

**CITY OF COTTAGE GROVE  
PLANNING COMMISSION**  
Minutes of the Special Public Hearing  
February 14, 2007

**CALL TO ORDER**

Chair Parsons called the meeting to order at approximately 7:30 p.m. in the Council Chambers at City Hall.

**ROLL CALL**

Recording Secretary Cindy Blacksmith called the roll. The following were:

Present: Chair Matt Parsons, Commissioners Savannah Crawford, George Devine (arrived late), Mike Fleck, David McClean, Rudy Severns, and Lloyd Williams

Absent: None

Staff Present: Community Development Director Howard Schesser, Assistant Planner Amanda Ferguson, City Engineer Ron Bradsby, Planning Intern Jessica Duggan and Recording Secretary Cindy Blacksmith

Staff Absent: Fire Marshal Andy McClean

News Media Present: Joe Hansen – Cottage Grove Sentinel

**OLD BUSINESS**

Pacland/Walmart – Ordinance Amendment (OA 3-06) to Revise Site Conditions Attached to Wal-Mart by Ordinance No. 2741 and Chapter 18.28.020(U)

Chair Parsons: Before we get back into the public hearing where we were are continuing the people that would like to speak against the item. I want to set some criteria for tonight. First of all, we have been advised by our land use attorney that after those speaking against the item we will allow people to speak for the item. The people that will be allowed to speak will be those that have not had the opportunity to speak before. The record will remain open for 7 days. If you've already spoken, against or for the item tonight you have an opportunity for the next 7 days to present, write, communicate additional information to the staff over the next 7 days that will be reviewed by the Commission in that time period. Is that correct?

Director Schesser: It'd be 7 days from the time that you close the hearing and you'd include that in your motion that you're going to keep the record open.

Chair Parsons: Assuming we close the hearing tonight. So again when you do approach the microphone we're looking for new relevant information. We've already taken a tremendous amount of comment. If you have new or relevant information we'd appreciate it if you would speak. We're going to open the public hearing and allow those speaking against the item to start and then we'll allow those that would like to speak for the item that have not had an opportunity to speak before to participate and then we'll go into the rebuttal stage. In speaking of the rebuttal stage, I'd like to ask the Commissioners if they'd like to set a time limit for the rebuttal?

Commissioner Severns: Just as a practical matter I think we must set some time limit, alright. My suggestion is perhaps 30 minutes or so should be perfectly adequate because after all isn't the rebuttal period just a matter of no new information, but just reviewing the comments in opposition that have been made?

Commissioner Fleck: Mr. Chairman.

Chair Parsons: Yes.

Commissioner Fleck: Can I ask that we ask the applicant what time frame he would or they would prefer and then we can judge based on that request?

Chair Parsons: Okay. Do you have a recommendation or opinion about that?

Jeff Evans: I do. This is Jeff Evans for the record. Davis Wright Tremaine representing Wal-mart. I don't plan on going much more than 1/2 hour, but I'm not sure that I want to be held to a 1/2 hour exactly because 35 minutes or 40 minutes. I would ask that it doesn't get cut off. I don't suspect that my presentation itself is going to go much beyond 1/2 hour. I'd be really surprised.

Chair Parsons: Okay, would you say 45 minutes would be an acceptable timeframe?

Jeff Evans: I think that's adequate. And then that doesn't include questions of the applicant, just for my presentation.

Chair Parsons: Okay. Is that fair?

Commissioner Fleck: Acceptable.

Chair Parsons: Any objections to that? Okay, thank you very much.

Commissioner McClean: Could I, could I ask what the reasoning for allowing a second opportunity to speak in favor of the item that was given by our land use attorney?

Chair Parsons: It is my understanding that we are not in compliance with the state code and part of the going back through the development code, which we're currently doing, because we're 20 years out of date.

Director Schesser: Well, no it's not that.

Chair Parsons: It's not that?

Director Schesser: Because you continued the hearing someone else could show up with the expectation that they'd have that opportunity to speak.

Chair Parsons: Okay.

Director Schesser: And so in order to stay in compliance with state law, you have to provide them that opportunity if they haven't spoken on the record already. If someone's already spoken, then they'll have an opportunity by you keeping the record open

Chair Parsons: Right.

Director Schesser: to put in written, additional written comments to what ever they said before.

Chair Parsons: But our process, our standard process that we have been doing

Director Schesser: Your rules and procedures that you normally would do have a certain way, but since we've continued it, then we fall back to the state law and that's going to take precedent.

Chair Parsons: Okay.

Commissioner McClean: But we've stated our procedure at the first day

Director Schesser: Doesn't matter, state law over-rides you.

Commissioner McClean: Okay.

Chair Parsons: So, is that?

Commissioner McClean: Yeah, no.

Chair Parsons: Okay, so at this time if there is anyone that would like to speak against this item, we'll start taking comments for those speaking against the item. One thing I would ask is that when you are at the microphone please state your name clearly and your address along with the number or street address on your for the record.

Commissioner Fleck: Mr. Chairman?

Chair Parsons: Yes.

Commissioner Fleck: May I also mention that repetitive comments, we had an awful lot of repetition last time. We're interested in new information that can be relevant to this proceeding, so if you're reiterating something that's already been said we may call a point of order on that. Thank you.

Chair Parsons: Yeah. Okay, anyone who would like to speak against this item?

Ort Dross: I'm Ort Dross, 79092 Blacks Drive, Cottage Grove. I read in the paper within the last week that there's a new grocery store moving into Springfield. It's the third largest chain grocery store chain in the country and it's sort of unique in that it only uses about 20,000 square feet for its stores. It has just about all the items that you need. It doesn't have specialty items, but the normal fast moving items. Wal-mart is allowed up to 105,000 square feet which gives us an additional 18,000 feet plus it already has about 4,000 feet of food space. They could do the same thing as that store and they're only adding 20 to 23 people in this new store. In my way of thinking instead of one store taking over the whole space we could allow a little extra space over there for different kinds of stores to give us a mix, something extra. That's all I've got to say. Thank you.

Chair Parsons: Thank you very much. Is there anyone else that would like to speak against this item? Anyone else that would like to speak against this item?

NOTE: Commissioner Devine arrived at approximately 7:40 p.m.

Chair Parsons: I'm going to ask one more time not to be repetitive. Anyone else who would like to speak against the item? Jim, are you going to speak or are you just taking your coat off?

Jim Kness (from audience): Just taking my coat off. Oh, George Devine said to wait for him.

Chair Parsons: Okay.

Commissioner Devine: I'm here, Jim. Thank you.

Chair Parsons: Okay, so at this time we'll allow people that have not the opportunity to speak in favor of this item to approach and speak.

Charles Cox: I'm Charles Cox and I live on 60 South "R" Street, and that is within the city limits. We've lived, my family and I have lived here for about 41 years in this area between Culp Creek and here. As our children were growing up we were constantly after them to get an education and get a job. Well, they got the education but where was the job? There were no jobs. They wound up going to Seattle, Denver, Portland, San Francisco and eventually one of them did come back to Cottage Grove. We need to

have something here for our younger children as they grow up and get an education. We need to have something that teaches them what it is like to either have a job or develop a business of them. Preferably, I'd like to see more businesses of their own rather than getting a job but we all must take the path that we've chosen. In kind of a rebuttal to what I've read about last time about a gentlemen talking about union wages that Wal-mart doesn't seem to pay. I can say that from my own personal experience that union wages – many years ago I worked as line-a-tap operator in a printing establishment. I had a very strong union and the union got me so many raises that the newspaper decided that they didn't need us anymore. That they would go through Harris center type and they would develop something else and so 35 of us went down the road because we had a good, strong union. And so there has to be a balance between the union and also what the company is willing to pay. And as the rebuttal to the gentleman that made the remark about the profits from Wal-mart go to Bentonville, but the profits from Safeway go to Pleasanton. So that's a wash. We don't have any places around here that are headquarters for any large, major corporations. So that's really a non item. As far as another business thriving against the Wal-mart, I look at the and investigate Bi-mart. My wife and I and our family spend approximately \$100 a month at each place. There's some things in Bi-mart that I like and I don't particularly like in Wal-mart. I don't shop in Wal-mart. There's some things that I buy in Wal-mart that I don't like in Bi-mart so I shop there. So basically it boils down to if you don't like Wal-mart don't shop there. Or if you don't get a good price or something you feel is a good price, don't shop there. I've lived in big cities in Southern California. The name of the city was West Covina, the city of beautiful homes and it was and it was nice. But we as homeowners paid for everything and the tax structure was such it was hard to live there and enjoy your home at night. Somebody had to pay for the police, fire, the folks that sat there. Somebody had to pay for that – we had no business. I couldn't afford to live there much longer so we did move. It was a nice place. Another place that I find that, we need a place to flourish here in this particular area. I would like to see Cottage Grove not be a bedroom to Eugene. I personally try my darnedest not to do any shopping in Eugene. I just don't do it. I don't subscribe to their philosophy and how they run the city and how they allow others to run the city for them. I just don't deal with those people at all. I think that's one of the reasons why the new hospital is going in Springfield. That's my own personal opinion. Finally, I would like to compare why we in this particular area seem to always be behind in the job market. A few years back we visited my wife's relatives in Fort Smith, Arkansas. Now there was a number of family that owned businesses and they had been here to Oregon winter, summer, spring and fall and I asked them would you like to expand. Let's develop something here from your businesses in Oregon. The businesses range in employees from 53 down to 3 and involved management, computer repair, real estate, restaurants and they find that there is an anti-business feeling towards outside businesses that come here. I said well, I don't believe so. Well they noted many things and one of the things that they pointed out was environmentalism unchecked. Anti-business attitude fostered either because of the anti-environmentalism feeling there and the fact that one of them said to me why do I want to go there and have my storefront (unable to understand) or

vandalized (unable to understand) someone who would not be responsible for their actions. And, I said well you have a good point there. Basically, I would like to see our tax base increase. I would like to see more businesses around here. Before Wal-mart came there was a number of vacant store fronts. There used to be a theater in town. I've been there. It's not here anymore. There used to be a lot of vibrant businesses here, but eventually there are fewer log loads coming out of Weyerhaeuser and that's gone down the dump with Bohemia's gone. We've just become a bedroom. I really think this is a more vibrant community than that. I've had various discussions with people about how they feel about a Wal-mart coming in here and I find that a lot of them don't live in city limits. If you don't live in the city limits, you don't have a voice. You have nothing to say with what goes on in this city, if you don't live within the city limits. Because whatever you people decide upon and if it's no we have no camp space our fire insurance is just going to raise I'm sure of that. The cost of that because now we're downgraded from a 4 to a 6 and the gentleman that said we'd save a few pennies in shopping at a big Wal-mart, those few pennies can go for fire insurance and so forth and bring us back up. Therefore, if you don't live in the city you have a voice. That's all I can say on that. Thank you.

