

Minutes of the Veneta Planning Commission

March 5, 2007

Veneta City Hall

Members

Present: Chair James Eagle Eye, Jim Bruvold, Len Goodwin, Keith Hartley and Lily Rees

Absent: None

Others: Marion Esty, City Councilor; Brian Issa, Planner; Margaret Boutell, Community Services Director, Ric Ingham, City Administrator, Darci Henneman, Assistant City Recorder; Linda Booth, Roy Hankins, and Jeneca Jones, West Lane News

I. REVIEW AGENDA

James Eagle Eye reviewed the agenda and called the Veneta Planning Commission to order at 7:01 p.m.

II. APPROVAL OF MINUTES:

MOTION: Len Goodwin made a motion to approve the February 5, 2007 minutes. Lily Rees seconded the motion which passed with a vote of 5-0.

III. PUBLIC COMMENT: If you wish to address the Planning Commission about an issue which is not on the agenda; state your name, address, and limit your comments to 3 minutes

Linda Booth, 25331 Jeans Rd., Veneta, OR;

Ms. Booth spoke on behalf of herself and the Fern Ridge Chamber of Commerce. She was supportive of the Planning Commission's decision on the Sproat Partition. She said it is important to plan and make the plan, including the cost, available to everyone involved to benefit all. She said in future planning, the applicants should be asked to bring cost estimates of extending sewer and water with comparisons even if it's based on lineal ft. She supported ongoing business investment in Veneta, the roads, sidewalks, street lights, color choices and park bench specifications should be developed and owners should be able to decide to make these improvements now rather than have money set aside against costs that will surely rise in the future.

IV. LIMITED LAND USE DECISIONS -

A. S-4-06 - APPLGATE LANDING SUBDIVISION - PHASE II

Request for a 60 lot subdivision in the Southwest Area Plan west of Territorial Road and south of Bolton Hill Road

Assessor's Map 18-06-01-00, tax lots 1605, 1606 & 1607

Brian said all nine phases are part of the Specific Development Plan approved by the

City, including water, stormwater, and waste water improvement plans. Brian said wetlands are on the site but the applicant had been granted a wetland variance. He said Phase II will consist of 60 single family units. Brian said there was some concern about the streets being consistent with the Southwest Area Plan (SWAP) and the need for improvements to 8th St. Brian said Phase II will begin at the Bowling Green Subdivision. He said Phase II will take access from 8th St. until Perkins and Cheney Streets are connected. Brian said 8th St. is considered a minor collector, therefore, street width will be 38 ft. with 5 ft. bicycle lanes and parking on one side. Brian said 8th St. is a Capital Improvement Project and the City will gather funds for this project through collection of SDCs. Brian said the applicant is not responsible for the off-site improvements to 8th St.

Brian said the Fire District raised concerns about congestion and are requiring the applicant to construct a gravel emergency access as part of Phase II. This gravel access will connect the westerly extension of Perkins Rd. with the southern end of 8th St. in Phase II. Both the Public Works Dept. and the Fire District have stated this secondary access is needed to provide access to Phase II prior to occupancy.

Brian said the applicant had conducted a detailed water analysis which has been approved by the City Engineer. Brian said the applicant has submitted a draft detailed maintenance plan which is currently under review. Brian said staff is looking at the draft and will make necessary changes; making sure the level of maintenance is met on all stormwater structures in this site, as well as roads, sidewalk, lighting, etc.

Brian said the applicant has been working with staff to create guidelines for hillside development. Brian said currently the guidelines are in rough draft. He said staff is working to refine these standards and determine the proper implementation of the standards.

Brian said the applicant will enter into an agreement to create a dedicated turn lane with the City and ODOT at Territorial Rd. and Cheney St. Brian said now, no agreement is necessary but a permit is required. The applicant is in agreement to pay for the total costs of this improvement.

Related to stormwater facility design standards, Brian said currently staff is working to adopt Portland's standards together with applicant's plans by combining portions of both.

Brian said based on the staff report and the Proposed Final Order for S-4-06, staff recommended conditional approval of the subdivision. The conditions of approval were specified in the Proposed Final Order. He said the applicant needed to comply with all restrictions of the U.S. Army Corps of Engineers/DSL permit.

Brian noted the following amendments/changes:

Condition 8), "south end of 9th St" should read "south end of 8th St."

Page 3, Condition 4)3. “All corner lots shall take access from the street with the lowest functional class”. Brian said this caused a conflict with the applicant because of the width of the swale. Brian said “where practicable or possible” should be added.

