

Minutes of the Veneta Planning Commission

May 2, 2011

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

Absent: Len Goodwin

Others: Brian Issa, Community Services Director; Zac Moody, Associate Planner; Ric Ingham, City Administrator; and Darci Henneman, Assistant City Recorder

I. REVIEW AGENDA

Chair James Eagle Eye called the Veneta Planning Commission to order at 7:05 p.m.

II. PUBLIC COMMENT

None

III. APPROVAL OF MINUTES

MOTION: Kevin Conlin made a motion to approve the April 4, 2011 minutes. Calvin Kenney seconded the motion which passed with a vote of 4-0.

IV. LAND USE DECISION

a. Hayden Homes (M-2-10 – Partition)

The property is currently vacant which is characteristic of a rural land development pattern. The site is intended to be developed with Phases V and VII of the Applegate Landing. A previous partition M-3-08 approved by the Building and Planning Official in January 14, 2009 created the subject parcel. No structures are proposed at this time, however City services are currently available near the proposed partition and will occur at the time of future subdivision or development. There are no significant wetland and greenway boundaries located on the subject parcel. Mitigation of wetlands will occur at the time of future subdivision or development.

Hayden Homes applied for a tentative partition north of Phase I of Applegate Landing to divide a 25.01 acre parcel into two parcels (one additional parcel and one existing parcel). This partition is very similar to the first one but this partition will not be developed at this time.

In response to a question from James Eagle Eye, Zac provided a brief overview of the Southwest Area Plan (SWAP) adopted in 2006 consisting of the Applegate Landing Phase I and II and now will include Phase III or Phase IV. The Master Plan for the SWAP addressed all water, drainage etc for the entire SWAP. The property was subject to an earlier Specific Development Plan application (SDP-1-05) approved on April 1, 2006.

Currently Hayden Homes is proposing to split the 25 acre parcel into two parcels which will include a three to five acre park. The Master Plan called for one large park and 12 acres of open space. One of the parcels consumes the majority of the park space so staff would like the park dedication to be included in this partition. There were enough issues with the park dedication that staff felt this partition should be brought to the Planning Commission.

Staff recommended approval based on the conditions of approval listed in the final order.

In response to questions from Lily Rees, Brian said when the SWAP was approved Hayden Homes limited their wetland dedication and proposed to make up for it through mitigation under the Corp. of

Engineers and Division of State Lands (DSL) because some of Hayden's improvements were not part of the subdivision and were outside the SWAP. Also, the mitigated wetland removed more than two acres of usable park space. In order to ensure that sufficient acreage is available in the designated area to meet the dedication standard, dedication at the time of development will be required of this partition and all future development within the SWAP. The subject property is also bound by an Irrevocable Development Agreement signed in 2009 to ensure dedicated parkland will be developed even if any property is sold.

Brian said the required parkland acreage to be dedicated is based on the requirements in the Veneta Land Development ordinance will be applied to all phases in Applegate Landing.

Calvin Kenney said homes were constructed where pocket parks were proposed.

Brian said that may have occurred but pocket park locations were not identified in the SWAP. Also it's possible the lot was dedicated but it may not have qualified as park land. Staff has changed the park dedication criteria.

In response to a question from Lily Rees, Zac said 2.7 acres was required to be dedicated as parkland for Phase I and II of Applegate Landing.

Brian said the City agreed Hayden Homes didn't need to dedicate land in Phase I or II because there was not a need for parks in those developments. Staff will require dedication of parkland for consistency with all future development.

In response to a question from Lily Rees, Zac said to date no parkland has been dedicated. As proposed, nearly three acres of parkland would be dedicated which would cover the requirements of Phase I and II and the current partition.

James Eagle Eye said Hayden Homes dedicated three to five acres as continuous park space with additional pocket parks.

In response to a question from Lily Rees, Zac said Hayden Homes signed the Irrevocable Development Agreement in March, 2009 after they mitigated the wetlands. It took several months to get partition M-3-08 finalized and signed.

Brian said Hayden Homes doesn't own this piece of land outright. Staff was concerned because the developer was carving out pieces of land that the parcel to be dedicated would not be in the ownership of Hayden Homes and may not be dedicated.

It was the consensus of the Commission to direct staff to move forward with the changes staff has implemented with park land dedications.

Staff will figure out the mechanics. If Hayden Homes begins development of a subdivision that's not adjacent to the park staff will evaluate where a dedication will take place.

James Eagle Eye said we need to make sure we acquire the park land because lot sizes were reduced as part of the SWAP.

Brian said a geographic information system (GIS) layer that broke down all of their proposed space, wetland, pocket park, Neighborhood Park, Community Park, etc. was created for future planning and staff knows how much parkland and which type is required.

In response to questions from Lily Rees, Brian said there were no pocket parks required in Phase I and II because they didn't meet the definition of a park at the time.

In response to a question from Calvin Kenney, Brian said attempting to locate the large oak tree in the park is something we would look at when that area is developed. Townhomes are proposed for this area but that may get changed to single family homes and the entire area may be reconfigured.

