

Minutes of the Veneta Planning Commission

August 3, 2009

Present: Chairman James Eagle Eye, Len Goodwin, Lily Rees and Estelle Sweet

Absent: Jim Bruvold

Others: Brian Issa, Community Services Director; Zac Moody, Assistant City Planner; Sheryl Hackett, City Recorder; Darci Henneman, Assistant City Recorder; Carol Smith, Anthony Clemons, Greg Demers, Michael Bryant and Teresa Bushnell

I. REVIEW AGENDA

Chairman James Eagle Eye called the Veneta Planning Commission to order at 7:02 p.m. and reviewed the agenda.

II. PUBLIC COMMENT

Anthony Clemons, 25156 Cherry Lane, Veneta, OR

Mr. Clemons said a culvert on the south side of Cherry Lane where it intersects with Oak Island continues to be clogged. He asked that someone look into clearing the culvert. He said the ground was disturbed in the wetlands area at the east end of Cherry Lane and water no longer spreads out and filters over the wetlands like it use to. Now the water has created channels. He would like to see the wetland area returned to the way it was. Brian said he would follow up.

III. APPROVAL OF MINUTES

MOTION: Len Goodwin made a motion to approve the minutes of July 6, 2009. Lily Rees seconded the motion which passed with a vote of 4-0.

IV. PUBLIC HEARING:

Comprehensive Plan and Comprehensive Plan and Zoning Map Amendments (A-1-09)

1. Chair James Eagle Eye opened the Public Hearing at 7:08 p.m.
2. Declaration of Conflict of Interest or Ex-Parte Contacts: None
3. Staff Report

Zac said the public hearing notice was posted at City Hall on July 18, 2009 and published in the West Lane News. The Measure 56 notices were sent to all City property owners on July 10, 2009 in accordance with state law. On May 22, 2009 all appropriate agencies received notice of the application as well as the Department of Land Conservation and Development (DLCDC). All proposed documents were also posted on the City's website.

Zac reviewed the changes to the Comprehensive Plan. The request before the Planning Commission is to recommend adoption of the proposed amendments to the City Council at a public hearing on August 24, 2009 City Council Meeting. The amendments are categorized as follows:

Amendments to Comprehensive Plan 416 Plan Elements and Policies

- Community, Building and Site Design Elements
- Residential Land and Housing Element
- Economic Development Element

Few amendments were needed in order to move forward with code changes and the Land Development Ordinance. Many of the changes in the Comprehensive Plan were minor to be consistent with the Land Development Ordinance and the Downtown Master Plan. These changes reflect the outcomes of the downtown planning process and refocus various aspects of the plan on the downtown area, rather than the highway or other commercial areas. These Comprehensive Plan changes must be adopted prior to the proposed changes to other land use regulations. In order to ensure that the process continues forward, the Planning Commission may refer the Comp Plan changes to the City Council, even if some of the changes to the remaining Land Development Ordinance or Land Division Ordinance require additional deliberation at the Commission level.

Along with the changes focused on the downtown area, staff is proposing a variety of “technical” changes to address outstanding deficiencies and inconsistencies within our existing land use regulations. These changes aid in what will be done with the Land Development Ordinance to encourage the commercial development of the downtown area and it’s necessary that it is correctly identified in the Land Development Ordinance. Zac reviewed the changes and asked if the Commissioners had any questions.

Additions and Amendments to Comprehensive Plan and Zoning Maps:

Minimum changes were made to clearly identify the downtown areas along Broadway between Second and Eighth Streets as Broadway/Commercial (BC). This new zone includes 18 properties south of Broadway between Second and Sixth Streets that are currently zoned Residential/Commercial (RC) and properties north of Broadway that are currently zone Community/Commercial (CC). The change in the zoning would still allow current residents to rebuild their homes if a natural disaster occurred pursuant to the non-conforming criteria. In order to create a downtown business district, it’s important to know the primary use of that area is commercial.

Len Goodwin suggested making a change in policy 20 on page 33 of the Comprehensive Plan to include a sentence that would encourage various uses of architectural elements which were listed in section 5.39 and 5.13 of the Land Development Ordinance.

