

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

CALL TO ORDER

Chair Devine 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: Commissioners Michael Cowan, Savannah Crawford , George Devine, JoAnn Gray, Mike Fleck, Lindsey Haskell and Mike LaBorde

Absent: None

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

Staff Absent: City Planner Amanda Ferguson (excused)

News Media Present: None

ITEMS TO BE ADDED TO THE AGENDA

None.

MINUTES

IT WAS MOVED BY COMMISSIONER FLECK AND SECONDED BY COMMISSIONER GRAY TO APPROVE THE MINUTES OF THE OCTOBER 15, 2008 REGULAR PUBLIC HEARING AS PRESENTED.

Vote on the motion was as follows:

| VOTE | Commissioner Cowan | Commissioner Crawford | Commissioner Gray | Commissioner Fleck | Commissioner Haskell | Commissioner Laborde | Chair Devine |
|---------|--------------------|-----------------------|-------------------|--------------------|----------------------|----------------------|--------------|
| 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.

OLD BUSINESS

Tom Wirfs – Site Design Review Permit (SDR 1-08) for Apartment Buildings at Arthur Street

Planning Tech Taylor reviewed the amended staff report. She stated that this item had been continued from the October meeting. That the applicant wishes to construct one 4-plex and one 6-plex on a pan handle lot off of Arthur Avenue that is zoned R-3 High Density Residential. The Commission was reminded that the applicant had signed a waiver of the 120-day rule in order to allow time for additional plans to be submitted that addressed the concerns of staff and Commissioners regarding parking, architectural design standards and landscaping.

OPEN PUBLIC HEARING

Tom Wirfs, P O Box 237, Springfield, OR, spoke in favor of the application. He stated that people need a place to live and he thought this development would be a good thing for the city.

Commissioner Devine asked Mr. Wirfs if he had addressed the concerns from the neighbors that had been raised at the last meeting.

Mr. Wirfs replied that he would be controlling construction traffic so their concerns would be resolved.

CLOSE PUBLIC HEARING

Commissioner LaBorde asked about parking along Arthur Avenue and about the sidewalk that was placed in the required 25 foot fire access.

Planning Tech Taylor restated that the application exceeded Code requirements for off-street parking and that parking is allowed along Arthur Avenue, further that only 20 feet of pavement is required within the 25 feet of unobstructed access and staff did not feel that the sidewalk would constitute an obstruction.

IT WAS MOVED BY COMMISSIONER FLECK AND SECONDED BY COMMISSIONER CRAWFORD THAT THE PLANNING COMMISSION APPROVE APPLICATION FILE NO. SDR 1-08 AS PRESENTED BASED UPON THE CRITERIA, FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND CONDITIONS STATED IN THE STAFF REPORT

Vote on the motion was as follows:

| VOTE | Commissioner Cowan | Commissioner Crawford | Commissioner Gray | Commissioner Fleck | Commissioner Haskell | Commissioner Laborde | Chair Devine |
|---------|--------------------|-----------------------|-------------------|--------------------|----------------------|----------------------|--------------|
| AYES | X | X | X | X | X | X | X |
| NAYES | | | | | | | |
| ABSTAIN | | | | | | | |

NEW BUSINESS

Cottage Grove Calvary Fellowship – Conditional Use Permit (CUP 8-08) for Expansion of Office Space

The applicant proposes to remove an existing 390 square foot mobile storage trailer and replace it with a 627 square foot mobile trailer that will be used as office space for the Cottage Grove Calvary Fellowship. The proposal includes a landscaped picnic area, two access doors into the mobile trailer with an ADA accessible restroom within the trailer that will house an open office area and two separate offices. The Cottage Grove Calvary Fellowship was originally permitted under Conditional Use Permit CUP 8-01. The addition of this trailer as usable office space is an expansion of the Organization's existing conditional use, and must meet current Conditional Use Criteria in the Cottage Grove Development Code.

Currently, the Cottage Grove Calvary Fellowship occupies a series of buildings located at 522 Whiteaker Avenue. The facility is broken in to 3 sections and is approximately 6,300 square feet. The facility is located on the corner of Whiteaker Avenue and 6th Street. The existing storage trailer (to be replaced) is situated directly behind the occupied portions of the facility and is visible from the North 6th Street right of way. The entire property is located within the Willamette River Greenway, within the Central Business District, and close to the Historic Overlay District for the Downtown National Register District.

OPEN PUBLIC HEARING

Tom Arney, P O Box 99, in behalf of the Church, spoke in favor the application. Mr. Arney stated that the Church was willing to meet all the conditions presented in the staff report.

