

Minutes of the Veneta Planning Commission

January 7, 2013

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

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Ric Ingham, City Administrator; and Darci Henneman, Assistant City Recorder, and Phil Velie

1. Review Agenda

James Eagle Eye called the Veneta Planning Commission to order at 7:03 p.m.

2. Public Comment

None

3. Approval of Minutes

MOTION: Lily Rees made a motion to approve the April 2, 2012 minutes. Kevin Conlin seconded the motion which passed with a vote of 5-0.

4. Recommendation to City Council to extend or not extend blanket timeline extension for Land Use Approvals

Staff is asking the Planning Commission to make a recommendation to the City Council whether or not to renew the timeline extension for land use approvals. Staff provided two options; one to extend the existing blanket extension to allow land use approvals to continue for three years which expires January 31, 2013. Mr. Velie is attending tonight's meeting to request an extension for the Bolton Hill Ranch and 1st Addition. The second option is to do away with the three year blanket extension and add some code language that was removed from the 2010 update to allow applicants to apply for an extension. This omission was likely a formatting error.

Kay said in 2010 the Planning Commission recommended the City Council adopt code language that allowed a blanket three year extension on all unexpired land use approvals or land use applications between January 1, 2009 and December 31, 2009. The ordinance was signed on January 25, 2010 and applied to seven active land use approvals two of which expire January 14, 2013 and May 9, 2013. The applicant of those two extensions requested another three year extension of the preliminary subdivision approvals. No other applicants from 2009 have requested an additional extension.

Kay said currently there are no other provisions in the code to allow an extension to land use approvals.

Mr. Velie of Bolton Hill Ranch Estates and Bolton Hill 1st Addition, the applicant is in attendance at tonight's meeting. Kay outlined the pros and cons as it pertains to the development of Bolton Hill Ranch. If the Planning Commission didn't allow the extensions, the applicant would be required to start the process over and submit their final plans, which as of today they have not done so. Previously the applicant has been allowed one-year extensions. If the Planning Commission moves forward with the code amendment process, a public hearing is required prior to the Council adopting the final ordinance at the second Council meeting in March.

In response to a question from Kevin Conlin, Kay said the Planning Commission could renew the blanket three year extension but staff is recommending it not be extended for more than two years. In response to questions from Len Goodwin, Kay said the City adopted the Portland Stormwater Standards in 2007 and according to the City engineer the Bolton Hill Ranch development doesn't meet the City's current stormwater standards adopted in 2010. She is not sure what the applicant

would have to do but they would be required to meet the Portland standards. She said the City engineer believes if the Planning Commission does not approve the extension; it would allow a change and subject the applicant to bring their stormwater plan current with the 2010 stormwater methods. Kay said the tree code would not be significantly different, but at the time the tree code was in its previous state the applicant was able to work through a plan. She said the new standards wouldn't be any more onerous than they were at the time. Kay said SDC rates have gone up but it wouldn't apply to the developer until the building permits were submitted. She said the rates have increased since 2010. Kay said the City would still charge the same SDCs if they had approval or they were denied an extension. SDC's would apply with today's rate. Kay said if the extension was denied, the applicant would be required to pay the subdivision deposit of \$1000 plus \$25 per lot and the actual cost of processing the application which would be approximately 10 to 30 hours of staff time. The applicant would also be required to pay for engineering studies. The applicant may potentially have to redo a transportation impact analysis and any other engineering studies; all of which would need to be resubmitted with their preliminary plans.

In response to a question from Calvin Kenney, Kay said Mr. Velie has submitted and was granted a total of two one-year extensions; one for each application.

In response to a question from Jim Eagle Eye, Kay said the Planning commission could recommend the City Council approve two one year extensions from the time the code was adopted.

Jim Eagle Eye said the applicant was given a one year extension before the three year blanket extension was approved. So now if the code changes again, should the City include the first one year or should the applicant receive two one-year extensions from this point on?

Kevin Conlin felt changing the extension timeline creates a great deal of ambiguity which is also costly. If the Planning Commission intends to grant two one-year extensions, the safest bet is to include the appropriate language so the Council is very clear on what is being recommended.

Jim Eagle Eye agreed and said the Planning Commission needs some clarification of how it applies to current applications. He felt three years is a long blanket extension and a lot changes in three years. He said many changes that happened in the last three years were for a reason and he suggested keeping that in mind because the City doesn't want to burden anyone and those decisions and changes were made to protect the City.

Lily Rees agreed and said based on the stormwater standards changing and the City engineer recommending the Planning Commission require the applicant to go back to the drawing board, she is concerned about protecting downstream residents.

Kevin Conlin said he is concerned that we're recommending a change in the law that was only just recently changed. He said we have a relatively recent and clear legislative intent not to have a blanket three year extension. But if the Planning Commission recommends this to the City Council we allow a project to proceed on the basis of standards that are no longer current. He said the standards should be changed on a legislative level. He said the engineer feels it's appropriate given the need for a comprehensive review.

