

Minutes of the Veneta Planning Commission

October 7, 2014

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

Absent: Calvin Kenney

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Ric Ingham, City Administrator; Darci Henneman, Assistant City Recorder, William Cashmere, and Stephanie Freeman

I. Review Agenda

Chair James Eagle Eye opened the Veneta Planning Commission meeting at 7:42 p.m. and reviewed the agenda.

II. Public Comment

None

III. Approval of Minutes

MOTION: Len Goodwin made a motion to approve the September 2, 2014 Planning Commission minutes. Kevin Conlin seconded the motion which passed with a vote of 4-0.

IV. Public Hearing – Variance Request, V-2-14, West Lane Fitness

a. Variance request to Veneta Land Development Ordinance No. 493, Section 4.05(7) (a) and Section 5.12(3) (b) to allow a reduced setback from off-street parking areas along the east and south property lines and reduced landscaping.

1. Chair James Eagle eye opened the Public Hearing at 7:44 p.m.

2. Declaration of Conflict of Interest or Ex-Parte Contacts

Kevin Conlin said he has talked to the applicant but only on procedural matters. It was determined that no Planning Commission member present had any ex-parte contacts.

3. Staff Report

Garbett said this is an existing business proposing to relocate to the Broadway/Commercial zone. She said there is off street parking areas along the east and south property lines. The applicant is requesting a reduction in the landscape requirements from 10% to 7% and reduced setback from off-street parking areas. Garbett said notices were sent and posted at the site, published in the Fern Ridge Review and posted at City Hall. Staff did not receive any formal public comment but a neighbor, Mr. Cashmere, voiced a few concerns. She said staff recommended conditional approval of the variance due to existing and unusual circumstances regarding off-street parking, stormwater treatment, pedestrian circulation routes, and the unique existing Quonset-hut architecture that limits new occupant commercial uses. The setback reduction is necessary per Veneta Land Development Standards. Also, at the time the staff report was created, staff researched other opportunities for the applicant to relocate in the West Broadway area for comparison; the only other available property was three times smaller.

4. Public Testimony

David Cashmere, 88177 Fifth St., Veneta, OR

Mr. Cashmere lives directly behind the proposed West Lane Fitness site. He said the wall that divides the two properties is an uneven, 20 ft. corrugated structure, and he heard that a ball court was going on the other side of the wall. He requested the wall stay.

Ms. Freeman said the ball court will not be included.

Mr. Cashmere said he would prefer a wood fence. He said he is concerned about the parking and the two ft. setback. He said nose in parking would bring the bumper right to the fence and it wouldn't take much for a vehicle to go through the fence and he felt that is a safety issue to have a bumper that close to a fence. He said the cinderblock wall is very unsafe and is crumbling and also the chain link fence is falling down. He's concerned about traffic and curbing on the west side of Fifth St. and whether the curbing will be installed all the way down to Dunham St. or if the curbing will stop at the business.

In response to a question from James Eagle Eye, Garbett said the City Engineer did not comment on the variance but he did provide comments on the site plan review. However, those comments did not address Mr. Cashmere's concerns. She said the code requires a site obscuring fence when a commercial property abuts a residential property and the Planning Commission can require an additional fence. She said staff is proposing a 75% site obscuring fence be installed between the two properties.

Bork said bollards can be installed to keep vehicles from hitting the fence and that would be included in the variance because it's not a requirement through site plan review. She said the Planning Commission could recommend the obscuring fencing during either process.

Len Goodwin said in the site plan review, it looks like the wheel stops are two ft. from the property line which suggested the vehicle will be within the two ft. setback, if we approve it on that form, there's only a three to six in. set back.

Garbett said the applicant is proposing 18 ft. parking stalls so the wheel stops could be moved further back.

Len Goodwin suggested moving the wheel stops to 16 ft.

Garbett said that would be added as a condition of approval.

5. Questions from the Planning Commission

In response to a question from Len Goodwin, Garbett said the Veneta Land Development Ordinance requires off street parking but doesn't list a fitness facility as a use. She said staff recommended that the applicant prepare a parking study so they hired a consultant to prepare it. The parking study provided 20 off-street parking spaces and seven on-street spaces which staff and the City Engineer concurred was acceptable. She said City code allows on-street parking to potentially be used in lieu of off-street. She said the parking diagram provided in the site plan review packet (Sheet S) shows all proposed parking spaces (on-street & off-sreet).

6. Chairman James Eagle Eye closed the Public Hearing at 8:00 p.m.

7. Deliberation and Decision

MOTION: Len Goodwin made a motion to approve the variance with specified conditions of approval based on recommendations by staff. In addition, a condition that the wheel stops for off-street parking be placed at least four ft. from the property line to provide for a minimum two ft. setback. Lily Rees seconded the motion which passed with a vote of 4-0.

