

Minutes of the Veneta City Council

October 12, 2009

Present: Mayor Sharon Hobart-Hardin, T. J. Brooker, Darrell Carman, Marion Esty and Sandra Larson

Others: Ric Ingham, City Administrator; Brian Issa, Community Services Director; Jerri Moore, Finance Director; Zac Moody, Assistant City Planner; Darci Henneman, Assistant City Recorder; and Ephraim Payne, West Lane News

1. PUBLIC COMMENT

2. CONSENT AGENDA

MOTION: T. J. Brooker made a motion to approve the consent agenda as presented. Sandra Larson seconded the motion.

Vote: Darrell Carman, aye; Marion Esty, aye; Mayor Hobart-Hardin, aye; Sandra Larson and T. J. Brooker, aye.

The consent agenda as approved included Minutes for September 28, 2009, bills paid and payable for September, 2009, and the Public Works Activity Report for September, 2009.

Mayor Hobart-Hardin moved the donation request from Elmira High School Golf Team from the consent agenda and placed the item under "Other". The donation request required a Council discussion and vote.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

Mayor Hobart-Hardin attended the West Lane Cities Alliance (WLCA) meeting with Junction City and Florence. She said it was a very informative meeting. Since its inception one and a half years ago, the three communities have worked together on many issues like transportation and tourism. She said working together creates a positive path for all three communities. She also attended the League of Oregon Cities (LOC) annual conference which provided a statewide view of major issues on all city levels.

Marion Esty attended the last meeting of the Fern Ridge Community Action Network (CAN). Their new project is assisting with fundraising for the pool.

Sandra Larson also attended the LOC conference for the first time. It was very educational and surprising how many cities there are which are smaller than Veneta. She attended the pool fund raising committee meeting. They are moving along with their short and long term fundraising goals of \$250,000 and \$500,000. They will concentrate on raising the minimum \$250,000 required to get the pool built. The next meeting will be Thursday, October 15, 2009. She also attended the West Lane Cities Alliance dinner meeting for the first time and found it very educational and a good learning experience.

T. J. Brooker attended Fern Ridge Community Library Foundation meeting. He said Earl Ellson resigned from the Foundation Board and will soon retire from the Library Board. He is moving to California to be with family. He suggested the City work together with the Library to hold some kind of send off for Mr. Ellson.

Ric suggested contacting Colin Rea at the Library to work together on holding an open house to say goodbye.

Mayor Hobart-Hardin suggested the E. Bolton Road Local Improvement District (LID) be moved to the beginning of the Council meeting.

Staff and the Council agreed.

- b. CITY ENGINEER.....JERRY ELLIOTT
(1) E. Bolton Rd. Local Improvement District (LID) Engineering Report

Jerry Elliot said there are approximately 61 assessments in the E. Bolton Local Improvement District (LID) at an estimated cost of just over \$213,000. The City will be responsible for roughly \$15,000 to replace the safety valve overflow mechanism. Total project cost is \$228,000 which will be equally distributed among the 61 assessments making each assessment cost roughly \$3,500. There are no existing assessments on any of the properties. Staff and the City Engineer believe this is the most equitable way to distribute the LID cost among all property owners and recommend the Council direct staff to proceed with the E. Bolton LID.

In response to questions from Sandra Larson, Jerry Elliott said the north/south sewer trunk line from E. Bolton to the Pine Street lift station was put in to replace the line running southeast towards Cheney Drive. Federal grant dollars paid for the Pine Street line. The developer of Earnest Acres signed an irrevocable petition agreeing to connect those homes to the existing north/south trunk line. The property owners in Earnest Acres were assessed for their System Development Charges (SDCs) but not for the cost of the sewer line.

In response to a question from Marion Esty, Ric said many E. Bolton Rd. residents attended the October 7, 2009 open house on the E. Bolton Rd. LID. City Council approval of the engineer's report at tonight's meeting will initiate a public hearing to be held in late October or early November. Ric said LIDs do not go the Planning Commission for approval just the City Council.

In response to a question from T. J. Brooker, Jerry Elliott said the methodology used to calculate the assessments for the Bolton Hill Rd. LID differed somewhat from the methodology used for the E. Bolton Rd. assessments. Wetlands and greenways were removed from the assessments and the lots were overestimated to 10,000 to 12,000 sq. ft.

In response to questions from T. J. Brooker, Brian said only specific residents questioned the methodology used. A property owner of a large parcel with an existing house, who does not plan on subdividing, asked why they would be charged for future potential lots. When and if property is developed, the developer will be responsible for future improvements. If property adjacent to Oak Island or Heavenly Lane is developed, they would only get charged to hook up to the main trunk line which is already in place.

