

Minutes of the Veneta Planning Commission

October 1, 2007

Present: Chairman James Eagle Eye, Len Goodwin and Jim Bruvold

Absent: Lily Rees and Keith Hartley

Others: Brian Issa; Associate Planner, Ric Ingham; City Administrator, Darci Henneman; Assistant City Recorder, Jerry Elliott; City Engineer, Marion Esty; Veneta City Councilor, Mona Linstromberg; Joan Mariner, Anna Morrison, Bill Kloos, Roxie Cuellar, Tami Sakany, Brad Young, Linda Boothe, Herb Vloedman and Heather Kent

1. REVIEW AGENDA

Chairman James Eagle Eye reviewed the agenda and called the Veneta Planning Commission to order at 7:04 p.m.

2. PUBLIC COMMENT

Mona Linstromberg, 87120 Territorial Rd., Veneta, OR

Ms. Linstromberg spoke about the three minute public comment limit. She said when she started participating in the public process of the meetings she felt the three minute time was too short. She now agrees three minutes is ample time if people paraphrased and prepared ahead of time. She said at the last Planning Commission meeting Mr. Kloos spoke. At that time she commented he was going over his allotted time. She felt his speaking style doesn't allow him to make all of his points within the three minute limit.

MOTION: Jim Bruvold made a motion to approve the September 4, 2007 Planning Commission minutes to include the correction of replacing "Tree Ordinance" with "Hillside Development Standards Ordinance" in the motion on page 11. Len Goodwin seconded the motion, which passed with a vote of 3-0.

3. APPROVAL OF MINUTES:

September 4, 2007 Planning Commission.

4. Public Hearing

A. HILLSIDE DEVELOPMENT STANDARDS (A-1-07) (Cont.)

1. Staff Report

Brian presented a thorough background of the proposed code revisions at the last Planning Commission meeting. He asked the Commissioners how much detail would they like him to cover at tonight's meeting.

James Eagle Eye requested a brief review of Brian's staff report as well as Mr. Kloos' comments at the meeting of September 4, 2007

Brian reviewed Mr. Kloos' and public comments with the Commissioners and responded to each comment. He said most of the comments at the last meeting referred to how the ordinances will apply. He said many of those gray areas have been revised. Brian gave a complete staff report and reviewed all the revisions to the Hillside Development Standards (HDS). He said if a geotechnical report is required for development, it will be for the entire development and not individual lots. Once the geotechnical report is accepted all development will be required to comply with the ordinance. Compliance with the ordinance will also allow the City Engineer to hire a geotechnical engineer at the applicant's expense.

2. Chairman, James Eagle Eye opened the Public hearing at 8:05 p.m.

3. Declaration of Conflicts of Interest or Ex-Parte Contacts: None

4. Public Testimony

Proponents:

Mona Linstromberg 87120 Territorial Rd., Veneta, OR

Ms. Linstromberg got the impression people felt excluded. at the September 4, 2007 Planning Commission meeting. She said the Hillside Development Standards (HDS) process has always been open to the public. She has been involved from the beginning. She said Brian Issa responded to written comments submitted by Mr. Kloos and EGR & Associates, Inc. She encouraged the Planning Commission to recommend the HDS to the City Council for approval before additional subdivision are proposed. She said independent and peer reviews are vital to the process. She said the Aspen Heights Subdivision should have been done differently.

Joan Mariner, 25712 Cochran Ct., Veneta, OR

Ms. Mariner read a letter she provided to the Planning Commissioners. She said often times when the City attempts to amend City Codes, comments are made that the City is getting too restrictive. She felt many of those comments come from people who will benefit economically if codes remain unrestrictive. She said many times others effected by the code revisions do not get involved until after a development is approved. She felt Brian addressed the public concerns regarding the HDS with the revisions he provided tonight.

Cathy Coulson-Keegan 25130 E. Broadway, Veneta, OR

Ms. Coulson-Keegan provided a picture of the heritage trees at the Oakway Mall. She listed all the benefits trees provide. She said the City ordinance should encourage preservation and she supported the HDS.

Opponents:

Anna Morrison, 25160 E. Broadway, Veneta, OR

Ms. Morrison was not clear on some of the changes Brian made. She said Brian clarified the definitions of a Civil Engineer and a Geotechnical Engineer. She said the ordinance is getting better but is concerned it still needs more work. She felt the restrictions are tighter than that of Eugene's urban areas. She has no financial vested interest in the ordinance.

