

STAFF REPORT
CITY OF COTTAGE GROVE; ZC 2-24
LAND USE MAP CHANGE
A PORTION OF LOT 4 DOUBLE H ESTATES
MAP / TL: 20-03-32-00-00504
SEPTEMBER 18, 2024

PROPOSAL DESCRIPTION

Date application filed: August 14, 2024

Applicant: Double H Investment Group, LLC
80321 Sears Rd
Cottage Grove, OR 97424

Location: East 0.41 ac of Lot 4 of Double H Estates

Map / Tax Lot: 20-03-31-00-02200

Current Zoning: RR5 - Lane County Code Chapter 10

Current Comprehensive Plan: L – Low Density Residential

Proposed Zoning: R-1 Single-Family Residential

Proposal:

To amend the Cottage Grove Land Use Map to apply the Comprehensive Plan designation's zone to a portion of Lot 4 of Double H Estates, approximately 0.41 ac. The subject area is currently zoned RR5 per Lane County within the UGB with a Comprehensive Plan Designation of L – Low Density Residential, and was annexed into City limits on August 26, 2024 by Ordinance No. ____.

The applicant previously annexed the commonly owned lot to the east for development of a residential subdivision. The concurrent application for annexation and zone change will add the needed square footage to allow for the proper development of standard residential lots. Following the annexation and zone change the property owner/applicant will file for a property line adjustment to add the newly annexed area to the larger parcel or through master planned development/subdivision include the newly annexed area.

Per Section 18.04.090 Zoning of Annexed Property, the applicant is required to file a Zone Change application to convert from County zoning to City zoning prior to the City filing documentation with the Secretary of State, hence this application.

The applicant has requested R-1 Single Family Residential zoning, which is one of three identified implementing districts for the L – Low Density Residential Comprehensive Plan designation.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; ZC 2-24
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:

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 6: Air, Water & Land Resources Quality, Goal 7: Areas Subject to Natural disasters and Hazards, Goal 10: Housing, Goal 11: Public Facilities and Services, Goal 12: Transportation, 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 IV public notice process as specified in Section 18.04.050 (Annexation and Extraterritorial Extension Standards and Procedures, Expedited Procedure) of the Cottage Grove Municipal Code. The Department of Land Conservation and Development was notified of the intended modification on August 14, 2024, and did not express any concerns in writing about the changes. Public hearings have been held at the Planning Commission on September 18, 2024, and City Council on October 14, 2024 to receive public comment. 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 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 application of a zone. Any development on these parcels will be required to identify and protect resources, as well as adhere to DEQ's policies (1200C permit), and Cottage Grove Municipal Code Chapter 14.35 (Surface Water Management).

Goal 7 – Areas Subject to Natural Disasters and Hazards: The subject parcel does not have floodplain / floodway encumbering the site. The parcel is located within an identified Hillside Area Level slope of up to 25%. While this does not directly impact the assignment of a City zone to this parcel, at the time of development the applicant shall be required to put on the face of the plat that a Hillside Development Permit may be required on certain portions of the parcel. Due to the parcel having slopes up to 25%, per Cottage Grove Municipal Code 14.45.110(3), subdivisions of large residential sites (3 acres or greater) with slopes in excess of 15% are required to go through the Master Plan process, with required open space which can be used to protect slopes for safety of the residents. The Land Use Review process within the City shall make sure additional natural disaster and hazard mitigation review is completed.

Goal 10 – Housing: The applicant intends to subdivide the annexed parcel and develop housing, infrastructure, and a roadway. Because the parcel is over 3 acres with over 15% slope, the

applicant will be required to submit for a Master Plan application, ensuring the adherence to the standards of the R-1 zone and Hillside Development. As the subject parcel was already designated for Low Density Residential in the Comprehensive Plan, the proposed applied zoning promotes development of housing (R-1 – Single Family Residential). At this time, the minimum density in the R-1 zone is four units per acre, with no maximum density as long as the relevant development criteria are met, such as setbacks, lot coverage, parking, etc. In the R-1 zone, the minimum lot size is 4,500 square feet for a single-family, duplex, cottage cluster, or nonresidential use, and a minimum lot size of 2,250 square feet for a townhouse development. Per the 2018 Housing Needs Analysis, 69 new dwellings are needed per year through 2038. Due to the minimum density required, a potential of 20 total dwellings are required, which can be townhomes, single family detached, and / or duplexes. By applying the R-1 zoning to this parcel, it allows it to be subdivided into potentially smaller lots and higher density housing, which helps the City achieve the necessary dwellings per year.

Goal 11 – Public Facilities: The area for proposed zone change will be added to the adjacent parcel to the east via property line adjustment or master planned development/subdivision. The adjacent lot to the east is currently served by City utilities. Per Cottage Grove Municipal Code Section 14.34.100(G), street stubs shall be provided to allow access to future subdivisions and to logically extend the street system into the surrounding area. The current standards detail that for residential districts, a minimum of 100 feet block length and a maximum of 400 feet length is required, with a maximum 1,400 feet block perimeter. Currently, Ibsen Ave is approximately 715 feet long. When development occurs, the applicant must adhere to the current street connectivity and formation of blocks standards. Additionally, due to the size of the parcel, when development occurs, a Master Plan will need to be applied for and approved, which will detail the Public Facilities within the development.

