

MEMORANDUM

TO: Mayor and City Council

FROM: Allison Crow, Assistant City Planner

SUBJECT: PUBLIC HEARING FOR ORDINANCE AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP & TITLE 14 LAND USE DISTRICT MAP FOR 2110 W. MAIN ST (MAP 20-03-29-34 TL 00500) (MCPA 3-23)

DATE: November 8, 2023

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 1.63 acres of land owned by April and Kyle Kishen at 2110 W. Main Street (Map 20-03-29-34 TL 00500). This application is to change the Comprehensive Plan designation of H – High Density Residential to M – Medium Density Residential, and apply City Zoning of R-2 – Medium Density Residential.

One comment was received in support of this application, and one comment was received from both the Housing Land Advocates and the Fair Housing Council of Oregon, which called out the Goal 10 findings. Staff took their comments into consideration and published a revised staff report. After consideration of the revised staff report, the Housing Land Advocates and the Fair Housing Council of Oregon are satisfied with staff's findings.

The Planning Commission held a Public Hearing on October 18, 2023 and recommended approval to Council.


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

Recommendation

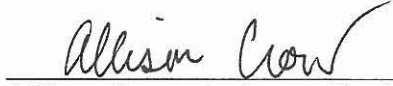
That the Public Hearing be held.

Cost

None.



David Clyne, City Manager Pro-Tem



Allison Crow, Assistant City Planner

REVISED STAFF REPORT
CITY OF COTTAGE GROVE; MCPA 3-23
COMPREHENSIVE PLAN AMENDMENT/LAND USE MAP AMENDMENT
MAP / TAX LOT 20-03-29-34-00500
2110 W. MAIN STREET
NOVEMBER 13, 2023

PROPOSAL DESCRIPTION

Date application filed: September 5, 2023

Date deemed complete: September 13, 2023

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

Owner: Kyle and April Kishen
2110 W. Main St
Cottage Grove, OR 97424

Location: 2110 W. Main ST
Map/TL: 20-03-29-34-00500

Current Comp Plan: H – High Density Residential

Current Zoning: Un-zoned

Proposed Comp Plan: M – Medium Density Residential

Proposed Zoning: R-2 – Medium Density Residential

MATERIALS TO BE PART OF THE RECORD

City of Cottage Grove File: MCPA 3-23

- Applicant's Application
- City of Cottage Grove Completeness Correspondence
- Affidavit of Posting
- Affidavit of Notice
- File MCPA 3-23
- Written comments from Donald and Barbara Burch at 2009 W. Main St, Cottage Grove, OR 97424
- Written comments from the Housing Land Advocates and Fair Housing Council of Oregon; 121 SW Morrison Street Suite 1850, Portland, OR 97204 and 1221 SW Yamhill Street #305, Portland, OR 97205

Proposal:

The subject parcel was annexed into City limits through Cottage Grove File No. A 2-04, at which time the concurrent zone change application was not filed to implement the Comprehensive Plan Designation of H – High Density Residential. Presently, the owner cannot do any changes to their parcel in regards to land use, as there is no basis on which standards apply within the Cottage Grove Municipal Code. This application is to rectify that oversight.

This parcel, as part of the original annexation, abuts the subdivided parcels that also were not processed for a zone change at the time of annexation. In the immediate surrounding area, however, the zones are R3 (High Density Residential), R2 (Medium Density Residential), and R1 (Single Family Residential). At this time, the applicant has proposed the Comprehensive Plan Designation and the Zone Map be updated to reflect M – Medium Density Residential and R2 – Medium Density Residential.

The subject parcel is bounded on the northern and western border by Silk Creek, and bordered on the south by W. Main Street. There is an existing residence constructed in 1950. The parcel is encumbered by the Special Flood Hazard Area. The property lines for this parcel extend from south of Silk Creek on the eastern side of the parcel, into the creek on the north portion of the parcel, and eventually crosses to the north bank of the creek on the west side.

