

**CITY OF COTTAGE GROVE
PLANNING COMMISSION**
Minutes of the Regular Public Hearing
June 15, 2016

CALL TO ORDER

Chair Valley called the meeting to order at approximately 7:00 p.m. in the Council Chambers at City Hall.

ROLL CALL

Recording Secretary Cindy Blacksmith called the roll. The following were:

Present: Chair Darby Valley, Commissioners Chloe Beckes, George Devine, Jeremie Eckstine, Bob Ehler, Dan Nord and Alan Widener

Absent: None.

Staff Present: Community Development Director Howard Schesser, City Planner Amanda Ferguson and Recording Secretary Cindy Blacksmith

Staff Absent: None

News Media Present: None.

Staff advised that this hearing had been advertised and publicized and notices posted as required by law. It was asked that any correspondence received be noted as a part of the item on the agenda.

Items to be Added

None

Ex Parte Contact

None.

MINUTES

IT WAS MOVED BY COMMISSIONER DEVINE AND SECONDED BY COMMISSIONER ECKSTINE TO APPROVE THE MINUTES OF APRIL 20, 2016 AS PRESENTED.

Vote on the motion was as follows:

VOTE	Commissioner Beckes	Commissioner Devine	Commissioner Eckstine	Commissioner Ehler	Commissioner Nord	Commissioner Widener	Chair Valley
AYES	X	X	X	X	X	X	X
NAYES							
ABSTAIN							

OLD BUSINESS

None scheduled.

NEW BUSINESS

Harting/City of Cottage Grove – Comprehensive Plan Map and Land Use Map Change (MCPA 1-16) to Amend Comprehensive Plan Map and Land Use Map on 2055 South 6th Street and Kathleen Views Subdivision

Mary Harting owns 0.59 acres around a single family home built in 1910 at 2055 South 6th Street (Map No. 20-03-33-33; Tax Lot No. 1015) and is in the process of selling the home to downsize. The sale is complicated, however, by the current Comprehensive Plan designation and zoning on the property, which is High Density/R-03 High Density Multiple Family Residential. The existing single family home is not an allowed use in the R-3 zone, which makes the home not replaceable if destroyed.

The 1910 house was annexed into the City in 1996 when the Kathleen Views Subdivision was annexed, and the zoning applied to it and the surrounding (vacant) subdivision at that time through a Contract Zoning Agreement. At that time, the High Density Multiple Family Residential zoning allowed for single family homes through a Conditional Use Permit, and allowed duplexes and multiple family homes outright. The entire subdivision was developed as Single Family homes under Conditional Use Permit 2-96, which required that "all single-family residential development shall comply with the regulations of the City R-1 Single Family Residential District." The existing home at 2055 South 6th Street was brought into the city at this time as a non-conforming development/potential conditional use.

In 2008, Chapter 18 Cottage Grove Zoning Code under which Conditional Use Permit 2-96 was authorized was repealed, and in its place the Cottage Grove Development Code was adopted. Under Chapter 14 Development Code Table 2.2.110, single family homes are not allowed in the R-3 district. Consequently, the home at 2055 South 6^t Street is now considered a "non-conforming use" and "non-conforming development." The homes within Kathleen Views subdivision are considered "non-conforming development" and "conditional uses". In either case, refinancing and/or mortgaging these homes can be difficult, as the paren zoning no longer allows single family homes, and lenders are loath to lend money for homes that may not be replaceable if damaged or destroyed.

This application proposes to redesignate all the properties annexed in 1996 as part of Kathleen Views Subdivision, including 2055 South 6th Street, from H High Density Residential to L Low Density Residential, and rezone the properties from R-3 High Density Multiple Family Residential to R-1 Single Family Residential to correct the current Land Use Maps to reflect the actual density of development on the lots and protect these homeowners' rights to replace and/or rebuild single family homes on their lots.

Staff advised that written notification to be included was received: letter from the Fair Housing Council of Oregon regarding Goal 10 (attached as Exhibit A), memo from staff regarding Revised Goal 10 Finding (attached as Exhibit B), and an email from Judy Baker regarding 520 Patrick Loop and 520 Kathleen Drive in support of the proposal (attached as Exhibit C).

Chair Valley asked if any properties in the subdivision were not included in the proposal. City Planner Ferguson replied no, but that approximately 1/3 of the property owners had not contacted the city to-date. Ferguson stated that the Commissioners had been given a memo (attached as Exhibit D) that listed the properties in support of the application.

Commissioner Devine stated that there were approximately 35 properties involved and that staff had heard from approximately 2/3's of them. Ferguson replied it was just under 2/3's.

