

## MEMORANDUM

TO: Mayor and City Council

FROM: Howard P. Schesser, Community Development Director

SUBJECT: FIRST VOTE FOR ORDINANCE AMENDING THE COTTAGE GROVE DEVELOPMENT CODE RELATED TO CONSOLIDATION OF INDUSTRIAL DISTRICTS (DCTA-2-16). CITY OF COTTAGE GROVE

DATE: December 5, 2016

### Background

Council has held a public hearing on the amendment to the Cottage Grove Development Code to consolidate the M-1 & M-2 Industrial Districts into one M Industrial District. Several sections that deal with industrial regulations are being amended. 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 TITLE 14 COTTAGE GROVE DEVELOPMENT CODE REPEALING CHAPTER 2.4 INDUSTRIAL DISTRICTS AND ADOPTING A NEW CHAPTER 2.4 INDUSTRIAL DISTRICTS, AMENDING CHAPTER 3.2.300(C) LANDSCAPE AREA STANDARDS, CHAPTER 3.8.600 INDUSTRIAL DISTRICT SIGNS, AND CHAPTER 4.9.100(E) TEMPORARY FOOD CARTS (DCTA-2-16)

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

Section 4. Amendments. Title 14 Development Code of the Cottage Grove Municipal Code is hereby amended:

1. Chapter 2.4 Industrial (I) Districts is repealed and a new Chapter 2.4 –Industrial (I) Districts is adopted that reads 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)
<b>Residential Categories</b>		
<b>Household Living</b>		
All Residential Uses	N	N
<b>Commercial Categories</b>		
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	N	MP

services)			
Entertainment, Major Event	N		N
Office - Primary use - Accessory Use	N P		MP P
Outdoor recreation, Commercial	N		N
Parking Lot (when not an accessory use)	CU		N
<b>USE</b>			
<b>Categories</b>			
(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)			
	<b>Industrial (M)</b>		<b>Business Park (BP)</b>
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
<b>Industrial Categories</b>			
Light Industrial Service	P		MP
Medium/Heavy Industrial Service	CU		N



Light Manufacturing and Production - fully enclosed (e.g., office) - not enclosed	P CU		MP 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
<b>USE Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)</b>	<b>Industrial (M)</b>		<b>Business Park (BP)</b>
<b>Institutional Categories</b>			
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
<b>Other Categories</b>			
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
<b>USE</b>			
<b>Categories</b>			
(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3)			
	<b>Industrial (M)</b>		<b>Business Park (BP)</b>
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. **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.

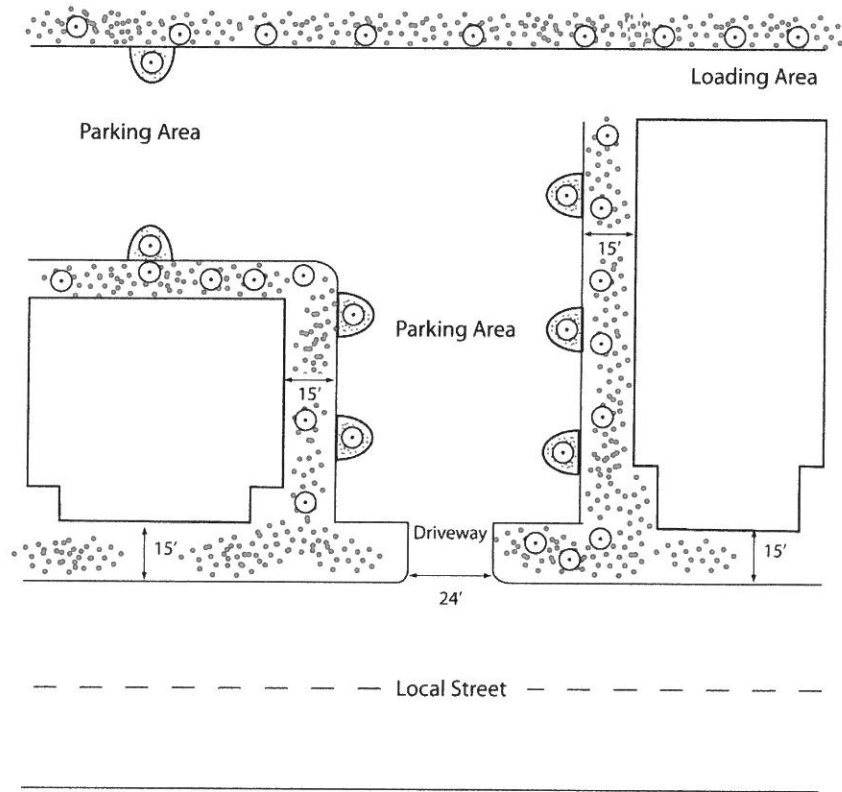
**C. Special Use Standards – BP Districts Only.** All development within the BP District must comply with the following standards:

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.”

2. That Chapter 3.2.300(C) Landscaping Area Standards is amended to read as follows:

“**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.”*

3. That Chapter 3.8.600 Industrial District Signs is amended to read as follows:

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).”

4. That Chapter 4.9.100(E) Temporary Food Carts 1<sup>st</sup> paragraph after is 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.

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

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

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

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

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

1. The City of Cottage Grove has made an application to amend Chapters 2.4, 3.2.300(C), 3.8.600, and 4.9.100(E) of the Cottage Grove Development Code, Title 14 of the Cottage Grove Municipal Code. The amendment is to consolidate the various portions of the Development Code related to the consolidation of the M-1 & M-2 Industrial Districts into one M Industrial District.
2. The Development Code implements the policies and Land Use Diagram of the Comprehensive Plan for the City of 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 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.
7. 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 properly 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.
8. 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.
  9. 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.