There are two parts to this application:

- a. Amend the Comprehensive Plan Land Use Map to re-designate the subject parcel from H - High Density Residential to M – Medium Density Residential, as described in Exhibit A (Map / Tax Lot: 20-03-29-34-00500); and
- b. Amend Title 14, Cottage Grove Development Code Land Use District Map to apply the R2 (Medium Density Residential) zone to the subject property, as described in Exhibit A (Map / Tax Lot: 20-03-29-34-00500)

COMMENTS RECEIVED

- Written comments from Donald and Barbara Burch at 2009 W. Main St, Cottage Grove, Or 97424
- Written comments from the Housing Land Advocates and Fair Housing Council of Oregon; 1221 SW Yamhill Street #305, Portland, OR 97205 and 121 SW Morrison Street Suite 1850, Portland, OR 97204

APPROVAL CRITERIA AND FINDINGS; MCPA 3-23

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 Plan amendment and concurrent Map change 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 September 13, 2023. Public hearings will be held at the Planning Commission on October 18, 2023 and City Council on November 13, 2023 to consider this re-designation / applying a zone to the subject parcel. 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. This application is compliance with Goal 1.

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 (CGMC) and have been found compatible with the City's Comprehensive Plan. This application is in compliance with Goal 2.

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

The parcel is situated along Silk Creek, which falls within Cottage Grove's Riparian Development standards. These standards are such that, per Cottage Grove Municipal Code 14.37.300(D), "along all riparian areas identified in the adopted Goal 5 Riparian Resource Inventory, the riparian corridor boundary shall be 50 feet from top of bank." However, LUBA case *Home Builders Assn. of Lane Cty v. City of Eugene*, 41 Or LUBA 370, 422 (2002) identified that top of bank was potentially subjective. The above referenced LUBA case references that the terms "perimeter," "area occupied," and "top of the bank" have a commonly understood meaning. They further go into how "the described referents can be located by a reasonable person with reasonable effort". As such, the 50 foot Riparian Corridor boundary from top of bank can vary if potential development is proposed. Given that this section of Silk Creek not only has the Riparian Corridor, but floodplain (Zone AE) / floodway (Zone AE Floodway), and National Wetland Inventory wetlands as well, there are limits to the developable land, but it does not modify the ability to develop.

With all the above encumbrances and the existing residence, approximately 17,300 sqft of the 71,002.8 sqft parcel is developable, with varying lengths and widths, with the appropriate permits. The proposed change is in compliance with Goal 5.

Goal 6: Air, Water and Land Resources Quality

There are no capacity problems currently with the established residential use, as the intent is to continue the existing use. Any new development will be required to comply with Development Code requirements for stormwater management (CGMC Chapter 14.35) and Comprehensive Plan requirements related to air and water resource quality. Therefore, Goal 6 does not apply at this time.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is bordered on 3 sides by Silk Creek. Per FEMA FIRM 41039C2087F (June 2, 1999), the parcel is encumbered by the Special Flood Hazard Area (100-year and 500-year), as well as the floodway. The floodway borders the parcel on the northern and western boundary, and the floodplain (100-year) encompasses the majority of the parcel, save from an approximately 40ft by approximately 280ft area along the frontage, on W. Main Street. Any future development on this parcel will be required to adhere to Section 14.37.200 Flood Damage Prevention. There are no other known potential natural hazards that are not city-wide in nature (such as earthquakes). Compliance with Building Code and Development Code regulations when developing future uses will be a requirement for all 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: Economy of the State

The proposed amendment from High Density to Medium Density will allow for more housing types to be developed, such as workforce housing, which will further allow residents to live and work within Cottage Grove. Per the Cottage Grove Economic Opportunities Analysis of 2009, “the majority of Cottage Grove’s workforce (85%) lives in Lane County, with 28% in Cottage Grove.” (CGEOA pg15), which lends towards the need of more workforce housing. This action maintains the land as existing residential with additional options, allowing for increased affordability and availability. The proposed change is in compliance with Goal 9.

Goal 10: Housing

Goal 10 is applicable. The Comprehensive Plan amendment and concurrent Map change will retain the 1.63 parcel in the City’s housing lands inventory, and while the previous high density designation would allow further development of the parcel, the proposed medium density designation achieves the same goal of needed housing.

In 1981 the Cottage Grove Comprehensive Plan was adopted, assigning this parcel and those surrounding it a high density designation. At that time, the Plan recognized that “multiple-family development should have good access to major streets and should be located near commercial services and open space” (Plan, pg 9). Additionally, it “indicates multiple density adjacent to the river...”, as there was a trend towards more multiple family development. The Plan further assumed that “future residential development will take advantage of the planned unit development and clustering techniques, particularly along hillsides and along water courses”.