Chair Valley asked if the Fair Housing Council had any legal standing on this issue. Director Schesser replied that they did and that is why staff had responded with the revised Goal 10 finding. Further, he had reviewed the LUBA cases they cited and the first two LUBA cases dealt with rezoning from industrial to residential land. The third one involved Lane County and the City of Eugene involves wetlands and the percentage of land they were taking out for wetlands for some apartment development. That none of this land is encumbered with wetlands and with the additional finding provided, staff felt there was an adequate supply of residential high density land available.

Chair Devine asked if there was any reason why a homeowner in that area today wouldn't want the re-zoning? City Planner Ferguson replied that if they were hoping to

keep their property and purchase adjacent property, demolish the existing homes and rebuilding with tri-plexes or multi-family, then yes it would be better for them to main their property as R-3. The lots are small enough that it would be difficult to develop anything other than a duplex. The current zoning does not apply to what is currently developed and the lots would have to be consolidated.

Director Schesser stated that another problem was, that if the home was 50% destroyed by fire it could not be rebuilt under the current zoning. The current property on South 6th Street is for sale and the loan can't close because of the V A financing. Further that since 2008, DLCD has said the conditional use for single family density is not an appropriate use in a high density zone because you can't meet the density requirement.

Commissioner Nord asked how the high density and the new floodplain maps, if staff had said none of the high density would be lost? Director Schesser replied that since 2005 nothing has changed in the amount of land available for high density.

City Planner Ferguson stated that new floodplain maps had not yet been received, so when and if they are received that will be a part of the review process under a revised buildable lands analysis.

OPEN PUBLIC HEARING

No one spoke.

CLOSE PUBLIC HEARING

IT WAS MOVED BY COMMISSIONER DEVINE AND SECONDED BY COMMISSIONER ECKSTINE THAT THE PLANNING COMMISSION RECOMMENDS ADOPTION OF APPLICATION NO. CUP 1-16 TO THE CITY COUNCIL AS PRESENTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT AND THE REVISED GOAL 10 FINDING.

Vote on the motion was as follows:

VOTE	Commissioner Beckes	Commissioner Devine	Commissioner Eckstine	Commissioner Ehler	Commissioner Nord	Commissioner Widener	Chair Valley
AYES	X	X	X	X	X	X	X
NAYES							
ABSTAIN							

INFORMATION REPORT FROM STAFF

None.

AUDIENCE PARTICIPATION

None.

COMMISSION COMMENTS

None.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT APPROXIMATELY 7:20 p.m.

ATTEST:

APPROVED:



Cindy Blacksmith, Recording Secretary



Darby Valley, Chair



June 15, 2016

City of Cottage Grove
400 E. Main Street
Cottage Grove, Oregon 97424

Re: MCPA-16 Amending the Comprehensive Plan Map from High Density Residential (H) to Low Density Residential and the Zoning Map from High Density Multiple Family Residential to Single Family Residential for a total of 7.95 acres.

Dear Cottage Grove Planning Commission:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's concerns relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

While the staff report relating to this proposal mentions Statewide Goal 10 (Goal 10), it does not sufficiently analyze the impact of the proposed amendment on the City's Goal 10 obligations. The staff report seems to admit that the current zoning does not reflect reality, but makes no analysis of current housing needs in the City. Goal 10 requires the city to inventory buildable lands for residential use and uses this inventory to show that an adequate number of needed housing units can be supported – the staff report does not meet that requirement. In fact, the report specifically says, "A future buildable lands analysis will be necessary to assess if the City has enough residential lands of various densities to meet future needs." *Staff Report MCPA-16*, 4. In order to assess the impact of this proposal an analysis of buildable lands is necessary to determine whether the City's Goal 10 obligations are met.

The staff report does not adequately analyze the proposal's impact on the City's Goal 10 obligations because it does not address how the land at issue may contribute to meeting the Goal 10 obligations of the City (e.g. by zoning for higher density residential use) and it does not

1221 SW Yamhill Street, Portland, Oregon 97205



address whether the County's Goal 10 obligations would be negatively impacted by the proposed amendment. The City must demonstrate that its actions do not leave it with less than adequate supplies in the types, locations, and affordability ranges affected. *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until its impact on the City's Goal 10 obligations is fully analyzed. FHCO and HLA would be willing to collaborate with the City to address this issue and to assist in the new housing inventory and analysis the City alludes to in the staff report. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, Suite #305. Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, 11th Floor, Portland, OR 97204.

Sincerely,

A handwritten signature in cursive script that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in cursive script that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

MEMO

TO: Planning Commission

FROM: Amanda Ferguson, City Planner

RE: Revised Goal 10 Finding, MCPA 1-16

Dear Commissioners:

Please consider the following revised Goal 10 finding to address existing buildable lands inventory.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

This amendment brings the designation/zoning of these properties in alignment with their existing development pattern and ensures that the City has adequate, correct data on our current land use map. This comprehensive plan change/zone change will not impact the City's existing Buildable Lands Inventory. These lands are not vacant and are not part of our current vacant lands inventory per the 2005 Cottage Grove Buildable Lands Analysis, nor are they designated as potential infill development lands. One parcel is shown as Potential Redevelopment (TL 1020) in the 2005 BLA, as the house at 2060 Patrick Loop is on two parcels. This 0.28 acre parcel could not be developed as high density residential under the current Conditional Use Permit; hence, this property is not available as potential infill for high density development but could be redeveloped with an additional single family dwelling or duplex to meet additional residential lands needs.

