

Minutes of the Veneta Planning Commission

November 5, 2013

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

Absent: Lily Rees

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Ric Ingham, City Administrator; Darci Henneman, Assistant City Recorder, John Hammer, Richard Hunsaker, and Herb Vloedman

I. Review Agenda

James Eagle Eye called the Veneta Planning Commission to order at 7:02 p.m.

II. Public Comment

None

III. Approval of Minutes

Kevin Conlin said he had a small correction in paragraph five, page seven of the September 3, 2013 minutes. He clarified that he meant to say "his preference would be that development occurs as the market dictates rather than using Safe Harbor methods".

In response to a question from Henneman, Kevin Conlin said the minutes could be approved at tonight's meeting contingent on that correction being made.

MOTION: Len Goodin made a motion to approve the September 3, 2013 minutes to include the above-referenced correction. Calvin Kenney seconded the motion which passed with a vote of 4-0.

IV. Planning Commission Code Interpretation –

Determine if a Sign is Considered Development per Veneta Land Development Ordinance No. 493, Definitions.

Garbett said the applicant, LuLu LLC is requesting Conditional Use approval to erect a billboard with the intent to promote new and existing commercial activity throughout Lane County. She said first the Planning Commission is being asked to interpret the code to determine if the proposed billboard is considered "development". She said the proposal occurs within the Greenway Subzone which requires conditional use approval for any new structure or development (including fences) per Veneta Lane Development Ordinance Section 4.12(5) (a).

James Eagle Eye said he believes the construction of the sign fits the definition of development. In tonight's hearing there's some outstanding circumstances of how that work can be done in the Greenway. He felt that in most cases some sort of excavation, drilling, cut/fill, trenching, or utility installation is considered development.

Len Goodwin said as an example, it might be possible to distinguish between laying a sewer pipe, cutting, filling, etc. and covering it back up, where there is no change in the use and it is still usable for what it's designated – with no change of its appearance, rather than a physical facility clearly changes the appearance and use of the land because it now becomes a use for profit or making money. He said if it's just standing vacant, it's not being used for that purpose and then the question becomes are either of those changes material? He said if they are material then it's clearly development.

Kevin Conlin said he doesn't see how it can be material because if it didn't serve a purpose, then why would anyone put a billboard up there. He said the materiality and the issue of appearance seems to fall

under the ordinance and the process needs to be treated accordingly.

Garbett thanked the Planning Commission for the comments.

Bork said the Greenway does reference utilities as permitted development rather than going through a separate process of a conditional use. She said discussing the difference of laying utilities verses signs is a good differentiation because when it references the Greenway it makes sense this sign would be considered development in the Greenway because it does make that material change to the Greenway.

In response to a question from Len Goodwin, Bork said the code doesn't say "development" it just says "permitted use".

In response to a question from Kevin Conlin, Bork said the Planning Commission is making a finding that billboards are considered development.

Kevin Conlin wanted clarification that the Planning Commission is approving a general rule so this issue won't need to be addressed time and time again.

MOTION: Len Goodwin made a motion that the erection of a sign on otherwise vacant property makes a material change in useful appearance of that property and is therefore development in the meaning of Section 13.02 of Land Development Ordinance 493. Calvin Kenney seconded the motion which passed with a vote of 4-0.

V. Public Hearing - Conditional Use Permit, CUP-2-13 LuLu, LLC

a. Request to Erect Billboard Sign on Property within Greenway Subzone

1. Open Hearing 7:15 p.m.
2. Declaration of Conflict of Interest or Ex-Parte Contacts: None
3. Staff Report

Garbett said as mentioned, the applicant is LuLu LLC and has requested a conditional use permit to erect a billboard sign. The site is an approximate 11 acre undeveloped parcel located directly west of the existing Towne Pump gas station, within the Highway Commercial (HC) zone, the Greenway Subzone (GW), 100-year floodplain, and wetlands according to the Veneta Local Wetlands Inventory. Based on previous direction from the Planning Commission, conditional use approval is required because the proposal is considered "development" within the GW. On October 2, 2013 notice was mailed to all property owners within 300 ft. of this parcel. Referrals were sent and no responses were received from Dept. of State Lands, Wetlands Program, ODOT's Outdoor Advertising Program, Emerald People's Utility District EPUD, City Engineer, and City Public Works Director.