Brian said on Phase I, related to trees, Condition 7)5. “Any tree identified for preservation, and all newly planted trees used to meet the conditions of approval contained herein, shall not be removed without an approved Tree Removal Permit from the City.” Brian said any trees identified for preservation, shall not be removed without a tree removal permit, if applicant intentionally saves trees or plants trees, homeowners cannot remove them. Brian said this would also be included in the Proposed Final Order of Phase II.

Brian clarified the Fire District will allow 30 single family units (SFU) on a single access. Brian said the applicant will construct the proposed emergency access as part of the public improvements of Phase II.

Brian said staff recommended conditional approval of Phase II.

Len Goodwin felt there was a lot of room for confusion and possible errors and/or mistakes that could expose the City to substantial liability with regard to hillside development. Margaret said she contacted hillside engineers and a contractor specializing in hillside development and didn't get any substantial feedback. She said a geo tech report could be required for each lot. She said staff doesn't know about hillside development and she felt uncomfortable with the decision being left to staff to decide.

Brian said there are two elements involved in hillside development: 1) What is the City trying to regulate; and 2) What is the ultimate intent.

Len said it would be important to make sure roadways are safe and built correctly. He said the City has the advantage of being able to hire an expert review the geo tech.

Margaret said already a geo tech is required for roadways but not for each individual lot.

Jim Bruvold said a roadway may be stable when its built but improvements or future building could and does effect this. He said it may be stable when it's constructed but that doesn't mean it will stay stable in the future. Len Goodwin said it's no longer possible to rely on the engineer of record to do the inspection.

Margaret said the steepest slopes in the SWAP are at 8%. She compared that to the approach over the Kilger Bridge on 8th Street.

Len Goodwin said he read Ed Moore's letter several times and felt whether ODOT feels it's not important to sign an agreement; it may not be in the best interest for the City to possibly sign an agreement to secure these intersections. He suggested the City sign an agreement with Hayden Homes for the intersection with Hwy 126 and Huston and Hwy

126 and Territorial. He asked if the City is comfortable with Hayden Homes assuming all costs associated with the turn lane at Cheney.

In response to a question from Lily Rees, Brian said the 8th St. connector will feed Phase II prior to the certificate of occupancy for the first unit in Phase II, regardless of where the lots are developed. Because it is not known which lots will be developed first, Brian felt the limit is already met prior to lots 31 to 48 starting. He said the same would apply for Phase I, the certificate of occupancy for 30 units, at the 31st unit, the emergency access is required.

Lily Rees felt the secondary access should be constructed prior to initial construction of Phase II because traffic will be high during the initial construction. She suggested modifying the condition to require the secondary access be completed prior to any construction of Phase II.

Keith Hartley asked whether the Fire District was more concerned about traffic or putting out fires for people who will live in the homes. He said there will always be traffic.

Brian said he couldn't clarify the Fire District's point of view. He understood their requirement to not allow more than 30 occupied units and the 31st building permit would not be allowed until the second access road was completed.

Roy Hankins from Hayden Homes said the second access will be completed up front and will tie the two phases in immediately and will be a non issue.

In response to a question from Keith Hartley, Margaret said the 8th St. intersection is included in the Capital Improvement Plan and is eligible for SDC funding, so the applicant is not responsible for improving the intersection. The SDCs from these developments will apply to the cost of the intersection. She said because the construction vehicles on the road could cause damage, it would be better to wait until the construction is over before improvements are made to 8th St.

Brian said the Fire District is not comfortable with more than 30 units using a single access. He said it wasn't the width or the construction of the street as much as it is the possible blockage of 8th St. to emergency vehicles or evacuation of the residents.

In response to question from Jim Bruvold, Brian said all traffic in and out of Phase II will use 8th St. He said all traffic in and out of Phase I will use Perkins Rd. He said the secondary emergency access will come out on Perkins Rd. He said eventually Cheney St. will be the third access. Brian said west of the SWAP there are development plans for another access.

In response to a question from Lily, Brian said Mr. Landfear's and Shashi's comments are directed toward Phase I and Perkins Rd. and because the west end of Perkins Rd. was

outside the Urban Growth Boundary (UGB). Brian said an exception is not required to run a City road outside the UGB. He said the City approved expanding the UGB and the portion of Perkins Rd. that was previously outside the UGB. Brian said when the UGB expansion is approved by the county, Perkins Rd. will be included in the UGB. Brian said all indications are the County Commissioners and Dept. of Land Conservation & Development (DLCD) will approve the expansion of the UGB.

