

**CITY OF COTTAGE GROVE
PLANNING COMMISSION**
Minutes of the Regular Public Hearing
March 19, 2008

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 Michael Cowan, Savannah Crawford, George Devine, Mike Fleck, Lindsey Haskell and Mike LaBorde

Absent: None

Staff Present: Community Development Director Howard Schesser, Planning Technician Jessica Duggan, and Recording Secretary Cindy Blacksmith

Staff Absent: City Planner Amanda Ferguson (excused)

News Media Present: Joe Hansen, Cottage Grove Sentinel

MINUTES

IT WAS MOVED BY COMMISSIONER DEVINE AND SECONDED BY COMMISSIONER FLECK TO APPROVE THE MINUTES OF THE FEBRUARY 20, 2008 REGULAR PUBLIC HEARING AS PRESENTED.

Vote on the motion was as follows:

VOTE	Commissioner Cowan	Commissioner Crawford	Commissioner Devine	Commissioner Fleck	Commissioner Haskell	Commissioner Laborde	Chair Parsons
AYES	X	X	X	X	X	X	X
NAYES							
ABSTAIN							

Staff advised that this hearing had been advertised and publicized and notices posted as required by law. It was asked that any correspondence received be noted as a part of the item on the agenda.

Ex Parte Contact

None.

ITEMS TO BE ADDED TO THE AGENDA

None.

OLD BUSINESS

None.

NEW BUSINESS

Sally Lassiter – Conditional Use Permit (CUP 208) for Home Business

The applicant proposes to open a wellness/relation center in her home at 651 South 3rd Street. The applicant proposes to have three people work for her in her home working alternating shifts. The center’s waiting room will be located in the living room of the home and one of the home’s two bedrooms will be used as a treatment room. The type of services to be offered at this business include: one-on-one yoga, acupuncture, skin care, meditation, massage, facials and other similar services. The applicant proposes to run the business Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. There will be no more than two deliveries per week; those deliveries will consist mostly of skin care products that will be used as part of the business. No changes will be made to the exterior of the house, with the exception of a small sign that will adhere to code. The applicant would like to be able to sell the products used in treatment sessions to the clientele.

The existing two bed room home is located at 651 South 3rd Street. It has five parking spaces available on site; one in an attached garage, two under a covered carport, and two in the driveway. The home is in an R-1 Zoning District. The applicant has received signatures from the majority of surrounding residents (attached as Exhibit A) in support of her application to operate a wellness/relaxation center in her home.

Planning Technician Duggan stated that Ms. Lassiter met all conditions of a home occupation other than the fact that she would be employing persons who are not family members and do not live in the home; this was the reason for the cottage industry application.

Commissioner Devine asked if approval of this application would "open a can of worms" by allowing employees in a home business.

Director Schesser replied that other cottage industries have been approved such as the bakery on River Road and that has worked out very well.

Commissioner Devine clarified that he was concerned that this approval would be setting precedence.

Director Schesser replied that it would not as the Code allows the use and that was the purpose of the cottage industry conditional use permit.

Planning Technician Duggan stated that was the purpose of the cottage industry as opposed to the home occupation.

Commissioner LaBorde asked if staff knew of any other conditional use permits for cottage industries in that area of town.

Director Schesser replied no and he thought the closest one was the bakery.

Commissioner LaBorde asked how far from the location there is a commercial area.

Director Schesser replied he thought it was a block and a half, as the crow flies it would be from 3rd Street towards 6th Street and Highway 99, so it would be about a block and a half.

Chair Parsons asked if staff was referring to the Western States Insurance building.

Director Schesser replied that would be 99 and 6th, but the location was on 3rd Street and the closest commercial uses would be the Moose Lodge and C.G. Market.

Commissioner Cowan asked if the business would be open on weekends, or would it only be weekdays.

Planning Technician Duggan replied that one of the conditions was that it was just open regular business hours, 8 am to 6 pm, Monday through Friday, so the impact on the surrounding area would be really low.

