

**VENETA PLANNING COMMISSION  
STAFF REPORT  
(A-2-09)**

**Additions and Amendments to Land Development Ordinance No. 461  
Amendments to Land Division Ordinance No. 462**

Application Date:	May 22, 2009 (DLCD Notice)
Measure 56 Notice Sent:	July 10, 2009
Planning Commission Notice Posted:	July 18, 2009
Planning Commission Notice Published:	July 23, 2009
1 <sup>st</sup> Public Hearing (Planning Commission)	August 3, 2009
Continued Public Hearing (Planning Commission)	September 8, 2009
2 <sup>nd</sup> Public Hearing (City Council)	October 12, 2009

**REQUEST**

The request before the City Council is for adoption of the proposed amendments to the Veneta Land Development and Land Division Ordinances. These amendments are categorized as follows:

1. Additions and Amendments to the Land Development Ordinance 461 (**Exhibit A**)
  - a. **Article 3** – Establishment of Zones
  - b. **Article 4** – Use Zones
    - Section 4.03 – General Residential
    - Section 4.05 - Broadway Commercial Zone
    - Section 4.06 & 4.07 – Community & Highway Commercial
  - c. **Article 5**- Supplementary Provisions
    - Section 5.13 - Commercial and Mixed Use Design Standards
    - Section 5.16 – Stormwater Detention and Treatment
    - Section 5.20 – Off-Street Parking Requirements
    - Section 5.29 – Residential Design Standards
  - d. **Article 6** – Site Plan Review
    - Section 6.04 – Improvement Requirements
    - Section 6.06 – Procedures for Approving Site Plans
    - Section 6.09 – Time Limit on Approved Site Plans
  - e. **Article 7** – Temporary Use Permit Regulations
    - Section 7.04 – Allowable Temporary Uses
  - f. **Article 8** – Conditional Uses
    - Section 8.05 – Time Limit on Approved Conditional Uses
    - Section 8.20 – Special Standards Governing Conditional Uses
  - g. **Article 10** – Variances
    - Section 10.06 – Time Limit on an Approved Variance Application
  - h. **Article 13** - Definitions

2. Amendments Land Division Ordinance 462 – *Changes Only* (**Exhibit B**)
  - a. **Article 2** – Application and Variance Procedures  
Section 2.03-Submission Procedures
  - b. **Article 3** – Property Line Adjustments and Replats  
Section 3.03-PLA Recording Requirements  
Section 3.04-Replats
  - c. **Article 4 – Subdivisions**  
Section 4.01-Tentative Plan Submission Requirements  
Section 4.02- Tentative Plan Review and Action Procedures  
Section 4.05-Final Plat Submission Requirements
  - d. **Article 5 – Partitions**  
Section 5.03-Tentative Plan Review and Action Procedures  
Section 5.06-Final Plat Submission Requirements  
Section 5.08-Filing & Recording of Plat
  - e. **Article 6** – Design Standards  
Section 6.04 – Building Sites (Flag Lot Criteria)  
Section 6.09 – Stormwater Facilities
  - f. **Article 7** – Improvement Requirement  
Section 7.03 – Improvements in Subdivisions  
Section 7.04 – Improvements in Partitions
  - g. **Article 8** – Definitions

## **LAND DEVELOPMENT ORDINANCE DISCUSSION**

Over the course of the past several months staff has been working with Siegel Planning Services, LLC who is contracted with Transportation Growth Management (TGM) to bring together a series of code changes involving zoning and design standards focused on implementing development codes conducive to the development of the downtown area consistent with the adopted Downtown Master Plan and supporting documents.

TGM promotes smart development principles that enable communities to meet transportation needs while retaining their livability and economic vitality. These principles include: integrating land use and transportation planning, making efficient use of land and resources, designing human-scaled, pedestrian oriented communities, assuring good connections between local destinations, and promoting pedestrian, bicycle and transit-oriented development.

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

- Make efficient use of the existing transportation system using “Smart Development” principles that promote infill, redevelopment, and compact new development in existing urban centers.
- Reduce vehicle congestion through a connected network of streets and routes that optimizes opportunities for use of alternatives to driving and helps minimize the amount of overall travel necessary to meet daily needs. Street design considers the role of pedestrians and bicyclists

along with that of motor vehicular traffic, emphasizing the quality of the walking environment by reducing vehicular speed to levels appropriate to the facility and adjacent land uses.

- Increase the use of alternative transportation. Mixing residential, commercial, office and civic uses within buildings or on the same site reduces distances between home, work, shopping, and recreation, and encourages people to walk rather than drive for shorter trips. Providing compact, mixed-use development connected by safe, convenient, and interesting networks of streets and paths promotes walking, bicycling, and transit as viable alternatives to driving.

