

STAFF REPORT
LEE; ZC 1-24
LAND USE MAP CHANGE
55 S. 17TH ST
MAP: 20-03-28-44-02900 (PARCEL 2 OF CG FILE NO. P 2-24)
APRIL 9, 2024

PROPOSAL DESCRIPTION

Date application filed: March 28, 2024

Date deemed complete: April 5, 2024

Applicant: John Lee
P.O Box 602
Cottage Grove, OR 97424

Owner: Dagild LLC
3875 Heather Grove Ln
Eugene, OR 97408

Location: 55 S. 17th St

Map / Tax Lot: 20-03-28-44-02900 (Parcel 2 of CG File No. P 2-24)

Current Comp Plan: C – Community Commercial

Current Zoning: C2P - Community Commercial

Proposed Comp Plan: C - Community Commercial (no change)

Proposed Zoning: RC - Residential Commercial

Proposal:

The applicant has proposed a zone change in conjunction with a pending partition (City of Cottage Grove File No. P 2-24), which would re-zone the southern portion of the property (Parcel 2) to RC - Residential Commercial from C2P – Community Commercial. RC – Residential Commercial is an approved zoning district for the C – Community Commercial Comprehensive Plan Designation.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; ZC 1-24

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:

The following Statewide Planning Goals are applicable and the 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 III Permit Application process required by Title 14 has been used for the zone change proposal and is in compliance with Goal 1. Proper public notice of the proposed change has been provided through the Type III public notice process as specified in Section 14.41.400E of the Development Code. The Department of Land Conservation and Development was notified of the intended amendments on April 9, 2024. The required public hearing has been held at the Planning Commission level to consider this re-zoning. The proposed zone change and Ordinance will be heard at City Council on May 28th, 2024. 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 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 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 property 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 property 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.

No known wetlands or historic areas are located on the subject property. The property is outside of the riparian corridor, and is not designated as floodplain. This proposed zone change is in compliance with Goal 5.

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 anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential residential or commercial uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Hence Goal 6 does not apply at this time.

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 subject parcel is already developed with a commercial use. The subject parcel is approximately 510ft from Coiner Park, and less than 1,000ft from the Row River Trail. The proposed zone change does not impact existing recreation needs, whether positively or negatively. Goal 6 does not apply to this application.

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.

The existing structure on the subject parcel was built in 1936 (Lane County Assessor and RLID records), and is currently being used for a commercial use. Commercial lands and commercial workforce lands are needed per the 2009 Economic Opportunities Analysis, and this proposed zone change does not remove any land from the inventory. The allowed uses for the C2P and RC zone are similar, which preserves the commercial uses and inventory. The proposed zone change is in compliance with Goal 9.

Goal 10: Housing

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

Goal 10 is applicable. The proposed zone change will allow the outright re-development of a single-family dwelling, as well as additional housing types with varying standards, which directly addresses the need for additional dwellings (See charts from 2018 Housing Needs Analysis below). The subject parcel has an existing structure on it that was constructed in 1938, that has historically been used for both residential and commercial uses. The subject parcel is ideally located for pedestrian and bicycle connectivity to the rest of the City, and is located close to Main Street, which contains shopping centers, recreational areas, and surrounding neighborhoods. The proposed change is in compliance with Goal 10.

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

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: 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 subject parcel is already adequately served with public facilities. Sidewalk already exists on S 17th St. The subject parcel is adequately served by police service, 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 subject parcel has frontage via S. 17th St, which is a fully constructed right-of-way. The proposed zone change reduces potential traffic upon the 4,746 sqft parcel by changing the parcel to Residential Commercial, which does not allow many of the traffic-intensive uses allowed under C2P Community Commercial. Currently, the subject parcel is commercially developed, but has access through 1645 E. Main St (a one-way entrance off E. Main St, and a two-way entrance off S. 17th St. After the pending partition (City of Cottage Grove File No. P 2-24), frontage will be off S. 17th St, and access to the existing structure is proposed at the south end of the parcel, removing access from E. Main St. Hence, the proposed change is in compliance with Goal 12.

Goal 13: Energy Conservation

To conserve energy.

The proposed zone change will promote more energy efficient development by retaining existing development and public services. The change will conserve energy by reducing needs for green-field development and expansion of city services. The proposed change is 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 property has been annexed to the City of Cottage Grove and is inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14.

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 designation, including the Transportation System Plan, for the area; and*

Staff response and findings of fact:

This request is consistent with the Comprehensive Plan, as modifications to the Comp Plan and its adopted implementing documents are expected over time. See adherence to the Transportation System Plan above.

The proposed zone change is 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 this re-zone application is currently used for commercial purposes. The proposed zone change from C2P – Community Commercial to RC – Residential Commercial allows for more appropriate potential uses that this parcel can accommodate, given the dimensions, lot size, and existing lot coverage. 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 existing structure on the subject parcel was built in 1936 (Lane County Assessor and RLID records), and is currently being used for a commercial use. Commercial lands and commercial workforce lands are needed per the 2009 Economic Opportunities Analysis, and this proposed zone change does not remove any land from the inventory. The allowed uses for the C2P and RC zone are similar, which preserves the commercial uses and inventory. This criterion is met as proposed.

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 this re-zone application is currently used for commercial purposes, and is serviced with existing infrastructure. This proposed zone change allows for the continuation of certain commercial uses or less impactful commercial uses or a residence, and as such, will conserve existing infrastructure and private investment, and is an efficient use of our land. This criterion has been 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 in the planning period;*

Staff response and findings of fact:

The subject parcel is currently served by city water, sanitary sewer, storm sewer, police and fire services. The subject parcel abuts S. 17th St which is classified as a local street in the 2015 Transportation System Plan, with proposed access shown in City of Cottage Grove File No. P 2-24 off S. 17th St. This criterion is met as proposed.

- 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 of this re-zone application is currently used for commercial uses, however, given its location and size from City of Cottage Grove File No. P 2-24 (42ft x 113ft), continuing with a zoning of C2P – Community Commercial is not appropriate, as it is an approximately 976sqft structure on an approximately 4,746sqft lot, accessed by a local road (2015 City of Cottage Grove Transportation System Plan Vol. 1). The opportunity for larger, conventional commercial development is very limited on this size of a parcel, and given the permitted uses of both C2P and RC zoning in the CGMC Division 2 – Land Districts, a zoning of RC is more appropriate as it can be utilized for small-scale commercial uses or residential use. The RC zone is an appropriate compromise for this parcel between commercial and residential uses.

This criterion has 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 parcel has frontage, but no existing access, off S. 17th St, which is classified as a local road per the 2015 City of Cottage Grove TSP. This road is within the jurisdiction of the City of Cottage Grove. Any new access will need to adhere to

standards in CGMC 14.31. RC zoning on this property would not trigger a Transportation Planning Rule analysis, as expected traffic impacts will be much less than expected under the current zoning.

This criterion has been met.

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

No impact is expected from the change of re-zoning, as the proposed zoning has a lesser potential traffic generation than the current zoning.

This criterion has been met.

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 ZC 1-24 to amend the Comprehensive Plan Land Use Map, pursuant to Section 14.41.500, which is supported by findings of fact, to change the zoning of 55 S. 17th St (Parcel 2 from CG File No. P 2-24) from C2P – Community Commercial to RC – Residential Commercial.

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File ZC 1-24

EXHIBITS

- A. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF COTTAGE GROVE MUNICIPAL
CODE TITLE 14 LAND USE, THE CITY WIDE ZONING MAP FOR
DAGILD LLC
ZC 1-24
MAP/TAX LOT 20-03-28-44-02900 (PARCEL 2 OF CG FILE NO. P 2-24)

WHEREAS, the purpose of this ordinance is to implement the Planning Commission’s decision dated May 15, 2024; and

WHEREAS, the Planning Commission decision approved an amendment to the adopted citywide Land Use District Map to rezone Parcel 2, partitioned through CG File No. P 2-24 for Map 20-03-28-44-02900, as shown on the map attached (Exhibit A) from C2P – Community Commercial to RC – Residential Commercial; and

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 B), including all findings of fact in support of the decision and contained therein, is implemented and the zone change 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
28TH DAY OF MAY, 2024.

ATTEST:

Candace Solesbee, Mayor
Dated: _____

Mindy Roberts, City Recorder
Dated: _____