Garbett said the main issues with the billboard are that Veneta Municipal Code (VMC), Chapter 18.10.040(3) (a) prohibits new development or expansion of existing development within locally significant wetlands that would adversely affect wetland functions and values. Also, a wetland delineation is needed in order to determine the precise wetland boundaries as required by VMC 18.10.030. If wetlands are present within the proposed activity area, the application will need approval of a wetland variance from the City Council and Planning Commission.

The billboard is proposed to be 35 ft. tall and 126 sq. ft. in size. A condition of approval addressed in the final order requires all signs within the Highway 126 Corridor District to comply with the Sign Code and not be larger than 100 sq. ft. in size. The applicant is requesting the sign be illuminated. He will be required to submit a Sign Permit application as a condition of the final order and will also be required to comply with lighting requirements in the Sign Code.

4. Public Testimony

John Jammer, 1820 Elkhorn, Eugene, OR

Mr. Hammer said he is a member of LuLu LLC along with his two sons. He said about six or seven months ago he thought about putting a sign on that particular parcel because of the extremely high vacancy at the West Lane Shopping Center and as a means to draw passing travelers into the shopping center. He said ODOT does not require a permit for a sign as long as he doesn't receive compensation for advertising. He said the thought is that shopping center tenants could use the sign at their expense and he would also make it available to the community, churches, school district, etc. to try to make the center the face of Veneta as people travel Highway 126. He asked the Planning Commissioners to allow the sign to be built to help serve the community commercially. He said he felt there's strength in the shopping center and the sign will help all parties in the community.

Herb Vloedman, 25115 Luther Lane, Veneta, OR

Mr. Vloedman said this is probably one of the best uses of that property. He said that portion of town is zoned Highway Commercial but there's really nothing else that could be done with that lot. He understands the current issues with land use. He also said a lot of what we're trying to do is steal people off the highway and get them to stop at businesses in Veneta. He said there are advantages to the City to let people know what services we can offer. He said one way to do that is to see a sign along Highway 126. He said the yellow pages are dead and everyone now-a-days uses their cell phone to locate businesses. He felt this is something that if it can't be done tonight it should be addressed in the code. He said it's a win/win if we can find ways to use a wetland, still protect it, and hopefully bring more business to Veneta.

Mr. Hammer said the sign itself will be a circumference of 24 inches and the base will be six ft. by six ft. which will be dug out and filled with concrete. He said that's the extent of the ground disturbance. He said the sign will cover about 36 sq. ft. of the approximately 400,080 sq. ft. site.

In response to questions from Len Goodwin, Mr. Hammer said currently it's a basic sign but it's possible with engineering modifications the sign could be converted to an electronic sign. He said the base could handle the weight of an electronic sign but for now he would just like to get the sign installed. He said ODOT would require a permit if he would receive monetary compensation from the sign.

Garbett said a referral was sent to Mr. Juster, ODOT's Developmental Review Coordinator, who said a permit is not required. But ODOT's Outdoor Advertising Program indicated a permit would be required if there would be a monetary exchange for the advertising.

Richard Hunsaker 88001 Heather Dr., Waltherville, OR

Mr. Hunsaker asked the Planning Commissioners to please read page 38 of the staff report (letter from the Department of State Lands (DSL)) if they had any questions regarding the need of a removal and fill permit.

In response to a question from Calvin Kenney, Mr. Hammer said the holes for the billboard posts will be drilled.

Len Goodwin said he sees no reason not to grant the conditional use permit.

5. Questions from the Planning Commission

None

6. Chair James Eagle Eye closes the Public Hearing at 7:31 p.m.

7. Deliberation and Decision

MOTION: Kevin Conllin made a motion to grant the Conditional Use Permit CUP-2-13. Len Goodinw seconded the motion which passed with a vote of 4-0.

VI. Residential Buildable Land Inventory and Housing Needs Analysis

Bork said the next topics are a follow up to previous discussions which will help staff complete the analysis. This is the last round of review before a final draft is prepared.

a. Constrained Slope Density (Review slope density analysis and determine density to apply to sloped land in inventory)

Garbett said previously the Planning Commission requested staff further evaluate slope as it relates to density for the historically approved subdivisions that contained significant constrained slope. She said lots were divided into one of the four categories provided in the maps. She said the analysis will further assist staff to determine if the density applied to the sloped land in terms of the Buildable Lands Inventory (BLI) is accurate. The methodology used is: if the lot contained 60% or more of one slope category (0%-14%; 15%-20%, 20%-25%; or above 25%), the lot is classified as that category. She said staff determined an average density for each slope category and then determined a percentage of average density for each category. The results do not include slopes within the right-of-way.

