

**MEMORANDUM**

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: PUBLIC HEARING FOR ORDINANCE AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP & TITLE 14 LAND USE DISTRICT MAP FOR 2352 & 2416 EAST WHITEAKER AVENUE (Map 20-03-27-32 TL's 02300 & 00801) (MCPA 1-22)

DATE: May 8, 2024

Background

The purpose of this Public Hearing is to receive comments on the proposed amendment of the Comprehensive Plan land use diagram map and the Title 14, Cottage Grove Development Code land use district map for 2.58 acres of land owned Clayton Payne at 2352 & 2416 East Whiteaker Avenue, from the current M – Medium Density Residential designation and R2 – Multi-Family Residential zoning to I – Industrial designation and M – Industrial zoning.

The Planning Commission held a public hearing on March 20, 2024 and did not recommend approval to Council.

It is now appropriate that Council to hold the public hearing on the Ordinance. This Ordinance has been available for more than one week prior to this meeting and staff is not recommending adoption.

Recommendation

That the public hearing be held.

Cost

None



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Mike Sauerwein, City Manager



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Eric Mongan, City Planner

STAFF REPORT  
CLAYTON PAYNE; MCPA 1-22  
COMPREHENSIVE PLAN AMENDMENT/LAND USE MAP AMENDMENT  
Map 20-03-27-32-00801 & 02300  
2352 & 2416 WHITEAKER AVE

PROPOSAL DESCRIPTION

Date application filed: September 28, 2022

Date deemed complete: November 16, 2023

Applicant/Owner: Clayton Payne  
78876 Bryson Sears Road  
Cottage Grove, OR 97424

Location: 2352 E Whiteaker Ave; Map/TL: 20-03-27-32-02300  
2416 E Whiteaker Ave; Map/TL: 20-03-27-32-00801

Current Comp Plan: M – Medium Density Residential

Current Zoning: R2 – Multi-family Residential

Proposed Comp Plan: I - Industrial

Proposed Zoning: M - Industrial

Proposal:

The applicant has requested a Plan Amendment with Zone Change for 2.56 ac of land from Multi-family Residential to Industrial for the purpose of constructing self-service storage.

There are two parts to this application:

- a. Amend the Comprehensive Plan Land Use Map to re-designate the subject parcel from M – Medium Density Residential to I – Industrial; and
- b. Amend Title 14, Cottage Grove Development Code Land Use District Map to rezone the subject properties described in Exhibit A as 2352 E Whiteaker Ave; Map/TL: 20-03-27-32-02300 2436 E Whiteaker Ave; Map/TL: 20-03-27-32-00801 from R2 – Multi-family Residential to M - Industrial

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; MCPA 1-22

*14.47.500 Criteria for Legislative & Quasi-Judicial Amendments. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*

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

Staff response and findings of fact:

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

**Goal 1: Citizen Involvement**

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

The acknowledged Cottage Grove Comprehensive Plan (Plan) and Title 14 Cottage Grove Development Code complies with Goal 1. The Type IV Permit Application process required by Title 14 has been used for the Plan Amendment / Zone Change proposal and is in compliance with Goal 1. Proper public notice of the proposed change has been provided through the Type IV public notice process as specified in Section 14.41.500A of the Development Code. The Department of Land Conservation and Development was notified of the intended amendments on November 16, 2023. Public hearings will be held at the Planning Commission and City Council levels to consider this re-designation / rezoning. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and a recognized neighborhood group.

**Goal 2: Land Use Planning**

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

The land use planning process used by Cottage Grove to review this application is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed changes followed the process established in Title 14 of the City of Cottage Grove Municipal Code and have been found to not be compatible with the City's Comprehensive Plan.

**Goal 3: Agricultural Lands**

**To preserve and maintain agricultural lands.**

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

**Goal 4: Forest Lands**

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

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

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

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

The subject parcels are outside of the riparian corridor, floodplain, and is not designated as a scenic or historic area. The subject parcels do abut the Row River Trail, a multi-use path that runs from the intersection of East Main Street and South 10<sup>th</sup> Street. The applicant's proposed development of self-service storage likely will not have a negative impact on the use of the trail, but other allowed uses may negatively affect use of the trail. Conversion of the subject properties to an industrial zone as permitted in Table 14.24.110 would impact this scenic resource within the community. This goal is not met.

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

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

There are no capacity problems currently existing with the established residential use. The applicant failed to provide sufficient information that the conversion to an industrial zone would not impact air, land, or water of the State. This Goal is not met.

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

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

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

**Goal 8: Recreational Needs**

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

The applicant failed to provide sufficient information that the conversion to an industrial zone would satisfy the recreational needs of the community. This Goal is not met.

**Goal 9: Economic Development**

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

While the adopted 2009 Economic Opportunity Analysis identified the need for more commercial and industrial land, however the subject parcels at 2.56 in total are not well suited for conversion to employment lands. The proposed change is not in compliance with Goal 9.

**Goal 10: Housing**

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

The applicant failed to provide sufficient information that the conversion to an industrial zone would meet the requirements of Goal 10. The 2018 Housing Needs Analysis identified the subject parcels as being 'partially vacant' (Ex. 4, pg. 8), therefore they were counted as square footage available for further development or full redevelopment at the City's R2 – Multi-family Residential density of eight dwellings per acre. This Goal is not met.

