

# Minutes of the Veneta Planning Commission

## September 4, 2007

Present: Acting Chairman, Len Goodwin, Jim Bruvold, and Lily Rees

Absent: Chairman James Eagle-Eye and Keith Hartley

Others: Marion Esty, City Councilor, Ric Ingham, City Administrator; Brian Issa, Associate Planner; Darci Henneman, Assistant City Recorder; Loren Davidson, Verizon Wireless; Mona Linstromberg; Devon Trottier, Jim Welsh, Tabitha Perkins, Bill Kloos, Roxie Cuellar, Shane Hughes, Mark Shequin, Tami Sakany, Brad Young, David Cramsey, Greg Demers, and Eric Braunger

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### 1. REVIEW AGENDA

Acting Chairman Len Goodwin reviewed the agenda and called the Veneta Planning Commission to order at 7:03 p.m.

### 2. PUBLIC COMMENT

None

### 3. APPROVAL OF MINUTES:

August 6, 2007 Planning Commission.

**MOTION: Jim Bruvold made a motion to approve the minutes of the August 6, 2007 Planning Commission. Lily Rees seconded the motion, which passed with a vote of 3-0.**

### 4. PUBLIC HEARINGS:

VERIZON CELL TOWER (SR-1-07) and (CUP 1-07) (A)

1. Open Hearing: Acting Chairman, Len Goodwin opened the public hearing at 7:06 p.m.
2. Declaration of Conflict of Interest or Ex-Parte Contacts: None
3. Staff Report (Brian Issa)  
Brian presented his staff report. The applicant is Verizon Wireless. The owner of the property is City of Veneta and the proposed location of the tower will be adjacent to the City water tower on Bolton Hill. The site is 1.6 acres and is currently designated low density residential in the Comprehensive Plan. The applicant is requesting approval of the site plan and conditional use permit (CUP). According to Veneta Land Development Ordinance 461 Section 4.03(3)(e) the CUP is required because the location is zoned residential property. The steel monopole is approximately 144 ft. The existing pad for the water tank will accommodate the cell tower, auxiliary generators and other necessary equipment. Stormwater detention will be required. City water is available and no trees or vegetation were removed for placement of the cell tower.
4. Public Testimony  
Proponents:  
**Loren Davidson, 658 S. 68<sup>th</sup>, Springfield, OR**  
Mr. Davidson works for Cascadia Management who represents Verizon Wireless. Mr. Davidson said Verizon is proposing the site because cell phone coverage is not great in this area. 911 will also be located at the site. It will be a fully digital site, which means if a Verizon customer has an internet card, they can get wireless hookup for a computer. The tower is designed to take up two additional carriers which will alleviate the need for more towers in the area. The site will provide better coverage to the highway and reservoir.

**Jim Welsh, 90050 Killian Ln., Elmira, OR**

Mr. Welsh is a concerned resident and member of the Fern Ridge Chamber of Commerce. He has a home business. He is in favor of the cell tower and would appreciate the tower coming to our area to enhance the cell phone service.

**Tabitha Perkins, 88170 Territorial Rd., Veneta, OR**

Ms. Perkins said the cell phone coverage is bad in our area. She is a co-owner and event coordinator for Our Daily Bread Restaurant. She said at times she cannot get cell phone coverage in areas of her restaurant and especially when she is at an offsite event.

Opponents:

**Mona Linstromberg, 87140 Territorial Rd., Veneta, OR**

Ms. Linstromberg presented photographs of the balloon float test that was conducted on August 21, 2007 to show the height of the proposed tower. She said the applicant referred to upgrading their western Oregon network. It appeared from Exhibit E the applicant has a facility on the current tower at Veneta City Park as well as the proposed tower. She said if the applicant had provided more information on it's expected buildout, Veneta might better determine if a 144 ft. tower is appropriate or if it could be shorter and less visible and still be suitable for co-locations. She said an independent peer review of such information could determine if this specific tower fits the profile of the system. The subject property has little neighboring residential development. She said there are negative health impacts, whether real or imagined of non-thermal frequency radiation which is usually a concern to neighbors. She asked who will be responsible to remove the tower when it becomes obsolete? She has heard rumor the tower will be obsolete soon and tax payers may not want to be responsible for cleaning up the Veneta landscape.

