

Minutes of the Veneta Planning Commission

April 6, 2015

Present: Len Goodwin, Kevin Conlin, Calvin Kenney, Lily Rees

Absent: James Eagle Eye

Others: Ric Ingham, City Administrator; Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Darci Henneman, Assistant City Recorder; Bob Parker, University of Oregon Community Planning Workshop; and Herb Vloedman

1. Review Agenda

Vice Chair Len Goodwin opened the Veneta Planning Commission meeting at 7:00 p.m. and reviewed the agenda.

2. Public Comment

Herb Vloedman, 25115 Luther Ln., Veneta, OR

Mr. Vloedman said he wanted to comment about the land development ordinance and look at Veneta's Commercial/Industrial areas. He said there has been very little if no development in Veneta's Commercial/Industrial zones. He asked the Planning Commission to leave as much flexibility as possible so that when opportunities arise, developers can easily read and understand the ordinances and determine if they have a possibility to develop. He said it's beneficial that people know they have opportunities and their ideas, wants, and desires will be heard.

3. Approval of Minutes

MOTION: Calvin Kenney made a motion to approve the March 3, 2015 minutes. Kevin Conlin seconded the motion which passed with a vote of 4-0.

4. Review of Veneta's Comprehensive Plan Economic Element and Land Development Ordinance – Bob Parker

Bork reviewed tonight's meeting timeline. She said a public hearing is tentatively scheduled for May to adopt the ordinance but that can be postponed if the Planning Commission doesn't get through the recommended changes and provide feedback to staff.

Bob Parker of Community Planning Workshop (CPW) said they broke their report into two parts; deal with comprehensive policies and findings and proposed amendments to the zoning code. He said the City has done a good job in keeping the Comprehensive Plan simple and relative to neighboring jurisdictions. He suggested we keep the Goal 9 language and add two amendments listed on page two.

Len Goodwin said he worries with the first proposed amendment, the goals aren't goals and are requirements of law, he wondered if by including similar language in our Comprehensive Plan if we aren't creating the risk of conflicting interpretations. Goal 9 says what is required but if we put something in, it can be argued that our goal statement is not the same as the Oregon Administrative Rule (OAR) requirement and therefore there is some room for dispute about what it means to provide an adequate supply.

Mr. Parker said that language is directly out of the goal, he understands Commissioner Goodwin's point but we will articulate that in the language; that we are compliant and we're in line with state policy. He said he doesn't think the language is inconsistent or that it will create future conflicts. He said if DLCD has questions we'll see that come in. He said there's nothing wrong with it but we're

suggesting that we could add more language for articulation.

After a brief discussion, it was the consensus of the Planning Commission to include that language.

Aspirational Policies

Mr. Parker said the current Plan includes a lot of aspirational language. He said there's nothing wrong with that but it doesn't really provide assistance when reviewing development applications. He asked if that language should be left in or moved to the implementation strategy. He said some areas were not clear how they are implemented through the land use plan. He said CPW provided examples of clearly actionable policies to guide revision of the language if the Economic Development Committee chose to keep the policies in the Comprehensive Plan.

Calvin Kenney said those are hard to enforce and interpret, he feels comfortable dropping the first four.

Lily Rees agreed.

Mr. Parker said he strongly discourages the City from judging businesses. He heard last fall that the committee wants to attract business but not certain businesses.

Calvin Kenney said he agrees but how can we have that as a policy.

Mr. Parker said CPW is recommending we look at that as part of the implementation plan to guide staff to implement the land use plan and economic development strategy.

Len Goodwin said those policies may also offer developers that the City may become more of a participant to financially encourage certain business.

It was the consensus to drop Policies 1, 2, 3, and 4 and keep 5 and 6.

Len Goodwin said a particular policy could be equally placed in the implementation strategy and include it as part of the economic element. It limits staff's flexibility in the sense that if resources become tight and it's not feasible to maintain, then we find ourselves out of compliance with our economic policy.

Mr. Parker said a resident could challenge the City on that and force the issue. He said that would also relate to Policy 8. That may be an action but do you want it as a policy in the land use plan?

Len Goodwin said in terms of maintaining flexibility for the City, it seems like having those constraining requirements in the plans isn't desirable.

Bork said the implementation strategy in goals 1 and 2 provide regular updates to real estate agencies to use for tracking those developable sites.