Ric said 29 residents attended and remembered the previously proposed E. Bolton proposed LID. Many residents thanked staff for providing feedback to the Council and appreciated the Council reviewing their concerns to rewrite the code to make sure it's fair and equitable for all. Residents asked educated and specific questions on the LID process.

Jerry said two or three big lots could cooperate and develop jointly to avoid space constraints which would probably allow more units to be constructed.

In response to a question from Darrell Carman, Ric said the property owner of tax lot 600 challenged his assessment. The property owner said in the late 90's the City required him to install an eight inch line to service his potential lots. With the proposed LID if he develops the rear portion of his property, he will be required to hook up to Heavenly Lane and will not be able to use the eight inch line he said the City required him to install. Ric suggested the property owner meet with staff to discuss his individual situation.

MOTION: T. J. Brooker made a motion to accept the Engineer's Report and directed staff to proceed with the E. Bolton Rd. LID project.

Kim Bennett, 25224 East Bolton Rd., Veneta, OR 97487

In response to a question from Ms. Bennett, Brian said the panhandle lots in the Earnest Acres subdivision (including hers) will stay connected where they are and will not be required to connect to the new line.

VOTE: Sandra Larson seconded the motion which passed with a vote of 5-0.

- c. COMMUNITY SERVICES DIRECTOR.....BRIAN ISSA
(1) Power Point Presentation shown at the E. Bolton Rd. LID Open House

Brian provided the Council with a copy of his power point presentation and asked the Council if they had any questions.

Mayor Hobart-Hardin said it looked very thorough and clearly identified what a local improvement district is and how it would affect the E. Bolton Rd. residents.

4. PUBLIC HEARING:

Comprehensive Plan and Comprehensive Plan and Zoning Map Amendments (A-1-09)

1. Mayor Hobart-Hardin opened the Public Hearing at 7:32 p.m.

2. Declaration of Conflict of Interest or Ex-Parte Contacts: None

3. Staff Report

Staff is requesting the City Council to adopt the proposed amendments to the Comprehensive Plan 416 and amendments to the Comprehensive Plan Map and Zoning Map. These amendments are categorized as follows:

Amendments to Comprehensive Plan Ordinance 416

Plan Elements and Policies

- Community, Building and Site Design Elements
- Residential Land and Housing Element
- Economic Development Element

Amendments to Comprehensive Plan Map and Zoning Map

- Comprehensive Plan Map – 4.1 Acres of Commercial/General Residential designated property to Commercial.
- City of Veneta Zoning Map – 4.1 Acres of Residential Commercial zoned property to Broadway Commercial.
- City of Veneta Zoning Map – 24.19 Acres of Community Commercial zoned property to Broadway Commercial

Zac said no written public comment has been received, however, he provided a copy of the August 3, 2009 Planning Commission minutes which included public testimony received. The Council had the following options: 1) continue the public hearing to a date and time certain; 2) close the public hearing and approve the proposed amendments; 3) close the public hearing and approve the amendments with specific changes; or 4) close the public hearing and 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.

4. Public Testimony: None

5. Questions from the Veneta City Council
In response to a question from Darrell Carman, Brian said if a building in the Broadway/Commercial (BC) zone is to be condemned a replacement structure would be required to conform to the "use" criteria. Building uses in the BC zone need to meet specific "use" criteria and not structural criteria. Any additions or alterations that would make the structure non-conforming to the intended use would not be allowed.

In response to a question from T. J. Brooker, Brian said if a residential property was sold and the new owner decided to use it as a commercial building, the building would be considered commercial from then on and could not go back to residential use.

6. Mayor Hobart-Hardin closed the Public Hearing at 7:43 p.m.

7. Deliberation and Decision

It was the consensus of the Council, based on the recommendation from the Planning Commission, to approve the Comprehensive Plan and Comprehensive Plan and Zoning Map Amendments at the October 26th meeting contingent on staff making a few minor changes and final review from legal counsel.