Chair Parsons: Thank you.

Commissioner Fleck: Can I mention for the record that I'm on the Fire Board. Thank you.

Chair Parsons: Is there anyone else that'd like to speak in favor?

Barbara Shreve: Thank you for allowing me to speak. My name is Barbara Shreve. I live at 125 Chad Drive, Cottage Grove. I am in the city limits and I'm a Wal-mart Associate. I could possibly stand here until next Wednesday trying to dispel all the urban myths I heard last week but that is not why we are here. We are here to figure out why you should approve this zoning variance. The expansion is of utmost importance to the city for this community. This community needs more jobs that pays in excess of minimum wage. The expansion will provide products and services the bulk of our community cannot afford at this present time. The expansion will not hurt the downtown businesses. It will only enhance the downtown experience of diversity. The a typical tourist that would stop by here would not be shopping at Wal-mart. People can shop at Wal-mart in their own community. Why would they come here? They're going to be going downtown. They're going to be shopping for souvenirs. They are going to be going to many of the restaurants that and there are several good ones in this town. They're going to be looking at the covered bridges. They're going to be doing many more things than going into Wal-mart, unless they're camping. Then they might need a few more supplies. Our community needs choices that only diversity can bring us. After all diversity is what our forefathers built this company on or this nation on. Those that can afford to drive to the outer cities for groceries and so on do so at the present time. Let's keep the dollars right here in Cottage Grove. In closing please approve the zoning variance. It's a good thing. Thank you.

Chair Parsons: Thank you. Is there anyone else who'd like to speak in favor of this item?

Corey Felton: Hello, my name is Corey Felton. I live at 1205 East Quincy, in Cottage Grove. I wasn't going to speak because I'm actually quite nervous which is for the people who know me at work is not like me. I'm coming to tell you guys a little bit about Wal-mart. I started with the company when I was 16 years old. The company has been very good to me and that's why I've stayed with them for 9 years. This, the expansion is going to give people like me and other people in this community a chance to do stuff that they love to do. They can go to work in a lot of different fields – gardening, the bakery, the meat department. It's a wide experience that they can do and also it's just it sets you up for stuff that you can do if you choose to either stay with the company or leave the company. It doesn't you know, it's fabulous to have choices in life and at Wal-mart we're all about choices. I am a Department Manager over the Garden Center. Before that I worked 5 years in the automotive section changing oil and tires and I loved that just as much as what I'm doing now. Wal-mart . . . I a sorry I've done a lot of things in the community to. I was Student of the Year and recognized by the Governor and Wal-mart was right there with me giving me the time off as a student and so I could be a kid and work too and have a great job. As I've grown up with the company yes I do have more responsibility, but it's still that fun atmosphere and a great place to work for. Wal-mart also donates a lot to the community. Supplies, food, money, just a round number we've given over \$49,000 for this community for education purposes to the Library, to many schools, just not in Cottage Grove but Drain, also Yoncalla, Creswell, Roseburg – not Roseburg sorry. In many places around, London Schools, Dorena Schools that sometimes just need a little extra helping hand to just need some help. With Wal-mart yes I'm a mom. My daughter is 3 years old today and it would be great to not have to go to Winco to do my shopping. I do a lot of my shopping right here at Cottage Grove for the stuff that I can buy, but when I really need the grocery money I go to Eugene. I would like to stay somewhere in town to where I can afford to go, not because I'm not paid enough just because it's nice to put money away for a rainy day. Thank you.

Chair Parsons: Thank you very much. Is there anyone else that would like to speak in favor of this item?

Delores Florez: My name is Delores Valho Florez. I live at 925 West Main, Apartment 201.

Chair Parsons: Ma'am could you lean into the microphone just a little bit? Did you get her address?

Delores Florez: 925 West Main, Apt. 301.

Chair Parsons: And your full name?

Delores Florez: Delores Valho Florez.

Chair Parsons: Alright, thank you.

Delores Florez: I've lived here for 5 years. In the 5 years that I have lived here, I've tried to be interested in different projects and doings and goings on in the city. What I've always noticed is that most of the things that happen as far as for tourists to come and be part of is always in the downtown area. The only thing I've noticed and maybe I just haven't noticed some other things I don't know, that has happened about on the Row River Road is Master Gardeners at the motel out there. There's Brad's Chevrolet out there, there's Kendall Chevrolet out there. Surely everybody knows they're not tourism. I don't see what Wal-mart is going to put into jeopardy to this town as far as any tourism. You guys added 500 new homes to Mt. David and changed that zoning without hardly a thought, but yet where are some of those people going to work? Where are their kids going to work? Where are they going to get a good buy that they don't have to drive 30 miles or 40 miles to go somewhere? I have friends in all the outlying areas, all of them that I know of drive to Springfield or Eugene at least once a month to do shopping and even at the price of gas as it is it still saves them then to shop here. I hope you guys pass for Wal-mart. Thank you.

Chair Parsons: Thank you. Is there anyone else that would like to speak in favor?

Angelo Fanton: My name is Angelo Fanton, 31394 Veatch Road, Cottage Grove, outside city limits but I do have a business here. The first night – I hope I can tell you what I want to say. I'm not, the first night I was here I made a comment that I had a business in town, but I was in favor of Wal-mart coming, expanding. Well, last week at the meeting the gentleman and I didn't hear it I was in the back room, outside room here, he made a comment that I was bribed by Wal-mart to say what I said. I want to I don't if anybody here heard. I can only what is hear-say to me. If it was said, it's not true. I would never take a bribe and one of your know me well up here so and I'm not that type of person.

Chair Parsons: Yeah, I don't know of anybody that's made any comments.

Angelo Fanton: Wal-mart never did directly or indirectly speak to me or otherwise but I'm sorry this has been bothering me all week, but I just wanted to make it clear that Wal-mart didn't do anything of the sort.

Chair Parsons: Okay, well thank you very much. Is there anyone else that would like to speak in favor of this item?

Donnette Mirbergen: My name is Donnette Mirbergen. I live at 400 Fern Drive in Elkton, but I do work at Cottage Grove Wal-mart. I just wanted to say that Wal-mart has been very good to me and that I do think that the people there are a part of the community and it is part of the community. I did also want to say as to what they have done for the community, I know they've been many, many, many people that work at

Wal-mart that have been part of Relay for Life, cleaning up the parks, cleaning up the bike paths and that's all on our free time. No not getting paid for this. We've have done many things for the community volunteer wise and money wise and I think we are part of the community and that it would be a very good thing for this community. It would give a lot more jobs. I've heard of people that work at Wal-mart that have applied in all the businesses downtown, but they're all full of people because they own their own small businesses and they're not able to give a job to the person that's looking for one so people are having to go to Eugene to look for a job so they're also buying their groceries there and then the money is not staying here and they're having to drive further away. I just wanted to say that I hope this goes through. Thank you very much.

Chair Parsons: Thank you. (end of Side 1/start of Side 2) Is there anyone else that would like to speak in favor of this item? So again, last call for anyone who'd like to speak in favor of this item. Yes, sir.

Jason Slatter: My name is Jason Slatter. I live at 951 South 4<sup>th</sup> Street here in Cottage Grove. I would like to speak on the relevancy of the job situation here. I moved up here about 3 years ago and I had a hard time looking for a job because all of the small businesses here in town were full of employees. So I was forced to go to all of these fast food joints here in town where in certain ones they don't have any future for their employees. They just stick in the same position year after year after year. Well, when I got to Wal-mart eventually I discovered that a lot of the people, the higher management people and the people that had been there for long have higher positions. They start off at the bottom, but they have room to grow. As far as our kids go, I've got two kids of my own and when they get old enough to get a job I want them to be able to get a job to where they can grow within a company or flourish within the corporation and be able to support our community better than they can just sticking in the same old position at a fast food joint or sticking at the same old position at any other business. That's all I have to say.

Chair Parsons: Alright. Thank you for your comments. Anyone else that would like to speak in favor of this item? Is there anyone that would like to speak at all on this item, for or against? Okay. So at this time we'll open up the hearing for rebuttal portion of that. Any comments before we get started with that?

Commissioner Fleck: I'm wondering if that's appropriate because if we're going to receive written testimony for the next 7 days wouldn't they need an opportunity to rebut any of that?

Director Schesser: No, there's the process under the law would be that he gets an opportunity to do the rebut, only up to 45 minutes.

Commissioner Fleck: Okay.

Director Schesser: You then close the hearing, but keep the record open for 7 days. At the end of the 7 days we provide Mr. Evans copies of whatever is submitted. He then has 7 days to submit any additional written comments with regard to those items that were submitted. So that's the way the process works.

Commissioner Fleck: Okay. Thank you for that.

Chair Parsons: Any other questions? So, Mr. Evans if you'd like to get started, it's approximately 8:45.