Tami Sakany, Fern Ridge Chamber of Commerce, 24949 Highway 126, Veneta, OR,

Ms. Sakany thanked Brian and Ric on behalf of the Chamber for listening to their concerns. She said the first draft sounded like something out of Eugene or Portland. She said the Chamber wants to be a partner on how this City will grow. She appreciated the changes but felt there are still issues of concern for her. She said her biggest concern is that the rules are so specific. She would like to see the Planning Commission and City staff take more time to get it right the first time.

Roxie Cuellar, Homes Builders' Association, 2053 Laura St., Springfield OR

Ms. Cuellar thanked staff and Brian for working with her and others. She suggested issuing a temporary certificate of occupancy on homes that are completed in the winter months. She said landscaping cannot be done that time of year. She said this would allow people to move into their new homes but still be required to do necessary planting in the spring prior to receiving their final certificate of occupancy. She said Eugene had difficulty requiring existing natural vegetation be left on individual lots in their hillside development. They decided to not require natural vegetation on individual lots but maintain larger areas within the development. She said the developers provided natural vegetation areas in the public utility

easements and/or the right-of-ways. She encouraged the City to look into this.

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

Mr. Young wasn't clear on the changes Brian referred to and is concerned whether they will apply to his development. He felt the HDS are not ready to be voted on. He said we need to go back to the drawing board and come back with something that everyone agrees with. He said it may not affect his subdivision but some people are concerned with the process. He would like to continue building out here. He felt there are holes in the HDS. He said he doesn't understand Brian's revisions and asked if the HDS will affect Aspen Heights.

Linda Boothe 25127 E. Hunter, Veneta, OR

Ms. Boothe has worked in Veneta for six years. She is concerned the existing code is short and unclear but the new code needs more work and it should include the comments from people who shows concern. She thinks more time and work needs to be put into this before a decision is made.

Herb Vloedman, 25115 Luther Lane, Veneta, OR

Mr. Vloedman recommended caution with the code changes. He is concerned how the outcome will interact with the Tree Ordinance. He asked if all possible options will be taken into consideration when looking at buildable space. He felt there should be reasonable restrictions on development to address hillside sliding and erosion but this ordinance and the pending tree ordinance will make too much buildable land off limits. He said the average person would have a hard time interpreting both codes. He felt economic development opportunities are being hindered with this ordinance. He is worried the new HDS will increase the cost of housing and limiting the number of people being able to afford to live in Veneta. He said economic development is vital.

Heather Kent, 24214 Suttle Road, Veneta, OR,

Ms. Kent submitted a packet of documents including the City of Lowell's Land Development Code. She said the cover letter is supported by Neighbors 4 Responsible Growth (N4RG) which is not an anti-growth group. She said just because one city is doing something a certain way doesn't mean it was a good decision. She asked the Planning Commissioners and City staff to please address all the issues in the letter she provided. She said the street widths in the HDS are too wide for hillside development. Veneta code requires 49 ft. horizontally and Eugene's standard size is 27.5 ft. She said this would make the cut and fill on a 20% slope 10 ft. in Veneta and 5.5 ft. in Eugene. The street size needs to be reviewed.

Bill Kloos, 375 West 4th St., Ste. 204, Eugene, OR

Mr. Kloos, on behalf of McDougal Brothers and ATR Land LLC, provided a letter from EGR Associates, Inc. which addressed the current draft of the HDS. He said there is a fine line between preserving trees and eliminating unsafe trees. He referred to Ms. Cuellar's comment that Eugene is requiring subdivisions to include conservation zones with smaller building lots and narrower streets. He said requiring the developer to hire a geotechnical engineer to review a site and also requiring the developer to pay for the City's geotechnical engineer is wasting time and money. He said the minimum standards of the code may not meet what the professional geotechnical engineer recommends. He suggested the City pick one or the other but don't use both sets of standards. He said geotechnical engineers should be hired if there are questionable lots which

should be dealt with individually. He said the minimum the minimum lot size criteria should be adopted.

5. Questions from the Veneta Planning Commission
Jim Bruvold attended the Oregon Planning Conference in September. He said one of the speakers at the Conference was a geotechnical engineer. He suggested the City hire an independent geotechnical engineer to review a developer's geotechnical engineer's work.

Brian said the City did that for the land swap of the City owned Bolton Hill property for the Gorilla owned 8th St. Property, as well as the proposed Bolton Hill Ranch.

In response to a question from Len Goodwin, Brian said if we don't adopt a minimum lots size or a minium area of disturbance we would rely on a geotechnical engineer. That is how the existing code is but amendments are needed to the existing code limits. Brian said a developer could hired a geotechnical engineer to approve the site but there could still be some areas of concern. He said the geotechnical engineer should review the site and the development plan at the same time to make sure the proposed homes would fit the site.