5. PUBLIC HEARING:

Land Development Ordinance and Land Division Ordinance (A-2-09)

1. Mayor Hobart-Hardin opened the Public Hearing at 7:45 p.m.

2. Declaration of Conflict of Interest or Ex-Parte Contacts: None

3. Staff Report

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:

Additions and Amendments to the Land Development Ordinance 461

- 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

Amendments Land Division Ordinance 462

- a. **Article 2** – Application and Variance Procedures
Section 2.03-Submission Procedures
- b. **Article 3** – Property Line Adjustments and Re-plats
Section 3.03-PLA Recording Requirements
Section 3.04-Re-plats
- 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

4. Public Testimony

Herb Vloedman, 25115 Luther Lane, Veneta, OR

Mr. Vloedman said the proposed code amendments cover a lot of ground but felt there are too many changes that go far beyond the health, safety and livability of our community. He asked if our community can prosper by forcing codes that are hard to understand. It might backfire or development won't happen. He asked the Council to think about how it works on the ground and whether people are going to be able to meet the code criteria along with the additional costs associated with the code updates. Nine months ago Mr. Vloedman purchased adjacent property to his storage facility as an approved use for his business expansion. There has been no opposition from the City to that expansion until now. There are the only two lots in Cornerstone that are zoned Highway Commercial (HC) and the proposed code amendments prohibit storage facilities as a permitted use. He is aware he could apply for a conditional use permit which would increase his building costs. The design standards will change the appearance of his buildings but will not make them more efficient or better buildings. The requirement for wainscoting for simulated rock around the entire exterior perimeter of his building will add additional costs. He is concerned he will not get funding for his new building, which may not allow him to keep his business here. There are five storage facilities in Veneta, three are already in HC zones and only his would be non-permitted.

5. Questions from the Veneta City Council

Marion Esty felt very uneasy with all the changes. She said residents may not be sophisticated enough to do their homework to apply for the required permits. She is concerned the revisions may discourage people from coming to this area and that the revisions should be put in perspective to the environment and to the size of our City. These revisions should be included in a long term plan because we cannot make this many changes overnight.

Darrell Carman said he had many comments however he is 100% against design standards. He wondered what the design standards are for if currently many subdivisions already meet them. He said as a City we should not undertake the task to legislate other than for the health and safety of our community. The design standards

should be deleted from the code because they do not enhance the health and safety of our community but add cost to development and in the end he believes the code amendments will discourage development.

In response to a question from Mayor Hobart-Hardin, Brian said staff would be working with Mr. Vloedman on the zone changes, however, the Council could decide not to change the storage unit's zoning or allow Mr. Vloedman to request a conditional use permit.

In response to a question from Mayor Hobart-Hardin, Zac said Mr. Vloedman's storage facility is in an area designated to provide businesses suitable for commercial use intended to meet the needs of residents and highway travelers, which a storage facility doesn't provide an intended use.

In response to a question from Sandra Larson, Brian said Mr. Vloedman is not the only HC zoned property on the north side of Highway 126. Jack Kelley Drive is also zoned HC. Tract 2 changes could not be applied because a conditional use permit would be applied if the zoning didn't change but the City allowed Mr. Vloedman to expand.

Darrell Carman said specific roof pitch and the use of stone or brick for exterior siding may currently be desired and present a more commercial picture but that doesn't mean a future Planning Commission or Council would want the same thing. Residential design standards shouldn't require things like the front door of a house should face the street. He said Frank Lloyd Wright houses would not conform to the proposed residential design standards.

Ric said the code changes were a huge undertaking when staff started this process many months ago and staff realized the design standards should have been temporarily omitted and done at a later time. Staff attempted to answer the need for a downtown gathering area specifically on West Broadway. This would require specific investments to encourage investors. In order to get St. Vincent/DePaul in here the City needed to give them the confidence that once they built here others will come and there would be design standards in place to ensure the quality of all the structures in the West Broadway downtown area.

Darrell Carman said we need to make sure we that the design standards do not preclude the development of affordable housing, like the manufactured homes on Blek Drive.

Zac said homes that are front loaded, meaning the garage sits out in front of the home create blind spots for viewing the street from inside the house. Security, beatification and aesthetics are what a developer should keep in mind when building a subdivision. Staff is not saying that subdivisions not meeting the design standards would be disallowed but the decision would ultimately be made by the Planning Commission through a Tract 2 process could be sought. The standards can certainly be altered to better fit Veneta. The design standards initially were to address multi-use or multi-family development. He said single family development could be removed from the standard.

T. J. Brooker said the Council should keep in mind that the documents can be changed. It's important the design standards are in place and that the community has guidelines and a vision to follow. The codes will continue to change. He commended staff for the work thus far. He felt the code revisions met a lot of long term goals as well as commercial design standards.