Mr. Parker asked - is that a role the City should play or should other economic development agencies or property owners themselves be doing that.

In response to a question from Lily Rees, Mr. Parker said Policies 7 through 10 are really implementation actions. Some plans have a set of implementation actions in them and CPW didn't propose that because it would create a lot of work to get all the other elements up to date which didn't seem reasonable. The most recent amendments to the Comprehensive Plan were done in 2009 and he suggested not looking at the policies that frequently. He recommended dropping 7 through 10.

It was the consensus of the Planning Commission to remove Policies 7 through 10.

In response to a question from Lily Rees, Bork said Policies 7 and 8 are addressed in the implementation plan. She said there's a whole section on business recruitment. She said there's a registry component, partnering with regional partners and shovel ready site. She said it's very similar and it makes sense to not have them in the Comprehensive Plan.

Len Goodwin said Policy 13 seems to go too far to committing the City to expenditures regardless of its ability to pay for installation and suggested that maybe it should be temporary.

Mr. Parker agreed and said property owners may press the City on that in the future.

After a thorough discussion on Policy 11, it was the consensus of the Planning Commission to delete it.

Lily Rees suggested Policy 12 be reworded.

Mr. Parker said CPW would work with the language. He said it's a reasonable policy to have as long as it doesn't set preference for certain development.

Len Goodwin suggested the wording should be broadened.

After a thorough discussion it was the consensus of the Planning Commission to broaden Policy 12.

Mr. Parker said policy 13 isn't worded well. He suggested it be scratched or modified.

Len Goodwin suggested integrating Policy 13 into Policy 12.

In response to a question from Len Goodwin, Ingham said so far we have one fiber line coming in but we want to be aggressive to build out fiber optics throughout the entire community.

Len Goodwin suggested it should be broadened to include all hard wire fiber optics, Wi-Fi, and advanced communications.

After a thorough discussion, it was the consensus to broaden Policy 14.

It was the consensus to leave policy 16 as is.

In response to a question from Lily Rees, Len Goodwin said there are standards for generated daily trips that could help in that situation, he agreed with Mr. Parker, we are going to want to encourage heavy traffic generators along the highway.

Ingham said the focus on Highway 126 should be that if there is a heavy traffic generator then the road should be developed for that.

Mr. Parker said he will work with Bork to rewrite policy 17.

Mr. Parker said he had an issue with Policy 18. He said not much of our land has constraints except for wetlands. He asked does the City want to discourage someone from going through the appropriate channels if that was something they wanted to do?

Len Goodwin said if constrained lands can be developed, it seems it would be in the City's best interest to do so.

It was the consensus to remove Policy 18 and 19.

Mr. Parker encouraged the Planning Commission to discuss the items in Policy 20. He said he heard we want development in downtown but it doesn't have to be high density. He said "density" should be defined because it's a relative term.

Bork said she didn't think it's defined anywhere in the code.

Mr. Parker suggested removing the "high density" designation because of the residential designation.

Len Goodwin said he questioned the first two bullets. He said the City will initiate "parcel consolidation" or "street upgrades" in the absence of development, could be encouraged but the way the policy reads it looks like it suggests the City would be the lead agency and he's not sure that's what the Council intends for the City.

Ingham said the big vacant block on Broadway is actually three lots consolidated into one.

Bork said the "consolidation" language likely came from the Urban Renewal Plan and the "mixed use" may have come from the Master Plan.

It was the consensus of the Planning Commission to remove "high density" from the last bullet and maintain the rest of Policy 20.

Calvin Kenney said he would remove the last sentence in Policy 21.

Ingham said he felt Territorial Rd. and Highway 126 are our strengths. He said we can keep the high traffic on the highways with very little impact to our streets.

Lily Rees suggested combining the first sentence from Policy 21 and Policy 22 as defining two key areas where we want to expand and remove the descriptive narrative in the second sentence of Policy 22.

Mr. Parker said that provides locational criteria for commercial areas if someone wanted to rezone some land. He said that's a useful policy direction but what about housing family grocery stores. He said the problem with that kind of language is they may not be there in the future. He said the second part of that sentence lists a neighborhood service area which becomes more operational in terms of providing neighborhood commercial uses which may become relevant and important down the road.

Len Goodwin suggested changing the second sentence to say "this is a neighborhood service area".

