Minutes of the Veneta Planning Commission
November 4, 2014

Present: Len Goodwin, Kevin Conlin, and Lily Rees

Absent: James Eagle Eye, Calvin Kenney

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

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I. Review Agenda

Vice Chair Len Goodwin opened the Veneta Planning Commission meeting at 7:06 p.m. and reviewed the agenda.

II. Public Comment

None

III. Make Recommendation for Adoption: Residential Buildable Land Inventory and Housing Need Analysis

IV. Bork said at the October meeting the Planning Commission was provided with a final draft of the Residential Buildable Land Inventory and Housing Need Analysis which was last reviewed in February. She said prior to the October meeting she cleaned up the tables, included an executive summary of the findings and addressed infill and redevelopment of certain parcels. She said the findings show we have 475 acres of available residential land, most of which is zoned Rural/Residential and Low Density Residential. She said the need shows 321 acres is required over the next 20 years so we will have a surplus of approximately 153 acres. Bork reminded all in attendance the study was a result of several months work by the Planning Commission.

MOTION: Lily Rees made a motion to recommend the City Council adopt the Veneta Residential Buildable Land Inventory and House Needs Analysis. Kevin Conlin seconded the motion which passed with a vote of 3-0.

V. Review and Comment on Proposed Code Amendments – Irrevocable Petition for Public Improvements

Bork said this is the first time the Planning Commission has received information regarding proposed changes regarding Irrevocable Petitions. She said she is presenting code amendments initiated through the City Council to provide more clarification in the Land Development and Land Division codes when improvements and an Irrevocable Petition are required and when and how improvements can be waived. She said currently the code allows property owners to construct all required improvements or they can waive sidewalk improvements only. She said the City's practice has been to allow property owners to waive certain improvements that don't make sense at the time. She said there are situations where someone will develop a parcel along an unimproved street. The City therefore would not require improvements to their section of the street; leaving the remainder of the street unimproved. In that instance the developer will be required to sign an Irrevocable Petition for all improvements in the future. . She reviewed each amendment and the intended outcome of each.

<u>Background – What type of Development Triggers Improvements and/or an Irrevocable Petition</u>

Bork said improvements are generally required during site plan review process. If someone is constructing a commercial building they will be required to improve the site along with potentially improving any street frontage or putting in water, sewer, etc. Improvements are also triggered at the time of subdivision and partition. She said usually in the case of subdivisions, all the improvements are required and are installed. Partitions are a little different, most improvements will be put in but often times partitions are on unimproved streets so those improvements won't be

required at the time since it doesn't make sense to pave only a portion of the street when the remainder of the street is unimproved. Staff would like to change the code to allow any type of improvement be waived if it's not in the City's best interest to have that improvement installed at the time.

It has been City practice to waive sidewalk improvements when there is no curb or gutter and also require the property owner to sign an irrevocable petition, and pay a deposit for the sidewalk improvement. The way the current code is written it only requires signing the petition or submitting the deposit but it's been the City's practice for years to require both. We are proposing the changes to make sure our code is consistent with our practice.

Bork said we want to make sure that broadband conduit fiber is added to our code as an improvement. She said the City Council amended the municipal code to require conduit to be installed during subdivision development. She said the proposed code amendments will make sure fiber is referenced specifically in the land division and land development code.

Bork said the current code states that when you pull a permit you will be required to install improvements. She said currently the way it's written, any permit could trigger the improvements that have to be installed. She said we asked legal counsel if we should leave the language that broad or should we get more specific of what type of development will trigger these improvements. Legal Counsel said it's not necessary to get that specific because it would make sense that the City is applying the code and requiring the improvements that relate to the type of development. So, generally single family homes always require sidewalks to be constructed along the street frontage. She said if someone came in for something smaller like a shed we probably wouldn't require all the improvements. She said a garage may have a large impact on a site and that may be the only time we would get a sidewalk installed. She said we don't need the code to be so specific and legal counsel felt comfortable leaving the language as is. She asked the Commission if they would like to discuss what type of development would trigger those improvements.

Lily Rees said it would depend on what the development was and where it's located in the City. She felt comfortable with staff having some flexibility with the language.

In response to a question from Len Goodwin, Bork agreed if a single family home came in on an unimproved street - no sidewalk on the entire street, the builder would undoubtedly take the Irrevocable Petition rather than install one section of sidewalk, or installation of stormwater systems. She said in the case of a single family dwelling we have required a deposit for the sidewalk but that will require discussion because the revisions will allow for both, it was either or - the petition or the deposit. She said going back and researching why the City required the deposit it was mostly to not leave the responsibility solely on the property owner if the property sells so the builder would assume some of that responsibility. She said if the City has plans to do an improvement in the next five years, it makes sense to take a deposit and we probably want the flexibility to take that deposit. If it's a project that we know won't happen in 20 years, we likely would not require a deposit.

In response to a question from Len Goodwin, Bork said we take bonds from developers for improvements for partitions and subdivisions but not for construction of a SFR.

In response to a question from Len Goodwin, Bork said we don't have to require both a deposit and an executed irrevocable petition in all cases. If a project isn't going to happen for quite some time, it may not make sense to take a deposit. She said it's so specific – where and what's happening in a particular area of the City.

Len Goodwin said if it's going to be further out in the future, you could require a bond which doesn't require upfront cash from the developer.

Bork said that could happen in certain subdivisions.

Len Goodwin thanked Bork for the report and asked the Commissioners if there were any questions. He said he would entertain a motion.

Bork said the motion would be to allow staff to set the public hearing for first reading.

In response to a question from Len Goodwin, Bork said because we are revising the Land Development ordinance, she filed the 30 day notice to Oregon Dept. of Land Conservation (DLCD) back when the Council initiated the process. She said the hearing can be at the December meeting or be postponed until the January meeting.

MOTION: Lily Rees made a motion to direct staff to set up a public hearing date. Kevin Conlin seconded the motion which passed with a vote of 3-0.

VI. Adjourn

Vice Chair Len Goodwin adjourned the Veneta Planning Commission to order at 7:20 p.m

Len Goodwin, Vice Chairman

ATTEST:

Darci Henneman, Assistant City Recorder