4. Chair James Eagle Eye opened the Public Testimony at 7:25 p.m.

Carol Smith read the following comments on behalf of her neighbor, Daniel Christensen
Daniel Christensen, 88140 3rd St., Veneta, OR

Mr. Christensen is a resident within the affected zone. Throughout these documents citizens have indicated they do not want to lose the small town feel. The area south of Broadway is primarily residential and a plan to support higher density with multi-family housing over time will ruin the neighborhood. He is opposed to neighborhood (Broadway) commercial zoning and felt it would eventually create eminent domain. He requested the record show that no one on the Planning Commission or staff would be affected by the changes. He felt it was money wasted and felt we don’t need a downtown area. He said no one considers that small strip of Broadway to be the downtown area. He suggested the idea be tabled.

Brian said the Downtown Master Plan was created with input from residents, stakeholders and business owners through the public process at City Council and Planning Commission meetings. The consensus of those in attendance was to create a

smaller retail/residential downtown. The vision did not come from the Council or Planning Commission.

Zac said the same process was followed for the Land Development Ordinance. Several work sessions were conducted and all the meetings were advertised in the Register Guard, West Lane News and on the City's website. Residents, stakeholders and business owners were encouraged to attend the meetings and provide input.

Anthony Clemons, 25156 Cherry Lane, Veneta OR

Mr. Clemons wants to make sure any changes to the City's development policies stay within limits in order to ensure water and utilities can meet the needs of new residents. He is concerned there isn't sufficient water for new businesses and updates to the water/sewer/drainage systems should be made after people move here so they are paying for the services rather than placing the burden on existing residents. He would like to see development happen naturally but developers need to take responsibility for the increased costs and impact on the City. People move here because they want to live in a small community.

Michael Bryant, 25263 East Bolton Road, Veneta, OR

Mr. Bryant wondered if developing West Broadway was feasible. How do we get people to leave the highway to sustain businesses on West Broadway? It made more sense to him to have a downtown area closer to Highway 126. He said currently West Broadway is undesirable and he felt it would be difficult to bring businesses to the area. If they invest in downtown, how could they sustain their businesses so far from Highway 126.

James Eagle Eye said the Downtown Plan talks about signage at the intersection of Territorial Road and Highway 126 directing travelers to the downtown area.

Greg Demers, 24244 Sertic Road, Veneta, OR

Mr. Demers thanked the Commission for the opportunity to speak. He said his staff is currently reviewing the documents but he would like more time to comment. On behalf of him, Frontier Investments, ATR Services and McDougal Brothers, he asked the Commissioners to hold the record open for additional comments. He said they just downloaded the documents and have not had adequate time to review them.

In response to a question from James Eagle Eye, Zac said the notice of public hearing was published in the West Lane News on July 18, and July 23. He said if the Commission recommended the amendments go to the City Council, there will be a public hearing held at the August 24, 2009 City Council meeting and at that time the record could remain open for further public comment. At tonight's meeting the Commissioners could also keep the public hearing open to accept further public comment.

5. Questions from the Veneta Planning Commission
In response to questions from Len Goodwin about how long the record can be held open to give the Planning Commission adequate time for review, Brian said a minimum of seven days or up to 14 days. Brian felt this was adequate time prior to sending the amendments to the City Council.
6. James Eagle Eye asked the Planning Commissioners to consider keeping the Public Hearing on the Comprehensive Plan open for an additional two weeks.
7. Deliberation and Decision: None

MOTION: Len Goodwin made a motion to keep the record open an additional 14 days to accept written comments on the Comprehensive Plan and Comprehensive Plan and Zoning Map Amendments. Lily Rees seconded the Motion which passed with a vote of 4-0.

Len Goodwin wanted to clarify that the proposed amendments to the Comp Plan are needed so the Land Development Ordinance will be consistent with the Comp Plan but it is important to note that a more comprehensive update to the Comp Plan will need to be made soon to address the revised population estimates.

