

**CITY OF COTTAGE GROVE PLANNING COMMISSION**

Minutes of the Regular Public Hearing

July 19, 2023

**CALL TO ORDER**

Chair Rigel called the meeting to order at 7:00 p.m.

**ROLL CALL**

Recording Secretary Tina MacDonald called the roll. The following were:

**PRESENT IN THE**

**COUNCIL CHAMBERS**

Chair Ashley Rigel, Tim Burns, Garland Burbach, Thomas Munroe, Jeff Gowing, David Christopher

**PRESENT VIA**

**GOTOMEETING**

**ABSENT:**

Vice Chair Beau Solesbee

**STAFF PRESENT IN**

**THE COUNCIL**

**CHAMBERS:**

City Planner-Eric Mongan, Assistant Planner-Allison Crow  
Public Works & Development Director- Faye Stewart  
Recording Secretary-Tina MacDonald

**APPLICANT PRESENT:**

Mike Babcock, Cascade Retort

**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**

June 21, 2023

**IT WAS MOVED BY COMMISSIONER JEFF GOWING AND SECONDED BY COMMISSIONER MUNROE TO APPROVE THE MINUTES FOR JUNE 21, 2023.**

Vote on the motion as follows:

VOTE	Commissioner Rigel	Commissioner Burbuck	Commissioner Gowing	Commissioner Burns	Commissioner Munroe	Commissioner Solesbee	Commissioner Christopher
AYES	X	X	X	X	X		X
NAYES							

Minutes for June 21, 2023 are approved.

**OLD BUSINESS**

None

**EX PARTE CONTACT**

None

**7:07 PM Public Hearing for S 2-23 Opened**

- (a) ANTHONY CHAPMAN – SUBDIVISION (TENTATIVE) (S 2-23). Applicant is seeking approval to subdivide Map/TL 20-03-33-23-02000 into 7 lots, 1151 S. 4<sup>th</sup> Street as the Ethan Court Subdivision. Relevant Criteria: 14.43.140 Approval Criteria: Preliminary Plat. Applicant: Anthony Chapman, PO Box 1030, Creswell, OR 97426. Hearing Date: July 19, 2023 at 7:00 PM, Council Chambers and virtually (see [www.cottagegroveor.gov](http://www.cottagegroveor.gov) for meeting link), Cottage Grove City Hall; 400 E Main Street, Cottage Grove, OR 97424

**MATERIALS TO BE PART OF THE RECORD**

Application  
Applicant's Narrative  
Preliminary Plat  
City of Cottage Grove Completeness Correspondence  
Affidavit of Posting  
Affidavit of Notice  
Engineering Comments dated July 7, 2023  
Revision to conditions of approval memorandum dated July 19, 2023  
File S 2-23

Assistant City Planner Crow presented S 2-23.

**Proposal:**

The applicant has proposed a tentative subdivision at 1151 S. 4<sup>th</sup> Street, entitled Ethan Court. This proposal includes 7 lots, of which, the existing house will remain on one, with future townhouse development proposed on the others. The townhouse development will be a separate application, and is not included in this subdivision. The parcel is zoned R-2 Multi-Family Residential, and is 0.62ac, with a required density of 8 units per acre.

As mentioned in the memo that was provided by email earlier today, as well as in front of you, the proposed subdivision meets the current townhouse / common-wall lot standards, which is a minimum of 2,000sqft total lot size, a lot width of 20ft, and a minimum lot depth of 70ft. The applicant has proposed Lots 2-7 that conform to this townhouse standard, with Lot 1 keeping conformance with single-family dwelling lot sizes and dimensions. A revised condition of approval states that the final plat shall reflect that common-wall or townhouse dwellings are required to meet lot standards. This revised proposed condition of approval does not alter the findings of facts.

This proposed subdivision adheres to 14.43.115(b), mid-block lanes. This part of the code explains that lots may be developed without frontage onto a public street, when provided access through mid-block lanes or shared driveways, as is proposed. The applicant proposes a 25' wide emergency services easement that doubles as access to the back parcels, which meets the standards as proposed.

