Minutes of the Veneta Planning Commission
December 1, 2015

Present: James Eagle Eye, Len Goodwin, Kevin Conlin, Calvin Kenney, Lily Rees

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Ric Ingham, City Administrator; Darci Henneman, City Recorder; Will Goodwin, Ryan Frome, DVM, Pat Bettencourt, and Joan Eubanks

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I. Review Agenda

James Eagle Eye opened the Veneta Planning Commission meeting at 6:31 p.m. and reviewed the agenda.

II. Public Comment

None

III. Approval of Minutes

MOTION: Lily Rees made a motion to approve the October 6, 2015 minutes. Kevin Conlin seconded the motion which passed with a vote of 5-0.

IV. Public Hearing: Request for Veneta Veterinary Hospital Site Plan (Track 2) – SR-3-15

1. Chair James Eagle Eye opened the Public Hearing at 6:32 p.m.
   Len Goodwin said he had an ex parte conflict. He said he talked with Dr. Frome a couple of weeks and Dr. Frome indicated he was surprised about the conditions attached to his application and that he was not satisfied with those conditions. Commissioner Goodwin suggested he speak with staff about his concerns.

2. Staff Report
   Garbett said the applicant's site plan was approved at the October meeting. She said the applicant requested an alternative to the commercial design standards, specifically to VLDO 493, 5.13(2)(i) – Design Guidelines; Guideline 6 Wall Openings – transparent window, doors, balconies cannot cover less than 60% of the south elevation and the code requires 30% of the east elevation contain openings (given the fronting on a secondary street, Todd Way). Adjustments to the Commercial and Mixed Use Design Standards are available under the approval criteria for site plan review, specifically 6.05(2) which allows the Planning Commission, through a public hearing, to approve alternatives to the commercial design standards, if the applicant meets the approval criteria. Staff sent notice to all property owners within 300 ft. and it was posted on the property and published in the Fern Ridge Review. Public comment was not received regarding the adjustment to the commercial design standards. She said the applicant is proposing 27% of the south elevation, facing Jeans Rd., have openings, primarily windows and a front door (60% is the standard). Also, they are requesting 26% of the east elevation contain openings, (30% is the standard). She said the intent of the standard was referenced in VLDO 5.13(3) under Guideline 6, which prevents designs with large blank walls where there is a lot of pedestrian traffic and to create a sense of space and promote visual surveillance. She said staff's analysis of the proposed elevations depict a higher level of detail which is required under the base code and is an approval criteria. Staff also considered that the proposed use requires a certain amount of privacy for examination rooms and the proposed elevations provide visual interest from the outside of the building. Based on the findings, staff recommends approval of the Track 2 site plan.

   In response to a question from Lily Rees, Garbett said regarding the east elevation, the general standard is 60% except for elevations that face a secondary street and staff considered Todd Way as a secondary street and Jeans Rd. would be the primary street so the standard was reduced by 50% - from 60% to 30%.

3. Public Testimony

Will Goodwin, 89555 Sheffler Rd, Elmira, OR

Mr. Goodwin said he was informed that Veneta Veterinary Hospital was asking for comments on parking.

James Eagle Eye said public comments are not being accepted on the next agenda item, which is the parking issue.

In response to a question from Dr. Frome, James Eagle Eye said public comments are taken on any item not on the agenda. He said comments will not be taken on the Site Plan Major Amendment – SR-3-15(A) but can be made during the public testimony of the public hearing on the Track 2 Design Standards only. The Planning Commission will not entertain questions regarding the applicant's parking lot.

Pat Bettencourt, 25486 Perkins Rd., Veneta, OR

Ms. Bettencourt asked if this a technicality. She said she's not familiar with the workings of the Planning Commission. She asked what prohibits people from commenting on an issue that is so important.

James Eagle Eye said the Planning Commission's process for discussing and making a decision on the next agenda item is not part of the public hearing.