Jeff Evans: First of all I wish everyone a Happy Valentine's Day. Thanks for coming out, helping out. My first choice wasn't to be on Valentine's Day nor where I expected to be and I would imagine everyone else is in the same boat, but thanks for taking the time to listen to me one more time. In listening to the testimony for the past several weeks and I guess its going on a month now. I'm a little confused. We've heard a lot of testimony from opponents much of which is just reiterating propaganda that they've found on the internet and it's largely irrelevant to what we've proposed which is a text amendment. Mr. Severns comment last week that's its that comments in relation to business practices and employment practices is irrelevant to this application was encouraging and of course we feel the same way. I'm not going to go into rebutting all of those comments in my testimony. If for some reason you do feel that its relevant, then I'd appreciate you letting me know so that we can respond to it during the next several weeks that we have for additional evidence and response to that additional evidence. But I'm not going to get into it tonight particularly since I only have 45 minutes. Like I said what I think is getting lost in this whole application is exactly what Wal-mart is proposing. Wal-mart is proposing a text amendment to the code. We not proposing a new store. We're not proposing site design review. We're not proposing anything other than a text amendment. The text amendment is essentially modification to site design review conditions. This is a unique, these conditions are unique to Wal-mart because of the way that they were incorporated into the ordinance. Normally, this would be an administrative decision. Very straight forward, very simple, have conditions changed to such a degree that it warrants modifying the conditions? Because Wal-mart is involved in the application, because of the way it is incorporated into these zoning ordinance I understand that it is a little bit more complicated. But from the testimony I just want to make sure that we all understand that what we're proposing is a text amendment and that alone. We not proposing anything in addition. Obviously, you guys understand this but this is in some degree response to people that have testified. Your decision isn't going to approve a Wal-mart. Your decision simply is do the current conditions justify changing the conditions that are in Ordinance No. 2741? I think to answer that question, one of the things we have to discover or look into is why those conditions were put there in the first place. If you go back to the supplemental findings and the DLCD letter in 1994, what you find is that DLCD submitted their comments on this application approximately two weeks before the final decision was made and as an accommodation, simply an accommodation to DLCD City Council recognized that its not required. That they're not legally required to adopt

these conditions, but simply an accommodation to DLCD they incorporated these conditions into the zoning ordinance. The reason that DLCD snuck, sided for providing these comments and these review conditions is three-fold. One, because Wal-mart didn't neatly, clearly, easily fit into the tourist commercial zoning district and the surrounding commercial tourist zones. Second, because they wanted to make sure it was compatible with the surrounding commercial tourist uses. Which I think Commissioner Fleck made a comment during the first hearing. It doesn't make any sense that we are proposing to modify conditions that don't apply to CT zone and you're right it doesn't make any sense. That's exactly the reason that we're asking for a modification. We want the conditions to make sense. Those out parcels, the parcels surrounding the current Wal-mart site are no longer zoned commercial tourist. The zone has been changed and therefore there is justification for also changing those conditions to reflect what the current conditions are. The current conditions are that there is no longer commercial tourist zoning surrounding the Wal-mart site. It's all community commercial. So in order to make those conditions make sense, that's simply all Wal-mart's asking for is to change the conditions so that they're consistent with what's currently out there. I think another important point is to ask yourself would DLCD be making the same comments today given the current site conditions and I don't think it's necessarily a hypothetical question because we submitted our proposal to DLCD. DLCD is the one that made the initial conditions, the initial and there's been no letter from DLCD saying wow, hold on, wait a minute, what we proposed we want to stick with, we don't see why you guys are trying to change what our original site review conditions were. We have nothing from DLCD. No comments and I think it's safe to assume that if they thought there was something wrong with amending the original conditions that they proposed, they would have let you know. We just don't have anything like that. I don't think that given the reasons that DLCD gave for the original conditions. One of which I forgot was the limitation on traffic which is very important at least as far as the 105,000 foot print limitation is concerned. If DLCD were to look at the same application today, there's no traffic problems, there's no surrounding commercial tourist zoning and so therefore there's no justification for the site review conditions that they proposed in 1994. So all Wal-mart is asking for is again let's be consistent with what's out there. These conditions were proposed in 1994. They were justified in 1994 given those conditions. Those conditions are no longer there and that's all we're asking for is an update. We have heard from the proponents of this application are primarily three things. First of all they're requesting that you bring an opportunity to buy discount groceries to Cottage Grove. You've heard over and over again I have to go to Eugene and Springfield to buy my groceries. Prices are too high at Safeway and Ray's. Please, please, please give me an opportunity to buy discount groceries here in Cottage Grove. They've also said that bringing a Wal-mart Super Center to Cottage Grove will boost the economy and that's tied closely the idea of keeping their allowing them to shop here rather than taking their dollars to Eugene and Springfield. It not that people are keeping their dollars here, it's the people from the outlying areas that have a choice. They have a choice to either go to Eugene and Springfield or bring their dollars to Cottage Grove and that boosts the economy from

the dollars that are kept here and the dollars that are trafficked in the outlying area is a huge benefit to Cottage Grove. Not only just in the dollars that are brought, but in increased jobs. I've heard people over and over again say we need more jobs here, we need more jobs here. The Wal-mart expansion would bring 140 jobs just in Wal-mart itself, plus 98 additional jobs given the multiplier effect based on those additional 140 jobs. In addition, people have made the comment on occasion that they'd like to see additional development along Row River Road. Well, Row River Road has been fairly stagnant since Wal-mart came in, there's been no development on the out parcels and there's been no development in the commercial tourist zoning which is one of the reasons that they changed to community commercial trying to try and spark that development. One of the best ways to spark development is to have Wal-mart build a Super Center. It's going to attract other commercial development to the area and there's plenty of room for additional commercial development along Row River Road both on the east and the west side in addition to the Wal-mart. The other thing that I'm not – I'm a little puzzled about is the comments regarding Wal-mart being a community member. You've heard the proponents say that Wal-mart is a great community member, they donated over \$148,000 in the last 10 years. But the opponents have questioned that and wondered why they haven't given more and why they're not a bigger part of the community. Wal-mart is a corporation. That is true. But Wal-mart in Cottage Grove is much more than a corporation, it's made up of the employees that work there. The employees that work there are members of the community that work hard and they give back to the community. I want to read a couple of thank notes that Wal-mart has received just in the past few months just as a small example of some of the things that they've done beyond monetary donations. Sure they give monetary donations, but it's so much more than that. Carlos Robbe and Wal-mart staff, we are so appreciative of your donations for snacks and the helping hands of even your staff the day of the event down by the river side. We gathered a total in our community for 1 ton of trash and close to 50 volunteers. Thank you. Teresa Cowan. She is the Community Coordinator for the City of Cottage Grove. This letter is from Harrison Outdoor School. Dear Wal-mart, thank you for supporting Harrison's Outdoor School through your donation of the 5 kids board games. Your support will make a difference in the lives of our students. Thank you, Harrison's 5<sup>th</sup> Grade Team. Dear Wal-mart Management, we at Trinity Lutheran Church and the Women's Retreat Team want to sincerely thank you for your most generous donation of 100 pairs of slipper socks. We had a terrific time out and everyone loved their, and I think I'm getting this right but I'm not sure, neat treat on their feet in quotation marks. I'm so glad that Wal-mart is part of our community. Thanks again, Pat Fordyce and the Retreat Team. One final letter from the Kids Helping Kids. Walmart, thank you for your generous gift card. We appreciate your contribution. It made the dance go off with such success. The gift card let us buy all costumes for the 8 guys and we wouldn't have been able to otherwise. The Lion King Dance Committee. Wal-mart doesn't promote what they do. That's not what they're about. They're not out there publishing their the things that they give to the community, the amount of money that they give to the community because that's not why they do it. They don't do it for the publicity.

They do it because they care about this community and because they are a part of the community. And, for people to question whether the amount of money they give is enough, whether their donations are enough, whether their employees are giving back to the community enough is a little embarrassing. I just don't understand given that all Wal-mart does for this community. I think it's been demonstrated over and over again what a vital part they are as far as a community member. Now on to what you've heard from the opposition. What you've heard is a lot of people that really hate Wal-mart testify against Wal-mart saying they don't want Wal-mart here. Quite frankly I don't think it matters what Wal-mart is proposing, these people are going to be against Wal-mart regardless. You've heard a lot of hyperbole. You've heard a lot of propaganda. What I think is more important is what you haven't heard. You've not heard one person speak about traffic. You haven't heard one person relate their comments to the code. You haven't heard one person testify that Wal-mart has not satisfied their burden of proof with respect to the code requirements. You've heard everything else about their business practices, their employment practices but you haven't heard what's relevant to this text amendment and that is the criteria that are listed in the Cottage Grove ordinance. Point by point with the opposition – some of the major themes of the opposition. First, I heard a lot of people saying that Wal-mart somehow has gone back on their agreement that they originally made with the City. That somehow they're reneging upon some deal that they made with the City as far as the site review conditions are concerned. Wal-mart didn't propose the site review conditions. The site review conditions were imposed in design in the CT zone and they're find with that. But, what both the comprehensive plan and the zoning ordinance recognize is that it is important to be flexible and change when change is necessary. The notion that Wal-mart is going back on some deal that they made or that the Planning Commission and the City of Cottage Grove should stick to the original deal whatever that is, just because it's in-place doesn't take into consideration the specific allowances in both the comprehensive plan and the zoning code for making changes. When it's appropriate in times like this, when circumstances have changed and we need to update the code or the comprehensive plan to reflect those changes. We've also heard a criticism regarding the out parcel development. People are either opposed to the what was the original plan which was to devote the out parcels to parking and they said it needs more than just parking which ignores our amended proposal which is to actually put some development out there or they propose instead of building commercial developments let's put a community garden out there or let's put a some kind of swap meet or flea market or something like that out there. What that doesn't take into account is that the planning decisions have already been made. It's great that people want to be a part of the planning process and want to have a voice in what the city allows on certain parcels. I think that's great – they should. But, for these parcels that decision has already been made. For these parcels the decision is it's a commercial tourist zone and within the commercial tourist zone whoever owns the property is free to develop whatever they want to develop as long as it complies with the code. What Wal-mart is proposing does comply with the code and so just because other people have other ideas of what may be better out there doesn't mean that Wal-