In order to implement the Downtown Plan and make the changes suggested in the Code Audit conducted by SERA architects as part of the downtown planning process, it was necessary to make some specific changes to the adopted Comprehensive Plan and the Comprehensive Plan and Zoning Maps. Changes to the comprehensive plan and zoning map include the addition of the new Broadway Commercial zone. These changes reflect the outcomes of the downtown planning process and refocus various aspects of the plan on the downtown area, rather than the highway or other commercial areas.

Along with the changes focused on the downtown area, staff is proposing a variety of “technical” changes to address outstanding deficiencies and inconsistencies within the existing land development ordinance. The main technical changes include the addition of criterion for the Broadway Commercial Zoning District, Stormwater Detention and Treatment, Off-Street Parking, Site Plan Review procedures and improvement requirements and time limits on approved plans. Below is a summary of the above stated changes.

#### **Broadway Commercial Zoning District (Section 4.05)**

The Broadway Commercial (BC) zoning district is being proposed to help implement the goals of the Downtown Master Plan. The BC zone will include what is currently Community Commercial (CC) along the north and south sides of West Broadway and 18 lots of what is currently Residential Commercial (RC) on the south side of West Broadway from 2<sup>nd</sup> Street to 6<sup>th</sup> Street. The goal of the BC zone is to create a pedestrian friendly environment within the downtown area with a mixture of land uses that provide direct, safe, and convenient access from residential areas to commercial services, public spaces, and transit connections, while maintaining access for automobiles and bikes.

#### **Stormwater Detention and Treatment (Section 5.16)**

In order to be consistent with the goals and policies in the Natural Resources section of the Comprehensive Plan and the TMDL Implementation Plan adopted in February 2008 to protect and enhance water quality, staff has added a section specifically outlining the requirements for stormwater detention and treatment. Section 5.16 was added to the Land Development Ordinance and requires that all development and redevelopment projects within the City of Veneta that create more than 500 square feet of new impervious surface shall detain and treat stormwater. Section 5.16 references the Portland Stormwater Management Manual which is used elsewhere throughout the state and in cities like Eugene. Staff is recommending that the City of Veneta also use these standards to aid developers in designing stormwater facilities that are consistent with the requirements of the Portland Stormwater Management Manual emphasizing the use of vegetated surface facilities to treat an infiltrate stormwater on the property where stormwater runoff is created.

### **Off Street Parking (Section 5.20)**

With the redevelopment of the downtown area including the construction of 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & Waldo Lane and a goal to reduce required impervious surface, it is important to reevaluate the City's current parking standards. Staff has compiled parking standards from a variety of cities to compare the parking requirements with those in Veneta. Based on the information collected, the parking requirements in the Land Development Ordinance are consistent with those of other cities with the exception of some retail and restaurants uses which have been modified in table 5.20(a).

Other changes in off-street parking requirements include the stacking and queuing requirements of Section 5.20 (15) and the bicycle standards of Section 5.20 (17) The stacking and queuing requirements have been added to aid in onsite traffic and pedestrian circulation and apply to all developments that involve queuing of vehicles, loading and unloading of goods, materials and/or people, such as banks, restaurants and coffee shops. The bicycle standards of Section 5.20 (17) have been modified and are now included in the Table 5.20(a).

### **Site Plan Review (Article 6)**

Site plan review procedures correlate the general ordinance requirements with the specific site conditions and proposed uses and changes of use through a review process to assure that developments are in conformance with the applicable land use regulations of the Land Development Ordinance. The site plan review process has worked well for new developments, but has required existing developments that are not in compliance with the current code to face disproportional improvement costs. Staff has researched how other cities handle proportionality issues surrounding the required improvements in a development and modified the applicability section of the site plan review criteria to more clearly define when a site plan review is required.

Staff has also encountered issues surrounding the extent of improvements required for non conforming sites that modify a structure or have a change in use. For example, a property that does not have an approved site plan requests the addition of a small structure on site. As the code is currently written, the applicant would submit a site plan application for the addition of the building and would be required to show how the entire site would be brought up to current standards, including utilities, stormwater and landscaping. Considering the extent of the new development (its overall size) on the site, the improvements on the entire site would be disproportionate to the overall addition. Staff has added Section 6.04 in the Site Plan Review criteria to outline the extent of required improvements on the site. In determining what improvement are necessary the Planning Commission or Staff would consider the square footage of the alteration in comparison to the total square footage of the parcel(s) that make up the site. Improvement requirements on the site would be based on a percentage of improvements. As proposed, improvements that increase the square footage of the total structures on the site by more than 50% would be required to improve the entire site to current standards. Improvements that increase the square footage of the total structures on site by less than 50% would be equal to the percentage of the alteration or expansion. Development sites that will be altered or expanded by less than 10% would make 10% of the required improvements.