CLOSE PUBLIC HEARING

Commissioner Haskell said that he was satisfied with the proposal to replace the trailer with a trailer and he thought that it would be nicer than the trailer currently located on site.

Commissioner LaBorde said he had concerns about the placement of the trailer so close to the downtown area and the historic district and that he did not believe that the section of the Code regarding compatible architecture had been met.

Commissioner Devine stated that he felt that the modular building does fit in with the surrounding buildings in the Church facility. He specifically noted the modular office on a foundation that currently exists and an older concrete block building directly behind the proposed placement site for the new modular building.

Commissioner Fleck commented that 18 people had been notified of the Neighborhood Meeting that was required as a part of the conditional use permit application and that none of those people notified came to either the neighborhood meeting or to this Planning Commission public hearing. He further stated that he thought what was being proposed would be an improvement to what was already on site.

Commissioner Cowan stated he had concerns regarding storm drainage for the structure and staff advised that issue would be dealt with as a part of the building permit process.

IT WAS MOVED BY COMMISSIONER FLECK AND SECONDED BY COMMISSIONER HASKELL THAT THE PLANNING COMMISSION APPROVE APPLICATION FILE NO. CUP 8-08 AS PRESENTED BASED ON THE CRITERIA, FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND CONDITIONS STATED IN THE STAFF REPORT.

Vote on the motion was as follows:

| VOTE | Commissioner Cowan | Commissioner Crawford | Commissioner Gray | Commissioner Fleck | Commissioner Haskell | Commissioner Laborde | Chair Devine |
|---------|--------------------|-----------------------|-------------------|--------------------|----------------------|----------------------|--------------|
| AYES | X | X | X | X | X | | X |
| NAYES | | | | | | X | |
| ABSTAIN | | | | | | | |

City of Cottage Grove – Development Code Text Amendment (DCTA 2-08) to Amend Title 14 to Allow Barbed Wire on Fences Through Class B Variance

The proposal is to amend Title 14 City of Cottage Grove Development Code, adopted January 1, 2008 through Ordinance No. 2959, to include the following text shown in **bold**:

3.2.500 Fences and Walls

D. Materials.

1. Permitted fences and wall materials: wood; metal, bricks, stone; concrete block; stucco, or similar masonry; and non-prohibited evergreen plants.
2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than 8 feet. **Barbed wire on top of chain link or other fencing may only be approved on industrial, commercial or institutional use categories through a Class B Variance (Chapter 5.1.400).**

5.4.400 Class B Variances

1. **Variance to Fence Material (Barbed Wire)(Chapter 3.2.500.D). City may approve, approve with conditions, or deny a variance to prohibited fence materials established in Chapter 3.2.500 to allow barbed wire on top of chain link fences when the chain link does not negatively impact adjoining properties and the prohibited material is deemed necessary to mitigate special characteristics of the proposed use and/or extraordinary site conditions.**

This amendment is being proposed by staff after several applicants have requested an avenue for the installation of barbed wire on commercial or industrial properties. The use of barbed wire on top of fences used to be allowed in non-residential areas under Title 18 Zoning Code. The Development Code Advisory Committee and Planning Commission felt that it should be removed from the list of allowed fencing materials as Title 14 was being drafted, as it was being over-utilized, often with no consideration for adjoining property owners. This amendment would reinstate the use of barbed wire under certain circumstances through a Type II Class B Variance procedure. Staff feels this change is necessary because some businesses are required to install barbed wire for insurance purposes and/or to secure necessary permits or licenses. Prohibiting all use of chain link in these cases creates a defacto prohibition against certain uses, which

is an unintended consequence of the Planning Commission's recommendation during the adoption of Title 14. Staff's recommendation is intended to remove that prohibition without removing protections for adjoining properties.

OPEN PUBLIC HEARING

No one spoke.

CLOSE PUBLIC HEARING

IT WAS MOVED BY COMMISSIONER FLECK AND SECONDED BY COMMISSIONER GRAY THAT THE PLANNING COMMISSION RECOMMENDS ADOPTION OF APPLICATION FILE NO. DCTA 2-08 TO THE CITY COUNCIL, BASED ON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

Vote on the motion was as follows:

| VOTE | Commissioner Cowan | Commissioner Crawford | Commissioner Gray | Commissioner Fleck | Commissioner Haskell | Commissioner Laborde | Chair Devine |
|---------|--------------------|-----------------------|-------------------|--------------------|----------------------|----------------------|--------------|
| AYES | X | X | X | X | X | X | X |
| NAYES | | | | | | | |
| ABSTAIN | | | | | | | |

City of Cottage Grove – Development Code Text Amendment (DCTA 3-08) to Amend Title 14.4.1.900 Traffic Impact Studies

The proposal is to amend Title 14 City of Cottage Grove Development Code, adopted January 1, 2008 through Ordinance No. 2959 to include the following text shown in **bold**:

4.1.900 Traffic Impact Studies

- A. When a Traffic Impact Study is Required. The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:
 - 1. A change in zoning or a plan amendment designation **that significantly affects a transportation facility per provisions of Section 4.7.800**; or

This amendment connects two parts of the Development Code which reference requirements for Transportation Rule Compliance.