mart should be prohibited from developing what's proposed in the text amendment and what will be proposed in the site design review application. I would suggest that the proposal is the best of both worlds. What we've seen in the staff report is a suggestion that Wal-mart develop a separate and distinct grocery store on those out parcels. That that would meet the intent of the code. That meets the intent of the code, then why not have Wal-mart develop the grocery store plus get additional development on the out parcels. That gives the people that want the additional development that additional development plus you get a grocery store. Instead of just having a separate grocery store on those out parcels. It allows discount groceries to come to Cottage Grove, plus you get additional development on the out parcels. I think the thing that people lose sight of as well is that when the zone change went into effect in 2003 it wasn't just these two out parcels that were changed. There was 8 parcels and 11 acres. What Wal-mart is proposing to develop is 2 of the 8 parcels and only 4 of the eleven acres. So there's still 6 parcels and 7 acres left for additional commercial development. If your unsatisfied that Wal-mart is not doing enough commercial development on two parcels that haven't been developed in 10 years and quite frankly I'm not sure that there is much interest to this day in developing those parcels without the Wal-mart Super Center. The third contention and I think the one that gotten the most attention as of late is the contention that Wal-mart has 105,000 square feet in which to work. That they should be limited to their 105,000, they can do everything that they want within that space. The first problem with that is that the 105,000 square feet is based on the inability of the interchange to accommodate the traffic. So if Wal-mart can now demonstrate that the traffic is accommodated, why limit the Wal-mart to 105,000 square feet? Why treat them any differently than anyone else in the CT zone or the CC zone. There are no zoning, there are no footprint limitations in either zone. They are no size restrictions. So if Wal-mart can demonstrate that they have that the traffic has now been accommodated, all we're asking for is to be treated exactly the same as everyone else in those zones that has no footprint limitation, that has no size restriction and can develop their property to the degree that they want to. That's all Wal-mart is asking is for some fairness. Plus the primary purpose in the public need is for a full service discount grocery store. Not a 20,000 square foot mini mart. Not for a neighborhood market. The need is for a viable alternative to what is offered in Springfield and Eugene. What is offered in Springfield and Eugene is a full service discount grocery. In order to provide a full service discount grocery, Wal-mart has proposed a 160,000 square foot Wal-mart that will offer a reasonable alternative to going to Eugene and Springfield. Anything less than that you're selling yourself short. It's not a viable alternative to going to Eugene or Springfield. People will still have the need and the desire to go there. The fourth point in opposition is that Wal-mart is somehow going to have a negative impact on downtown businesses or the existing grocery stores. But, again what I think people have decided is that the fact that discount groceries in Cottage Grove is not a new phenomenon. People are already going to Eugene and Springfield to buy discount groceries. Safeway and Ray's are already competing against Wal-mart, against Winco, against the other discount grocery stores in Eugene and Springfield. You've heard time and time again I go to Eugene, I

go to Springfield to buy my groceries. It not like if Wal-mart comes here that all of the sudden Safeway and Ray's are going to be competing against a new phenomenon. It's just not the case. They're already competing. There's nothing wrong with competition. Will Safeway and Ray's be forced to change and adapt? Probably, but that's not a bad thing. It's a good thing. What they've shown in other communities is that businesses chose to step up and compete with Wal-mart can do just fine. If Safeway and Ray's chose to go out of business or leave Cottage Grove – it's their choice it's not because of Wal-mart. It may be a convenient excuse, but they can step up and compete if they want to. It's been proven that there's that ability to do that and competition is only going to provide a better product and better service for the residents of Cottage Grove. With respect to the downtown businesses, again Wal-mart has been here for 10 years. Nothing that Wal-mart is proposing in this new expansion is going to change the competition with downtown businesses. They're already competing against downtown businesses and downtown businesses are already thriving. Vacancy rates are extremely low in downtown Cottage Grove. So what we've heard this time around is the same thing you heard 12 years ago. Wal-mart is going to destroy businesses in Cottage Grove and in most communities that scare tactic works because they don't have any experience with Wal-mart and they think wow I wonder if that's true. But the advantage that you have here is that you've had Wal-mart in your community for 10 years and you've seen what impact Wal-mart has Cottage Grove and it's been nothing but positive. Our economist pulled and I'll give you his addendum to his report, but he pulled the data from the U S Economic Census and what it shows is that in three categories the number of businesses, the salaries, and the number of employees Wal-mart not Wal-mart, the City of Cottage Grove has grown in all three statistics and grown at a greater rate than Lane County and they've done that the whole time that Wal-mart's been here. So any suggestion that Wal-mart is going to have a negative impact on downtown businesses is just untrue. You have the statistics, you have the experience in front of you that shows otherwise. (end of Side 2/start of Side 3) The other thing that we hear on occasion is the need to promote tourism in Cottage Grove. What the, what the City Council provided in their supplemental findings the first time that Wal-mart applied for a text amendment to allow their location in a tourist commercial zone is apt for the ability to characterize Cottage Grove as a tourist destination. I'll just read a portion of what they said there. We are justly proud of our pioneer and timber heritage, our traditional downtown and our beautiful hills. However that doesn't make us a tourist destination. We lack the size and gravitational pull of Portland, and Eugene/Springfield, even a Grants Pass or Medford. Cottage Grove is not located along spectacular coast like Florence or Newport or a classically tourist highway like Highway 101. Our city is not the innkeeper for a major ski and recreation center like Bend. We have no Shakespeare theater like Ashland. Yet, this community's need to capture and retain the motorist dollars is especially strong because it is a timber community deeply affected by the transformation of the Oregon economy from a timber manufacturing base to a tourist technology service based economy. They go on to say that Interstate 5 can turn Cottage Grove into a better community functioning only as a source of trips to and from Eugene/Springfield or it can be a source of economic well

being to this community as well as to its larger cousins. I don't think anything's changed since 1994. Cottage Grove is not a tourist destination, that's why they changed the zoning from Commercial Tourist to Community Commercial. You're still at risk of becoming a bedroom community to Eugene and Springfield and that's one of the major reasons for bringing a Super Center to Cottage Grove is to prevent that from happening. To develop the community of Cottage Grove so that people aren't shopping in Eugene/Springfield. The economy is developed here. You just don't become a bedroom community to Eugene/Springfield. The other contention is that Wal-mart is not local. One of the speakers before me addressed this to some degree, but it's interesting that the opponents take issue of the fact that Wal-mart is not local when there are lots of businesses here that are not local including Safeway's and Ray's. It's also interesting to note that although Wal-mart the corporation is not local, the employees are local. What you've heard is that money that Wal-mart pays its employees, the community efforts that the employees are involved in all benefit the local community. Regardless of where the corporation is from, there are tremendous benefits to the local economy, just as there are from other corporations that don't happen to be located in Cottage Grove. One of the comments last time two weeks ago was that the opponents wanted to see the beauty of Cottage Grove preserved and the fact that Cottage Grove was awarded the All American City in 2004. It's interesting to note that in 2004 Wal-mart was actually a part of this community and that when they won the All American City Wal-mart was an important part and was one of the reasons, not one of the reasons, but was a part of this community when they won the award. So to suggest that the introduction of the Super Center is somehow going to jeopardize that award, doesn't make sense to me because Wal-mart was a part of the community when you won the award originally. With respect to the beauty of Cottage Grove, I'm we don't have the board up here but I think it's pretty obvious to anyone that takes a look at it that the proposed Wal-mart is going to be much more aesthetically pleasing than the Wal-mart that currently exists. So as far as the beauty of Cottage Grove, it's only going to add to the beauty not detract from it. It's going to allow for development inside the UGB rather than having to expand the UGB to provide a discount grocer. The development will be consolidated. Lastly, is concerns about the environmental impacts. Especially with respect to the storm water runoff. Again, we're getting a little bit ahead of ourselves this is mainly a site design review issue. But, with the concern with the run off Wal-mart is actually proposing storm water detention and storm water treatment facilities even though the City of Cottage Grove has no such requirement in their code. So Wal-mart is actually on the leading edge of protecting the environment particularly when the code doesn't require it at a great expense to themselves. They've also implemented a program in all their Super Centers to do green development that exceeds the minimum standards in California which has the highest standards for green development. So any notion that Wal-mart doesn't care about the environment simply isn't true. This is what you have when you weigh what the applicant has proposed, what the proponents have testified about and what the opponents have testified about you have an application that complies with the code, that is going to be an economic benefit to the City of Cottage Grove that will allow people to shop here rather than