**Devon Trottier, 24733 Dogwood Ln., Veneta, OR**

Ms. Trottier wanted to know what the need for increased telecommunications is for. She said there is no place in Veneta she doesn't get Verizon service. She said if the need is simply to increase service it isn't needed. If the City is just wanting income, then it should be stated that way. If Verizon wants to provide customers outside the City limits, then that should be stated. She asked if there will be any noise pollution from the tower. If so, will it be enclosed and will it be mitigated. She already hears the pumps from the water tanks come on. She said the trees will muffle the noise as long as the trees are allowed to stay. If the property will be developed at some point, the tower will be visible from several areas. She asked if the City will provide screening because the City didn't provide screening at the Comcast site. She said when the Comcast tower was installed, it was stated it would be removed in five years. The tower is still there. She is concerned about the co-locators to the tower and how that hook up will take place. She doesn't think this is right. In the past, additional towers interfered with 911 calls and fire calls. She has an antenna that allows her to get radio and television stations and she is concerned the Verizon tower will interfere with her reception.

Response by Applicant:

**Loren Davidson, 658 S. 68<sup>th</sup>, Springfield, OR**

Mr. Davidson said Mr. Trottier's interference problem should be taken up with the television station which is showing interference because the wave lengths are purchased from the FCC. He said there is something wrong with the wave lengths. He said the new towers were mandated to work with 911. He said there was an effort made to camouflage the tower to the best of their ability. The top of the power lines running through the site is actually higher than the monopole tower which has flush mounted sides that make it look more like a telephone pole from a distance. The only noise coming from the structure will be fans to cool the

building. If power goes down, an emergency generator will kick in until the power is restored to the area. All of these noise issues are within a concrete building with approximately four in. walls and a concrete aggregate roof.

5. Acting Chairman, Len Goodwin closed the Public Hearing at 7:30 p.m.
6. Questions from the Veneta Planning Commission  
In response to a question from Lily Rees, Mr. Davidson said it is noted in the lease agreement between the City of Veneta and Verizon that Verizon would be responsible for removing the cell tower.
7. Deliberation and Decision: None

**MOTION: Jim Bruvold made a motion to approve the Site Plan and the Conditional Use Permit for the Verizon Wireless Tower. Lily Rees seconded th motion, which passed with a vote of 3-0.**

**GORILLA and CITY OF VENETA COMPREHENSIVE PLAN AND ZONE CHANGE (CP/ZC-1-07)**

1. Acting Chairman Len Goodwin opened the Public Hearing at 7:32 p.m.
2. Declaration of Conflict of Interest or Ex-Parte Contacts: None
3. Staff Report (Brian Issa)  
In early 2007, the City Council declared City owned tax lot 1212 as surplus property and entered into negotiations with Gorilla Capital LLC to acquire tax lot 1900 which is directly north of Fern Park on 8<sup>th</sup> St. In July 2007, the City obtained ownership of tax lot 1900 and Gorilla Capital LLC took ownership of tax lot 1212. However, the properties need to be rezoned in order for the Comprehensive Plan designation and zoning to coincide with their intended uses. He said these changes require City Council and Planning Commission approval. Staff recommends that the Planning Commission recommend approval the proposed standards to the City Council.

In response to a question from Jim Bruvold, Brian said even though the Gorilla property is smaller than the Bolton Hill property, Fern Park will be expanded to over one acre.

4. Public Testimony  
Opponents:  
**Mona Linstromberg, 87140 Territorial Rd., Veneta, OR**  
Ms. Linstromberg reviewed the City Council minutes and City ordinances and found no record of a public hearing being held and no clarification allowing this land swap without the City holding a public hearing on the Bolton Hill/Gorilla property land swap. She said the City hasn't documented a need for the park even though it is needed. She felt this would set a precedent for future issues for such re-zoning requests. She said criteria needs to be set and then met.  
**Devon Trottier, 24733 Dogwood Ln., Veneta, OR**  
Ms. Trottier agreed with Ms. Linstromberg that criteria should be set and met. She said this land swap creates a net loss of park land. She said previous green spaces have been included in prior subdivisions but they later were developed.
5. Questions from the Veneta Planning Commission  
In response to a question from Lily Rees, Brian said in order to change the Comprehensive Plan, showing the need and that it complies with the goals and policies of the Comprehensive Plan is required.

Jim Bruvold is concerned about reducing the park area. He felt he didn't have all the details on the land swap so it was difficult for him to make a decision.

In response to a question from Lily Rees, Ric said the City followed the process, consulted with legal counsel and met all criteria for the land swap. He said enlarging an existing park is a better fit for the community rather than sitting on vacant land.

Len Goodwin said the issue before the Planning Commission is not the property sale. He said the City Council has the authority under Oregon Revised Statutes (ORS) to declare property as surplus and sell it and/or to swap it. They have exercised that right with this land swap. The Planning Commission needs to decide if they want to approve the re-zoning of the Gorilla's property as well as the Bolton Hill surplus property.

In response to a question from Len Goodwin, Brian said 10 to 20% of the site is sloped.

In response to a question from Len Goodwin, Ric said if the City were to keep the Bolton Hill property, it would probably never become a community park, partially because of safety issues and the park is to be developed in the Southwest Area Plan.

Len Goodwin said the Gorilla property adjacent to Fern Park has a planned designation as park land. The Bolton Hill property would not make a good community park or open space because of the slope and it's location; therefore the land swap makes sense.

Brian referred to the map showing the Territorial Sports Complex is nearby as well as Fern Park and the proposed seven acre open space in the Southwest Area Plan will provide ample open space/park area for Veneta residence in this area of town.

6. Acting Chairman Len Goodwin closed the Public Hearing at 7:42 p.m.
7. Deliberation and Decision: None

**MOTION:** Lily Rees made a motion to recommend approval of the proposed changes to the City Council. Jim Bruvold seconded the motion, which passed with a vote of 3-0.

map

#### **HILLSIDE DEVELOPMENT STANDARDS (A-1-07)**

1. Acting Chairman Len Goodwin opened the Public Hearing at 7:50 p.m.
2. Declaration of Conflict of Interest or Ex-Parte Contacts: None
3. Staff Report (Brian Issa)  
The Planning Commission is requested to review the proposed amendments to the Veneta Land Development Ordinance 461 and Land Division Ordinance 462. These amendments will remove and replace Sections 5.25 and 1.06 of those ordinances and will govern the development of lands with average slopes over 15%.

Based on direction from the Planning Commission and City Council, staff has been working on revising the City's hillside development regulations. These special regulations found in Section 5.25 of the Land Development Ordinance and Section 1.06 of the Land Division Ordinance, currently require that the applicant

submit a limited geo-technical report and allows the Planning Commission to require larger lot sizes in hillside areas, though no criteria or guidance is provided on how or where this should occur.

The City's experience with development of hillside areas like Sherwood Forest and Aspen Heights, as well as hillside development problems that have occurred in other cities in the area, have highlighted the need for revision of our hillside code. The new standards would address the need for more rigorous geo-tech information requirements and oversight, development standards governing removal of vegetation, grading, design and more explicit drainage and erosion control standards for hillside construction.

Brian said any land with a 35% grade and above will not be developed. He reviewed other cities' hillside development policies which vary widely. The proposed code leaned in favor of regulating development on steep slopes in order to prevent erosion, retain natural vegetation and ensure safe and stable development.

One of the biggest impacts of the proposed code is the regulation of hillside development in terms of the total area of ground disturbance allowed on each lot. Ground disturbance is defined in the proposed amendment to regulate the area of soil that is disturbed for all construction activities not just the footprint. The code would decrease the allowable areas of disturbance as the slope increases. This would also require larger lots as the slope increases. Brian said if the Commissioners were to adopt the proposed standards, a certain percentage of sloped areas would be deemed unbuildable. Another important point is the amendments would not apply to existing lots. Legally those subdivisions are governed by the codes that were in place at the time they applied.

The code addresses density transfer in a three step process to determine how and where density could be shifted for slopes of a higher percentage to flatter areas. It's providing an incentive to move residential density from steeper slopes to a flatter area and it allows reductions to the minimum lot sizes and increases in density above and beyond what's normally allowed on flatter areas in order to preserve hillside areas as non-developed. Brian said there was a thorough discussion during the SWAP adoption process, about minimum lot sizes and how dense these neighborhoods should be. The consensus was to allow a maximum of 10 units per acre in single family residential areas based on the minimum lot size of 4200 sq. ft.

Brian said the hillside development standards proposed have a minimal impact on the City's supply of buildable land. He said if the proposed regulations were adopted, there would be a reduction of 70 to 75 buildable lots within the City. This does not include the ability to re-coop that density through density transfer. Brian said the City has plenty of buildable land to meet projected population totals.

Len Goodwin said at this point the Planning Commission is only reviewing Ordinances 461 and 462. The ultimate decision will be up to the City Council.

#### 4. Public Testimony

Proponents:

**Mona Linstromberg, 87140 Territorial Rd., Veneta, OR**

Ms. Linstromberg supported the hillside development standards. She said it provided preservation of hillside vegetation and addresses the ground disturbance even though the Aspen Height developers were allowed to remove all the understory from that development. She said Brian has done his due diligence by getting his background information in order to create a good hillside development

ordinance.

**Devon Trottier, 24733 Dogwood Ln., Veneta, OR**

Ms. Trottier said everyone opposed to the proposed standards did not live in Veneta. She felt this was a good ordinance and it refers to residents' safety and those living below the slopes that have already experienced sliding, erosion and mudslides. She felt the ordinance should be adopted. She felt the people working for the developers are concerned with cost of development and not the safety of those living around the developments. She said the geo-tech studies should be done at the time the subdivisions are started and not individually when lots are developed. She agreed with the way Brian addressed the building density issues by transferring building density to flatter areas. She said the City's land inventory is just fine. She felt this ordinance doesn't take land away from people any more than any thing else that's been going on. She felt the ordinance is not an overkill when it comes to detail. She asked that Commissioners recommend the ordinance to the City Council. She felt the attorneys spoke of threats of litigation. She felt there should be a peer review because many times in the past she came to meetings and a geo-tech report has not been addressed or there is no one available at the Council meeting to answer her questions. She felt having a peer review would be worthwhile. She felt the City engineer is not capable of reviewing the geo-tech on his own. She agreed with Mona Linstromberg that the understory should not be removed until the time of development. She said it has been removed in areas where she lives and it has created problems for nearby residents. She said if it's left, erosion and running water is less likely to occur. She said the proposed standards has a requirement for a 10 year storm. She said we have had worse storms than 10 year storms twice in the last 25 years which could be classified as 100 year storms. She encouraged the Commissioners to recommend the ordinance to the City Council. In respond to Ms. Cuellar's request for a continuance, Ms. Trottier said the hillside standard has been an ongoing process for several months and if she wanted time for comments, she had adequate time to do so.

Opponents:

**Bill Kloos, 375 West 4<sup>th</sup> St., Ste. 204, Eugene, OR**

Mr. Kloos provided a letter to the Commissioners and staff. He disagreed with Brian's staff report saying the proposed standards would not apply to developments that are already approved or that will be approved prior to the adoption of the proposed ordinance. He said the proposed standards will trigger a full list of development proposals. He said even though a subdivision is already approved, the new ordinance would be triggered. He referred to 10 items in his letter he wanted to address. He said staff and Commissioners may want to change some or all of these points in order to comply with state law. He said standards need to be clear and objective when being adopted for developing housing. Also, when developing housing, regulations cannot be adopted that create or accumulate unreasonable costs or delay in developing housing. He said when the City was going through review, amendments to the code were adopted. Those amendments cranked up the standards on residential development by adding language to the code that required more discretionary standards for housing. He filed objections to those in 1999 to 2002 for his client at the time. Those objections went to the LCDC, who was the arbiter on land use issues. The LCDC found half of Mr. Kloos' objections were valid which required the City to remove the discretionary language from standards that applied to residential development. He said those issues are very similar to issues that will surface if the proposed standards is adopted. Mr. Kloos started to give a scenario but was interrupted for going over his three minutes. He asked the Commissioners to review his letter and give it consideration. He said there are several points that need to be cleaned up in the proposed standards and asked the Commissioners to send the best package possible to the City Council.