Section 4.1.900 Traffic Impact Studies is part of the Chapter detailing Types of Application and Review Procedures. The purpose of Section 4.1.900 is “to assist in determining which road authorizes participate in land use decisions, and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.”

Section 4.1.900(A) When A Traffic Study is Required states that a TIS shall be required when a land use application involves several types of actions, including (1) A change in zoning or a plan amendment designation.

Section 4.7.800 specifically details requirements for TPR compliance in regards to Land Use District Map and Text Amendments. It states that “when a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility in accordance with [the TPR] and the Traffic Impact Study provisions of Section 4.1.900.

These two sections were intended to be complimentary and cross referenced. However, in the drafting of the code, the cross reference from 4.1.900 to 4.7.800 was missed. This has caused some confusion in application processing. Staff recommends that the code be changed to clearly show the link between these two sections, by adding a link to 4.7.800 at the end of Section 4.1.900(A)(1) as shown above.

OPEN PUBLIC HEARING

No one spoke.

CLOSE PUBLIC HEARING

IT WAS MOVED BY COMMISSIONER LABORDE AND SECONDED BY COMMISSIONER FLECK THAT THE PLANNING COMMISSION RECOMMENDS ADOPTION OF APPLICATION FILE NO. DCTA 3-08 TO THE CITY COUNCIL, BASED ON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

Vote on the motion was as follows:

| VOTE | Commissioner Cowan | Commissioner Crawford | Commissioner Gray | Commissioner Fleck | Commissioner Haskell | Commissioner Laborde | Chair Devine |
|---------|--------------------|-----------------------|-------------------|--------------------|----------------------|----------------------|--------------|
| AYES | X | X | X | X | X | X | X |
| NAYES | | | | | | | |
| ABSTAIN | | | | | | | |

City of Cottage Grove – Development Code Text Amendment (DCTA 4-08) to Amend Title 14.5.1.500 Class C Variance

The proposal is to amend Title 14 City of Cottage Grove Development Code, adopted January 1, 2008 through Ordinance No. 2959 to including the following text shown in **bold**:

5.1.500 Class C Variance

A. Applicability

4. A variance shall not be approved that would vary the “permitted uses” ~~or~~ , “prohibited uses” **or “maximum density”** of a land use district (Article 2).

The proposed change clarifies the original intent of the code, as allowance of a variance to the maximum density standards found in Table 2.2.120 would constitute a rezoning or land use district map change without following the proper procedures for such a process. Rezonings are Type IV applications, and must be processed through the procedures established in Section 4.1.500.

OPEN PUBLIC HEARING

No one spoke.

CLOSE PUBLIC HEARING

Commissioner Haskell asked if a variance could be approved for minimum density standards.

Staff explained that under the right circumstances, variances to minimum density could be approved.

Commissioner Fleck asked how this would affect properties in the RC Residential Commercial District.

Staff explained that in order to exceed maximum density standards in any district, the property would need to be rezoned.

IT WAS MOVED BY COMMISSIONER LABORDE AND SECONDED BY COMMISSIONER HASKELL THAT THE PLANNING COMMISSION RECOMMENDS ADOPTION OF APPLICATION FILE NO. DCTA 4-08 TO THE CITY COUNCIL, BASED ON THE CRITERIA, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

Vote on the motion was as follows:

| VOTE | Commissioner Cowan | Commissioner Crawford | Commissioner Gray | Commissioner Fleck | Commissioner Haskell | Commissioner Laborde | Chair Devine |
|---------|--------------------|-----------------------|-------------------|--------------------|----------------------|----------------------|--------------|
| AYES | X | X | X | X | X | X | X |
| NAYES | | | | | | | |
| ABSTAIN | | | | | | | |

INFORMATION REPORT FROM STAFF

None.

AUDIENCE PARTICIPATION

None.

COMMISSION COMMENTS

Commissioner Fleck stated he had concerns with the density and design standards and stated in the new Development Code and he wanted that the other Commissioners to keep their eyes open for any issues that may come up with the Development Code. He further asked that they make sure the Code continues to work as intended.

ADJOURNMENT

The meeting was adjourned at approximately 8:30 p.m.

ATTEST:

APPROVED

Cindy Blacksmith, Secretary

George Devine, Chair