Brian said staff is currently reviewing the Comp Plan and the Public Facilities Plan to determine what updates will be needed as a result of the revised population estimates.

In response to questions from Len Goodwin, Brian said the current site plan code requires the entire site to be brought to up to code if the site plan is changed. A balance of what is proportional and what is practical is needed.

Len Goodwin said the distance between an intersection and the location of the drive through business should be revised so drive through traffic doesn't affect street traffic. He suggested finding a way to encourage landscaping to provide opaque screening rather than fences.

V. PUBLIC HEARING:

Land Development Ordinance 461 (A-1-09)

1. Chair James Eagle Opened the Public Hearing at 7:45 p.m.
2. Declaration of Conflict of Interest or Ex-Parte Contacts: None
3. Staff Report
Zac said public hearing notices were posted at City Hall on July 18, 2009 and published in the West Lane News. The Measure 56 notices were sent to all City residents on July 10, 2009 in accordance with state law. All appropriate agencies received notice of the application as well as the Department of Land Conservation and Development (DLCD), May 22, 2009 and all proposed documents were also posted on the City's website.

Over the course of the past two months staff has been working with Siegel Planning Services, LLC who is contracted with Transportation Growth Management (TGM) and the City of Veneta to bring together a series of code changes involving zoning and design standards focused on implementing development codes conducive to the development of the downtown area consistent with the adopted Downtown Master Plan and supporting documents. TGM promotes Smart Development principles that enable communities to meet transportation needs while retaining their livability and economic vitality. These principles include; integrating land use and transportation planning; making efficient use of land and resources; designing human-scaled, pedestrian oriented communities; assuring good connections between local destinations; and promoting pedestrian, bicycle and transit-oriented development.

A scope of work was developed by Siegel Planning Services, LLC to aid the City through the code revision process and assist with implementing criteria consistent with the Downtown Master Plan.

Additions and Amendments to the Land Development Ordinance 461 have been

proposed to the following sections of the Ordinance:

Article 3 – Establishment of Zones

Article 4 – Use Zones

Section 4.05 - Broadway Commercial Zone (new)

Section 4.06 & 4.07 – Community & Highway Commercial

Article 5- Supplementary Provisions

Section 5.13 - Commercial and Mixed Use Design Standards (new)

Section 5.16 – Stormwater Detention and Treatment

Section 5.20 – Off-Street Parking Requirements

Section 5.29 – Residential Design Standards

Article 6 – Site Plan Review

Section 6.04 – Improvement Requirements

Section 6.06 – Procedures for Approving Site Plans

Section 6.09 – Time Limit on Approved Site Plans

Article 7 – Temporary Use Permit Regulations

Section 7.04 – Allowable Temporary Uses

Article 8 – Conditional Uses

Section 8.05 – Time Limit on Approved Conditional Uses

Section 8.20 – Special Standards Governing Conditional Uses

Article 10 – Variances

Section 10.06 – Time Limit on an Approved Variance Application

Amendments to the Land Division Ordinance 462 have been proposed to the following sections of the Ordinance:

Article 3 – Property Line Adjustments and Replats (added replat criteria)

Article 6 – Design Standards

Section 6.04 – Building Sites (Flag Lot Criteria)

Section 6.09 – Stormwater Facilities

Article 7 – Improvement Requirement

Section 7.03 – Improvements in Subdivisions

Article 8 – Definitions (amendments for consistency)

Staff reviewed the proposed code changes with the Planning Commission and asked if there were any questions.

4. Chair James Eagle Eye opened the Public Testimony at 9:09 p.m.

Anthony Clemons, 25156 Cherry Lane, Veneta, OR

Mr. Clemons felt the City doesn't want to seem to wait for the gradual population change. He said the City needs to think about where fire hydrants need to be located; address the problem created by Highway 126 separating east and west by adding crosswalks on Territorial Highway; change the ordinance to address big business advertisements on Highway 126 with a better sign code; and address storage of hazardous materials and stormwater runoff.

