CITY OF COTTAGE GROVE
PLANNING COMMISSION
Minutes of the Regular Public Hearing
August 19, 2020

CALL TO ORDER
Chair Valley called the meeting to order at 7:00 p.m. in the Council Chambers, City Hall.

ROLL CALL
Recording Secretary called the roll. The following were:

Present:    Darby Valley, Chloe Beckes, Beau Solesbee, Ashley Rigel, and Tim Burns
Absent:     Blake Hoskins

Staff Present:  Public Works & Community Development Director - Faye Stewart, City Planner - Amanda Ferguson, Assistant City Planner - Eric Mongan and Administrative Aide – Angela Keppler

Applicant:  City of Cottage Grove.

News Media Present: None

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.

ITEMS TO BE ADDED
NONE

MINUTES

July 15, 2020

IT WAS MOVED BY COMMISSIONER CHLOE BECKES AND SECONDED BY COMMISSIONER ASHLEY RIGEL TO APPROVE THE MINUTES FROM July 15, 2020 REGULAR PUBLIC HEARING AS PRESENTED.
Vote on the motion as follows:

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July 15, 2020 Minutes have been approved.

**EX PARTE CONTACT**

Ashley Rigel states that for application Z 1-20 (zone change) her family lives at the end of this road, but she can make a decision about how their driveway works without bias.

**NEW BUSINESS**

[DV] Opened public hearing for SDR 2-20 @ 7:04PM

A. CAPITAL ENGINEERING & CONSULTING, LLC – SITE DESIGN REVIEW (SDR 2-20) FOR NEW MULTI-FAMILY DEVELOPMENT. The Applicant is seeking approval to construct a new multi-family development (14 UNITS) at (MAP/TL: 20-03-33-34-13600) Relevant Criteria Section 14.42.600 Site Design Review Approval Criteria. Applicant: Capital Engineering & Consulting, LLC, 1430 Willamette Street #325, Eugene, OR 97401. Hearing Date: August 19, 2020 at 7:00 PM, Council Chambers, Cottage Grove City Hall; 400 E Main Street, Cottage Grove, OR 97424

[EM] Eric Mongan states, Site design Application SDR 2-20 is for a 14 unit multi-family development known as the Lindsay Townhomes. This development is purposed to be at the east end of Arthur Ave. on a .83 acre, undeveloped lot, zoned R-3. This housing will be in three separate buildings, two buildings will be 4 units and one will have 6. The 6 unit building is along the north property line behind an existing single family dwelling that has frontage to Arthur Ave. The parking will be located off of Arthur Ave. There is also parking within each of the units. Each unit has a garage within. The applicant has purposed to have a total of 28 parking spaces across the development site as required by the code (which states three bedroom units shall have 2 parking spaces) The applicant has met that criteria. 6 of the 28 spaces will be compact.
Requirements for landscaping and common open space for multi-family in R3 zone are 10% of the total lot. The applicant has purposed to do that across the site with required buffers along parking areas and other common areas. Connectivity to the right of way, due to the shape of this site the applicant has purposed to put the development at the rear of the lot, but connect it to the public right of way via an ADA compliant sidewalk system that accesses all the dwellings. There are also delineated sidewalks between each structure and there will be a pedestrian access to Wilson court. The applicant has purposed to do an enclosed garbage structure as required by code. The code requires that open space be something that’s functional for the development. They purposed to use picnic benches, landscaping and trees to give people a place to gather and have BBQ’s and things like that.

We have received a letter from the neighbor Douglas Savin @ 925 Arthur Ave. Cottage Grove Or. 97424 who lives to the west of the purposed development. He has concerns about the wood fencing that was purposed by the developer, and concerns about the light spill potential between wood slats and noise. The applicant has purposed a solid wood fence per code requirement. Any improvement to that would be something potentially negotiated between the developer and the neighbor. The developer has been provided with the contact information for the adjacent neighbor. Another item that was in the letter was the concern for the choice of trees purposed to be planted on site, mainly just due to the potential of sap and pinecones. The code does not regulate specific planting within the development in landscaping areas. There is some regulations regarding street trees. The applicant has purposed a Scotts pine along the right of way as their street tree, however that has been conditioned at building permit to be a tree selected from approved tree list within the development code.

There is a single car garage in each unit, the layout of the down stairs includes; a master bedroom, a mud room, storage, large closet and stairs to the upstairs. Upstairs there are 2 additional bedrooms, a living room, kitchen and bathroom. The floor plan is mirrored across the whole development.