going to Eugene/Springfield, and an application that addresses each and every one of the opponents concerns, whether relevant to the code criteria or not. So asking one question why wouldn't you approve this application given those facts? Why wouldn't you approve an application that's beneficial to the members of the community, that satisfies the code criteria and addresses all of the opponents concerns? Maybe, it's because the staff report recommended denial and ordinarily the staff report should be relied upon. It should be trusted and it's an important document to guide your decision. But what we demonstrated during the first hearing is that's not necessarily the case here. The staff report essentially recommends denial on four bases. First is the traffic. Traffic issues are the creation of city staff. The letter upon which the traffic issued was based was submitted on October 17<sup>th</sup>. Wal-mart never had a chance to respond to that. We were never given the opportunity to reply to that memo. To address the concerns like we'd done two or three times before. After that hearing the city engineer spoke to our traffic engineer and said, I'm sorry man I thought that my comments were related to your design review. You know I apologize my understanding was that those comments were related to design review. So we thought great. We'll have a meeting with city staff to work out the traffic issues and traffic will be taken care of. Our request was denied. City staff did not want to meet with Wal-mart to discuss traffic issues. City staff indicated to me that unless they got a directive from the Planning Commission they couldn't meet with the applicant. That may or may not be true, I don't know but to the applicant who has been cooperative every step of the way wanting to respond, wanting to address the traffic issues, wanting to mitigate their impacts. It's a little frustrating when there's not a cooperation on the other end. We've done everything we can to address traffic. To the degree that traffic is the reason for denial, Wal-mart has done everything in their power to address traffic and I think that we've shown you that traffic is not a concern. We've addressed all the requirements at it relates to the text amendment which is essentially a TPR analysis. ODOT has signed off on the methodology and traffic shouldn't be an issue. The other reason for denial listed in staff report is that there is no proposed development of the out parcels. In response to that what we've done is proposed development of the out parcels. The reason for that is that the no development of the out parcels was proposed by ODOT as a way to ensure that they would have a say if and when those parcels were developed. Which is fine, it is good that they, that they are wanting to maintain control over recommendations along Row River Road. But it's their facility. They're going to have a say regardless of whether that condition is added into the City of Cottage Grove zoning ordinance or not. There are 185 trips essentially, traffic trips which I'm getting dangerously close to being a traffic engineer here but essentially there are additional trips available for those out parcels above and beyond what Wal-mart has proposed with the grocery store. Those trips correlate into the ability to develop additional commercial development and that's all Wal-mart has proposed is within those, within that limitation of 185 trips. If you want additional development out there and you think it's important, then bring it. I mean it's certainly beneficial to Wal-mart to develop those out parcels and we're more than willing to develop that if that's important to the City of Cottage Grove. To develop that and still comply with TPR and still comply with

methodology, which ODOT signed off on. Their staff report also mentions that the proposal doesn't comply with the comprehensive plan or the zoning ordinance. Again, complying with the zoning ordinance essentially says it doesn't comply with the zoning ordinance because you're asking to amend the zoning ordinance which I still haven't been able to make sense of. But, with respect to the comprehensive plan – the comprehensive plan, compliance with the comprehensive plan that was recognized in the initial staff report. A great range of commercial services (unable to understand), fish and development, not just a bedroom community. All those things are recognized in the comprehensive plan and that's exactly what Wal-mart's proposing to do. We're preventing leakage. We are providing a greater range of commercial services. We are preventing Cottage Grove from being just a bedroom community to Eugene and Springfield. And, it's providing efficient development, consolidated development in one location rather than spread out throughout the city. The fourth reason for denial and I think this gets into the 105,000 square foot issue that so many opponents have talked about. Is that there is no public need. That Wal-mart has other options. It's interesting to note that in the 1994 application and the City Council findings regarding the public need for the original text amendment, the findings state that Wal-mart has submitted 4 or 5 thousand signatures on a petition in support of the proposal and that's all it says. That satisfies public need. Is the signatures on a petition, so if that is the context in which the City has decided public need Wal-mart has certainly demonstrated that there is a public need. We've presented over 4,000 with the signatures that I'll add into the record at the conclusion of my testimony. Over 4,000 signatures, 4,300 signatures of people in support of the project; 3,600 on a petition, 700 on a postcard. You've heard testimony after testimony of people saying we need discount groceries in Cottage Grove. Even the opponents recognize that there is a need for cheaper groceries in Cottage Grove. The public need has been recognized in the staff report that there's a need for cheaper groceries. A public need is not under debate. What is under debate is this the best way to satisfy the public need. If you look at the criteria for a under the burden of proof, what you see is right after the public need there is a section that says if it's a zone change then you, staff, then you would question whether this is the best alternative. If the drafters of the ordinance had wanted to be considerate of alternatives to be a part of the public need in every situation it could have it a part of the public need discussion in every situation instead they limited it to zone changes. Under zone changes you examine alternatives, whether it's the best alternative. Every other application, the alternatives analysis is not part of the discussion. What is being proposed or what the other alternatives that are suggested I would suggest are not even the best alternative. To put, one of the alternatives suggested like I mentioned before is a separate and detached grocery store on the out parcels. What Wal-mart is proposing is the grocery store plus additional development on the out parcels. It's a much better proposal than one of the options that was proposed as a viable alternative to what Wal-mart has opposed regarding public need. You get a better proposal with what Wal-mart's proposing than what the staff recognizes as being an alternative that would satisfy the public need. One of the other things that may give you a cause for concern is the amount of public testimony that you've heard in opposition. What I

would submit is that yes we did sit through over 3 hours of opposition testimony, but that is a vocal minority in Cottage Grove. There is much more incentive to come and spend your evening at a public hearing if you're in opposition to a proposal than there is if you're in support of a proposal especially when it comes to Wal-mart. The people that dislike Wal-mart, dislike Wal-mart with a passion and will show up to oppose it regardless of what Wal-mart is proposing. What I don't want you to forget is that there was also a lot of testimony in favor of the application that you've received lots and lots of letters in support of the application and you have a petition with over 3,000 signatures and postcards and over 700 postcards in support. I recognize that it's not a popularity contest, but I wish it were because it would be easy. We wouldn't have spent three nights together, as much as I like you guys, we wouldn't of had to spend 3 evenings together and put it to a vote and that's that. I would submit that it's not even close. The residents of Cottage Grove want this Wal-mart. It's also important to keep in mind that what the opponents are saying is the same thing that they said 12 years ago. Doom and gloom. Wal-mart Super Center moves in, the economy is going to deteriorate you've heard before, but you have 10 years of experience on which to draw. In those 10 years, it hasn't happened. The same things that they're proposing now is going to happen because of Wal-mart coming to town are the same things they said before. It didn't happen before and it's not going to happen now. Wal-mart is going to be nothing but a boost to the economy. I don't any of you personally and I don't know where you stand on Wal-mart, but there's also a chance that some of you have small personal beefs on Wal-mart. What Wal-mart would ask is that you don't treat us any differently then you would any other applicant. Ignore the name on the application. Don't treat us any better, don't treat us any worse, but give us a fair shot. What Mr. Seidel said at the last hearing I think sums it up pretty well. This application has been a lot of emotional testimony, but it's not about emotion. It's about whether Wal-mart has demonstrated they satisfy the code criteria and their burden of proof. What you have is an application that clearly demonstrates that we have satisfied our burden of proof. We meet all of the criteria. We have an application that is firmly supported by the citizens of Cottage Grove. Overwhelming supported by the citizens of Cottage Grove. We have an application that eventually will lead to a huge benefit to the City of Cottage Grove. It's going to allow people to stay here, shop locally, spend their money here. Wal-mart will hire 140 additional employees. It will be a huge boost to the economy. We ask that given our satisfaction of the code criteria and support for this application that you approve the application. Thank you.

Chair Parsons: Thank you.

Jeff Evans: I just have a couple of housekeeping matters.

Chair Parsons: Sure.

Jeff Evans: One I'd like to introduce this evidence and what that is, is the addendum to the Ferrenia & Associates report that the U S Economic Census Data. It is a additional TPR analysis from Transpo specially addressing the TPR issue and how we comply to

that. This is the 3600 additional signatures on the petition or not additional it's the additional signatures that bring the total to 3600 and additional postcards. The other thing is just to clarify with respect to the additional time. The applicant doesn't necessarily need the extra time. I don't know that anyone has requested extra time other than the Planning Commission and I suggest that what we would prefer is to have you guys deliberate this evening and make a decision and I think that is within the statute you're perfectly allowed to do that. What has been suggested by the Planning Commission on their own motion is to keep the record open for 7 days. I think that everyone has had a chance to testify that is need to. I'm not sure that absent a request from somebody that is either opposed or in favor of the project that we necessarily need to keep the record open for 7 days. That being said, if the record is keep open on the Planning Commission's own motion just to clarify if the record is keep open for 7 days for anyone to submit additional evidence that at that point the next 7 days is strictly to respond to that new evidence, no new evidence comes in and the last 7 days is strictly for the applicant to submit a closing statement that sums up their position on the entire application. Thank you.

Chair Parsons: Mr. Evans before you go. Thank you for your testimony. When you talked about the statistic on the from your economist, do you have information that you can submit? Is that included in that there?

Jeff Evans: Yeah, you want to take a look at it now?

Chair Parsons: No.

Jeff Evans: Okay, it's just a one page chart essentially comparing the City of Cottage Grove numbers to Lane County numbers.

Chair Parsons: Okay. Does anybody else have any questions for Mr. Evans?

Commissioner Devine: Just real quickly. Have you been aware that the City is going through a TSP Transportation process where we have an ongoing study through the year 2025 and have you been made aware of any of that information or would that be helpful to you?

Jeff Evans: I am aware that the City is going through that and I don't think it makes much difference to our application because our application was submitted before the TSP will be completed and the application has to be judged on the basis of the standards and criteria that were in effect as of the date of the application. I don't think it's, it's going to mean that Wal-mart is out of compliance or not. There's a lot of margin with respect to the amount of traffic that Wal-mart is generating compared to the amount of capacity that is at the interchange on Row River, so I'm not sure that it's going to matter a whole lot, but if you have some other insight or a different opinion I'd be happy to consider that. I'm not sure entirely where you're going with the question.

Commissioner Devine: We just had a meeting last night.

Jeff Evans: Okay.

Chair Parsons: Any other questions or comments for Mr. Evans?

Commissioner Fleck: I guess I'd just like to state for the record that I was on the City Council when Ordinance 2901 was adopted. I actually went back through my records and realized that I was so I just want that to be open and on the record. I guess that's it for now.