**Goal 11: Public Facilities and Services**

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

The parcel is currently served with public facilities, public safety, public transit, and a thorough transportation network. The proposed change is in compliance with Goal 11.

**Goal 12: Transportation**

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

The applicant provided a TPR analysis showing that the proposed industrial use of self-service storage would generate fewer peak trips. However, the allowed uses in the Industrial Zone allow for light manufacturing that typically involves the delivery of raw materials and the distribution of the completed product thus placing larger vehicles/trucks in a residential section of the right-of-way. Additionally, there is a bus stop located within 200' of the subject parcels. If the subject properties are developed with a higher vehicle traffic volume than self-service storage the added trips over the sidewalk to enter and exit the site will reduce pedestrian safety in the corridor. This goal is not met.

**Goal 13: Energy Conservation**

**To conserve energy.**

If the proposed amendment were approved three dwellings would become legal non-conforming structures likely to be removed for the development of the industrial use. Similarly, the abutting zoning to the east, south, and west is residential with commercial to the north. Energy conservation is encouraged with the existing zoning in that the subject parcels are adjacent to the Walmart Superstore, which provides employment and services that can be walked or biked to thus conserving fuel. The proposed change is not in compliance with Goal 13.

**Goal 14: Urbanization**

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

The subject parcel has been annexed to the City of Cottage Grove and is inside the City's acknowledged Urban Growth Boundary. However, this application is not in compliance with Goal 14 as converting the subject parcels from residential to industrial will have a negative effect on the liveability of the existing residential development in this area. This Goal is not met.

**Non-applicable coastal goals**

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

This criterion has been met.

- 2. Approval of the request is consistent with the Comprehensive Plan, including the Transportation System Plan; and*

Staff response and findings of fact:

This request is not consistent with the Comprehensive Plan, as the proposed amendment would have negative effects on adjacent residential development, would remove 2.56 ac of medium density residential land in an ideal location from the residential land supply, which is not in compliance with Goal 10.

The Plan amendment and concurrent zone change is not consistent with the following components of the Comprehensive Plan.

*Land Use*

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

The land proposed for re-designation / rezoning is currently used for residential purposes, as are the adjacent properties to the west and south that are also designated medium and low density / zoned single- and multi-family residential. The proposed amendment would place an industrial use between two residential uses and remove much needed residential lands from the inventory.

*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 applicant has proposed self-service storage on the subject parcels. However, this proposed amendment would allow for any uses shown in Chapter 14.24. The 2009 Economic Opportunities Analysis calls for additional employment lands, but at 2.56 ac this proposal would reduce residential land supply while providing little employment lands.

*Energy Conservation Goal*

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

The land proposed for re-designation / rezoning is currently used for residential purposes, as are the adjacent properties to the west, east, and south that are also designated M – Medium Density / R-2 Multi-Family and L- Low Density Residential / R-1 Single-Family Residential. The parcels abut the Row River Trail. The requested amendment would create two non-legal conforming uses in that of the existing dwellings. Additionally, the subject properties are adjacent to a Walmart Super Center, which provides goods, services, and employment opportunities within walking distance of the subject lands. Converting of these lands to industrial would not conserve energy as the residential development that could occur would need to be located further away from the commercial center and therefore require the use of an automobile to get to the area.

This criterion has not been met.

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

Staff response and findings of fact:

The subject parcel is currently served by city water, sewer, police and fire services.

This criterion has been met.

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

The subject parcel is adjacent to existing residentially zoned lands; it is not appropriate to amend the Comprehensive Plan and change the zoning to allow industrial uses between abutting residential uses and park land.

This criterion has not been met.

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

The subject parcels are located on a collector per the 2015 TSP in a residentially zoned section of the right-of-way. While the road may be able to handle the potential vehicle weights associated with industrial uses the proposed change in use would not be consistent with the design of the road.

This criterion has not been met.

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

The applicant provided a TPR analysis completed by Sandow Engineering. The report identifies that the applicants proposed use for self-service storage would not adversely affect the use of the right-of-way, but did not consider the other potential uses allowed in industrial zones.

This criterion has not been met.

## CONCLUSION

Ordinance amendment denial pursuant to Sections 14.4.1.500.H Decision-Making Criteria is supported by the findings of fact that establish compliance with the applicable state and local standards.

## STAFF RECOMMENDATION

**Denial** of MCPA 1-22 to amend the Comprehensive Plan Land Use Map, pursuant to Section 14.1.500, which is supported by findings of fact, to:

- a. Amend the Comprehensive Plan Land Use Map to re-designate the subject property from M – Medium Density Residential to I - Industrial; and
- b. Amend Title 14, Cottage Grove Development Code land use district map to rezone the subject property described as 2352 E Whiteaker Ave; Map/TL: 20-03-27-32-02300 and 2436 E Whiteaker Ave; Map/TL: 20-03-27-32-00801 from R2 – Multi-family Residential to M - Industrial.

## CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD  
File MCPA 1-22

EXHIBITS: None.