

# Minutes of the Veneta Planning Commission

## September 6, 2016

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

Others: Kay Bork, Community Development Director; Lisa Garbett, Planner; Darci Henneman, City Recorder, Dan Haga, City Engineer;

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### I. REVIEW AGENDA

Chair James Eagle Eye called the Veneta Planning Commission to order at 6:29 p.m. and reviewed the agenda.

### II. PUBLIC COMMENT

None

### III. APPROVAL OF MINUTES

**MOTION: Kevin Conlin made a motion to approve the August 2, 2016 minutes. Lily Rees seconded the motion which passed with a vote of 4-0.**

Chair James Eagle Eye said he would step down from chairing the meeting and asked Vice Chair Len Goodwin to chair the meeting for this agenda item only. Vice Chair Len Goodwin agreed.

### IV. LEGISLATIVE DECISION, CONTINUED FROM AUGUST 2, 2016 – PROPOSED COMPREHENSIVE PLAN DIAGRAM AND ZONING MAP AMENDMENTS, FILE #CP-ZC-1-16, SARTO VILLAGE

Vice Chair Len Goodwin reviewed the action taken at the last meeting. The Commission voted to extend the record for 14 days to allow for additional public comment. Within that time, the applicant submitted a proposed alteration to the trip cap and several public comments were also submitted. Len Goodwin asked staff to review the staff report and the approval criteria.

Garbett said the approval criteria is based on the following: Veneta Comprehensive Plan, Ordinance 523, Chapter III – Plan Elements and Policies including Growth Management Element, Residential Land and Housing Element and Utilities, Chapter V - Implementation and Updates to the Plan, Veneta Land Development Ordinance No. 493, Article 11 – Amendments and Statewide Planning Goals (Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 10: Housing and Goal 12: Transportation Planning Rule). The TPR criteria addresses the functional classification and capacity at the planning level for motor vehicle traffic and does not include stipulations for bike lanes and/or pedestrian facilities.

Garbett said the applicant submitted a revised Traffic Impact Analysis (TIA) on August 5, 2016 which was sent to ODOT and they provided comments on August 16, 2016. Originally ODOT was sent a referral request on May 31, 2016 but did not provide comment.

ODOT's comments indicate that the revised TIA utilized outdated methodology from the Highway Capacity Manual (HCM) 2000 rather than the current HCM 2010 for the un-signalized intersections. ODOT recommended the TIA be modified to report and utilize operational performance per the HCM 2010 methodology. ODOT maintains jurisdiction of the Florence-Eugene Highway No. 62 (OR 126) and the Territorial Highway No. 200 (OR 200) and ODOT approval will be required for any proposed mitigation measures to these facilities.

The applicant provided a response to ODOT's comments in a Technical Memorandum, received August 19, 2016. The City Engineer, Lane Branch, P.E. of Branch Engineering reviewed the materials

and provided findings addressing transportation issues.

In response to a question from Len Goodwin, Dan Haga, City Engineer, said the original TIA completed in April, was based on a 97 Trip Cap but was revised to a Trip Cap of 200 based on a 2010 analysis methodology. When ODOT's comments were received, it brought it up to 217. He said they revised their analysis and apparently the results were different enough that the volume capacity ratio fell below the standard. He said he's not sure why it went from 217 to 220.

In response to a question from Len Goodwin, Bork said the comments were more of an informational item — if we were to allow a 220 Trip Cap, more information would be required. That's why we kept it at 217.

Len Goodwin pointed out a typographical error and said he's concerned that it appears that it almost supports a request for modification of the Trip Cap. He said his concern would be alleviated if any request were consistent with the Transportation Planning Rule (TPR) as it stands at the time of the request. He said it seems that if the TPR is changed, then TPR compliance is required since it would be at the time of development and not at the time of the zoning decision - consistent with the TPR as it exists at the time of the application.

Bork clarified that Len Goodwin would like the final order to read “. . . consistent with the Transportation Planning Rule in effect at the time of the development proposal”.

Lily Rees supports a 217 Trip Cap. She said she's concerned that the zoning decisions were being based on the amount of traffic generated from a development based on residents 55 years or older. However, the Planning Commission can't require an irrevocable development agreement and say that's the way it has to be. If its set up that way and the trip generation is based on that age group, but it changes to be open to younger couples, two people working in the family, then more trips would be generated. She just wants to make sure we're protecting residents and that safety concerns are addressed and not develop something before the sidewalks and intersections are adequate to accommodate that kind of traffic.