To the north of the subject parcel is the Grove of Pines subdivision; an approximately 11.20ac R3 zoned area of land that was developed with 41 single family dwellings, and with a density of approximately 3.6 units per acre, which is less than even the current required density of 4 units/acre of the R1 zone. This is the only developed R3 zoned section of land in this neighborhood, as the abutting parcel to the subject property and the parcels to the south of W. Main Street are designated as high density, but are not zoned.

While the 2018 Housing Needs Analysis (HNA) (Exhibit 1) did state the projected need for more multi-family dwelling units (25%), there was a significant need for single family detached dwellings (65%). The proposed change retains the existing single family dwelling and allows for additional dwelling units.

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

The table below referred to as Exhibit 55 showed the following needed densities at the time, in net and gross acres. Exhibit 55 converted between net acres and gross acres to account for land needed for rights-of-way based on empirical analysis of existing rights-of-way by Plan designation in Cottage Grove. For example, in residential development in the Medium Density, 20% of developed land is in rights-of-way.

- Low Density Residential: 22% of land is in the rights-of-way. The densities by zone in this Plan Designation area are between 4.0 dwelling units per net acre and 6.0 dwelling units per net acre.
- Medium Density Residential: 20% of land is in the rights-of-way. The densities by zone in this Plan designation area are between 6.0 dwelling units per net acre and 12.0 dwelling units per net acre. Development in the Medium Density Designation is generally occurring towards the lower end of the density range in recent years.
- High Density Residential: 18% of land is in the rights-of-way. The densities by zone in this Plan Designation are a minimum of 10.0 dwelling units per net acre, with no specified maximum density. The maximum density is regulated by the maximum height limit (40ft). For example, single-family detached housing is not

allowed in this Designation, unless it is built as new cottage cluster housing at a density of at least 10 dwelling units per acre.

Exhibit 55. Needed density for housing built in the Cottage Grove UGB, 2018 to 2038

Source: ECONorthwest. Note: DU is dwelling unit.

Plan Designation	Average Net Density (du/acre)	Percentage for Rights-of-Way	Average Gross Density (du/acre)
Low Density Residential	5	22%	3.9
Medium Density Residential	8	20%	6.4
High Density Residential	21	18%	17.2
Commercial Plan Designations	30	25%	22.5

As the study shows in the Medium Density development, the trend at the time was development of densities closer to the minimum requirement. To address this, staff convened a committee to conduct a residential code audit. In that process, the following amendments were proposed and adopted.

- Removal of maximum densities from all residential zones
- Reduction of minimum lot sizes (width, depth, square footage)
- Increased allowed lot coverage

These amendments coupled with the adoption of a Multi-Unit Property Tax Exemption Program have spurred recent new development of multi-family housing. The table below shows the number of new developments by zone type and units per acre.

Plan Designation	Min units/acre	Total new units January 1, 2019 to August 1, 2023	Total Acreage	Avg Density
Low-Density Residential	4	51	8.77	5.8
Medium-Density Residential	8	99	4.77	20.8
High-Density Residential	14	20	1.37	14.6
C2P	n/a	5	0.63	7.9
RC	8	40	2.01	19.9
	Total new	215	17.55	
		Average Density of Development Across All Zones		12.25

The removal of maximum densities has allowed for developers to maximize the use of lands available, achieving densities of 20+ units per acre and overall an increase in the density of development citywide with an average across all zones of 12.25 units/acre.

While this application would remove 1.63ac of high density designated land from the buildable lands inventory, the current trends show that the proposed medium density has a higher overall units/acre.

Recently, the City permitted 80 units of multi-family housing through SDR 2-21 (R2 zone) which has been completed and issued Certificate of Occupancy, 40 units of multi-family housing through SDR 3-20 (RC zone), of which 20 are completed and issued Certificate of Occupancy, and an application for a Master Plan Development for 120 units of multi-family housing (CT zone), for a total of 240 new multi-family units.