**IN FAVOR**
None

**NEUTRAL**

[LS] Lisa Sinclair: 995 Arthur Ave. Cottage Grove Or.97424
Our concerns are the one driveway that’s going to go down Arthur. We are going to have 16 new places built. On the other side of the street they have built 6 new homes that people haven’t even moved into yet. So our little tiny street that already people have to park on the side of the road, we are now going to have at least 20 new residents driving up and down continually. We are all single family homes, with Neva
court which is a big cul de sac. So that’s one of our concerns. We are wondering about a fence between their new structures and our house. We have a fence but its 6 feet so obviously it will be way higher. I’m wondering when it’s going to start to be built and how long they plan on it taking to be built, cause that’s going to be an extreme amount of noise in our small neighborhood. We are on a dead end and we’ve never had to deal with any noise except for I5. Those are all our concerns.

[DV] This is the first time we’ve had someone ask questions since we started asking for questions from the audience. Does staff want to take those, how do we want to do those?

[EM] I can address some of those. I cannot address the construction timeline I would defer to the applicant. Regarding the fence, the applicant has purposed to put a 7 foot wood fence along that line as the max height allowed by the code without a variance, so there would be an increase in height there. As far as the traffic on Arthur Ave. this lot and like the one across the street, each are zoned for either multi-family or high density residential. The transportation system plan that was adopted in 2015 by City Council recognized the zoning of these and did feel that Arthur Ave. was adequately built to handle the traffic. In the future when Gateway Blvd. is added to the rest of the system and completed its half loop around the city of Cottage Grove, which will adjust traffic flows, moving them instead of going out towards 8th, 6th ext.... There will be an alternative route out the end of Arthur Ave to the east.

[CB] Did we find out about the building timeline?

[DV] they have to start within 6 months, isn’t that the rule?

[EM] 12 months to issue permit, I believe.

[DV] 12 months from issue of permit?

[EM] Yes.

[DV] We will try to get an answer for you on this.

[LS] The fence will be 7 feet behind our house?

[DV] The code allows 7 foot fence, it should be from the road with setbacks to the back of their property, which would take you all the way back to Wilson. If the applicant would let us know if we are giving wrong information we would truly appreciate it. Is there anyone else in the audience who would like to speak or ask questions on this topic?
[SB] Spencer Bugbey landscape architect on the project. I am happy to answer any questions that folks might have as well.

[DV] Great, we will come right back to you. We have someone else in the audience who would like to speak.

[DS] Doug Savin 925 Arthur Ave. Cottage Grove, OR. 97424
I’m right next to the purposed property. I have two main concerns. One of my main concerns is looking at the plan for the landscaping. The main parking area of this complex is only several feet from my bedroom and my son's bedroom. I recognize that there is going to be a 7 foot wood fence there, I would like something that’s a little more sound proof than just having it be wood. My hope is to have something along the lines of concrete there to block both the sound of all those vehicles that are there, as well as the light that is likely to shine through any sort of slated wood fence. I believe that the developer of the property, if you look at the reduced maintenance cost over time that maybe it’s not going to be that much of a big ask.

The second problem I have is right now there are a bunch of Douglas fir along the side of my house, they are continually dropping sap and cones onto my vehicles from that adjacent property. When I look at the plan, they plan to plant Scotts Pine right there that basically overhangs my driveway, or at least over time will over hang my driveway. I would prefer to have something smaller there that doesn’t necessitate me having to clean up after it on my property. Scotts pine is particular to be brittle, for branches growing from each whirl, those branches are very susceptible, like in an ice storm. A lot of branches would end up on my property. I am just not in the position to be able to take care of my property like I want, like in my younger days.

Also looking at the plan, the October Glory they would like to plant in the parking area, it shows in the plan that it over laps two parking spots. I would hate to be someone who parked my car there in the fall. My question is what is going to happen to those 2 cars once the leaves start dropping in those parking spots. Arthurs already busy with parking, I can’t even park in front of my house. There are cars and Rv’s parked on the side of the road. I’m afraid it will apply additional pressure, and if there was something smaller there that isn’t so obtrusive to park under or near, that might be beneficial as well. This ask is an easy ask, it’s just landscaping, I can’t imagine there being a problem with things maybe not growing over my property line, dropping things on my property. Right now I’m having to take care of that whole strip, it’s full of poison oak. I have friends come and spray back the poison oak away from my side of the fence. I realized after development that will be a lot better, but I don’t want any of the holdover which is bad now to continue holding over.

