

STAFF REPORT
CITY OF COTTAGE GROVE; ZC 1-23
LAND USE MAP CHANGE
77967 SOUTH 6TH STREET
March 15, 2023

PROPOSAL DESCRIPTION

Date application filed: January 12, 2023

Applicant: Melissa Poland
16498 Brown Road
Dallas, OR 97338

Owner (TL 200): Paul Johal
PO Box 125
Sheridan, OR 97378

Location: Map 21-03-04-21-00800
77967 South 6th Street
Cottage Grove, OR 97424

Current Zoning: Lane Code Chapter 16 RC – Rural Commercial

Proposed Zoning: C2P – Community Commercial

Proposal: To amend the Land Use Map to rezone one parcel that is 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.

There is an existing general retail establishment on TL 800 that is a permitted use upon adoption of the C2P Zone. The applicant has stated they intend to apply for a Site Design Review and Conditional Use Permit to demolish and reconstruct a new retail development with gas station.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; ZC 1-23
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 property is not within any known or recognized open, scenic, or historic area with the existing structure built in 1965.

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 property is flat and there are no known landslide hazards and the parcel is not within the Special Flood Hazard Area.

Goal 9 – Economic Development: This annexation/zone change brings into the City’s inventory 0.24 acres of commercially zoned land that has been designated by the City’s Comprehensive Plan. As stated by the applicant the annexation/zone change applications the intent of the annexation and subsequent required zone change is to redevelop the site with a new retail development and gas station. This zone change will support the City’s economic development goals.

Goal 10 – Housing: This application for zone change requests the implementation of the City’s adopted Comprehensive Plan designation of Community Commercial. There is not a requirement to develop housing in commercial zones, but it is permitted per Table 14.23.110 through a Type III Site Design Review or Type III Masterplan. The applicant has stated the intention of redeveloping the site with a replacement retail development and gas station.

Goal 11 – Transportation: The subject property are sited on the east side of South 6th Street with adequate frontage to the public right-of-way. Development of the frontage of the property will be subject to permitting from the City of Cottage Grove. South 6th Street in this area is 60’ wide paved road with two lanes and bike lanes. There are no sidewalks.

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 parcel already in Cottage Grove’s urban growth boundary and the city limits of Cottage Grove (through Annexation A 1-23).

- 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 land is within the Urban Growth Boundary of Cottage Grove, and was annexed on February 13, 2023 by City Council. The subject properties were originally zoned RC Lane County Chapter 16, 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 ten years. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated L Low Density Residential. The western boundary of the subject property is South 6th Street.

- 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 property 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 along South 6th Street.

- 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 2015 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 1-23 to amend the Comprehensive Plan Land Use Map to rezone Map 21-03-04-21-00800 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 1-23

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/TL: 21-03-04-21-00800 – 77967 SOUTH 6TH STREET

WHEREAS, the purpose of this ordinance is to implement the Planning Commission’s decision dated March 15, 2023;

WHEREAS, the Planning Commission decision approved an amendment to the adopted citywide Land Use District Map to rezone Map 21-03-04-21-00800, recently annexed through A 1-23, as shown on the map attached as Exhibit A from Lane Code Chapter 16 RC 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:

Candace Solesbee, Mayor
Dated: _____

Richard Meyers, City Manager
Dated:

EXHIBIT A:

**Map 21-03-04-21-00800
Zone Change to C2P Community Commercial**

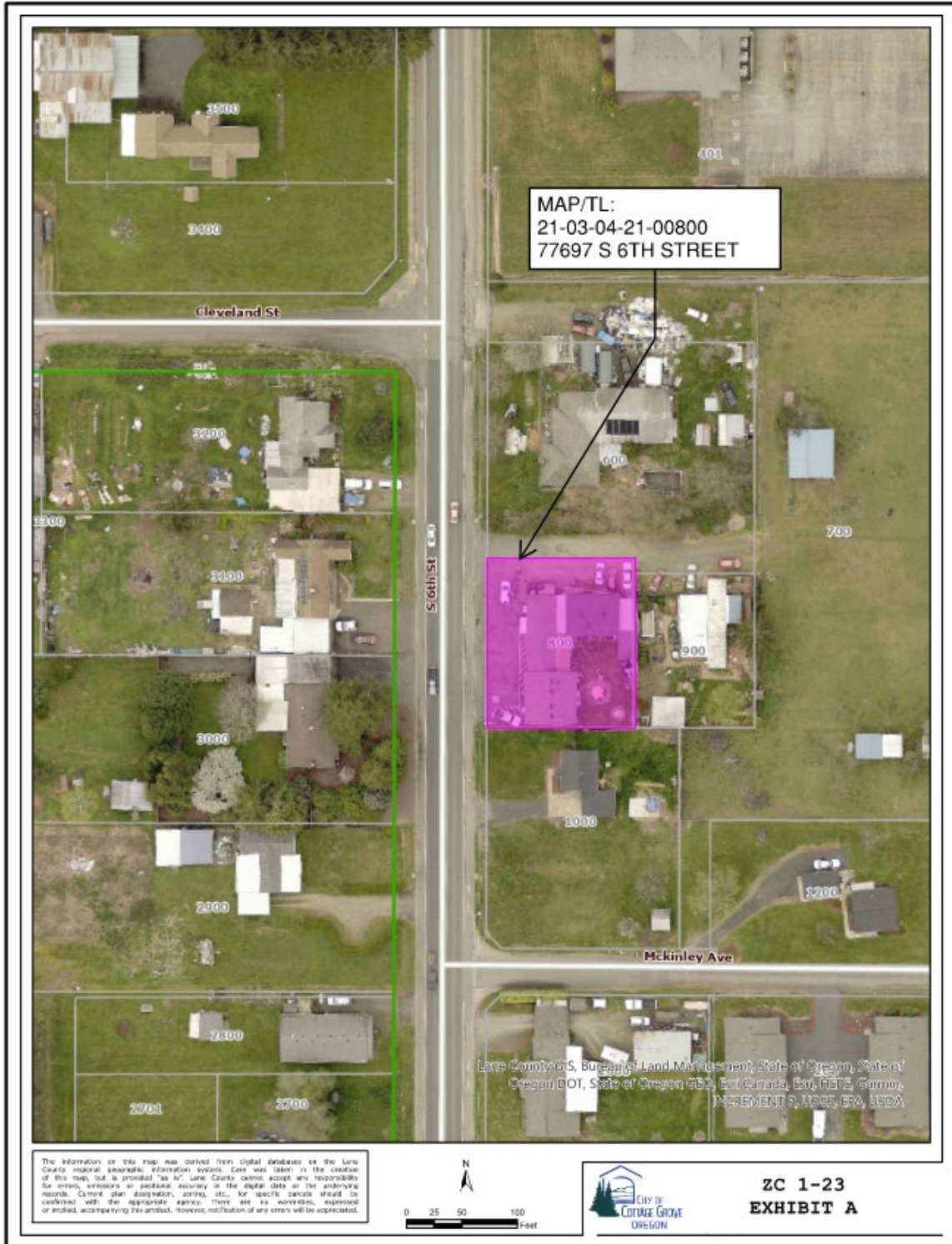


EXHIBIT B: FINDINGS
ORDINANCE NO. _____

1. Jose Contreras has 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 February 13, 2023 (A 1-23). Map 21-03-04-21 TL 800 is 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 800 at their March 15th, 2023 public hearing (ZC 1-23).
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 ten years. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated L Low Density Residential. The western boundary of the subject property is South 6th Street.
5. Adequate public facilities, including water, sewer, streets, etc. are available to be brought to the site along South 6th Street.
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 property is not within any known or recognized open, scenic, or historic area with the existing structure built in 1965.
 - 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 property is flat and there are no known landslide hazards and the parcel is not within the Special Flood Hazard Area.
 - f) Goal 9 – Economic Development: This annexation/zone change brings into the City’s inventory 0.24 acres of commercially zoned land that has been designated by the City’s Comprehensive Plan. As stated by the applicant the annexation/zone change applications the intent of the annexation and subsequent required zone change is to redevelop the site with a new retail development and gas station. This zone change will support the City’s economic development goals.
 - g) Goal 10 – Housing: This application for zone change requests the implementation of the City’s adopted Comprehensive Plan designation of Community Commercial. There is not a requirement to develop housing in commercial zones, but it is permitted per Table 14.23.110 through a Type III Site Design Review or Type III Masterplan. The applicant has stated the intention of redeveloping the site with a replacement retail development and gas station.
 - h) Goal 11 – Transportation: The subject property are sited on the east side of South 6th Street with adequate frontage to the public right-of-way. Development of the frontage of the property will be subject to permitting from the City of Cottage Grove. South 6th Street in this area is 60’ wide paved road with two lanes and bike lanes. There are no sidewalks.
 - 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 1-23).
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 February 13, 2023 by City Council. The subject properties were originally zoned RC Lane County Chapter 16, 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.
9. 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 ten years. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated L Low Density Residential. The western boundary of the subject property is South 6th Street.
10. The property 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 along South 6th Street.

11. 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.
12. The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the 2015 Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12).
13. 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.