OPEN PUBLIC HEARING

Sally Lassiter, 651 South 3rd Street, spoke in favor of the application. Ms. Lassiter asked if she could answer any questions.

Commissioner LaBorde stated he was concerned about the fact that she would have three employees and that is an exception to normal standards for a cottage industry.

Planning Technician Duggan interrupted and stated that the number of employees was not an exception to the cottage industry, but it was in excess of the home occupation standards which is what bumps it to a cottage industry.

Director Schesser clarified that the cottage industry allows people to have employees.

Commissioner LaBorde stated he understood that, but asked if it is the exception to the home business?

Director Schesser replied it was an exception to the home occupation rules, but that was why the applicant is going through the public process and a public hearing. If she had complied with the home occupation rules, the Commission would not see the application because staff would handle the review process. But it is not an exception to it. The Code is written such that you can look at allowing more than what the home occupation regulations allow as long as the applicant can deal with any impacts.

Commissioner LaBorde stated that was outside of the guidelines specified on the home occupation.

Director Schesser replied that was correct, but that is why it is kicked up to the consideration of the cottage industry conditional use permit. But it is not an exception. The whole Code is built to allow that to happen.

Commissioner LaBorde asked Ms. Lassiter if she understood the condition about allowing only one employee there at a time.

Ms. Lassiter replied that she did and she only had room for one employee at a time.

CLOSE PUBLIC HEARING

Commissioner Leborde again expressed his concerns regarding the number of employees that Ms. Lassiter was proposing to employ in a residential area.

Commissioner Fleck said he wished to offer "the other side of the fence". He was also looking at a list of the neighbors who are not concerned and are supportive. He felt this would be a very low impact from what he could tell. Fleck stated he felt that the proposal met all the criteria and without somebody coming forward in opposition he was supportive.

Commissioner LeBorde stated that there were similar businesses offering the same services nearby in commercial areas without having to be within a residence. He questioned whether one of the established businesses could look at this as an unfair advantage.

Director Schesser replied that the issue before the Commission is not business and competition because that doesn't enter into the Code and Oregon law doesn't let the

Commission deal with that. The question before the Commission is whether they are going to allow the cottage industry because it doesn't meet one criteria of the home occupation? That's primarily what the Commission is being asked to review.

Chair Parsons stated whether or not the business becomes successful is not a concern of the Commission.

Director Schesser continued by saying that if this business becomes more successful and there's a demand for more use, then there is a point where they move out of the residence and go to a commercial location. For example, Side Pocket Foods who started in a garage and now is in the industrial park and they are expanding for the second time. So it's just that small start off and the hope is that they can be very successful and they do eventually do have to move out of the house into a commercial location.

IT WAS MOVED BY COMMISSIONER FLECK AND SECONDED BY COMMISSIONER HASKELL THAT THE PLANNING COMMISSION APPROVE APPLICATION FILE NO. CUP 2-08 AS PRESENTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS, CONDITIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

Vote on the motion was as follows:

VOTE	Commissioner Cowan	Commissioner Crawford	Commissioner Devine	Commissioner Fleck	Commissioner Haskell	Commissioner Laborde	Chair Parsons
AYES	X	X	X	X	X	X	X
NAYES							
ABSTAIN							

City of Cottage Grove – Conditional Use Permit (CUP 1-08) for Fiber Project Telecommunication Building and Radio Tower

The applicant proposes to construct a wireless telecommunications facility on the vacant site. The development plans for the site include a 40 foot tall signal tower, to be painted a neutral color, a 208 square foot concrete building, and a 4 by 6 concrete pad for a self contained emergency generator. These structures will be on a concrete pad near the center of the lot. On the south side of the concreted area, existing grass will be removed and replaced with decorative rock. The entire lot will be fenced with a 6 foot tall slatted cyclone fence and planted with street trees along South 6th Street and arbor vitae as screening around the entire lot.

