

**COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
December 13, 2010**

CALL TO ORDER

Mayor Gary Williams called the meeting to order at 7:30 p.m. in the Council Chambers at City Hall.

ROLL CALL/PLEDGE OF ALLEGIANCE

City Recorder Trudy Borrevik called the roll. The following were

PRESENT: Mayor Gary Williams, City Councilors Mike Fleck, Jeff Gowing, Tom Munroe, Heather Murphy, Wayne Clark (7:31) and Diane Conrad

YOUTH REPRESENTATIVE: Absent

STAFF PRESENT: City Manager Richard Meyers, Police Chief Mike Grover, Community Services Director Pete Barrell, Public Works Director Jan Wellman, Finance Director Bert McClintock and Community Development Director Howard Schesser

CITY ATTORNEY: Sean Kelly

OTHERS PRESENT: Cameron Reiten - KNND Radio, Garland Burback, Victoria Doyle, Jake Boone

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC HEARINGS

Mayor Williams asked the Council if they had any ex-parte contact to declare. Councilor Conrad said she had none; Councilor Murphy said she had been in the general vicinity when it had been brought up but it had no bearing on her decisions and no specifics were talked about; Councilor Munroe said he had no contact but had received the letter from the Flaggs and it wouldn't impact his decision; Councilor Gowing said he had been contacted by one of the

residents in the area who wanted to know about conduct at a council meeting, they weren't trying to persuade any decision; Councilor Fleck said he was a regular practicing Catholic at the church and witnessed a presentation that the church gave about the project, although he said the details of which were not as much as what was presented to Council and he also had contact with Troy Cardwell and they talked about the City's Code but said neither of those contacts would impact his decision; Councilor Clark said he had received the letter from the Flaggs and it wouldn't impact his decision. Mayor Williams said he also received the letter from the Flaggs and made it available to the City Manager to circulate amongst all the Councilors.

Mayor Williams made the following statement:

Good evening. This is a *de novo* legislative hearing on an application by Shelter Resources and Our Lady of Perpetual Help to amend the Comprehensive Plan to designate the proposed land Medium Density Residential and Rezone the property to R-2 Medium Density Residential. The intent of this application is to allow Shelter Resources to come back at a later time through the Site Design Review process and a public hearing before the Planning Commission for the intended 16 duplexes for a total of 32 units. The site plan is not before us tonight; the only thing before the City Council tonight is the Comprehensive Plan designation and Rezoning.

We have had an opportunity to review all of the testimony and documentation presented to the Planning Commission. No determination on this issue has been made by this body nor any member of this body. We will be giving 20 minutes to the applicant to present any argument and evidence they would like to present. Proponents and opponents of the application will then be given 3 minutes to present argument and evidence. Prior to the close of the public hearing, applicant will have 20 minutes for rebuttal.

The hearing will be conducted as follows:

1. The Planning staff will provide a staff report.
2. The order of testimony will be as follows:
 - the applicant
 - proponents of the application
 - opponents of the application
 - applicant rebuttal

Persons speaking at this hearing shall testify only after receiving recognition from the Mayor. Witnesses should identify themselves by their name and address and, if representing another party, identify whom they are representing. Please direct your arguments and evidence towards the applicable approval criteria. If someone has said something which you support, you do not need to repeat their testimony but can say that you support their testimony. All comments should be directed to the Chair and we ask that you refrain from using any profane or derogatory language. No person shall be disorderly, abusive or disruptive of the orderly conduct of this hearing and there shall be no audience demonstration such as applause, cheering, display of signs or other conduct that would disrupt the meeting. You are, however, free to come and go during

the course of the meeting.

This is not a *quasi-judicial* hearing and, therefore, no party is entitled to request a continuance or open record period.

Community Development Director, Howard Schesser, said the application was for the subject property of 2.98 acres in size and was located at the west end of the Catholic Church property and fronted onto North 16th. He said there were two parts to the application, one was to amend the Comprehensive Plan from Low to Medium Density Residential and the second part was to rezone the subject property from R-1 Single Family to R-2 Medium Density Residential. He said the Planning Commission held a public hearing on September 15, 2010, eleven people spoke and the Planning Commission voted 4-3 to approve the application to Council. He said in his memorandum of November 6, 2010 that the proposed development by Shelter Resources was proposed to be developed at or below 6.25 unit per acre which was incorrect, it should be 8 units per acre and he apologized for having the wrong figure.

He provided to Council a memorandum which had letters attached from Dennis and Kathy Flagg dated November 11, 2010 which was received on December 8, 2010 and a letter dated December 13, 2010 from Sara Bergsund, the Architect for the project. He also provided Council with a memorandum dated December 13, 2010 which had attached a traffic study that was done and an email from ODOT dated July 27, 2010 accepting the report and conclusions. He said the proposed development would not cause significant adverse impact to the performance of the transportation facility as defined by Oregon Administrative Rule (OAR) 660-012-0060-1, Transportation Planning Rule. He said no mitigation was necessary to accommodate the traffic generated by the proposed development. He told Council when they read the traffic study or looked at the executive summary, they took the worse case scenario based on twelve units per acre which was the R-2 maximum amount that they would allow. He said Council also had in the November 6, 2010 memorandum, two colored maps showing the comprehensive plan designation and the subject site as well as a zoning map that showed the existing zoning designations.