The 2005 Buildable Lands Analysis concluded that there is adequate vacant land in Cottage Grove's Urban Growth Boundary to meet the low density, medium density and high density residential development demand to 2025. The 2005 BLA report stated that we had 14.76 acres more than was needed for high density residential. Since that time none of this land has been developed. Additionally, we added 3.1 acres of high density residential land with the upzoning of the Hayden property to R-3 in 2015. This results in 17.86 acres of surplus high density residential land in the City. The land in this application was not included in the surplus as it was developed. Also, the growth factor and projected population in the 2005 BLA report was revised and lowered in 2015 with the PSU projection update. When the City initiates a new Buildable Lands Analysis, the City will reevaluate current buildable lands needs and determine appropriate locations for higher density development.



Amanda Ferguson <planner@cottagegrove.org>

Proposed Comprehensive Plan Map & Land Use District Change

Judy Baker <bakercomm7@gmail.com>

Thu, Jun 9, 2016 at 9:28 PM

To: planner@cottagegrove.org

Dear Gentleperson:

Please leave the properties located at 520 Patrick Loop (20-03-33-33-TL 1030) and 520 Kathleen Drive (20-03-33-33 TL 1011) in the application to allow for these homes to be rezoned as R-1 Single Family Residential, under the application submitted by Mary Harting and the City of Cottage Grove (MCPA-1-16) to bring the homes in alignment with the current development so that they are "Permitted Uses."

If you have any questions or need anything else in writing in support of the rezoning of these properties to be R-1 Single Family Residential, please contact me.

Sincerely,

Rand Baker, Manager
Bob & Lil Baker, LLC

Memo

Date: June 15, 2016
TO: Cottage Grove Planning Commission
FROM: Amanda Ferguson, City Planner
RE: MCPA 1-16
Support from property owners

Dear Commissioners:

Below you'll find a list of property addresses, the property owners of which have reached out to our office to express their support for inclusion in the Comprehensive Plan/Land Use District Map Change application for the redesignation/rezoning of Kathleen Views Subdivision (MCPA 1-16):

Properties Supportive of application:

2120 Patrick Crt (20-03-33-33 TL 1004)
2170 Patrick Crt (20-03-33-33 TL 1005)
2155 Patrick Crt (20-03-33-33 TL 1007)
520 Kathleen Dr (20-03-33-33 TL 1011)
540 Kathleen Dr (20-03-33-33 TL 1012)
560 Kathleen Dr (20-03-33-33 TL 1013)
580 Kathleen Dr (20-03-33-33 TL 1014)
2055 S. 6th St (20-03-33-33 TL 1015)
555 Patrick Loop (20-03-33-33 TL 1017)
535 Patrick Loop (20-03-33-33 TL 1018)
2060 Patrick Loop (20-03-33-33 TL 1020 & 1021)
2015 Patrick Loop (20-03-33-33 TL 1027)
510 Patrick Loop (20-03-33-33 TL 1029)
520 Patrick Loop (20-03-33-33 TL 1030)
Patrick Loop (20-03-33-33 TL 1034)
Patrick Court (20-03-33-33 TL 1035)

Remaining Properties affected:

575 Kathleen Dr (20-03-33-33 TL 1001)
555 Kathleen Dr (20-03-33-33 TL 1002)
535 Kathleen Dr (20-03-33-33 TL 1003)
2175 Patrick Crt (20-03-33-33 TL 1006)
2135 Patrick Crt (20-03-33-33 TL 1008)
475 Kathleen Dr (20-03-33-33 TL 1009)
2085 Patrick Loop (20-03-33-33 TL 1010)
575 Patrick Loop (20-03-33-33 TL 1016)
2020 Patrick Loop (20-03-33-33 TL 1019)

2070 Patrick Loop (20-03-33-33 TL 1022)
2065 Patrick Loop (20-03-33-33 TL 1023)
2055 Patrick Loop (20-03-33-33 TL 1024)
2045 Patrick Loop (20-03-33-33 TL 1025)
2035 Patrick Loop (20-03-33-33 TL 1026)
480 Patrick Loop (20-03-33-33 TL 1028)
540 Patrick Loop (20-03-33-33 TL 1031)
560 Patrick Loop (20-03-33-33 TL 1032)
580 Patrick Loop (20-03-33-33 TL 1033)