The proposed site is vacant City right-of-way and is located near the intersection of South 6th Street and Monroe Avenue. The lot is triangular and bordered on the west by South 6th Street, on the east by the Central Oregon and Pacific Railroad and to the north by an auto repair shop, addressed on Highway 99. Across the railroad tracks, PLANNING COMMISSION – Regular Public Hearing, March 19, 2008, Page 5 of 8

directly east from the site is the site of the future Bohemia Park and an R-1 Single-Family Residential zoning district. There are seven properties with single family residences within 300 feet of the site. The residential zoned area is to the southeast of the site, to the north, west and southwest of the site are commercially zoned properties.

Chair Parsons asked if the proposed wireless tower was similar in height to a telephone pole.

Commissioner LeBorde stated he had asked the same question at the work session and was advised that the wireless tower behind City Hall is 40 feet tall.

Commissioner Fleck asked if the storm drainage issue had been discussed with the City Engineer after the work session.

Planning Technician Duggan replied that she had spoke with the City Engineer and he had not required on-site storm drainage due to the fact that there will no increase in the imperious surfacing and that it is also an existing public right-of-way.

Commissioner Haskell stated he was in support of the project, but the City's own policies required the management of the storm water. It was not his intent to cause any grief or added expense to the City, but he felt it was incumbent on the City to do what everybody else is expected to do. The question is should the City not be doing this?

Director Schesser replied that probably the easiest solution to this issue was the installation of a French drain and then being piped to the street. There will be some difficulty because of the slope and there is not a curb to go through there. Further that if the Commission wished to require that there is storm drainage, then that could be a condition. How that is accomplished would be up to the applicant and the City Engineer to sort out.

Commissioner Haskell said he didn't want the Planning Commission to come under fire for allowing the City to slide on this and yet the next applicant that wants to do something similar on a commercial property is required to provide storm drainage and they ask for the same consideration that was given to the previous applicant. How would the Commission tell them no?

Director Schesser restated that a condition could be added to address storm drainage. Basically, that's the option to require that they provide some kind of storm drainage.

Commissioner Fleck stated that during all the years he's been through this process there has been no over land flow of water. It's a condition on every application that comes through this body that he's sat on. He would expect that condition to be added and then they can figure out how to do it.

Commissioner Crawford stated she agreed with both Commissioners Haskell and Fleck, the Commission did not want to set precedent in a negative way for future applicants.

OPEN PUBLIC HEARING

Richard Meyers, City Manager, 400 East Main Street, spoke in favor of the application and gave a presentation on the history of getting broadband/wireless to Cottage Grove and how the facility would operate.

CLOSE PUBLIC HEARING

Chair Parsons asked if it was possible for the slope of the paved surface to be sloped towards the grass versus towards the street.

Director Schesser replied probably not, it would probably require a French drain or something to collect the rainwater and then direct that water to either the street or a drywell.

Commissioner Haskell stated he did not wish to make a big deal out of the storm drainage issue, but he felt that in approving the City to do a project they should be held to the highest standards.

Director Schesser restated that a condition could be added to require the City Engineer to provide a method for the collection of storm water.

IT WAS MOVED BY COMMISSIONER FLECK AND SECONDED BY COMMISSIONER HASKELL THAT THE PLANNING COMMISSION APPROVE APPLICATION FILE NO. CUP 1-08 AS PRESENTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS, CONDITIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT AND THE ADDITION OF CONDITION 11:

- 11. There will be no overland flow of water from the site.

Vote on the motion was as follows:

VOTE	Commissioner Cowan	Commissioner Crawford	Commissioner Devine	Commissioner Fleck	Commissioner Haskell	Commissioner Laborde	Chair Parsons
AYES	X	X	X	X	X	X	X
NAYES							
ABSTAIN							

INFORMATION REPORT FROM STAFF

None.

AUDIENCE PARTICIPATION

None.

COMMISSION COMMENTS

None.

ADJOURNMENT

The meeting was adjourned at approximately 8:40 p.m.

ATTEST:

APPROVED

Cindy Blacksmith, Secretary

Matt Parsons, Chair