#### COMMENTS RECEIVED

Comments were received from Eric Mongan, City Planner on July 7, 2023. These comments are addressed in the staff report in the Exhibits and included in conditions of approval.

No other written comments were submitted.

Staff is recommending approval of S 2-23 with the revised conditions of approval shown in the memorandum dated July 19, 2023.

**IN FAVOR** None  
**NEUTRAL** None  
**AGAINST**

Robert Juristy – 77005 Mosby Creek, Cottage Grove, OR 97424

Owns property directly across from the development. He did not see anything about parking. Wants to see what is proposed. Is 5<sup>th</sup> generation at that property. He has had a lot of overflow onto the road.

Tyrrah Perry – 1121 S. 4<sup>th</sup> Street, Cottage Grove, OR 97424

She and her husband Tyler own the home just north of 1151 S. 4<sup>th</sup> Street. Object to the development. This is their first home, bought in 2017. She is a 4<sup>th</sup> generation Cottage Grove resident. They run a small farm business on their property. Have concerns on the impact to the garden and the possibility of the cutting down of the large tree that stands on the proposed development site. There are also concerns around parking and possible congestion. She spoke about zoning, code and land use. Thinks that there could be a more reasonable approach to development.

Wayne Gonterman – 1215 N. 4<sup>th</sup> Street, Cottage Grove, OR 97424

Wayne lives south of 1151 S. 4<sup>th</sup> Street. He has concerns about the large old tree as well. He spoke about things that he did not see on the plans such as a 3 ft. drop from the west side of the street to his property. There are concerns about sewer, water flow and mentioned the traffic as well and the possible impact to emergency response vehicles. On a more neutral level as far as comments he would like see less townhouses there. Privacy is also an issue for him. Wayne asked about the transcription. Eric shared with him the timeline on the minutes being available.

Beverly James – 1306 S. 4<sup>th</sup> Street, Cottage Grove, OR 97424

Beverly requested a traffic study be done with a civil engineer on 4<sup>th</sup> Street. She thinks that there is already too much traffic as it is. She spoke about townhouses and has concerns about fire, light, solar and views. She likes that Cottage Grove is quaint and does not want it to be overdeveloped or have property values impacted.

Tyler Perry – 1121 S 4<sup>th</sup> Street, Cottage Grove, OR 97424

Tyler spoke about the flood plain and wants a survey done. He does not like the idea of townhouses and has issues with the living quarters being upstairs for privacy reasons. Would like that to be taken into consideration. He also spoke about the large old tree and how that would impact their light, shade, garden and their livelihood. Supports more housing but not townhouses that do not align with the character of the neighborhood.

**Chair Rigel closed public meeting for S 2-23 at 7:27 pm, and brought it back to the Commission.**

### **COMMISSION COMMENTS**

Commissioner Burback asked about the parking spaces. Allison said that we do not have plans for the design yet, but it will be a minimum of 2. This application is for the subdivision only.

Commissioner Burback asked about the flood plain. Eric talked about the flood maps being preliminary and stated that the city could not assume or preemptively deny based on what could possibly happen in the future. Commissioner Burns clarified that the runoff from the roofs and downspouts would go into the city drains. Eric stated that it is a violation of state law to collect and convey storm water across property lines. There will need to be an onsite collection facility.

Commissioner Burns asked if there was parking on the side of 4<sup>th</sup> Street that the development would be on. Eric stated that there is not and there will be at least 2 parking spaces per unit. Commissioner Burns said that it would be hard to appease both sides with less and thinks this proposed development is a bit overboard. Eric argued that they could actually, per code, raze the existing dwelling and put a whole multifamily complex on it.

Chair Rigel said that since we don't actually really know what is going to be put there that there is potential that the tree could stay. Eric stated that if this is approved, as proposed, then the site becomes encumbered by the cities tree preservation ordinance which states that once something

becomes part of a subdivision or master plan any tree that is greater than 8” at 4’ above grade, the only mechanism for removal is if it is within the building envelope or is a hazard tree. Commissioner Burback asked for clarification on the building envelope.

