

Minutes of the Veneta Planning Commission

June 7, 2016

Present: James Eagle Eye, Len Goodwin, Kevin Conlin

Absent: Lily Rees

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Ric Ingham, City Administrator; Claudia Denton, Economic Development Specialist; Darci Henneman, City Recorder, Jeff Schlageter, Herb Vloedman

I. REVIEW AGENDA

Chair James Eagle Eye opened the Veneta Planning Commission meeting at 6:32 p.m. and reviewed the agenda.

II. PUBLIC COMMENT

None

III. APPROVAL OF MINUTES

MOTION: Len Goodwin made a motion to approve the April 4, 2016 minutes. Kevin Conlin seconded the motion which passed with a vote of 3-0.

IV. (QUASI-JUDICIAL) PUBLIC HEARING – LIMITED LAND USE DECISION

a. Conditional Use Permit – High Lights Garden Supply

- Chair James Eagle Eye opened the Public Hearing at 6:32 p.m.
- Commission members declaration of potential conflicts of interest; disclosure of “ex-parte” contact
None
- Staff report
Garbett said the applicant is proposing a 650 sq. ft. outside fenced, storage area where he will store two (2) eight (8) ft. by forty (40) ft. storage containers for storing bulk landscape materials and a forklift. The area will also have a detached canopy, all of which is in the Greenway-Open Space Subzone behind the existing building at West Lane Shopping Center. He is requesting approval of a conditional use permit for the outside storage exceeding 180 days in the Highway Commercial zone and approval of a conditional use permit for development within the Greenway Open Space Subzone. Notice was mailed to all property owners and tenants, posted on site on May 2, and published in the Fern Ridge Review on May 11, 2016. No comments were received.
- Testimony from the applicant
Jeff Schlageter, Veneta, OR
Mr. Schlageter said he and his brother own High Lights Garden Supply which is 800 sq. ft. of retail space in the shopping center. He said they have a lot of sizable bulk materials and the only way their business can stay viable is to have outside storage. He said it's not really a viable option to have offsite storage at another location because it would require them to hire another employee to bring bulk materials to their retail space. He said the storage area he is proposing is in the same shopping center. He said he will do what it takes to make it acceptable. He said placement will be out of sight and all of the materials are benign but he will place grates over the storm water drains to prevent leakage. He said he appreciates

having the opportunity to come before the Planning Commission.

- Testimony in support of the application
None
- Testimony opposed to the application
None
- Testimony neither in support of nor opposed to the application
None
- Summation by staff
None
- Rebuttal from the applicant
None

In response to a question from Len Goodwin, Garbett said the fenced area is adjacent to the forklift – to the east of where they want to construct the detached canopy and it would not include the storage containers. She said she believes the power pole will not be in fenced area but within a few feet.

Len Goodwin said we don't want a situation where someone can put a ladder to the container and climb the pole. He said we need to make sure that there's no way to get to the pole from the top of the storage containers.

Bork suggested the storage containers could be slightly in front of the building. The goal is to maintain the 20 ft. access but still provide enough distance between the pole and the container.

In response to questions from Len Goodwin, Garbett said pallets and trash receptacles are stored on the north side of the shopping center. She said the containers be viewed as permanent and the applicant has submitted a building permit for the detached canopy and storage containers.

Len Goodwin said we need to make sure that all the tenants of the shopping center go through the same process that Mr. Schlageter has gone through.

In response to a question from Len Goodwin, Ingham said the retaining wall height varies from four to seven feet.

Len Goodwin asked the applicant if he would like to respond to some of the comments made by the Planning Commission.

Mr. Schlageter said he wouldn't want to have anything unsightly behind the building and he also plans to install a video surveillance system for the storage containers. He said he had some product stolen in the past.

Bork said staff will include language in the final order that the containers will be located in a way to avoid or prevent access from the container rooftops to the power pole.

- Chair James Eagle Eye closed the public hearing at 7:02 p.m.

- Planning Commission decision; possible questions to staff or public
Len Goodwin said he would like to see more specifics regarding what the exemptible and undue hardship is. He said the next time someone comes in and claims exception and undue hardship, there's a reason that we require conditional use permits and he doesn't want to water that reason down and he would like to see some better language explaining "exceptional and undue hardship".

James Eagle Eye said he agrees with Len Goodwin and it's a good location but he's concerned about protecting the greenway. He suggested we look at the boundaries and make sure we're not creating a hardship as far as the greenway boundary map.