## **PUBLIC COMMENT**

As of the date of this staff report, no written public comment has been received for this public hearing.

During the public hearings, the Planning Commission heard testimony from local developers and concerned citizens (**Exhibit C**). Minutes from the Planning Commission meeting including the public comment are attached (**Exhibit D**). The following specific points were brought up during the public hearing and relate specifically to the proposed land development amendments. Following each point is a recommended resolution.

### **Comments from Herb Vloedman representing Fern Ridge Self Storage**

Mr. Vloedman made several comments regarding the conditional use requirements outlined in Section 8.20 of the Veneta Land Development Ordinance. Mr. Vloedman was concerned about the following design standards and if such standards would make designing a properly functioning storage facility impossible.

- Requirements for driveway widths are excessive and will require more impervious surface. Driveway widths as proposed would allow for moving vehicles to make an attempt to turn around in the driveway that is not designed to do so.
- Screening requiring 100% opacity would be impossible to comply with unless a block wall or solid fence were built.
- Exterior wall construction requirements on self storage buildings would be costly. Requiring specific exterior construction requirements on buildings that do not face a public street would help to reduce costs and make developing this type of building more efficient.
- Eaves on storage buildings are a potential hazard to vehicles and do not provide any real benefit.
- 3:12 sloped roofs add considerable expense to a development and do not provide the best security for those that use the storage facility. Roofs with this type of slope often require HVAC systems to reduce moisture.

### **Resolution:**

These provisions have been modified and the language clarified to ensure that the City design standards for these types of buildings are consistent with other cities that allow self storage and give the self storage business the appearance of a commercial structure.

### **Comment:**

Mr. Vloedman also made comment regarding a change in the Highway Commercial zoning district that would no longer allow rental storage units as a permitted use. Mr. Vloedman stated that allowing self storage in that area did provide a needed business in the area and that the use should be permitted outright and not as a conditional use.

### **Resolution:**

The purpose of the commercial designation is to provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area. Self storage is not a commercial use and does not serve the everyday business needs of the residents or accommodate travelers with commercial services. Changes to this section are not necessary.

**Comments from Teresa Bishow, Planning Director, Arlie & Company**

Ms. Bishow requested that the written record be left open.

**Resolution:**

The Planning Commission made a motion to keep the public hearing open until the September 8<sup>th</sup> Planning Commission meeting to allow written and additional oral testimony.

**Comment:**

Ms. Bishow stated that overall she was in favor of the proposed parking standards outline in Section 5.20. She suggested that multi-family house parking requirements should be reviewed and possibly changed to require one (1) space per unit for development, similar to Eugene.

**Resolution:**

Staff has taken some time and reviewed land development ordinances from other cities, such as Bend, Creswell and Corvallis to see how multi-family parking is handled. In all of the ordinances, the cities use parking standards similar to Veneta. Multi-family parking requirements in Eugene are a simple one (1) space per unit. Reduced parking works well in areas that have employment and other services available within walking distances. In addition, multi-family dwellings in Eugene have bus services and are able to serve a large bicycle population. Additionally, staff made some modifications to parking requirements for other uses.

**Comment:**

Ms. Bishow stated that the City's current bicycle parking standards are not proportional for some types of uses and excessive for the amount of bicycle traffic currently in Veneta. She suggested not requiring bicycle parking based on the number of vehicle parking stalls.

**Resolution:**

These provisions have been modified. The proposed bicycle parking standards have been written to be based on the use and not the amount of vehicle parking stalls. The change in how bicycle parking is calculated will ensure that a reasonable amount of bicycle parking is provided at a business and that the bicycle parking requirement is adequate for type of use.

**POSSIBLE ACTIONS BY THE CITY COUNCIL**

1. Continue the public hearing to a date and time certain.
2. Close the public hearing and leave the record open for written comment.

3. Close the public hearing. Approve the proposed draft language of the amendments.
4. Close the public hearing. Modify the proposed draft language and approve the amendments with specific changes.
5. Close the public hearing. If more research is needed, the Council may direct staff to conduct the needed research and bring revised language to the next scheduled City Council meeting.

### **STAFF RECOMMENDATION**

The proposed amendments will clarify existing code and promote consistency with the Comprehensive Plan and other adopted planning documents including the Downtown Master Plan. The proposed new text will provide more information for decision makers and clarity for applicants. Staff recommends that the City Council close the public hearing and leave the record open for written comment for 7 days. Staff recommends that the amendments with findings of fact be brought back to the City Council on October 26, 2009 for approval.

### **EXHIBITS**

- A. Additions and Amendments to the Land Development Ordinance 461
- B. Amendments to the Land Division Ordinance 462
- C. Planning Commission minutes
- D. Public Comment – Oral Testimony