In response to a question from Jim Bruvold, Margaret said the turn lane planned for Bolton Hill Rd and Territorial Rd. is not part of this project. She said it is a County project. She said the two projects are not connected.

In response to a question from James Eagle Eye, Brian said the tree removal permit fell under Veneta Municipal Code 8.10 and was included in the applicant's final orders. Brian said the planners and applicant are planning to save certain trees, but its not possible to know exactly what specific tree will be left prior to construction.

MOTION: Len Goodwin made a motion to approve applicant's proposed final order in Subdivision S-4-06 with an amendment to include a general condition of approval that applicant will comply with all of the terms of the Corps DSL wetlands permit; amending conditional approval prior of construction, part 4 to modify paragraph 3 to state "where practicable corner lot shall take access from the street at the lowest functional class" and add a new condition of approval for "any trees identified for preservation and all newly planted trees used in the condition for approval in the SWAP shall not be removed without an approved tree removal permit from the City; amend Condition 7, and prior to final plat approval, provide all clear vision areas shown on the map and "all vision clearance areas" shall be permanently maintained; and modifying conditions of approval to require that the emergency access road be constructed prior to issuance of building permits. Jim Bruvold seconded the motion which passed with a vote of 5-0.

B. S-2-06 - APPLGATE LANDING SUBDIVISION - PHASE I
Request for a 48 lot subdivision in the Southwest Area Plan west of Territorial Road on Perkins Rd
Assessor's Map 18-06-01-00, tax lots 1600 & 1602

Brian said the lots in Phase I are smaller than in Phase II, averaging 3600 sq. ft. The average lot size in Phase II was 4400 sq. ft. He said there is a change in the emergency access. Many of the conditions of approval were specified to be the same as Phase II. He said the UGB expansion to bring Perkins Rd. in to the City limits is in its final stages.

Brian noted the following amendments to the Proposed Final Order for the Applegate Landing Phase I:

Page 3, Condition 7)3. "all corner lots shall take access from the street with the lowest functional class", Brian said "where practical or possible" should be added.

Page 4, Condition 11)b. Brian said a similar amendment is added to clarify that the clear vision areas shall be shown on the map.

Brian said “the secondary emergency access will be built prior to the issuance of the building permit for the 31st unit” should be added.

Page 20, should read as follows: “Approval of City staff is required on case by case basis prior to removal of any discretionary tree.” Brian said the plans show specific trees for potential removal. He said the applicant will not needlessly remove specific trees if they don’t have to, but if so, applicant would not have to apply for an additional tree removal permit.

In response to a question from James Eagle Eye, Brian said the language “four trees shown to be removed immediately northeast of lot 12, do not need to be removed to construct improvements and shall be preserved as a condition of approval.” Brian said these four trees were shown to be removed in a previous version of applicant’s plans for stormwater infrastructures but in the current plans, the tree removal is not necessary.

In response to a question from Len Goodwin, Margaret said the four trees not to be removed are already included on the page one, Condition 3), prior to construction on the site.

Brian said the staff recommended conditional approval, based on the information in the staff report and the Proposed Final Order for S-2-06, Applegate Landing, Phase I subdivision.

In response to a question from Keith Hartley, Brian said the landscape requirement should be two trees and eight shrubs. He said the landscape requirement is one tree and four one gallon shrubs for every 1,000 sq. ft. of occupied space. He said the average lot in the subdivision will be 4,000 sq. ft. so they allocated the maximum lot coverage allowed by the SWAP. He said rather than make specifics for individual lots, they made the requirement eight 1 gallon shrubs per lot.

In response to a question from Len Goodwin, Margaret said approach permits were required by ODOT on Perkins Rd. She said permits have already been submitted and the City should make a condition of approval for ensuring the approach permit is received by the applicant.

Brian said on page 3, Condition 6), it states “obtain all required permits” add “approach permits from ODOT”.

In response from a question from Jerry Elliott, Brian said no, Lane County approval is not required because the approach is within the City limits and not outside the pending

expanded portion of the UGB.

In response to a question from Len Goodwin, Brian said yes, the City will have jurisdiction over the portion of Perkins Rd. within the SWAP. Margaret said the part of Perkins Rd. that is already within the UGB is under the City's jurisdiction and once the expansion is approved, the City will have jurisdiction over that also.

In response to a question from Lily Rees, Margaret said the County's approval may be needed for the UGB expansion to be included in the City's jurisdiction. Len Goodwin said it could be added into 6.

In response to a question from James Eagle Eye, Margaret said county approval is required in order to expand the UGB.

Brian said he didn't think that made sense as a condition of approval because the City is the applicant in that case not Hayden Homes so it's a condition they really don't have any control over.