Lily said she would look at it differently if this was the applicant's first extension request but it's not it's the second.

Len Goodwin agreed if the Planning Commission does recommend something other than the three year blanket extension, the language proposed in the next agenda item for defining what an extension would be should be modified so that the applicant may submit a request in writing up to a one year extension following the enactment of this ordinance. With respect to the more

fundamental problem, the sole issue of concern relates to stormwater management. There's no reason to believe the traffic analysis would have any substantial change and is the most expensive to a developer to redo. He suggested finding a middle ground for approval of the extension contingent on the developer redoing the stormwater analysis to bring the development to the current stormwater code.

In response to a question from Jim Eagle Eye, Len Goodwin suggested allowing serial one year extensions. He said a blanket extension makes no sense to him.

Kevin Conlin said legislatively the Planning Commission needs to be careful to make sure we're requiring one thing but not the other. He said we need to create that kind of discretion without getting the City involved in headaches years down the road. He suggested the language should be simple and clear from this point forward.

Jim Eagle Eye said hopefully we're improving the code as we gone on.

Kay said the economic conditions is what brought forth the three year blanket extension.

Kevin Conlin said those conditions are still current.

Jim Eagle Eye agreed that there still is some economic impacts but looking back over the last three years, we now have a better idea of how many changes we had over those three years and most of the Planning Commission can agree they don't feel comfortable moving forward with another three year blanket extension.

Kay said additional language could be added to the proposed language stating the Planning Commission could include or attach conditions. She said she would talk to legal counsel to see if that's something that can be added.

Jim Eagle Eye said the Planning Commission would need some kind of guidelines to follow.

Kay said it seems if the Planning Commission were to grant an extension under unusual circumstances the Planning Commission may want to attach certain conditions to an extension. She doesn't know how that would apply but there may be options and she will look into that kind of a language addition.

Kevin Conlin said what would happen if we move forward with a one year nonrenewable extension but we use the old stormwater standards?

Len Goodwin said granting an extension in any form does not move the goal post.

Jim Eagle Eye said the focus is drifting to the current applicant and the discussion the Planning Commission needs to have is the effect of continuing with the three year blanket extension or move forward with two one-year extensions. The code needs to be changed regardless but the Planning Commission is not looking to grant the applicant's request for an extension at tonight's meeting.

Kevin Conlin is aware the Planning Commission is very conscious that they are only making a recommendation to the City Council but he wants to make sure that the recommendation is useful in the future.

Len Goodwin suggested the recommendation to the Council should be to amend the code to allow for two one year extensions following the date of this ordinance under such conditions as the Council deems appropriate and to request direction and guidance from the Planning Commission

on the conditions under which such an extension might appropriately be granted. He said if he were on the Council, he would expect the Planning Commission to provide them with a recommendation.

Lily Rees said based on the comments from the City engineer, Chris Irvin regarding high risk hillside development and knowing that our stormwater standards have changed she is very worried by this. She said when the City engineer recommends we don't do something; she has a hard time moving forward with a recommendation.

Kevin Conlin said at first he was not comfortable making a recommendation. He said we need to recognize the current conditions may still exist. He said just doesn't know if it's somehow unfair not to leave things the way they are.

Len Goodwin said he recollected the three year extension was intentional to drop the serial one year extensions because the Planning Commission felt they didn't want to get in the situation of having the blanket extensions and potentially individual serial extensions at the same time. Everyone assumed at that time that within three years the economy would allow anyone with approval to move ahead. He said the economy has not done what we predicted and the reality is we need to find a more ongoing method to deal with the circumstances. He said there are many factors where a developer cannot move ahead with a development, economy, etc. He said going without any extension policy is a bad idea and suggested the Planning Commission be prepared to recommend that we have the possibility of individual extensions on an annual basis. He said he agreed with Lily Rees that when the Planning Commission is aware of an application that will likely cause concern if an extension is granted it is imprudent to approve the three year extension at this time and allow an applicant to continue with their original plan as if nothing has happened. He said we need some logical and clear objective standards in order to provide the development community with some guidance.

Jim Eagle Eye said if an applicant was within a year of approval, things may be different but it's fair to expect some changes in the regulations in three years. He felt discontinuing the three year extension would be beneficial to the City.

Lily Rees is concerned about the potential liability issues attached with approving an extension and knowing that the applicant's stormwater plan doesn't meet the City's standards and there is a problem as a result.

Len Goodwin said the language that staff is proposing in the next agenda item does contain a provision that states the City may deny a request for an extension if any Land Use Ordinance requirements or laws application to the development have been adopted since the original approval.

Kay said these are two separate issues; one is the developer that requested the extension and the other is code language to address future applicants. She said amending the code with some kind of extension language is important to alleviate the circumstances that arise. She said Mr. Velie can still apply under these provisions and the Planning Commission can approve or deny the request. Just because the language is there doesn't mean the Planning Commission has to approve the extension request but the language is in there for the Planning Commission to either grant or deny.

