

## MEMORANDUM

TO: Mayor and City Council

FROM: Amanda Ferguson, City Planner

SUBJECT: FIRST VOTE FOR ORDINANCE AMENDING THE COTTAGE GROVE COMPREHENSIVE PLAN LAND USE DIAGRAM MAP & TITLE 14 LAND USE DISTRICT MAP FOR THE STOUT LIVING TRUST (MCPA 2-21)

DATE: August 4, 2021

### Background

Council has held a public hearing on a proposed amendment to the Cottage Grove Comprehensive Plan Land Use Map Diagram and Land Use District Map, to apply M Medium Density Residential/R-2 Multiple-Family Residential zoning to three parcels owned by the Stout Living Trust on N. Lane Street (Map 20-03-28-12 TL 3400, 3402, and 3403).

The Planning Commission held a public hearing on the attached Ordinance on June 16, 2021, and recommended approval of the draft ordinance to Council.

It is now appropriate that Council consider the Ordinance. This Ordinance has been available for more than one week prior to this meeting and staff is recommending adoption.

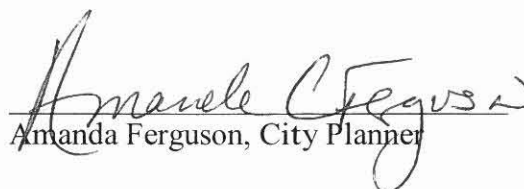
### Recommendation

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

  
Richard Meyers, City Manager

  
Amanda Ferguson, City Planner

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE COTTAGE GROVE  
COMPREHENSIVE PLAN LAND USE DIAGRAM  
MAP & TITLE 14 LAND USE DISTRICT MAP  
FOR THE STOUT LIVING TRUST  
(MCPA 2-21)

Map 20-03-28-12-3400, 3402, and 3403

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, the Stout Living Trust owns 1.33 acres identified as Map 20-03-28-12-03400, 3402, and 3403, which are undeveloped as 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 Land Use Diagram Map and Title 14 Cottage Grove Development Code Land Use District Map for the subject properties to allow for the development of multi-family housing; and

WHEREAS, on June 16, 2021, 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 recommended Council approval of the proposal; and

WHEREAS, on August 9, 2021, 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 approval, 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 redesignation 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 redesignate the subject properties described in Exhibit A from C Community Commercial to M Medium Density Residential; and

b. Title 14, Cottage Grove Development Code land use district map is hereby amended to rezone the subject property described in Exhibit A from none to R-2 Multi-Family Residential.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jeffrey D. Gowing, Mayor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Richard Meyers, City Manager

Dated: \_\_\_\_\_

EXHIBIT A  
ORDINANCE NO. \_\_\_\_\_

**Site Location**

Map 20-03-28-12-03400, 3402, 3403

EXHIBIT B  
ORDINANCE NO. \_\_\_\_\_

1. The Stout Living Trust owns 1.33 acres identified as Map 20-03-28-12-03400, 03402, and 03403, which are undeveloped. The parcels are designated as C Community Commercial, and tax lots 3400 and 3402 are zoned as R-2 Multi-Family Residential. Tax Lot 3403, until recently owned by ODOT, is not zoned.
2. Doug Stout, the Stout Living Trust, has made this application to change the designation and zoning on his property to reflect on the Comprehensive Plan Map and Land Use map all three lots as Medium Density/Multi-Family Residential. This change will allow for the development of multi-family residential dwellings on the parcels while allowing for the retention of the existing residential use of the neighborhood.
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 correct the City’s maps to allow for the continued use of residential development on this property. The Community Commercial designation has limited allowances for residential development, and given the property dimensions and limited access via local access roads such as N. Lane Street and Chamberlain Avenue, converting the properties to Medium Density Residential allows for a greater variety of residential housing types while matching the street access. The development of these properties as commercial would be hindered by site access and would have negative impacts on existing adjacent residential neighborhoods which are zoned for multi-family residential use. N. Lane Street is a gravel local residential road that is not planned for improvement in the current Cottage Grove Transportation System Plan. Chamberlain Avenue is a paved local street.
6. Adequate public facilities, including water, sewer, storm water, and sufficient right-of-way exists to provide access to the site. Future transportation impacts will be lessened by the proposed comprehensive plan map and land use district map change, by reducing demands for commercial access on N. Lane Street and reducing potential traffic conflicts.

The following Statewide Planning Goals are not applicable to the proposed redesignation/rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 6 – Air and Water Resources; 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 complies with them as noted below:

**Goal 1: Citizen Involvement**

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 May 11, 2021. Public hearings have been held at the Planning Commission and City Council levels to consider this redesignation/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**

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 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

No known wetlands or historic areas are located on the subject properties. The properties are outside of the riparian corridor, and are not designated as floodplain.

Tax Lots 3400 and 3402 are within the Cottage Grove Historic Preservation Overlay District and are listed on the National Register of Historic Places, although one of the contributing elements of the original National Register listing, a barn with its painted advertising signage of Dr. Pierce's Pleasant Pellets, was demolished in 2012 by the owner Doug Stout. The Historic Overlay and the National Register listing will not change or be removed by this application to amend the Comprehensive Plan Designation from C Community Commercial to M Medium Density Residential. Development on these lots remains subject to the protections offered under the Historic Preservation Overlay District.

This designation/zone change is in compliance with Goal 5.