V. Public Hearing – Variance Request, V-3-14, Hess/Parish

a. Variance request to Veneta Land Development Ordinance No. 493, Section 4.02(6) (b) to allow a reduced side yard setback for carport along the west property boundary.

1. Chair James Eagle Eye opened the Public Hearing at 8:01 p.m.

2. Declaration of Conflict of Interest or Ex-Parte Contacts:

None

3. Staff Report

Garbett said staff is presenting a variance request which, if granted, will allow a carport to be constructed within three ft. from the west side property line. She said the applicant requires access for an electronic wheelchair along the west side of the carport. Garbett said Mr. Parish is in attendance to answer any questions the Commissioners may have. She said all notices were sent in accordance of Section 2.11 of Veneta Land Development ordinance. She said staff received one agency referral comment from the City Building Official. He indicated that the setback should be a minimum of three ft. or that the carport be constructed of non-combustible materials, i.e., metal or steel. No public comment was received although the applicant provided a letter from the adjoining neighbors that they were agreeable with the carport being constructed within the setback, but they would like drainage or a trench be included to address any potential excess water associated with the additional impervious surface. Garbett said the existing garage door is not large enough to accommodate a vehicle and a grade change from inside the garage will not allow for a wheelchair. In regards to the neighbor's comment about the trench, if the carport is in need of a building permit, the applicant will have to comply with stormwater retention and treatment standards. She said a swale could potentially be required to catch any excess water that may occur, staff recommended approval with conditions given the unusual circumstances listed in the staff report.

In response to a question from Len Goodwin, Garbett said staff doesn't have specific plans for the actual construction of the roof or what materials will be used.

Bork said staff is recommending a three ft. setback.

Len Goodwin said he is concerned that if we get a similar variance from the adjoining property to the west, those two carports in such close proximity to one another could create a hazardous situation if there is a fire. He said in the case of a fire, the flames tend to spread horizontally. He said he is concerned granting the variance may create a challenge if the neighbor wants to build a carport.

Garbett said in that scenario there would be about six ft. between the two carports.

In response to a question from James Eagle Eye, Bork said a referral was sent to the Building Department for fire review but it did not go to the Fire Chief.

In response to a question from Len Goodwin, Bork said there is potential that part of the carport does cross onto the neighbor's property line. However, with the suggested conditions, it would be required to have a three ft. setback and moved over.

Mr. Parish said it does not cross onto her property. There is a block wall and it stops at that wall. He said his neighbor was concerned about the block wall coming down.

4. Public Testimony

None

5. Questions from the Planning Commission

None

6. Chair James Eagle Eye closed the Public Hearing at 8:10 p.m.

7. Deliberation and Decision

MOTION: Len Goodwin made a motion to approve variance with conditions of approval specified by staff. Kevin Conlin second the motion which passed with a vote of 4-0.

VI. Request for Site Plan Review, SR-1-14, West Lane Fitness

- a. Request approval of site plan review for a proposed athletic facility (West Lane Fitness) in accordance with Veneta Land Development Ordinance No. 493, Section 6.01 and Section 6.07.

Garbett reviewed the approval criteria for the site plan review which includes Land Development Ordinance Article 6. She said notice was sent to all residents within 300 ft. and no formal comments were received. She said a few issues include parking, which was already discussed and the demand study proposed 20 off street and 7 on-street parking spaces. She said the City Engineer responded that the study appears reliable and the proposed parking demand rate can be applied to the site. Another challenge was improvements to Fifth St. which abuts the site on the west side and does not have curb, gutter, or sidewalk. She said the applicant is proposing those improvements and the City Engineer commented that those improvements shall be constructed or the applicant record an irrevocable improvement agreement. Garbett said the variance and landscaping were previously discussed and based on the findings in the site plan review request, stated in the proposed final order, staff is recommending conditional approval.

MOTION: Lily Rees made a motion to approve the site plan with the specified conditions of approval. Kevin Conlin second the motion.

In response to a question from James Eagle Eye, Garbett said the obscuring fence conditions were also included and listed as condition 10(c) – “six ft. site obscuring fence along the south property line that provides separation. . .”

VOTE: 4-0.

VII. Review and Comment, Applegate Landing Phase 3, SR-2-14, Conceptual layouts for Lots 110-113 and Lot 141 (i.e. Proposed building footprints in relation to Greenway Subzone.)