Chair Parsons: Good, anything else? Thank you very much. So at this time I'll close the public hearing. I just have one comment and a statement before we address this 7 day, leaving the record open for 7 days. I'm confident that this Commission will make an unbiased decision based on the facts presented and although many comments did not address the text amendment or the zoning code and some were emotional, I do appreciate everyone's comments and the respect that they showed each side tonight especially with that hopefully our codes and ordinances have some character or expression of the community's desires and visions that it has for Cottage Grove. It is our desire as the Commission to allow the community to express themselves in a public forum for or against and so it is our job to look at the code and find out you know whether or not this application fits within our code and if we're going to make amendments or not. But, it is important that we take public comment and it's important that the public participate and we do appreciate your participation and thank you for coming. Concerning the leaving the record open for 7 days, does anybody have any comments about that? Go ahead, Mike.

Commissioner Fleck: We had mentioned that at our first meeting and it was in fact report in the Register Guard that was a consideration. I guess I feel that probably everyone who would like to speak has, but that was out there and I don't I just hesitate not to go ahead and do that at this point based on that article in the Register Guard.

Chair Parsons: Just to be clear, if you are going to make a motion to leave the record open for 7 days our next meeting will be on March 14<sup>th</sup>, which is our regular work session. And Mr. Evans also reiterated the process for the 7 days. Seven days for review and 7 days for comment, so the 14<sup>th</sup> would be our next target date for the discussion among the Commissioners on the item.

Commissioner Fleck: I guess I'd follow that by, that was also a month ago now. I guess what I'm saying is I could go either way on this. I mean I'm ready to deliberate or I'm ready to go ahead and leave that open, whatever the rest of the members.

Chair Parsons: Does anyone else have any objection for moving on into deliberation? Okay, so why don't we take a 5 minute recess before we get started with that.

Director Schesser: Or, do you want to wait until you get minutes, or it just depends what and you haven't read or you haven't seen or read this material.

City Planner Ferguson: And you don't have all the stuff submitted tonight including the Transpo analysis.

Chair Parsons: Okay, so it looks like there's additional information that we need to get presented to us so maybe it would be appropriate for us to go ahead and schedule another meeting.

Director Schesser: Yeah, so the dates that I'd recommend to you would be either the 28<sup>th</sup> which would be in two weeks because we've got to finish getting the minutes complete so you have that before plus this which we can circulate to you as soon as we get the minutes done. So the two dates would either be the 28<sup>th</sup> or you're not available the 7<sup>th</sup>, it would be the 14<sup>th</sup>. So it'd be which ever you like.

Chair Parsons: So.

Commissioner Fleck: I'm not available the 28<sup>th</sup>.

Director Schesser: Okay, that takes you to the 14<sup>th</sup> then.

Commissioner Fleck: Unless we shoot for something other than a Wednesday.

Director Schesser: That's too difficult with the other things that we have.

Commissioner Devine: Do we feel that the evidence here is significantly different from all of the evidence that we've been presented.

Director Schesser: We haven't seen it.

Commissioner Devine: Do we have reason to believe it is?

Director Schesser: Don't know.

Commissioner Devine: I have reason to believe that it isn't any different than what I already know.

Director Schesser: It may not be, but I mean I haven't even look at it so I don't know. When you deliberate, if you want to deliberate without the minutes in front of you that's fine too, it's whatever you want to do.

Commissioner Devine: I just know we have a heavy agenda coming and it's other issues and I'm just looking at our calendar and thinking.

Chair Parsons: Do you have a point of order?

Jeff Evans: Point of order.

Chair Parsons: Right after this comment.

Commissioner Severns: Okay. The comment that I wanted to make is that this material which has been presented is actually by the proponent and the proponent has already told us that he doesn't need us to stay open. I suggest we take him at his word.

Chair Parsons: Very good point. Yes, point of order.

Jeff Evans: What I was going to say is that if you took a 5 or 10 minute recess you could review that very easily the TPR analysis is just a few pages and the economic census data is one page. It's not a lot of information.

Commissioner Severns: I would consider a 10 minute break considering the crowd that may appear in the back room here or the restroom.

Chair Parsons: Can we do that? Can we go to a chamber in the back and look over that information together?

Director Schesser: No, you have to do it.

Chair Parsons: Do you have copies for everybody?

Director Schesser: Yeah, I believe there were copies there for everyone.

Chair Parsons: Okay.

Director Schesser: Then the other question is whether you want the minutes in front of you or not? And, that is up to you.

Chair Parsons: Does anybody feel like they need to have minutes in front of them?

Commissioner Severns: I think we were mostly present, we heard them.

Chair Parsons: Okay, so let's take a

Chair Devine: I read 3 hours of minutes and listened to 3 hours of tape and I assure you

Chair Parsons: Alright, let's take a 10 minute break and we'll reconvene at 5 after 9.

NOTE: TAPE RECORDER TURNED OFF DURING BREAK.

Chair Parsons: Let's go ahead and get into the discussion. So, just to get started with just some thoughts from me to start the discussion. Howard, could you I know that the applicant has talked about some development on those out parcels and I don't know if that's part of the original application or something that was added in public record. I'm not sure whether or what that is, but I was wanting to know what size of development would be allowed on those two parcels as a range. I mean Chuck Missar had a letter

that talked about some of that and what he submitted to the Planning Commission and I'm not sure if those numbers would be accurate or estimates.

Director Schesser: Just off the top of my head, the C-2P given that size, given a retail use, with parking and landscaping you're probably might be a building around 40,000.

Chair Parsons: On each parcel?

Commissioner Devine: On both of them?

Director Schesser: It would be on each one of them, Amanda? Or, was that on one?

City Planner Ferguson: That would be total.

Director Schesser: Okay, 40,000 on both, taking them both.

Chair Parsons: 42,000 combined?

City Planner Ferguson: Compared to the 9,000 that they had mentioned.

Chair Parsons: So say the development on each one of those parcels or combined parcels would be a maximum of 40,000 square feet?

Director Schesser: Somewhere in that area.

Chair Parsons: Plus or minus depending on the usage?

Director Schesser: We haven't sat down and drawn it all out but I mean it's.

Commissioner Devine: And, that is about 4 plus acres, the two parcels combined?

City Planner Ferguson: Correct.

Director Schesser: Yeah, I believe so, yeah.

Commissioner McClean: Is that just a footprint or overall square footage?

Director Schesser: Just footprint.

Commissioner McClean: Footprint, so okay. So what would the limitations be up and down?

City Planner Ferguson: 4 stories.

Director Schesser: It's 4 stories, but then also you're parking is going to limit additional square footage.

Commissioner Devine: The footprint would be 40.

Director Schesser: Yeah, but if you went two stories (end side 3/start side 4 of tape)

Commissioner Fleck: So I guess that typically when you're talking about a residential home square footage is all stories and I guess that's my curiosity about seeing that they could multiple levels with the same

Director Schesser: The square footage still all counts as you relate it to parking requirements, whether it's one story or two story all the square footage adds up.

Commissioner Fleck: Right, but I guess what I'm wondering is if we are talking about 105,000 square foot as the maximum if they had two stories would that not actually be 210,000 square feet.

Director Schesser: I see what you're asking. The 105 is the footprint.

Commissioner Fleck: Okay, so it is specific to the footprint of the building.

Commissioner McClean: So, is parking then the limiting factor? Or is it

Director Schesser: Parking and landscaping become your limiting factors.

Commissioner McClean: Okay.

Chair Parsons: And so if the, if the two parcels were developed in thinking about those footprints out there that would cut back on the parking allowed, would that 105,000 square feet still be acceptable based on the parking? That was not included in those two parcels when they had that maximum square footage for that?

City Planner Ferguson: They'd have to show that there is additional expansion land on the existing lot.

Director Schesser: I would assume that if you can do a 160,000 square foot building to the existing plus 9,000 to the front that they've looked at they can comply with the parking requirements.

Chair Parsons: But if they, because 9,000 square feet development out on those parcels I think is inadequate for the use of the space. What I was thinking was if they maxed out their development on those parcels, what kind of expansion would they be allowed to do after the development of those two parcels? If they didn't have those two parcels what would they be allowed to do on their current property?

Commissioner Devine: In other words, if they wanted to go to 105 right now do they need additional parking or is the existing parking sufficient.

Director Schesser: I believe that if they went to 105 the existing or they could get enough parking on the property. We'd have to sit down with that, that was the intent in 94 if I understand what happened then.

Commissioner Devine: Okay.

Commissioner Devine: I had a question. Do you have any comment about the applicant's comment that talked about the lack of cooperation from city staff regarding the traffic issues? He made it one of his later points?

Director Schesser: There came a point of where it really becomes more of a design review issue than dealing with the issue of whether to move forward and change the code. There's differences between our consultant and Transpo. So we could have gone several more months trying to sort some of that out. I made the decision to just bring it to the Commission and put it before you so then we knew what we were dealing with. So if you do or don't change, then I know what I have to do with from there.

Commissioner Devine: Okay.

Commissioner Fleck: I have a quick question, too. You know and I apologize I meant to look this up. There was several comments about parking being accessory use in a C-2P zone. Do you remember what the verbage is in our code regarding parking in a C-2P and like I say I apologize I meant to look that up and I forgot to do so.

Director Schesser: Parking is an accessory use. The parking would be accessory to a principal. Public parking is allowed as a conditional use in the C-2P. I'm not sure what you're actually . . .

Commissioner Fleck: No actually that answers that for me.

Director Schesser: Remember the code allows you to have parking within 400 feet, so you can be on another parcel.

Commissioner Fleck: So I guess as a question or process, did we want to approach this as a finding by finding type of discussion? Or, do we just want to go ahead and have each of us just kind run down our positions? Or, how would you propose we proceed?

Director Schesser: If I can suggest, because you don't have any findings in front of you because we didn't prepare any for you to start consideration just because we didn't know where you were going to go. We have your discussion and we have a consensus of where you want to go, then we'll prepare the findings appropriately.

