

MEMORANDUM

TO: Mayor and City Council

FROM: Howard P. Schesser, Community Development Director

SUBJECT: PUBLIC HEARING TO COMBINE THE M-1 LIGHT INDUSTRIAL & M-2 HEAVY INDUSTRIAL DISTRICTS INTO ONE M INDUSTRIAL DISTRICT. COMPREHENSIVE PLAN (CPA-1-16), DEVELOPMENT CODE TEXT (DCTA-2-16) AND ZONING MAP (ZC-1-16) AMENDMENTS. CITY OF COTTAGE GROVE.

DATE: December 5, 2016

Background

The purpose of this public hearing is to consider the consolidation of the two existing industrial districts, (M-1 Light Industrial & M-2 Heavy Industrial) and combining them into one M Industrial District. A public meeting was held after notification of all property owners and business owners for properties that are zoned M-1 and M-2. The Planning Commission held a public hearing on October 19, 2016 and no one spoke on the three applications. The Planning Commission recommended approval on all three applications.

City Council held a public hearing at your November 28th Council meeting at which no one spoke. Council continued the public hearing to allow staff to correct a notification issue with one of the applications. All notification has now been complete in accordance with code. The public hearing minutes, staff reports and ordinances are attached for your information.


The ordinances have been prepared and available at least one week prior to the public hearing.

Recommendation

That the public hearing be held.

Cost

None


Richard Meyers, City Manager


Howard P. Schesser, Community
Development Director

**CITY OF COTTAGE GROVE
PLANNING COMMISSION**
Minutes of the Regular Public Hearing
October 19, 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 (late), Bob Ehler, and Alan Widener

Absent: Dan Nord (excused)

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 BECKES TO APPROVE THE MINUTES OF SEPTEMBER 28, 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
NAYES							
ABSTAIN							

Note: Commissioner Eckstine arrived at 7:03 p.m.

OLD BUSINESS

None scheduled.

NEW BUSINESS

City of Cottage Grove – Comprehensive Plan Amendment (CPA 1-16) to Amend Land Use Diagram

The Land Use Diagram in the Cottage Grove Comprehensive Plan delineates where different types of land use activity should develop in the City during the next twenty years. The Zoning Districts identified in the current Land Use Diagram for the (I) Industrial designation include Light Industrial District (M-1), Heavy Industrial District (M-2), and Business Park (BP).

City staff has submitted this application to amend the Land Use Diagram to consolidate the Light Industrial District and Heavy Industrial District into one Industrial (M) District to encourage economic vitality and facilitate development within Cottage Grove.

City of Cottage Grove – Zone Change (ZC 1-16) to Rezone all Properties Designated Either M-1 Light Industrial or M-2 Heavy Industrial

The proposal is to amend the Land Use Map to rezone 56 parcels, including all parcels designated either M-1 Light Industrial or M-2 Heavy Industrial in the city limits, to M Industrial. This application covers 43.68 acres of land zoned M-1 Light Industrial and 77.25 acres of land zoned M-2 Heavy Industrial as M Industrial.

The subject parcels are located in one of two Industrial Parks (Cook's Industrial Park of Cottage Grove Industrial Park) or along Hwy 99 South or Row River Road in areas designated as I Industrial on the Cottage Grove Comprehensive Plan map. They are developed with a range of light and heavy industrial uses that often do not match their existing base zoning (e.g., Starfire Lumber, a heavy industrial use, is located in Light Industrial, whereas a car dealership, a light industrial use, is located in Heavy Industrial). The City is proposing to rectify this mismatch by consolidating both industrial districts into one industrial district. Uses that are currently allowed in either zone will remain permitted or permitted conditionally, while uses that are not allowed in industrial areas will remain prohibited or accessory only.

City of Cottage Grove – Development Code Text Amendment (DCTA 2-16) to Combine M-1 Light Industrial District and M-2 Heavy Industrial District into M Industrial District

The City of Cottage Grove is proposing to combine the M-1 Light Industrial and M-2 Heavy Industrial Districts into one land use district, "M Industrial."

Comprehensive Plan Amendment CPA 1-16 changed the implementing zones for the I Industrial Land Use designation from M-1 and M-2 to M. Zone Change ZC 1-16 amended all M-1 and M-2 district properties to M Industrial to reflect Comprehensive Plan Amendment 1-16. This application, Development Code Text Amendment DCTA 2-16, proposes to modify the Development Code to reflect this consolidation.

Prior to opening the public hearing, Director Schesser stated that he had two changes to make to the submitted materials. First on application CPA 1-16, on Page 4 of 7, under Exhibits, the resolution format will be replaced with an ordinance, and that this change would be made prior to submitting to the City Council. The second change was on the Agenda cover, the second item, "Comprehensive Plan Amendment" should be "Zone Change."

OPEN PUBLIC HEARING

No one spoke.

CLOSE PUBLIC HEARING

CPA 1-16

IT WAS MOVED BY COMMISSIONER DEVINE AND SECONDED BY COMMISSIONER WIDENER THAT THE PLANNING COMMISSION FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION THE ADOPTION OF APPLICATION FILE CPA 1-16 AS CORRECTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

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
NAYES							
ABSTAIN							

ZC 1-16

IT WAS MOVED BY COMMISSIONER DEVINE AND SECONDED BY COMMISSIONER ECKSTINE THAT THE PLANNING COMMISSION FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION THE ADOPTION OF APPLICATION FILE ZC 1-16 AS PRESENTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

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
NAYES							
ABSTAIN							

DCTA 2-16

IT WAS MOVED BY COMMISSIONER DEVINE AND SECONDED BY COMMISSIONER EHLER THAT THE PLANNING COMMISSION FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION THE ADOPTION OF APPLICATION FILE DCTA 2-16 AS PRESENTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

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
NAYES							
ABSTAIN							



DATE: September 7, 2016

TO: Property Owners & Business Owners
Cottage Grove Industrial Districts

FROM: Cottage Grove Community Development Department

RE: OPEN HOUSE to discuss Consolidation of M-1 Light Industrial & M-2 Heavy Industrial zoning districts into one land use district, M Industrial

Dear Owners and Tenants:

The City of Cottage Grove Community Development Department would like to invite you to an

OPEN HOUSE
Monday, September 19th
11:00am-1:00pm
City Council Chambers, City Hall, 400 E. Main Street

The Community Development Department is proposing to consolidate the existing land use districts, M-1 Light Industrial, and M-2 Heavy Industrial, into one land use district, M Industrial. This would make the administration of these districts the same, and mean that more uses are allowed in all of our industrial areas. No changes will be required to existing uses or developments, and many existing non-conforming uses will be made "legal" conforming uses. The intent of this code change is to make our industrial areas more flexible and responsive to community needs, while ensuring these lands are retained for industrial use.

This recommendation will go before the Cottage Grove Planning Commission on October 19th and to City Council before the end of 2016, but we wanted to give you a chance to discuss and comment upon the proposed amendments before the public hearings. You will receive additional notices of each public hearing on this proposal.

I have attached a map of Cottage Grove's industrial areas, as well as a track-changed copy of the proposed changes to Development Code Section 2.4 Industrial Lands. The staff report on this application, labeled Development Code Text Amendment DCTA 2-16, is available on the City's website at www.cottagegrove.org.

I welcome your comments and thoughts on this proposal. Please plan to attend the Open House and the public hearing on October 19th if you are interested, or contact me via email at planner@cottagegrove.org or via phone at (541) 942-3340.

Sincerely,

Amanda Ferguson
City Planner

COMPREHENSIVE PLAN
AMENDMENT
CPA-1-16

STAFF REPORT
CITY OF COTTAGE GROVE; CPA 1-16
COMPREHENSIVE PLAN AMENDMENT
LAND USE DIAGRAM AMENDMENT
October 19, 2016

PROPOSAL DESCRIPTION

Date application filed: August 9, 2016

Applicant: City of Cottage Grove
400 Main Street
Cottage Grove, OR 97424

Location: City-wide.

Comprehensive Plan Designation: N/A.

Zoning: N/A.

Proposal: The Land Use Diagram in the Cottage Grove Comprehensive Plan delineates where different types of land use activity should develop in the City during the next twenty years. The Zoning Districts identified in the current Land Use Diagram for the (I) Industrial designation include Light Industrial District (M-1), Heavy Industrial District (M-2), and Business Park (BP).

City staff has submitted this application to amend the Land Use Diagram to consolidate the Light Industrial District and Heavy Industrial District into one Industrial (M) District to encourage economic vitality and facilitate development within Cottage Grove.

Concurrent applications include:

Zone Change ZC 1-16 will amend all M-1 and M-2 district properties to M Industrial to reflect Comprehensive Plan Amendment 1-16. Development Code Text Amendment DCTA 2-16 proposes to modify the Development Code to reflect this consolidation.

COMMENTS RECEIVED

No comments were received. Letters were sent to all property owners and tenants extending an invitation to an open house on September 19th.

APPROVAL CRITERIA AND FINDINGS; CPA 1-16

14.4.1.500.H Decision-Making Criteria. *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:

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 9, Economic Development, Goal 13 Energy Conservation and Goal 14 Urbanization.

Goal 1 – Citizen Involvement: This request is consistent with Goal 1, Public Involvement. Letters explaining the process were sent to all property owners and tenants on September 7, 2016. An open house was held for property owners and tenants on September 19, 2016. Public notice of the proposed Land Use Diagram amendment has been provided through the Type IV public notice process as specified in Section 14.4.1.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification on August 19, 2016, and did not express any concerns in writing about the changes.

Goal 2 – Land Use Planning: This request is consistent with Goal 2. The purpose of Goal 2, Land Use Planning, is 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. Under Goal 2, “All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents.” The process established within the Development Code for modifications to the Comprehensive Plan was followed through compliance with Section 14.4.1.500 and Section 4.7.500.

Goal 9 – Economic Development. This proposal is consistent with Goal 9: Economic Opportunities. The purpose of Goal 9 is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The proposed consolidation of the two zoning districts into one Industrial district will broaden the types of industrial uses allowed in each, providing economic development opportunities in existing vacant Industrial lands. No reduction in the Industrial lands inventory will be caused by this text amendment. The City’s 2009 Economic Opportunities Analysis remains non-impacted.

Goal 13 – Energy Conservation. This application recognizes the importance of maximizing the industrial designated properties within Cottage Grove’s existing city limits, and facilitates their development with appropriate uses. As existing industrial areas will remain industrial in nature and no additional city resources will need to be extended to these areas, this Land Use Diagram modification complies with Goal 13.

Goal 14 – Urbanization. This amendment encourages economic development within designated Industrial areas by simplifying the designated categories into one M Industrial designation. This will facilitate the development of existing committed industrial lands and is consistent with Goal 14.

2. *Approval of the request is consistent with the Comprehensive Plan; and*

Staff response and findings of fact:

This proposal is consistent with the Cottage Grove Comprehensive Plan and the 2009 Economic Opportunities Analysis.

The Comprehensive Plan identifies Industrial lands within the City, but does not specify the particular breakdown of uses within Industrial Lands. All industrial lands identified on our Comprehensive Plan Map are to be zoned M Industrial under the Land Use Diagram under this application. This will be followed by a Development Code Text Amendment to consolidate the

two zones through regulation, and a Zone Change application (ZC 1-16) that will change the zoning on 56 properties to M Industrial.

This Land Use Diagram modification does not change types of lands designated Industrial under our Comprehensive Plan map, does not change the amount of Industrial lands available for development within Cottage Grove, or disallow any industrial uses that were previously allowed in an Industrial District. The M-1 District and the M-2 District are very similar. Largely, uses are allowed in the M-2 District, and either not allowed, or allowed through Conditional Use Permits, in the M-1 District, or vice-versa. The proposed consolidation makes any use that was allowed in one but conditional in the other as a conditional use under the new M District, maintaining the community's oversight of potentially impactful businesses while allowing our limited industrial lands inventory to be utilized to its highest capacity. This should provide for greater versatility and make several existing uses, which are non-conforming in either the M-1 or M-2 district in which they are located, into uses permitted through a conditional use permit. Examples of existing non-conforming uses, which will be made "legal" under this change, include a horticultural test garden, a car dealership, a print shop, and a wholesale business. No existing uses will be made non-conforming by the proposed district consolidation.

The proposed modification is consistent with the Industrial policies in the Economic Development element of the Comprehensive Plan. This consolidation of industrial zones will meet the following Industrial Policies: "encourage industrial activities which will broaden the community's long-term employment bases," "protect industrial areas from encroachment by incompatible land uses and ensure sites in a variety of sizes to assure opportunities for both small and large industrial activities," and "retain industrial sites for their intended industrial or business park purposes, while allowing accessory and limited support commercial activities." Under this consolidation, the industrial district would continue to "provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts", which is the stated purpose in the Economic Development element for the implementing Industrial zones. Consequently, this application is consistent with the Cottage Grove Comprehensive Plan.

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: This application does not specifically impacted any parcels, although through adoption of this plan amendment and subsequent applications for zone change and Development Code text amendment, all 56 parcels designated as I Industrial under the Cottage Grove Comprehensive Plan Map would become zoned as M Industrial. Existing public facilities, services and transportation networks already support the uses on these properties, and will continue to do so if the two implementing zones, M-1 Light Industrial and M-2 Heavy Industrial, are consolidated. No additional public facilities are required to serve these areas.

CONCLUSION

Comprehensive Plan amendment approval 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

Approval of CPA 1-16 to amend the Comprehensive Plan Land Use Diagram to consolidate the Light Industrial District and Heavy Industrial District into one Industrial (M) District, pursuant to Section 14.1.500, which is supported by findings of fact.

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File CPA 1-16

EXHIBITS

- A. Draft Resolution Amending Cottage Grove Comprehensive Plan Land Use Diagram
- B. DLCD Notice of Proposed Amendment, August 19, 2016

EXHIBIT A:

RESOLUTION NO. _____
A RESOLUTION AMENDING THE COTTAGE GROVE
COMPREHENSIVE PLAN LAND USE DIAGRAM

WHEREAS, a Comprehensive Plan for Cottage Grove has been developed in accordance with statewide Planning Goals and acknowledged by the Oregon Land Conservation and Development Commission; and

WHEREAS, the Land Use Diagram in the Cottage Grove Comprehensive Plan delineates where different types of land use activity should develop in the City during the next twenty years; and

WHEREAS, the Zoning Districts identified in the Land Use Diagram for Industrial include Light Industrial District (M-1), Heavy Industrial District (M-2), and Business Park (BP); and

WHEREAS, City staff recommends amending the Land Use Diagram to consolidate the Light Industrial District and Heavy Industrial District into one Industrial (M) District to encourage economic vitality and facilitate development within Cottage Grove; and

WHEREAS, the Department of Land Conservation and Development was given thirty-five day notice prior to the first hearing on August 19, 2016 pursuant to Oregon Revised Statutes; and,

WHEREAS, the Planning Commission has forwarded said amendment to the Plan to the City Council with a favorable recommendation after holding a public hearing on October 19, 2016; and,

WHEREAS, the City Council held a public hearing on the said amendment to the Plan on _____, 2016; and

WHEREAS, the City Council finds that the consolidation of the Light and Heavy Industrial Districts into one Industrial District will simplify administration, foster economic development, and better support current businesses within Cottage Grove's industrial lands.

NOW, THEREFORE, BE IT RESOLVED that the Comprehensive Plan for Cottage Grove is hereby amended to modify the Land Use Diagram as shown in Exhibit "B" and attached hereto and by reference made a part hereof.

This resolution shall take effect immediately.

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

Richard Meyers, City Manager
Dated: _____

Tom Munroe, Mayor
Dated: _____

EXHIBIT B
RESOLUTION NO. _____

Land Use Diagram

The land use categories shown on the land use diagram are broad, general categories used to describe where different types of land use activity – residential and commercial for example – should develop in and around the City during the next twenty years. The land use categories do not include specific development standards; those standards are included in the various zoning districts which are used to implement the land use plan. Each land use category may be implemented with one or more zoning districts. In addition, any zone district once established may be expanded or reduced in size as the need to do so is established by the Planning Commission and City Council.

The following list relates the general land use categories on the diagram to the City’s zoning districts.

<u>LAND USE CATEGORY</u>	<u>ZONING DISTRICT</u>
LOW DENSITY RESIDENTIAL	SINGLE FAMILY RESTRICTED (R) SINGLE FAMILY RESIDENTIAL (R-1) MANUFACTURED HOME SUBDIVISION (MHS)
MEDIUM DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL (R-2) RESIDENTIAL COMMERCIAL (RC) MOBILE HOME PARK (MHP)
HIGH DENSITY RESIDENTIAL	MULTIFAMILY RESIDENTIAL (R-3) RESIDENTIAL COMMERCIAL (RC)
CENTRAL BUSINESS DISTRICT	CENTRAL BUSINESS DISTRICT (C-2)
COMMUNITY COMMERCIAL	COMMUNITY COMMERCIAL (C-2P) RESIDENTIAL COMMERCIAL (RC)
COMMERCIAL TOURIST	COMMERCIAL TOURIST (CT) LIMITED COMMERCIAL TOURIST (CT/L)
RESIDENTIAL COMMERCIAL	RESIDENTIAL COMMERCIAL (RC)
INDUSTRIAL	LIGHT INDUSTRIAL DISTRICT (M-1) HEAVY INDUSTRIAL DISTRICT (M-2) INDUSTRIAL (M) BUSINESS PARK (BP)
PUBLIC/QUASI-PUBLIC	PARKS & RECREATION (PR)
PARKS & OPEN SPACE	PARKS & RECREATION (PR)
COMBINING DISTRICTS (SEE NOTES BELOW)	MASTER PLANNED DEVELOPMENT (MPD) HISTORIC PRESERVATION (HP) [1]

AIRPORT OVERLAY (AO)
WILLAMETTE RIVER GREENWAY (GR) [2]

NOTES:

- [1] HISTORIC PRESERVATION (HP) MAY COMBINE AND/OR OVERLAY ALL ZONE DISTRICTS.
- [2] WILLAMETTE RIVER GREENWAY (GR) MAY OVERLAY ALL ZONE DISTRICTS WITHIN DESIGNATED GREENWAY.

In 1975 the Oregon Supreme Court determined in the Baker v. City of Milwaukie court case that zone for property shall conform to the comprehensive land use plan. The Court specifically mentioned that zones that allow for more intense development than would normally occur in that land use category cannot be used to implement the plan. More restrictive zones, however, can be used if they do not conflict with policies of the plan.

It shall be the policy of Cottage Grove that wherever inconsistencies between the land use diagram and zoning map exist, the land use plan text shall be used to resolve these inconsistencies. Any zoning that is in conflict with the plan shall be rezoned to conform to the land use plan.

**DEVELOPMENT CODE TEXT
AMENDMENT
DCTA-2-16**

STAFF REPORT
CITY OF COTTAGE GROVE; DCTA 2-16
INDUSTRIAL DISTRICT
DEVELOPMENT CODE TEXT AMENDMENT
October 19, 2016

PROPOSAL DESCRIPTION

Date application filed: August 9, 2016

Applicant: City of Cottage Grove
400 Main Street
Cottage Grove, OR 97424

Location: City-wide.

Comprehensive Plan Designation: N/A.

Zoning: N/A.

Proposal: The City of Cottage Grove is proposing to combine the M-1 Light Industrial and M-2 Heavy Industrial Districts into one land use district, "M Industrial."

Comprehensive Plan Amendment CPA 1-16 changed the implementing zones for the I Industrial Land Use designation from M-1 & M-2 to M. Zone Change ZC 1-16 amended all M-1 and M-2 district properties to M Industrial to reflect Comprehensive Plan Amendment 1-16. This application, Development Code Text Amendment DCTA 2-16, proposes to modify the Development Code to reflect this consolidation.

The Development Code is the implementing arm of the Comprehensive Plan. It includes Land Use Category definitions that are then used to specify the range of uses allowed in each zoning district identified on our Land Use Map. As we have now changed the Comprehensive Plan Map and the Land Use Map to reflect the consolidation of M-1 and M-2 to M, it is appropriate to modify the Development Code to reflect this change.

Sections of the Title 14 Development Code that specifies allowed uses and development standards for the M-1 and M-2 District must be amended to reflect the consolidated M district. The proposed code change would amend the following sections of Title 14:

- Amend Chapter 2.4's introduction to recognize two Industrial Districts, Industrial (M) and Business Park (BP);
- Replace Table 2.4.110 Land Uses Allowed in Industrial Districts with new Table showing consolidated list of uses for all M Industrial districts;
- Consolidate front and street yard setbacks into one Industrial setback (to match past M-1 setback requirement of 20') in Section 2.4.120 Industrial Districts – Setback Yards; Industrial Buffers;
- Consolidate lot coverage standard (no change from existing 80% lot coverage standard) in 2.4.140 Industrial Districts – Lot Coverage;
- Remove reference to M-1 & M-2 in 2.4.140 Industrial Districts Site Layout & Design and 2.4.150 Industrial Districts – Building and Structure Height and replace it with M (no change in existing standard);

- Consolidate Landscape Area Standards in Section 3.2.300 Landscaping to reference one Industrial District (no change in existing standard);
- Remove reference to M-1 & M-2 in 3.8.600 Industrial District Signs and replace with Industrial (M) district (no change in existing standard); and
- Remove reference to M-1 & M-2 in 4.9.100 Temporary Use Permits and replace with Industrial (M) district (no change in existing standard).

Under this DCTA, the M-1 and M-2 uses in the Table 2.4.110 are consolidated. Conditional Use Permits are proposed to be required for any use where there was a difference between the two districts. The uses under Residential, Commercial, Institutional and Other Use Categories remain unchanged, as they were already the same in both M-1 and M-2. In the Industrial Categories, Light Manufacturing and Production (not enclosed), Waste-Related, and Nurseries and Similar Commercial Horticulture are recommended as Conditional Uses, which is their current status in the M-1 district. Medium/Heavy Manufacturing and Production and Warehouse and Freight Movement are proposed as Conditional Uses, whereas they are currently not allowed in the M-1 district, and allowed outright in the M-2 district. The only new use specified in the proposed chart is Kennels. Kennels have been added as a separate use under Institutional Categories, as a Conditional Use in M and Not Permitted in BP. Kennels are currently allowed as an accessory use in M-1 or M-2 (under Retail Sales and Services).

This Development Code Text Amendment does not change the amount of Industrial lands available for development within Cottage Grove, or disallow any industrial uses that were previously allowed in an Industrial District. The M-1 District and the M-2 District are very similar. Largely, uses are allowed in the M-2 District, and either not allowed, or allowed through Conditional Use Permits, in the M-1 District, or vice-versa. The proposed consolidation makes any use that was allowed in one but conditional in the other as a conditional use under the new M District, maintaining the community's oversight of potentially impactful businesses while allowing our limited industrial lands inventory to be utilized to its highest capacity. This should provide for greater versatility and make several existing uses, which are non-conforming in either the M-1 or M-2 district in which they are located, into uses permitted through a conditional use permit. Examples of existing non-conforming uses, which will be made "legal" under this change, include a horticultural test garden, a car dealership, a print shop, and a wholesale business. No existing uses will be made non-conforming by the proposed district consolidation.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; DCTA 2-16

14.4.1.500.H Decision-Making Criteria. *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:

This request is consistent with the Statewide Planning Goals. As this application does not modify or change the substance or meaning of the adopted Development Code, the only Statewide Planning Goals that are directly impacted by this request is Goal 1, Citizen Involvement, and Goal 2, Land Use Planning, and Goal 8, Recreational Needs.

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 14.4.1.500 of the Development Code.

The Department of Land Conservation and Development was notified of the intended adoption of the final draft code language on August 19, 2016, and did not express any concerns in writing about the changes. Public hearings have been held at the Planning Commission and City Council levels to consider this code amendment. 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. Notice was sent for each public hearing to all affected properties, and all properties within 300 feet of affected properties.

This request 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 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.

This proposal is consistent with Goal 9: Economic Opportunities. The purpose of Goal 9 is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The proposed consolidation of the two zoning districts into one Industrial district will broaden the types of industrial uses allowed in each, providing economic development opportunities in existing vacant Industrial lands. No reduction in the Industrial lands inventory will be caused by this text amendment. The City's 2009 Economic Opportunities Analysis remains non-impacted.

2. *Approval of the request is consistent with the Comprehensive Plan; and*

Staff response and findings of fact:

This proposal is consistent with the Cottage Grove Comprehensive Plan and the 2009 Economic Opportunities Analysis.

The Comprehensive Plan identifies Industrial lands within the City, but does not specify the particular breakdown of uses within Industrial Lands. All industrial lands identified on our Comprehensive Plan Map are to be zoned M Industrial under the Land Use Diagram. This reflects a recently approved Comprehensive Plan Amendment changing the implementing zones for the I Industrial Land Use designation from M-1 & M-2 to M. This Development Code Text Amendment is consistent with the current Land Use Diagram. (See CPA 1-16.)

The Development Code is the implementing arm of the Comprehensive Plan. It includes Land Use Category definitions that are then used to specify the range of uses allowed in each zoning district identified on our Land Use Map. Zone Change application 1-16 recently amended all M-1 and M-2 district properties to M, to reflect the Comprehensive Plan Amendment above. (See ZC 1-16.)

This Development Code Text Amendment does not change the amount of Industrial lands available for development within Cottage Grove, or disallow any industrial uses that were previously allowed in an Industrial District. The M-1 District and the M-2 District are very similar. Largely, uses are allowed in the M-2 District, and either not allowed, or allowed through Conditional Use Permits, in the M-1 District, or vice-versa. The proposed consolidation makes any use that was allowed in one but conditional in the other as a conditional use under the new M District, maintaining the community's oversight of potentially impactful businesses while allowing our limited industrial lands inventory to be utilized to its highest capacity. This should provide for greater versatility and make several existing uses, which are non-conforming in either the M-1 or M-2 district in which they are located, into uses permitted through a conditional use permit. Examples of existing non-conforming uses, which will be made "legal" under this change, include a horticultural test garden, a car dealership, a print shop, and a wholesale business. No existing uses will be made non-conforming by the proposed district consolidation.

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:

Public facilities, services and transportation networks to support the properties affected by this text amendment are already provided, or are planned for under the City's 2014 Public Facility Plan. This application is compliant with this standard.

CONCLUSION

Ordinance amendment approval 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

Approval of DCTA 2-16 to amend Development Code by to consolidate M-1 and M-2 in to one M Industrial District, through modifications to Section 2.4, 3.2.300, 3.8.600, and 4.9.100, which is supported by findings of fact.

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File DCTA 2-16

EXHIBITS

1. AN ORDINANCE AMENDING TITLE 14, INDUSTRIAL DISTRICT
2. DLCD Notice of Proposed Amendment, August 19, 2016.

Ordinance No. _____

AN ORDINANCE AMENDING TITLE 14,
INDUSTRIAL DISTRICT

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend Title 14 Cottage Grove Development Code to consolidate the M-1 Light Industrial and M-2 Heavy Industrial districts into one M Industrial District.

Section 2. Procedural Compliance. This amendment is in compliance with 14.4.7.500-600 of the Municipal code of the City of Cottage Grove and is based upon the City Council determination, after a Planning Commission public hearing and recommendation, that this amendment is a proper implementation of the comprehensive land use plan and, therefore, is in the public interest and for the health, safety and welfare of the residents of the City of Cottage Grove.

Section 3. Amendment. Title 14 Development Code of the Cottage Grove Municipal Code is hereby amended as follows:

A. Chapter 2.4 Industrial (I) Districts. That Chapter 2.4 – Industrial (I) Districts is hereby amended to read as follows:

Chapter 2.4 —Industrial (I) Districts

Sections:

- 2.4.100 Industrial Districts – Purpose**
- 2.4.110 Industrial Districts – Allowed Uses**
- 2.4.120 Industrial Districts – Setback Yards and Buffering**
- 2.4.130 Industrial Districts – Lot Coverage**
- 2.4.140 Industrial Districts – Site Layout and Design**
- 2.4.150 Industrial Districts – Building and Structure Height**
- 2.4.100 Purpose**

Chapter 2.4 accommodates a range of industrial and commercial land uses in two Industrial Districts, Industrial (M) and Business Park (BP). These districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The industrial districts are also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. The Business Park District is intended to allow for mixed light industrial and service commercial uses, with limited supporting retail, in a master planned campus-like setting.

Chapter 2.4 guides the orderly development of industrial areas based on the following objectives:

- Provide for efficient use of land and public services;
- Provide appropriately zoned land with a range of parcel sizes for industry;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;

- Provide appropriate design standards to accommodate a range of industrial users;
- Provide attractive locations for business to locate;
- Accommodate mixed-use development of light industrial areas; and
- Protect employment sites for their intended use as identified in the Cottage Grove Economic Opportunities Analysis.

2.4.110 Land Uses Allowed in the Industrial Districts

Table 2.4.110 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

TABLE 2.4.110 Land Use in Industrial Districts (M, BP)

Key:

P = Permitted, subject to land use/site review

CU = Conditional Use permit required (Chapter 4.4)

MP = Master Plan required (Chapter 4.5)

N = Not permitted

USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)	Industrial (M)	Business Park (BP)
Residential Categories		
Household Living		
All Residential Uses	N	N
Commercial Categories		
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N	N
Bed and Breakfast Inn	N	N
Educational Services, not a school (e.g., tutoring or similar services)	N	MP
Entertainment, Major Event	N	N

Office		
- Primary use	N	MP
- Accessory Use	P	P
Outdoor recreation, Commercial	N	N
Parking Lot (when not an accessory use)	CU	N
USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)		
	Industrial (M)	Business Park (BP)
Quick Vehicle Servicing. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)	N	N
Vehicle Repair	CU	N
Retail Sales and Service		
- Accessory to primary use	CU	N
Self-Service Storage	P	N
Industrial Categories		
Light Industrial Service	P	MP
Medium/Heavy Industrial Service	CU	N
Light Manufacturing and Production		
- fully enclosed (e.g., office)	P	MP
- not enclosed	CU	N

Medium/Heavy Manufacturing and Production	CU		N
Warehouse and Freight Movement	CU		N
Waste-Related	CU		N
Wholesale Sales	P		MP
Business Park Retail Commercial	N		MP
Business Park Service Commercial	N		MP
USE			
Categories			
(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)			
	Industrial (M)		Business Park (BP)
Institutional Categories			
Basic Utilities	P		MP
Colleges	N		N
Community Service	CU		MP
Family Daycare (12 or fewer children) under ORS 657A.250	P		N
Daycare, adult or child (exceeding 12)	N		MP
Pedestrian Amenities	P		P
Parks and Open Space	N		N
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a Master Plan	P		P

Religious Institutions and Houses of Worship	N		N
Schools	N		N
Kennels	CU		N
Other Categories			
Accessory Structures (with a permitted use)	P		MP
Small Animals, limited to 3 cats and/or dogs, pot-bellied pigs, rabbits, chickens or similar size animal (excluding roosters and swine)	P		N
Nurseries and similar commercial horticulture (indoor or outdoor)	CU		N
Buildings and Structures exceeding Height Limits in Table 2.3.120	CU		MP
Wireless Telecommunication Facilities	CU		MP
USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)			
	Industrial (M)		Business Park (BP)
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU		MP
Temporary Uses, per standards in Section 4.9.100			
- Temporary Job Trailers	P		P
- Temporary Food Carts	P		P
Transportation Facilities (operation, maintenance, preservation and construction)	P		P

2.4.120 Industrial Districts – Setback Yards; Industrial Buffers

A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

B. Applicability. The setback yard and buffer standards in subsections 2.4.120.C-F are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development (but not buffers as required under subsection G). In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 4.4. The approval body may also decrease the standard yards and/or buffers through the Conditional Use Permit process, provided that all applicable building and fire safety codes are met.

C. Front and Street Yard Setbacks.

1. Industrial (M) District: Minimum of 20 feet.
2. Business Park (BP) District: Minimum of 25 feet from designated arterial streets, 20 feet from collector streets, and 15 feet from local streets.

D. Rear Yard Setbacks.

1. Adjacent to a Commercial or Industrial District: Minimum of 10 feet, except common wall buildings with 0-setback are allowed;
2. Abutting a Residential District: Minimum of 20 feet, and conformance with the R/R-1 height step-down standards in Section 2.2.170.C.

E. Side Yard Setbacks. There are no required side-yard setbacks, except a minimum of 20 feet and conformance with the R/R-1 height step-down standards in Section 2.2.170.C is required when an Industrial District abuts an R or R-1 District.

F. Minimum Landscape Area (% site area). The minimum landscape area for the M Industrial District shall be 5%. The minimum landscape area for BP Industrial District shall be 20%. Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D.

G. Buffering Other Yard Requirements.

1. Buffering. The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.

Developments within Industrial Districts abutting Residential Districts will be required at minimum to erect a fence, evergreen hedge or wall along the property line that is the zone boundary. The approval body may also require a fence, evergreen hedge or wall to be erected to screen the view of storage yards and operations not enclosed in a building. The fence, hedge or wall shall screen not less than 70 percent of the view and be between 5 and 8 feet in height.

2.4 – Industrial (I) Land Use Districts

2. Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 3.1.300.

2.4.130 Industrial Districts – Lot Coverage

- A. **Industrial (M) District:** Maximum lot coverage, including all impervious surfaces, 80 percent.
- B. **Business Park (BP) District:** Maximum lot coverage, including all impervious surfaces, 70 percent.

2.4.140 Industrial Districts – Site Layout and Design

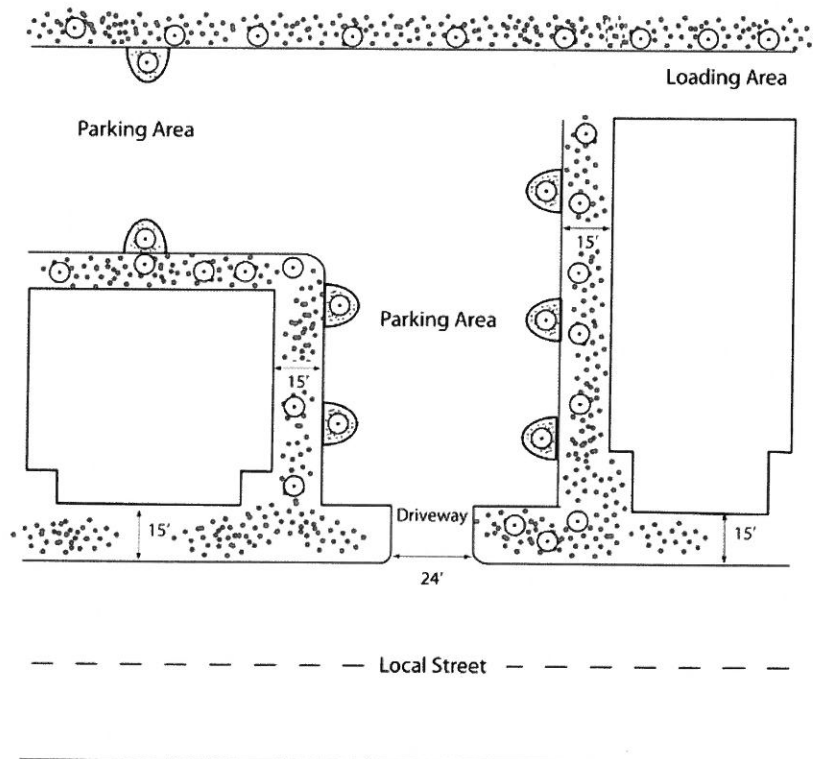
- A. **Development Compatibility.** Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the Industrial and Business Park Districts:
 1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
 2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 2.4.120.
- B. **Large-Scale Commercial Development – M District Only.** Developments containing 40,000 square feet or more commercial, retail, wholesale, or office floor area in an Industrial District shall have pedestrian-oriented design. This standard is satisfied when the approval body finds that a development meets the all of the following criteria:
 1. The commercial block layout standards in Section 2.3.150.D are met; and
 2. The architectural standards in Section 2.3.170 are met. For the purpose of meeting the build-to line standards in subsection 2.3.170.B(4), the build-to line is parallel to all abutting street property lines at a distance of 60 feet from the street property line.
- C. **Special Use Standards – BP Districts Only.** All development within the BP District must comply with the following standards:
 1. Master Plan. All development must be preceded by an approved master plan as provided in Chapter 4.5, Master Planned Developments.
 2. Indoor Activity. All business activity must be conducted completely indoors, with the exception of outdoor seating associated with restaurants and outdoor recreation areas.
 3. Building Separation. Except for common wall buildings, buildings must be separated from one another by at least 30 feet of landscaped area.
 4. Common Space. At least 10 percent of the total required landscape area must be common open space available to all tenants and owners in the Business Park. Parking lot buffering and property

line buffering may not be used to meet common open space requirements.

5. Vehicular Areas.

- a. Except for approved driveways, paved areas intended for vehicular use shall meet building setback standards and shall be landscaped.
- b. Parking and loading areas generally shall be located behind buildings. The Planning Commission may approve parking and loading areas between buildings provided there is at least 30 feet of landscaped area separating the buildings as shown on Figure 2.4.140.C.

Figure 2.4.140.C – Building Separation with Parking



- 6. Signage. No sign shall be permitted within the BP without a sign permit as provided in Chapter 3.8. A sign concept plan showing the locations, general size, style and materials of signs must be submitted as part of the planned development proposal pursuant to Chapter 4.5, Master Planned Developments.

7. Prohibited Impacts from Uses in Business Parks.

- a. Noise, vibration, air or water pollution that exceed DEQ standards.
- b. Air emissions, including smoke, particulate matter, and noxious gases that are readily discernable to the human senses (without instruments) outside of the Business Park. Vehicles that use state highways and landscaping equipment are exempt from this standard.

2.4.150 Industrial Districts – Building and Structure Height

The maximum allowable height of buildings and structures in the M district is 35 feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit, provided they conform to the R/R-1 height step-down.

2.4.160 Industrial Districts – Large Site Master Planning Requirements

Industrial land added to the Cottage Grove Urban Growth Boundary (UGB) to meet industrial land needs identified in the Cottage Grove Economic Opportunities Analysis (2009) shall be assigned a Master Planned Development (PD) overlay zone under Chapter 4.5, Master Planned Developments following annexation.

A. The minimum development area covered by this master plan shall be 20 acres.

B. Section 2.4.150. That Section 3.2.300 Landscaping is hereby amended to read as follows:

3.2.300 Landscaping

A. **Applicability.** This Section shall apply to all new developments requiring Site Design Review. This section is not applicable to single-family or two-family dwellings.

B. **Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500, Section B.5 (Landscape Plans).

C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:

1. Residential and Residential-Commercial Districts. 10% of the site. (*Note: Not applicable to detached single-family or two-family homes.*)
2. Central Business District. 0% of the site.
3. Community Commercial District. 10% of the site.
4. Commercial Tourist District. 15% of the site.
5. Commercial Tourist Limited District. 15% of the site.
6. Industrial District. 5% of the site.
7. Parks & Recreation District. 0% of the site.

Note: A 0% minimum landscaping requirement does not override requirements within individual sections of this code. See 3.2.300E.

C. Section 3.8.600 Industrial District Signs. That Section 3.8.600 Industrial Districts Signs is hereby amended to read as follows:

3.8.600 Industrial District Signs

The following sign standards have been established for industrial (M) district:

- A. **Single Business.** Each business shall be permitted a total number of 2 wall or projecting signs with a maximum of 100 square feet for all faces.
- B. **Free standing or Roof Signs.** In addition to wall signs permitted above, 1 sign from this group shall be permitted for each approved development site. The total area permitted for a free standing sign, roof or projecting sign shall be 50 square feet for 1 face or 100 square feet for 2 or more faces at a maximum of 30 feet above grade.
- C. **Business Identification.** In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.
- D. **Comprehensive Signage Plan.** Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

D. Section 4.9.100 Temporary Use Permits. That Section 4.9.100 Temporary Use Permits is hereby amended to read as follows:

- E. **Temporary Food Carts.** Placement of food carts on Commercial or Industrial (C-2, C-2P, CT, M) zoned properties within the City shall require an annual permit. Using a Type I procedure under Section 4.1.200, the City may approve or deny an application for a placement of a food cart provided all of the following criteria are satisfied:

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

Attest:

Richard Meyers, City Manager

Dated: _____

Approved:

Thomas Munroe, Mayor

Dated: _____

ZONING MAP AMENDMENT

ZC-1-16

STAFF REPORT
CITY OF COTTAGE GROVE/HARRIS; ZC 1-16
LAND USE MAP CHANGE
INDUSTRIAL LANDS
October 19, 2016

PROPOSAL DESCRIPTION

Date application filed: August 9, 2016

Applicant: City of Cottage Grove
400 E. Main Street
Cottage Grove, OR 97424

Location: Group 1: 2655 & 2675 Mosby Creek Road
(2003273400900), 2725 Mosby Creek Road (2003273401000),
2795 Mosby Creek Road (2003273401100), and Map
2003274001600, 2003340000101, 2003324301300

Group 2: 2165 S R Street (2003324300100), 2145 S R
Street (2003324300101), 2003324300200, 2150 Getty Circle
(2003324300301), 2175 S. R Street (2003324300302), 2145 &
2155 Getty Circle (2003324300400, 2003324300500,
2003324300600), 2075 Getty Circle (2003324300700), 2055
Getty Circle (2003324300800, 2003324300900), 1700 & 1780
Carnegie Way (2003324301000, 2003324301100,
2003324301200), 2045 Hwy 99 S (2003324400300), 2065 &
2085 Hwy 99 S (2003324400400), 2003324400600,
2003324400701, 2003324400702, 2100 S. R Street
(2003324400703), 2003324400800, 2003274000202,
2003274000300, 76 & 78 Palmer Avenue (2003274000404), 20
Palmer Avenue (2003274000405), 120 Palmer Avenue
(2003274000406), 220 Palmer Avenue (2003274000407), 290
Palmer Avenue (2003274000408), 310 Palmer Avenue
(2003274000409), 2003274000410, 2003274000411, 365
Palmer Avenue (2003274000413), 95 Palmer Avenue
(2003274000414), 75 Palmer Avenue (2003274000415), 2710
Row River Road (2003274000416), 195 Palmer Avenue
(2003274000417), 25 Davidson Avenue (2003274000504), 225
Davidson Avenue (2003274000505), 235 Davidson Avenue
(2003274000506), 255 Davidson Avenue (2003274000507,
2003274000508, 2003274000603), 2800 River Road
(2003274000606, 2003274000609), 230 Davidson Avenue
(2003274000608, 2003274000610, 2003274000611,
2003274000612, 2003274000613), 320 Davidson Avenue
(2003274000614)

Current Zoning: M-1 Light Industrial District (Group 1)
M-2 Heavy Industrial District (Group 2)

Proposed Zoning: M Industrial

Proposal: To amend the Land Use Map to rezone 56 parcels, including all parcels designated either M-1 Light Industrial or M-2 Heavy Industrial in the City limits, to M Industrial. This application covers 43.68 acres of land zoned M-1 Light Industrial and 77.25 acres of land zoned M-2 Heavy Industrial as M Industrial.

The subject parcels are located in one of two Industrial Parks (Cook's Industrial Park or Cottage Grove Industrial Park) or along Hwy 99 S. or Row River Road in areas designated as I Industrial on the Cottage Grove Comprehensive Plan map. They are developed with a range of light and heavy industrial uses that often do not match their existing base zoning (e.g., Starfire Lumber, a heavy industrial use, is located in Light Industrial, whereas a car dealership, a light industrial use, is located in Heavy Industrial). The City is proposing to rectify this mismatch by consolidating both industrial districts into one Industrial district. Uses that are currently allowed in either zone will remain permitted or permitted conditionally, while uses that are not allowed in industrial areas will remain prohibited or accessory only.

This Zone Change application follows Comprehensive Plan Amendment CPA 1-16, which changes the implementing zones for I Industrial to M Industrial and BP Business Park on the Land Use Diagram, and DCTA 1-16, which consolidates the regulations of the two districts.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; ZC 1-16

14.4.1.500.H Decision-Making Criteria. *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:

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 9, Economic Development, Goal 13 Energy Conservation and Goal 14 Urbanization.

Goal 1 – Citizen Involvement: This request is consistent with Goal 1, Public Involvement. Letters explaining the process were sent to all property owners and tenants on September 7, 2016. An open house was held for property owners and tenants on September 19, 2016. Public notice of the proposed Land Use Diagram amendment has been provided through the Type IV public notice process as specified in Section 14.4.1.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification on August 19, 2016, and did not express any concerns in writing about the changes.

Goal 2 – Land Use Planning: This request is consistent with Goal 2. The purpose of Goal 2, Land Use Planning, is 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. Under Goal 2, "All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration

social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents.” The process established within the Development Code for modifications to the Comprehensive Plan was followed through compliance with Section 14.4.1.500 and Section 4.7.500.

Goal 9 – Economic Development. This proposal is consistent with Goal 9: Economic Opportunities. The purpose of Goal 9 is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The proposed consolidation of the two zoning districts into one Industrial district will broaden the types of industrial uses allowed in each, providing economic development opportunities in existing vacant Industrial lands. No reduction in the Industrial lands inventory will be caused by this text amendment. The City’s 2009 Economic Opportunities Analysis remains non-impacted. No existing uses will become non-conforming uses based upon this modification; whereas several existing non-conforming uses will become conforming uses under the consolidated code.

Goal 13 – Energy Conservation. This application recognizes the importance of maximizing the industrial designated properties within Cottage Grove’s existing city limits, and facilitates their development with appropriate uses. Existing industrial areas will remain industrial in nature and no additional city resources will need to be extended to these areas. This zone change modification complies with Goal 13.

Goal 14 – Urbanization. This amendment encourages economic development within designated Industrial areas by simplifying the designated categories into one M Industrial designation. This will facilitate the development of existing committed industrial lands and is consistent with Goal 14.

2. *Approval of the request is consistent with the Comprehensive Plan; and*

Staff response and findings of fact:

his proposal is consistent with the Cottage Grove Comprehensive Plan and the 2009 Economic Opportunities Analysis.

The Comprehensive Plan identifies Industrial lands within the City, but does not specify the particular breakdown of uses within Industrial Lands. All industrial lands identified on our Comprehensive Plan Map are to be zoned M Industrial under the Land Use Diagram under CPA 1-16. This is followed by a Development Code Text Amendment (DCTA 2-16) to consolidate the two zones through regulation, and this Zone Change application (ZC 1-16) that will change the zoning on 56 properties to M Industrial.

This zone change does not change the amount of Industrial lands available for development within Cottage Grove, or disallow any industrial uses that were previously allowed in an Industrial District. The M-1 District and the M-2 District are very similar. Largely, uses are allowed in the M-2 District, and either not allowed, or allowed through Conditional Use Permits, in the M-1 District, or vice-versa. The proposed consolidation makes any use that was allowed in one but conditional in the other as a conditional use under the new M District, maintaining the community’s oversight of potentially impactful businesses while allowing our limited industrial lands inventory to be utilized to its highest capacity. This should provide for greater versatility and make several existing uses, which are non-conforming in either the M-1 or M-2 district in which they are located, into uses permitted either outright or through a conditional use permit. Examples of existing non-conforming uses, which will be made “legal” under this change,

include a horticultural test garden, a car dealership, a print shop, and a wholesale business. No existing uses will be made non-conforming by the proposed district consolidation.

The proposed modification is consistent with the Industrial policies in the Economic Development element of the Comprehensive Plan. This consolidation of industrial zones will meet the following Industrial Policies: “encourage industrial activities which will broaden the community’s long-term employment bases,” “protect industrial areas from encroachment by incompatible land uses and ensure sites in a variety of sizes to assure opportunities for both small and large industrial activities,” and “retain industrial sites for their intended industrial or business park purposes, while allowing accessory and limited support commercial activities.” Under this consolidation, the industrial district would continue to “provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts”, which is the stated purpose in the Economic Development element for the implementing Industrial zones. After the adoption of CPA 1-16 and DCTA 1-16, this zone change is appropriate. Consequently, this application is consistent with the Cottage Grove Comprehensive Plan.

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:

Existing public facilities, services and transportation networks already support the uses on these properties. No additional public facilities are required to serve these areas.

CONCLUSION

Zone Change approval 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

Approval of ZC 1-16 to amend the Comprehensive Plan Land Use Map to rezone 56 parcels from M-1 Light Industrial and M-2 Heavy Industrial to M Industrial, pursuant to Section 14.1.500, which is supported by findings of fact in the staff report.

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File ZC 1-16

EXHIBITS

- A. Draft Ordinance
- B. DLCD Notice, August 19, 2016

EXHIBIT A:
Draft Ordinance

AN ORDINANCE AMENDING
TITLE 14 OF THE COTTAGE GROVE MUNICIPAL CODE,
THE CITY WIDE ZONING MAP.
(INDUSTRIAL DISTRICTS)

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the adopted citywide “zoning map” to identify the rezoning the properties within the City Limits designated shown in the maps attached as Exhibit “A” from:

M-1 Light Industrial or M-2 Heavy Industrial to M Industrial

Section 2. Procedural Compliance. This amendment is in compliance with Title, 14, Chapter 4.7 of the Municipal Code of the City of Cottage Grove and is based upon the City Council determination, after a Planning Commission public hearing and recommendation, that the zone change (ZC 1-16) is a proper implementation of the City Comprehensive Land Use Plan and, therefore, is in the public interest and serves the health, safety and welfare of the citizens of the City of Cottage Grove, as shown in Exhibit B: Findings.

Section 3. Amendment. The citywide “zoning map” which is a part of Title 14 is hereby amended as follows with respect to the properties described as: 2655 & 2675 Mosby Creek Road (2003273400900), 2725 Mosby Creek Road (2003273401000), 2795 Mosby Creek Road (2003273401100), and Map 2003274001600, 2003340000101, 2003324301300:

Change the zoning district classification from M-1 Light Industrial to M Industrial District.

Section 4. Amendment. The citywide “zoning map” which is a part of Title 14 is hereby amended as follows with respect to the properties described as: 2165 S R Street (2003324300100), 2145 S R Street (2003324300101), 2003324300200, 2150 Getty Circle (2003324300301), 2175 S. R Street (2003324300302), 2145 & 2155 Getty Circle (2003324300400, 2003324300500, 2003324300600), 2075 Getty Circle (2003324300700), 2055 Getty Circle (2003324300800, 2003324300900), 1700 & 1780 Carnegie Way (2003324301000, 2003324301100, 2003324301200), 2045 Hwy 99 S (2003324400300), 2065 & 2085 Hwy 99 S (2003324400400), 2003324400600, 2003324400701, 2003324400702, 2100 S. R Street (2003324400703), 2003324400800, 2003274000202, 2003274000300, 76 & 78 Palmer Avenue (2003274000404), 20 Palmer Avenue (2003274000405), 120 Palmer Avenue (2003274000406), 220 Palmer Avenue (2003274000407), 290 Palmer Avenue (2003274000408), 310 Palmer Avenue (2003274000409), 2003274000410, 2003274000411, 365 Palmer Avenue (2003274000413), 95 Palmer Avenue (2003274000414), 75 Palmer Avenue (2003274000415), 2710 Row River Road (2003274000416), 195 Palmer Avenue (2003274000417), 25 Davidson Avenue (2003274000504), 225 Davidson Avenue (2003274000505), 235 Davidson Avenue (2003274000506), 255 Davidson Avenue (2003274000507, 2003274000508, 2003274000603), 2800 River Road (2003274000606, 2003274000609), 230 Davidson Avenue (2003274000608, 2003274000610, 2003274000611, 2003274000612, 2003274000613), 320 Davidson Avenue (2003274000614):

Change the zoning district classification from M-2 Heavy Industrial to M Industrial District.

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

Richard Meyers, City Manager

Thomas C. Munroe, Mayor

Dated: _____

Dated: _____

EXHIBIT A:
Zone Change to M-1 Light Industrial and M-2 Heavy Industrial to M Industrial
on following list of properties:

2655 & 2675 Mosby Creek Road (2003273400900)
2725 Mosby Creek Road (2003273401000)
2795 Mosby Creek Road (2003273401100)
2003274001600
2003340000101
2003324301300
2165 S R Street (2003324300100)
2145 S R Street (2003324300101)
2003324300200
2150 Getty Circle (2003324300301)
2175 S. R Street (2003324300302)
2145 & 2155 Getty Circle (2003324300400, 2003324300500, 2003324300600)
2075 Getty Circle (2003324300700)
2055 Getty Circle (2003324300800, 2003324300900)
1700 & 1780 Carnegie Way (2003324301000, 2003324301100, 2003324301200)
2045 Hwy 99 S (2003324400300)
2065 & 2085 Hwy 99 S (2003324400400)
2003324400601
2003324400701
2003324400702
2100 S. R Street (2003324400703)
2003324400800
2003274000202
2003274000300
76 & 78 Palmer Avenue (2003274000404)
20 Palmer Avenue (2003274000405)
120 Palmer Avenue (2003274000406)
220 Palmer Avenue (2003274000407)
290 Palmer Avenue (2003274000408)
310 Palmer Avenue (2003274000409)
2003274000410
2003274000411
365 Palmer Avenue (2003274000413)
95 Palmer Avenue (2003274000414)
75 Palmer Avenue (2003274000415)
2710 Row River Road (2003274000416)
195 Palmer Avenue (2003274000417)
25 Davidson Avenue (2003274000504)
225 Davidson Avenue (2003274000505)
235 Davidson Avenue (2003274000506)
255 Davidson Avenue (2003274000507, 2003274000508, 2003274000603)
2800 River Road (2003274000606, 2003274000609)
230 Davidson Avenue (2003274000608, 2003274000610, 2003274000611, 2003274000612,
2003274000613)
320 Davidson Avenue (2003274000614)

EXHIBIT B: FINDINGS
ORDINANCE NO. _____

1. City of Cottage Grove has made an application to rezone 43.68 acres of land zoned M-1 Light Industrial and 77.25 acres of land zoned M-2 Heavy Industrial as M Industrial.
2. These properties are within the Urban Growth Boundary of Cottage Grove. These properties are designated as I Industrial on the Cottage Grove Comprehensive Plan map. The Comprehensive Plan Land Use Diagram identifies M Industrial as the implementing zone for this comprehensive plan map designation. Hence the appropriate land use district/zone for these properties are M under its current Comprehensive Plan map designation and Land Use Diagram.
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 Industrial designation is compatible to surrounding land uses to the subject properties.
4. Adequate public facilities, including water, sewer, streets, etc. are available to the site.
5. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3; Goal 4; Goal 5, Goal 6, Goal 7, Goal 8; Goal 11; Goal 15; Goal 17; and Goal 19.
6. 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 14.4.1.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification on August 19, 2016, and did not express any concerns in writing about the changes. Public hearings have been held at the Planning Commission and City Council levels to consider this land use change. Our process involves various forms of notification of the public in the immediate areas, 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 9 – Economic Development. T This proposal is consistent with Goal 9: Economic Opportunities. The purpose of Goal 9 is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The proposed consolidation of the two zoning districts into one Industrial district will broaden the types of industrial uses allowed in each, providing economic development opportunities in existing vacant Industrial lands. No reduction in the Industrial lands inventory will be caused by this text amendment. The City’s 2009 Economic Opportunities Analysis remains non-impacted. No existing uses will become non-conforming uses based upon this modification; whereas several existing non-conforming uses will become conforming uses under the consolidated code.
 - d. Goal 13 – Energy Conservation. This application recognizes the importance of maximizing the industrial designated properties within Cottage Grove’s existing city

limits, and facilitates their development with appropriate uses. Existing industrial areas will remain industrial in nature and no additional city resources will need to be extended to these areas. This zone change modification complies with Goal 13.

- e. Goal 14 – Urbanization. This amendment encourages economic development within designated Industrial areas by simplifying the designated categories into one M Industrial designation. This will facilitate the development of existing committed industrial lands and is consistent with Goal 14.
7. 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.