Staff is recommending removing 43% of the 15%-20% constrained slope inventory and 50% of the 20%-25% constrained sloped inventory from the residential land inventory. Staff provided a table that summarizes the results to the sloped land inventory when the recommended acres are removed.

Len Goodwin said when you look at Aspen Heights, it really is an anomaly. He said one lot has a portion of the lot over 25% to the other portion and each of those lots have a portion in the 0-14% range. He suggested excluding Aspen Heights completely because it's atypical.

James Eagle Eye said it tends to skew the results.

Len Goodwin said Bolton Hill 1st Addition and Bolton Hill Ranch seem to have more density. He said the future of Veneta is likely to be in higher density and reduced lot size, Aspen Heights doesn't really fit the picture. He felt it should be excluded completely.

James Eagle Eye agreed with Len Goodwin.

Bork said if those two developments were averaged, the density would be significantly less. She said for instance the 15-20% slope would be reduced from 3.51 dwelling units per acre to 2.69. Bork said so just a little more land would be removed from the inventory and apply the same rationale as presented in her memo. Staff would take the average and apply the same percentage.

Kevin Conlin said as long as it's clear in the record that is the methodology we are using.

Len Goodwin said as long as the record contains the rationale for excluding Aspen Heights.

b. Draft Buildable Land Inventory & Housing Unit Estimate (Review Planning Commission Recommended Assumptions and Results for Buildable Land Inventory and Housing Need Estimate)

Bork presented a summary of the recommended assumptions of the Planning Commission from the last meeting. The Planning Commission recommended using the Safe Harbor methodology to account for the Partially Vacant Land in the inventory. The result of that recommendation indicated we have 302 acres (reduced from 345) of Partially Vacant land available after one-quarter acre per parcel over one-half acre was removed. Adding those 302 acres to the inventory leaves the City with

a total of 710 vacant acres. The second assumption was to apply the slope analysis and staff will update that table. The result as originally planned would remove 19 acres from sloped land at 15%-20% and remove 22.6 acres from sloped land 20%-25%. The next Planning Commission recommendation is to deduct 25% of the land from the inventory for public facilities. From the 710 acres, staff removed sloped land over 25%, stormwater facilities, detention ponds, greenway overlay (this is considered unbuildable), some of the constrained land (sloped land and 100 year flood hazard) and 25% reduction for public facilities, after all of that is removed, the City has 464 acres of vacant available land broken down to Rural Residential, Low Density Residential, and Medium Density Residential. The City has more Low Density Residential vacant land than any other category.

c. Review Draft Housing Needs Analysis

Needed dwelling units: For this analysis, staff discussed with the Planning Commission using the Census data versus Portland State University (PSU) data and the Planning Commission recommended using the PSU study. The total needed dwelling units the City will need over the next 20 years is 2220. This figure is based on PSU's group quarter population, average person household and the vacancy rate. This figure averaged out annually would be 100 housing units per year. She said this is based on adopted coordinated population numbers.

Bork said staff is requesting the Planning Commission make a recommendation on what housing mix methodology should we use to calculate how much low density residential land and medium density residential land we need. We have three options; the 2010 census housing mix, Lane County Assessment data, or the housing mix over the last 10 years based on Veneta's building data.

In response to a question from Len Goodwin, Bork said we get the entire County data including rural numbers. She said looking at our data, staff used Veneta's UGB data to calculate our numbers.

Len Goodwin said he is concerned about using the Lane County Assessor's Data because it includes the entire County. He said including the entire county will likely overstate the low density residential because rural areas will have a much higher proportion to low density residential than urban areas.

Len Goodwin said the others are basically historical data based on a specific time period. He said given the trend in urban development moving toward greater density, smaller lot size, they probably all overstate the amount of single family or low density residential and understate medium to high density need. In a city like Veneta low density will have a larger proportion but still he's concerned these numbers understate medium to high density and overstate low density.