Commissioner Fleck: I guess maybe findings wasn't the correct term. I guess we have several items in our code which we're supposed to consider and I guess each of those has a corresponding staff response and I guess I've actually outlined each one of those and my position on those.

Director Schesser: So you're talking about the criteria.

Commissioner Fleck: I'm talking about the criteria.

Chair Parsons: If you want to go ahead and express your comments feel free.

Commissioner Fleck: Okay, thank you. I guess there's a number of these that I disagree with the staff's findings on. Item 1 talks about conformance with the Comprehensive Plan and zoning. And, I'm actually a little iffy on this one so let me move onto well actually I say that I don't disagree. Item 2 public need for the proposal, I mean I guess arguments have been made both ways on that and I guess one could agree or disagree with all of those. So I'm not going to weigh in on that because I think a lot of the comments on both sides of the fence have been valid and unrelated. Three doesn't apply. Four, I agree with staff on. I believe that this, this is a CT zone. This is not just specific to the Wal-mart application. We could implement CT zones in other areas that would be within the ¼ mile of the interchange. So I do agree with staff on that item. There's no mistake in five. Item 6 has several items under it. Item A talks about changing the lots to C-2P and change or character and so forth. I agree with the applicant's on this. I was on the City Council when this application came through. I don't remember a lot of discussion related to keeping the original intent of the Wal-mart agreement. I actually approve with the applicant on B, C, D. E I think is not relevant because they are now proposing small retail on that front park. F I agree with the applicant. On G on the other hand and I hope everybody is kind of following these conversations here, I relate back to item A. You know this talks about, let me reference it here specifically Item G talks about the development of the tax lots out front for parking. If we're going to say that these are now C-2P zones, I guess I cannot justify creating parking lots out of C-2P properties. I don't believe that that is an appropriate use of an entire lot even with the small proposed development on it I don't think that. So I guess it's a double-edged sword. While I agree with Item A, I believe it also is the other side of the coin for Item G. I think that if these are now going to be separate lots under C-2P, then I think that parking on those is not appropriate to the extent that is proposed. I guess I agree with the applicant on Items 7 and 8. So it's kind of a mixed bag for me, but ultimately what it comes down to is that I feel that the applicant needs to meet all of the criteria for approval and therefore I am going to recommend denial.

Chair Parsons: Does anybody else want to state their opinion or comments?

Commissioner Williams: I've got a few, few comments. I agree with Mike that the C-2P is inappropriate zone or with the use of that zoning for just strictly parking. I don't think is appropriate. I think that that Row River corridor through there is ripe for a change and I think that just because not much has happened the last 10 years is not an indication of what's going to happen in the next 10 years. So I think that that area really needs to be looked at as being a future commercially viable area. Just a quick example is the Village Green is not the same building it was 10 years ago. I think it's kind of the gateway to that corridor and I think there'll be other interests in the future for that whole area. The other thing is that I think that I'm pretty persuaded that

these's a big faction of the community that while they may not like Wal-mart they also are afraid of some of the things that have happened in the community as far as the business nature. But my personal feeling is that is pretty much the way it works with competition. When Safeway came to town in the 30's, all the little stores had to roll aside and let Safeway come in with their lower prices and their big selection. When Bi-mart came to town, nobody seemed to have a problem with and I'm sure Mr. Cox remembers when there were hardware stores up and down the street and there were sporting goods, there was everything in this little town. And, so times change and sometimes we have to move along even though we don't like it. There's nobody that loves this town more than me, so you know I don't want to be labeled as anti-Wal-mart at all because I'm not. I think it's something that is a part of where we are right now in this community. However, I'm wholly believing that Wal-mart needs to expand enough to get the discount grocery in which is what a huge faction of this community has said that we desperately need and I would think that we would ought to be, once we get through all of this be looking at a way to persuade them to address that issue so that the grocery comes and I think looking at all the numbers that have been provided about 125,000 square feet would do that. So the main point is that I don't think it's appropriate to take those out lots and make them parking lots and I think that we should be looking toward satisfying the need for discount grocery in this town and helping maintain the existing businesses so that they feel comfortable. I think most of the damage has been done as far as businesses in town and I think in a lot of ways Wal-mart's done a wonderful job in Cottage Grove. So, as Mike just said this is a very difficult issue and I'm hoping people will realize that we're all trying to look at what's best for this community as we wade through all of this. So that's my comments.

Chair Parsons: Good, thank you Lloyd. Did you want to add some comments?

Commissioner Severns: Yeah, actually my comments are very much in-line with what Lloyd has just said. Clearly, we have heard arguments both sides. I mean relevant arguments both sides. They're important. I think it's abundantly clear that a lot of the people that live in this town, the price of groceries is a serious everyday problem and it deserves our attention. What I think we also have to recognize that to allow this development as they envision it is to torpedo in effect the planning, the city development plan for that area. We have to go back to square one. My feeling is that's a pretty high price and it's a high price I think in light of what I feel that there is a viable option. Wal-mart can put another 24,000 feet in without any special approval. I believe they need a building permit. They already have many thousands of feet in grocery related items. This will put them squarely larger than Ray's and certainly competitive to Safeway. So my feeling is that we should take them at their word and their primary interest is in providing us a grocery store. I think they can within the present recommendation, the present limitations in the present ordinance. So my feeling is that the large store is not justified and I'm going to recommend denial.

Chair Parsons: Okay. Does anyone else want to through out their comments?

Commissioner McClean: Well, there was a gentleman that spoke I think at our first meeting who one of the things he was really interested in was allowing the opportunity for free market to really happen. And, I got to really thinking about that and I do in general believe that the free market works. Although, as I thought about it more providing a company or one business the opportunity to do things with their property that other businesses don't necessarily have, is that still considered free market? To me it almost smacked of a government subsidy to a certain degree. I believe that a business has the responsibility to develop their property to whatever extent their extent will allow them to develop within the code and their business model dictating how they should develop shouldn't necessarily really have an impact on what's allowed and what isn't.

Commissioner Devine: At the risk of sounding like so many others or the last three nights, I won't go into a lot of detail but as a businessman I can absolutely and totally appreciate Wal-mart's position and I know what they want and it's for the growth of the company and they want to expand their market share and they want to bring services and goods to the community. So, their request to do this makes total sense to me. However, I have to look at this from a somewhat personal standpoint. I've moved to and live in Cottage Grove because of what it is. I could have moved to Seattle or Los Angeles or Chicago or even Eugene. I did live in Eugene for a while, but I don't want to see Cottage Grove super sized or big boxed. I'm in a business that could maybe benefit me if I were to big box, but the character and the style of this community I just would rather protect that. I lived in communities where I've seen all of that and I just don't want to see that for Cottage Grove. In the same, at the same time I think there are some very viable options for Wal-mart. I agree with the other Commissioner's comments that with the expansion that is allowed within the store, they can make a supermarket that I'd be proud of. They have the out lots. Las Vegas has 6 or 8 of these Village Mart Markets, whatever it is that Wal-mart has. They put them up all over the place. They could put one of those on the out lot. I do see that as possible. I just don't want to see 10 to 12 acres of one big building and all parking lot. In that regard I would have to recommend denial of the application.

Chair Parsons: I have some comments as well. I'm very much in favor of adding additional jobs to economy and for Cottage Grove I think Wal-mart has been a good employer. What Wal-mart does outside of Cottage Grove I can't, don't have any control over or have any thoughts about that, but we've heard testimony from many of the employees here that they like working there and they've had success there and they've been able to grow as they wanted to grow. So I'm for job creation and for that type scale of economy's and I think that the testimony has been somewhat overwhelming with people talking about they would like to have a low price grocery. I know there's a ton of people that drive north on a regular basis. My wife shops at Costco and I do to because I have to go with her. And, I see many people from Cottage Grove at Costco. I see them at other places. So I know that there is a desire for more competition with products otherwise people wouldn't leave Cottage Grove to go shop. So, but the thing that I get back to and all of us are kind of hitting the same

point is that you have two prime pieces of commercial real estate out front. Yes, they've been vacant for as long as they've been there, I guess. Ten years ago, Lloyd you're right, the Village Green didn't look like it does today. Ten years ago we didn't have a brand new hospital across the street. Ten years ago today we didn't have a theatre there. Ten years ago today we didn't have a new retirement facility. So there has been development on pieces of property. We don't want to see Cottage Grove just come in and in a couple of years fill all the commercial pieces of property or industrial lands. We want that to happen over time you know so I'd like to preserve those two pieces of property for future development. I'm in agreement with George that I don't want economic development and job creation to happen at a cost of Cottage Grove's character. There is a lot of uniqueness for where we are and I for one want to help protect that. But at the same time, I want to give every advantage to the citizens of Cottage Grove. They can have those advantages to shop locally with competitive pricing. They can like Mr. Cox said you know his kids when they graduated from school they had to move away from the area. I've got two kids that are 16 and 13 and it would just absolutely kill me if they had to move farther away from me than down the street you know. Of course at their age right now, who know what my son's going to be like when he hits 21 so I may want him to move. I want him to have, I want my kids to have the opportunity if they want to stay in Cottage Grove or in his area that they have employment opportunities, so I'm kind of torn with it. But I think that you know 160,000 square foot position and parking covering those two parcels out there I think we're giving up a lot for that. I would like to see Wal-mart expand to a certain degree, but I'd like for them to come back with more of a creative plan than just the same-o same-o. Every Wal-mart I don't think has to look alike. I don't think that it, a Super Wal-mart has to look like a Super Wal-mart in Springfield or Eugene. I think there's some creative avenues that Wal-mart could take a look at. For one putting the grocery store out there on one of the parcels and/or their landscaping department. You know, I'm just offering some suggestions, but to just take those two commercial properties and put black top on there I'm just not in favor of that and so I'm also would recommend denial. Not on the idea of expansion and creating competitive pricing and employment, but trying to find ways to make it fit under the current code or you know I think it would be different if there was a request for a variance of 5,000 square feet instead of 55,000 square feet in the text. You know so, that's just a little bit too big for me. Those are my thoughts.

