comprehensive Plan Land Use Diagram Map and Cottage Grove Development Code Land Use District Map

amendments properly implement the Statewide Goals; (2) the amended Plan and Code maps adequately address the land needs of the community; and (3) the amendments are in the public's interest and will serve the health, safety, and welfare of the citizens of the City of Cottage Grove. Further, the City Council hereby adopts findings in support of this re-designation and rezone, as set forth in the above recitals and as detailed in Exhibit "B" attached hereto and incorporated as a part of this ordinance.

Section 3. Amendments.

a. The Cottage Grove Comprehensive Plan Land Use Diagram Map is hereby amended to re-designate the subject property described in Exhibit A from B – Central Business District to C – Community Commercial; and

b. Title 14 of the Cottage Grove Development Code Land Use District Map is hereby amended to rezone the subject properties described in Exhibit A as 208 S 6<sup>th</sup> Street from C2P – Community Commercial to RC – Residential Commercial.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 8<sup>th</sup> DAY OF APRIL, 2024.

\_\_\_\_\_  
Candace Solesbee, Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Mindy Roberts, City Recorder

Dated: \_\_\_\_\_

EXHIBIT A  
ORDINANCE NO. \_\_\_\_\_

Site Location  
208 SOUTH 6<sup>TH</sup> STREET  
MAP/TL: 20-03-28-34-07400

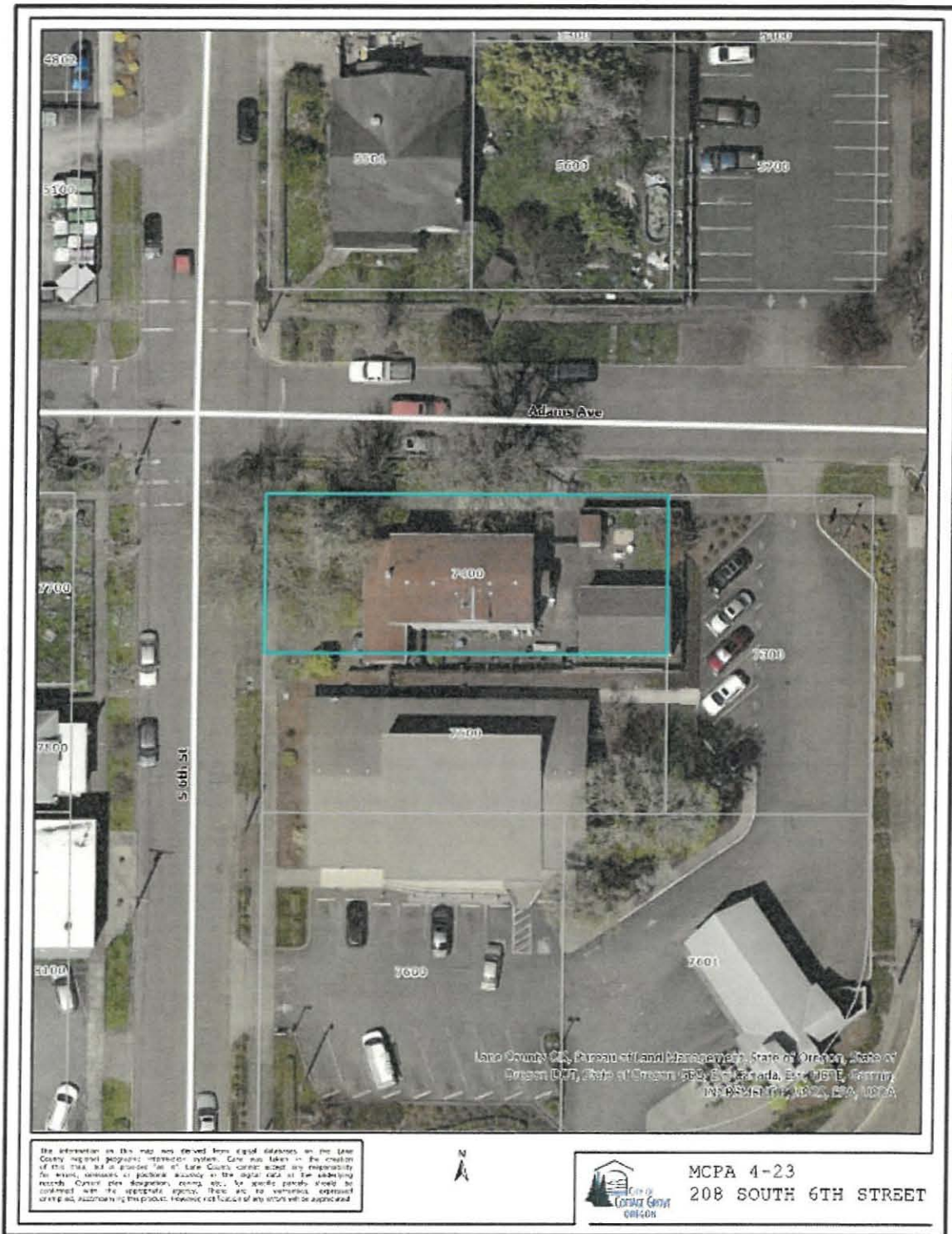


EXHIBIT B  
ORDINANCE NO. \_\_\_\_\_

1. The Erik Swanson and Amy Kennedy own 0.15 acres identified as Map/TL: 20-03-28-34-07400, and addressed as 208 S 6<sup>th</sup> Street, which is developed with a single family home built in 1924. The parcel is designated currently as B – Central Business, and zoned as C2P – Community Commercial.
2. The Jane Dixon has made this application to change the designation and zoning on this parcel to align with adjacent designation and zoning with the existing use and to satisfy needed land for the Housing Needs Analysis. The Residential Commercial designation will allow for residential uses that are appropriate at this location.
3. The City of Cottage Grove Comprehensive Plan, under “The Plan in General,” states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
4. The City Comprehensive Plan also states that the Plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The Plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
5. The applicant proposes these Comprehensive Plan and Zoning Map changes to the City’s maps to allow for the continued use of residential development on this parcel. The proposed designation and zoning align with the adjacent designations and zoning in the abutting area.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the site. The property at 208 S 6<sup>th</sup> Street is accessed via South 6<sup>th</sup> Street a fully developed public right-of-way in the jurisdiction of the City of Cottage Grove. There are not foreseeable impacts to traffic conditions or transportation facilities with the proposed re-designation and zone change.

The following Statewide Planning Goals are not applicable to the proposed re-designation/rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 6 – Air and Water Resources; Goal 7 – Areas Subject to Natural Disasters and Hazards; Goal 15 – Willamette River Greenway; Goal 16 - Estuarine Resources Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.

7. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:

