

MEMORANDUM

TO: Mayor and City Council

FROM: Faye Stewart, Public Works & Development Director

SUBJECT: ORDINANCE AMENDING THE CITY OF COTTAGE GROVE
MUNICIPAL CODE TITLE 14 LAND USE, CITYWIDE ZONING
MAP FOR THREE UNADDRESSED PARCELS (20-03-33-33 TL's
1300, 1400, & 1500)

DATE: October 5, 2022

Background:

Staff recently was made aware that three parcels of land located west of Hayes and Grant Avenues did not have the City's Zoning applied to them. The parcels are remnants of the former O, P, & E rail road right of way that used to run along the east bank of the Coast Fork Willamette River. Staff believes that at the time they were vacated as right-of-way the City's Zoning was not applied and the parcels were defaulted to Lane Code Chapter 10 designation of, Agriculture, Grazing, & Timber – 5, even though the parcels are within the incorporated city limits of Cottage Grove. The application to designate the parcels per the Cottage Grove Comprehensive Plan was brought by the City of Cottage Grove. The Comp Plan designation for the three parcels is L – Low Density Residential and this request will amend the Citywide Zoning Map to show them as R-1 – Single-family Residential.

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 2-22 on September 21, 2022 voting 6-0 in favor of applying the Comprehensive Plan designation of R1 – Single-family Residential 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 2-22 by adopting the prepared Ordinance.

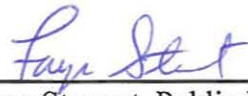
This ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.

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


Faye Stewart, Public Works &
Development Director

STAFF REPORT
CITY OF COTTAGE GROVE
GRIDELLI, SCHRODT, & HOELZLE
ZC 2-22

LAND USE MAP CHANGE

Map/TL: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500

September 21, 2022

PROPOSAL DESCRIPTION

Date application filed: August 16, 2022

Applicant: City of Cottage Grove
400 E Main Street
Cottage Grove, OR 97424

Owner(s): Hoelzle Lois P (TL 1500)
78185 Rat Creek Rd
Cottage Grove, Oregon 97424

Schrodt Ronald D & Thompson-Schrodt Nicole C (TL 1400)
201 Grant Ave
Cottage Grove, Oregon 97424

Gridelli Armand & Maria A (TL 1300)
206 Hayes Ave
Cottage Grove, Oregon 97424

Location(s): 201 Grant Avenue (20-03-33-33-01400); and
200 Grant Avenue (20-03-33-33-01300); and
206 Hayes Avenue (20-03-33-33-01500),
Cottage Grove, OR 97424

Comp Plan Designation: L – Low Density Residential

Current Zoning: AGT 5 Agriculture, Grazing, Timber Raising, 5-acre minimum,
Lane Code Ch. 10

Proposed Zoning: R-1 Single-family Residential

Proposal: To amend the Land Use Map to rezone three parcels that have been within the incorporated city limits of Cottage Grove for many years but are currently zoned AGT -5 under the Lane Code Chapter 10. It is believed that this zoning is currently being applied as the lands formerly were railroad right-of-way and when the right-of-way was vacated and sold to the adjacent property owners in 1991 the parcels were converted by default to the AGT-5 zone.

The City of Cottage Comprehensive Plan Map designation for the subject parcels is L – Low Density Residential and the applicant has requested that the R-1 – Single-family Residential Zone be applied to the subject parcels. No Plan amendment is required.

There is no existing development on tax lots 1300, 1400, or 1500. At this time there are no known plans for redevelopment of the properties, but if/when that does occur it shall comply with Title 14 of the Cottage Grove Municipal Code.

COMMENTS RECEIVED

Written comments were received prior to the Public Hearing. The comments were submitted by Samuel Goldberg of the Fair Housing Council of Oregon (comments attached as an exhibit). The concern of the commenter was in regard to the Goal 10 finding made by staff. Staff was able to amend the Goal 10 finding prior to the Public Hearing and the proposed Zone Change application was approved with the revised finding.

APPROVAL CRITERIA AND FINDINGS; ZC 2-22

14.47.500 Criteria for Legislative & Quasi-Judicial Amendments

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

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

Staff response and findings of fact:

This request is consistent with the Statewide Planning Goals. As this application modifies the adopted Land Use Diagram of the Comprehensive Plan, the Statewide Planning Goals that are directly impacted by this request are Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 6 Air, Water, & Land Resources, Goal 10 Housing, Goal 11 Transportation, Goal 13 Energy Conservation, and Goal 14 Urbanization.

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.

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.

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.

Goal 10 – Housing: Goal 10 – Housing: At this time the subject properties are undeveloped. Tax lot 1300 is 0.17 acres, tax lot 1400 is 0.14 acres, and tax lot 1500 is 0.10 acres and all meet the minimum dimension of the R-1 Zone.