Commissioner Devine: Matt, if I could. I think it's important. We're telling the applicant that could you be creative and come back to us. We're not opposed to the expansion at all, we would just like to see it in a different way and we're not taking any jobs away. There's not one Wal-mart employee that's going to lose a job because this is denied at this moment. Wal-mart will continue to exist and quite strongly. So we're not against the corporation, we're not against the employees, we just we want this to be managed well and I that's one of the premises for me is that all the growth in this community needs to be managed as as completely and carefully as possible because we're all going to be living with it and our kids and the future people generations so we

want to do it right. We don't want to be a too quick to just accept things and move forward and not really consider all the impact down the road.

Commissioner Williams: I would echo pretty much all of that too. I think if Wal-mart were coming back and saying we know the most important thing to the people of Cottage Grove is lower priced groceries and this is how we're going to address this, will you get behind it? I think we would probably look at that very probably favorably. As George said we're talking about maybe adding some square footage on, but going clear to 160,000 square feet I just don't think that's necessary.

Commissioner Crawford: I would like to say something. I refuse to be the quiet one of the bunch. I also agree with all of the Commissioner's today. I feel that George and Lloyd just brought up very good points as far as what Wal-mart could do in the future. I also recommend denial due to the fact that I do not feel all the criteria has been met and frankly I'm concerned with the impact this zone, this text amendment could have on future CT zones as well as current CT zones as well.

Chair Parsons: So are we, can we give I guess some direction with staff would be to try to pursue with the applicant alternative (end of side 4/start of side 5) the application and then ask for a new application, or would it be better for us to give you direction to visit with the applicant about some of the concerns that the Commission has?

Director Schesser: You could give me a motion that, a motion to prepare findings to deny if that's your wish. But in the meantime you could also direct us to talk further with the applicant based on your comments. It's going to take us, we'll have to prepare some of the findings. You're just making remember you're just making a recommendation to Council. You're not making the final decision.

Commissioner Severns: I think we have to keep in mind that this unfortunately this entire exercise is about to be repeated in Council, in City Council.

Chair Parsons: Right.

Director Schesser: So, you're probably better off just to give me direction related to findings so it can move on through the process.

Chair Parsons: Okay. Alright, so let's do that. You want to make a motion, anybody want to make a motion?

Commissioner Severns: Okay, excuse the motion to recommend denial. Is that what we're talking about?

Chair Parsons: We're actually wanting to give direction to staff.

Commissioner Severns: Yeah, okay I'm trying to understand where we're at.

Commissioner Fleck: I guess I'm a little curious because there's a great number of items in the staff report that I disagree with. I think for example, the transportation I feel the applicant has satisfied that to my but at the same time the one item so I guess I'm wondering how we're going to find, get the findings?

Director Schesser: Well, you're going to have to tell me what you want and base your decision on.

Chair Parsons: So I think you can ask or direct staff to go back and re-evaluate those findings and to also include the development of those two parcels and re-evaluate the application as

Director Schesser: Well, it's not really our job to go back now and re-evaluate. We gave you a staff report with a recommendation based on the information that we had at the time. You've had public hearings with all the input from both sides. It's now your job to decide among you what those findings are, what basis are you, if you want to approve the application, recommend approval on what basis are you recommending approval given the criteria. Or, if you want to deny the application, recommend denial then on what basis are you doing it. You as a group have to make that determination. It's not for me to do.

Commissioner Devine: So we're going to recommend denial it sounds like and instruct you to inform the applicant that we're open to further

Director Schesser: No, if you're going to do denial you've got to have some findings of why you're denying.

Chair Parsons: So we need to request staff to go find some findings.

Director Schesser: But, you have to tell me first what those findings are.

Commissioner Fleck: I can, I can give you that based on my opinion is that Item 1 they have not met, Item 4 they have not met and item 6G they have not met. Those are the three items in particular that I believe the applicant has not satisfied the code. The rest of it for me I believe that the applicant has satisfied, but that's just me. I don't know if everybody's gone to that

Chair Parsons: Well, I'd like to see some findings on the development of those two parcels.

Commissioner Fleck: Right and that is Item 6G by the way. That is the specific one that I have the greatest issue with is Item 6G.

Commissioner McClean: That would be Item 6A as well?

Commissioner Fleck: Well 6A actually I agree with them about. I was using that as a reference in G because I believe that when we changed it to C-2P we did not specifically talk about you know trying to maintain the original character. But if that's true for me then that means am I going to take a C-2P you know property and put a parking lot on it so I agree with them on A but at the same time that is also the reason that I'm not willing to approve Item G.

Commissioner McClean: The question is to, what is the existing character?\

Commissioner Fleck: Right.

Commissioner McClean: Of that area.

Commissioner Fleck: Right.

Commissioner McClean: Discernable character.

Commissioner Fleck: But that's just my two cents worth.

Chair Parsons: So we actually also already have some findings that are justified.

Commissioner Severns: Is it my understanding then that we can't just have a motion to recommend acceptance or denial? We need to be doing more than that? Is that correct?

Director Schesser: That's correct you need to include findings.

Commissioner Severns: Okay.

Director Schesser: Which is the basis for making your decision.

Chair Parsons: So you can exclude some of the findings that staff has

Director Schesser: If based on the information and all the impact that you've had you feel that some of the items have been addressed, then

Chair Parsons: Then you just exclude those items in your motion.

Director Schesser: That's right. I mean that's fine and that's just the process.

Commissioner Fleck: Are there any other items I guess that Commissioner's have?

Chair Parsons: No, that Item D is the main one for me.

Commissioner Devine: Item C is the one that addresses the 105 versus the 160,000 square feet so that's obviously an issue for me.

Commissioner Fleck: item C?

Commissioner Devine: The discount retail facility itself shall be limited to 105,000 square feet and they wish to amend it to 160,000 square feet.

Chair Parsons: Right.

Commissioner Fleck: I'm sorry, you're right.

Chair Parsons: Page 11 of 26.

Commissioner Fleck: Yeah, you're right. You're right. I must of missed on my notes. I was thinking that one was specific to the traffic.

Commissioner Devine: A lot of my, a lot of my decision making has been based on the original agreement between Wal-mart and the City in 1994. I feel that was brought through much divisiveness in the community. They found a way to get to where they are today and I don't think that we should very easily let go of that original decision. So when they try to amend some of that language, I do have an objection to that. It's kind of like getting your foot in the door and then not taking it out. Guidance Howard guidance, where do we go from here? None of us having to deal with one of this portion before.

Commissioner Severns: You know. There's plus and minus on every little detail of the staff report, but I find the staff report to be adequate in light of the testimony that I've heard. On balance, on balance, I find it adequate.

Commissioner Fleck: I guess I can't quite go along with that. I believe the applicant specifically related to the traffic has satisfied my expectations of the property. For example, the Super Store would produce 464 trips per days if the outer two lots were developed as we propose it would be 631. So I guess that as far as I'm concerned the applicant has satisfied you know the traffic part of that to my satisfaction. So, I guess I don't quite agree with the staff report in its entirety. Like I say I guess my major issue is the development of the C-2P lots are parking, that would be the big issue that I have. I don't feel that it meets you know our code.

Chair Parsons: Do you want to put that in the form of a motion?

Commissioner Fleck: I would move that the staff prepare findings based on I guess I would just be specific to the C-2P lots not being developed as primarily parking. I do believe that the traffic analysis has been met to my satisfaction. Beyond that I don't have a whole lot of specifics. But I would suggest that they prepare findings and if they are unclear on certain aspects maybe they can bring that up.

Director Schesser: I don't know how that was a motion.

Commissioner Fleck: Well, okay, so basically I'm looking at findings that

Director Schesser: If you're saying your original findings of 1, 4, 6G and

City Planner Ferguson: And 6C.

Commissioner Fleck: And I guess C yeah.

Director Schesser: C are the ones you find us to develop some findings around and then you can do with them what you want when we bring them back to you.

Commissioner Fleck: So moved.

Director Schesser: And I assume that you wanted findings to deny is what your doing?

Commissioner Fleck: Findings to deny, yes.

Director Schesser: Based on those four. It doesn't mean that's what you'll end up with. We'll bring them back and then you can add or subtract or do what you want with them because they're your findings.

City Planner Ferguson: So you're asking staff to prepare findings for a denial recommendation for Items 1, 4, 6C and 6G?

Commissioner Devine: 6C and 6G.

Commissioner Fleck: Yes, I so move.

Commissioner Devine: Given the confusion, I'll second that.

Commissioner Severns: Yes, now that then delays the final recommendation until

Director Schesser: What we would do is prepare the findings and bring them back to you. We could bring them back to you next Wednesday if you want – you have nothing on the agenda so that'd be the only thing that you'd deal with if that's what you want to do.

Chair Parsons: Okay. Can everybody be here next Wednesday? Is everybody clear on the motion? Any further discussion? All those in favor signify by saying aye.

ALL COMMISSIONERS VOTED AYE.

Chair Parsons: Opposed nay. Okay. Thank you Mike.

Commissioner Fleck: Well, I tried. Thank you.

Chair Parsons: Alright, so Howard is there is any other to be discussed?

Director Schesser: No.

Chair Parsons: I'll entertain a motion for adjournment.

Commissioner Devine: So moved.

Chair Parsons: All those in favor?

ALL VOTED AYE.

**ADJOURNMENT**

CHAIR PARSONS ADJOURNED THE MEETING AT APPROXIMATELY 9:50 P.M.

ATTEST:

APPROVED

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Cindy Blacksmith, Secretary

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Matt Parsons, Chair