

MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: ORDINANCE AMENDING THE TITLE 14 LAND USE
DISTRICT MAP FOR 78282, 78286, 78290, & 78294 HWY 99

DATE: January 5, 2021

Background

At the City Council meeting held on December 13, 2021 Council adopted Ordinance No. 3150 annexing 1.57 acres into the City of Cottage Grove. As a requirement of annexation per Section 18.04.090 of the Cottage Grove Municipal Code the property owner is required to apply for a zone change of the subject property to re-designate the zoning from county to city zoning.

Per Subsection 14.47.400 1 “the Planning Commission shall review and decide upon land use district map changes that do not involve comprehensive plan map amendments through a Type III application procedure”.

The Planning Commission held a Public Hearing for ZC 1-21 on December 15, 2021 voting 6-0 in favor of applying the Comprehensive Plan designation of C2P Community Commercial to the subject properties.


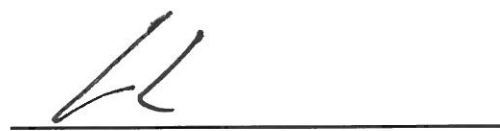
As the Planning Commission does not have the ability to adopt an Ordinance, Council is now being asked to ratify the Planning Commission’s decision to approve ZC 1-21 by adopting the Ordinance.

This ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.

Recommendation

It is recommended that City Council hold a 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
Eric Mongan, City Planner

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF COTTAGE GROVE MUNICIPAL
CODE TITLE 14 LAND USE, THE CITY WIDE ZONING MAP FOR

Map 20-03-33-32-00400; 78278 Hwy 99 &
Map 20-03-33-32-00200; 78282, 78286, 78290, & 78294 Hwy 99

WHEREAS, the purpose of this ordinance is to implement the Planning
Commission's decision dated December 13, 2021;

WHEREAS, the Planning Commission decision approved an amendment to the
adopted citywide Land Use District Map to rezone Map 20-03-33-32-00400; 78278 Hwy
99 and Map 20-03-33-32-00200; 78282 Hwy 99 , recently annexed through A 1-21, as
shown on the map attached as Exhibit A from Lane Code Chapter 10 AGT5 to C2P
Community Commercial;

WHEREAS, as provided in the City's Development Code at Section 14.47.400.1.,
the Council has delegated authority to review and decide zone change applications to the
Planning Commission; and

WHEREAS, the City Council recognizes the Planning Commission's decision
outlined above as the City's final decision; and

WHEREAS, the purpose of this ordinance is to implement the Planning
Commission's final zone change decision and allow Lane County and LCOG to make all
necessary map changes at the county and regional level.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Implementation. The Planning Commission's decision (Exhibit
A), including all findings of fact in support of the decision and contained therein, is
hereby implemented and the zone changes identified on Exhibit A will be reflected on all
relevant maps.

Section 2. Effective Date. This ordinance will take effect 30 days after
enactment.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
THIS _____ DAY OF _____, 2022.

ATTEST:

Jeffrey D. Gowing, Mayor

Dated: _____

Richard Meyers, City Manager

Dated: _____

EXHIBIT A:

Map 20-03-33-32-00400 & 00200 Zone Change to C2P Community Commercial

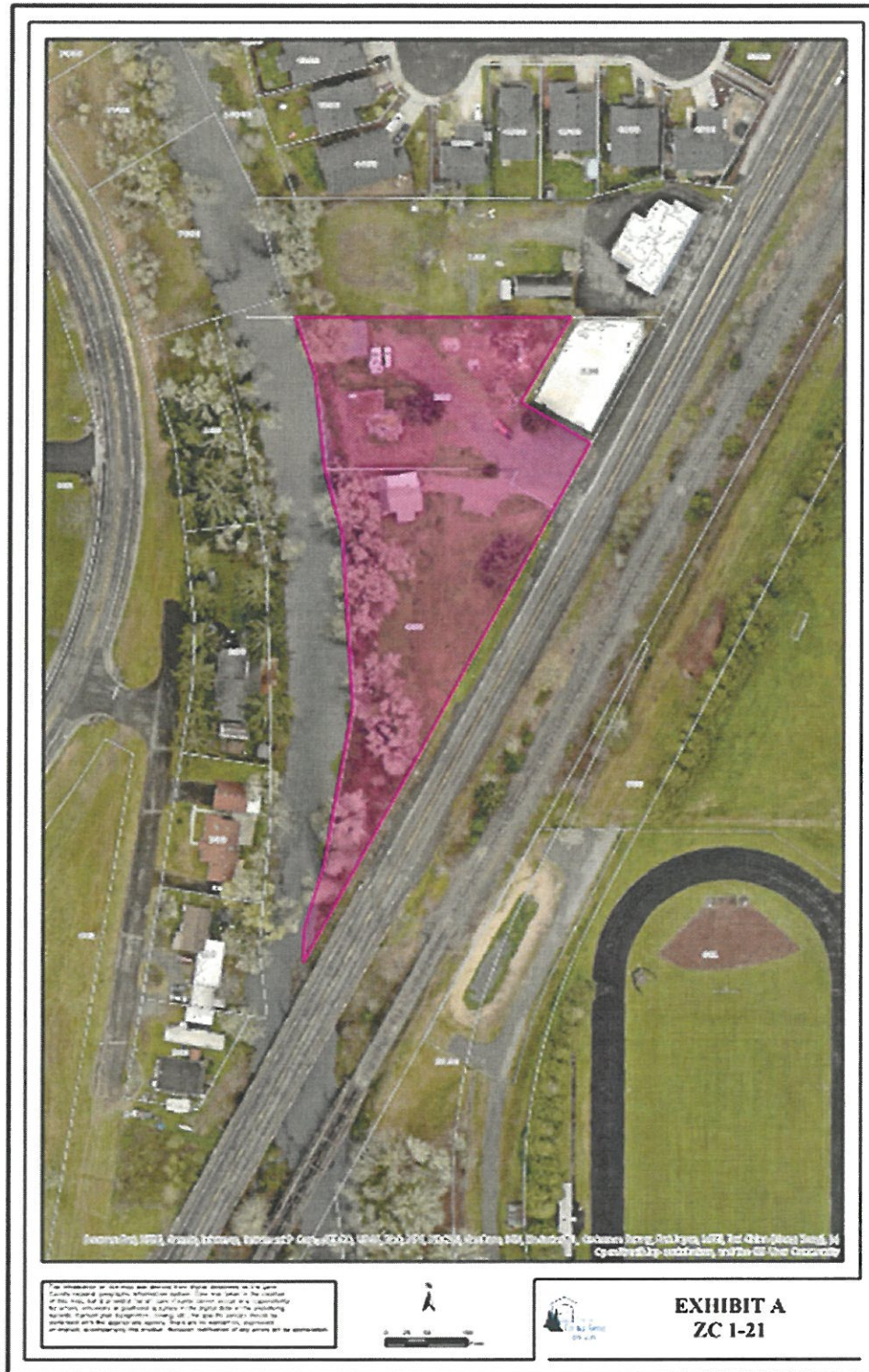


EXHIBIT B: FINDINGS
ORDINANCE NO. _____

1. Jose Contreras has made an application to rezone 2 parcels of the land as a requirement of the concurrent Annexation process. The proposed zoning for the subject properties is C2P – Community Commercial per Comprehensive Plan designation of C Community Commercial.
2. The lands are within the Urban Growth Boundary of Cottage Grove, and were annexed on December 13, 2021 (A 1-21). Map 20-03-33-32 TL's 400 and 200 are designated as C Commercial on the Cottage Grove Comprehensive Plan map. The Comprehensive Plan Land Use Diagram identifies C-2P Community Commercial as an implementing zone for this land use category.
3. The Planning Commission voted to apply the C2P Community Commercial zone to TL's 400 and 200 and at their December 15, 2021 public hearing (ZC 1-21).
4. 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. The C2P – Community Commercial zone is compatible to surrounding land uses to the subject properties, which have been committed to commercial use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated C Community Commercial. The eastern boundary of the subject property is Hwy 99S.
5. Adequate public facilities, including water, sewer, streets, etc. are available to be brought to the site along Hwy 99S.
6. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreation; Goal 10 – Housing; Goal 11 – Public Facilities and Services; Goal 15 – Willamette River Greenway; 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:
 - a) Goal 1 – Citizen Involvement: This request is consistent with Goal 1. Adequate public notice of the proposed changes has been provided through the Type III public notice process as specified in Section 14.41.400 of the Development Code. Public hearings have been held at the Planning Commission level to consider this land use change. 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 recognized neighborhood groups.
 - b) Goal 2 – Land Use Planning: The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of

the City of Cottage Grove Municipal Code and has been found compatible with the City's Comprehensive Plan.