Bork said tonight's public hearing is for the design standards of the facility and the second decision the Planning Commission will review is the parking. Public comments could have been submitted regarding the parking standards during a 14 day comment period, which was advertised in the Fern Ridge Review and notice of that 14 day time period was sent to the surrounding neighbors. She said anyone who wanted to submit a comment should have done so during that 14 day comment period and those comments would have been provided to the Planning Commission for review, however, no comments were received during that time.

In response to a question from Ms. Bettencourt, Bork said Ms. Bettencourt's comments are important, but the parking site plan review notice was sent to the neighbors because they would be the most impacted by the parking.

Dr. Frome said he felt everyone attending tonight's meeting didn't understand tonight wasn't the place and time to comment. He said that's why they're here tonight to provide public comment.

Ms. Bettencourt said she finds that very disturbing because it was a narrow window to submit comments and it should have been sent to more than the neighbors because it doesn't address clients of the Veneta Veterinary Hospital. She said she understands these are technicalities but she's upset that voices will not be heard.

Garbett explained that the opportunity to submit testimony has passed.

Len Goodwin said staff provided copies of three public comments regarding the applicant's parking issue which were all received after the deadline to submit public comment.

Joan Eubanks said she seconds everything Ms. Bettencourt said and she is very upset that as a patron of the veterinary hospital something that is very important to a lot of people is not being given consideration.

Ryan Frome, 91406 Place Ln., Junction City, OR
Dr. Frome said he is a part owner of the Veneta Veterinary Hospital and has been in the area for 36 years. He said the clinic has done a lot of compromising and redesigned the front of the building to accommodate the City. He said City does not have specific zoning for veterinary structures. He said if we're going to have more businesses we need to make sure it's accessible for everyone.

4. Questions from the Planning Commission
Lily Rees said it makes a lot of sense that commercial design standards be specific to medical offices and clinics. She said all of the existing clinics have front parking but the exception is that commercial design standards are different for retail verses medical/dental building. She said there's a need for privacy and we should consider changing that design standard for that reason.

5. Chair James Eagle Eye closed the Public Hearing at 6:52 p.m.

6. Deliberation and Decision
Len Goodwin said the revised south elevation doesn't satisfy the 50% requirement and we had a second path for exactly this situation, although the standard is the right one, it needs to be adjusted to recognize the need of the patients. He said this is the beginning of a process for changing the design outlook in the City. He said the site is across the street from Bi-Mart and the design of that building is not desirable. He said it's important to say that everything needs to adhere to the standard. He said we need to change streetscape looks and over time he hopes buildings on Jeans Rd. will have more windows. The design is pleasing and represents the maximum amount of space and he supports a variation from the design standard.

James Eagle Eye agreed but said there's a reason why we have the Track 2 process. He said when he first read the report, he thought 27% was low but once he looked at the drawing and the difference, he felt it clearly meets the intent of the code.

MOTION: **Len Goodwin made a motion to approve the Site Plan Review (Track 2) as stated in the Proposed Final Order. Lily Rees seconded the motion which passed with a vote of 5-0.**

V. Request for Veneta Veterinary Hospital, Site Plan Major Amendment – SR-3-15(A)
Garbett reviewed the site plan and the interpretation of VMC 5.20(3)(c) to allow parking in front of the building which requires new commercial parking to be located at the side or rear of the building. During the original site plan process the applicant was given a copy of the conditions of approval, which requires the applicant to submit a revised site plan with parking to the rear or side of the building. He said staff is asking the Planning Commission to interpret whether or not the site plan complies with the standard - 5.20(3)(c).

Garbett said the applicant modified the previously approved plan to reduce the parking spaces in front of the building to 12 spaces including one accessible space. She said staff provided two proposed final order options for the Planning Commission to interpret. She said Option A finds that the revised site plan does meet the standard and complies with the code. Option B does not comply and the applicant will be conditioned to submit another site plan showing how they meet the requirement.

Len Goodwin said he doesn't recall a former site plan. He said it seems that there should be some emergency parking in the front of the building and said there has to be some allowances for parking in front of the building.