Chair Rigel and Commissioner Burns asked about the tree and where it is on the property.

Eric stated for clarity and for the record regarding the traffic study request that the code has a specific list of triggers of when a traffic study is needed by the developer. This proposal for a subdivision only would not meet that criteria. The minimum generated matrix would be an additional 300 trips per day. Each single family dwelling generates one trip per day. Eric also spoke about the city of Cottage Grove not having solar easements.

Commissioner Christopher wanted clarity on the street width. The width would not be impacted because there is no parking on one side. He explained what he thought would be done if people were parking there. Commissioner Burback spoke to the concerns about the parking as well. Eric clarified that parking is not a criteria on this application.

Commissioner Munroe asked for clarification on the possible violation of city code. Eric again stated that this is just about the land division. Commissioner Munroe wants to support those with the concerns about parking. The parking should be directed to city council. Commissioner Christopher reiterated that these concerns should be more addressed when it comes time to develop it, what the townhouses are going to look like and where they are going to put them.

Eric stated that the planning commission will not see that part. Townhouses and single family dwellings do not come before them. Commissioner Christopher asked if the residents would have an opportunity to talk to Mr. Chapman (the applicant). Eric said that they could.

**IT WAS MOVED BY COMMISSIONER BURBACK AND SECONDED BY COMMISSIONER GOWING TO APPROVE APPLICATION S 2-23 AS PRESENTED BASED ON THE CRITERIA FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS STATED IN THE STAFF REPORT. THIS APPROVAL SHALL BE SUBJECT TO THE CONDITIONS PRESENTED BY STAFF DURING THIS HEARING.**

VOTE	Commissioner Rigel	Commissioner Burback	Commissioner Munroe	Commissioner Burns	Commissioner Gowing	Commissioner Solesbee	Commissioner Christopher
AYES	X	X		X	X		X
NAYES							

Motion carries.

Commissioner Munroe spoke to say that he opposed after the motion carried. Eric said that if he was going to vote against the item that he needed to reference the specific code section. Commissioner Munroe felt that he needed to vote for those that were against the subdivision and Eric stated that it was in the planning commission bylaws. Commissioner Gowing asked if he could abstain from voting and Eric said no.

Residents that had previously spoke expressed frustration with the process.

Commissioner Burns reiterated that this application was just a land division.

Director Stewart engaged with the residents and encouraged them to attend city council meetings with their concerns about the process. Eric explained that state law plays a huge part in what is allowed or not and that it is mandated to build as densely as possible.

### **7:56 PM Public Hearing for MTA 1-23 Opened**

- (a) MIKE BABCOCK – CASCADE RETORT – MODIFICATION TO APPROVAL (MTA 1-23) TO ADD A 2,400 SF PREFABRICATED STEEL BUILDING w/COVERED ENTRYWAY TO AN EXISTING INDUSTRIAL DEVELOPMENT. Applicant is seeking approval to build a 2,400 sf prefabricated building with a covered entryway at 365 Palmer Avenue (Map/TL 20-03-27-40-00413). Relevant Criteria: 14.46.300.B Major Modifications Approval Criteria. Applicant: Mike Babcock, Cascade Retort. 120 S. 12<sup>th</sup> Street, Lakeside, OR 97449. Hearing Date: July 19, 2023 at 7:00 PM, Council Chambers and virtually (see [www.cottagegroveor.gov](http://www.cottagegroveor.gov) for meeting link), Cottage Grove City Hall; 400 E Main Street, Cottage Grove, OR 97424

### **MATERIALS TO BE PART OF THE RECORD**

City of Cottage Grove File(s): MTA 1-23

Application

Applicant's Narrative

Applicant's Elevations and Site Plan

City of Cottage Grove Completeness Correspondence

Affidavit of Posting

Affidavit of Notice

Engineering Comments dated July 7, 2023

Comments from Oregon Department of Aviation Planner, Brandon Pike, dated July 13, 2023

Revision to conditions of approval memorandum dated July 19, 2023

File MTA 1-23

### **Proposal:**

The applicant proposes an expansion of an existing industrial development by replacing the temporary refrigeration unit with a permanent, pre-fabricated freezer box that is approximately 2,400 SF in size. This proposed addition will be located on the contiguously owned Tax Lot 202, directly north of the main use. This application is a Modification to Approval due to the size and addition to the current development. The site was originally reviewed and approved with conditions by Site Design Review File No. DR 3-88 and 19-91, with additional applications of

CUP 1-88 and MP 2-88. All pertinent conditions of approval from previous land use applications have been met, and are not addressed with this application. The proposed addition is an expansion of the existing, permitted use within the zone.

Because the proposed development does not currently meet setbacks, the applicant, as a condition of approval, shall apply for a lot consolidation of the two contiguously owned parcels. As proposed and with the lot consolidation, the application meets relevant criteria with conditions of approval, as stated within the staff report.

Comments were received from Brandon Pike at the Oregon Department of Aviation on July 13, 2023, and has been included in a memo provided to you earlier today, as well as in front of you. Mr. Pike's comments are included as Exhibit D, and are included in the conditions of approval.

#### COMMENTS RECEIVED

Comments were received from Eric Mongan, City Planner on July 7, 2023. These comments are addressed in the staff report in the Exhibits and included in conditions of approval.

No other written comments were submitted.

Staff is recommending approval of MTA 1-23 with the revised conditions of approval shown in the memorandum dated July 19, 2023.

**IN FAVOR** - Mike Babcock 120 S. 12<sup>th</sup> Street, Lakeside, OR 97449

Mike thanked the staff for getting this application on the agenda. He spoke specifically to the letter from the FAA and the language of should vs. shall. He is concerned about waiting for approval from them due to his experience with it taking quite some time. He does not want the project to be held up and thinks it will not be an issue.

**NEUTRAL** None

**AGAINST** None

**Chair Rigel closed public meeting for MTA 1:23 at 8:03 pm, and brought it back to the Commission.**

#### COMMISSION COMMENTS

None

Eric spoke about the FAA letter and not having had the experience of a delay that extensive in receiving a response. He encouraged Mr. Babcock to reach out to them directly. If he could provide a maximum height to them it should move the process along quickly. Unfortunately staff cannot allow moving forward with the project until that condition is met.

**IT WAS MOVED BY COMMISSIONER BURBACK AND SECONDED BY COMMISSIONER GOWING TO APPROVE APPLICATION MTA 1-23 AS PRESENTED BASED ON THE CRITERIA FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS STATED IN THE STAFF REPORT. THIS APPROVAL SHALL**

**BE SUBJECT TO THE CONDITIONS PRESENTED BY STAFF DURING THIS HEARING.**

VOTE	Commissioner Rigel	Commissioner Burback	Commissioner Munroe	Commissioner Burns	Commissioner Gowing	Commissioner Solesbee	Commissioner Christopher
AYES	X	X	X	X	X		X
NAYES							

Motion carries.

**INFORMATION FROM STAFF**

Eric spoke about the Pedestrian Bicycle Master Plan and Urban Forest Management Plan.

The commission will have a couple of items in August.

**AUDIENCE COMMENTS**

Beverly James asked about a rumor she heard about the developer and wants the planning commission to check in to his background.

Wayne Gonterman wanted to get the first names of the commissioners and all staff present. Commissioner Burback questioned his concern. Wayne expressed his gratitude for the open discussion.

**COMMISSION COMMENTS**

Chair Rigel expressed her appreciation for the audience participation.

Commissioner Burns encouraged the residents to attend city council meetings and be a part of the commissions and committees.

Commissioner Munroe apologized for stirring things up and thanked the staff for their explanations and knowledge.

Director Stewart talked about government and the process of trying to explain how things work.

**ADJOURNMENT**

There being no further business, Chair Rigel adjourned the Planning Commission meeting at 8:14 p.m.

ATTEST:

APPROVED:

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Tina MacDonald, Recording Secretary

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Ashley Rigel, Chair