[DV] Thank you sir. Hopefully the applicant will speak when we get to the next section and we can get some of these addressed. Does anyone else want to speak neutrally or have questions on this?
One of my concerns is the distance away from, I don’t think it will be a problem, but I don’t know the exact level at which this property is going to be graded, but the height of the actual building. I have solar panels that face the south side, I don’t want to have it cut in the winter time months because the building is too close to my property. I don’t know if anyone can figure that out based on the sun arc or whatever, I’m sure they could.

my understanding is it’s a two story building with a 10 foot setback from the property line, am I correct on that?

[EM] Yes.

what is the actual height of the building?

[DV] 28 feet.

28 feet from the ground?

From the top of the ridge.

it is presented as a gable roof, so there will be a slant toward that area.

one of my other concerns also would be now in knowing this plan of the other properties, especially property that are adjacent to mine, which is a lot of wooded area, briars and whatnot. What has the city thought about the noise that’s going to be in that area when they decide to build a road that comes through the side there and they remove everything. The sound is going to be astronomical from that freeway because it already bounces off the hillside that’s over on the other side so you’re getting double the amount of sound that’s coming through there. Has anyone thought about some kind of sound wall along the freeway area, or the other side of the street they plan on putting in to cover that noise?

I’m certain people have thought of it, it’s paying for it that is the challenge. Thank you. Does anyone else care to speak neutrally or ask questions about this item? Seeing none, is there anyone who would like to speak against of this item?
AGAINST
None

[DC] David Clough applicant: I’ll chime in on the timing. Our intent is to submit for building permit as soon as possible after this, pending the decision and then for construction to start as soon as we get that permit. So it will be this fall as the likely starting time.

[SB] Spencer Bugbey Landscape architect on the project. I’m responsible for helping develop the site plan as you see it, on the plans that we presented today. To address some of the concerns, I will work backwards a little bit. The sound abatement on the east side, we’re actually cutting the grades down from the existing slops that are there, so well have anywhere from a 6-8 foot lowering of the existing grades. That basically drops the entire southeast portion of the site down. That may help mitigate some of the sound that’s coming along from I5 towards the site. In addition there will be a 6-7 foot fence along that side, so that will have some deflection characteristics to help mitigate some of those sounds as well.

In terms of the solar access there, again lowering that grading down will help mitigate some of that building height, so it will be substantially lower on the eastern portion of the site than the existing grades present now. The circulation was laid out as such to bring traffic off of Arthur to have minimum disruption of traffic flow through the project for the residents. On the site that also creates direct access for fire access and creates the easiest circulation onto Arthur Ave. It’s a fairly tight site, so we’ve tried to accommodate planting areas as best we can in multiple spaces. As far as the Scotts Pine in some of the areas, we are looking at changing the street tree on the North to a deciduous species that meets the city’s list. The others we could be flexible on and look for a slightly tidier species, see if that helps address some of those issues. Are there any other questions you’d like me to address at this time?

[DV] Do any of the Commissioners have any questions for the applicant?

DARBY CLOSED PUBLIC HEARING FOR SDR 2-20 AND BRANG BACK TO COMMISSIONERS AT 7:28 PM

[AR] I am all for having them pick a tree from the tree list, just cause I feel like it’s the best and will keep the neighbors happy. If we go through with this will we need to add that they have to pick a tree from the list as a recommendation?

[EM] There is an existing condition on approval that addresses the street trees required by the development. The trees within as far as that October flame or whatever it was, on the parking island is more up to the developers as far as it being a canopy tree. The Scotts Pine again too is a landscape area and we’re not prescriptive in regulating how
that goes except for more like frequency of plantings, less about species. That would be outside of the purview of us.

[AR] ok, thank you.

[DV] for the issue of freeway sound abatement, how does that usually go? Is it an ODOT sort of thing, do you petition for a grant, do you get it from the Federal Government? They are getting it in Eugene and I’m curious how that happens.

[EM] Lots of money.

[DV] I see heads nodding, I’m guessing it’s out of our pay grade to know or understand how that goes, but we will add it to our list of grants as we get that far.

[TB] My only thought is it sounds like the gentleman next door that has the concerns about the trees. It seems like the landscape architect is willing to kind of work with them a little bit there and come up with maybe some better ideas of different species that might be less mess for him perhaps. That seems like a good thing, so maybe selecting different tree species that maybe drops less debris into his yard might be a good neighbor thing to accomplish.

[DV] am I correct in assuming that both of the folks that came up to speak live on either side of the driveway? We are very limited in what we can require, city code sets out our requirements. We are here to hear your opinions and let them know. I would encourage the applicant to meet with those neighbors to stay on a good footing, but there are limited force of laws as far as this goes.