Mayor Williams opened the public hearing at 7:40 pm.

The applicant, Pastor Stephen Raymond Ryan, 1025 N. 19th Street, Cottage Grove, read a prepared statement, attached hereto and marked Exhibit "A".

Ryan Brennan, 2223 112th Avenue NE, Suite 102, Bellevue, Washington 98004, spoke as a representative of Shelter Resources.

He gave the background for Shelter Resources and said they had been in the affordable housing development business for more than thirty years and had developed more than one hundred projects throughout the Pacific Northwest. He said more than twenty projects were located in Oregon and they had projects in Astoria, Cannon Beach, Seaside, Florence, Hood River, Madras and other locations throughout the State. He said over the last three years they had developed a

very good track record and reputation with Oregon Housing and Community Services, the primary funder of affordable housing projects in Oregon and many other private lenders and non-profit social services organizations. He said there had been some confusion about the name, Shelter Resources, and said they had no reference to high risk population, such as homeless, sex offenders or recently released inmates, instead it referred to providing affordable shelters and in the early 1980s they provided tax shelters for investors. He said Cottage Grove had been identified as a high priority area for workforce family and affordable housing and that the USDA Rural Development, a federal funding source for the proposed project, had also identified Cottage Grove as an area in need of rural affordable housing. He said they hired an independent third party market analyst to review the market conditions which showed that all the affordable housing projects in the immediate area were one hundred percent occupied and had waiting lists. He said there hadn't been any new housing projects recently with the exception of the Cory Commons project. He said based on statistics provided by the market analyst, there was a need for affordable housing in Cottage Grove. He also provided details regarding the project including requirements for tenants such as renters history and credit checks.

Sara Bergsund, 1579 Charnelton, Eugene, OR 97401, spoke on behalf of Bergsund DeLaey Architecture & Engineering, the Architects for the project. She said they had met the applicable criteria for the comp plan amendment and for the rezone in showing that multi family housing was compatible on the site. She said they had demonstrated the adherence to the approval criteria.

- 1) The approval was consistent with the Comprehensive Plan.
 - A. The general patterns of land use were compatible to the surrounding land uses
 - Adjacent land to the north was zoned R-2
 - Adjacent land to the south was zoned R-1 but currently developed to R-2 densities
 - Across the street to the west land was zoned both R-1 and R-2
 - Adjacent land to the east remained Church property and was currently undeveloped.
 - B. The need for given land use existed.
 - The 2005 Cottage Grove Buildable Lands Analyst showed the inventory of land use and indicated a surplus of R-1 zone land and a lack of land zoned R-2 or R-3 to meet project growth and fulfill needed mix of housing types in the community.
 - C. The proposed development was compatible with surrounding development
 - Surrounding neighborhood was developed with one story and two story single family homes and there were duplexes in the area and there was a senior apartment complex. The proposed development consisted of two story duplexes and a one story community

- building.
 - The design style of the proposed development was in keeping with the neighborhood style, wood frame, pitched roofs, front porches, gables and dormers.
- D. She said comp plan housing recommendation #3 criteria for multi-family dwellings in any residential zone were met.
- Public facilities and services were adequate and available to the site as confirmed by public works engineering and the transportation planning rule analysis done on the surrounding area facilities.
 - The dwelling unit density was not too great as demonstrated, it was consistent with the surrounding zoning and land use pattern and met the guidelines provided by the Buildable Land Analysis to help project the housing needs.
 - The location was convenient to community services and businesses
 - The normal functions of the neighborhood were not disrupted. The residential zoned land was still being developed as residential zoned land and public services were available to the site and the transportation network was not compromised.
- 2) The approval was consistent with the State wide planning goals #1-19 as summarized in the staff report, Exhibit “B” on September 11, 2010.
 - 3) Planning Staff recommended approval.
 - 4) Planning Commission recommended adoption of the request with a vote of 4-3 in favor.

She said they respectively requested the City Council approve the amendment to the comp plan from low to medium density residential and a rezone of the subject property to R-2 medium density.

She responded to four areas that she felt generated a lot of conversation at the neighborhood meeting, the first having to do with concerns about privacy between the development and the neighbors. She said some suggestions were:

- 1) Install six foot sight obscuring privacy fences or seek a variance for an eight foot fence.
- 2) Plant heavily along the fence line and vary the height and thickness of evergreen shrubs and encourage a thick plant border so that it kept proximity from neighbors peering over or through a fence.

- 3) Stagger the duplexes so there were a variety of distances from the fence line. On the south edge of the plans it showed where the buildings staggered as they varied from the south neighbor and the same could be done on the south side.
- 4) Create visual breaks between buildings that would let light and air through to make it not feel so imposing.
- 5) Step the height when a single family house was within twenty feet of a new building, which was in the development code.
- 6) Thirty-five feet was the allowed height but all their buildings were under thirty feet for one and two story buildings, which varied from twenty-four to twenty-eight feet high.
- 7) Step the buildings back further than the required minimum set back. She said on the south edge there was a utility easement which meant none of the buildings would be built within fifteen feet of the property line and the same could be done on the north side even though the setback was ten feet.