**Roxie Cuellar, Homes Builders' Association, 2053 Laura St., Springfield OR**  
Ms. Cuellar discouraged the Planning Commission from making a decision tonight. She would like to provide information to the Commissioners at a later date. She attended a public hearing in Ashland on their hillside development. They only require a geo-tech for subdivisions and partitions. She said the biggest concern the Homes Builders' Association has is requiring a geo-tech report that would be a land use decision at the same time a building permit is submitted. She didn't think this was required anywhere in the state of Oregon. She said the best time to conduct a geo-tech study is at the time the subdivision is being created. She said once the lots are created without a geo-tech report, the lots are restricted as far as building sites and potential. A geo-tech study performed on an individual house, it's always for the purpose of engineering for the foundation of the home; which conforms to the Uniform Building Code and is not a land use decision. She would like to supply more information and suggested the Planning Commission postpone their recommendation to the City Council.

**Shane Hughes, EGR & Associates, Inc., 2535B Prairie Rd., Eugene, OR**  
Mr. Hughes represented McDougal Brothers and ATR Land, LLC. He provided written testimony to the Commissioners. They are not opposed to hillside development ordinances and work with them often. However, he said the language in the proposed standards is not clear but could be made so relatively easy. He agreed the time to conduct a geo-tech report is during the subdivision phase. He said the ordinance is too conservative and counterproductive. He specifically referred to "Section (10) a) 4. Cut and fill slopes . . ." he said this section is not clear and he could not think of an example where this would be helpful to hillside development. He said if the standard were to apply 2 to 1 and define how much the cut and fill slope must be retained it would be more specific and would make more sense. He said Brian mentioned that Springfield is reworking their ordinance because it's not clear. He said they're rewriting their ordinance to clarify some of the same issues Veneta's proposed standards would be setting.

**Mark Shequin, 24367 Bolton Hill Rd., Veneta, OR**  
Mr. Shequin's opposes the proposed ordinance. His main objection to the ordinance is that it takes a heavy handed approach to private property development. He supported private property rights but nine pages of detail is too much. The proposed standards will put make too much land off limits to development and puts pressure on the City's 20 year land inventory. He is concerned about urban sprawl if this ordinance is approved. He felt it is inconsistent with Veneta's desire to keep up with the growth that has occurred and will continue to occur. He asked that the ordinance go back to the drawing board.

**Jim Welsh, 90050 Killian Ln., Elmira, OR**  
Mr. Welsh advised that putting severe restrictions on the books is not a good idea. The ordinance is set up for failure because of it's immense detail. If something is left out, it could be interpreted as intentional. He said there could also be unintended consequences. He understood the City is under a mandate to have clear and objective standard for housing development. He said the Planning Commissioners still has a ways to go to complete the ordinance. He gave the proposal a big thumbs down.

**Tami Sakany, Fern Ridge Chamber of Commerce, 24949 Highway 126, Veneta, OR,**  
Ms. Sakany is a 10 year resident of Fern Ridge. She felt the community has a great attitude but she is troubled by the ordinance. She said it looked like something to come out of Eugene or Portland but not Veneta. She said the

proposed code replaces one page of regulations with nine pages. This raised a red flag. Do we really need nine times more regulation? She gave an example, she referred to the list of 16 information requirements in Section 5 which seemed too detailed for the purpose of the ordinance. She said "Section 11 Density Transfer" should be defined in Section 2. She said "Section (11) Density Transfer, b)1. Lands over 15% shall be permanently maintained as open space in tracts of parks". She referred to this as a "taking". She said isn't that what got voters upset that led to the passage of Measure 37? She said the ordinance is not ready for adoption and it's not right for Veneta. She asked Commissioners to not recommend adoption to the City Council.

