

MEMORANDUM

TO: Mayor and City Council

FROM: Howard P. Schesser, Community Development Director

SUBJECT: FIRST VOTE FOR ORDINANCE AMENDING
COMPREHENSIVE LAND USE PLAN DIAGRAM MAP AND
TITLE 14 LAND USE DISTRICT MAP FOR PROPERTY
LOCATED IN THE KATHLEEN VIEWS SUBDIVISION
(MCPA-1-16) HARTING/CITY OF COTTAGE GROVE

DATE: June 20, 2016

Background

Council has held a public hearing on the proposed Comprehensive Land Use Plan change to the diagram map and the proposed change to the land use district map in Title 14, Development Code. The parcels are developed with single family dwellings and cannot be replaced if more than 50% of the value is destroyed as single family dwellings are not allowed in R-3 High Density Residential. The proposed Comprehensive Plan designation is L Low Density Residential and the rezoning is R-1 Single Family Residential. The Planning Commission held a public hearing and recommended approval 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


Howard P. Schesser, Community
Development Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM
MAP & TITLE 14 LAND USE DISTRICT MAP
FOR KATHLEEN VIEWS SUBDIVISION & 2055 S. 6th STREET
(MCPA 1-16)

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, Kathleen Views Subdivision is designated as High Density Residential on the Cottage Grove Comprehensive Lane Map and R-3 High Density Residential, but was designed as a Single Family Residential Subdivision (using R-1 Single Family Residential district standards) under a Conditional Use Permit (CUP 2-96) around an existing single family home at 2055 S. 6th Street (TL 1015); and

WHEREAS, the owner of 2055 S. 6th Street 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 to change their Land Use Designation and district to Low Density Residential and R-1 Single Family Residential to allow for the maintenance and redevelopment of their single family home; and

WHEREAS, the City of Cottage Grove Community Development Director extended the application to include the owners of the surrounding Kathleen Views Subdivision to reflect the existing development pattern and allow for the maintenance and redevelopment of their homes as single family homes; and

WHEREAS, on June 15, 2016, the Cottage Grove Planning Commission conducted a properly noticed public hearing, provided the public an opportunity to comment on the proposed redesignation and zone change amendments, and adopted findings and recommended Council approval of the proposal; and

WHEREAS, on June 27, 2016, the Cottage Grove City Council conducted a properly noticed public hearing concerning the proposed redesignation and zone change amendments 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 applicants' requested redesignation and zone change amendments.

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 from the current H High Density Residential designation and R-3 High Density Multiple Family Residential zoning to a L Low Density Residential designation and R-1 Single-Family Residential zoning, as shown in Exhibit "A" attached and incorporated herein.

Section 2. Findings. The City Council hereby adopts the above findings of fact and those set forth in Exhibit B, attached hereto and incorporated herein by this reference, as support for the redesignation and zone change amendments adopted in Section 3 of this Ordinance, below.

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 H High Density Residential to L Low Density Residential; and

b. Title 14, Cottage Grove Development Code land use district map is hereby amended to rezone the Subject Properties described in Exhibit A and below from R-3 High Density Multiple Family Residential to R-1 Single Family Residential.

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); 2120 Patrick Crt (20-03-33-33 TL 1004); 2170 Patrick Crt (20-03-33-33 TL 1005); 2175 Patrick Crt (20-03-33-33 TL 1006); 2155 Patrick Crt (20-03-33-33 TL 1007); 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); 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); 575 Patrick Loop (20-03-33-33 TL 1016); 555 Patrick Loop (20-03-33-33 TL 1017); 535 Patrick Loop (20-03-33-33 TL 1018); 2020 Patrick Loop (20-03-33-33 TL 1019); 2060 Patrick Loop (20-03-33-33 TL 1020 & 1021); 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); 2015 Patrick Loop (20-03-33-33 TL 1027); 480 Patrick Loop (20-03-33-33 TL 1028); 510 Patrick Loop (20-03-33-33 TL 1029); 520 Patrick Loop (20-03-33-33 TL 1030); 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); Patrick Loop (20-03-33-33 TL 1034); Patrick Court (20-03-33-33 TL 1035).

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS ____ OF _____, 2016.

