

**MEMORANDUM**

TO: Mayor and City Council

FROM: Howard P. Schesser, Community Development Director

SUBJECT: FIRST VOTE FOR ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE DIAGRAM RELATED TO INDUSTRIAL DISTRICTS (CPA-1-16). CITY OF COTTAGE GROVE

DATE: December 5, 2016

Background


Council has held a public hearing on the amendment to the Comprehensive Plan Land Use Diagram as it relates to consolidating the two implementing zoning districts M-1 & M-2 Industrial Districts into on M Industrial District. 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.

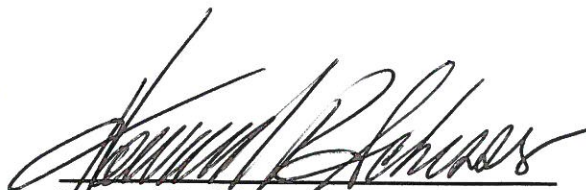
Recommendation

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

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to amend the Comprehensive Plan Land Use Diagram in order to consolidate the M-1 Light Industrial and M-2 Heavy Industrial Districts into one implementing M Industrial District.

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 Comprehensive Plan Amendment is a proper implementation of the City Comprehensive Land Use Plan.

Section 3. Findings: The City Council hereby adopts the above findings of fact and those set forth in Exhibit B, attached to and forming part of this ordinance.

Section 4. Amendment. That the Comprehensive Plan Land Use Diagram is hereby amended as shown in Exhibit "A" attached to and forming part of this ordinance:

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

\_\_\_\_\_  
Thomas C. Munroe, Mayor

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

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

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

EXHIBIT A  
ORDINANCE 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	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.

**EXHIBIT B: FINDINGS**  
ORDINANCE NO. \_\_\_\_\_

1. The City of Cottage Grove has made an application to amend the Land Use Diagram of the Comprehensive Plan that dictates which zoning district implements the Land Use Designation. The amendment is related to the Comprehensive Plan M Industrial Land Use Designation. The implementing 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).
2. The Land Use Diagram is to be amended by consolidating the M-1 Industrial and the M-2 Industrial Districts into one M Industrial District. This is being recommended in order to encourage economic vitality and facilitate development within Cottage Grove.
3. 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.
4. A public comment period was provided with the proposed changes posted on the City website for more than 30 days. A public meeting was held after notification of all property owners and business owners within the industrial zones. 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.
5. City Council held public hearings on the said amendment to the Plan on November 28<sup>th</sup> & December 12, 2016.
6. 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.
7. The following Statewide Planning Goals are not applicable to the proposed rezoning: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 5 – Open Spaces, Scenic & Historic Areas and Natural Resources; Goal 6 – Air, Water & Land Resources Quality; Goal 7 – Areas Subject to Natural Disasters and Hazards; Goal 8 – Recreational Needs; Goal 10 – Housing; Goal 11 – Public Facilities and Services; Goal 15 – Willamette River Greenway; Goal 17 – Coastal Shorelands; Goal 18 – Beaches & Dunes; and Goal 19 – Ocean Resources.
8. 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 and did not express any concerns in writing about the changes. A public meeting was held on the proposed changes for any business owner or property owner located in the industrial districts. Public hearings have been held at the Planning Commission and City Council levels. Our process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups.
  - b. Goal 2 – Land Use Planning. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 14 of the City of Cottage Grove Municipal Code and has been found compatible with the City’s Comprehensive Plan.
  - c. Goal 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.

- 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.
9. 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.
  10. 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.