[TB] I’m guessing that falls in the same with the gentleman next door suggesting a concrete block wall, same kind of thing. We can’t push that issue one way or another, I assume that the wood fence meets code, but he may be able to discuss with the architect or owners there and perhaps work something out on the side that we don’t have a sway on.

[EM] that’s correct.

[TB] I can appreciate his concerns that would concern me as well if I was living next door to it, but it seems like they may have some concessions they may be able to work out to make it a pleasant place for everybody.

[SB] I think in this next round we will be reviewing that plot head adjacent to the parking area that did come back with city comment, so we can look at some enhanced screening there certainly, mostly vegetative at this point. But we can continue that on for further discussion.
[DV] any other commissioners? If there are none I would entertain a motion.

IT WAS MOVED BY COMMISSIONER CHLOE BECKES AND SECONDED BY COMMISSIONER TIM BURNS TO APPROVE APPLICATION SDR 2-20 AS WRITTEN BASED ON CRITERIA FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

Vote on the motion as follows:

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Motion carried.

[DV] Opened public hearing for Z 1-20 at 7:32 pm

B. CITY OF COTTAGE GROVE – ZONE CHANGE (Z 1-20) TO REZONE 0.6 ACRES ON HWY 99 & EMERSON TO M INDUSTRIAL AND 0.63 ACRES AT 78030 HWY 99 TO RESIDENTIAL COMMERCIAL. Applicant is seeking to rezone 2 newly annexed parcels on Hwy 99 south of the intersection with Emerson Lane to City zones of M Industrial (vacant lot at Hwy 99/Emerson Intersection) and RC Residential Commercial (dwelling at 78030 Hwy 99). Relevant Criteria: 14.47.500 Criteria for Legislative & Quasi-Judicial Amendments. Applicant: City of Cottage Grove, 400 Main Street, Cottage Grove OR 97424.

[AF] This application is related to two properties that the City of Cottage Grove recently purchased, that are on the southern side of Cottage Grove along Highway 99, just to the south of the Cottage Grove Industrial Park. Emerson lane is the northern boundary of the two properties. The city purchased these lots in order to extend R Street, which currently dead ends just north of tax lot 103. On the northern side of Emerson lane at the southern end of the Cottage Grove Industrial Park. Our transportation system plan however shows R Street coming through and connecting to Highway 99. In order to make that happen, we needed to purchase these lands and properties when they became available. We are now in the process of annexing those, they will go to the City Council for annexation on the 24th of August 2020, and the second part of an
annexation is a zone change. That application is before you now. The comprehensive plan designation for these two properties is industrial for the northern of the two properties, and commercial for the southern property. The southern property is currently occupied by a single family residential, the northern property is vacant. We are recommending that we use implementing zones for the existing comprehensive plan designations for both properties. So the northern property will be zones industrial and the southern property would be zoned RC which is residential commercial. That would leave the existing single family home as an outright allowed use. You would end up with a split zoned parcel that eventually the City will come in and we will modify the property lines in order to put dedicated right of ways through here. We will leave the existing single family home and then eventually probably sell this property with the home on it. We would then have a right of way for R Street that would continue forward and then Emerson Lane will turn on to R Street, so the rest of Emerson lane will eventually go away.

[DV] Do any Commissioners have questions? I will then open the public hearing to anyone who wishes to speak in favor of this item.

IN FAVOR
None

NEUTRAL

[DC] Daniel Cathy 77850 Hwy 99 S. Cottage Grove, OR. 97424
I want to stress how important the drainage is that goes between these two properties. I believe it's between these two, is to me and the people south of this area. There are only two drains coming off the east side of the slope south there. One is Dugan lane, which has been completely blocked for the last 5 years by the rail road and is now running down the east side of Highway 99 to eventually get to the river. The drain that we are speaking of here, starts in the middle of my property. A pond flows northeast through the rodeo grounds back to my property, and then north parallel to Highway 99 underneath what used to be the recycle center, where they put in a small covert and then under the trailer park is another even smaller covert, and then to open ditches between these two properties, to where it eventually runs under Highway 99 intercepts the other stream coming from the eastside goes under Nickels lane and goes down to the river. If anything stops up this drain, or if we have another rain similar to what we had in the late 90's, we've been very fortunate in the last 20 years. But if we ever have another one like that, my house is going to be floating, or trying to float. Unfortunately regardless of what some people say, I still can't walk on water. Between these two I want to stress how important it is to maintain this drain. I believe where it goes under the section now of the storage area and behind the residents. It’s even partly blocked there now, and I’m retaining water in the stream when I should not retain any. We had a previous blockage on the rodeo grounds with the water lines providing water from the
wells there up to the Monti estates. This whole drain according to the surveyors, runs about the same drop as does a regular City sidewalk, that’s 2 inches in every 400 feet or something like that. So it’s a very delicate situation. I just wanted to stress this and make sure planning takes this into consideration. Thank you.

