

MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: FIRST VOTE 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

Council has held a Public Hearing on the proposed amendment of the Comprehensive Plan land use diagram map and the Title 14, Cottage Grove Development Code land use district map to re-designate 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 the attached Ordinance on March 20, 2024 and did not recommend approval to Council. It is now appropriate that Council consider the Ordinance.

Recommendation


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

Cost

None



Mike Sauerwein, City Manager



Eric Mongan, City Planner

ORDINANCE NO. ____

AN 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

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, Clayton Payne owns 2.58 acres identified as Map/TL: 20-03-27-33-02300 & 00801, and addressed as 2352 & 2416 East Whiteaker Avenue, respectively, which each is developed with a single family home, shown in the map in Exhibit "A" attached hereto and forming a part of this ordinance; and

WHEREAS, the owner has applied to amend the Comprehensive Plan Land Use Plan and Title 14 Cottage Grove Development Code Land Use District Map for the subject property to convert residential lands to industrial lands for the purposes of developing self-service storage; and

WHEREAS, on March 20th, 2024, the Cottage Grove Planning Commission conducted a properly noticed public hearing, provided the public an opportunity to comment on the proposed plan change and rezone, and adopted findings and did not recommend Council approval of the proposal; and

WHEREAS, on May 13th, 2024, the Cottage Grove City Council conducted a properly noticed public hearing concerning the proposed plan change and rezone and provided the public with an opportunity to be heard; and

WHEREAS, the Council has reviewed the record and Planning Commission recommendation of denial, and has determined to approve the Plan change and rezone.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted Comprehensive Plan Land Use Diagram Map and the Title 14, Cottage Grove Development Code Land Use District Map for the subject properties shown in Exhibit "A" attached hereto and forming a part of this ordinance.

Section 2. Findings. The City Council has determined that: (1) the Comprehensive Plan Land Use Diagram Map and Cottage Grove Development Code Land Use District Map amendments properly implement the Statewide Goals; (2) the amended Plan and Code maps adequately address the land needs of the community; and (3) the amendments are in the public's interest and will serve the health, safety, and welfare of the citizens of the City of Cottage Grove. Further, the City Council hereby adopts findings in support of this re-designation and rezone, as set forth in the above recitals and as detailed in Exhibit "B" attached hereto and incorporated as a part of this ordinance.

Section 3. Amendments.

a. The Cottage Grove Comprehensive Plan Land Use Diagram Map is hereby amended to re-designate the subject property described in Exhibit A from M – Medium Density Residential to I – Industrial; and

b. Title 14 of the Cottage Grove Development Code Land Use District Map is hereby amended to rezone the subject properties described in Exhibit A from R2 – Multi-Family Residential to M – Industrial.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 13th DAY OF MAY, 2024.

Candace Solesbee, Mayor

Dated: _____

ATTEST:

Mindy Roberts, City Recorder

Dated: _____

EXHIBIT A
ORDINANCE NO. _____

Site Location
2352 & 2416 EAST WHITEAKER AVENUE
(Map 20-03-27-32 TL's 02300 & 00801)