**Brad Young, 1241 Oak St., Eugene, OR,**

Mr. Young is one of the developers for Aspen Heights. He responded to a public comment that a geo-tech study should be conducted at the beginning of a development on the entire site. He proposed a grading plan for the entire site and for proposed lots. His grading application was denied for grading the entire site but he was allowed to grade on a lot by lot basis. He said he provided staff with his geo-tech study supporting his plan as well as the City's geo-tech but discussions of erosion were brought up. He said the City made a decision to not allow him to grade the entire site. The City needs to consider the liability they're taking on by making engineering decisions. He said he wasn't allowed to grade his property but he is allowed now to build up 40% of the lot. Even though Brian said the proposed standards wouldn't apply to him, he is concerned that it will in the end. He needs to know whether it will or will not. If it does, the City approved his tentative plan and construction plans and his development has lots that would be deemed unbuildable or buildable but 20% of the lot will be impacted, if the proposed standards were to be adopted. He said this is contrary to what he needs to do in order to develop the lot. Whether traditional construction methods are applied, if the ordinance is passed and it applied to him, it will make many of his lots unbuildable. He would like to know what he should do. He is concerned if this ordinance parallels Measure 37, will he be reimbursed for the cost of the unbuildable lots?

**David Cramsey, 88070 7<sup>th</sup> St., Veneta, OR**

Mr. Cramsey read a proposal a friend gave him. He asked if a geo-tech expert had been involved with the development of the proposed ordinance? He is a concerned neighbor. He isn't sure the proposed standards would fly. He said steep slopes transfer fire quickly. This is a concern for urban and rural communities. He said by retaining the understory, we could beacerbating the situation. This could also create a bigger problem for fire fighters which has a direct impact on public safety which he felt should be the City's number one concern. He questioned Section 10(b)1(a) dictating color schemes and architecture. He said hillside development and public safety and providing a reasonable development should be it. It should not be a preservation document to hold City growth at where it is today.

**Greg Demers, 24224 Sertic Rd., Veneta, OR**

Mr. Demers is a private property owner advocate. He said there have been many ordinances and amendments to this area which made it more restrictive to stakeholders and private property owners to help economic development in this community. He is not opposed to having restrictions to an ordinance that makes sense. He said after reading the proposed standards and listening to his attorney and engineers, he felt this ordinance as proposed is something that should not be recommended for approval.

**Eric Braunger, 87811 Oak Island Dr., Veneta, OR,**

Mr. Braunger has lived in Veneta a long time. He said building isn't happening in wetlands and restricting greenway. He said it appears builders have moved to

higher ground to accommodate Veneta and now that's becoming unacceptable. He asked if Veneta has become a "no growth" community. He felt local government doesn't have the right to take private land and restrict it without compensating the landowners. That appears to be what's happening in Veneta.

**Tabitha Perkins 88170 territorial Rd., Veneta, OR,**

Ms. Perkins is opposed to anything that restricts to the minute detail. She is concerned, as a Veneta business owner, if these types of restrictions would apply to residential areas, are business owners next? She felt the City doesn't have the right and should not take that right to dictate that extent of restrictions.

5. Acting Chairman Len Goodwin closed the Public Hearing at 8:45 p.m.
6. Questions from the Veneta Planning Commission
7. Deliberation and Decision

In response to a question from Lily Rees, Brian said legal counsel has not reviewed any documents received at the public comment session.

Brian said at the June 4, 2007 Joint Work Session of the Veneta City Council and Planning Commission, there was no direction from Councilors, Commissioners or public comment requesting removal of the language pertaining to specific colors and architecture of homes.

Brian said intent of the first Exemption on page 4 is to make it specific to new subdivisions. That language should read "it would not apply to any undividable lot that was approved through a subdivision prior to the adoption of the proposed ordinance". He said we wouldn't go back to regulate Aspen Heights or a lot in Sherwood Forest or any other single family residential lot that is not dividable under this ordinance.

He said it would apply to subdivisions verses building permits. There are several different combinations of how things could or could not fall under this ordinance. For example, on one large lot where a builder wanted to cut extensively into the hillside to pad out an area for a barn or another large structure. This would require an individual geo-tech report. It is possible to foresee instances where development on a single family lot may require the input from a geo-technical engineer. The intent was to approve a subdivision but not require each individual lot to conduct a geo-tech report. He said if there is one geo-tech report for the entire subdivision, that would cover all lots in that subdivision. He said the geo-tech may have recommendations for foundation construction or drainage controls on a specific lot that requires the builder to adhere to. But that would be a condition of approval for the subdivision. He said the intent is that any single family lot would already fall under the approved subdivision geo-tech report.