The zone change will add the 0.41 acres to the City's housing lands inventory meeting an identified need for more residential dwelling unit development per the 2018 Buildable Lands Analysis. There is not a maximum density established for any residential zone within the City of Cottage Grove. Maximum densities are established by other criteria within the development code such as setbacks, lot coverage, building height, open space and landscaping requirements, and parking. The proposed change is in compliance with Goal 10 and the City's Comprehensive Plan. (See charts from 2018 Housing Needs Analysis below.) Any future residential development is subject to the criterion of Title 14 of the Cottage Grove Municipal Code.

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	
Single-family detached	
Percent single-family detached DU	65%
equals Total new single-family detached DU	896
Single-family attached	
Percent single-family attached DU	10%
equals Total new single-family attached DU	138
Multifamily	
Percent multifamily	25%
Total new multifamily	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 – Transportation: Tax lot 1500 has street frontage to Hayes Avenue right-of-way with adequate frontage for the proposed R-1 zoning. Per the 2015 Transportation Systems Plan Hayes Avenue is a local access road. At this time the road cross-section is not completely constructed as there are no sidewalks, curbs or gutters. Tax lots 1300 and 1400 do not have frontage to a public right-of-way but per Section 14.43.155 B the Midblock Lane standard allows development of a parcel that is accessed by a private access easement. If tax lots 1300 and/or 1400 are proposed for residential development an access easement would be a condition of approval.

Goal 13 – Energy Conservation: The parcels can be served by City streets and services. Preservation of existing development patterns maximizes energy conservation.

Goal 14 – Urbanization: The lots are already in Cottage Grove's urban growth boundary and the city limits of Cottage Grove.

2. *Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area;*

Staff response and findings of fact:

Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area. The land is within the Urban Growth Boundary of Cottage Grove, and is within the incorporated city limits of Cottage Grove. The subject properties were originally zoned AGT-5 per Lane County Chapter 10, with a Cottage Grove Comprehensive Plan designation of L – Low Density Residential. The R-1 Single-family Residential Zone is the proper implementing zone for the Comprehensive Plan designation of L – Low Density Residential. It is appropriate to apply the R-1 – Single-family Residential zone to these properties.

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 R-1 Single-family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated R-1 Single-family Residential. The subject properties are bounded to the north, east, and south by R-1 Single-family Residential and PR Parks & Recreation to the west.

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 in the planning period;*

Staff response and findings of fact:

The subject property 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 in the planning period. Existing public facilities, services and transportation networks already support the adjacent uses.

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; and*

Staff response and findings of fact:

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.

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*

Staff response and findings of fact:

The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the 2015 Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12).

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

Staff response and findings of fact:

The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The R-1 Single-family Residential zone is the proper implementing zone for the subject Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.

CONCLUSION

Zone Change approval pursuant to Sections 14.47.500.H Criteria for Legislative & Quasi-Judicial Amendments is supported by the findings of fact that establish compliance with the applicable state and local standards.

STAFF RECOMMENDATION

Approval of ZC 2-22 to amend the Comprehensive Plan Land Use Map to rezone, Map/Tax Lots: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500, Cottage Grove, OR 97424 to R-1 Single-family Residential, pursuant to Section 14.47.500, which is supported by findings of fact in the staff report.

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File: ZC 2-22

EXHIBITS

- A. Draft Ordinance
- B. Written Comments from Samuel Goldberg, Fair Housing Council of Oregon, 1221 Yamhill Street #305, Portland, OR 97205

EXHIBIT A:
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF COTTAGE GROVE MUNICIPAL
CODE TITLE 14 LAND USE, THE CITY WIDE ZONING MAP FOR
MAP/TAX LOTS: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500

WHEREAS, the purpose of this ordinance is to implement the Planning Commission's decision dated September 21, 2022;

WHEREAS, the Planning Commission decision approved an amendment to the adopted citywide Land Use District Map to rezone Map/Tax Lots 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500, Cottage Grove, OR 97424, as shown on the map attached as Exhibit A from Lane Code Chapter 10 AGT-5 to R-1 Single-family Residential;

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: _____

Map/Tax Lots: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500
Zone Change to R-1 Single-family Residential



