

MEMORANDUM

TO: Mayor and City Council

FROM: Faye Stewart, Public Works & Development Director

SUBJECT: FIRST VOTE FOR ORDINANCE AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP & TITLE 14 LAND USE DISTRICT MAP FOR JASON FULLER, 1945 HARVEY LANE (MCPA 1-21) Map 20-03-27-32 TL 301, 101

DATE: April 21, 2021

Background

Council has held a public hearing on the proposed amendment of the Comprehensive Plan land use diagram map and the Title 14, Cottage Grove Development Code land use district map to redesignate 0.98 acres at the intersection of Harvey Lane and Gateway Blvd from Commercial Tourist to Residential Commercial on the Cottage Grove Comprehensive Plan Map to allow the house at 1945 Harvey Lane to remain as a permitted use, and rezone these properties to RC Residential Commercial to reflect the proposed Comprehensive Plan designation.

The Planning Commission held a public hearing on the attached Ordinance on March 17, 2021 and recommended approval to Council. It is now appropriate that Council consider the Ordinance. This Ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.

Recommendation

After Council deliberation it is recommended that City Council hold the first vote on the attached Ordinance. The Ordinance was prepared and has been available for at least one week prior to this meeting. This Ordinance could be adopted at one meeting.

Cost

None


Richard Meyers, City Manager


Faye Stewart, Public Works &
Development Director

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM
MAP & TITLE 14 LAND USE DISTRICT MAP
FOR JASON FULLER
1945 HARVEY LANE (MCPA 1-21)
Map 20-03-27-32 TL 301, 101

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, Jason Fuller owns 0.28 acres identified as Map 20-03-27-32 TL 301, which is developed with a single family home built in 1949 addressed at 1945 Harvey Lane, shown in the map in Exhibit "A" attached hereto and forming a part of this ordinance; and

WHEREAS, Mr. Fuller also owns TL 101, a 0.70 acre triangular parcel that contains part of his "side yard", the road and sidewalk of Gateway Blvd, and part of the hillside on the east side of Gateway (adjacent to I-5), 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 Land Use Diagram Map and Title 14 Cottage Grove Development Code Land Use District Map for the subject property to allow for retention of the current residential use at 1945 Harvey Road; and

WHEREAS, on March 17, 2021, 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 26, 2021, 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 redesignation 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 redesignate the subject properties described in Exhibit A from T Tourist Commercial to RC Residential Commercial; and

b. Title 14, Cottage Grove Development Code land use district map is hereby amended to rezone the subject property described in Exhibit A from CT Commercial Tourist to RC Density Residential Commercial.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY
OF _____, 2021.

Jeffrey D. Gowing, Mayor
Dated: _____

ATTEST:

Richard Meyers, City Manager
Dated: _____

Site Location
1945 Harvey Road
20-03-27-32 TL 301, 101



EXHIBIT B
ORDINANCE NO. _____

1. Jason Fuller owns 0.28 acres identified as Map 20-03-27-32 TL 301, which is developed with a single family home built in 1949 addressed at 1945 Harvey Lane. Mr. Fuller also owns TL 101, a 0.70 acre triangular parcel that contains part of his “side yard”, the road and sidewalk of Gateway Blvd, and part of the hillside on the east side of Gateway (adjacent to I-5). Between these two parcels lies the 24’ wide public right-of-way of N. 19th Street, which is functioning as the driveway for the house at 1945 Harvey Road. The parcels are designated as T Tourist Commercial, and zoned as CT Commercial Tourist.
2. Mr. Fuller has made this application to change the designation and zoning on his house at 1945 Harvey Road to RC Residential Commercial, in order to allow him to rebuild a home on the property if the existing house is destroyed. TL 101 is included in the redesignation application, as it is part of the “development”. The Residential Commercial designation will allow some redevelopment for commercial uses that are appropriate at this location while allowing the retention of residential use.
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 correct the City’s maps to allow for the continued use of residential development on this property. The Commercial Tourist designation does not allow single family residential development, rendering the current development non-conforming. The development of this property for Commercial Tourist use would be severely restricted by restrictions against further accesses on Gateway Blvd, an arterial street, as well as by its small size. Residential use of the property is appropriate to existing development to the north, east and west, and can be accommodated via Harvey Road, a local street. The RC Residential Commercial designation would also allow for the conversion of the property for small-scale commercial use, which would appropriately buffer the residential properties on Harvey from the more intensive uses and traffic on Gateway.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the site. The property at 1945 Harvey Road is accessed via a driveway within the N. 19th Street right-of-way to Harvey Road, a local street, but there is no access from Gateway Blvd. Future transportation impacts will be lessened by the proposed

comprehensive plan map and land use district map change, by reducing demands for commercial access to Gateway Blvd and reducing potential traffic conflicts.

The following Statewide Planning Goals are not applicable to the proposed redesignation/rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 6 – Air and Water Resources; Goal 8: Recreational Needs; 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

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 February 11, 2021. Public hearings have been held at the Planning Commission and City Council levels to consider this redesignation/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

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

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

Conversion of these properties from residential commercial from commercial tourist will continue the mix of residential and commercial development along Gateway while providing a buffer to the residential development along Harvey. This designation/zone change is hence an improvement over the existing zoning and is in compliance with Goal 5.

Goal 7: Areas Subject to Natural Disasters and 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 9: Economic Development

The subject properties have been designated for commercial use since at least 1993 (Periodic Review). The house was built on the property in 1949. The redesignation of this site to residential commercial will allow the retention of this single family home. It would be an allowed use under the R-C District, whereas it is a non-conforming use under CT. The proposed change is in compliance with Goal 9.

Goal 10: Housing

Goal 10 is applicable. The comprehensive plan change/zone change will place 0.98 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 residential use of the properties will buffer the adjacent residential uses from the traffic along Gateway Blvd, and will remove a potential traffic conflict, reducing traffic impacts on Gateway. 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
Total new dwelling units (2018-2038)	1,379

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

The properties can be adequately served with public facilities. Sidewalks are already existing on Gateway Blvd. 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

Parcel 301 has an existing access via N. 19th Street onto Harvey Road. Parcel 101 includes Gateway Blvd. It is the City's intent to follow up on this application with the dedication of Gateway Blvd and the sale/transference of the remaining sections of TL 101 to adjacent property owners, including Mr. Fuller. N. 19th Street will also be vacated at this time. These improvements to the area will allow for the expansion of development on TL 301 without impacting or crossing into public rights-of-way while preserving the function of the street system. The proposed redesignation reduces potential traffic upon the 0.98 acres by changing the properties to Residential Commercial, which does not allow many of the traffic-intensive uses allowed under CT Commercial Tourist. Hence, the proposed change is in compliance with Goal 12.

Goal 13: Energy Conservation

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

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.

8. The property owner of the land involved in the Plan Amendment/Rezoning is in favor of the proposed actions.

9. The proposed change is in the public's interest; is in keeping with the development pattern in this area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare.