

Minutes of the Veneta Planning Commission

July 6, 2009

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

Others: Brian Issa, Community Services Director; Zac Moody, Assistant City Planner; Sheryl Hackett, City Recorder; and Jehovah's Witness Representatives

I. REVIEW AGENDA

Chairman James Eagle Eye called the Veneta Planning Commission to order at 7:07 p.m. and reviewed the agenda.

II. PUBLIC COMMENT

None

III. APPROVAL OF MINUTES

MOTION: Len Goodwin made a motion to approve minutes for the regular March 30, 2009 Planning Commission, April 13, 2009 Joint Work Session, May 4, 2009 Joint Work Session, May 18, 2009 Joint Work Session, June 1, 2009 Joint Work Session; and the regular June 1, 2009 Planning Commission Lily Rees seconded the motion which passed with a vote of 5-0.

VI. LIMITED LAND USE DECISION:

Jehovah's Witnesses Kingdom Hall Site Plan Review (SR-4-09)
Assessor's Map 17-05-31-32 Tax Lot 1400 & 1800

Staff Report (Zac Moody)

The application was deemed complete on May 3, 2009. The application is to build a Kingdom Hall site on Territorial Road, west of Austin Acres and across the street from Lane County Fire District No. 1. Water and sewer connections that served a previous structure will be moved to serve the new church. The parcel is relatively flat but drains to the southeast. The only tree located on the site is a white oak heritage tree located on the north side of the property and is the only natural resource on the site. The parcel is located in the community/commercial and general residential zone and is surrounded by residential properties to the north, south, and east, with Territorial Road to the west. The proposed use conforms with the zoning of both districts. Storm water detention is required. The applicant proposes swales designed for a 10-year storm. Zac said the issues to consider are stormwater, parking, and tree protection.

Stormwater

After the City Engineer reviewed the stormwater management plan several concerns were identified. The Plan was returned to the applicant for revision and approved by the City Engineer including reduction of paved parking spaces to the minimum requirement of 36 and creation of an overflow parking area with an additional 26 gravel spaces. The revised plan allows the detention of some site stormwater within the graveled area and provides some infiltration for treatment purposes. It will also assist in the reduction of stormwater to the detention facility in the Austin Acres subdivision. The City Engineer determined that the revised study complies with the City's standards for management of a 10 year frequency storm.

Parking

The proposed development requested 40 paved spaces which exceeds the Land Development Ordinance required 36 spaces. The applicant revised the plan to provide 36 paved spaces and

26 additional gravel parking spaces to allow for stormwater detention and reduced stormwater drainage. If and when expansion is necessary and the graveled parking area is paved, the swales will need to be redesigned to accept the stormwater that is no longer being detained and filtered through the gravel. A condition of approval was added to the application that would require a revised stormwater study be conducted if the gravel parking is paved in the future.

Tree Protection

Brian Issa said a 46" heritage white oak tree approximately 46" in diameter is located on the northwest corner of the parcel. Staff has taken great care to ensure the protection of this heritage tree. Chapter 8.10.020(2) of the Veneta Municipal Code (VMC) identified two methods of protecting the critical root zone (CRZ) of the tree. Method A was used to determine the critical root zone which requires one foot in radius for every inch of tree diameter at breast height. The critical root zone for this tree is a radius of 46 feet. Conditions of approval require tree protection and construction to conform to standards of VMC 8.10.130.

Brian reviewed a number of conditions which have been added to the Final Order to protect and ensure little impact to the tree. Excavation within the CRZ shall be limited to that necessary for construction of the pedestrian path and shall be limited to a maximum depth of six inches. No placement of fill material is allowed within the CRZ. Placement of ground cover landscaping materials within the CRZ shall be limited to a maximum of six inches of bark-o-mulch or other organic mulching material. No mulch shall be placed within one foot of the truck. The proposed pedestrian path is required to be moved so it runs to the north side of the vehicle entrance. Water lines and other utilities placed in the root zone will be required to be bored and not trenched. Prior to construction the applicant shall submit a revised site plan for relocation of the pedestrian path. The applicant shall also submit a detailed landscaping plan for the area within the CRZ including locations and species of all plants, depth and type of ground cover, and location and type of all irrigation systems. Landscaping within the CRZ shall consist of drought tolerant plants (not turf) to minimize irrigation impacts to the tree.

Zac Moody said prior to building permits the developer will be required to sign and record a development agreement for landscaping maintenance, garbage collection and service facilities to be screened, landscaping requirements, and revised stormwater management plan prior to paving the overflow parking. As the swale is now designed it takes into consideration the graveled parking area would absorb some of the stormwater. A portion of the bicycle spaces also are required to be covered.

In response to a question from James Eagle Eye if pervious pavers could be used, Zac said it would reduce the amount of modification to the swale but stormwater calculations would need to be revised.

Staff recommended approval of the plan with the conditions outlined in the staff report.

In response to a question from Len Goodwin, Zac said ODOT has resolved the access issue and provided a letter stating the right of access has been provided previously.

Len Goodwin noticed the drainage evaluation was not stamped or signed by the engineer.

In response to a comment by Jim Bruvold, Brian said sheet C1.3. is the vicinity site plan.

Zac Moody said a more detailed vicinity map was required due to the drainage issues.

MOTION: Len Goodwin made a motion to approve the Jehovah's Witnesses Kingdom Hall Site Plan Review (SR-4-09) with the conditions outlined in the Proposed Final Order. Estelle Sweet seconded the motion which passed with a vote of 5-0.

V. PLANNING COMMISSION DECISIONS:

ATR Land LLC – Property Line Adjustment (PLA-1-09)

Assessor’s Map 17-05-31-00 Tax Lots 400 & 401

The request before the Planning Commission is for approval of a property line adjustment to allow the creation of a one acre panhandle lot on a 7.70 acre parcel. The adjustment adds approximately 6.7 acres of land to a 15.44 acre parcel and reduces the acreage of the 7.70 acre piece of land to one acre.

Both subject parcels contain dwellings and have water and sewer, either through the use of City services or private systems. Neither home will be impacted by the proposed property line adjustment and all setbacks will be consistent with the Rural Residential Zoning District. A map was provided as Exhibit “A”.

Wastewater

Both parcels are served by septic systems.

Stormwater

Detention is not required for a property line adjustment

Water Service

City services are currently available to Tax Lot 401 and a well is provided for Tax Lot 400.

Natural Resources

The proposed changes do not affect any significant natural resources.

Discussion/Conclusion

Staff prepared a staff report and findings that contain a few conditions of approval including installation of a fire turnaround within 6 months subject to Lane County Fire District No. 1 approval. All maps and revised maps would require City signature prior to recording with Lane County Deeds and Records as well as the map verifying the newly created one acre tax lot.

Len Goodwin and James Eagle Eye questioned why a 50' frontage rather than 20' was not required. Brian reviewed various scenarios as to future development potential for the two lots. He said the Planning Commission could require a 50' of frontage.

After considerable discussion the Planning Commission reached a consensus that there were no special circumstances for a 20' frontage and that a 50' frontage allows for greater future development potential. The Planning Commission directed staff to administratively approve the Property Line Adjustment as long as the frontage was a minimum of 50'.

MOTION: Len Goodwin made a motion to approve the ATR Land Property Line Adjustment. Jim Bruvold seconded the motion which passed with a vote of 5-0.

VI. ADMINISTRATIVE DECISIONS:

During the second quarter of 2009 the planning staff has taken administrative action on the following land use applications:

SR-1-09 A Site Plan Amendment modifying the existing Site Plan (SR-3-02) to split two existing uses owned and operated by two different entities (Bowtech).

- SR-2-09 A Site Plan Amendment modifying the existing Site Plan (SR-3-02) to split two existing uses owned and operated by two different entities (Frontier Resources).
The applicant provided a 120 day waiver to this application in order for staff to prepare findings for a property line adjustment that they required immediate attention for.
- SR-5-09 A Site Plan Amendment proposing to add a “cantina” to the existing Ixtapa Mexican Restaurant.
- TEMP-2-09 Temporary Use Permit for the use of an existing dwelling on the property during the construction of a new manufactured dwelling.
- TEMP-3-09 Temporary Use Permit - Renewal for the TNT Fireworks stand in the West Lane Center Shopping Center.
- TEMP-4-09 Temporary Use Permit renewal for the Veneta Downtown Farmers’ Market on the corner of Broadway and Territorial Hwy.

VII. OTHER

(1) Brian Issa commented on Hayden Homes’ request for residential construction allowing for garages to be side loaded and whether or not this meets the code. The Commission directed staff to write side loaded garages into the code amendments to allow administrative decisions for specific development plans. Brian said the standards in the language of the Southwest Area Plan (SWAP) are the development code for that area and are developed through the public hearing process and cannot be changed. The Planning Commission would need to do an amendment and Hayden Homes will get most of their application deposit back but they need to go through the process to change the piece of the code.

(2) **LIMITED LAND USE DECISION:**

Jehovah’s Witnesses Kingdom Hall Site Plan Review (SR-4-09)
Assessor’s Map 17-05-31-32 Tax Lot 1400 & 1800

Zac stepped back to the Kingdom Hall Site Plan Review. He said that the Development Agreement signed by the applicant needed additional information. After a brief explanation from Zac and a discussion of the Commission, it was the consensus of the Commission that the Kingdom Hall Site Plan Review should include in the Development Agreement a review of the SDC’s at one and three years because it would be difficult to estimate how much water they will use. The City has required site plan reviews to come back for review at one and three years. If at the one year review it is determined they did not use more than they paid, the plan will be reviewed in three years.

MOTION: Len Goodwin made a motion to amend condition #10 of the Conditions of Approval of the Proposed Final Order to include; System Development Charges shall be reviewed one (1) year and three (3) years from the date of final approval of the Site Plan Review. Jim Bruvold seconded the motion which passed with a vote of 5-0.

(3) Brian Issa is working to change the SDC methodology to fixtures.

In response to a question from Len Goodwin, Brian said the new Water and Wastewater Master Plan will require the SDC methodologies to be reviewed and updated.

- (4) Zac said the first public hearing on the Land Development and Land Division code updates will be August 3, 2009. The Measure 56 notices will be mailed this week to every property owner in Veneta.

VIII. ADJOURN

Chairman James Eagle Eye adjourned the Veneta Planning Commission at 8:00 p.m.

James Eagle Eye, Chairman

ATTEST:

Darci Henneman, Assistant City Recorder