

STAFF REPORT
CITY OF COTTAGE GROVE; ZC 2-21
LAND USE MAP CHANGE
78310 & 78314 HWY 99 (Map 20-03-33-32 TL 100) &
78300 HWY 99 (Map 20-03-33-32-00300)
January 7, 2022

PROPOSAL DESCRIPTION

Date application filed: December 15, 2021

Applicant(s)/Owner(s): Ruth Hemenway-Duran
PO Box 563
Cottage Grove, OR 97424
Map/TL: 20-03-33-32-00100
78310 & 78314 HWY 99

David Day
33749 Witcher Gateway Road
Cottage Grove, OR 97424
Map/TL: 20-03-33-32-00300
78300 HWY 99

Location: Map 20-03-33-32-00100; 78310 & 78314 Hwy 99, &
Map 20-03-33-32-00300; 78300 Hwy 99

Current Zoning: Lane Code Chapter 10 AGT5 – Agriculture, Grazing, Timber
Raising District (5 Acre Minimum)

Proposed Zoning: C2P – Community Commercial

Proposal: To amend the Land Use Map to rezone two parcels that are currently in the process of being annexed into the City of Cottage Grove. Per Section 18.04.080 Zoning of Annexed Property, the applicant is required to file a Zone Change application to convert from Couth Zoning to City Zoning prior to the City filing documentation with the Secretary of State, hence this application.

The City of Cottage Comprehensive Plan Map designation for the two subject parcels is C – Community Commercial and the applicant has requested that the C2P – Community Commercial Zone be applied to the subject parcels. No Plan amendment is required.

Tax Lots 100 and 300 have existing commercial developments, which comply with the proposed land use map designation of C2P – Community Commercial. At this time there are no known plans for redevelopment of the properties, but if/when that does occurs it shall comply with Title 14 of the Cottage Grove Municipal Code.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; ZC 2-21

14.47.500 Criteria for Legislative & Quasi-Judicial Amendments

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

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

Staff response and findings of fact:

This request is consistent with the Statewide Planning Goals. As this application modifies the adopted Land Use Diagram of the Comprehensive Plan, the Statewide Planning Goals that are directly impacted by this request are Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 9, Economic Development, Goal 13 Energy Conservation and Goal 14 Urbanization.

Goal 1 – Citizen Involvement: This request is consistent with Goal 1. Adequate public notice of the proposed changes has been provided through the Type III public notice process as specified in Section 14.41.400 of the Development Code. Public hearings have been held at the Planning Commission level to consider this land use change. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups.

Goal 2 – Land Use Planning: The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City's Comprehensive Plan.

Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources: The subject properties abuts the Coast Fork Willamette River along their western boundaries with the majority of both parcels encumbered by the Willamette Greenway. Any future development of the subject properties will be subject to Type III review by the City of Cottage Grove Planning Commission to ensure the land use goals for the Greenway are met. Additionally, the subject properties have areas encumbered by the Special Flood Hazard Area. As with the Greenway, with the annexation of the subject properties into the City of Cottage Grove and the application of the C2P Zone, the subject properties will be subject to review by the Floodplain Administrator to ensure compliance with local, State, and Federal Regulation. The existing commercial structures on TL's 100 and 300 are not considered to be historic, nor are they designated at this time.

Goal 6 – Air, Water & Land Resources Quality: Development of these properties will comply with city, state and federal standards to protect air and water quality. No identified natural resources are being degraded by this rezoning. Any development on these parcels will be required to identify and protect resources.

Goal 7 – Areas Subject to Natural Disasters and Hazards: The subject properties abut the Coast Fork Willamette River and therefore are encumbered by the Special Flood Hazard Area and Floodway along the western boundaries of the parcels. Existing development and proposed development will be required to comply with local, State, and Federal Regulation relating to floodplain development. The subject properties are flat and there are no known landslide hazards.

Goal 9 – Economic Development: This annexation/zone change brings into the City’s inventory 1.11 acres of commercially zoned land that has been designated by the City’s Comprehensive Plan. The subject parcels are currently developed with commercial uses with TL 100 having additional square footage for more development and TL 300 having little additional square footage, but room to grow upward as permitting under Section 14.23.120 of the CGMC. This zone change will support the City’s economic development goals.

Goal 10 – Housing: At this time there are no residential uses on the subject properties. However, residential uses are permitted in the C2P Zone if they are above commercial spaces or behind 25’ of commercial frontage. Any addition of a residential use is subject to the criterion of Title 14 of the Cottage Grove Municipal Code.

Goal 11 – Transportation: The subject properties are sited along Oregon State Highway 99 with adequate frontage to the public right-of-way. Development of the frontage of the property will be subject to permitting from the Oregon Department of Transportation. Hwy99 in this area is 40’ wide paved highway with two lanes and bike lanes. There are no sidewalks, curb or gutter.

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

Goal 14 – Urbanization: The lots are already in Cottage Grove’s urban growth boundary and the city limits of Cottage Grove (through Annexation A 1-21).

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

Staff response and findings of fact:

Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area. The lands are within the Urban Growth Boundary of Cottage Grove, and was annexed on December 13, 2021 by City Council. The subject properties were originally zoned AGT5 Lane County Chapter 10, with a Cottage Grove Comprehensive Plan designation of C Commercial. The C2P – Community Commercial zone is a proper implementing zone for the Comprehensive Plan designation of C Commercial. With the recent annexation of this property, it is appropriate to apply the C2P – Community Commercial zone to this property.

The City of Cottage Grove Comprehensive Plan, under “The Plan in General,” states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists. The C2P – Community Commercial zone is compatible to surrounding land uses to the subject properties, which have been committed to commercial use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated C Community Commercial. The eastern boundary of the subject property is Hwy 99S.

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 properties are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to

be provided in the planning period. Existing public facilities, services and transportation networks already support the adjacent uses. City services may be expanded and/or extended to meet the needs of future development on the property from the southern boundary of the Hayden's Riverwalk Subdivision to the north and along HWY 99.

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

Staff response and findings of fact:

The change is in the public interest with regard to neighborhood or community conditions. The proposed change will allow for the seamless implementation of the Cottage Grove Comprehensive Plan. Hence, this change is consistent with this criteria.

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

Staff response and findings of fact:

The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the 2016 Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12).

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

Staff response and findings of fact:

The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The C2P Community Commercial zone is the proper implementing zone for the subject Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.

CONCLUSION

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

STAFF RECOMMENDATION

Approval of ZC 2-21 to amend the Comprehensive Plan Land Use Map to rezone Map 20-03-33-32 TL's 100 ,300 to C2P Community Commercial, pursuant to Section 14.47.500, which is supported by findings of fact in the staff report.

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File ZC 2-21

EXHIBITS

- A. Draft Ordinance

EXHIBIT A:
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF COTTAGE GROVE MUNICIPAL
CODE TITLE 14 LAND USE, THE CITY WIDE ZONING MAP FOR
Map 20-03-33-32-00100; 78310 & 78314 Hwy 99 &
Map 20-03-33-32-00300; 78300 Hwy 99

WHEREAS, the purpose of this ordinance is to implement the Planning Commission's decision dated January 19, 2021;

WHEREAS, the Planning Commission decision approved an amendment to the adopted citywide Land Use District Map to rezone Map 20-03-33-32-00100; 78310 & 78314 Hwy 99 and Map 20-03-33-32-00300; 78300 Hwy 99, recently annexed through A 1-21, as shown on the map attached as Exhibit A from Lane Code Chapter 10 AGT5 to C2P Community Commercial;

WHEREAS, as provided in the City's Development Code at Section 14.47.400.1., the Council has delegated authority to review and decide zone change applications to the Planning Commission; and

WHEREAS, the City Council recognizes the Planning Commission's decision outlined above as the City's final decision; and

WHEREAS, the purpose of this ordinance is to implement the Planning Commission's final zone change decision and allow Lane County and LCOG to make all necessary map changes at the county and regional level.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Implementation. The Planning Commission's decision (Exhibit A), including all findings of fact in support of the decision and contained therein, is hereby implemented and the zone changes identified on Exhibit A will be reflected on all relevant maps.

Section 2. Effective Date. This ordinance will take effect 30 days after enactment.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY
OF _____, 2020.

ATTEST:

Jeffrey D. Gowing, Mayor

Dated: _____

Richard Meyers, City Manager

Dated: _____

EXHIBIT B: FINDINGS
ORDINANCE NO. _____

1. Ruth Hemenway-Duran and David R. Day have made an application to rezone 2 parcels of the land as a requirement of the concurrent Annexation process. The proposed zoning for the subject properties is C2P – Community Commercial per Comprehensive Plan designation of C Community Commercial.
2. The lands are within the Urban Growth Boundary of Cottage Grove, and were annexed on December 13, 2021 (A 1-21). Map 20-03-33-32 TL’s 100 and 300 are designated as C Commercial on the Cottage Grove Comprehensive Plan map. The Comprehensive Plan Land Use Diagram identifies C-2P Community Commercial as an implementing zone for this land use category.
3. The Planning Commission voted to apply the C2P Community Commercial zone to TL’s 100 and 300 and at their January 19, 2021 public hearing (ZC 2-21).
4. The City of Cottage Grove Comprehensive Plan, under “The Plan in General,” states that it contains broad generalized patterns of land use for those areas in which a given land use is best suited, where a land use is compatible to surrounding land uses and where the need for a given land use exists. The C2P – Community Commercial zone is compatible to surrounding land uses to the subject properties, which have been committed to commercial use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated C Community Commercial. The eastern boundary of the subject property is Hwy 99S.
5. Adequate public facilities, including water, sewer, streets, etc. are available to be brought to the site along Hwy 99S.
6. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreation; Goal 10 – Housing; Goal 11 – Public Facilities and Services; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
7. The following Statewide Planning Goals are applicable and the amendment complies with them as noted below:
 - a) Goal 1 – Citizen Involvement: This request is consistent with Goal 1. Adequate public notice of the proposed changes has been provided through the Type III public notice process as specified in Section 14.41.400 of the Development Code. Public hearings have been held at the Planning Commission level to consider this land use change. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups.
 - b) Goal 2 – Land Use Planning: The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City’s Comprehensive Plan.
 - c) Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources: The subject properties abuts the Coast Fork Willamette River along their western boundaries with the majority of both parcels encumbered by the Willamette Greenway. Any future development of the subject properties will be subject to Type III review by the City of Cottage Grove Planning Commission to ensure the land use goals for the

Greenway are met. Additionally, the subject properties have areas encumbered by the Special Flood Hazard Area. As with the Greenway, with the annexation of the subject properties into the City of Cottage Grove and the application of the C2P Zone, the subject properties will be subject to review by the Floodplain Administrator to ensure compliance with local, State, and Federal Regulation. The existing commercial structures on TL's 100 and 300 are not considered to be historic, nor are they designated at this time.

- d) Goal 6 – Air, Water & Land Resources Quality: Development of these properties will comply with city, state and federal standards to protect air and water quality. No identified natural resources are being degraded by this rezoning. Any development on these parcels will be required to identify and protect resources.
 - e) Goal 7 – Areas Subject to Natural Disasters and Hazards: The subject properties abut the Coast Fork Willamette River and therefore are encumbered by the Special Flood Hazard Area and Floodway along the western boundaries of the parcels. Existing development and proposed development will be required to comply with local, State, and Federal Regulation relating to floodplain development. The subject properties are flat and there are no known landslide hazards.
 - f) Goal 9 – Economic Development: This annexation/zone change brings into the City's inventory 1.11 acres of commercially zoned land that has been designated by the City's Comprehensive Plan. The subject parcels are currently developed with commercial uses with TL 100 having additional square footage for more development and TL 300 having little additional square footage, but room to grow upward as permitting under Section 14.23.120 of the CGMC. This zone change will support the City's economic development goals.
 - g) Goal 10 – Housing: At this time there are no residential uses on the subject properties. However, residential uses are permitted in the C2P Zone if they are above commercial spaces or behind 25' of commercial frontage. Any addition of a residential use is subject to the criterion of Title 14 of the Cottage Grove Municipal Code.
 - h) Goal 11 – Transportation: The subject properties are sited along Oregon State Highway 99 with adequate frontage to the public right-of-way. Development of the frontage of the property will be subject to permitting from the Oregon Department of Transportation. Hwy99 in this area is 40' wide paved highway with two lanes and bike lanes. There are no sidewalks, curb or gutter.
 - i) Goal 13 – Energy Conservation: The parcels can be served by City streets and services. Preservation of existing development patterns maximizes energy conservation.
 - j) Goal 14 – Urbanization: The lots are already in Cottage Grove's urban growth boundary and the city limits of Cottage Grove (through Annexation A 1-21).
8. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area. The lands are within the Urban Growth Boundary of Cottage Grove, and was annexed on December 13, 2021 by City Council. The subject properties were originally zoned AGT5 Lane County Chapter 10, with a Cottage Grove Comprehensive Plan designation of C Commercial. The C2P – Community Commercial zone is a proper implementing zone for the Comprehensive Plan designation of C Commercial. With the recent annexation of this property, it is appropriate to apply the C2P – Community Commercial zone to this property.

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need for a given land use exists. The C2P – Community Commercial zone is compatible to surrounding land uses to the subject properties, which have been committed to commercial use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated C Community Commercial. The eastern boundary of the subject property is Hwy 99S.

9. The properties are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period. Existing public facilities, services and transportation networks already support the adjacent uses. City services may be expanded and/or extended to meet the needs of future development on the property from the southern boundary of the Hayden’s Riverwalk Subdivision to the north and along HWY 99.
10. The change is in the public interest with regard to neighborhood or community conditions. The proposed change will allow for the seamless implementation of the Cottage Grove Comprehensive Plan. Hence, this change is consistent with this criteria.
11. The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the 2016 Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12).
12. The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The C2P Community Commercial zone is the proper implementing zone for the subject Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.