

## Following disputatious discussion, CJ votes for workshop for Patton project

By SCOTT JORGENSEN  
IVN Staff Writer

Wilderville-based builder Hoyt Patton crossed swords with the Cave Junction City Council during the Monday night, June 11 meeting in city hall.

Patton was seeking a variance for a three-lot duplex and town home Master Planned Development (MPD) project he has built at 117 N. Junction Ave., which includes a private street. The 1.25-acre property is zoned Multiple Family Residential. The narrow width of the lot prompted the variance request, according to city documents.

Dick Converse, a planner with Rogue Valley Council of Governments, summarized the staff report for councilors.

"Staff conducted a pre-application review of the proposal, and concluded that two parcels could feasibly be created, but that the third parcel would not meet code requirements," the report said.

"The code," said Converse, "provides few options for reduced street standards, one of which is a private street serving the rear of an unusually deep parcel, but only two parcels may be created."

Access to the property is also an issue, according to the staff report.

It continued, "Council approval under this section would require that access to Lot 1 be provided from Junction Avenue. Given the location of existing structures, this does not appear feasible. The long and narrow shape of the Tax Lot 600 clearly restricts development options, but it does not prevent reasonable use of the property."

Rick Riker, a Grants Pass-based land-use planning consultant, testified on Patton's behalf.

"We feel that the variance is possible," Riker said.

Riker said that the variance would "eliminate the hardship" of building on the narrow property, and would not be detrimental to the city.

"We feel the existing lot width is a pre-existing condition," Riker said.

Patton called the development "high-quality," and said that it is not as dense as it could have been. He added that the project is in one of the city's in-fill areas, and that he is proud of his work.

"I couldn't be happier about it," Patton said.

Patton said that he was "caught off guard" by the city's regulations, but Councilor Russell Ehrman disagreed.

"It's up to you to research," Ehrman said.

Patton said that he had partnered with the city during every phase of the project and was "under the impression" that the development would meet conditions of approval.

"I've tried awful hard at this," Patton said. "I think it's a good, quality project."

Mayor Tony Paulson said that the city's codes are quite clear.

"What's wrong with two lots?" Paulson said.

Patton replied that it would be difficult to market such a product.

"You have to consider economics," Patton said. "If I can't market, I can't spend the money here."

Ehrman chastised Patton for starting the building process before gaining the council's approval.

"This seems backwards to me," he said.

Patton said that he isn't asking the city to change its policies, and, "This is one of the best projects you could show me in this town." He reiterated that he tried working with city officials, but said that there must have been a "miscommunication."

"There have been some mistakes made, but we're

trying to get beyond that," Patton said.

Rural Cave Junction resident Sally Palmer, a city property owner, strongly objected to Patton's variance request.

"This council ought to be furious about this application," Palmer said. "It makes me upset just talking about it."

Paulson had suggested that the council hold a workshop to discuss the matter, but Kerby resident John Bowler said there is enough information available to make an immediate decision.

"I think you need to come to a conclusion now," Bowler said.

Councilor Dan Fiske noted that Patton has been in the building business for a long time, and should be familiar with municipal processes. Ehrman said that Patton had previously tried to

gain exemption from city regulations.

"It seems to be a habit," Ehrman said. "I don't appreciate that at all."

Other developers go through the proper processes, Ehrman said, adding that Patton's claims of hardship "seem disingenuous to me."

Ehrman characterized Patton's pleas as a "song and dance," and expressed frustration at how the builder has thus far handled the situation.

"It just pisses me off," Ehrman said.

Councilor Margaret Miller moved to continue the matter to the council's July 9 meeting, with a workshop prior. The motion was seconded by Councilor Lynne Atteberry. Ehrman and Fiske voted "No." The mayor broke the 2-2 tie with a "yes" vote.

The workshop date will be announced.

## DeFazio supports biomass

The House Natural Resources Committee approved an amendment by Fourth District Congressman Peter DeFazio (D-Ore.) that would allow for increased removal of biomass from overstocked federal forests.

Biomass, made from small trees and brush, can be converted into fuel and help decrease the U.S. dependence on foreign oil, he said.

The amendment was approved as part of H.R. 2337, the Energy Policy Reform and Revitalization Act of 2007, legislation to promote alternative energy, energy efficiency and climate change mitigation.