In response to a question from Jim Eagle Eye, Kay said the proposed language in the housekeeping amendments will give the Planning Commission the leeway to approve or deny. She said another option would be for staff to do more research and bring it back to the Planning Commission if the Planning Commission would like to add more clear and objective standards that would address when the Planning Commission can condition an extension.

In response to a question from Kevin Conlin, Kay said potentially the applicant would need to reapply if nothing was adopted before his extension expires but when the Council approved the code change in 2010 other expiring applications were retroactively captured. She said we can work around that issue if it is the desire of the Planning Commission and Council.

Jim Eagle Eye said we're looking at the best recommendation for the City to move forward and with that recommendation to the City Council it will affect the current applications but we're not trying to approve the applicant.

Kay said the current applicant is being used as an example.

Kevin Conlin agreed with Jim Eagle Eye and said whatever the Planning Commission decides it needs to recognize what is best for the City.

In response to a question from Kevin Conlin, Mr. Velie said his extension is actually expired but his request letter was submitted prior to the expiration.

In response to a question from Kevin Conlin, Kay said if the Planning Commission went with the housekeeping amendment, staff would follow the code amendment process and at that time Mr. Velie could apply to the Planning Commission for a one year extension. The Planning Commission would review it and either approve or deny. If the blanket extension was used, a code amendment would be adopted by the Council and applicants wouldn't need to apply for an extension, it would automatically apply and staff would send out letters notifying them to get their final plans to the City by a specific date.

MOTION: Len Goodwin made a motion that the Planning Commission not recommend a continuation of the blanket extension. Kevin Conlin seconded the motion which passed with a vote of 5-0.

5. Review Proposed Housekeeping Land Development Ordinance Amendments

Lisa provided a post acknowledgment amendment to the Land Division Ordinance 494 and Land Development Ordinance 493. She provided a table which outlined the proposed amendment. Lisa said this amendment was brought to staff's attention after a public inquiry in regards to manufactured homes in the City. Staff realized that the definition for Single Family Dwelling was missing from the code. She said looking back to the 2010 code update, she and Kay came to the conclusion that the definition was likely erroneously omitted. Lisa said the definition was in the code prior to the 2010 update, but because the entire code was updated in 2010 it is easy to see how this omission was overlooked. Staff is asking the Planning Commission for direction to schedule a Planning Commission public hearing as well as a City Council public hearing in order to move forward adopting the updated Land Division and Land Development ordinances.

In response to a question from Len Goodwin, Lisa said the green sheet filed with DLCD has all the same text. She said there may be a few minor changes but nothing substantial.

Kay said the changes staff provided tonight are the most substantial. She said there are several minor grammatical errors that staff can correct that DLCD shouldn't have an issue with.

Len Goodwin suggested on the first page of the draft text, Subdivision 5, the changed paragraph "applicant may request in writing . . ." the second sentence should be modified, to say "maximum of two extensions may be granted following the date of enactment of this ordinance".

MOTION: Len Goodwin made a motion that the Planning Commission recommend that the City Council adopt the housekeeping amendments as proposed and with the modifications made at the time of this Planning Commission meeting. Lily Rees seconded the motion which passed with a vote of 5-0.

Kay said the first public hearing will be at the February 4th Planning Commission meeting.

6. Other

Kay introduced Lisa Garbett as the new associate planner. She said staff would like to provide a Work Plan for the Comprehensive Plan Update at the February meeting.

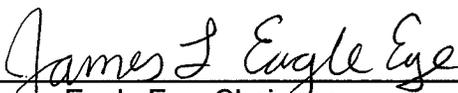
In response to a question from Len Goodwin, Ric said the second pipeline crew has laid over 700 feet of water pipeline per day along Nielsen Rd. and four major bores were drilled and pipe laid at the bridges on Perkins Rd. The crew drilled 20 to 26 feet under two creek bottoms in just 10 days. He said the pipeline crews will likely finish by April or May; connect to the Public Works yard by June to July, and pumping water in August to September. He said if we are able to follow this timeline, the project will be completed seven or eight months early. He said originally the pipeline costs were estimated at \$12.1 million dollars but the lowest bid of \$8.3 million dollars came in from Pacific Excavations who the contract was awarded to. He said the new Fern Ridge Service Center is funded by a Community Development Block Grant (CDBG). He said the project got off to a slow start and we didn't get to the groundbreaking until December. He said a few change orders have come in but the contractor is confident the project will get back on track. Staff was hoping bids for the Service Center would come in below the estimate but in fact the lowest bid came in \$235,000 above the engineer's estimate. The Service Center committee and staff have been working hard to skim that down.

Ric said Sandra Larson was elected as Mayor and two new Council members were also elected. He said this is the most turnover the City Council has seen in 20 years.

In response to a question from Jim Eagle Eye, Ric said the pipeline construction on Huston and Perkins requires flaggers be present in the construction zones.

7. Adjourn

Chair James Eagle Eye adjourned the Veneta Planning Commission to order at 7:55 p.m


James Eagle Eye, Chairman

ATTEST:


Darci Henneman, Assistant City Recorder