The next concern was the density being too high and they were responding to the Comprehensive Plan's needs for meeting growth and a mixture of housing types and it was perfect for an infill site when looking at places that already had facilities or services to the area and you weren't building out on the urban growth boundary and were taking advantage of facilities and services already in place such as storm water, power, street transportation and sanitary sewer.

Another concern was about sidewalks not being available. She said there were sidewalks on 16th Street on the West side, sidewalks to the North and South on 16th and they would be required to complete the sidewalk infrastructure.

She said the last area of concern was the connection at the Church property. She said they were being requested from the Fire Marshal to provide an emergency vehicle access point between the subject property and the remaining Church property and the neighbors were concerned about it not being a pedestrian access but only being an area for emergency vehicles. She said there were ways to do break away fences and a chain link fence that had a padlock that the Fire Department either had a key to or they would just clip it to get through, it was something to be worked out with the Fire Marshal.

Jim Gilroy, 946 Blue Sky Drive, Cottage Grove, spoke as the Chairman of the Administration and Finance Council for the Church. He read a prepared statement signed by the members of the committee which is attached hereto and made a part hereof and marked Exhibit "B".

Michelle Portman, 1080 E. Jackson, Cottage Grove, read a prepared statement which is attached hereto and made a part hereof and marked Exhibit "C".

Carmen Marie Eberly, 1711 S. 10th Street, Cottage Grove, spoke on behalf of the fifty-three members of OLPH Parish and the six clients that she mentored and helped in the community. She said they were all adults with special needs who were mentally challenged and lived on a fixed income and were in need of affordable, well managed housing. She read a prepared statement which is attached hereto and made a part hereof and marked Exhibit "D".

Jan Thompson, 1650 Anthony, Cottage Grove, spoke on behalf of the Altar Society of OLPH and read a prepared statement which is attached hereto and made a part hereof and marked Exhibit "E".

Stuart Stevenson, 32633 Taylor Butte Rd., Cottage Grove, spoke in favor of changing the zoning to R-2 and said the people that would be eligible to live in the project were the ones that were servants in the community. They were the ones that could only work a couple of part time jobs or low wage working establishments. They were the ones that pumped gas, served in restaurants and worked at Walmart. He said many of the places that these people could afford were older homes that were drafty and not energy efficient. To allow developments such as the one proposed, for those struggling on lower paychecks, helped to build better citizens, and in time, a closer knit community. He said the current President had stated utility rates would have to be raised under some plans. He asked if it was too much to ask that the members of the community who were either starting out on their independent living, single mothers or others who had to work low wage jobs, had a decent place available to them that was energy efficient, well managed, safe for their children to play outside, a place that was well designed and community oriented. He said for the development to have a chance to be built in All-America City, the next step would be to change the zoning to R-2.

Mary Macnamara, 30670 Cottage Grove Lorane Road, spoke on behalf of the Community Sharing Program and read a prepared statement signed by Sherry Duerst-Higgins, Board President, which is attached hereto and made a part hereof and marked Exhibit "F".

Lise Colgan, 79093 Highway 99, Cottage Grove, spoke in favor of the proposed development and read a portion of a prepared statement which is attached hereto and made a part hereof and marked Exhibit "G".

Mayor Williams opened up the public hearing for opponent comments.

Tamara Cardwell, 1267 Ostrander Lane, Cottage Grove, spoke in opposition to the development. She said her home was built in 1951 before the Catholic Church existed and had been in her family since that time. She provided pictures of houses in the subject area and pictures of seven different low income apartment complexes in Cottage Grove. The poster board which these pictures are attached to is marked Exhibit "H" but not attached to these minutes due to its size. She talked about the pictures and the condition of the apartment complexes. She said they were told that there would be no animals allowed at the proposed complex and that single mothers with children, that their boyfriends would not be allowed to stay. She said she didn't think that would happen and gave an example. She said she was the one who complained about the sidewalk and if the development came in she would be out money. She said she had worked at Safeway for seventeen years and had also managed an espresso shop that recently let her go due

to the economy and that she considered herself low income but didn't receive any federal assistance and if she needed to better herself she needed to take on more work. She said her concerns were that changing the zoning would allow two and three story buildings to be built and the traffic that would be added in the area.

Diane Zuvich, 1525 N. 19th Street, Cottage Grove, spoke in opposition to the development. She said it was too much traffic and they already had to deal with so much litter and the extra houses with people who worked at Burger King and McDonalds, they would get more trash. She said they would also have animals and she was totally opposed to it.

Joy Bird, 1690 Curry Avenue, Cottage Grove, said she talked with the tenants who lived in the North 16th Street housing unit and asked how it was being taken care of and she was told that it hadn't been spiffed up in years and recently new bark had been put in that hadn't been done in years. She said the property was normally only inspected once a year but had been inspected twice in the past year due to problems. She was told there was no maintenance person on site and there was rumor the manager might be retiring. She said there was unresolved mold issues in some apartments that weren't being addressed. She said she agreed with everything that Tammy Cardwell stated. She wasn't saying the project wasn't needed, but just not in her area. She said one of the church members had said the church was selling the property because the church needed the money. She said the twenty foot access allowed problems. She said the Catholic Church had filled the council chambers with members to sway the vote which she felt was unfair.