Tax lots 3400 and 3402 are currently designated as R-2 Multi-Family Residential on the Land Use Map. This application will amend the Comprehensive Plan Map to align with the existing Land Use Map for these two parcels. Tax lot 3403 currently has no designation on the Land Use Map (as it was part of the ODOT right-of-way until recently purchased by Mr. Stout). This redesignation/zone change will create developable space for the multi-family residential uses as an improvement over the existing zoning, or lack thereof, and is in compliance with Goal 5.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

The subject properties are 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**

The subject properties are located within a quarter mile of the North Regional Park to the northeast and the Coast Fork Willamette River to the north/northwest. Additionally, the Row River Trail, a multi-modal, Rails-to-Trails National Scenic Bikeway, is located just a mile south of the properties and can be connected to via surface streets or a combination of trails/paths and surface streets. The North Regional Park and the Row River Trail are within city-owned rights-of-way and are zoned PR Parks & Recreation. The proposed designation/zone change will allow for housing to be developed on these properties, thereby putting people closer to the natural spaces, trails and parks that enhance quality of life and making access and use easy for future residents. This proposed change is in compliance with Goal 8.

**Goal 9: Economic Development**

Tax lots 3400 and 3402 are designated R-2 Multi-Family Residential on the City's Land Use Map, as are the neighboring properties. This application will amend the Comprehensive Plan Map for these two parcels to reflect the uses permitted in the R-2 zone. Tax lot 3403 has a Comprehensive Plan designation of C Community Commercial but no corresponding zoning, as until recently it had been considered part of the right-of-way/buffer of the Connector Bridge, an ODOT facility. With its release by ODOT for development, it is appropriate to apply a zoning to this property. This application will amend the Comprehensive Plan Map to M Medium Density Residential and apply a corresponding R-2 Multi-Family Residential Zoning to TL 3403 to match the adjacent property and allow this 1.44 acre area to be developed as one. Development of TL 3403 as commercial, when it is land-locked between the slope of the Connector Bridge and multi-family properties at the end of a gravel local road, would be extremely difficult, as utilities and road



provision would be limited. The proposed comprehensive modification to the area will create 1.33 acres of undeveloped land for use as multi-family residential development in alignment with adjacent development to the south. This change to the Comprehensive and Land Use maps will align the existing housing developments to the south creating a densified neighborhood adjacent to the existing commercial zone located along nearby Hwy 99. The proposed change is in compliance with Goal 9.

**Goal 10: Housing**

Goal 10 is applicable. The comprehensive plan change/zone change will add .44 acres into the City’s housing lands inventory and will align the Comprehensive Map and Land Use map for the remaining 0.89 acre, meeting an identified need for more residential dwelling units in the 2018 Building Lands Analysis and for higher density residential land (high density and commercial plan designations). (See charts from 2018 Housing Needs Analysis below.) The residential use of the properties will increase the existing multi-family zone footprint in the area allowing for increased densification and protecting existing residential zoned areas from re-development along Chamberlain Avenue, and will remove a potential traffic conflict, reducing future traffic issues on N. Lane and Chamberlain roads. The properties are ideally located for pedestrian and bicycle connectivity to the rest of the City. 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)	<b>1,379</b>
Dwelling units by structure type	
<i>Single-family detached</i>	
<i>Percent single-family detached DU</i>	<b>65%</b>
<i>equals Total new single-family detached DU</i>	<b>896</b>
<i>Single-family attached</i>	
<i>Percent single-family attached DU</i>	<b>10%</b>
<i>equals Total new single-family attached DU</i>	<b>138</b>
<i>Multifamily</i>	
<i>Percent multifamily</i>	<b>25%</b>
<i>Total new multifamily</i>	<b>345</b>
<b>Total new dwelling units (2018-2038)</b>	<b>1,379</b>



**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 ECNorthwest. 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**

The properties can be adequately served with public facilities. N. Lane Road is an undeveloped gravel road and will require a full rebuild depending upon the level of new development proposed. There are adequate City services available to serve the properties (water, sanitary sewer and storm sewer). The properties are adequately served by police service, public transit, and a thorough transportation network. The proposed change is in compliance with Goal 11.

**Goal 12: Transportation**

Tax lots 3402 and 3403 have direct frontage onto N. Lane Street and technically share frontage onto the Cottage Grove Connector, an ODOT road. It is unlikely that the state road authority will ever permit access to the Connector due to grade issues, as the Connector is elevated in this area to cross over N. Lane Street, the railroad tracks, and N. Douglas Avenue. This proposed change will greatly reduce the potential vehicle trips per day on the local roads possible by potential development and will place new residential development within walking/biking distance of commercial development on Hwy 99 and the downtown core and recreational opportunities at the North Regional Park. Hence, the proposed change is in compliance with Goal 12.

**Goal 13: Energy Conservation**

The Plan amendment/zone change will promote more energy efficient development by placing higher density residential development in the City's core areas adjacent to commercial developments providing walking/biking/public transit access to goods, services and employment, thus reducing the need for automobile use. The change will conserve energy by reducing needs for greenfield development and expansion of city services. The proposed change is in compliance with Goal 13.

**Goal 14: Urbanization**

The subject properties have been annexed to the City of Cottage Grove and are inside the City's acknowledged Urban Growth Boundary. This application is in compliance with Goal 14. This criterion has been met.

8. The property owner of the land involved in the Plan Amendment/Rezoning is in favor of the proposed actions.
9. The proposed change is in the public's interest; is in keeping with the development pattern in this area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare.