

STAFF REPORT
CITY OF COTTAGE GROVE
CONDITIONAL USE PERMIT FOR DEVELOPMENT
WITHIN THE WILLAMETTE RIVER GREENWAY
234 SOUTH RIVER ROAD
CUP 2-22

May 18, 2022

PROPOSAL DESCRIPTION

Date application filed: April 14, 2022

Date application complete: April 15, 2022

Owner/Applicant: Matt Parsons
525 North 9th Street
Cottage Grove, OR 97424

Location: 234 South River Road
Cottage Grove, OR 97424
Map 20-03-28-33 TL 11900

Present Conditions: Vacant Lot

Proposed Use: Single-Family Dwelling

Comp Plan Designation: L – Low Density Residential

Zoning: R1 – Single Family Residential

Overlay(s): WRG – Willamette River Greenway
SFHA – Special Flood Hazard Area
RD – Riparian Development

Proposal:

The applicant proposes to construct a single family dwelling on tax lot 11900 in the R-1 residential zoning district. The property is located at 234 South River Road, directly adjacent to the Coast Fork Willamette River. This property contains sensitive lands and is included in the Willamette River Greenway (WRG), which is a State-designated scenic corridor that runs along both sides of the Willamette River to its confluence with the Columbia River. The subject property is also located within a mapped Special Flood Hazard Area (SFHA). Specifically, the home site location is within the AE zone (1% chance of flooding) and the lower portion of the property is in the floodway (High Velocity Flow) area. Finally, within 50' of the top bank of the river is considered the Riparian Corridor Boundary, which requires trees and vegetation along the river to be maintained in a natural state. This application for a conditional use permit triggers a Type III Land Use Review per City code.

COMMENTS RECEIVED

Notice was sent to ODOT Region 2 and they communicated back that they had no comments on this land use application

APPROVAL CRITERIA:

14.44.400 Conditional Use Permits - Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

A. Use Criteria.

- 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*

Staff response and findings of fact:

Per Cottage Grove Municipal Code (CGMC) Table 14.22.25 Land Uses Allowed in Residential Districts, Single Family Dwellings are listed as permitted outright, however, per CGMC Section 14.37.400.A all development within the Willamette River Greenway require a Type III review process, hence this application.

The site size, dimensions, location, topography and access are adequate for the needs of the proposed development. The lot size is .53 acres. Site dimensions are sufficient for the proposed use and should be able to accommodate a single family dwelling and still meet the required setbacks for the zone. The topography of the site includes a flat building pad area and then slopes down to the river. There appears to be adequate area to include the 2 required parking spaces as well as space for the dwelling. Other impacts such as traffic, noise, vibration, emissions, light, glare, odor, dust, are not expected as the proposal is for a residential use in a residential zone. Driveway visibility and safety will meet required standards for access management. The new dwelling will be required to meet residential architectural standards that will satisfy any aesthetic considerations. The criterion of Subsection 14.44.400.A.1 are met as proposed and shall be considered a condition of approval.

- 2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;*

Staff response and findings of fact:

There are no negative impacts expected with this project, it will be a single family dwelling in the single family residential zoning district. The proposed home site location is setback out of the 50' riparian area and out of the floodway. This criterion is met.

3. All required public facilities have adequate capacity to serve the proposal; and

Staff response and findings of fact:

The subject property has direct frontage onto South River Road which is functionally classified as a Minor Arterial. Access to the road will be via a shared driveway approach with the property to the south at 246 South River Road. Both public water and public sanitary sewer are available in South River Road. Stormwater management will be addressed with the required Erosion Prevention Permit as part of the Construction Management Plan. This criterion is met.

4. Willamette River Greenway criteria in Section 14.37.400 have been met, as applicable.

D. Criteria and conditions. The approval body shall consider the following objectives, make affirmative findings on each of them through a Type III Conditional Use Permit per Chapter 14.44, and shall impose conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes:

- 1. Significant fish and wildlife habitats shall be protected;*
- 2. Identified scenic area, viewpoints and vistas shall be preserved;*
- 3. Any structure must be located outside the existing vegetative fringe or behind a setback line which is at least 50 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible (setback line shall not apply to water-related or water-dependent uses);*
- 4. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river;*
- 5. The proposed development change or intensification of use is compatible with the site and surrounding area;*
- 6. Any development will be located away from the river to the maximum extent possible;*
- 7. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation between the activity and the river;*
- 8. Necessary public access will be provided to and along the river by appropriate legal means;*
- 9. The proposed development meets the Vegetation Maintenance Standards in Section 14.37.300; and*
- 10. The proposed development, change or intensification of use meets the requirements of the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals.*

Staff response and findings of fact:

The rear property line of the subject property is the Coast Fork Willamette River, consequently the entire property is located within the Willamette River Greenway. The proposed development is outside of the protected riparian corridor and will not impact fish and wildlife habitat. The property has not been

identified as a scenic area or viewpoint/vista. The proposed dwelling will be greater than or equal to 50' from the top bank of the river ensuring that natural, historical, and recreational areas will be protected. The applicant will be required to plant at least 5 trees on the property to replace the trees that were removed because of damage from the snow and ice storms. The new trees will help assure scenic quality, protection of wildlife, and protection from erosion. The proposed development is similar to the residential uses on each side of it and has been located as far away from the river as possible leaving the area between the new house and the river to be used for landscaping, vegetation, and open space. Public access along the river will be provided as required by law. Natural vegetation will be protected and not removed as required by CGMC Section 14.37.300. The proposal for a single family dwelling in the R1 zone meets all of the requirements of the Development Code for residential uses and sensitive lands, thus making it consistent with the Comprehensive Plan, the Greenway Statutes and Statewide Planning Goals including Goal 5. The criteria in CGMC Section 14.37.400 have been satisfied.

B. Site Design Standards. *The Site Design Review approval criteria (Section 14.42.600) shall be met.*

Staff response and findings of fact: Not Applicable. This land use action is a Conditional Use Permit for development within the Willamette River Greenway. Site Design Review is not required for a single family residential dwelling in the R1 residential zoning district. This criterion has been met.

C. Conditions of Approval. *The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:*

1. *Limiting the hours, days, place and/or manner of operation;*
2. *Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;*
3. *Requiring larger setback areas, lot area, and/or lot depth or width;*
4. *Limiting the building or structure height, size or lot coverage, and/or location on the site;*
5. *Designating the size, number, location and/or design of vehicle access points or parking areas;*
6. *Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;*
7. *Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;*
8. *Limiting the number, size, location, height and/or lighting of signs;*
9. *Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;*
10. *Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;*
11. *Requiring and designating the size, height, location and/or materials for fences;*
12. *Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 14.37);*

13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 14.31, and Section 14.31.300 in particular;

14. Requiring any conditions of approval deemed necessary to meet criteria and conditions of Section 14.37.400 Willamette River Greenway.

Staff response and findings of fact: The above criteria are addressed in the staff response and findings of fact below. The applicant will be required to provide a copy of the shared access easement and replant at least 5 trees on the property to replace the 5 “significant vegetation” trees that were removed in the Greenway due to damage from the snow and ice storms. This criterion has been met.

14.44.500 Conditional Use Permits - Additional Development Standards

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed at the same hearing.

Staff response and findings of fact:

There is not a concurrent Variance application to this Conditional Use Permit application. This criterion does not apply.

B. Additional Development Standards. Development standards for specific uses are contained in Chapter(s) 14.25, 14.31, 14.32, 14.33, 14.34, 14.35, & 14.37.

Staff response and findings of fact: The above criteria are addressed in the staff response and findings of fact below. This criterion has been met.

Table 14.22.110 – Land Uses Allowed in Residential Districts (R, R-1, R-2, R-3, RC)

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Residential Categories						
Household Living						
Single Family (not attached)	P	P	P	N	N	P

Staff response and findings of fact:

The proposed development is a Single Family Dwelling in the R-1 zone which is listed as Permitted, subject to land use/site review. This criterion has been met.

Table 14.22.120 – Development Standards for Residential Districts (R, R-1, R-2, R-3, RC)

Standard	R	R-1	R-2	R-3	RC
Density (DU/acre) – Minimum	3.0 min	4.0 min	8.0 min	14.0 min	8.0 min
<i>Minimum Lot Area* (square feet)</i> Single Family, not attached, or Duplex, Multifamily, Cottage Cluster,	8,000 sf	4,500 sf	4,000 sf	4,000 sf	4,000 sf
<i>Minimum Lot Width</i> Single Family, not attached	60 ft	45 ft	40 ft	N/A	40 ft
<i>Minimum Lot Depth</i> *Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Section	80 ft	70 ft	70 ft	N/A	70 ft
<i>Maximum Building/Structure Height</i> (See also Sections 14.22.130, setback yards; 14.22.140, infill standards; 14.22.170, R/R-1 height step-down; 14.31.200, clear vision; and 14.32.500, Fences and Walls.)	28 ft	28 ft	40 ft	50 ft	40 ft
<i>Max. Building Coverage</i>	50%	50%	60%	N/A	60%
<i>Min. Landscape Area (% site area),</i> except does not apply to Single Family Dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Section 14.32.300(D).	10%	10%	10%	10%	10%

Staff response and findings of fact: The subject property contains approximately 23,086 sf, which exceeds the 4,500 sf minimum lot area standard for the R-1 zone. The narrowest portion of the lot is 45’ in width and the lot is approximately 240’ deep, thus meeting the standard. The maximum building height of 28’ will be a requirement that is reviewed with the building permit. The proposed development will not exceed the 50% coverage standard and will include greater than 10% landscaping. These standards are met.

Continuing with Table 14.22.120 – Development Standards for Residential Districts

Standard	R	R-1	R-2	R-3	RC
Front/Street Setback					
Structure except garage/carport entries	10 ft	10 ft	5 ft	5 ft	5 ft
<u>Garage/Carport Entry</u> (measured from property line or rear of sidewalk, whichever is closer)	20 ft	20 ft	20 ft	N/A	20 ft
<u>Open Structures</u> (e.g., porch, balcony, portico, patio, wall) where structure is less than 50% enclosed on side elevations	5 ft	5 ft	5 ft	5 ft	5 ft
Side Setback, except alleys (total of 2 sides)					
Structure >28' height	15 ft total	10 ft total	10 ft total	10 ft total	10 ft total
Structure 16' – 28' height	15 ft total	10 ft total	10 ft total	10 ft total	10 ft total
Structure ≤16' height	15 ft total (3' min on each side)	10 ft total (3' min on each side)	10 ft total (3' min on each side)	10 ft total (3' min on each side)	10 ft total (3' min on each side)
Garage/Carport Entry, except alley	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)
Rear Setbacks, except alley					
Structure >28' height	15 ft	10 ft	10 ft	10 ft	10 ft
Structure 16' – 28' height	10 ft	10 ft	10 ft	10 ft	10 ft
Structure ≤16' height	10 ft	5 ft	5 ft	5 ft	5 ft
Accessory Structure ≤16' height	5 ft	5 ft	5 ft	5 ft	5 ft
Garage or Carport Entry	20 ft	20 ft	20 ft	20 ft	20 ft

Staff response and findings of fact: The proposed building pad is approximately 97' from the front property line, 6' from the north side property line, 45' from the south side property line and 115' feet from the rear property line and 55' from the top of bank. This exceeds the minimum required setbacks from the zone. These criteria are met.

14.22.190 Residential Districts – Architectural Design Standards

A. Purpose. *The architectural design standards require a minimum level of design on every building, which is intended to promote attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.*

The following supplements the standards in Table 14.22.120. This section provides minimum, clear and objective standards for residential architecture which are intended to promote a human scale.

B. Applicability. *Section [14.22.190](#) applies to all new buildings, including accessory buildings over 400 square feet in footprint and/or over one story in height. Other accessory structures are exempt. It is applied through the Land Use Review or Site Design Review procedure, as applicable, prior to building permit review and approval.*

C. Standards. *All projects that are subject to Section [14.22.190](#) shall meet all of the standards in subsections 1-4. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (i.e., as shown Figures 14.22.190.C(1) and (2)) may be used to comply with more than one standard.*

1. **Building Length.** *The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 160 feet.*
2. **Articulation.** *All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along all vertical faces of a structure, such elements shall occur at a minimum interval of 30 feet, as generally shown in Figure 14.22.190.C(1):*
 - a. *Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet; or*
 - b. *Extension (e.g., floor area, deck, patio, entrance, overhang, bay window or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; or*
 - c. *Offsets or breaks in roof elevation of 2 feet or greater in height.*
3. **Eyes on the Street.** *Front elevations visible from a street right of way shall provide a main entrance, and a combination of windows, porches, and/or balconies. Side elevations facing street-side setbacks shall provide a combination of windows, porches, and/or balconies. A minimum of 40 percent of front elevations (30 percent for manufactured homes that also conform to Section 14.22.200.D), and a minimum of 30 percent of street-side and rear building elevations shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard does not apply to panhandle or flag lots.*

4. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least six (6) of the architectural features in items "a" through "n," below, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants and may use the same type of feature more than once to meet this standard. It is not within the approval body's authority to prescribe specific elements; except when the project is being reviewed as part of a Master Planned Development, Conditional Use Permit, or Site Design Review (item "o"), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian-orientation. Regardless of design options chosen, the home shall have similar style and quality window, door, trim and decorative moldings on all exterior building elevations.

- a. Dormers
- b. Gables
- c. Recessed entries
- d. Covered porch entries or portico
- e. Cupolas or towers
- f. Pillars or posts
- g. Eaves (minimum 6-inch projection)
- h. Off-sets in building face or roof (minimum 16 inches)
- i. Window trim (minimum 3 inches wide)
- j. Bay windows
- k. Balconies
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- m. Decorative cornice or pediment (e.g., for flat roofs)
- n. Decorative windows or doors
- o. An alternative feature providing visual relief, similar to options a.-n., as approved through Site Design Review.

Staff response and findings of fact: Based on the drawings submitted, the house appears to meet architectural design standards, however, a more thorough and detailed Land Use Review will be conducted once the actual building plans are submitted. These criteria are met.

14.31.200 Vehicular Access and Circulation

P. Construction. *The following development and maintenance standards shall apply to all driveways, parking areas, turnarounds, alleys and private streets:*

1. ***Surface Options.*** *Driveways, parking areas, alleys, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or an approved durable non-paving or porous paving material, excluding gravel, may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the City Engineer.*

3. ***Driveway Aprons.*** *When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City’s engineering design criteria and standard specifications. (See general illustrations in Section 14.31.200.L, above.)*

Staff response and findings of fact: The new driveway will be required to be paved or made of concrete or a comparable surface. The driveway apron connecting to South River Road must meet County Engineering Standards. These criteria will be met.

14.32.200 - Landscape Conservation *prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references Chapter 14.37, which regulates development of sensitive lands.*

A. Applicability. *All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 14.37). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.*

B. Significant Vegetation. *“Significant vegetation” means individual trees and shrubs within designated Willamette River Greenway and/or Riparian areas, in accordance with Chapter 14.37, and trees not within a Sensitive Lands area that have a caliper of 8 inches or larger, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Lane County, and plants listed by the City as prohibited street trees and landscape plants. Non-native, invasive plants include, but are not limited to: purple loosestrife, leafy spurge, yellow starthistle, puncture vine, gorse, scotch broom, and non-native blackberry.*

C. Mapping and Protection Required. *Significant vegetation shall be mapped as required by Chapter 14.42, Site Design Review, and Chapter 14.37, Sensitive Lands. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.*

D. Protection Standards. *Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and stormwater runoff. Where*

protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

E. Construction. *All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent compaction, erosion, pollution, or landslide hazards.*

F. Exemptions. *The protection standards in "D" and "E" shall not apply to:*

- 1. Dead or Diseased Vegetation. Dead or diseased significant vegetation may be removed through a Type I Land Use Review.*
- 2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Chapter 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City or emergency service provider.*

Staff response and findings of fact: There appears to have been 5 significant trees removed from the property that were considered hazard trees because they had been damaged in the snow and ice storms. The applicant will be required to replant at least 5 trees to replace the trees that were removed.

Chapter 14.33 - Parking and Loading;

14.33.300 Automobile Parking Standards

A. Applicability. *All development within the City of Cottage Grove shall comply with the provisions of this Chapter.*

B. Vehicle Parking - Minimum Standards by Use. *The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 14.33.300.A, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review (or Type III review if the request is part of an application that is already subject to Type III review). Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. There is no minimum number of off-street parking spaces required in the Central Business District (or in designated downtown historic district); however, the "maximum parking" standards of this Chapter apply.*

Table 14.33.300.A – Minimum Required Parking by Use

Use Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13.)	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Residential Categories	
Household Living	
Accessory Dwelling	None
Single-Family Dwelling, including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit

Staff response and findings of fact: Per Table 14.33.300 A, “Single-Family Dwellings” require 2 parking spaces and the site appears to be able to accommodate this standard.

Chapter 14.34 - Public Facilities:

14.34.010 Public Facilities -- Purpose and Applicability

- A. Purpose. The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, bus transit, and bicycling. This Chapter is also intended to implement the City’s Transportation System Plan.*
- B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.*

Staff response and findings of fact: The development will require public water and sanitary sewer connections. If the driveway approach is damaged during construction, it will need to be replaced to City Standards.

Chapter 14.35 – Surface Water Management

14.35.100 Erosion Prevention

- A. Purpose. The purpose of this chapter is to restrict the discharge of sediments or other construction-related materials, including hazardous substances as identified in Section 13.08.150, into the city stormwater system to:*

1. Prevent or minimize, to the maximum extent practicable, negative impacts to adjacent properties, water quality, and stormwater-related natural resource areas resulting from construction activities; and
2. Maintain the capacity of the city stormwater system by minimizing sedimentation.

B. When Standards Apply.

1. When Standards Apply. Unless otherwise provided, the standards in this chapter apply to all construction activities that result in any one or all of the following:
 - a. Land disturbance, including, but not limited to, clearing, grading, grubbing, logging, excavating, filling, and storing of materials;
 - b. Structural development or demolition, including, but not limited to, buildings, bridges, roads, and other infrastructure;
 - c. Impervious surfaces, including, but not limited to, parking lots, driveways, walkways, and patios; or
 - d. Dewatering.
2. Exempt Activities. Notwithstanding the foregoing, the following activities shall be exempt from the provisions of this section:
 - a. Actions by a public utility, the city, or any other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic; or
 - b. Actions by any other person when the city determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic.

Staff response and findings of fact: The proposed development is not an exempt activity and will disturb approximately 3,000 sf of land, therefore, the erosion prevention standards do apply.

- C. Compliance.** Regardless of whether a permit is required under subsection E of this section, no person shall engage in any construction activity covered by subsection (B)(1) of this section in a manner that can potentially impact water quality, adjacent properties or stormwater-related natural resource areas except as allowed by this code. All persons shall implement erosion prevention and sediment control measures designed to meet the outcomes below. Failure to meet those outcomes shall subject the person to the same enforcement provisions as those applicable to a permit holder under subsection F of this section.
- D. Expected Outcomes.** All persons conducting construction activities covered in subsection B of this section shall employ, to the maximum extent practicable, erosion prevention and construction site management practices that will achieve during both the construction period and wet weather season the following outcomes:
1. Adjacent properties, water features, and related natural resource areas are kept free of deposits or discharges of soil, sediment or construction-related material from the site except those that would occur through natural processes from an undisturbed site;

2. *Vegetation in water features, related natural resource areas, and associated bank and/or riparian areas adjacent to construction sites are preserved or protected from impacts that exceed those that occur through natural processes on an undisturbed site;*
3. *Public rights-of-way, the city stormwater system and related natural resource areas, private streets and private stormwater drainage systems that discharge to the city stormwater system are kept free of mud, soil, sediment, concrete washout, trash, or other similar construction-related material. Direct deposit, dropping, dumping, erosion, tracking, or other discharge by construction vehicles of materials shall not occur in excess of those that occur through natural processes from an undisturbed site. Any such discharges that occur shall be prevented from entering water features or the city stormwater system and removed not later than the end of the day in which the discharge occurred, or as directed by the city. During the wet weather season corrective action shall be taken immediately for such discharges;*
4. *Soils and stockpile areas shall not be exposed to precipitation or stormwater runoff without the provision of secondary containment, perimeter controls, and other approved BMPs;*
5. *Earth slides, mudflows, earth sloughing, or other earth movement which may leave the property shall not occur in excess of those that occur through natural processes on an undisturbed site;*
6. *No discharge into the city stormwater system or related natural resource areas of construction-related contaminants resulting from activities such as, but not limited to, cleaning or washing of equipment, tools, or vehicles shall occur; and*
7. *No hazardous substances, such as paints, thinners, fuels, and other chemicals shall be released onto the site, onto adjacent properties, or water features, the city stormwater system, or related natural resource areas.*

Staff response and findings of fact: Erosion prevention and sediment control will be required as part of the proposed development. The rear property line of the subject property is adjacent to the Coast Fork Willamette River and its protected riparian area. No Sediment or other pollutants are allowed to enter the river or the 50' riparian protection corridor. Mud, soil, and debris shall not be tracked out onto the public right of way and must be maintained on site.

E. Erosion Prevention Permit.

1. Permit Required. *Except as otherwise provided in subsection (E)(6) of this section, no person shall commence any construction activity without first obtaining from the city one of the erosion prevention permits listed below if the construction activity:*
 - a. *Is located in a designated sensitive land area; and/or*
 - b. *Is located within the public right-of-way and requires permits from the Cottage Grove engineering department; and/or*
 - c. *Requires a building permit or sewer/water line permit from the Cottage Grove public works and development department.*

Construction activity that disturbs more than one acre of land must obtain a 1200C permit from the Department of Environmental Quality (DEQ).

2. Permit Classifications. *The public works and development director or his designee may issue the following types of permits, either of which will meet the requirements of subsection (E)(1) of this section:*
 - a. Individual Permit. *A person, property owner, or easement holder of record may obtain an individual permit for each construction activity on the same development site, or for multiple construction activities proposed in connection with a development project on the same development site, including utility work, public improvements, private infrastructure, structures, and other site improvements.*
 - b. Annual Permit. *A person, property owner, or easement holder of record may obtain an annual permit for minor recurring activities occurring on one or more development sites.*
3. Application. *The application for an erosion prevention permit shall be accompanied by:*
 - a. Fee. *A fee established by the city council in an amount sufficient to recover the city's administrative costs.*
 - b. Erosion Prevention Permit Application. *An application form established by the public works and development department, signed by the property owner and applicant.*
 - c. *Construction site management plan, for individual permits impacting over 4,500 square feet (or 180 cubic feet).*
 1. *The construction site management plan shall identify: potential water quality impacts associated with the proposed construction activities; techniques and methods to be used to prevent and control erosion, sedimentation, and other pollutants associated with construction activity; and the location, design, and construction schedule for all erosion, sedimentation, and other construction site management control measures to be implemented and maintained.*
 2. *If the development site has or will have 60 percent or more impervious lot coverage, the construction site management plan must be prepared by a certified professional(s). The construction site management plan need not be prepared by a certified professional if the development is one single-family dwelling or accessory structure, or one duplex dwelling.*
 3. *The approved construction site management plan shall be kept at the construction site and available for on-site inspection purposes.*
 - d. *Work, scope and practices for annual permit. No construction site management plan shall be required for an annual permit. Instead, the applicant shall provide a narrative description of the scope of work to be performed and the practices employed for meeting the requirements of this chapter. A copy of the annual permit and narrative shall be kept at the site and available for on-site inspection purposes.*