Thomas C. Munroe, Mayor

Dated: _____

Richard Meyers, City Manager

Dated: _____

EXHIBIT A
ORDINANCE NO. _____

Site Location
Kathleen Views Subdivision
Map 20-03-33-33 TL 1001-1035

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); 2120 Patrick Crt (20-03-33-33 TL 1004); 2170 Patrick Crt (20-03-33-33 TL 1005); 2175 Patrick Crt (20-03-33-33 TL 1006); 2155 Patrick Crt (20-03-33-33 TL 1007); 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); 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); 575 Patrick Loop (20-03-33-33 TL 1016); 555 Patrick Loop (20-03-33-33 TL 1017); 535 Patrick Loop (20-03-33-33 TL 1018); 2020 Patrick Loop (20-03-33-33 TL 1019); 2060 Patrick Loop (20-03-33-33 TL 1020 & 1021); 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); 2015 Patrick Loop (20-03-33-33 TL 1027); 480 Patrick Loop (20-03-33-33 TL 1028); 510 Patrick Loop (20-03-33-33 TL 1029); 520 Patrick Loop (20-03-33-33 TL 1030); 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); Patrick Loop (20-03-33-33 TL 1034); Patrick Court (20-03-33-33 TL 1035).

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TAX LOT MAP ON NEXT PAGE

EXHIBIT A

KATHLEEN VIEWS SUBDIVISION SUBJECT SITE

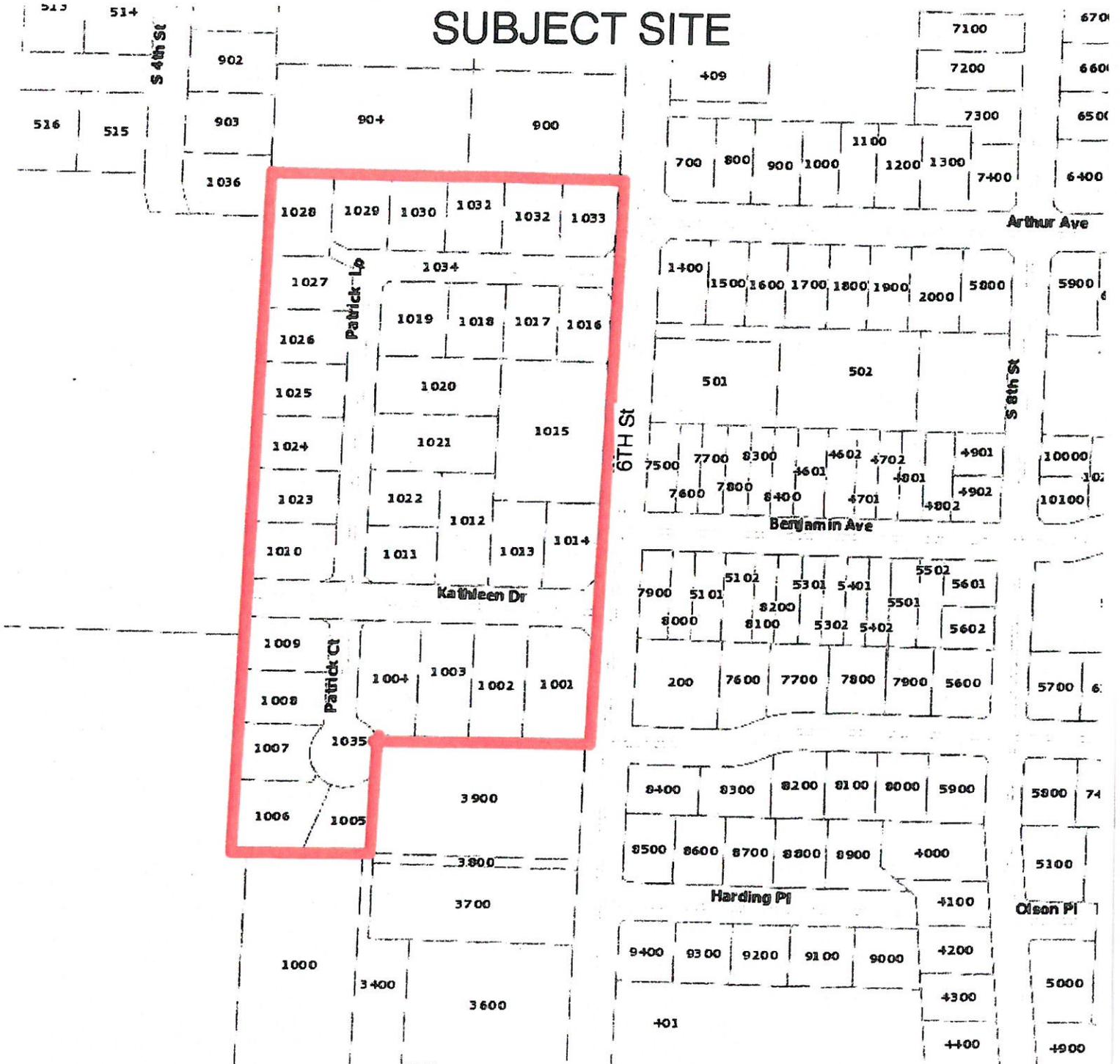


EXHIBIT B
ORDINANCE NO. _____

1. Mary Harting submitted an application to amend the Cottage Grove Comprehensive Plan land use diagram map from H High Density Residential to L Low Density Residential, and amend Title 14 Cottage Grove Development Code land use district map from R-3 High Density Multiple Family Residential to R-1 Low Density Multiple Family Residential, for 0.59 acres at 2055 S. 6th Street (Map 20-03-33-33 TL 1015). This lot has an existing single family dwelling.
2. The City of Cottage Grove amended the application to include the adjoining Kathleen Views Subdivision, Tax lots 1001-1035, an additional 7.36 acres. The property owners of the affected properties were notified of the modification and a majority of the property owners approved of the inclusion of their properties in this application.
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 subject properties are located on the west side of S. 6th Street, beginning approximately one block south of Grant Street, and continuing to a point approximately one block north of Cleveland Street. The application includes all properties adjacent to Kathleen Drive, Patrick Court and Patrick Loop, as well as the parcels making up Kathleen Drive and Patrick Court/Loop, and one house on S. 6th Street, 2055 S. 6th Street. This includes all tax lots between 1001 and 1035 on Map 20-03-33-33.
6. When originally built, the homes in Kathleen Views Subdivision were allowed under a Conditional Use Permit (CUP 2-96) that required their development under the City’s R-1 Single Family Residential zone. The Cottage Grove Development Code Chapter 14 no longer allows single family homes as conditional uses within the R-3 district. Hence all these homes are now “non-conforming development.” This designation change/zone change would realign the properties’ zoning with their development pattern and change their status to “permitted uses.”
7. Findings: The State of Oregon has adopted statewide land use planning goals. Comprehensive plan map amendments must comply with the applicable Statewide Planning Goals and implementing regulations. To recommend approval to the City Council, the Planning Commission must find that the application complies with the

applicable Statewide Goals. Part of this decision requires determining which Statewide Goals are applicable.

The following Statewide Planning Goals are not applicable to the proposed redesignation/zoning change: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 9: Economic Development; Goal 15 – Willamette River Greenway;;Goal 16- Estuarine Resources Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.