It was the consensus of the Planning Commission to remove the last sentence from Policy 21 and leave Policy 22 the way it is.

Len Goodwin said Policy 23 gets down to the code level and it's worrisome to him because that policy operates throughout the City and not just downtown.

Mr. Parker recommended removing or substantially rewording Policy 23 if it's already addressed in code.

Len Goodwin said we could reword the language to support what we've done to downtown compared to the rest of the development and add something that allows the City to be flexible in design standards, to meet specific land use needs in the downtown area, that ends up being pedestrian

friendly and access in the Industrial/Commercial area, it means something completely different.

Mr. Parker said it gives the Council more discretion in working with property owners but it may be a detriment because it becomes too cumbersome to work with.

Bork said the commercial design standards apply to Broadway/Commercial but wouldn't apply to anything on Highway 126.

Len suggested adopting appropriate design standards.

In response to a question from Kevin Conlin, Mr. Parker said there is no definition in the Plan for "cottage industries" but it may be in the Development Code. He said that was a term in the 90's and it was a fancy way of saying home based occupation. If that's the case it's covered in policy 15. He suggested removing Policy 24.

After a brief discussion, it was the consensus of the Planning Commission to remove Policy 24.

Mr. Parker recommended keeping Policy 25.

Lily Rees suggested changing the language to read ". . . locate future industrial lands." She said we already have industrial lands set up, it's not like we can change them.

It was the consensus of the Planning Commission to keep Policy 25.

Mr. Parker recommended removing Policy 26 unless we want to develop conformance standards which currently the City doesn't have.

It was the consensus to remove Policy 26 and retain Policy 27 the way it is.

Mr. Parker said Policy 28 creates less flexibility.

Len Goodwin said there are many uses that would be prohibited under Policy 28.

Kevin Conlin said unless being that descriptive does something good for us, he's inclined to remove it.

Bork said we need to look at the code because that's how it currently reads. She said she will review the code.

It was the consensus to keep Policy 29 the way it is.

Mr. Parker recommended including four additional policies (Policies 30, 31, 32, 33) which he reviewed.

Len Goodwin said Policy 30 and 31 should have something in the five to 10 year range which will trigger staff to review it.

Mr. Parker said he will bring it back a lot cleaner.

Len Goodwin said it seems to him that the retail definition should be as broad as possible.

Section 4.05 Broadway Commercial

Bork said we did adopt specific regulations for medical marijuana dispensaries (MMD).

Len Goodwin said we also have to deal with regulations for possible future non-medical marijuana

dispensaries.

Mr. Parker said that would require a broader set of standards zone by zone.

Bork said we could identify them as a permitted use in each zone which was allowed by state statute.

Mr. Parker suggested removing No. 5 as a separate code and leave 1, 2, 3, 4, and 6 as they are.

Len Goodwin suggested eliminating the language except . . . "on the ground floor".

Everyone agreed.

Broadway/Commercial

After a brief discussion it was the consensus of the Planning Commission to create a different list of uses in this zone and define them as public and semipublic; specifically the ones that we felt were appropriate for that zone and modify those that aren't.

Calvin Kenney said if we build a residential building that complies with ADA, he would be in favor of Residential/Commercial mix use with the residential units on ground floor.

Community/Commercial (CC)

Len Goodwin said his immediate reaction was either 50% or 25 feet whichever is less. He said that would satisfy ADA requirements and limit the amount of residential space on the ground floor

Mr. Parker said he felt all the language can be cleaned up and he encouraged the Planning Commission to have more discussion on this.

Highway/Commercial (HC)

Len Goodwin said it would be an appropriate spot for a nursery. He asked do we want to locate them in this zone or on an arterial street.

It was the consensus to not allow plant nurseries in this zone but the Planning Commission will think about including public and semipublic uses.

Industrial Commercial (IC)

Len Goodwin said 10,000 sq. ft. seems restrictive for larger retail stores in that commercial zone. He suggested it should be more like 20,000 to 30,000 sq. ft.

Bork said staff can bring back more information about size.

In response to a question from Len Goodwin, Bork said the code doesn't specify if the maximum building footprint of 10,000 sq. ft. is for one retail structure or if it housed three or four businesses, the 10,000 sq. ft. is per business. She said it's likely up to interpretation but we can add that as a qualifying statement. She said staff will provide a visual to define the footprint. She said the provision for IC and Light/Industrial (LI) states that all operations shall be conducted entirely within a closed building. She said the only zone that doesn't specify is Heavy/Industrial. She said she will bring this back to the Planning Commission.