4. Review and Issuance.

- a. *The application for the erosion prevention permit shall be reviewed by the city as a Type I permit per Section 14.41.200 and approved or denied, based on compliance with the outcomes identified in this chapter, including specific erosion and sedimentation prevention measures and schedules.*
- b. *The erosion and sediment control measures required shall be the minimum required measures needed to meet anticipated construction, site conditions, and weather during construction. During the construction period, erosion and sediment control measures may be required to be upgraded as needed based on the activity and for unexpected storm events and to ensure that sediment and sediment-laden runoff do not leave the site.*

5. Permit Duration.

- a. *An individual erosion prevention permit shall remain in effect for the full period of the construction activity. The public works and development director may extend the duration of the permit for a period of up to, but not to exceed, two years after completion of the construction activity if the manager determines the extension is necessary to ensure that the construction activity has stabilized in accordance with the outcomes identified in the administrative rules.*
- b. *Annual permits may be issued for a full calendar year, and shall expire on or before December 31st of the year issued. Annual permits may not be extended.*

Staff response and findings of fact: The area of land disturbance will be less than 1 acre, therefore, a DEQ 1200C permit will not be required. The applicant will be required to obtain an Individual Erosion Prevention Permit (EPP) to ensure that sediment and sediment-laden runoff does not leave the site or flow directly into the river. The existing building and impervious surface area does not exceed the 60% threshold, therefore, the Construction Site Management Plan (CSMP) is not required to be produced by a Registered Professional Engineer. With the submittal of an EPP with a CSMP, these criteria will be met.

14.37.200 Flood Damage Prevention:

- F. *Applicability.*** *This section shall apply to all special flood hazard areas within the jurisdiction of Cottage Grove. All development within special flood hazard areas is subject to the terms of this section and required to comply with its provisions and all other applicable regulations. Nothing in this section is intended to allow uses or structures that are otherwise prohibited by this development code or State of Oregon Specialty Codes.*
- I. *Floodplain Development Permit Required.*** *A floodplain development permit shall be obtained prior to start of all proposed construction and other development, including the placement of manufactured homes and all other development activities for all other development, as defined in subsection E of this section, including fill and other development activities within any area horizontally within the special flood hazard area.*

Staff response and findings of fact: The entire property is located within a special flood hazard area. The lower portion of the property is within the designated floodway and the remainder of the site is within flood zone AE. There will be no development allowed within the floodway. The applicant will be

required to apply for a floodplain development permit in conjunction with the building permit for the dwelling. The new construction will be required to have the lowest floor elevated a minimum of two feet above the base flood elevation. With the approval of a floodplain development permit, these criteria are met.

14.37.300 Riparian Development:

- A. *Applicability.*** *The following standards are applicable to lands adjacent to the Coast Fork of the Willamette River, Row River, Silk Creek and Bennett Creek. This section applies the standards and specific rules for riparian safe harbors as established in OAR 660-023. The requirements of this section are in addition to other provisions of this code, and will be enforced as part of Land Use, Site Review, or other development review. If riparian modifications occur that are not associated with a development project, these standards shall be enforced through a Type II application.*

- D. *Riparian Corridor Boundary.*** *Along all riparian areas identified in the adopted Goal 5 Riparian Resource Inventory, the riparian corridor boundary shall be 50 feet from top of bank.*

- E. *Prohibited Development & Vegetation Removal within Riparian Corridor Boundary.*** *Permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces shall be prohibited within the riparian corridor boundary, except as identified in subsection E below. Vegetation removal shall be prohibited, except as identified in subsection F below.*

- F. *Exempt Development.*** *The following uses are allowed through a Type II application, provided they are designed and constructed to minimize intrusion into the riparian area:*
 - 1. Streets, roads and paths;*
 - 2. Drainage facilities, utilities, and irrigation pumps;*
 - 3. Water-related and water-dependent uses;*
 - 4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and*
 - 5. Removal of non-native vegetation and replacement with native plant species; and*
 - 6. Removal of vegetation necessary for the development of water-related or water-dependent uses.*

Staff response and findings of fact: Development within 50' of the top bank of the Coast Fork Willamette River is prohibited. The applicant has provided a site plan indicating no development within the riparian corridor boundary. These criteria are met.

CONCLUSION

Conditional Use Permit **approval** pursuant to Section 14.44.400 Conditional Use Permits – Criteria, Standards and Conditions of Approval subject to the recommended conditions is supported by the findings of fact that establish compliance with the applicable state and local standards.

STAFF RECOMMENDATION

That the Conditional Use Permit, CUP 2-22, be **APPROVED** for the development of a single-family dwelling within the Willamette River Greenway, pursuant to Section 14.44.400 Conditional Use Permits – Criteria, Standards and Conditions of Approval, which are supported by findings of fact and conditions that can establish compliance with applicable state and local standards.