Marlene Culp, 1790 Pritchett Place, Cottage Grove, said she knew the church was involved in community activities and commended them for that, but said it didn't have anything to do with them putting in new people in their area. She said when they moved into their house they were aware of the vacant field but the area was zoned R-1 and that was a deciding fact in buying their house. She said they indicated there was a report from ODOT but she questioned whether anyone from ODOT had actually driven down the street on race night and she doubted whether they had driven by Safeway when people didn't remember to stop coming out or sped up trying to make the light. She said the development would add about sixty-four more cars to the area. She said on the map there were two rectangle lots and when she asked a member on the committee what they were for, she was told for further development. She said that concerned her as well. She asked what would happen if Shelter Resources didn't come up with the money, they had said it could take up to two years to raise it. In the meantime anything could be built there that would fit into the zoning. She said she was against it and asked Council if they would like to have it built in their backyard and would like them to consider that when making their decision.

Mike Markham, 33025 Saginaw East Road, Cottage Grove, said he was opposed and said the church and the people had a great idea to save the world and try and help everyone and do good things but were doing it at the cost of their neighbors. He said if they wanted to come in and build to the standards that were allowed currently, he said that would be fine but to come in and double it and have that much housing in that small of an area would not be right for the rest of the neighbors. He said he hoped the Council would be opposed.

Nick Markham, 1254 Ostrander Lane, said he recently purchased a brand new home which was in a cul-de-sac which would be about ten feet from the new development. He said there were three other lots in that cul-de-sac which had recently been purchased by a contractor who was going to build houses on the lots but was considering selling the lots if the zone change was approved. He said the new development might not decrease the value of the nearby homes but someone may not want to buy a new house next to it. He said he thought it was a bad idea and said he thought Council was enabling a low class citizen to come in and that society welcomed low class too much and he thought there would only be problems. He said Cottage Grove had a problem with theft and vandalism and said the sign for the new disc golf had been damaged. He said there might be a need for housing but who is to say it would be people from Cottage Grove who rented the new housing, it could be people from the Eugene area. He said he hoped the Council would make a great decision and added that people who spoke in favor of the change didn't live in the area but everyone who spoke against it lived in the neighborhood.

Alan Markham, 33061 Saginaw East Road, Cottage Grove, said years gone by and intelligent people just like the current Council had zoned the property the way it currently was zoned to protect the land owner. He said it was no different today than it was then. He agreed with everyone who has talked against it and all of their points.

Mayor Williams provided the applicant/proponent with time for rebuttal.

Ryan Brennan with Shelter Resources spoke in regards to some of the comments provided by the opponents. He said the pictures that were presented were probably not projects that were owned by Shelter Resources or managed by Lovelace Development. He was confident that if pictures of their existing projects were put on the poster board or projects that Sara Bergsund had designed, that they would find they were very nice and did fit with the community and were very well taken care of. He said in regards to tenants that had not been approved to live there, such as boyfriends, if anyone stayed at the project longer than a short period of time, they would be required to go through background checks and credit checks, just like everyone else who lived in the project and if they didn't pass they would not be allowed to stay at the property. He said small animals would be allowed at the project as well as service animals. He said regarding the concern of long term maintenance of the project, he said when Shelter Resources completed the project, there would be a capital needs analysis done for the needs for the project over the life of the project and on an annual basis deposits made into a replacement reserve to make sure there was sufficient funds at all times to make any capital improvements needed such as new siding, windows or anything else that may fall into disrepair. He said they weren't saving the world, but what they were doing was saving neighbors, co-workers, friends and family from possibly being forced to move out of their existing living environment into family member homes, sub-standard living conditions or forced to live on the streets. He said they were providing housing for the low wage workers of Cottage Grove. He said Shelter Resources was going to do everything they could to accommodate the concerns of the neighbors and would incorporate whatever it feasibly could into the project design and site layout to make the project a win-win for everyone involved. He respectfully requested Council's approval of the Comprehensive Plan Amendment and Rezoning request.

Sara Bergsund from Bergsund Delaney Architects, responded to the comment about the other two parcels on the subject property. She said there were two rectangles that were pulled out, the entire parcel being rezoned was 2.98 acres and the resultant property that Shelter Resources was going to develop for the church was 2.66 acres and the remaining parcels were two seven thousand square foot duplex lots as the planning code directed, for the purpose of the church to be able to develop those sometime in the future.

Pastor Stephen Raymond Ryan spoke and asked the Council when they deliberated, to please read all the material that Lise Colgan presented which was research material and was important, that she was unable to present all of in her three minute testimony. He spoke about the need for housing for low income people and said it was part of the church's goal to reach out to the community and move ahead with the project. He said they could have developed the property for high class housing but it wouldn't have aligned with the mission and goal of the church to reach out to people in need.

Lise Colgan responded to a comment from one of the opponents in terms of people from out of the area coming for assistance. She said Ryan from Shelter Resources that Community Sharing might well be an agency that would be assisting some of the people that might be interested in the apartments and they served only people in their service area, therefore people in Eugene and Springfield and out of it's service area would not be eligible for assistance.

Mayor Williams closed the public hearing at 8:37pm and allowed time for the council chambers to clear.

Mayor Williams reconvened the meeting at 8:41.