Brian responded to a comment on Section 11(b) "land of 15% shall be permanently maintained as open space". He said this is not a general decree. It's part of the calculation for utilizing the density transfer provision. It preserves slopes and transfers the density to a flatter area.

Brian said there has not been a geo technical review of the proposed ordinance. He was not able to secure their services to review the code in time for tonight's meeting. Brian spoke with Heather Hill from Lane County Fire District No. 1 regarding the wild land interface issue. He specifically asked her about spark arresters and chimneys. She had general comments about fire in the area near the forest lands. Brian said the tree preservation Ordinance also refers to the fire danger potential with residential areas next to forest lands. He said it becomes

difficult to reconcile the natural resource preservation point versus residential development with structural protection of residents and homes. Fire danger is an ongoing issue.

In response to a question from Len Goodwin, Brian said the City Engineer reviewed the question of civil engineer versus geo-technical engineer. Brian said the reason for two different professionals defined in the proposed standards is the distinction between who should oversee the input on specific decisions based on the degree of technicality. Len said the appearance of the phrase in both definitions raised concern for him.

In response to a question from Len Goodwin, Brian said "Section (4) Exemptions, a) Improvement of single family lots . . ." should be amended to provide exemption for all non-dividable single family lots regardless of size. Brian said that a lot less than 16,000 sq. ft. is not divisible under the current zoning to the hillside area which is an 8,000 sq. ft. minimum. Brian said the strict wording of the ordinance would decrease the number of lots that are covered by the exemption. If it was set at just less than 16,000 sq. ft. it would apply to all lots over 16,000 sq. ft. He said there may be an existing house on a lot that is 20,000 or 30,000 sq. ft., under that current wording, the intent was that it not apply.

In response to a question from Len Goodwin, Brian said by changing the wording to "non-divisible", we are increasing the number of lots that are exempt from application of this language. Brian wasn't sure how many lots would actually fit in this category but it would decrease the number of lots it would apply to.

Jim Bruvold suggested because of the number of comments received tonight, the Planning Commission should consider continuing the public hearing until next month. This would also give staff time to review the comments as well as legal counsel. He felt it was important to get the words clear. Public comments referred to portions of the proposed standards that are unclear and we don't want that in our ordinances.

Lily Rees supported a continuance.

In response to a question from Len Goodwin, Jim Bruvold said you can close the public comment session of the public hearing but we're still in a public hearing, conducting deliberations. Jim Bruvold said we could provide further written testimony be presented to the Commissioners at a future meeting.

Brian said there had been a request to allow further comment. He said the public hearing would need to be open at least seven days to allow for additional public comment. It's at the Commission's discretion to leave it open until the next meeting. For written testimony, the meeting could be re-opened to allow public and oral testimony at the next meeting as well based on the staff report.

In response to a question from Len Goodwin, Brian said the proposed standards has been before the Planning Commission at a previous joint work session and at tonight's meeting.

Commissioners agreed they do not want to make a hasty decision but they don't want the issue to continue indefinitely. They would like to get it right the first time if possible.

Jim Bruvold would like to give people another opportunity to present comments and give staff the opportunity to respond. He would like to provide another session of public testimony.

In response to a question from Len Goodwin, Brian said the Commissioners need to make a motion to reopen the public hearing to be continued until the next Planning Commission meeting.

**MOTION:** Lily Rees made a motion to re-open the Public Hearing on the Veneta Hillside Development Standards Ordinance so it could be continued at the next Planning Commission meeting of October 1, 2007. Jim Bruvold seconded the motion, which passed with a vote of 3-0.

**5. OTHER**

Brian said when Planning Commission topics are postpone to the next meeting, an entire months passes. He suggested holding Planning Commission meetings every two weeks when issues are postponed so decisions aren't prolonged for a month or possibly longer.

Len Goodwin said holding meetings every two weeks may pose a challenge for him.

**6. ADJOURN**

Acting Chairman, Len Goodwin adjourned the Planning Commission at 8:58 p.m.

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James Eagle Eye, Chairman

ATTEST:

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Darci Henneman, Assistant City Recorder  
(minutes prepared by dhenneman)