In response to a question from Len Goodwin, Brian said safety and stability are the number one priorities. He said the ideal situation would be create natural areas within the development and not cookie cutter the houses throughout the subdivision.

James Eagle Eye said when the HDS were first discussed in a Work Session with City staff, the City Council, the Planning Commission and a few residents, the plan was to work at requiring the homes to fit the lots and not the lots fit the homes. The intent was to preserve as many trees as possible. He said with erosion problems, will that still cover the initial intent of the Commissioners and Council?

Brian said the requirement that special foundations should be used in specific areas accomplishes that goal.

In response to a question from James Eagle Eye, Brian said a stakeholder group could work together with the City to develop the tree code. He said Douglas Fir trees larger than 24 inches at the based don't do well as stand alone trees in subdivisions.

Len Goodwin said Brian should review the most recent revisions to the ordinance prior to public testimony so he can respond.

Jim Bruvold said there are several springs on Bolton Hill that should be brought up for conservation. Jim Bruvold said Goal 5 addresses protecting natural resources.

Brian reviewed the proposed amendments to the Veneta Land Development Ordinance 461, Section 5.25 and the Veneta land Division Ordinance 462, Section 1.06 with the Commissioners. These sections addressed the review process and standards for land development and land divisions on land with slopes of more than 15%.

James Eagle Eye said the focus of tonight's meeting is to recommend the HDS to the Veneta City Council for adoption.

6. Chairman James Eagle Eye closed the Public Hearing at 8:38 p.m.

7. Deliberation and Decision

Jim Bruvold said he is pleased with the revisions Brian made to address the public comments and recommendations from last months' meeting. He suggesting holding the issue over to include more public comment.

Len Goodwin disagreed. He said the issue has been visited. He said Commissioners and staff received excellent suggestions at the last meeting as well at tonight but we need to move on. He said we need to provide the City Council with something to approve. He felt there are very few areas that need to be addressed. He said an indefinite amount of time could be spent on this. He said that is why we have legal counsel to fill in the gaps. We should move forward and send it to the City Council and again invite public comment.

James Eagle Eye agreed with Len Goodwin. He said there a couple of issues left to resolve but many issues have already been addressed.

Len Goodwin complimented staff on a excellent job of incorporating the public comments and he thanked the public for their insight on such a large project. He said we will have an excellent start on the Hillside Development Standards. He said the land effected by this is minimal. The land inventories will not be impacted whether they make a decision or not. He said economic development is not just residential building and should include more businesses. He said we don't want to be a bedroom community to Eugene. We would like to be a stand alone city. He said eliminating 70 to 90 lots by restricting hillside development would not only provide safe building but provide the appearance and feel to attract both residents and businesses. He said the major issue outstanding is ground disturbance. Len said the HDS would allow the developer to better site their improvement on their property. The minimum lot size criteria may make things easier to understand but a developer trying to build on a sloped area may find the percent of impact test would enable them to build. Using the minimum lot size criteria would make construction difficult. He said having the right minimum lot size to achieve the same effects both in esthetic and engineering terms is the main objective. We may end up with lots sizes beyond anything reasonable. He encouraged staff to stick with the table we have now and supported using the impact area language rather than using the minimum lot size language. He said retaining walls should not be allowed in the right-of-ways and PUEs. He said they are vital piece of property the City holds in trust for its residents. They are for the benefit of all the public and not a chosen few. He said the City legitimately requires a right-of-way or PUE, it needs to stay that way and not be developed at a later date. He suggested removing that section from the HDS. Len Goodwin said all geotechnical reports should be reviewed at the applicant's expense by the City's geotechnical engineer. He said Ms. Cuellar's comment on the time and place of re-vegetation is a good point. He said if a home gets a final certificate of occupancy in January, obviously replanting could not happen that time of year. Len also said a bonding period would be required.

James Eagle Eye said the erosion control provisions will be maintained.

Jerry Elliott said bonding requirements would still be required.

Jim Bruvold suggested lengthening the bonding period to two years.

Len Goodwin said the additional changes Brian proposed tonight were all valid. He recommended all of Brian's changes. He said it's not perfect but felt that would never happen. The drafted tree code may require this to be tweaked a little bit, or vice versa. He said it's time to move forward and send the HDS to the Council for approval.

James Eagle Eye said the above standards shall apply when addressing density transfer. He said the three steps need to be gone through. Brian said you can't transfer the density and develop the entire slope. He said a portion of it can be developed and also transfer a portion of the density.