PUBLIC COMMENT ON AGENDA ITEMS

None

RESOLUTIONS AND ORDINANCES

(a) **Resolution Approving Solid Waste Collection and Disposal Services Rate Increase**

City Manager, Richard Meyers, said the increase had come to Council at the previous Council meeting at the request of Cottage Grove Garbage Service to increase their garbage fees by three percent. Council had directed staff at that meeting to prepare a Resolution adopting those rates.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MUNROE THAT RESOLUTION NO. 1763 BE ADOPTED.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
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AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Item 6(b) and 6(c) were moved to allow time for the Council to review the documents presented to Council during the public hearing.

BUSINESS FROM THE CITY COUNCIL

(a) Planning Commissioner Appointments

Community Development Director, Howard Schesser, said he had prepared the Memorandum but turned the item over to Councilor Fleck as he was the Chair for the sub-committee appointed to interview the applicants.

Councilor Fleck said the sub-committee interviewed three of the four applicants, the fourth applicant was out of town during the interviews. He thanked all of those who applied and said the sub-committee was recommending that George Devine and Darby Valley be appointed to fill the two vacant planning commission positions.

Councilor Conrad said all the applicants were so well qualified and asked in the discussion of the committee if there were any deciding factors as to how they made their choice.

Councilor Fleck said there was a lot of debate about the role of a planning commissioner and that in the process they needed to focus on the criteria in the code and how an application fit within that. He said there was a lot of conversation around that and who best would be able to fill those needs.

Councilor Munroe said it was pure and simple that the two gentleman in question gave the best interview. He said he was impressed by Darby Valley, who was a new voice and new person in the community and said he thought he would do a very good job. He said Mr. Devine had been here a long time and knew what he was doing.

IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR MUNROE TO APPOINT GEORGE DEVINE AND DARBY VALLEY TO THE PLANNING COMMISSION FOR THREE YEAR TERMS TO EXPIRE 12/31/2013.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							

ABSTAIN							
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(b) First Meeting in January Date Change

City Manager, Richard Meyers, said the first meeting in January was scheduled for January 10th and the University of Oregon football team was playing in the BCS National Championship game on that date and that there had been a request to declare that day a holiday and reschedule the City Council meeting to Tuesday, January 11, 2011.

Mayor Williams recognized the necessity for changing the meeting and asked the City Manager to explain Council policy on changing a meeting.

Richard said under the City Charter, the Council could move the date to the following day or cancel the meeting if the date fell on a holiday.

Councilor Conrad said she had concerns with changing the meeting date and had been approached by people in the community wanting to know if it was a joke. She asked for the City Attorney's opinion on the legality of changing the date.

City Attorney, Sean Kelly, said the Charter was not meant to be an exclusive document, it was meant to be an exclusive or expansion document, so Council should think of their authority in the same way as the authority of the State Legislature or any other type of elected official. He said in that capacity, Council could make the changes provided that they didn't do something that was completely out of line. He said Council had the authority to declare holidays pretty much whenever they wanted and it had been done in the past. He referred to 2.48.020 in the Municipal Code where it talked about adjournment of meetings and said he didn't see anything that eliminated the Council's ability to change the meeting date.

Councilor Conrad said she was seeing it as a question of how important they thought a Council meeting was especially a meeting that would be swearing in officers that had been elected to the Council. She said what they were saying was that a sporting event was more important than the business of the Council and she couldn't see herself voting for it.

Councilor Fleck said there were a lot of holidays and he said they all had varying degrees of support for any number of the holidays and one could claim that the second time in history that something has taken place certainly made it an exception of that. He said he didn't think any of the elected officials would have a problem with changing the meeting.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR MURPHY TO DECLARE JANUARY 10, 2011 A HOLIDAY AND ELECT TO HOLD THE REGULARLY SCHEDULED COUNCIL MEETING ON THE FOLLOWING DAY, TUESDAY, JANUARY 11, 2011.

Councilor Munroe said he didn't have any problem with changing the date.

Councilor Murphy said they were only moving it one day for a special event that meant special things to a lot of people in the State.

Mayor Williams said he had attended the League of Oregon Cities Board of Directors meeting recently and the game was one of the topics and it was indicated that a number of cities were making the same change, including the City of Springfield. It was something that the entire State was celebrating and he thought it was in good keeping that the City leaders did have flexibility to help the community celebrate and to move the date was a commendable thing and he appreciated the motion that was before Council.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowling	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X		X
NAYS						X	
ABSTAIN							

RESOLUTIONS AND ORDINANCES

Mayor Williams allowed Council time to review the documents from the public hearing.

- (b) First Reading of Ordinance Amending City Comprehensive Plan, Land Use Diagram Map (MCPA-2-10)

Community Development Director, Howard Schesser, said Council had held the public hearing and staff was recommending that the Ordinance be introduced, read once by title only and following discussion be brought back for Council at the next meeting for a second reading and consideration for adoption.