Goal 12 – Transportation: The area for proposed zone change will be added to the adjacent parcel to the east via property line adjustment or master planned development/subdivision. The abutting property to the east being designated as Low Density Residential, the adjacent roads and those within the 2015 Cottage Grove Transportation System Plan (TSP) were developed with the additional development in mind. Ibsen is accessed by collectors W Harrison Ave and Blue Sky Dr. If any proposed development is planned and a TIS is necessary, Land Use Review will require the applicant to submit findings showing adherence to Cottage Grove Municipal Code 14.41.900.

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

Goal 14 – Urbanization: This parcel is already in Cottage Grove’s Urban Growth Boundary and City limits, per Annexation File No. A 1-24, approved through City Council on August 26, 2024 by ORD No. _____.

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:

The proposed zone change application is consistent with the adopted Comprehensive Plan Designation.

Approval of the request is consistent with the adopted Comprehensive Plan designation, including the 2015 Transportation System Plan for the area. The land is within the Urban Growth Boundary

of Cottage Grove, and was annexed into City limits by Council on August 26, 2024 by ORD. No.____. The proposed R-1 Single-Family Residential for this parcel is a proper implementing zone for the Comprehensive Plan designation of L Low Density Residential. With the annexation of this property, it is appropriate to apply the R-1 Single-Family Residential 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 R-1 Single-Family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated L - Low Density Residential.

- 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:

Existing public facilities, services and transportation networks already support the adjacent residential uses. City services may be expanded and/or extended to meet the needs of future development of this parcel. This criteria 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; and*

Staff response and findings of fact:

The proposed zone implementation is in the public interest with regard to neighborhood or community conditions, as it applies the base zoning on an already designated Low Density Residential parcel. Additionally, it will allow for the needed housing identified in the 2018 Housing Needs Analysis. This criteria is met as proposed.

- 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:

As stated above, the subject parcel is designated as Low Density Residential, and the adjacent roads and those within the Cottage Grove Transportation System Plan (TSP) were developed with the additional residential development in mind. If any proposed development is planned and a TIS is required, Land Use Review will require the applicant to submit findings showing adherence to such standards.

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

Staff response and findings of fact:

The proposed amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The R-1 Single-Family Residential zoning is the proper implementing zone for the property's 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 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 2-24 to amend the Cottage Grove Land Use Map to apply appropriate zoning to a portion of Lot 4 of Double H Estates (TL 2200) from RR5 under Lane Code Chapter 10 to R-1 Single-Family Residential, 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 2-24

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 DOUBLE H
INVESTMENTS LLC
ZC 2-24
MAP/TAX LOT 20-03-31-00-02200

WHEREAS, the purpose of this ordinance is to implement the Planning Commission’s decision dated September 18, 2024;

WHEREAS, the Planning Commission decision approved an amendment to the adopted citywide Land Use District Map to rezone a portion of Map 20-03-31-00-02200, recently annexed through Annexation File No. A 1-24 (ORD No. ____), as shown on the map attached as Exhibit A from Lane Code Chapter 10 RR5 to R-1 Single-Family Residential;

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 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
13TH DAY OF NOVEMBER, 2023.

ATTEST:

Candace Solesbee, Mayor

Dated: _____

City Manager

Dated: _____

EXHIBIT B: FINDINGS

ORDINANCE NO. _____

1. Double H Investment Group has made an application to rezone a parcel directly west of the termination of Ibsen Ave (Map / TL: 20-03-32-00-00504) (created by Land Partition Plat No. 2019-P2897) from Lane County Zoning AGT5 to R-1 Single Family Residential.
2. The land is within the Urban Growth Boundary of Cottage Grove, and was annexed on September 25, 2023. It is designated as L-Low Density Residential on the Cottage Grove Comprehensive Plan map. The Comprehensive Plan Land Use Diagram identifies R-Low Density Residential, R-1 Single Family Residential, and Manufactured Home Subdivision as the only implementing zones for this designation. The Planning Commission voted to apply the R-1 Single-Family Residential land use designation to this parcel at their October 18, 2023 hearing (ZC 2-23).
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. The R-1 Single-family Residential zone is compatible to surrounding land uses to the portion of right-of-way, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated L – Low Density Residential. Adequate public facilities, including water, sewer, streets, etc. are available in Ibsen Ave.
4. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources; Goal 8 – Recreation; Goal 9 – Economy of the State; Goal 15 – Willamette River Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
5. 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 IV public notice process as specified in Section 18.04.050 (Annexation and Extraterritorial Extension Standards and Procedures, Expedited Procedure) of the Cottage Grove Municipal Code. The Department of Land Conservation and Development was notified of the intended modification on September 13, 2023, and did not express any concerns in writing about the changes. Public hearings have been held at the Planning Commission on October 18, 2023, and City Council on November 13, 2023 to receive public comment. 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 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 application of a zone. Any development on these parcels will be required to identify and protect resources, as well as adhere to DEQ’s policies (1200C permit), and Cottage Grove Municipal Code Chapter 14.35 (Surface Water Management).