[DV] Thank you, I recognize that this doesn’t affect the zoning question at hand, is staff thinking about the hydrology in further developments and what extent exedra.

[AF] Absolutely, and the engineering department is well aware of this issue.

[FS] I would add that the City purchased this piece of property less than a year ago, and I’ve been concerned about making sure that that drainage ditch is maintained. Since we’ve taken ownership we have cleaned the ditch up. It was rather full of all different kinds of rubble, dammed up. Under our ownership, in time we are committed to making sure that that ditch stays open and flows properly. Not only to maintain the current drainage but also not to see the house that the city owns flooded too.

[DV] Alright, the city has skin in the game now. Is there anyone else who would like to speak neutrally or have questions on this item?

[ST] Shane Tucker 31844 Emerson Lane, Cottage Grove, OR. 97424
You guys are changing my driveway and I want to make sure we can get lowboys in and out. I’m zoned forestry, so I have to have equipment come in and out. When you guys change the driveway, from what I can see there that’s going to be a hard corner for a lowboy to make, especially with a 2 foot grade change from Emerson Lane to the pavement. Do you guys understand what I’m talking about there? Are you guys going to make it so we can get a truck in and out?

[FS] Yeah Shane, I’ll speak. It would be our intent. I don’t know if you’ve been in the industrial park and R Street, but it’s an incredibly wide street, and I believe we are going to maintain the same width through this section. I’ve had large equipment in my days, we’ll make sure that the turning radius and everything will meet your needs in the design for the road.

[ST] It’s also the grade change, there is two feet of grade change between the blacktop and Emerson Lane, in like 8 feet.

[FS] Ok, we will have to factor that all in site design. Amanda, will the road construction piece be a site design review or is it something that they don’t have say in?

[AF] There is no site design review required for the road construction itself.

[DV] Is there a public notice required to the neighbors?
[AF] Not normally.

[FS] I know Shane so I’ll reach out to you Shane and get you connected to Ryan Sissons the civil engineer (who’s currently working on the design for R Street) and make sure your concerns are addressed as we move forward so you can still maintain your access to your property the way you need to.

[EM] There will be a public notice with the right of way and partitions. When we get that plotted though there will be an opportunity to see the alignment at that point.

[ST] I seen the alignment when you started this years ago, the only issue is the lowboy is not making that corner from R Street to Emerson lane. And also you’re not making that corner from 99 to R Street, unless you’re coming the opposite direction.

[FS] ok, we will work on this I’m pretty sure we can model it and show you. I’m kind of challenged right now to say it can’t happen. I guess it depends on how you come in off of 99.

[DV] Shane, thank you. Your concerns have be raised and I think these guys will work with you to make sure it works on the next stage. Again this doesn’t quite apply to the zoning change. Do you have any other questions sir?

[ST] No, that’s good.

[DV] Thank you very much, I appreciate your time.

AGAINST
None

DARBY CLOSED PUBLIC HEARING FOR Z 1-20 AND BRANG BACK TO COMMISSIONERS AT 7:46 PM

[AF] Commission this motion actually is a final recommendation from the Planning Commission, although the City Council will need to pass the final ordinance to recognize your recommendation.

[DV] so this is a recommendation or this it’s not a recommendation?

[AF] you need to make a final decision, but then there will be an ordinance passed by the City Council recognizing that.

[DV] that part doesn’t really affect us.
[AF] Right, just to let you know there is a second meeting at City Council, but that doesn’t affect the decision.

**COMMISSION COMMENTS**

NONE

IT WAS MOVED BY COMMISSIONER TIM BURNS AND SECONDED BY COMMISSIONER CHLOE BECKES TO APPROVE APPLICATION Z 1-20 AS WRITTEN BASED ON CRITERIA FINDINGS, CONCLUSIONS AND RECOMMENDATIONS STATED IN THE STAFF REPORT.

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Motion passed unanimously.

[DV] Is there any information from Staff?

[AF] I don’t have anything right now. The City Council subcommittee on the Planning Commission interviews met last week and will be making a recommendation to the full council on Monday night. After the 24th we will have a full Planning Commission. In September we will have a new member.

**ADJOURNMENT**

There being no further business, Commissioner Darby Valley adjourned the Planning Commission meeting at 7:48 p.m.
ATTEST:  

______________________________  APPROVED:  

Angela Keppler, Administrative Aide  

Darby Valley, Chair