Councilor Fleck said sometimes when land use items came before either the Planning Commission or City Council, people didn't understand the process and as such made a lot of testimony that was relevant but did not pertain to the Council's approval criteria. He said when he looked at the comments and pictures, while they had concerns with the project, they weren't examples of an R-2 zone and as such were not pertinent to what was before Council. He said what Council was looking at wasn't about a proposal, it was about a zone change and Comprehensive Plan change. He went over the approval criteria and the listed nineteen Statewide Land Use Goals and gave some examples. He said he could not find anything in it that the applicant had not met any of the standards and he could not find anything where the opponents had said it didn't meet, as an example, Goal 10 for housing. He said Council had established through it's own process in the Buildable Lands Analysis that R-2 was at a deficient within the City and something the City needed more of. He said Council after going through those, had to look at the rest of the criteria such as did it have adequate public facilities, did the dwelling density meet the area standards and if one looked at the zoning map and the

development in the area, it was pretty appropriate with what was in the surrounding area. He said location was convenient to community services, activity was not disruptive to the normal functions of a residential neighborhood. He said it was probably the only area that he could lend any credence to the arguments from some of the opponents. But to say because it was R-2, it was now going to have trash or animals in the area was a stretch. He said Council wasn't judging the final application, that would come later through another process. He said what Council was looking at was the zone change and Comprehensive Plan change. Did the application meet the City's criteria in that aspect. He mentioned that the Code was vast and he couldn't quote all of it but one concern he heard from some of the opponents was that there would be big behemoths next to smaller homes. He said a R-2 zone would be a transition zone to a R-1 and if you were to jump to a R-3 that would be an actual concern. He said setbacks had been increased based on the height of a home so for every foot the home went up, the setback was that much further, which was built into the code. He said the application would have further review of the Planning Commission in a Type III application. He said he understood a lot of the concerns of citizens but the process was not the same as the one before Council and he hadn't heard one argument from the opponents to justify not granting the request.

Councilor Munroe directed Council to Page 2 of 17 of the public hearing Memorandum and attachments where it stated "1. Approval of the request is consistent with the Statewide Planning Goals." He also referred to Page 12 of 35 in testimony of the planning commission and said he realized Amanda wasn't present so he assumed Howard would know the answer. He said one question that came up in testimony was they were surrounded by R-2 already and if you looked at the maps there was a lot of R-2, but if you looked what was on them now, they use R-2 and developed R-1 into it and it looked like there was a lot of it in the mobile home park. He said a lot of it was classified as R-2 but was really built into R-1 status. He said on Page 13 of 35 it stated that the available land situation for R-2 was not really quite up to State requirements so if the City didn't get it started now, what would the future look like if the City started to get a bunch of outlying area under urban growth, the State would jump on the City and say we want to make it R-1 when you have a surplus of R-1, you need more R-2.

Howard said he was correct and prior to January 2008 when the City adopted the new Development Code, R-2 land could be developed based on R-1 and that was one thing through the new code and through the requirements of DLCD that the City was required to change. In R-2 you couldn't have a single family dwelling on a six thousand square foot lot and meet the lot density requirements. The minimum lot size was fifty-five hundred square feet but the density requirement was a minimum six units per acre with a maximum of twelve. Prior to January 2008, the City didn't have that density requirement and the City had to put it in to be in line with the Statewide goals and other requirements. If they looked to the land to the South which was the Pritchard and Curry area, originally it was zoned as a mobile home parked at which was developed at a R-2 density and actually if you did the calculations, around 6.25 units per acre, it was at the minimum R-2 density. He said the land that was along Ostrander, a good portion of it, from 16th going to the North which was shown on the colored maps, was R-2 and some of the longer lots were slowly being developed but they were now having to be divided and developed under the R-2 designation and the smaller lots. There was a shortage of R-2 as well as R-3 in the City and the City would be redoing the buildable lands analysis in the next year or so because

of the problem with the previous administrations allowing development of a R-1 in a R-2 zone. The development around Taylor and 6th Street, was a R-2 zoned area which was developed to R-1 standards and didn't meet the density. He said in the future before the City could ever expand an urban growth boundary for residential purposes, the City would have to show that the infill was provided for and the density looked at. When the buildable lands analysis is done next time, the City will have to do not what the Comprehensive Plan said for density but first go out and see what the density was developed right now. He said a lot of the area that were zoned R-2 were developed at R-1 densities and the higher densities will have to be accommodated elsewhere.

Councilor Munroe said he was asked if it were a R-2 designate and the concern was that they didn't get the financing and they didn't built whatever they were going to build and the next person came along and it was still R-2, could it be subject to staying a R-1 zone until they came up with the financing and at that time it would change to a R-2 zoning.

Howard said no, that it wasn't one of the criteria under State law or in the City's code. He said it was very clear did the proposal meet the Statewide goals, did it provide the infrastructure and the impact on the transportation system. Also was it consistent with the policies in the Comprehensive Plan so they couldn't hold it up for financing because that wasn't a criteria.

Councilor Munroe thanked Howard for the explanation so he would know how to answer the question in the future.

Councilor Clark asked Howard to discuss the process they were going through.

Howard said the first reading was to be done at tonight's meeting, which in order for the attorney to not have to read the whole ordinance it would be adopted by title only, which would have to be a unanimous vote. Then at the next Council meeting it would have a second reading at which time it could be unanimous, it may not, with a roll call vote. At the same meeting, since there would be three new councilors, they would have to be provided the minutes from the public hearing and go through the process and have to verify that they had read the minutes and to make sure no one objected.