8. The redesignation in the City's Comprehensive Plan must comply with the following Statewide Planning Goals:

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. Ms. Harting's complete application was received on May 13, 2016. Proper Type IV public notice of the proposed amendments was given in compliance with Section 14.4.1.500E of the Cottage Grove Development Code on May 13, 2016, via publication in The Cottage Grove Sentinel newspaper. The Department of Land Conservation and Development was notified of the intended amendments on May 13, 2016. Public hearings were held by the Planning Commission on June 15, 2016 and City Council on July 25, 2016, to consider this redesignation/zoning zone change. The City's process involves various forms of notification of the public in the immediate area, notification in local media, notification on community bulletin boards at the Cottage Grove City Hall and Community Center, and notification to Friends of Mt. David, a recognized neighborhood group. Goal 1 is met.

Goal 2: Land Use Planning

The land use planning process used by Cottage Grove to review this application complies 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 ensure an adequate factual base for such decisions and actions. The proposed amendments were reviewed in accordance with the City's adopted procedures, specifically Development Code 4.1.500, governing Type IV procedures, and were 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. These redesignation/zone change amendments are in compliance with Goal 5.

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 anticipated capacity problems with the existing and planned facilities in the area to accommodate existing or potential residential uses. Any new development will be required to comply with Development Code requirements for stormwater management and Comprehensive Plan requirements related to air and water resource quality. Hence Goal 6 does not apply at this time.

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 low density 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 amendments comply with Goal 7.

Goal 10: Housing

Goal 10 is applicable. 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 (BLA). These lands are not vacant and are not part of our current vacant lands inventory per the 2005 BLA, 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 land needs.

The 2005 BLA report stated that Cottage Grove had 14.76 acres of surplus high density land, 87.03 acres of surplus general residential land, and 64.89 acres of surplus medium density residential lands. The Kathleen Views Subdivision was not included as part of the vacant lands inventory as it was fully built out as general density residential in 1996 - 1998. One lot in the Kathleen Views Subdivision was included in the BLA as redevelopable for high density residential use (0.28 acres) as it was/is currently vacant. Since the report was completed in 2005, no high density designated vacant land has been developed in Cottage Grove. Council has in fact added 3.1 acres of vacant land to the high density designation with the recent redesignation and zone change of the Hayden property on Highway 99 from C-2P Community Commercial to R-3 High Density Multiple Family Residential.

Of the land in question for this application only 0.28 acres technically would be lost from our vacant lands inventory with this proposed map/zone change. The 2005 BLA report stated that there was 14.76 acres of surplus high density land which did not include the subject land of this application except for the 0.28 acre above. If this change is approved there would still be a surplus of 14.18 acres of high density residential land in the inventory. If you add the recently redesignated and rezoned Hayden vacant land of 3.1 acres to the high density inventory, we presently have 17.28 acres of surplus high density land. This adequately meets the needs identified in the 2005 BLA.

Since the 2005 BLA growth in all the residential districts has been slow. There have been

140 homes constructed and 15 demolished in the R-1 and R-2 Districts for a gain of 125 homes. Of the 140 new homes 73 new homes were for the Hayden Homes development located in a medium density district. The 2005 BLA anticipated a coordinated population forecast of 12,500 by 2025 with a 1.37% growth rate. The adopted 2015 coordinated population forecast by PSU now has a 2025 projected population of 11,698, which is a 1.3% growth rate.

As our population growth rate has slowed since the adoption of the 2005 BLA and as the amount of vacant high density residential lands in our urban growth boundary has increased since 2005, the findings of the 2005 BLA are still applicable. Cottage Grove has an adequate amount of vacant lands in all residential categories to meet future needs irrespective of the proposed zone change and is in compliance with Goal 10.

Goal 11: Public Facilities and Services

The properties are currently adequately served with public facilities. Adequate public infrastructure for water, sewer, and storm sewer exists in S. 6th Street, Kathleen Drive, Patrick Loop and Patrick Court to meet existing needs. Kathleen Drive, Patrick Loop and Patrick Court are private streets with rolled curbs and sidewalks. S. 6th Street is a public street under Lane County's jurisdiction. All roads are developed to the extent necessary to meet low density residential needs. The properties are adequately served by police service, public transit, and a thorough transportation network. The proposed amendments comply with Goal 11.

Goal 12: Transportation

Goal 12 is implemented via the State transportation Planning rule (TPR) 600-012-0060. The TPR applies to comprehensive and zone amendments and requires mitigation where those amendments would significantly affect an existing or planned transportation facility. Based on trip generation data the proposed lower residential designation and zone amendments will correct the City's transportation planning figures for this area, as the current level of development generates less traffic than that which could be generated by the current high density residential designation and zoning but is unlikely to be redeveloped as anything other than single family dwellings due to the small size of the parcels. The proposed amendments will not significantly affect any existing or planned transportation facility. Hence, the proposed amendments comply with Goal 12.

Goal 13: Energy Conservation

The Plan amendment/zone change will promote more energy efficient development by correcting the zoning on these properties to reflect their development pattern and allowing for better facility and land use planning in this area. The change will also encourage the retention and maintenance of existing homes, which will conserve energy by reducing needs for green-field development and expansion of city services. The proposed amendments comply with Goal 13.

Goal 14: Urbanization

The entire 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 is met.

Cottage Grove Development Code 4.7.500.

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:

As determined by the above Goal findings, the proposed amendments comply with all applicable Statewide Planning Goals. This criterion is met.

2. Approval of the request is consistent with the adopted Comprehensive Plan designation, including the Transportation System Plan, for the area:

The requested rezone will be consistent with the City's adopted Comprehensive Plan designation. The rezone is coupled with a requested redesignation from a High Density Residential to a Low Density Residential designation. The City's Transportation System Plan implements the State Transportation Planning Rule; therefore, for all the reasons stated above, the proposal does comply with the City's TSP in addition to the State TPR. This criterion is 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 and transportation networks are planned to be provided in the planning period:

Adequate public facilities, including water, sewer, storm water, and streets are provided to the sites. The property at 2055 S. 6th Street is accessed by an existing driveway to S. 6th Street, a major arterial. The remainder of the properties are accessed off of private streets (Kathleen Drive, Patrick Loop and Patrick Drive) that are already fully developed to meet current needs. Future transportation impacts will be lessened by the proposed comprehensive plan map and land use district map changes, by modifying planning expectations for the area based upon the current density of development rather than an artificial density applied through a past conditional use permit. This criterion is 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 with is the subject of the application:

The proposed Comprehensive Plan and Zoning Map amendments are in the public interest, given that surrounding properties are residential and the current commercial designation and zoning is inconsistent with the current developed uses. The Comprehensive Plan states: '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, but are unforeseen now. 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. Further, the applicant propose these amendments to correct the City's maps to allow for the development and/or continued use of low density residential development on these properties. The property owners of the land involved in the Plan amendment/Rezoning are in favor of the proposed actions. The proposed change is in the public's interest, is in keeping with the development pattern in the area of the city; is in keeping with the intent of the City Comprehensive Plan; and serves the public's health, safety and welfare. This criterion is 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, the Transportation Planning Rule (OAR 600-12). This criterion is met.
6. The amendments conforms to the Transportation Planning Rule under Section 4.7.800.

As noted above in Goal 12 and criteria 4.7.500 (2) above the amendments conform to the requirements of the Transportation Planning Rule under Section 4.7.800.