Kevin Conlin said we have a lot of uncertainties with respect to those requirements but we have a definite need. He would feel uncomfortable denying or setting aside a definite need in favor of this kind of thing that we may be in some kind of violation. He said if there is some ambiguity about the greenway we should determine that first. He said it could be argued that denying someone this kind of conditional use, given the fact that we're not actually taking away any language, the development is already there and the real question is whether or not the proper safety standards can be accommodated. He said we need to articulate what constitutes undue hardship. He said he is leaning toward approval.

James Eagle Eye said we believe that this use is acceptable at this location but we don't want to lessen the bar for future greenway conditional uses so we want to make sure that any approval includes the proper verbiage and that this is a limited exception.

Len Goodwin agreed with respect to the greenway but he said he would not have that level of flexibility with regard to the floodplain. He would not be supportive of any flexibility if there are issues with granting a floodplain approval.

Bork said this approval would not give any flexibility to the floodplain. She said right now we would apply the floodplain ordinance. In regards to the greenway and the conditions on the land, its the fact that it's already a developed site so the proposal is expanding an existing use in the greenway and it's not creating any new impervious surfaces. Plus the denial is not protecting the greenway. She said it's harder for the Planning Commission to give more options or more findings about undue hardship other than what Mr. Schlageter said - there's no other viable place for his storage.

Bork said in talking with legal counsel, it was okay to address the greenway issues because the Planning Commission is not setting a precedence by approving it because it's already developed and they're not proposing any development on vacant or bare land. She said we could also add that the greenway boundary may be different and may impact the site different once delineation was complete or the greenway would need to be amended.

In response to a question from James Eagle Eye, Bork said it really addresses all the concerns and it makes it different enough from a vacant site where development could impact a resource, where this one doesn't.

MOTION: Len Goodwin made a motion to approve with a condition of approval providing placement of the storage containers is adequate to prevent access to the utility poles. Kevin Conlin seconded the motion which passed with a vote of 3-0.

V. PROPOSED SIGN CODE AMENDMENTS, DOWNTOWN

Claudia Denton, Economic Development Specialist, introduced herself to the Planning Commission. She said she's been working on economic incentives and the urban renewal program and was asked to review the sign code which hasn't been updated for several years. She said the Economic Development Committee is working toward distributing some funds to various Veneta businesses for signage. She said her first recommendation is to create a downtown district separate from other commercial districts. She consulted with a sign manufacturer and they talked about different materials to use. In addition to the code update, she created a sign code guide as a resource for downtown area businesses interested in updating signs. She reviewed the updates.

Len Goodwin suggested blade sign size standards should be included; higher than 10 inches but shorter than 10 feet and also include a definition for sign cabinets.

In response to a question from Len Goodwin, Bork said staff didn't investigate different types of signs but a few years ago the owner of Dairy Queen submitted an application for a flashing sign which the Planning Commission denied.

In response to a question from James Eagle Eye, Denton said she considered naming five districts and after a brief discussion, it was the consensus of the Planning Commission to have four districts rather than five.

In response to a question from Len Goodwin, Bork said a vehicle could be used as a sign as long as the truck was operable and used in the course of a business.

Herb Vloedman said where there are multi-tenant buildings and turn over, we should have low burden signage like cabinet signs so they can spend their start-up funds on other things.

Denton suggested using a different material for the cabinet signage and maybe ban plastic.

Len Goodwin said he's not certain plastic material should be banned. If so, any LED display would be prohibited because it's plastic.

Denton said she was under the impression that more signs were made of plastic. She said Our Daily Bread's sign is made from the aluminum composite material (ACM).

Kevin Conlin said resin products vary widely and can look like any one of the proposed alternatives. He said we need to be careful that when we apply definitions and address specific materials, that we don't inadvertently create problems. He said we should look to promote a certain aesthetic, define what we want to encourage, and think in those terms and not necessarily focus on specific materials.

James Eagle Eye said plastic signs do have a life span and when they age they start looking poorly and crack. He said we should regulate aesthetics more than regulate the materials used.

Denton said we can do more research on aesthetics and how to write a sign code that promotes a certain aesthetic.

In response to a question from Len Goodwin, Denton said signs that have stick on letters would be prohibited but it was her intention that electronic message boards would be allowed.

Len Goodwin said the code should clearly state that.

Denton said prohibiting roof signs is not district specific but would be overall. She said she interpreted that as no free standing signs, including roof signs that projects more than six inches above the

building, would be allowed.