As introduced, H.R. 2337 would have precluded biomass removal from millions of acres of federal forest land in the Pacific Northwest.

But scientists agree that careful forest management of these areas can be beneficial, provided that the old-growth forest structure is maintained, and other ecological considerations met, DeFazio said.

An estimated five jobs result for every megawatt of energy produced from biomass.

"Things are different in my district," DeFazio explained.

"There are many areas of old-growth forest where small trees have grown up into the old-growth canopy as a result of fire suppression and previous management," he said. "My amendment would protect old-growth trees, but also allow biomass removal to protect the remaining old-growth characteristics in our forests."

## Livid residents urge lid on planned LID

Proposal tentatively scheduled for Cave Junction council July 9 meeting

By SCOTT JORGENSEN  
IVN Staff Writer

Approximately 30 residents jammed Cave Junction City Hall on Monday night, June 11 to voice their opinions on a proposed \$2.56 million Local Improvement District (LID) on Redwood Hwy.

The city council was considering a resolution of intent to establish the LID boundaries and provide taxing authority for the project. City staff prepared three options for council consideration.

John Chmelir, of Willow Development in Grants Pass, said that he and the other chief petitioners for the project have been working on it for a year and a half. He recommended that the city accept the technical design worked out by Oregon Dept. of Transportation (ODOT).

Chmelir said that half the LID charges should be based on Redwood Hwy. frontage, with the other half based on total property acreage. He added that he and the other petitioners, including developers Dan Hughes and Larry Osborn, have worked extensively with the city, county and state governments to move the project forward, and that its costs are exacerbated by any further delays.

The developers signed a contract with ODOT for the LID in January 2006, Chmelir said, and had to borrow \$2.5 million as part of that process.

"We've obligated ourselves to do this," he said.

Opposition to the LID proposal has been building for months. In a Feb. 10 letter to City Recorder Jim Polk, Paul and Arlis Wieler, owners of property at the corner of

Laurel Road and Redwood Hwy., said they wanted nothing to do with the LID or its related costs.

"We would like to go on record that we object to an LID being formed by developers for the purpose of forcing other property owners to pay for improvements that those developers have already committed to being responsible for," the letter read.

It also included, "The developers are the ones that will gain the most benefit and profit from these improvements and they should include these in their project costs and follow through with their commitment to pay the same."

During the meeting, Medford attorney David Ingalls spoke on behalf of Versteeg family members, who also are included in the LID.

Ingalls requested that the public hearing be discontinued, saying that adequate notice wasn't given to affected property owners.

Mayor Tony Paulson stated that the council was considering a resolution of intent to establish the LID. Part of that process is the scheduling of a public hearing in the future, Paulson said.

"We're not making a decision on this tonight," Paulson said.

Ingalls said that the council was providing a forum for

the LID's petitioners to make a case for their proposal.

Steve Zabriskie, owner of Z Coffee on Redwood Hwy. at the north end of Cave Junction, said that affected property owners should be similarly able to make a presentation.

Councilor Russell Ehrman agreed.

"I think the points being raised are true," Ehrman said, adding that he would favor continuing the matter.

Chmelir denied that the developers were trying to make an end-run around public participation.

"It wasn't our intent to subvert the process of citizen involvement," Chmelir said.

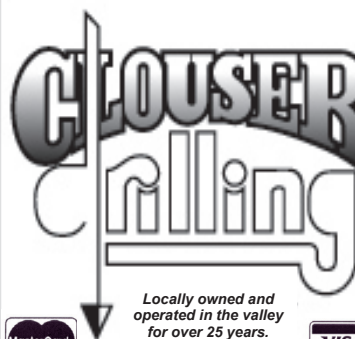
Polk tentatively scheduled a continuance for the council's July 9 meeting "if the noticing requirements can be met."

The council also voted to annex two properties owned by Osborn into city limits after a public hearing drew no response.

The properties, at 25210 and 25156 Redwood Hwy., are zoned for Rural Commercial, and are in the city's Urban Growth Boundary.

Councilors voted 4-0 to approve the annexations, with Councilor Lynne Atteberry abstaining on both votes.

Annexation of property owned by Robert Johnson at 460 Caves Hwy. was approved by the council 5-0.



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