Len Goodwin said it is a condition needed for the development to go forward. He said what if Lane County and DLCD didn't approve the UGB expansion?

Margaret said the County and DLCD are both required to approve the UGB expansion and she saw no reason why they won't approve it.

Jim Bruvold said it would probably be a good idea to say contingent upon County approval.

Brian said if the UGB expansion didn't go through, are there ways for the applicant to proceed with the development without the expansion? Could they seek a goal exception to continue? Len Goodwin said the Commission would want the City to look at it again because the City would have to weigh in on a goal exception request and that might raise goal two issues.

In response to a question from Keith Hartley, Brian said the approval of the UGB is expected at the end of May, 2007. Margaret said it will go to the Lane County Planning Commission and then the Board of Commissioners.

Len Goodwin said it would be June or July by the time it goes through DLCD.

In response to a question from Len Goodwin, Brian said the City approved the annexation at the same time.

The Commissioners were concerned about approving Phase I without the approval from Lane County and Lane County Commissioners to expand the UGB.

Brian confirmed the amendments as follows:

The applicant shall gain approval of approach permits from ODOT for the expansion of Perkins Rd. The applicant shall also attain approval for the Urban Growth Boundary expansion from Lane County. Condition 7)3. The language “where practicable” be added. Page 4, Condition 11)b. The language “all clear vision areas shall be shown on the plans.” Page 5, Condition 17) “Four one gallon shrubs” should be “eight one gallon shrubs”. Adding a new condition stating “prior to the issuance of the building permit for the 31st unit, the applicant shall complete the secondary emergency access connected to Phase II”. Brian said all findings will be included with the additions/amendments to the conditions.

MOTION: Jim Bruvold a motion to approve the conditions as amended. Len Goodwin seconded the motion which passed with a vote of 5-0.

C. SR-10-06 TOM’S COURTYARD

Request to change a temporary food vendor use to a permanent use
88115 Territorial Road
Assessor’s Map 17-05-31-23, tax lot 2700

Brian said the application was received on December 29, 2006. He said the applicant owns the property where the permit is requested to be used. He said the applicant is requesting a major site plan amendment for approval to allow the inclusion of a food cart currently on site, and make it permanent. He said now it’s temporary. Brian said the Commission is asked to allow the temporary permit to become a permanent permit and to add a flower stand. He said temporary permits need to be renewed every year. Brian said traffic will not increase by the expansion. He said all conditions have been met. Brian said the water was monitored for one year to see if the SDCs should be increased. He said currently the water use is approximately half the volume of a residential unit so no additional SDCs are required.

Brian said Veneta Elementary School is to the north of the proposed site plan and a vacant auto repair building is to the south. Brian said the applicant currently captures the concession gray water in a tank and disposes of it off site. He said the restroom facilities are located in the adjacent retail space which is also owned by applicant so a waste water facility is not required. Brian said the applicant uses potable and gray water storage tanks and because the food cart is take out only, water connection to the food cart is not necessary. Brian said there are no changes to the site plan. He said there are no wetlands and tree removal is not required.

Brian said because this is a mobile food concession trailer, if the Commission approved the site plan, the trailer is considered a permanent structure.

There was no public comment. Brian said staff recommended conditional approval of site plan SR-10-06. Brian said the applicant also included a fire inspection and health

department inspection.

In response to a question from Len Goodwin, Brian said the school district was concerned that unfavorable persons may frequent the food concession trailer which is in close proximity to Veneta Elementary School.

In response to a question from Len Goodwin, Brian said this site plan is a unique situation because the applicant owns the site where a permanent habitable structure already exists. He said there may be future vendors wanting to open shop with a mobile trailer but this situation is different because the applicant has complied with all water and waste water issues and had complied with all codes.

Len Goodwin suggested informing the City Council of the potential if and when others come to the area with a mobile food trailer, there should be specific guidelines to follow.

**MOTION: Len Goodwin made a motion to approve applicant's application.
Lillian Rees seconded the motion which passed with a vote of 5-0.**

V. OTHER

A. Administrative Decisions
None

B. Reminder - Statements of Economic Interest will be mailed to the Commissioners in March and must be filed by April 17, 2007. She suggested the Commissioners bring them to City Hall so they can be mailed certified mail/return receipt requested.

VII. ADJOURN

James Eagle Eye adjourned the Planning Commission meeting at 8:20 p.m.

Len Goodwin, Vice Chairman
Veneta Planning Commission

ATTEST:

Darci Henneman, City Recorder
(minutes prepared by DHenneman)