In response to a question from Len Goodwin, Brian said the density transfer section is in the existing code. He said the HDS need to state clearly when subdividing a development that specific products may be excluded from being build on certain lots, i.e., the product fits the lot size accordingly.

James Eagle Eye is confident Brian is capable of conveying that to developers.

In response to a question from Len Goodwin, Brian said the Southwest Area Plan (SWAP) is a great example of how flexible the code will be. He said the SWAP was designed to create clusters of residential development and reserving open spaces and conservation zones surrounding the clusters of development. Brian said the codes applied to create the smallest size lots allowable in Veneta and also met the City's commitment to open spaces and parks.

In response to a question from Len Goodwin, Jerry said the geotechnical engineer's report language is required to comply with the guidelines of the Oregon State Board of Geological Examiners. He said all geotechnical reports also need the geo tech engineer's stamp.

Len suggested the geo tech guidelines should be included in the HDS.

In response to a question from Len Goodwin, Jerry said the 10 year storm water detention language is in another part of the code. He said it doesn't need to be referenced to twice.

Ric said if and when new geo tech standards are revised, we would refer to the revision. He said we don't want to revise the entire document every time the geo tech standards are revised.

Brian referred to Mr. Young's question if the HDS would effect Aspen Heights. Brian said at this point they have a geotechnical report, none of the lots are further dividable and all development is required to comply with his geotechnical report. He said those rules and regulations applied to him when his application was approved. The HDS will not apply to the Aspen Heights Subdivision.

All Commissioners agreed.

Brian referred to Heather Kent's comments on street design and widths. He said even though the Oregon Department of Land Conservation and Development (DLCD) pushed for narrower streets, Lane County Fire District No 1. does not. He said Veneta street standards which requires wider streets in order to comply with regulation standards and Lane County Fire District No.1 standards. He said if a developer planned a subdivision with parking on one side or no parking on the street at all, it could be dealt with on a case by case basis.

In response to a question from James Eagle Eye, Brian said he had all the revisions he needed to finalize the code but asked of the Commissioners if they were comfortable with what had been discussed tonight. Brian said he would like to review ERG & Associates' engineer's report to include any possible revisions to the code.

MOTION: Len Goodwin made a motion recommending the Hillside Standards Development Ordinance go to the Veneta City Council for adoption after Brian made the agreed upon changes. Jim Bruvold seconded the motion, which passed

with a vote of 3-0.

V. LIMITED LAND USE ACTION

A. EMERALD SECURE STORAGE (SR-2-07)

Staff Report (Brian Issa)

Brian said the applicant is requesting a minor site plan amendment to allow the addition of seven new mini-storage buildings adding an additional 130 units. The site location is 88272 Huston Road, near the intersection of Huston and Wildwood Roads. There were no public comments received. Brian said the amended site plan is required for new construction on the site. Planning Commission approval is required by Veneta Land Development Ordinance 461 Section 6.06 because the proposed improvements will increase the amount of traffic generated.

Brian said staff recommends approval of the limited land use action with the following conditions: 1). Applicant will pay additional SDC as well as staff and technical review fees; 2). Fire extinguishers are to be required. 3). Verification that the existing well meet County standards. 4). If the well is inspected and found substandard, it needs to be brought up to County standards or capped. 5). The existing septic system should be abandoned to conform with state standards.

In response to a question from Len Goodwin, Brian said the City could require the applicant to cap the well and drill another one and allow them use the existing well for irrigation only. Brian said the applicant does not have access to City services. His only source of water is a private well.

In response to a question from Len Goodwin, Ric said the City may require the applicant to cap the well because of possible contamination issues with the tanks at the nearby Shell Gas Station. He said the City would never go to that area for well water. However, there is limited capacity at that end of town.

MOTION: Len Goodwin made a motion to approve the Limited Land Use Action for the Emerald Secure Storage. Jim Bruvold seconded the motion, which passed with a vote of 3-0.

Ric said if the City were allowed to turn abandoned wells into water rights we would be very aggressive in doing so.

5. OTHER

Brian Issa informed the Commissioners and the audience that Keith Hartley will not be able to continue his commitment to the City. He is stepping down as a Planning Commissioner.

Jim Bruvold said he will not be in attendance at the November 5, 2007 meeting and Len Goodwin said he will not be in attendance at the December 3, 2007 Planning Commission meeting.

6. ADJOURN

Chairman James Eagle Eye adjourned the Planning Commission at 9:20 p.m.

James Eagle Eye, Chairman

ATTEST:

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