6. Mayor Hobart-Hardin closed the Public Hearing at 9:31 p.m.

7. Deliberation and Decision

It was the consensus of the Council, based on the recommendation from the Planning Commission, to approve the Veneta Land Development and Land Division Ordinances at the October 26th meeting contingent on staff making a few minor changes and a final review from legal counsel.

In response to a question from Mayor Hobart-Hardin Zac said only one written comment was received and it was in favor of the three year extension for subdivisions, variances, and partitions, etc.

T. J. Brooker would like staff to review removing the Fern Ridge Self Storage from the HC zoning as a compromise to Mr. Vloedman.

In response to a question from Sandra Larson, Zac said the Tract 2 process may be the easiest solution for Mr. Vloedman.

Darrell Carman said when a specific code is written for uniformity it's got to be enforced the way it's written.

In response to a question from Mayor Hobart-Hardin, Ric said staff will provide the Council with updated code revisions to include alternative language and options to address Mr. Vloedman's zoning issue.

6. **STAFF REPORTS**

a. CITY RECORDER.....SHERYL HACKETT

- (1) **Ordinance 490** – AN ORDINANCE TO TEMPORARILY DEFER COLLECTION OF SYSTEM DEVELOPMENT CHARGES PURSUANT TO ORDINANCE 452.
Second Reading by Title Only and for Final Enactment

MOTION: T. J. Brooker made a motion to approve Ordinance 490 as amended for second reading by title only and for final enactment. Darrell Carman seconded the motion which passed with a vote of 5-0.

- (2) Discussion of Proposed Three Year Extension for All Approved Applications

Brian said staff proposed the three year extension to the Planning Commission and they recommended it go to the Council for approval. Many smaller developers are having a difficult time getting projects (subdivisions, site plans, partitions, variances etc.) done within the one year time line. Brian said he can't remember a subdivision that was completed within the first year. Developers making extension requests is time consuming for staff. Staff is proposing a three year extension from the current expiration date of their application.

In response to a question from Mayor Hobart-Hardin, Brian said a three year timeline for development of subdivisions, partitions, etc. is very common. A local developer requested staff look into this option several months ago.

In response to a question from T. J. Brooker, Brian said for those applications that have already been granted one or two extensions, we could allow the blanket three year extension or staff could review them and allow the three year

extension based on extenuating circumstances.

Zac said some of the smaller partitions may actually have to come forward with more up front costs. Subdivisions approved under the previous code, the code that's in effect when the building permit was approved would apply.

In response to a question from Mayor Hobart-Hardin, Zac said active development consists of six or seven subdivisions, four or five partitions, and a few site plan reviews. Brian said two large ongoing subdivisions now are Bolton Hill Ranch and Dietzel Partition.

In response to a question from Sandra Larson, Brian said the intent of the three year blanket extension was to assist people that initiated development prior to the economic downturn to still be able to continue with their projects for three years without having to apply for yearly extensions.

Mayor Hobart-Hardin said this is an opportunity to assist the developers in our community.

It was the consensus of the Council to direct staff to prepare an ordinance outlining the three year extension for various land development and present it to the Council for signature at the October 26, 2009 Council meeting.

7. OTHER

Donation Request from Elmira High School Golf Team

The Elmira Booster Club requested a \$100 donation to raise funds for Elmira High School student athletes; specifically a golf tournament that will be held October 18th at Diamond Woods Golf Course. The booster club is asking the City to sponsor a hole at the tournament. Sponsorship is \$100 and includes a recognition sign on the tee and donor acknowledgement in the West Lane News.

Mayor Hobart-Hardin said this is an opportunity for the City to work more closely with the high school and the school district to strengthen the relationship between the City and the School District. She said the City will also be receiving a donation request from the Grad Night Committee for the 2010 graduating class of Elmira party.

MOTION: Sandra Larson made a motion to sponsor a \$100 tee hole at the Fun Fore Falcons Golf Tournament. Marion Esty seconded the motion which passed with a vote of 5-0.

Ric said the Fern Ridge School District is hosting an open house for the search of a new school superintendent on Monday, October 26, 2009 at the Fern Ridge School District Office at 6:00 p.m.

Ric said there was a tragic fatal accident today in Veneta. An elderly woman was the victim of a hit and run accident. No criminal charges have been made and authorities are not sure exactly what happened. The Oregon State Police is conducting an investigation.

8. **ADJOURN**

Mayor Hobart-Hardin adjourned the City Council at 9:56 p.m.


Sharon Hobart-Hardin, Mayor

ATTEST:


~~Darci Henneman, Assistant City Recorder~~
(minutes prepared by Dhenneman)
Sheryl Hackett