

STAFF REPORT
CLAYTON PAYNE; MCPA 1-22
COMPREHENSIVE PLAN AMENDMENT/LAND USE MAP AMENDMENT
Map 20-03-27-32-00801 & 02300
2352 & 2436 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
2436 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 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 parcel is outside of the riparian corridor, floodplain, and is not designated as a scenic or historic area.

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 Economic Opportunity Analysis identified the need for more commercial and industrial land, the parcel is already improved as a residential use, and therefore would not apply to this situation. The proposed change is 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. 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.

Goal 13: Energy Conservation

To conserve energy.

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. This application is in compliance with Goal 14. This criterion has been 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 consistent with the Comprehensive Plan, as modifications to the Comprehensive Plan and its adopted implementing documents are expected overtime.

The Plan amendment and concurrent 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 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 will allow for a greater use of the land within proximity to existing city services and public transportation.

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 proposed Plan amendment and zone change will create additional space for outright permitted residential uses that would otherwise only be permitted conditionally in the current Plan and zone of the subject parcel. The subject parcel is on the northern part City limits with existing adjacent development to the south and an established golf course to the north / west / east. This parcel will be subject to Section 14.22.140 C – Residential Districts, Infill Standards if the current residence is demolished, that requires new development to match adjacent development standards, thus protecting the adjacent neighborhoods.

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.

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