Indoor/Commercial

Mr. Parker asked the Planning Commission if they wanted to allow amusement or recreational establishments in the Industrial/Commercial zone; i.e. bowling alley or a fitness club. He said the only reason to not allow those would be to preserve the land base but he felt we have quite a bit of land in the Light/Commercial zone.

Len Goodwin suggested the Planning Commission review this in five years.

It was the consensus to leave it the way it is.

Industrial/Commercial (IC)

Mr. Parker asked if the Planning Commission wanted to include drive-thru facilities in this zone or in the HC zone listed as a conditional use. He recommended excluding them in the IC zone as a conditional use because there are other zones that can accommodate drive-thru facilities.

Len Goodwin said assuming that we've had substantial development in an IC zone, if there's not a need for a facility that might have a drive-thru? He wants to discourage them in general use. He said they generate traffic but they are a convenience in employment centers where people drive to get lunch or go to the bank. He said we could go either way. He said it's a conditional use now so we can keep it the way it is and not say it's completely prohibited.

Lily Rees said we want to attract businesses we don't want to throw up more obstacles.

Kevin Conlin suggested leaving it the way it is and not publish criteria that may lead to a lawsuit. He said it also leaves us more flexible.

It was the consensus of the Planning Commission to remove allowing stables in the Light/Industrial and Highway/Industrial zones. Everyone was unclear on why it was in this section.

Mr. Parker suggested as a conditional use permitted site plan to allow eating and drinking establishments. He said the line between commercial and industrial is a little blurry. He asked is a brewery retail or industrial? He said it's fairly common to not have retail establishments locate in industrial zones but many manufacturing operations have a retail store front.

Bork suggested separating the eating and drinking from the manufacturing.

Kevin Conlin said he doesn't consider a home brewery as manufacturing. He said a brew pub does both.

Len Goodwin said often a brew pub is 70% drinking and 30% manufacturing and another issue is should we allow restaurants in the Light Industrial (LI) zone that are not associated with some type of manufacturing. He said if we are successful, it seems reasonable to allow some provision for eating and drinking establishments in LI or any of the Commercial zones.

Len Goodwin said he's concerned about the last clause of the Performance Standards.

The Planning Commission had a thorough discussion about Odor Standards.

Bork said the question about odor from Medical Marijuana Dispensaries (MMDs) came up at a City Council meeting and the City attorney recommended that we can't regulate the odor coming from the facility because it's a legal substance. She said she's not sure if the standard applies and that is likely up to Department of Environmental Quality (DEQ) to regulate.

Len Goodwin said we need to look at that language and make sure that it actually reflects what we want it to.

Mr. Parker said he will provide a red line version and some comments we didn't get through this evening. He said the intent is to bundle it all so it can be adopted at one time. If that's not possible,

the Planning Commission may want to adopt the EOA and plan policies first. He said another work session should do it.

Len Goodwin suggested bringing the EOA back in May.

Bork said we need to review the redline code policies first and staff would bring back the complete package in June.

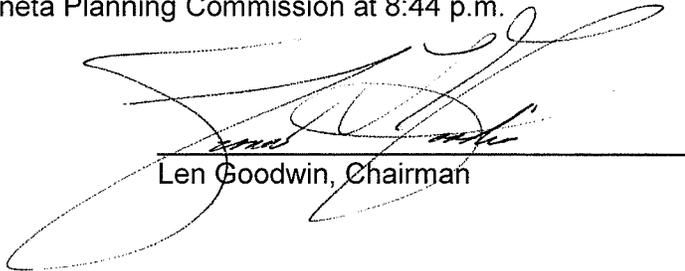
5. Other

Garbett said the Fern Ridge School District brought in a site plan for the remodel at Veneta Elementary. She said this may be brought to the Commission in May or June.

In response to a question from Len Goodwin, Bork said the owner of the shopping center is doing some interior remodeling of the West Lane Technical Learning Center (WLTLC) space. She said it looks like they're moving forward.

6. Adjourn

Vice Chair Len Goodwin adjourned the Veneta Planning Commission at 8:44 p.m.



Len Goodwin, Chairman

ATTEST:



Darci Henneman, Assistant City Recorder