Bork clarified that free standing signs would not be included. This would only apply to a sign that was affixed to a façade or roof.

Len Goodwin said what about a false façade being used as a sign – the whole second story façade would be a prohibited roof sign under that definition.

James Eagle Eye suggested those types of signs would be covered in the building code.

Bork suggested using an architectural term to define false façades.

Len Goodwin said he wonders if the American flag flown at the shopping center is legal because it's certainly larger than 20 sq. ft. He said we may want to look into that to increasing the size requirements for the Highway Commercial zone.

Bork said our code doesn't have a height restriction for antennae or flag poles.

In response to a question from Len Goodwin, Denton said she thought she included the portable sign size restrictions into Multi-Family Residential zones but she missed that. She will make sure that is carried over.

Ingham said we may decide to include in the Redevelopment Tool Kit that we wouldn't fund or contribute to signs that has some of those prohibited elements. He said the West Broadway District is more distinct and pedestrian friendly.

In response to a question from an audience member, Denton said we're not excluding electronic illuminating signs but just some plastic materials. She said illuminated signs are allowed: Halo lighting and internal illumination can be achieved without using plastic.

A member of the audience said the Planning Commission needs to be careful because the sign examples Ms. Denton provided are very expensive.

James Eagle Eye said all sign designers will have their own preferences and recommendations and he suggested we focus on the aesthetics we're looking for and not so much on materials.

Herb Vloedman said he and the other audience member are not opposed to what the Planning Commission is trying to do, he's just concerned about how the code will read.

Bork said she understands that the Planning Commission wants to focus more on aesthetics rather than materials, but we still need to make sure there's a balance and that we're not defining it too much.

The Planning Commission thanked Denton for her work and she said she will provide an update at the next meeting.

VI. INTERPRETATION REQUEST – VENETA LAND DEVELOPMENT ORDINANCE NO. 493, SECTION 4.15(5)

Garbett said staff is asking for an interpretation as to whether or not the addition of a street should require a minor or major amendment. The code currently addresses minor amendments categorized when a street is shifted up to 100 feet in any direction but the addition of a new street doesn't have any clarification. She said a major amendment is required when development standards change or a street shifts more than 100 feet.

James Eagle Eye said it seems to him that if a site plan calls for storm water flows, drainage and wetland it should be a major amendment from the site perspective and not just looking at a specific street.

Len Goodwin said adding a new street changes traffic circulation patterns and could change traffic impacts to nearby streets. He agreed adding a new street should be a major amendment.

Kevin Conlin said he would find it embarrassing that eliminating a street requires a more involved process than adding a street. He said the code should be evened out and the Planning Commission will exercise the appropriate discretion.

Bork said the SWAP is coming before the Planning Commission to be reviewed under the subdivision ordinance so we can review all the impacts through that ordinance.

VII. ADMINISTRATIVE DECISIONS

Garbett said in April two portable sign permits were submitted. She suggested allowing only one portable sign per street frontage update. She said six new single family residential permits and two residential addition permits were issued. She said a residential development is being proposed near Oak Island Dr. and is also near a greenway.

Garbett said along with tonight's Conditional Use Permit (CUP), Ace Hardware also submitted a CUP for storage of the bulk landscaping supplies storage located in a fenced area in the Shopping Center parking lot. She said two type A and one type B tree permits were submitted. She said subdivision plans for Applegate Landing 4 and 5 were submitted and deemed incomplete but they are working on resubmitting them. Also a rezone application for three parcels totaling about 50 acres south of Hunter is being proposed for a 55 and older mixed single family, town home, and a congregate care facility. She said the applicants are anxious to move forward. She said planning staff has also conducted a couple pre-development meetings. She said things are taking off.

Ingham said an item on the work plan is to update the Wastewater Master Plan to give us a better idea of how to address the eastern build out of the City. He said that may result in a new Capital Improvement Plan and trigger reworking the wastewater SDCs.

In response to a question from Bork, Len Goodwin said the Planning Commission will review the plans anytime staff brings them forward.

VIII. OTHER

- a. Resignation of Calvin Kenney
The Planning Commission accepted Calvin Kenney's resignation.
- b. July 5, 2016 meeting
There was a consensus of the Planning Commission to cancel the July 5th meeting.

IX. ADJOURN

Chair James Eagle Eye adjourned the Veneta Planning Commission at 8:09 p.m.



James Eagle Eye, Chairman

ATTEST:



Darci Henneman, City Recorder