

Minutes of the Veneta Planning Commission

October 4, 2016

Present: James Eagle Eye, Kevin Conlin, Calvin Kenny, Len Goodwin

Absent: Lily Rees

Others: Kay Bork, Community Development Director; Lisa Garbett, Planner; Darci Henneman, City Recorder, Michelle Vloedman, Laura Ruff

I. REVIEW AGENDA

Chair James Eagle Eye called the Veneta Planning Commission to order at 6:32 p.m. and reviewed the agenda.

II. PUBLIC COMMENT

Michelle Vloedman, 25115 Luther Ln., Veneta, OR

Ms. Vloedman wanted to inform the Planning Commission that Mr. Vloedman wanted to be here but could not attend in person so he's attending the meeting via face time and he is available to answer any questions.

III. APPROVAL OF MINUTES

MOTION: Kevin Conlin made a motion to approve the September 6, 2016 minutes. Len Goodwin seconded the motion which passed with a vote of 4-0.

IV. INTERPRETATION REQUEST – 30 FT. LANDSCAPE BUFFER, NE EMPLOYMENT CENTER

Garbett reviewed her staff report regarding the buffer requirement of the Northeast Employment Center (NEEC). She said the applicant is wanting to purchase tax lot 1500 (east of tax lot 3100), remove the existing residence for development of storage units and he is requesting the Planning Commission waive the buffer requirement on the east side of tax lot 3100. She said the 30 ft. landscape buffer requirement was to mitigate potential noise and impacts to nonresidential uses to adjacent and nearby rural residential spaces within Veneta Urban Growth Boundary (UGB). She said the main questions for the Planning Commission were:

1) Does the east end landscape buffer still apply to tax lot 3100?, assuming demolition/removal of the existing home on tax lot 1500 and inclusion in the development site; given the landscape buffer was intended to mitigate adjacent and nearby rural residential uses outside the project area.

Garbett provided copies of a photo provided by the applicant, showing the project to the north (Lane County site) of the two subject sites and she pointed it out on the zoning map.

2) Does the Planning Commission agree an amendment to the Northeast Employment Center, Specific Development Plan (SDP) is required or supported?

3) Does the Planning Commission think a variance request applies? If so, would the Planning Commission support a variance request for removal of the east end landscape buffer requirement on tax lot 3100 if the existing single family dwelling is removed from tax lot 1500 and becomes part of the development site?

Bork said staff did some research and she sent the applicant copies of old zoning maps from the time the SDP was being drafted. She said they thought maybe the buffer was put there because of the residential zoning but the zoning exists today as it did when that specific plan was being drafted. She said they tried to figure out the rationale for such a large buffer and she couldn't find anything that related to it. She also provided the Planning Commission with maps going back to 1996.

Garbett referenced the map and showed the Planning Commission the property the applicant wants to include in the development which also includes a single family dwelling. She said the intent is for it to be developed under that Highway Commercial zoning uses.

In response to a question from Len Goodwin, Bork said the buffer would also apply to tax lot 3200 but we don't know the circumstances under which Lane County was permitted to construct their site without complying with the buffer requirements.

Garbett said the final order for Lane County's site plan included requiring the buffer and it was referenced in the building permit. She said it's hard to tell why the County didn't comply with the requirement and why we didn't enforce it.

James Eagle Eye said he's concerned about the lot on the east side of Lane County's yard. He said it looks like the development is in the center of the lot so they have their own vegetation buffer but the development to the east of lot 1500, looks like it's right along the property line so we should consider requiring a buffer. He said it is possibly supported to be zoned Highway Commercial, but there is a residence there now. He's also concerned about the drainage easement and asked if staff can provide any more information: Where does it drain? Why do we want to keep it? He said if we consider moving the buffer and the landscape, doesn't the drainage also need to be moved?

Bork said there are two separate issues but they are related because they create some barriers to developing the site. She said Public Works Director, Kyle Schauer, didn't have a good understanding of why that drainage easement was put there. She said they had a very preliminary discussion on moving the easement but that can't even be contemplated before the proposal is put before the City for review as part of a development proposal and to look at the buffer as a whole. She said if the Planning Commission chose to modify that standard, it would be through the amendment process.

Herb Vloedman said he reviewed the City's file that set out the plat for the Business Park, including the minutes from that Planning Commission meeting. He said the 30 ft. landscape buffer was established to be a detention pond and after talking with Schauer and the engineer for the Business Park street build out, it appears that the detention pond, that was slated to be built in the 30 ft. buffer, was moved to the underground pipe from Loten Way so the detention part of the system was incorporated into the street pipe system. He said all that's left in that 30 ft. easement is the transport of water due north which appears to be its original course. His proposal for handling storm water is to pipe it out through a portion of the easement but narrow the easement in coordination with Schauer and the City Engineer for potential future flows.

Bork said they have not asked the engineer to look at that issue because we're not there yet but we would definitely look into it.

James Eagle Eye said there were reasons why we put a buffer in and we should have been enforcing it to begin with, so if we want to combine the lots, we'll need to deal with the drainage but the buffer should be moved to the east side of tax lot 1500.

Len Goodwin agreed. The buffer is there to serve a purpose - to protect adjacent properties. If tax lots 3100 and 1500 are developed in a single development, it doesn't make sense to have a buffer between them. He suggested including tax lot 1500 in the SDP. But that would include the obligation to create and maintain the buffer on the east side of tax lot 1500. He said he's not sure how long it will be occupied as a residence and it could be a long time before it becomes something else. The fact that Lane County has flouted the law and violated our planning rules, unfortunately, it's not an excuse to abandon the entire buffer - he said we would no longer have any east side requirement if we waived it here. He said we should look at a buffer on the east end of lot 1500.

Kevin Conlin said he agreed with Len Goodwin and James Eagle Eye.

In response to a question from James Eagle Eye, Garbett said the drainage easement is approximately 15 ft. across a small portion of the northern border of lot 3200 but it doesn't extend east or west.

Len Goodwin said given that the detention pond has been abandoned and we are undergrounding the drainage flow, is it feasible to move the drainage easement to the east end of lot 1500 and can it accomplish it's purpose by being there as opposed to being in the middle of a consolidated site.

James Eagle Eye said that would come up during development. He said they can look at their detention and pre-treatment options at that time. He said he's concerned with how close the residence is.

In response to a question from Calvin Kenney, Bork said moving the easement to the east side to be part of the buffer would depend on what's planted in there.

Calvin Kenney suggested issuing a variance.

Len Goodwin said a variance would not solve the problem with lot 3200 and it would leave us with a situation of having a development that is not within the SDP area. He said a plan amendment to include the other parcel would maintain the integrity of the SDP and would eliminate the buffer at lots 3100 and 3200 but require it on lot 1500.

Bork said she's not sure if we can meet the requirement of unusual circumstances for a variance.

After a brief discussion, it was the consensus of the Planning Commission that they agree with question one and question two; they support amendments to the Northwest Employment Specific Development Plan to include tax lot 1500; question three; no, a variance request is not supported or applicable.

In response to a question from Len Goodwin, Bork said she will talk with Ingham about Lane County's non-conformance with the required buffer over 15 years ago.

V. OTHER

James Eagle Eye welcomed Calvin Kenney back.

Calvin Kenney said he's glad to be back.

VI. ADJOURN

Chair James Eagle eye adjourned the Veneta Planning Commission at 7:00 p.m


James Eagle Eye, Chair

ATTEST:


Darci Henneman, City Recorder