EXHIBIT B: FINDINGS

ORDINANCE NO. _____

1. The City of Cottage Grove has made an application to rezone three parcels of land. The proposed zoning for the subject properties is R-1 Single-family Residential per Comprehensive Plan designation of L – Low Density Residential.
2. The lands are within the Urban Growth Boundary of Cottage Grove, and within the incorporated city limits of Cottage Grove. Map/TL: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500 are designated as L – Low Density Residential on the Cottage Grove Comprehensive Plan map. The Comprehensive Plan Land Use Diagram identifies R-1 Single-family Residential as an implementing zone for this land use category.
3. The Planning Commission voted to apply the R-1 Single-family Residential zone to TL's 1300, 1400, & 1500 at their September 21, 2022 public hearing (ZC 2-22).
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 R-1 Single-family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated R-1 Single-family Residential. The subject properties are bounded to the north, east, and south by R-1 Single-family Residential and PR Parks & Recreation to the west.
5. Adequate public facilities, including water, sewer, streets, etc. are available at the north and south boundaries of the subject parcel.
6. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources; Goal 7 – Areas Subject to Natural Disasters and Hazards; Goal 8 – Recreation; Goal 9 – Economic Development; 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 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.

- d) Goal 10 – Housing: Goal 10 – Housing: At this time the subject properties are undeveloped. Tax lot 1300 is 0.17 acres, tax lot 1400 is 0.14 acres, and tax lot 1500 is 0.10 acres and all meet the minimum dimension of the R-1 Zone. The zone change will add the 0.41 acres to the City’s housing lands inventory meeting an identified need for more residential dwelling unit development per the 2018 Buildable Lands Analysis. There is not a maximum density established for any residential zone within the City of Cottage Grove. Maximum densities are established by other criteria within the development code such as setbacks, lot coverage, building height, open space and landscaping requirements, and parking. The proposed change is in compliance with Goal 10 and the City’s Comprehensive Plan. (See charts from 2018 Housing Needs Analysis below.) Any future residential development is subject to the criterion of Title 14 of the Cottage Grove Municipal Code.

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	
Single-family detached	
Percent single-family detached DU	65%
equals Total new single-family detached DU	896
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- e) Goal 11 – Transportation: Tax lot 1500 has street frontage to Hayes Avenue right-of-way with adequate frontage for the proposed R-1 zoning. Per the 2015 Transportation Systems Plan Hayes Avenue is a local access road. At this time the road cross-section is not completely constructed as there are no sidewalks, curbs or gutters. Tax lots 1300 and 1400 do not have frontage to a public right-of-way but per Section 14.43.155 B the Midblock Lane standard allows development of a parcel that is accessed by a private access easement. If tax lots 1300 and/or 1400 are proposed for residential development an access easement would be a condition of approval.
- f) Goal 13 – Energy Conservation: The parcels can be served by City streets and services. Preservation of existing development patterns maximizes energy conservation.
- g) Goal 14 – Urbanization: The lots are already in Cottage Grove’s urban growth boundary and the city limits of Cottage Grove.
8. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area. The land is within the Urban Growth Boundary of Cottage Grove, and is within the incorporated city limits of Cottage Grove. The subject properties were originally zoned AGT-5 per Lane County Chapter 10, with a Cottage Grove Comprehensive Plan designation of L – Low Density Residential. The R-1 Single-family Residential Zone is the proper implementing zone for the Comprehensive Plan designation of L – Low Density Residential. It is appropriate to apply the R-1 – Single-family Residential zone to these properties.

9. 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 R-1 Single-family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated R-1 Single-family Residential. The subject properties are bounded to the north, east, and south by R-1 Single-family Residential and PR Parks & Recreation to the west.
10. The subject property 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 in the planning period. Existing public facilities, services and transportation networks already support the adjacent uses.
11. 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.
12. 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).
13. The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The R-1 Single-family Residential zone is the proper implementing zone for the subject Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.



September 21, 2022

Cottage Grove Planning Commission
400 E. Main St,
Cottage Grove, OR 97424

Exhibit B

Re: Rezone three parcels from Lane Code Ch 10, AGT-5 to R-1 Single-family Residential under the Cottage Grove Title 14 Land Use Map (ZC 2-22)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for the proposed zone amendment states that it is "is supported by findings of fact in the staff report." However, the only findings of fact in the Goal 10 section are the size of the lots in question and that they are currently undeveloped. Compliance with Goal 10 requires the City to cite its current housing need, as well as quantify the impact of the proposed change. The findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v.*



Town of Lakeview, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). In addition, the City should consider whether R-1 is a needed zone designation, or whether, as we suspect, a denser zone designation will help the City better meet its housing goals. Only with a complete analysis, utilizing both the HNA and BLI, can housing advocates and planners understand whether the City is achieving its goals through ZC 2-22.

HLA and FHCO urge the Commission to defer adoption of ZC 2-22 until Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Please provide written notice of your decision to, FHCO, c/o Allan Lazo, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Allan Lazo at information@fhco.org or reach him by phone at (503) 223-8197 ext. 104.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Allan Lazo".