Garbett said the materials for this agenda item were not included in the packet but materials were provided at the meeting. Garbett said the Planning Commission previously approved the tentative subdivision for Applegate Landing Phase 3. She said previously the applicant's consultant provided layouts that depicted the lots that would be affected by the greenway with the variance that was approved. She said the language, conditioned as part of that variance, that the applicant shall use best efforts to minimize placing the building footprint in the greenway in lots 110-113 and lot 141. Staff is requesting direction on how to apply that condition of approval at the time of building permit review. She said staff is anticipating building permits will start coming in and they want to make sure the intent is solidified with that greenway layout. Staff is asking the Planning Commission to review and comment on staff's recommendation. Garbett reviewed staff's recommendations for individual lots which were based on the two building footprints the applicant provided. Garbett said on lot 142, the applicant is proposing the Orchard building footprint. Relocating the footprint to the south in order to avoid the greenway would eliminate a backyard for the homeowner, so staff recommended approving this layout

so the homeowner could have a backyard. She said this impact seemed less valuable in terms of all the wetlands the applicant has preserved throughout the entire SWAP.

Len Goodwin suggested using a standard garage and not a three car garage or flip the floor plan like lot 112.

Garbett said lot 109 is completely encumbered by the greenway but the applicant is proposing a different building footprint which will have a 43% lot coverage - less than the 50% permitted when the SWAP was originally adopted. She said the applicant is proposing to impact the south section of lot 110. Staff recommended adjusting the footprint.

In response to a question from Lily Rees, Bork said at the last Planning Commission meeting, which Ms. Rees was not able to attend, the Planning Commission allowed impacts to the greenway by these lots as long as they were building the least impact to the wetlands as possible.

James Eagle Eye said the Planning Commission went back and forth and because it was previously approved in the original SWAP, they decided that was the best place for the road at that time and also because the wetlands had changed. He said the applicant's original wetland delineation had expired and when they did a new one it did encroach onto that previously approved site.

Bork said if this was a brand new subdivision, the layout would not have been allowed to encumber the greenway and there would have been more opportunity to work around it.

Garbett said the wetland on lot 109 was not technically mapped for Phase 1 and 2, when the SWAP was approved.

In response to a question from Bork, Len Goodwin suggested leaving lot 110 where it is.

It was the consensus of the Planning Commission to allow the applicant's building footprint for lot 111 which would possibly have a minor impact by the back deck area. She said it would have a 36% lot coverage which is less than the 50% permitted. On lots 112 and 113 staff is recommending using a smaller building footprint like the one proposed for lot 111 or another smaller model to give the homeowner's a larger backyard and not impact the greenway as much and for lot 142 use a smaller garage or flip the floor plan like lot 112.

VIII. Residential Buildable Land Inventory and Housing Need Analysis, Review and Make Recommendation for Adoption

Bork said the last time the Planning Commission reviewed the BLI was in February and at that time there were no additional changes requested by the Commission. She said she wanted to present this one last time after she made some small edits, added the findings indicating we were not including infill lots and re-developable inventory. She said also an executive summary was added. Bork said because potential development could utilize this information, staff would like the Council to adopt the Building Lands Inventory by resolution prior to finalizing the EOA.

In response to a question from Kevin Conlin, Bork said she would like the Commission to recommend approval of the BLI at the December meeting so the Council can adopt it by January.

James Eagle Eye said he would like to review the BLI at the next meeting prior to recommending it to the Council for adoption in December or January.

IX. Other

Bork provided an update on Phase 3 of Hayden Homes development. She said last Friday while grading, the ground crew did not get the message not to grade within the storm swale because they are

still waiting for their concurrence and the Dept. of State Lands (DSL) permit. She said they self-reported themselves to the City and DSL about the situation. At that time the City Engineer issued a stop work order and the applicant worked with DSL to get the corrections in place and were allowed to continue at their own risk. She said the City did remind them that our original notice to proceed still applies and DSL said they can proceed at their own risk knowing that they still have some obligations with their permit. She said they are still working to beat the weather.

Ingham asked for feedback from the Planning Commission on the EOA process and Mr. Parker's process.

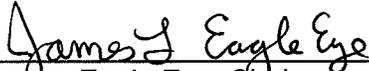
James Eagle Eye said it was generally in line with what they've talked about in the past. He said when we get down to how we're going to do it and where we should focus our energy and whatever resources we have will help some of our more defining conversations.

Len Goodwin said he has some technical questions for Mr. Parker on the EOA.

Bork said the City will be presented with a five year recognition as a Tree City USA City. She said that will take place at the Tree Planting event at the Community Center on Saturday, October 11th at 10:00 a.m. She said Mayor Larson will give a welcoming presentation, the Oregon Dept. of Forestry will present the City with a recognition plaque, and an arborist will give a presentation. She said from there the event will move to Territorial Park to plant trees.

X. Adjourn

Chair James Eagle Eye adjourned the Veneta Planning Commission to order at 8:32 p.m


James Eagle Eye, Chairman

ATTEST:


Darci Henneman, Assistant City Recorder