CONDITIONS OF APPROVAL

1. Conditional Use approval shall be effective for a period of 18 months from the date of approval. The approval shall lapse if: A public improvement plan or building permit application for the project has not been submitted within 18 months of approval; or construction on the site is in violation of the approved plan.
2. Major modifications to these plans shall be approved by a Type II or III review procedure.
3. There shall be at least 2 parking spaces provided on the site.
4. Provide a copy of the recorded access easement for the shared driveway.
5. The driveway surface must be concrete or paved with asphalt.
6. The driveway apron must be concrete and built to City Engineering standards.
7. The new dwelling must be served by public water and public sanitary sewer.
8. An Erosion Prevention Permit with Construction Management Plan must be submitted prior to any land disturbing activity, concurrent with the building permit.
9. A Floodplain Development Permit must be submitted concurrent with the building permit. It must include an Elevation Certificate with Base Flood Elevation, Highest Adjacent Grade and Lowest Adjacent Grade.
10. A Type I Land Use Review shall be submitted concurrently with the building permit. It should provide accurate building elevations indicating the Residential Architectural Standards of CGMC 14.22.190 are satisfied.
11. No development activity is allowed within 50' of the top bank of the river.
12. The applicant shall submit a Landscape Plan that shows at least 5 trees planted on the site. These trees must be planted and have temporary irrigation prior to receiving final occupancy of the dwelling.
13. A development permit and building & specialty permits will be required to be issued prior to construction. Plans submitted for review and approval shall show compliance to all conditions of approval in this Conditional Use Application.

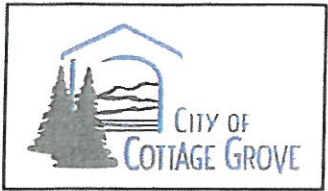
MATERIALS TO BE PART OF THE RECORD

File: CUP 2-22

EXHIBITS

- A. Application and Narrative
- B. Site Plans & Elevations

EXHIBIT "A"



File No.: Cup 2-22
Date Submitted by Applicant: 4/14/22
Date Deemed Complete: 4/15/22

400 Main Street Cottage Grove, OR 97424

TYPE III PERMIT APPLICATION

To: City of Cottage Grove Planning Commission

A. Applicant

- 1. Name: Matt Parsons Phone No.: 541-942-7300
- 2. Mailing Address: 525 N. 9th Street, Cottage Grove, OR 97424
- 3. Email Address: matt@commonwealthoregon.com
- 4. Status: Owner Agent

Note: If agent you must have owner's consent and signature.

B. Owner (if not applicant)

- 4. Owner's Name: _____ Phone No.: _____
- 5. Owner's Mailing Address: _____

C. Location of Property

- 6. Address/Location: S. River Road
- 7. Map & Tax Lot Number: 20-03-28-33 TL 11900
- 8. Present Use: vacant
- 9. Proposed Use: single family home

D. Request for Consideration

- 10. Type of Land Use Application applying for: Greenway CUP
Options: Conditional Use, Greenway Conditional Use, Cottage Industry, Historic Alteration, Land Use District Map changes (no plan amendment required), Master Planned Developments, Site Design Reviews, Subdivisions, Variance (Class C)
- 11. Is this application filed in association with other land use permit applications?
Yes No
- 12. Reasons for Application: proposed single family home to be built on location of old homestead

Narrative Statement

Greenway Conditional Use Permit Submission

Matt Parsons

New Single-Family Home on S. River Road

Map 20-03-28-33 TL 11900

14.44.400 Conditional Use Permits - Criteria, Standards and Conditions of Approval

A. Use Criteria.

- 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;*

The proposed project consists of one single family home, accessed via a shared, existing drive off of S. River Road. Traffic, noise, exhaust, light, glare, odor, dust, etc. concerns will be extremely limited. The building's mass will be similar to adjacent single family homes and will be within compliance of the City's requirement for lot coverage, height, setback, etc. The nearest homes will be 70' and 80' away respectively. The building will be set back over 100' from the road, and 80' from the river bank, and will be shielded by trees from the road and river.

- 2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;*

Negative impacts of the proposed use are limited to those associated with a normal home (kids at play, lawnmowers, etc.). The project does not require additional conditions to mitigate impacts upon adjacent properties apart from those required for mitigation of impacts to the river or floodplain as covered below.

- 3. All required public facilities have adequate capacity to serve the proposal; and*

Adequate public facilities to meet the needs of this single family home are available on S. River Road. The property has an existing driveway on a shared easement from the adjacent parcel (246 S. River Road). Utility connections are already installed at this drive for water & sewer. These services will be extended along the drive to avoid vegetation disruption. S. River Road is an arterial that has adequate capacity for this new single family residential traffic.

- 4. Willamette River Greenway criteria in Section 14.37.400 have been met, as applicable.*

See below.

14.37.400 Willamette River Greenway

D. Criteria and conditions. The approval body shall consider the following objectives, make affirmative findings on each of them through a Type III Conditional Use Permit per Chapter 14.44, and shall impose conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes:

1. Significant fish and wildlife habitats shall be protected;

Key animal species within the Coast Fork Willamette watershed include:

Spring Chinook salmon
Pacific lamprey
Cutthroat trout
Pacific brook lamprey
Vesper sparrow
Northwestern pond turtle
Fender's blue butterfly
Northern spotted owl
Oregon spotted frog

The proposed development site is approximately 110' from the rear property line (within the river), or 80' from top of bank, of the Coast Fork. This area currently consists of a gentle slope with little to no vegetation but blackberries and brush. The oak trees that used to mark the property fell during the winter ice storm of 2019.

Impacts to key animal species will hence be felt through erosion from the site into the river (sediment transfer) and failure to restore the native riparian coverage.

The applicant will obtain the necessary Erosion Control Permit from the City of Cottage Grove and ensure that construction impacts are restricted to the development pad. No sediment will be allowed to transfer to the river.

The applicant also proposes to replant trees within the riparian corridor/floodway to replace those lost to the ice storm and subsequent cleanup. At least 5 trees from the City's Riparian Tree List will be planted within the riparian corridor. This enhancement should improve shading along the river, lowering temperatures during the summer, and blocking sunlight feeding blackberry and other invasives.

2. Identified scenic area, viewpoints and vistas shall be preserved;

No identified scenic areas, viewpoints or vistas have been identified. This criteria does not apply.