Allan Lazo
Executive Director
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF COTTAGE GROVE MUNICIPAL
CODE TITLE 14 LAND USE, THE CITY WIDE ZONING MAP FOR
MAP/TAX LOTS: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500

WHEREAS, the purpose of this ordinance is to implement the Planning Commission's decision dated September 21, 2022;

WHEREAS, the Planning Commission decision approved an amendment to the adopted citywide Land Use District Map to rezone Map/Tax Lots 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500, Cottage Grove, OR 97424, as shown on the map attached as Exhibit A from Lane Code Chapter 10 AGT-5 to R-1 Single-family Residential;

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 10TH DAY OF OCTOBER, 2022.

ATTEST:

Jeffrey D. Gowing, Mayor

Dated: _____

Richard Meyers, City Manager

Dated: _____

Map/Tax Lots: 20-03-33-33-01300, 20-03-33-33-01400, & 20-03-33-33-01500
Zone Change to R-1 Single-family Residential



EXHIBIT B: FINDINGS

ORDINANCE NO. _____

1. The City of Cottage Grove has made an application to rezone three parcels of land. The proposed zoning for the subject properties is R-1 Single-family Residential per Comprehensive Plan designation of L – Low Density Residential.
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3. The Planning Commission voted to apply the R-1 Single-family Residential zone to TL's 1300, 1400, & 1500 at their September 21, 2022 public hearing (ZC 2-22).
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 R-1 Single-family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated R-1 Single-family Residential. The subject properties are bounded to the north, east, and south by R-1 Single-family Residential and PR Parks & Recreation to the west.
5. Adequate public facilities, including water, sewer, streets, etc. are available at the north and south boundaries of the subject parcel.
6. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources; Goal 7 – Areas Subject to Natural Disasters and Hazards; Goal 8 – Recreation; Goal 9 – Economic Development; 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 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.

- d) Goal 10 – Housing: Goal 10 – Housing: At this time the subject properties are undeveloped. Tax lot 1300 is 0.17 acres, tax lot 1400 is 0.14 acres, and tax lot 1500 is 0.10 acres and all meet the minimum dimension of the R-1 Zone. The zone change will add the 0.41 acres to the City’s housing lands inventory meeting an identified need for more residential dwelling unit development per the 2018 Buildable Lands Analysis. There is not a maximum density established for any residential zone within the City of Cottage Grove. Maximum densities are established by other criteria within the development code such as setbacks, lot coverage, building height, open space and landscaping requirements, and parking. The proposed change is in compliance with Goal 10 and the City’s Comprehensive Plan. (See charts from 2018 Housing Needs Analysis below.) Any future residential development is subject to the criterion of Title 14 of the Cottage Grove Municipal Code.

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	
Single-family detached	
Percent single-family detached DU	65%
equals Total new single-family detached DU	896
Single-family attached	
Percent single-family attached DU	10%
equals Total new single-family attached DU	138
Multifamily	
Percent multifamily	25%
Total new multifamily	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

- e) Goal 11 – Transportation: Tax lot 1500 has street frontage to Hayes Avenue right-of-way with adequate frontage for the proposed R-1 zoning. Per the 2015 Transportation Systems Plan Hayes Avenue is a local access road. At this time the road cross-section is not completely constructed as there are no sidewalks, curbs or gutters. Tax lots 1300 and 1400 do not have frontage to a public right-of-way but per Section 14.43.155 B the Midblock Lane standard allows development of a parcel that is accessed by a private access easement. If tax lots 1300 and/or 1400 are proposed for residential development an access easement would be a condition of approval.
- f) Goal 13 – Energy Conservation: The parcels can be served by City streets and services. Preservation of existing development patterns maximizes energy conservation.
- g) Goal 14 – Urbanization: The lots are already in Cottage Grove’s urban growth boundary and the city limits of Cottage Grove.
8. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area. The land is within the Urban Growth Boundary of Cottage Grove, and is within the incorporated city limits of Cottage Grove. The subject properties were originally zoned AGT-5 per Lane County Chapter 10, with a Cottage Grove Comprehensive Plan designation of L – Low Density Residential. The R-1 Single-family Residential Zone is the proper implementing zone for the Comprehensive Plan designation of L – Low Density Residential. It is appropriate to apply the R-1 – Single-family Residential zone to these properties.

9. 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 R-1 Single-family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated R-1 Single-family Residential. The subject properties are bounded to the north, east, and south by R-1 Single-family Residential and PR Parks & Recreation to the west.
10. The subject property 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 in the planning period. Existing public facilities, services and transportation networks already support the adjacent uses.
11. 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.
12. 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).
13. The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The R-1 Single-family Residential zone is the proper implementing zone for the subject Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.