Additionally, with 11 new dwelling units in cottage clusters, 14 townhouses, and one quadplex development added to the multi-family unit total, there are a total of 269 new permitted multi-family dwelling units since the HNA was published in 2018. This leaves a 76 multi-family unit deficit until 2038. With the recent City purchase of approximately 35.44ac of R2 zoned land off of Cleveland Street and with the intention to subdivide and develop, staff feels this proposed Plan / Map change will not prevent the identified goal for needed housing as shown in the HNA. The proposed change is in compliance with Goal 10.

Goal 11: Public Facilities and Services

The parcel is currently utilizing a septic system but is connected to City water. Per CGMC 13.08.130, "It is unlawful to make alterations or repairs to, or to install new septic tanks on any premises located within the city limits unless granted special permission by the city engineer". If the septic system is in need of alteration, repair, or experiences a failure which requires a new septic system, the property owner will be required to tie into the City sewer lines per OAR 340-071-0160(4)(A)(i), as the property is within 300ft of the existing line in Cemetery Road. At the time of potential development or division of this parcel, per Section 14.34.300, sanitary sewer and water mains shall be installed to serve each new development. Currently, both the storm and sewer lines end at the corner of Cemetery Road and W. Main Street, and do not serve the subject parcel. The proposed change will not affect the ability to serve the parcel with City utilities.

Goal 12: Transportation

The subject parcel has access off of W. Main Street, which is classified as a Minor Arterial according to the City's 2015 Transportation System Plan. The current roadway is approximately 44' wide, with the actual right-of-way being approximately 69' wide. These measurements are within the standards placed by the 2015 Cottage Grove Transportation System Plan for a Minor Arterial, however, it is not currently developed to standards as mentioned in Chapter 12.10 of the CGMC. As such, this section of the road will be fully constructed with curb, gutter, and sidewalk at time of development.

If and when there are additional parcels created or additional residences are proposed, adherence to Title 14 Divisions 2 and 3 of the CGMC is required. This application does not change the fact that there is an existing residence on the parcel, and does not change the current trips per day. The proposed change is in compliance with Goal 12.

Goal 13: Energy Conservation

The proposed Plan / Map change will comply with Goal 13 due to the fact that the development and density potential of the parcel is retained along an already existing transportation corridor, and there is an existing residence on it. Additionally, because of the natural resources mentioned in Goal 5, there are limits of developable space. Furthermore, the CGMC employs devices that restrict the material impact on energy efficiency, such as lot size, dimensions, building height, and building coverage. This proposed change does not impact the existing residence. The proposed change is in compliance with Goal 13.

Goal 14: Urbanization

The subject parcel was annexed to the City of Cottage Grove in 2004 (File No. A 2-04) and therefore is inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14. This criterion has been met.

Non-applicable goals

Goal 3: Agricultural Lands

Goal 4: Forest Lands

Goal 8: Recreational Needs

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

This criterion is met as proposed.

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 Comprehensive Plan and its adopted implementing documents are expected overtime.

The Plan amendment and concurrent Map change is consistent with the following components of the Comprehensive Plan:

Land Use

To assure wise and efficient use of our urbanizable lands.

The parcel proposed for redesignation/application of City zoning is currently used for residential purposes. The parcels surrounding the subject parcel were also annexed but a Land Use Map change application was not submitted, applying City zoning based on the existing Comprehensive Plan Designation, and will be zoned appropriately in a separate application. The parcels closest to the subject parcel that are zoned are a mix of R1, R2, and R3, with designations of those parcels being L, M, and H. To the north of the subject parcel is the Grove of Pines subdivision; an approximately 11.20ac R3 zoned area of land that was developed with 41 single family dwellings, and with a density of approximately 3.6 units per acre, which is less than even the current required density of 4 units/acre of the R1 zone. The proposed change will continue to promote conscious and efficient development. This criterion is met as proposed.

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 proposed amendment from High Density to Medium Density will allow for more housing types to be developed, such as workforce housing, which will further allow residents to live and work within Cottage Grove. Per the Cottage Grove Economic Opportunities Analysis of 2009, “the majority of Cottage Grove’s workforce (85%) lives in Lane County, with 28% in Cottage Grove.” (CGEOA pg15), which lends towards the need of more workforce housing. This action maintains the land as existing residential with additional options, allowing for increased affordability and availability.