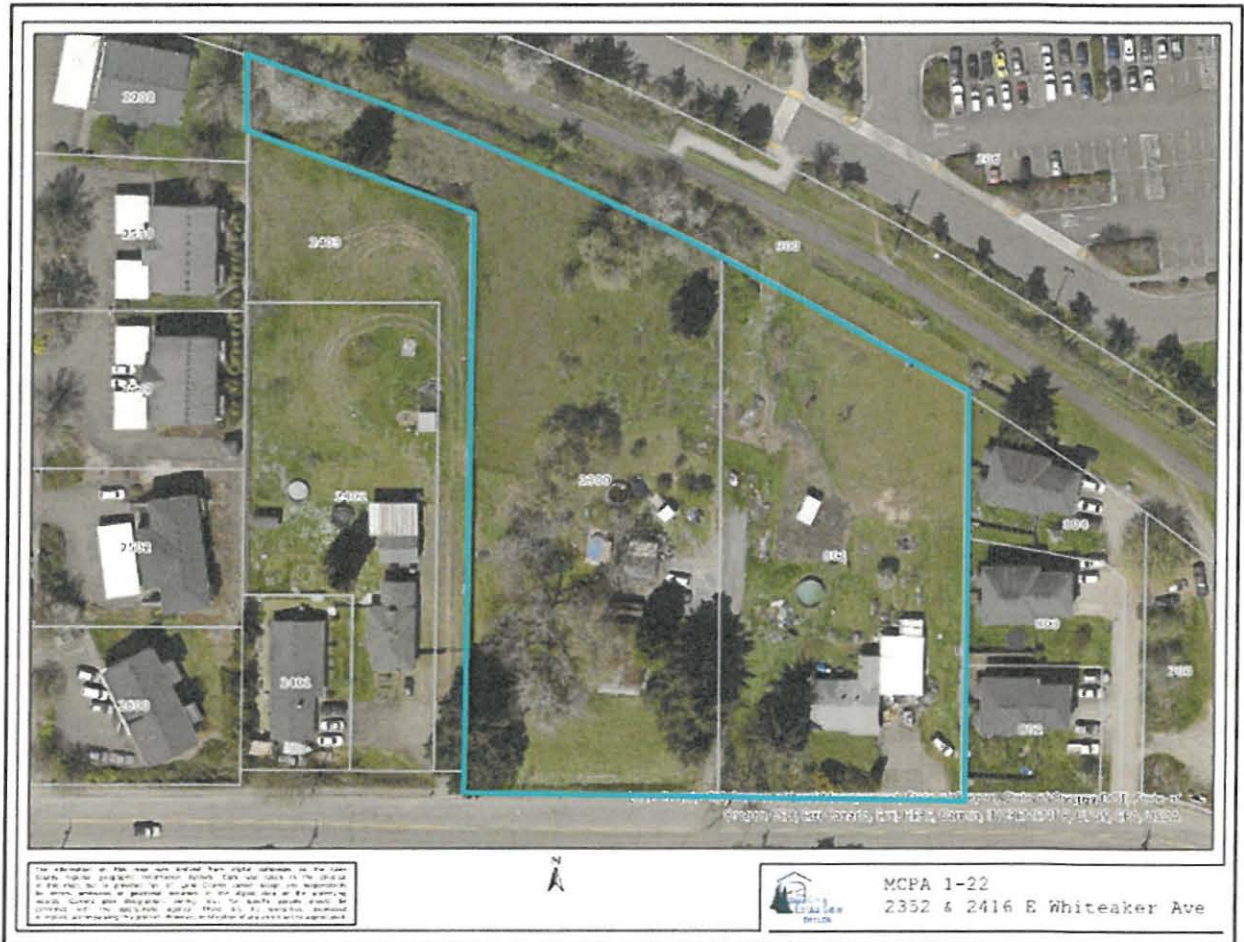


EXHIBIT B
ORDINANCE NO. _____

1. Clayton Payne owns 2.56 acres identified as Mat/TL: 20-03-27-32-02300/00801, and addressed as 2352 and 2416 E. Whiteaker, which are both developed with single family dwellings that were built in 1927 and 1961 respectively. The parcel is designated currently as M – Medium Density Residential, and zoned as R2 – Multifamily Residential.
2. Clayton Payne has made this application to change the designation and zoning on these parcels to accommodate future self-service storage development.
3. The City of Cottage Grove Comprehensive Plan, under “The Plan in General,” states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists.
4. The City Comprehensive Plan also states that the Plan is not complete. It is subject to revision to meet the many possible economic, political and technological events that might occur in the future. The Plan must also remain flexible and responsive to the citizens in reflecting their desire and needs to remain current and reflect the changing form of the community.
5. The applicant proposes these Comprehensive Plan and Zoning Map changes to the City’s maps to allow for future self-service storage, which is permitted outright only through the Industrial Zone.
6. Adequate public facilities, including water, sewer, storm water, and streets are provided to the site. The applicant provided a TPR analysis completed by Sandow Engineering that specifically looked at the proposed use of self-service storage, and determined the use would not adversely affect the use of the right-of-way.

The following Statewide Planning Goals are not applicable to the proposed re-designation/rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 15 – Willamette River Greenway; Goal 16 - Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.

7. The following Statewide Planning Goals are applicable and the amendment addresses 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 ~~properties~~-parcel ~~is~~are within the acknowledged Urban Growth Boundary of Cottage Grove, and ~~are~~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 ~~properties~~-parcel ~~has~~have 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.

~~No known wetlands or historic areas are located on the subject properties.~~ The ~~subject~~ parcels ~~are~~ies are outside of the riparian corridor, ~~floodplain, and are not designated as 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 10th 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 ~~or commercial uses~~ will be a requirement for all future work to ensure that damage from natural hazards is mitigated to the greatest extent possible. The proposed change is in compliance with Goal 7.

Goal 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.

~~Goal 10 is applicable. The comprehensive plan change/zone change will retain the existing .55 acres in the City's housing lands inventory, but will increase the minimum required density from four units per acre to eight, meeting an identified need for more residential dwelling units in the 2018 Buildable Lands Analysis and for higher density residential land (high density and commercial plan designations).~~

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.

~~Chestnut Avenue is a fully constructed city street. North L Street is a primitive gravel road without pedestrian infrastructure. At time of development permit the full build out of North L Street will be subject to the scope of the project proposal and safe convenient access to the northern property (TL 300)~~

will be a condition of approval. The proposed plan amendment and map change would establish a higher unit per acre standards and our right permit limited commercial development. However, the potential for increased development is limited by lot size, existing adjacent development, and development criteria and standards. For example, the maximum building height in the R-1 zone is 28' and if approved the new zone the maximum height would be 40' subject to R/R-1 stepdown criteria, which would limit the ultimate building height and location of the structure. Additionally, there is not a maximum density within any residential zone within the City as the maximum achievable density is constrained by meeting criterion for setbacks, lot coverage, open space/landscaping, building height, and parking. Other examples exist within the code such as cottage cluster housing that under the R-1 zone allows a maximum of 8 cottages and 14 are allowed in the RC zone. The ability to develop a cottage cluster at the maximum allowed density is driven by the applicant's ability to meet the clear and objective criteria in Subsection 14.22.200 C or requesting a deviation from the standards via a Type III Site Design Review. In either case the capacity of the transportation system is adequate to safely serve the proposed change from low density to medium density residential. Hence, the proposed change is in compliance with Goal 12.

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 ~~properties~~ parcel ~~have~~has been annexed to the City of Cottage Grove and ~~are~~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.