3. Any structure must be located outside the existing vegetative fringe or behind a setback line which is at least 50 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible (setback line shall not apply to water-related or water-dependent uses);

The proposed structure is located more than 50' from the river bank and outside of existing vegetative fringe. This will ensure that areas of natural, historical or recreational significance will be protected, conserved, maintained and enhanced to the maximum extent possible.

4. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river;

The applicant proposes to replace trees lost within the vegetative fringe and elsewhere on the property due to the 2019 winter storm with at least 5 new deciduous trees. These trees will be located within the riparian setback/floodway to provide the greatest benefit possible for wildlife, screening of uses from the river, and added shade/lowered temperatures of the river.

5. The proposed development change or intensification of use is compatible with the site and surrounding area;

The proposed development is occurring on the site of a historic home site. The original foundation is located under the proposed foundation pad. This home was demolished prior to 1970, although its septic tank is still found on the site. Hence the proposed home is not an intensification of use on the property, but rather a return to a historic development pattern. Low density single family residential use is similar to and compatible with other development along this portion of the Coast Fork Willamette River.

6. Any development will be located away from the river to the maximum extent possible;

The proposed development site is located on the old development site on the property, with the intent of minimizing natural impacts. It is located outside of the delineated Floodway, approximately 80' from top of bank of the river, and on the first part of the lot wide enough, when approached from S. River Road, to accommodate a house. Hence it is located away from the river to the maximum extent possible.

7. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation between the activity and the river;

The proposed development site is located on the old pad of the original homesite, in an open area away from the river. This location provides the greatest possible buffer between the proposed site and the river and keeps the site out of the delineated floodway.

8. Necessary public access will be provided to and along the river by appropriate legal means;

Those floating on the river may stop along the riverbank as allowed along all of the Coast Fork Willamette River. Additional access is not provided on the site for the public.

9. The proposed development meets the Vegetation Maintenance Standards in Section 14.37.300; and

Permanent alteration of the riparian area by grading or the placement of structures within the riparian area is not being proposed. The only vegetation to be removed will be non-native vegetation (blackberry) that will be replaced with native plant species. New trees will be riparian-friendly native varieties.

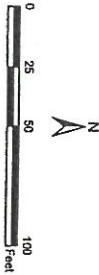
10. The proposed development, change or intensification of use meets the requirements of the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals.

The intent of the Comprehensive Plan, Goal 15 and related ORS per the Willamette River Greenway is “to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.” (14.37.400.A) The proposed development is of limited impact on the river, replacing an old house site with a new home designed to be set back and away from the river, to limit impacts to the greatest extent possible.

Note: Exempt from Compliance with Site Design Review Requirements (14.26) as a single family detached dwelling only requires Land Use Review (to be performed at time of building permit submission).

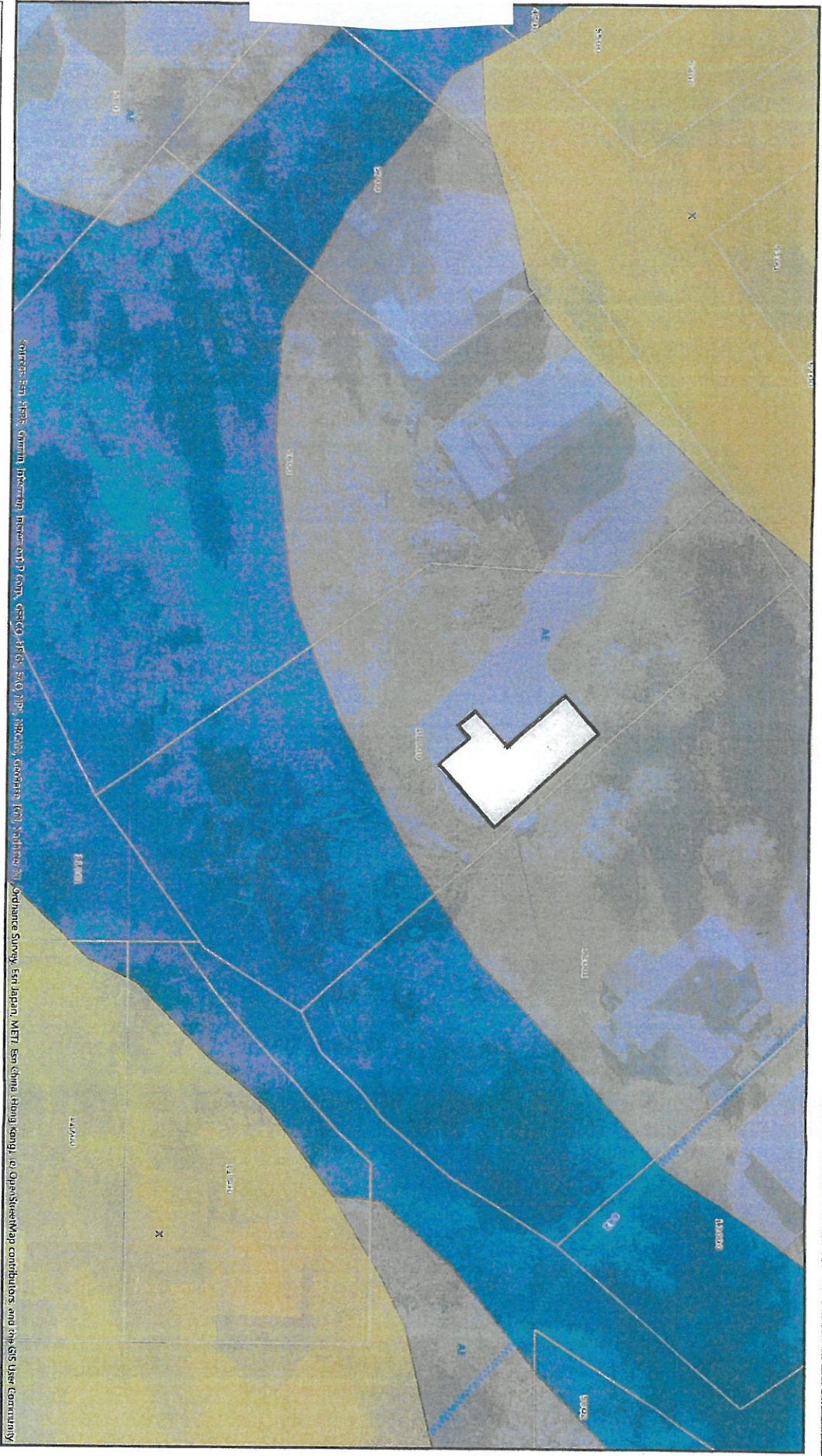
EXHIBIT "B"