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 subject parcel is already residentially developed, and there are no development plans at this time. The proposed amendment does not change the development and density potential of this parcel, and it will retain the existing residence that is along an existing transportation corridor. Furthermore, the CGMC employs devices that restrict the material impact on energy efficiency, such as lot size, dimensions, building height, and building coverage. This criterion is met as proposed.

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 parcel is currently utilizing a septic system but is connected to City water. Per CGMC 13.08.130, “It is unlawful to make alterations or repairs to, or to install new septic tanks on any premises located within the city limits unless granted special permission by the city engineer”. If the septic system is in need of alteration or repair, the property owner will be required to tie into the City sewer lines per OAR 340-071-0160(4)(A)(i), as the property is within 300ft of the existing line in Cemetery Road. At the time of potential development or division of this parcel, per Section 14.34.300, sanitary sewer and water mains shall be installed to serve each new development. Currently, both the storm and sewer lines end at the corner of Cemetery Road and W. Main Street, and do not serve the subject parcel.

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 subject parcel was annexed into City limits through Cottage Grove File No. A 2-04, at which time the concurrent zone change application was not filed to implement the Comprehensive Plan Designation of H – High Density Residential. This application is to rectify the lack of zoning application at time of annexation, and to zone it in such a way that promotes potential residential development and necessary density while taking into account the natural encumbrances that burden the parcel.

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 subject parcel has access off of W. Main Street, which is classified as a Minor Arterial according to the City's 2015 Transportation System Plan. The current roadway is approximately 44' wide, with the actual right-of-way being approximately 69' wide. These measurements are within the standards placed by the 2015 Cottage Grove Transportation System Plan for a Minor Arterial, however, it is not currently developed to standards as mentioned in Chapter 12.10 of the CGMC. As such, this section of the road will be fully constructed with curb, gutter, and sidewalk at time of development.

If and when there are additional parcels created or additional residences are proposed, adherence to Title 14 Divisions 2 and 3 of the CGMC is required. This application does not change the fact that there is an existing residence on the parcel, and does not change the current trips per day.

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

As there is not change of use, no impact is expected from the redesignation/application of City zoning. There is existing capacity in the adjacent minor arterial road and collectors such that no change in facility classification is warranted.

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 3-23 to amend the Comprehensive Plan and Land Use Map, pursuant to Section 14.41.500, which is supported by findings of fact, to:

- a. Amend the Comprehensive Plan Land Use Map to re-designate the subject parcel from H – High Density Residential to M – Medium Density Residential, as described in Exhibit A (Map / Tax Lot: 20-03-29-34-00500); and
- b. Amend Title 14, Cottage Grove Development Code Land Use District Map to apply the R2 (Medium Density Residential) zone to the subject property, as described in Exhibit A (Map / Tax Lot: 20-03-29-34-00500)

CONDITIONS OF APPROVAL

None.

EXHIBITS

- A) Draft Ordinance amending the Comprehensive Plan Map and Cottage Grove Land Use Map (MCPA 3-23)

EXHIBIT A:
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM
MAP & TITLE 14 LAND USE DISTRICT MAP
FOR KYLE AND APRIL KISHEN
2110 W. MAIN ST (MCPA 3-23)
Map 20-03-29-34-00500

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, Kyle and April Kishen own 1.63 acres identified as Map 20-03-29-34-00500, 2110 W. Main St, which is developed with a single family home built in 1950 as shown in the map in Exhibit "A" attached hereto and forming a part of this ordinance; and

WHEREAS, the subject parcel was annexed into City limits through Cottage Grove File No. A 2-04, at which time the concurrent zone change application was not filed to implement the Comprehensive Plan Designation of H – High Density Residential.

WHEREAS, the City of Cottage Grove 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 change the designation from H – High Density Residential to M – Medium Density Residential, and apply an underlying zone of R2 – Medium Density Residential; and

WHEREAS, on October 18, 2023, the Cottage Grove Planning Commission conducted a properly noticed public hearing, provided the public an opportunity to comment on the proposed Plan change and application of City zoning, and adopted findings and recommended Council approval of the proposal; and

WHEREAS, on November 13, 2023, the Cottage Grove City Council conducted a properly noticed public hearing concerning the proposed Plan change and application of City zoning 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 Zone change application.

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. Amend the Cottage Grove Comprehensive Plan Land Use Diagram Map to redesignate the subject parcel described in Exhibit A from H – High Density Residential to M – Medium Density Residential; and
- b. Amend Title 14, Cottage Grove Development Code Land Use District Map to apply the R2 - Medium Density Residential zone to the subject parcel as described in Exhibit A.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 13TH DAY OF NOVEMBER, 2023

ATTEST:

Candace Solesbee, Mayor

Dated: _____

David Clyne, Pro Tem

Dated: _____

EXHIBIT B
ORDINANCE NO. _____

Kyle and April Kishen own approximately 1.63ac identified as Map / Tax Lot 20-03-29-34-00500, which is developed with a single-family residence built in 1950. The subject parcel was annexed into City limits through Cottage Grove File No. A 2-04, at which time a concurrent zone change application was not filed to implement the Comprehensive Plan Designation of H – High Density Residential.

The City of Cottage Grove has submitted this application to change the Comprehensive Plan designation and apply City Zoning to the above mentioned parcel (2110 W. Main Street) to M - Medium Density Residential and apply City zoning R2 – Medium Density Residential. This designation and zone will allow for more proposed residential development due to the encumbering floodplain, floodway, and Riparian Corridor on the parcel, while retaining the maximum unit density. Additionally, in the current H designation, and without a City zone applied, there is no basis on which standards to apply within the Cottage Grove Municipal Code.

1. 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.
2. 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.
3. 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 and to allow a potential increase in dwellings due to the encumbrances mentioned above on the parcel.
4. Adequate public facilities, including water, storm water, and streets are provided to the site or nearby. The subject parcel is currently on a septic system, but can be served with additional sewer infrastructure, such as a pump station. The property at 2110 W. Main St is accessed via W. Main Street. There are not foreseeable impacts to traffic conditions or transportation facilities with the proposed redesignation and zone application, as there is an existing residence on the parcel and no additional development is proposed with this application.

The following Statewide Planning Goals are not applicable to the proposed redesignation/rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; 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.

5. 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 September 13, 2023. Public hearings will be held at the Planning Commission on October 18, 2023 and City Council on November 13, 2023 to consider this re-designation / applying a zone to the subject parcel. 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. This application is compliance with Goal 1.

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 (CGMC) and have been found compatible with the City's Comprehensive Plan. This application is in compliance with Goal 2.

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

The parcel is situated along Silk Creek, which falls within Cottage Grove's Riparian Development standards. These standards are such that, per Cottage Grove Municipal Code 14.37.300(D), "along all riparian areas identified in the adopted Goal 5 Riparian Resource Inventory, the riparian corridor boundary shall be 50 feet from top of bank." However, LUBA case *Home Builders Assn. of Lane Cty v. City of Eugene*, 41 Or LUBA 370, 422 (2002) identified that top of bank was potentially subjective. The above referenced LUBA case references that the terms "perimeter," "area occupied," and "top of the bank" have a commonly understood meaning. They further go into how "the described referents can be located by a reasonable person with reasonable effort". As such, the 50 foot Riparian Corridor boundary from top of bank can vary if potential development is proposed. Given that this section of Silk Creek not only has the Riparian Corridor, but floodplain (Zone AE) / floodway (Zone AE Floodway), and National Wetland Inventory wetlands as well, there are limits to the developable land, but it does not modify the ability to develop.

With all the above encumbrances and the existing residence, approximately 17,300 sqft of the 71,002.8 sqft parcel is developable, with varying lengths and widths, with the appropriate permits. The proposed change is in compliance with Goal 5.

Goal 6: Air, Water and Land Resources Quality

There are no capacity problems currently with the established residential use, as the intent is to continue the existing use. Any new development will be required to comply with Development Code requirements for stormwater management (CGMC Chapter 14.35) and Comprehensive Plan requirements related to air and water resource quality. Therefore, Goal 6 does not apply at this time.