- c) Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources: The subject properties abut the Coast Fork Willamette River along their western boundaries with the majority of both parcels encumbered by the Willamette Greenway. Any future development of the subject properties will be subject to Type III review by the City of Cottage Grove Planning Commission to ensure the land use goals for the Greenway are met. Additionally, the subject properties have areas encumbered by the Special Flood Hazard Area. As with the Greenway, with the annexation of the subject properties into the City of Cottage Grove and the application of the C2P Zone, the subject properties will be subject to review by the Floodplain Administrator to ensure compliance with local, State, and Federal Regulation. The existing house on TL 400 was constructed in 1935, but at this time is not considered to be historic, nor is it designated at this time.
- d) Goal 6 – Air, Water & Land Resources Quality: Development of these properties will comply with city, state and federal standards to protect air and water quality. No identified natural resources are being degraded by this rezoning. Any development on these parcels will be required to identify and protect resources.
- e) Goal 7 – Areas Subject to Natural Disasters and Hazards: The subject properties abut the Coast Fork Willamette River and therefore are encumbered by the Special Flood Hazard Area and Floodway along the western boundaries of the parcels. Existing development and proposed development will be required to comply with local, State, and Federal Regulation relating to floodplain development. The subject properties are flat and there are no known landslide hazards.
- f) Goal 9 – Economic Development: This annexation/zone change brings into the City's inventory 1.57 acres of commercially zoned land that has been designated by the City's Comprehensive Plan. As stated by the applicant the annexation/zone change application is driven by their desire to develop a commercial node adjacent to the river and to be a destination for the local high school students. This zone change will support the City's economic development goals.
- g) Goal 10 – Housing: The existing home on TL 400 will become a legal non-conforming use through this zone change, however residential uses are outright permitted on commercially zoned properties when they are above commercial uses or behind 25' of commercial use. As stated by the applicant they intend to develop a drive-through coffee stand, which would make the dwelling a permitted use in the zone.
- h) Goal 11 – Transportation: The subject properties are sited along Oregon State Highway 99 with adequate frontage to the public right-of-way. Development of the frontage of the property will be subject to permitting from the Oregon Department of Transportation. Hwy99 in this area is 40' wide paved highway with two lanes and bike lanes. There are no sidewalks, curb or gutter.

- i) Goal 13 – Energy Conservation: The parcels can be served by City streets and services. Preservation of existing development patterns maximizes energy conservation.
 - j) Goal 14 – Urbanization: The lots are already in Cottage Grove’s urban growth boundary and the city limits of Cottage Grove (through Annexation A 1-21).
8. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area. The lands are within the Urban Growth Boundary of Cottage Grove, and was annexed on December 13, 2021 by City Council. The subject properties were originally zoned AGT5 Lane County Chapter 10, with a Cottage Grove Comprehensive Plan designation of C Commercial. The C2P – Community Commercial zone is a proper implementing zone for the Comprehensive Plan designation of C Commercial. With the recent annexation of this property, it is appropriate to apply the C2P – Community Commercial zone to this property.

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. The C2P – Community Commercial zone is compatible to surrounding land uses to the subject properties, which have been committed to commercial use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated C Community Commercial. The eastern boundary of the subject property is Hwy 99S.

9. The properties are 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 in the planning period. Existing public facilities, services and transportation networks already support the adjacent uses. City services may be expanded and/or extended to meet the needs of future development on the property along Hwy 99. The planned extension of S. R Street to Hwy 99 complies with the 2016 Cottage Grove Transportation System Plan. The surface stormwater conveyance system will be accommodated as part of the road realignment to ensure adequate drainage of these and surrounding properties.
10. The change is in the public interest with regard to neighborhood or community conditions. The proposed change will allow for the seamless implementation of the Cottage Grove Comprehensive Plan. Hence, this change is consistent with this criteria.
11. The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the 2016 Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12).
12. The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The C2P Community Commercial zone is the proper implementing zone for the subject Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.