**Goal 1: Citizen Involvement**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Cottage Grove Development Code complies with Goal 1. The Type IV Permit Application process required by



Title 14 has been used for the Plan Amendment / Zone Change proposal and is in compliance with Goal 1. Proper public notice of the proposed change has been provided through the Type IV public notice process as specified in Section 14.41.500A of the Development Code. The Department of Land Conservation and Development was notified of the intended amendments on December 12, 2023. Public hearings will be held at the Planning Commission and City Council levels to consider this re-designation / rezoning. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and a recognized neighborhood group.

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The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed changes followed the process established in Title 14 of the City of Cottage Grove Municipal Code and have been found compatible with the City's Comprehensive Plan.

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This goal does not apply to the application as land within acknowledged Urban Growth Boundaries is not considered agricultural. The subject parcel is within the acknowledged Urban Growth Boundary of Cottage Grove, and is within the city limits.

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This proposed plan amendment/zone change is in alignment with existing development and adjacent zoning and is in compliance with Goal 5.

**Goal 6: Air, Water and Land Resources Quality**

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There are no anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential residential uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Therefore, Goal 6 does not apply at this time.

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The subject parcel is not known to be subject to any natural disasters or hazards that are not city-wide in nature (such as earthquakes). Compliance with Building Code and Development Code regulations when developing residential buildings/uses will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible. The proposed change is in compliance with Goal 7.

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**Goal 10: Housing**

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Goal 10 is applicable. The comprehensive plan change/zone change will place 0.15 acres into the City's housing lands inventory, meeting an identified need for more residential dwelling units in the 2018 Buildable Lands Analysis and for higher density residential land (high density and commercial plan designations). (See charts from 2018 Housing Needs Analysis below.) The property is ideally located for pedestrian and bicycle connectivity to the rest of the City. The proposed change is in compliance with Goal 10. (See charts from 2018 Housing Needs Analysis below.)



**Exhibit 3. Forecast of demand for new dwelling units, Cottage Grove UGB, 2018 to 2038**

Source: Calculations by ECONorthwest.

Needed new dwelling units (2018-2038)	1,379
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**Goal 12: Transportation**

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**Goal 13: Energy Conservation**

**To conserve energy.**

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**Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

The subject parcel has been annexed to the City of Cottage Grove and is inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14. This criterion has been met.