Goal 7: Areas Subject to Natural Disasters and Hazards

The subject property is bordered on 3 sides by Silk Creek. Per FEMA FIRM 41039C2087F (June 2, 1999), the parcel is encumbered by the Special Flood Hazard Area (100-year and 500-year), as well as the floodway. The floodway borders the parcel on the northern and western boundary, and the floodplain (100-year) encompasses the majority of the parcel, save from an approximately 40ft by approximately 280ft area along the frontage, on W. Main Street. Any future development on this parcel will be required to adhere to Section 14.37.200 Flood Damage Prevention. There are no other known potential natural hazards that are not city-wide in nature (such as earthquakes). Compliance with Building Code and Development Code regulations when developing future uses will be a requirement for all 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: Economy of the State

The proposed amendment from High Density to Medium Density will allow for more housing types to be developed, such as workforce housing, which will further allow residents to live and work within Cottage Grove. Per the Cottage Grove Economic Opportunities Analysis of 2009, “the majority of Cottage Grove’s workforce (85%) lives in Lane County, with 28% in Cottage Grove.” (CGEOA pg15), which lends towards the need of more workforce housing. This action maintains the land as existing residential with additional options, allowing for increased affordability and availability. The proposed change is in compliance with Goal 9.

Goal 10: Housing

Goal 10 is applicable. The Comprehensive Plan amendment and concurrent Map change will retain the 1.63 parcel in the City’s housing lands inventory, and while the previous high density designation would allow further development of the parcel, the proposed medium density designation achieves the same goal of needed housing.

In 1981 the Cottage Grove Comprehensive Plan was adopted, assigning this parcel and those surrounding it a high density designation. At that time, the Plan recognized that “multiple-family development should have good access to major streets and should be located near commercial services and open space” (Plan, pg 9). Additionally, it “indicates multiple density adjacent to the river...”, as there was a trend towards more multiple family development. The Plan further assumed that “future residential development will take advantage of the planned unit development and clustering techniques, particularly along hillsides and along water courses”.

To the north of the subject parcel is the Grove of Pines subdivision; an approximately 11.20ac R3 zoned area of land that was developed with 41 single family dwellings, and with a density of approximately 3.6 units per acre, which is less than even the current required density of 4 units/acre of the R1 zone. This is the only developed R3 zoned section of land in this neighborhood, as the abutting parcel to the subject property and the parcels to the south of W. Main Street are designated as high density, but are not zoned.

While the 2018 Housing Needs Analysis (HNA) (Exhibit 1) did state the projected need for more multi-family dwelling units (25%), there was a significant need for single family detached dwellings (65%). The proposed change retains the existing single family dwelling and allows for additional dwelling units.

Exhibit 2. 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

The table below referred to as Exhibit 55 showed the following needed densities at the time, in net and gross acres. Exhibit 55 converted between net acres and gross acres to account for land needed for rights-of-way based on empirical analysis of existing rights-of-way by Plan designation in Cottage Grove. For example, in residential development in the Medium Density, 20% of developed land is in rights-of-way.

- Low Density Residential: 22% of land is in the rights-of-way. The densities by zone in this Plan Designation area are between 4.0 dwelling units per net acre and 6.0 dwelling units per net acre.
- Medium Density Residential: 20% of land is in the rights-of-way. The densities by zone in this Plan designation area are between 6.0 dwelling units per net acre and 12.0 dwelling units per net acre. Development in the Medium Density Designation is generally occurring towards the lower end of the density range in recent years.
- High Density Residential: 18% of land is in the rights-of-way. The densities by zone in this Plan Designation are a minimum of 10.0 dwelling units per net acre, with no specified maximum density. The maximum density is regulated by the maximum height limit (40ft). For example, single-family detached housing is not

allowed in this Designation, unless it is built as new cottage cluster housing at a density of at least 10 dwelling units per acre.

Exhibit 55. Needed density for housing built in the Cottage Grove UGB, 2018 to 2038

Source: ECONorthwest. Note: DU is dwelling unit.

Plan Designation	Average Net Density (du/acre)	Percentage for Rights-of-Way	Average Gross Density (du/acre)
Low Density Residential	5	22%	3.9
Medium Density Residential	8	20%	6.4
High Density Residential	21	18%	17.2
Commercial Plan Designations	30	25%	22.5

As the study shows in the Medium Density development, the trend at the time was development of densities closer to the minimum requirement. To address this, staff convened a committee to conduct a residential code audit. In that process, the following amendments were proposed and adopted.