Kevin Conlin said as a disabled person, he appreciates disabled parking especially carrying an injured animal. He said any time it's possible for the Planning Commission to approve easy access to treatment rooms, it should be done.

Len Goodwin said we're asked to interpret the parking lot which is a facility that is dedicated to the parking of vehicles. From the diagram, he doesn't see a parking lot but just parking on all sides of the building, which in his opinion, is not a parking lot.

James Eagle Eye said the majority of people would say that a parking lot consists of spaces around the building and incorporates any parking around the structure.

Calvin Kenney said ADA handicap parking spaces are required to be within seven feet of an entrance and should be in the front of the building not on the east side of the building. He suggested all ADA handicap parking spaces should be in the front of the building.

James Eagle Eye said the Planning Commission must make sure this is the best facility for the City. He doesn't know what is the best or necessary for the function of the veterinary office but he wants to make sure we are interpreting the code properly and that the project meets the code.

Len Goodwin said the location standards state, "parking lots and loading docks for new commercial, public, and semi-public buildings shall be located to the side or rear of the building", which clearly expresses a strong intent and preference for parking to the side and rear. In this case there are 24 of 36 spaces located on the side of the building and the Planning Commission should keep this in context. He felt this is a modest intrusion into the street scape because Jeans Rd. is not a pedestrian friendly thoroughfare and is not designed for pedestrian traffic. He said he felt this is well met by the language of the code and allows for judgment and determination of whether or not it meets the code. This may make it a land use decision and not a limited land use decision. He's prepared to accept 12 spaces as a reasonable attempt to comply with the code.

Kevin Conlin said the Council may want to make it more specific but he is inclined to say that the Planning Commission is free to interpret the code that way because there is no specific prohibition to what is being proposed here.

James Eagle Eye said he is not opposed to the plan but his comments are more geared to set a precedence that the code be applied to all of the City and not just specific to Jeans Rd.

Len Goodwin said we must recognize if this is the appropriate interpretation, that it is an interpretation within the context of the existing environment. He said proposed parking in the front of a building on W. Broadway would not be consistent with that environment and the code.

Bork said when staff was researching the code requirement we refer back to the Commercial Design Standards which explicitly excludes Community/Commercial (CC) from the additional standards that require buildings be up to the street, with parking to the rear or off the alley. So it didn't include CC in those traditional design standards for parking. Everything else, the façade, articulation, etc. design elements, that we wanted CC buildings to have, applied to all Commercial buildings. In another section of the code, which deals with parking lots, loading and off-loading, it requires parking and loading to be behind and to the side. She said there is somewhat of a conflict in the code and however the Planning Commission interprets this issue, we have the option to revisit the code. She said we want to make sure, as we move forward, we're getting what the Commission wants as far as development and where they want parking located – which building and where. That is something to consider and look into in more detail and to address the issue of potentially setting a precedence that you're not comfortable with.

Len Goodwin said we have to keep in mind that any decision the Planning Commission makes, it must always rely on the context of the environment. He said we can't view it as setting a precedence but merely recognizing the environment that exists and that it's still a basic code. He said we need to be

careful about how we diverge from it or appear to diverge from it.

MOTION: Len Goodwin made a motion to approve Option A of the Site Plan Major Amendment. Kevin Conlin seconded which passed with a vote of 4-0.

VI. Other

Bork asked if the Planning Commission would like to direct staff to review the parking standards and how they apply. She said because of the conflict, staff would like to bring the parking standards back to the Planning Commission for review - for modification to allow more flexibility or if the standard should apply to specific zones.

It was the consensus of the Planning Commission to direct staff to provide more information about the City's parking standards.

VII. Adjourn

Chair James Eagle Eye adjourned the Veneta Planning Commission at 7:19 p.m

James L Eagle Eye

James Eagle Eye, Chairman

ATTEST:

Darci Henneman

Darci Henneman, City Recorder