Councilor Conrad said she didn't speak for or against the application, but as the minutes from the Planning commission were read and they saw the division in the audience, it wasn't a simple issue for the community. She said the Planning Commission only approved it so the City Council could discuss and make a decision.

She said for the minutes of the Planning Commission meeting, throughout the document and especially on page 12 it stated that there was a need for R-2 and R-3 zones and the City did have a lot of R-1 zones. She said she didn't feel the question before them was did Cottage Grove need affordable housing, of course it needed it. She said on page 15 of the minutes it was admitted as Howard did at the podium earlier, that many of the R-1 zones were used as R-2.

Councilor Munroe said she it was the other way around, that R-2 zones were used as R-1.

Councilor Conrad said it was also true that R-1 were being used as R-2, such as apartments, duplexes, senior housing and manufactured homes that were zoned as R-1 when they were actually a R-2.

Howard said if she was talking about the Pritchard-Curry place it never was, because of the change, it went from a manufactured home park which was at an R-2 density and got designated when the State had the City change it to R-1. He said there were duplexes and manufactured homes that were allowed in R-1 but just because it was a duplex or manufactured home, didn't mean it wasn't allowed on a R-1.

Councilor Conrad said she wasn't saying it wasn't allowed, she was saying that the use of the land was not just single family homes if it were zoned R-1, that there were R-1 zones in the City that would have duplexes on them.

Howard said that was correct.

Councilor Conrad said on page 19 of the minutes, staff said that the BLA was written in 2005 and it may not be correct to the land use that existed today in the City; and the statement that the City needed more R-2 and R-3 may not be as strong in 2010 as it was in 2005.

She said on page 18, staff also said they could do a review of current density of the proposed area and if the new council investigated that it might be helpful. She said in the staff report concerning the Comprehensive Plan Amendment on page 6, Housing Goal 10, Housing Recommendation 3 in Section B, the guidelines were to meet projected housing mix and to determine appropriate locations for higher density development. She said it wasn't that the City didn't need R-2 and affordable housing, the question was what location should it be put on; should it be put on this particular application.

She said on page 8 of the Comprehensive Plan, the State said the proposal was in the public interest with regard to neighborhood conditions since all neighboring land was built to R-1, R-2 density use. She said some of the public testimony received tonight said it may be too dense in the one particular neighborhood so she thought that had to be explored. She said someone also spoke about the transportation problem and on page 8 of the staff report, if she was understanding the transportation planning rules analysis, they based their analysis on twelve units per acre when staff from Shelter Resources "doing under twenty-eight units doesn't make financial sense to me". So she said the transportation planning rule was based on far less than what the units would be built.

She said the Planning Commission knew just as well as she did that studies showed that communities that had pockets of different socioeconomic classifications, those communities did not thrive. If a community had in one area high income, high housing and another area low income, low housing, and industrial in another area, it was the mix that created a healthy community and it was an issue that the next council should look at.

She said concerns about the area being a slum area, she thought had to do with how would the City look after its ordinances especially the nuisance ordinances so if someone wasn't doing a

good job the City could go in and make them clean it up. She said she didn't know if the City Manager wanted to talk about if the City had a role or responsibility in slum landlords, which might ease some of the concerns about how clean the new development be.

Councilor Fleck said the property was almost three acres, so regarding the transportation issue it would need to be divided by three which would make it well within the transportation standards. He said the City had been doing the transition zones in Planning Commission for years and what the City was trying not to do was have single family next to three or four story apartment complexes and the Code set up the transition by having step down set backs where if something was being developed that there were ways of addressing those concerns. He said a lot of the comments made by Councilor Conrad were irrelevant to the application, slum landlords had absolutely nothing to do with changing the zone from R-1 to R-2. What Council was looking at was what was in the Code and did the application meet it. He said there were some areas that could be credible but he just didn't see it.

Councilor Gowing said it had to make sense for the community of Cottage Grove, that there were goals to go by but Council still needed to see if it made sense. He said affordable housing kept coming up and when they were at the candidate forum with the Board of Realtors, one of their concerns was the low income housing wasn't being filled so the rates were being absorbed by two tenants instead of four so was there really a need for the low income housing.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 2999 BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION, IT BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION FOR ADOPTION.

Councilor Conrad said through the year she had attended many land use lectures and conferences and they were directing Councils to have a different mind set as how land use decisions are made. She said staff was adequate in doing the technical requirements in a step by step fashion of were they meeting State and City code requirements but they were being directed to think beyond that, more comprehensibly, not to think of just a check list but to think of what was good for the community. She said there was a public hearing with the purpose of listening to the public and responding to them so even so what the public said may not be on the State checklist, she thought as her interpretation of a Councilor's role, was to hear and respond to what the public has of concern even though it didn't meet the checklist.

Councilor Fleck asked if Councilor Conrad would expect an appellate court to base their decision on how they felt and what they thought was right. Or did she think they should base their decision on the laws on the books and case history. He said it was not the place for Council to act as a legislative body, it was a quasi judicial process.

Councilor Conrad said she heard what he was saying and wasn't saying it was wrong, she was saying there had to be broader and more comprehensive dialogue that the Council based it's decision on.

Councilor Fleck said he was happy once again, to be changing the Code at any given time not during an applicant’s process through it.