- Removal of maximum densities from all residential zones
- Reduction of minimum lot sizes (width, depth, square footage)
- Increased allowed lot coverage

These amendments coupled with the adoption of a Multi-Unit Property Tax Exemption Program have spurred recent new development of multi-family housing. The table below shows the number of new developments by zone type and units per acre.

Plan Designation	Min units/acre	Total new units January 1, 2019 to August 1, 2023	Total Acreage	Avg Density
Low-Density Residential	4	51	8.77	5.8
Medium-Density Residential	8	99	4.77	20.8
High-Density Residential	14	20	1.37	14.6
C2P	n/a	5	0.63	7.9
RC	8	40	2.01	19.9
	Total new	215	17.55	
		Average Density of Development Across All Zones		12.25

The removal of maximum densities has allowed for developers to maximize the use of lands available, achieving densities of 20+ units per acre and overall an increase in the density of development citywide with an average across all zones of 12.25 units/acre.

While this application would remove 1.63ac of high density designated land from the buildable lands inventory, the current trends show that the proposed medium density has a higher overall units/acre.

Recently, the City permitted 80 units of multi-family housing through SDR 2-21 (R2 zone) which has been completed and issued Certificate of Occupancy, 40 units of multi-family housing through SDR 3-20 (RC zone), of which 20 are completed and issued Certificate of Occupancy, and an application for a Master Plan Development for 120 units of multi-family housing (CT zone), for a total of 240 new multi-family units.

Additionally, with 11 new dwelling units in cottage clusters, 14 townhouses, and one quadplex development added to the multi-family unit total, there are a total of 269 new permitted multi-family dwelling units since the HNA was published in 2018. This leaves a 76 multi-family unit deficit until 2038. With the recent City purchase of approximately 35.44ac of R2 zoned land off of Cleveland Street and with the intention to subdivide and develop, staff feels this proposed Plan / Map change will not prevent the identified goal for needed housing as shown in the HNA. The proposed change is in compliance with Goal 10.

Goal 11: Public Facilities and Services

The parcel is currently utilizing a septic system but is connected to City water. Per CGMC 13.08.130, “It is unlawful to make alterations or repairs to, or to install new septic tanks on any premises located within the city limits unless granted special permission by the city engineer”. If the septic system is in need of alteration, repair, or experiences a failure which requires a new septic system, the property owner will be required to tie into the City sewer lines per OAR 340-071-0160(4)(A)(i), as the property is within 300ft of the existing line in Cemetery Road. At the time of potential development or division of this parcel, per Section 14.34.300, sanitary sewer and water mains shall be installed to serve each new development. Currently, both the storm and sewer lines end at the corner of Cemetery Road and W. Main Street, and do not serve the subject parcel. The proposed change will not affect the ability to serve the parcel with City utilities.

Goal 12: Transportation

The subject parcel has access off of W. Main Street, which is classified as a Minor Arterial according to the City’s 2015 Transportation System Plan. The current roadway is approximately 44’ wide, with the actual right-of-way being approximately 69’ wide. These measurements are within the standards placed by the 2015 Cottage Grove Transportation System Plan for a Minor Arterial, however, it is not currently developed to standards as mentioned in Chapter 12.10 of the CGMC. As such, this section of the road will be fully constructed with curb, gutter, and sidewalk at time of development.

If and when there are additional parcels created or additional residences are proposed, adherence to Title 14 Divisions 2 and 3 of the CGMC is required. This application does not change the fact that there is an existing residence on the parcel, and does not change the current trips per day. The proposed change is in compliance with Goal 12.

Goal 13: Energy Conservation

The proposed Plan / Map change will comply with Goal 13 due to the fact that the development and density potential of the parcel is retained along an already existing transportation corridor, and there is an existing residence on it. Additionally, because of the natural resources mentioned in Goal 5, there are limits of developable space. Furthermore, the CGMC employs devices that restrict the material impact on energy efficiency, such as lot size, dimensions, building height, and building coverage. This proposed change does not impact the existing residence. The proposed change is in compliance with Goal 13.

Goal 14: Urbanization

The subject parcel was annexed to the City of Cottage Grove in 2004 (File No. A 2-04) and therefore is inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14. This criterion has been met.