Kevin Conlin said to call something a trend necessarily means there's may be historical data out there to substantiate it. He's more inclined to go with what's specific to Veneta. He said the sample we use should be one that most adequately fits our community rather than using a collection of communities of which we are a part of. He said he is concerned we may be speculating if we go with something other than our own figures. He can foresee a situation that we may see higher levels of high density and we want to make sure we don't price people out of the area. He doesn't want to push a 40 to 50 year model out over the next five or 10 years. He said if there's a spike with significant change, then let's review it but he would prefer to use data that's on the ground.

Bork said when she reviewed the historical density data, the average density (single and multi-family) of all approved subdivisions was at 6.8. This reduces the gross acres to 391. She said the American Community Survey on housing mix shows from 2007 to 2011 Veneta's single family makes up about 84% and multi-family is 16%. Compare that to the assessor's data that shows we have 79% single family and 21% multi-family, including duplexes. She said the recent trend shows from 1998 to 2013 Veneta built 88% single family and 12% multi-family. She said the difference is the American Community Survey shows what's on the ground, Lane County is what we think is on the ground and the Veneta permit data is trend based on the last 10 plus years. She said if we use the American Community Survey, as Commissioner Goodwin stated, then we're not overstating the single family

and understating the multi-family.

In response to a question from Len Goodwin, Bork said with regard to 2050, she wasn't sure how Veneta calculated a density analysis. She said communities were required to submit density data but she would have to research if Veneta applied it by city or by region.

Bork said if we did go with the American Community Survey, we would need approximately 329 acres of low density and 63 acres of medium density.

Kevin Conlin said the difference between one extreme and the other is 329 acres verses 309 acres. So we're really only talking about a difference of 20 acres.

Calvin Kenney said the American Community Survey is right in the middle and is basically splitting the difference. He suggested using it.

Len Goodwin said that's a median approach and he could certainly go with the American Community Survey.

Bork said that's reasonable and is still consistent with Veneta's trend to build more single family homes. She said medium density allows for single family homes but at a higher density. She said if we went with the permit data from 1998 to 2013 we might not be accommodating enough medium density land for a variety of other uses, residential care, etc. She said we have 118 acres of medium density available. She said using that mix wouldn't constrain ourselves.

After a brief discussion, it was the consensus to go with American Community Survey methodology. Kevin Conlin would prefer to use Veneta's figures.

VII. Other

a. 2013 Planning Activity Report

Garbett said she and Bork put together the activity report for January to early October, 2013. She said this report is based on planning application logs and also inquiries; phone calls and drop-ins. She said many tree permit applications have been submitted along with a few site plan reviews. She said currently staff is administratively processing a minor site plan for Hillbilly Brew (West Lane Shopping Center location) to replace the existing structure with a new building. She said a public hearing will be held December 5, 2013 for a three lot partition on Woodberry Lane next to the Trinity Terrace subdivision. She said the lots are near wetlands so there will be some natural resource obstacles as far as how the lot will be divided. She said single family residence building permits have almost tripled since 2012.

Bork said she and Garbett met with representatives of Hayden Homes to discuss its interest in building out some phases in the Southwest Area Plan (SWAP). She said Hayden Homes requested changing the land uses in the original plan in order to remove multi-family residential building. She said in order to do that the SWAP would require an amendment and all the goals of the original plan would still need to be met. She said for now, they may request a phasing change to build as many single family residential homes as they can and leave multi-family on the table. She said Hayden is really paying attention to the market in Venet and in Phase I they would like to build larger lots to accommodate three car garages and RV parking. She said any townhome developments would also include RV parking. She said they are also looking at what they need to do to make that work. They hired a consultant out of Portland to work with them.

Len Goodwin said the multi-family residential and high density residential will certainly be the last to get built out.

Bork added the community workshop at the University of Oregon is coming up and can potentially assist us with economic opportunities analysis. She said Bob Parker runs the workshop and is one of the principles of the ECONorthwest. She may have more information about a work plan next month. Once she has information from Mr. Parker she will bring it to the Planning Commission.

She said she would have the housing trends analysis at the next meeting.

VIII. Adjourn

Chair James Eagle Eye adjourned the Veneta Planning Commission to order at 8:11p.m



James Eagle Eye, Chairman

ATTEST:



Darci Henneman, Assistant City Recorder