Kevin Conlin said he is concerned about density and it represents a significant change. He said he's learned a great deal about the public safety issues brought out by the opponents and that concerns him. He said he would feel better if it was happening in an environment where most of those issues are already dealt with and we don't have that here. He said statistics talk about our aging population but Veneta still has a pretty young population. He's concerned that we're making a substantive change with such a large area and he would feel happier if we were looking at something more consistent with how we address the needs of seniors in our City and look at ways to fill in the gaps to improve the services that are already available. He doesn't know that something this big and fundamental is necessary to address our issues.

Len Goodwin agreed it is a substantial increase in close density but we have to keep in mind this is only a zoning change and not a development application to construct anything. He said the public, the community, the Planning Commission and the City Council will have an opportunity to review a precise development proposal, which at that time, it may be appropriate to impose additional conditions that address some of those issues - safety and transportation concerns. He said those issues can be addressed in a development proposal more effectively and legitimately then they can be in a plan designation or zoning. He doesn't agree that we should continue to address the needs of our seniors the way we have in the past. The demographic of Veneta may not be changing as fast as other communities but if Veneta is to be successful in further development, then an increase in future density is essential. We can no longer avoid the luxury of five acres parcels in a rural setting if we want to become a small town or city. He said this is a small step to a long and slow process.

Kevin Conlin said he wants to make sure we don't move too quickly on this issue and to ensure that whatever the Planning Commission does, they provide as many options as possible.

Lily Rees said she's concerned about the impact and demand such a large development would have on our public safety services as well as property taxes. However, she said the Planning Commission doesn't have a way to address that in a land use decision. She said it's a large piece of land that could be supporting schools and public safety by way of property taxes. She said seniors may not have kids in school but she doesn't have kids and she still supports the schools by paying property taxes. She said she's heard the citizen concerns which are valid and justified but the Planning Commission can only base their decision on land use issues.

**MOTION: Lily Rees made a motion to approve the final order with the conditions as stated. Len Goodwin seconded the motion which passed with a vote of 2-1.**

**Kevin Conlin voted no.**

**V. QUASI-JUDICIAL PUBLIC HEARING, CONDITIONAL USE PERMIT, FILE # CUP-2-16 VALLEY UNITED METHODIST CHURCH (DAY CARE FACILITY)**

1. Chair James Eagle Eye opened the Public Hearing at 6:55 p.m.

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

3. Staff Report (Lisa Garbett)

Garbett said the applicant is proposing to locate a Day Care facility, serving 16 children, at Valley United Methodist Church (VUMC). The site is already developed and no new services are required. The site is zoned General Residential with a Greenway-Open Space Subzone. A conditional use Permit and Site Plan is required as the proposal involved locating a Day Care Facility in the General Residential zone per Section 4.03(4)(c). The notice requirement was completed. The City building official and Lane Fire Authority had no concerns about the outdoor play area. Veneta Municipal Code (VMC) requires 75 sq. ft. per child or 2700 sq. ft. total. The site plan provides a proposed fenced outdoor play area but the Site Plan is not to scale. In order to ensure sufficient outdoor play area and to meet code requirements, staff is recommending as a condition of approval, the applicant submit a revised Site Plan to scale showing a minimum of 2700 sq. ft. of outdoor play area, which the site can accommodate. Also, as a condition of approval, the applicant is required to provide documentation to the City from the State of Oregon, prior to occupancy, of an approved Day Care Facility which meets applicable state licensing requirements. The City building official recommended that a condition of approval be included in the final order that requires each classroom have one exit to the outside.

In response to a question from Len Goodwin, Garbett said average daily trips for 16 children would not reach the threshold required an impact analysis. VMC requires a TIA of 100 average daily trips and the children to be served is expected to be 16 or more. She said the applicant is here and she could speak to that.

James Eagle Eye said he's not opposed to asking but leaving it open at 16 plus children doesn't really answer that question. He asked the Commission if a trigger mechanism should be included.

Len Goodwin said this is a Public Hearing and if the applicant testifies, we could get more information at that time. However, if that information proves to be inadequate the Planning Commission could consider some kind of condition of approval.

4. Applicant/Proponents

**Holly Lang, 26054 Vista Dr., Veneta, OR**

Ms. Lang said the maximum number of children allowed is 36 and that number is based on the square footage of the building they are using so it would never go beyond that number.

**Joan Mariner, 25712 Cochran Ct., Veneta, OR**

Ms. Mariner said VUMC have been very good citizens in our community and provide many services. She said they host the warmer center and community meals. She said its' a small congregation and they've had some financial struggles. She said having a daycare is a perfect fit and a great project for the community. She said the trips generated by a day care are far less than an average Sunday afternoon, which they are already cleared for and the trips will not overlap.

**Brian Phillips, 90468 Sheffler Rd., Elmira, OR**

Mr. Phillips said he is the Chairman of the Trustees of VUMC and he has been assisting Ms. Lang with the plans. He said the mission of the church is to help their community. He said the outdoor play area is huge and the necessary fenced area is included. He said he is in favor of this plan.

5. Opponents

None

6. Neutral testimony

**Mike Millage, 26721 Pickens Rd., Eugene, OR**

Mr. Millage he said he owns a house next to the back yard of the church and he was wondering what kind of structure or fence is planned that might impact the view from his house.

Bork said generally, if the Planning Commission wanted to, with a conditional use permit, they could require fencing to buffer areas but based on Mr. Millage's comments, it sounds like he's concerned about a visual screen. She said the maximum allowed fence height is six ft. She said this use doesn't state whether it has to be opaque or not. She said if it's abutting residential use the code usually requires screening.

Mr. Millage doesn't want to take away the screening which currently is just foliage but there is no fence.

James Eagle Eye said it will need to be fenced because of the play area. He said areas near a school or park that abut residential uses, require a six ft. fence with an opaque factor. He said basically what is around a school.

Mr. Phillips said there will be a four ft. high fence around a 30 ft. by 20 ft. area.

Ms. Lang said the fenced area is only for children preschool and younger.

Bork said it sounds like there are two issues, one is a fenced in area for children but not necessarily on the property lines and the second is if the Planning Commission feels there should be screening or fencing to separate the uses.

In response to a question from Len Goodwin, Mr. Millage said the only separation is foliage - trees. He said they are very nice plantings.

In response to a question from Len Goodwin, Bork said the plans don't call for the foliage to be removed.

Mr. Phillips said the fenced area for the younger children will be 50 ft. from the property line.

**Patty Millage 26721 Pickens Rd., Veneta, OR**

Ms. Millage said it sounds like the older children will be allowed to play in the entire area so how does that impact the neighbors if they slip through the foliage to the neighbor property?

James Eagle Eye said he doesn't think that falls within City regulations but rather involves state regulation of a day care facility. He said the City could be a partner to solve issues that arise but that is more of a State regulation.

Ms. Lang said there is a very strict ratio they have to follow with regard to teachers/supervisors to children. She said they go on field trips often and they've never had a child slip away. She said the children are very closely watched and supervised.

Ms. Millage said what about if the neighbor's dog gets into the play area.

Ms. Lang said that could happen anywhere.

7. Applicant Rebuttal  
None

8. Questions from the Planning Commission  
None

9. Chair James Eagle Eye closed the Public Hearing at 7:10 p.m.

10. Deliberation and Decision

**MOTION: Len Goodwin made a motion to approve the application. Kevin Conlin seconded the motion which passed with a vote of 4-0.**

**VI. OTHER**

Bork reminded the Planning Commission that on September 26, 2016 at 5:30 p.m. there is a joint work session with the City Council to review the Wastewater Treatment Plant Master Plan. She said a light dinner will be served.

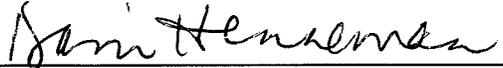
James Eagle Eye confirmed that staff had it in the record that the Planning Commission recommended the Sarto Village zoning amendment be forwarded to the City Council for review.

**VII. ADJOURN**

adjourned the Veneta Planning Commission at 7:13 p.m

  
James Eagle Eye, Chair

ATTEST:

  
Darci Henneman, City Recorder