Michael Bryant, 25263 East Bolton Road, Veneta, OR

Mr. Bryant asked the Commissioners to think about who their audience is. He said West Broadway is currently home to transients, residences, bars, and heavy equipment businesses. He said West Broadway has nothing to offer residents and he felt it is a waste of time to develop because we don't have the people to support a West Broadway downtown. He said the City is putting too many restrictions on development and people

who own property can't do with it what they want. He has owned three businesses and with the proposed code changes he would not own a business on West Broadway.

Greg Demers, 24244 Sertic Road, Veneta, OR

Mr. Demers said on behalf of him, ATR Services, McDougal Brothers, and Frontier Resources, he formally requested the record be held open for 14 days to respond with further comment

Herb Vloedman, 25115 Luther Lane, Veneta, OR

Mr. Vloedman owns Fern Ridge Self Storage on Highway 126 and felt he provides a needed service to the community. This property is zoned Highway/Commercial (HC) a zone in which the City wanted to locate self-storage units. He said the proposal to move self-storage units from permitted to conditional uses directly impacts his business. He said the proposed design standards for a conditional use permit will not work physically or financially for his business. The proposed code changes would require wider aisles between the storage units which may cause renters to block units as well as create more impervious surfaces. The building overhang would not allow large moving trucks to access the rental units. He said he met all the building criteria the City required when he first build his business and recently he purchased another Industrial/Commercial (IC) property to expand his business. He felt the proposed code changes in industrial zones are not consistent with the industry. He felt the City is trying to get more people on smaller pieces of land. Staff worked very hard on the code changes but he requested more time be allowed to thoroughly review the proposed code changes.

Teresa Bishow, Arlie & Company, 2911 Tennyson Ave., Suite 400, Eugene, 97408

Ms. Bishow requested the written record be held open. She is in favor of reducing parking standards as written in the draft ordinance and suggested parking for multi-family housing should be reduced to one space per unit and suggested adding parking standards that are specific for large multi-use developments. She said the draft ordinance requires too many bicycle parking spaces based on the parking – bicycle space ratio. She said the code revisions should be reviewed to reduce regulatory barriers, stimulate the economy, and provide affordable housing. She supported the changes to the parking standards that will decrease required off street parking. She said there is no such thing as free parking because the developer pays to pave and passes that cost on to the tenant. She suggested timeline extensions should be increased from the existing draft to encourage and provide confidence in future developments, meaning, developers would be more apt to start a business if they could take a few years to complete the construction phase. She said we don't want to put regulatory pressure to build in a year. Many use permits may be relying on non profit funds and cannot make a one year timeline. The City should be encouraging long range planning by giving developers assurance that the City will work with their bank for financing.

5. Questions from the Veneta Planning Commission

Len Goodwin said the Planning Commission should not extend the public comment session but instead continue the public hearing to September 8 to allow an additional opportunity for oral testimony. He said staff did a wonderful job in developing codes that are very well written and encourage development but there has been sufficient concern expressed by City residents and the business community to not only hold the record open but to allow for more oral testimony. The process should not be rushed to a conclusion.

James Eagle Eye agreed that the public hearing should be continued until September 8, 2009 to give staff time to address concerns expressed by residents.

Zac said a public notice will be published for continuation of the public hearing on September 8, 2009. A summary of tonight's testimony will be available for review on August 28, 2009. Written comments will be accepted as well as oral comments at the hearing.

Len Goodwin suggested comments be submitting in writing so they can be shared with others.

MOTION: Len Goodwin made a motion to keep the public hearing open until September 8, 2009 in order to allow additional comments to be received. Lily Rees seconded the Motion which passed with a vote of 4-0.

Zac said the public hearing has been continued to September 8, 2009 at 7:00 p.m. at Veneta City Hall. Revised information will be made available for review 10 days prior to that date.

VI. OTHER
None

VII. ADJOURN
Chairman James Eagle Eye adjourned the Veneta Planning Commission at 9:35 p.m.

Len Goodwin, Vice Chairman

ATTEST:

Darci Henneman, Assistant City Recorder