MOTION: Kevin Conlin made a motion to approve Partition M-2-10. Lily Rees seconded the motion which passed with a vote of 5-0.

b. Fern Ridge Service Center (SR-2-11 – Site Plan Review)

Zac said an addition to the public record was placed before then that included the engineer report. The site is located west of the Dari Mart on the corner of Second St. and W. Broadway. This is a .60 acre parcel currently served with City services. There are no natural resources on the site. The City engineer will approve the final stormwater management plan prior to the final construction. This will not happen for quite some time but as part of the CDBG grant requirements the City needed tentative site plan approval. Preliminary drawings, based on the Portland Stormwater Management and footage of the building the city engineer made recommendations which will be included in the final engineering report. Based on the findings for the site plan review stated in the proposed final order staff recommends approval of the site plan, with the conditions outlined in the proposed final orders. The City will need to be somewhat creative when it comes to stormwater management to address storage of the large amount of impervious surface being created.

In response to a question from Lily Rees, Zac said the original building design called for a "green roof" but in an attempt to keep operation costs down, this could be eliminated.

MOTION: Calvin Kenney made a motion to approve the Site Plan Review SR-2-11 with conditions. Lily Rees seconded the motion which passed with a vote of 4-0.

V. OTHER

a. Sign Code Interpretation

The question at hand is whether the current code language is intended to preclude specific types of signs or any sign that appears to move or has flashing or moving lights. Either of the following interpretations could be supported by the code. **Interpretation 1.** LCD and similar screen type displays are prohibited. The advantages of this interpretation are that it's easy to interpret and enforce but may limit the visual impact of the signage. The disadvantages are it limits business advertising options including energy efficient signs. **Interpretation 2.** LCD and similar screen type displays are allowed so long as they do not move, appear to move, or display flashing, intermittent, scintillating or varying degree of intensity lights. The advantages of this interpretation are that it would allow businesses more advertising choices including energy efficient signs. The disadvantages are it would be difficult to enforce and all of the screens are capable of displaying moving images so the code would need to be clarified, i.e., "appears to move" would need to be defined as to the frequency of image turnover, etc.

A local business owner would like to replace his existing sign with an LED sign. These displays are essentially large TVs capable of displaying full color moving images. The question is, are these types of displays allowed by the code.

Staff believes the intent of the code was to prohibit signs that move or appear to move, and that LEC/LED signs are not, by their nature, prohibited by the code. Staff recommended the Planning Commission adopt interpretation 2 by motion and allow electric signs to be constructed; direct staff to place conditions on the building permit limiting the turnover rate to no more than once every minute and the transition must be completed instantaneously; recognizing that the City would be venturing into new territory allowing these signs. These time limitations are conservative and are intended to regulate

misuse by having them mimic traditional signs as much as possible.

James Eagle Eye agreed and suggested the code be modified to include the previous language.

In response to questions from James Eagle Eye, Brian said the applicant is trying to get his new lighting installed to be included in the energy program offered through his utility company which will expire soon. Brian said we cannot determine what constitutes "appears to move" within the applicant's time frame.

Kevin Conlin said if the Planning Commission has any concerns with approving LED/LCD lighting at tonight's meeting then they should not move forward tonight. We may decide this is an inappropriate form of technology and if we don't think it through and approve it then we're stuck with it. He suggested postponing the decision until they've had an opportunity to review the advantages and disadvantages. He recommended approving interpretation 1 to prohibit LED/LCD lighting in the City limits but direct staff to research this technology and bring the findings to the Commission in six to nine months.

In response to a question from Lily Rees, Zac said ODOT is looking to update their LED/LCD lighting/sign requirements on highways and will lift some restrictions on other advertising signs. He's not sure where in the process they are but we should hear something in the next month or two. Whether or not ODOT allows or disallows LED lighting is of no difference to the City it would just be a standard we could go off of.

In response to a question from James Eagle Eye, Zac said we are relying on the applicant being honest when it comes to checking the box on the application that he notified ODOT of his intent to change his sign.

Calvin Kenney is in favor of approving and adopting interpretation 1 for 60 days and within that time staff can come back with more information.

James Eagle Eye felt whatever the Planning Commission adopts we should still have ODOT's final say prior to finalizing the code.

Zac said the Planning Commission could postpone making a decision until the June 6th.

Staff will come back with additional information to discuss and at that time the Planning Commission could chose to direct staff to clarify the code one way or another. Changing the code is a fairly lengthy process. Even if staff was directed to change the code immediately the process takes several months. If the Planning Commission directs the City to allow LED/LCD lighting but with conditions staff would recommend that these signs still be prohibited until the code is actually adopted.

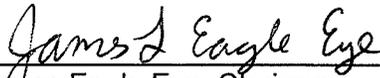
Kevin Conlin said we need to make sure the business owner gets a fair shake but also the Planning Commission shouldn't approve it and then realize it's not what we want. If we don't move cautiously it could be unfortunate for the applicant, the community, and the City.

MOTION: Kevin Conlin made a motion to postpone making a decision on the sign code interpretation until the June 6, 2011 Planning Commission meeting when staff will provide further information on LED/LCD lighting requirements. James Eagle Eye seconded the motion which passed with a vote of 4-0.

Brian said the potholes on East Bolton are very large but all road improvements will be made during the East Bolton LID project.

VI. ADJOURN

Chair James Eagle Eye adjourned the Veneta Planning Commission to order at 8:15 p.m



James Eagle Eye, Chairman

ATTEST:



Darci Henneman, Assistant City Recorder