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken to ensure the accuracy of the information, but Lane County cannot accept any responsibility for errors. Current data dissemination zoning, etc. for specific parcels should be confirmed with the responsible agency. There are no warranties, expressed or implied, accompanying this product. However, resolution of any errors will be appreciated.



Lane County, Oregon

Cottage Grove Web Map





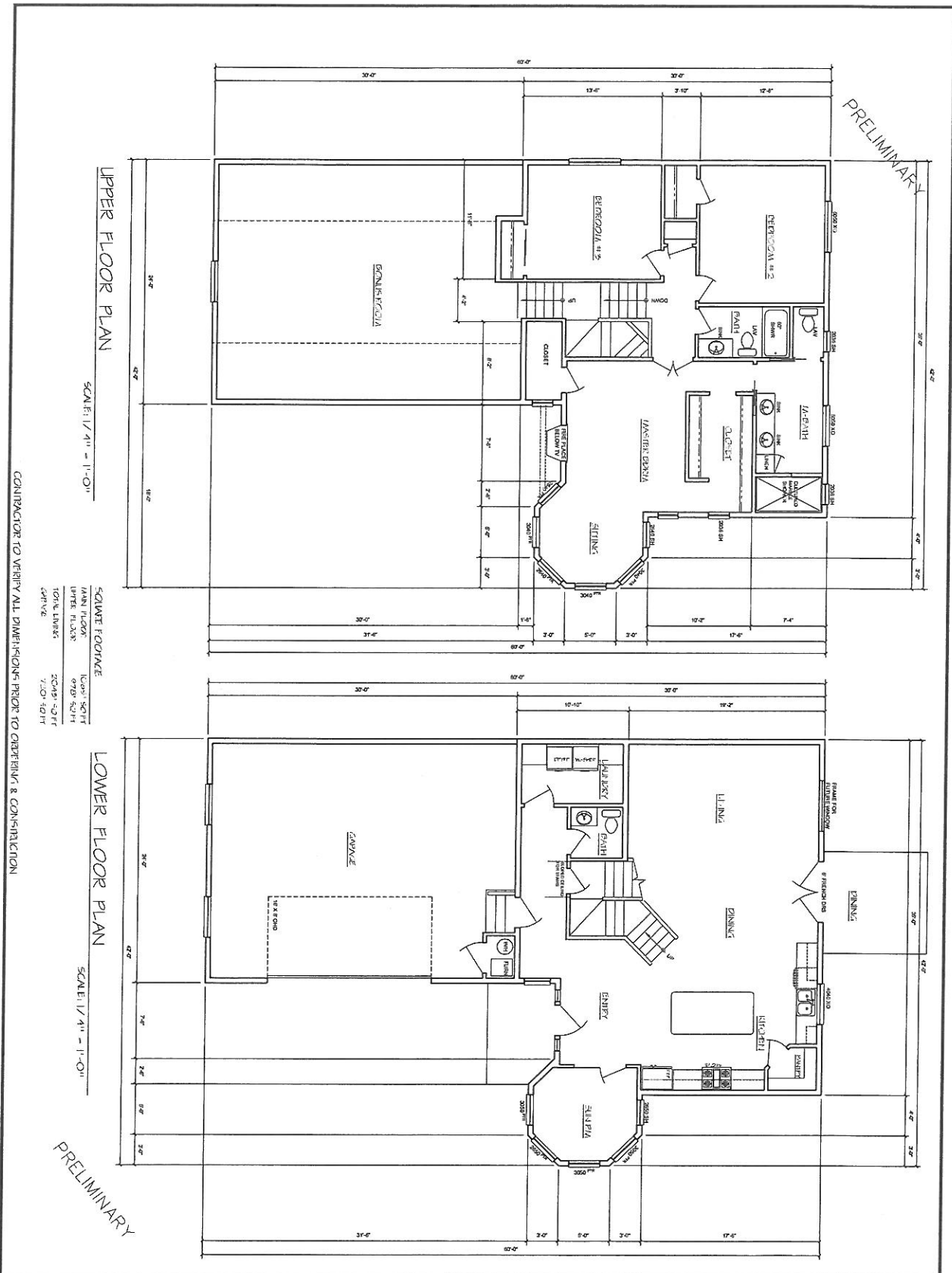
View up driveway from River Road



View of pad site from grass slope leading to river



View of pad site from adjacent property to south (tree stumps remaining from 2019 winter storm)



SWAIVE FOOTAGE

UPPER FLOOR: 1,000' SQ FT
LOWER FLOOR: 970' SQ FT

TOTAL LIVING: 1,970' SQ FT

CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO ORDERING & CONSTRUCTION

1 of 2

NE 1/4
MATTHEW A. PARSONS
 246 SOUTH RIVER ROAD
 COTTAGE GROVE, OREGON
 541-517-5835

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Studio of:
ROBERT CORYELL DESIGNS
 34610 Sue Ann Court
 Springfield, Oregon
 97477
 (541) 520-3955

DATE	12/14/2014
TO: 34610 SUE ANN COURT	SPRINGFIELD, OREGON
PROJECT:	UPPER & LOWER FLOOR PLANS
DATE:	12/14/2014
BY:	ROBERT CORYELL
DATE:	12/14/2014
BY:	ROBERT CORYELL