Mayor Williams commented on page 5/17 which stated that staff’s response and findings of fact, that “this request is consistent with the Comprehensive Plan....”. On page 8/17 regarding traffic it said “The analysis concluded that the proposed development will not cause significant adverse impact to the performance of a transportation facility as defined in Oregon Administrative Rule 660-12-0060(1). No mitigation is necessary to accommodate the traffic generated by the proposed development or under the worst case scenario for full Medium Density level development.” He said that decision making criteria supported by the finding of fact that established compliance with the applicable state and local standards.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

City Attorney, Sean Kelly, read the ordinance once by title only.

- (c) First Reading of Ordinance Amending Title 14, The City Wide Land Use District Map (MCPA-2-10)

Community Development Director, Howard Schesser, said it was to rezone the property to R-2 and it was staff’s recommendation that the ordinance be introduced, read once by title only and following discussion be brought before the Council at the next meeting for a second reading and consideration for adoption.

IT WAS MOVED BY COUNCILOR MUNROE AND SECONDED BY COUNCILOR FLECK THAT ORDINANCE NO. 3000 BE INTRODUCED, READ ONCE BY TITLE ONLY AND FOLLOWING DISCUSSION, IT BE BROUGHT BEFORE THE COUNCIL AT THE NEXT MEETING FOR A SECOND READING AND CONSIDERATION FOR ADOPTION.

Councilor Conrad repeated her concerns for the prior item.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							

ABSTAIN							
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City Attorney, Sean Kelly, read the ordinance once by title only.

(c) Concerns from the City Council

Councilor Fleck brought up the Judge’s review that they had discussed at the previous council meeting and recommended that they didn’t drop what has been done but with the first meeting of the new year discuss with the new Council their desire and he would be happy to continue his role on that committee and be more pro-active in the process.

Councilor Munroe thanked his fellow Councilors in allowing him to participate on Council. He said it had been an experience for him, he had learned a lot and he hoped to participate in the future.

Councilor Conrad said she hoped the new Council would respectfully disagree and examine issues from all sides and come away with what Councilor Murphy said when she first joined the Council, with a professional deportment toward each other.

Councilor Clark said he truly believed Cottage Grove was an All-America City. He said he had lived here his whole life and it had been a pleasure and honor to serve on the board with everyone and hoped that as we moved forward in the community we could look at ourselves not as a community of low class, high class, middle income, we all had differences. He said the democratic process relied on us having points of common interest that we could work on, we weren’t not all going to get what we wanted. He had every belief that a group of citizens could work with a group of developers and figure out a way to do something if they talked and communicated. He thought we had the opportunity with most problems we had in the City and would encourage members of the community, instead of so quickly going to our differences, to try to find some common ground where we could start to solve problems.

Mayor Williams thanked Councilors Clark, Conrad and Munroe for their service and said they would be missed.

BUSINESS FROM THE CITY MANAGER

(a) Report from the City Manager

City Manager, Richard Meyers, said the Memorandum for Item 7(b) that no one caught the acrostic that was in it. He said if you looked at the first letter of each line, it spelled out GO DUCKS.

He reminded Councilors of upcoming events. There was a retirement roast for Commissioner Dwyer on December 16, 2010 from 4-5pm at the County offices. Also on December 21, 2010 Habitat for Humanity in Cottage Grove was having a house dedication for the home at 720 South 8th at 5pm. He also reminded Council about the dinner on Wednesday, December 15, 2010 at

6:30pm at the community center.

BUSINESS FROM THE CITY ATTORNEY

(a) Report from the City Attorney

City Attorney, Sean Kelly, said it had been a pleasure serving with the Councilors that were leaving and he was looking forward to good working relationships with the new Council members and starting off the new year.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Joan Siedel, 1142 Ash, Cottage Grove, asked if WiFi was functional in the Council Chambers. She thanked the three Councilors that were leaving and particularly Diane because even though in the beginning there was a lot of eye rolling and questions were answered, it was clear to those who attended frequently in the beginning at least, that she read every single paper, she asked questions that were pertinent to the subject and she put several people on the defensive. Her goal was to create an atmosphere of amiable discussion. She said what Wayne said was marvelous, it brought up in a different way what Diane had said about thinking in slightly different terms of people and the members of the community and not just happily rubber stamping everything that was researched correctly by the staff but a little discussion about the human end of all this and she was grateful that she made what she thought was a tiny crack in that. She said she felt the Council was more open about discussion and about disagreeing. She thanked all of the Councilors and wished them luck as they continued.

CONSENT AGENDA

(a) Minutes of October 29, 2010 Council Work Session

(b) Minutes of November 22, 2010 Council Meeting

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING TO APPROVE THE CONSENT AGENDA AS AMENDED.

Councilor Conrad said there were corrections to the minutes so she asked to have the minutes approved as corrected.

The vote on the motion was as follows:

VOTE	Councilor Fleck	Council Gowing	Councilor Munroe	Councilor Murphy	Councilor Clark	Councilor Conrad	Mayor Williams
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

ADJOURNMENT

There being no further business, Mayor Williams adjourned the regular meeting of the City Council at 9:41 p.m.

The next regular City Council Meeting will be held January 11, 2011 at 7:30 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Gary Williams, Mayor