- d) Goal 7 – Areas Subject to Natural Disasters and Hazards: The subject parcel does not have floodplain / floodway encumbering the site. The parcel is located within an identified Hillside Area Level slope of up to 25%. While this does not directly impact the assignment of a City zone to this parcel, at the time of development the applicant shall be required to put on the face of the plat that a Hillside Development Permit may be required on certain portions of the parcel. Due to the parcel having slopes up to 25%, per Cottage Grove Municipal Code 14.45.110(3), subdivisions of large residential sites (3 acres or greater) with slopes in excess of 15% are required to go through the Master Plan process, with required open space which can be used to protect slopes for safety of the residents. The Land Use Review process within the City shall make sure additional natural disaster and hazard mitigation review is completed.
- e) Goal 10 – Housing: The applicant intends to subdivide the annexed parcel and develop housing, infrastructure, and a roadway. Because the parcel is over 3 acres with over 15% slope, the applicant will be required to submit for a Master Plan application, ensuring the adherence to the standards of the R-1 zone and Hillside Development. As the subject parcel was already designated for Low Density Residential in the Comprehensive Plan, the proposed applied zoning promotes development of housing (R-1 – Single Family Residential). At this time, the minimum density in the R-1 zone is four units per acre, with no maximum density as long as the relevant development criteria are met, such as setbacks, lot coverage, parking, etc. In the R-1 zone, the minimum lot size is 4,500 square feet for a single-family, duplex, cottage cluster, or nonresidential use, and a minimum lot size of 2,250 square feet for a townhouse development. Per the 2018 Housing Needs Analysis, 69 new dwellings are needed per year through 2038. Due to the minimum density required, a potential of 20 total dwellings are required, which can be townhomes, single family detached, and / or duplexes. By applying the R-1 zoning to this parcel, it allows it to be subdivided into potentially smaller lots and higher density housing, which helps the City achieve the necessary dwellings per year.
- f) Goal 11 – Public Facilities: The subject parcel is located at the termination of Ibsen Avenue, which is already served with public facilities. Per Cottage Grove Municipal Code Section 14.34.100(G), street stubs shall be provided to allow access to future subdivisions and to logically extend the street system into the surrounding area. The current standards detail that for residential districts, a minimum of 100 feet block length and a maximum of 40 feet length is required, with a maximum 1,400 feet block perimeter. Currently, Ibsen Ave is approximately 715 feet long. When development occurs, the applicant must adhere to the current street connectivity and formation of blocks standards. Additionally, due to the size of the parcel, when development occurs, a Master Plan will need to be applied for and approved, which will detail the Public Facilities within the development.
- g) Goal 12 – Transportation: Being designated as Low Density Residential, the adjacent roads and those within the 2015 Cottage Grove Transportation System Plan (TSP) were developed with the additional development in mind. Ibsen is accessed by collectors W Harrison Ave and Blue Sky Dr. If any proposed development is planned and a TIS is necessary, Land Use Review will require the applicant to submit findings showing adherence to Cottage Grove Municipal Code 14.41.900.
- h) Goal 13 – Energy Conservation: The parcel can be served by City streets and services. Preservation of existing development patterns maximizes energy conservation.

- i) Goal 14 – Urbanization: This parcel is already in Cottage Grove’s Urban Growth Boundary and City limits, per Annexation File No. A 2-23, approved through City Council on September 25, 2023 by ORD No. _____.
6. The proposed zone application is consistent with the adopted Comprehensive Plan Designation. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the 2015 Transportation System Plan for the area. The land is within the Urban Growth Boundary of Cottage Grove, and was annexed into City limits by Council on September 25, 2023 by ORD. No. _____. The proposed R-1 Single-Family Residential for this parcel is a proper implementing zone for the Comprehensive Plan designation of L Low Density Residential. With the annexation of this property, it is appropriate to apply the R-1 Single-Family Residential zone to this property.
7. 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 R-1 Single-Family Residential zone is compatible to surrounding land uses to the subject properties, which have been committed to residential use for decades. Surrounding properties within the Cottage Grove Urban Growth Boundary and/or City limits are designated L - Low Density Residential.
8. Existing public facilities, services and transportation networks already support the adjacent residential uses. City services may be expanded and/or extended to meet the needs of future development of this parcel.
9. The proposed zone implementation is in the public interest with regard to neighborhood or community conditions, as it applies the base zoning on an already designated Low Density Residential parcel.
10. The subject parcel was designated as Low Density Residential, and the adjacent roads and those within the Cottage Grove Transportation System Plan (TSP) were developed with the additional residential development in mind. If any proposed development is planned and a TIS is necessary, Land Use Review will require the applicant to submit findings showing adherence to Cottage Grove Municipal Code 14.41.900.
11. The amendment conforms to the Transportation Planning Rule provisions under Section 14.47.800. The R-1 Single-Family Residential zoning is the proper implementing zone for the property’s Comprehensive Plan designation, which conforms to the provisions of the Transportation Planning Rule.