

Minutes of the Veneta Planning Commission

May 5, 2020

Present: Len Goodwin, Commission Chair; Craig Soderberg, Commissioner; David Voltz, Commissioner

Absent: Lily Rees, Commissioner

Others: Lisa Garbett, Associate Planner; Evan MacKenzie, Community Development Director; Matt Michel, City Administrator

I. REVIEW AGENDA

Chair Len Goodwin called the Veneta Planning Commission to order at 6:37 p.m. and reviewed the agenda.

II. PUBLIC COMMENT

None

III. APPROVAL OF MINUTES

MOTION: Craig Soderberg made a motion to approve the April 7, 2020 minutes. David Voltz seconded the motion which passed with a vote of 3-0.

IV. LEGISLATIVE PUBLIC HEARING ON VENETA LAND DEVELOPMENT CODE TYPE I-V PROCEDURES (#A-1-20)

a. Chair Len Goodwin opened the Public Hearing at 6:37 p.m.

b. Staff Report – Evan MacKenzie

MacKenzie said these are fairly substantial amendments to the Land Division Ordinance and Land Development Ordinance. The Planning Commission did not request MacKenzie to review each amendment. He said tonight's materials include general amendments to the Land Development Ordinance, a new Article 11, and amendments to the Land Division Ordinance. The purpose of these amendments are to consolidate a single set of procedures that would apply to all applications. He said generally this format is consistent with many other jurisdictions in Oregon. He reviewed the five procedures as follows:

Type I Procedure would apply to applications that planning staff can approve at the front counter, no notification is required, and approved by staff assuming they meet all of their requirements.

Type II Procedure has minimal discretion applied and the applicant needs to provide evidence that they are meeting some form of criteria and standards. A notice goes out to properties within a certain radius to provide an opportunity for comment prior to a decision. Staff issues a decision which is final unless an interested party appeals the decision and requests it goes to the Planning Commission.

Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after reviewing the approval criteria, weighing evidence of testimony that may be offered by outside parties, and the Planning Commission applies discretion to the decision. That requires the applicant to provide information showing that they have met the criteria. Notice of the public hearing goes out and an opportunity for written and oral public comment at a public hearing is provided. The Planning Commission makes a decision at that hearing or it can be continued.

Type IV Procedure (Quasi-Judicial). We vary slightly from Type III, we proceed to a Type IV, which is essentially a Type III plus. All the same rules apply except this would be for a very limited set of

rezoning applications where the amount of land is generally small, the number of property owners affected is minimal and you are applying discretion to the decision. There is an opportunity to determine if the proposal is consistent with the Comprehensive Plan. He doesn't think the Planning Commission will see many of these because he doesn't think we have any property zoned that is inconsistent with our Comp Plan. He provided an example and said an application is required.

Type V Procedure (Legislative). Type V procedures actually change the standards and procedures that apply to land use applications. These applications go before the Planning Commission to make a recommendation for approval and adoption by the City Council. This system is familiar to developers.

c. Public Comments

None

d. Questions from Planning Commission

MacKenzie said 99% of the amendments proposed in this process are either the new language in Article 11 or the changes to the two ordinances pointing to the new Article 11. The exception is that we are consolidating the definitions into the Land Development ordinance, except for about six words, the definitions in both the Land Development and Land Division ordinances are exactly the same. He said it doesn't make sense to have that language in both ordinances. He said we're basically taking them out and referring back to the Land Development ordinance.

In response to a question from Commissioner Soderberg, MacKenzie said it's not uncommon to have so much ambiguity in code because things are written at different times and with a lot of older codes, they were not written with the intent to have everything in one place. Generally, putting all procedures in one place is a good thing but it's not a requirement. He said this is something we can accomplish that doesn't require a lot of discretion and public involvement. Although we're changing the rules that apply, we're not changing what people can do on their land.

Commissioner Voltz said the City came up when he would talk to people during his building process. He said he heard the City has a reputation for being difficult to work with, due to the ambiguity in the code. He said because there's so many pathways for approval, reviewing and streamlining the process would be very helpful.

In response to a question from Commissioner Soderberg, MacKenzie said what really brought this up was looking at the assumption that the City's partition on Tax Lot 600 (or any partition) is required to come before the Planning Commission or any other partition. He said if a variance wasn't needed, that application didn't require going to the Planning Commission. He said there is no discretion and it doesn't apply.

Chair Goodwin said one of the most difficult things to do when amending code, is to cross check to make sure that you haven't done something different in another code. We do not have a consolidated code and many cities have combined their Land Development and Land Division ordinances. That may be something we do in the future, but it is very perilous to go through every ordinance line by line to ensure that you don't make a change that is unintended.

MacKenzie said he's confident with Legal Counsel Carrie Connelly's review of the changes.

Commissioner Voltz said if we have multiple definitions of different facilities and dwelling types we may run the risk of potentially dealing with what happened in the past where we forget updates with specific code language.

In response to a question from Commissioner Voltz, MacKenzie said Article 5 is all of our development standards. He said we don't really want regulatory language in our definitions, they should be in the code or codes. This is an example if we have to go to the definitions to find a regulatory standard, chances are people aren't going to look there. He said it's not a bad idea to incorporate those standards somewhere in Article 5, which we could do because we're not changing the language, we're just moving it.

MacKenzie said if the Planning Commission approves, we could move that language to an appropriate place in Article 5, before it goes to the City Council.

In response to a question from Commissioner Soderberg, MacKenzie said we could define "dwelling" and single family" under general laymen's terms is a dwelling on its own lot but it doesn't define any type of dwelling. We could add a definition for "dwelling" on its own in Article 13 that would refer back to state residential code. He said there's two definitions - "dwelling" and "dwelling unit." "Dwelling unit" is found in the Residential Specialty Code as follows: "single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation."

After a thorough discussion, it was the consensus of the Planning Commission to refer back to the residential code for "dwelling unit," to change the definition for "family," to make sure the definition follows state law, and to change "housing unit" to "dwelling unit."

There was also a consensus of the Planning Commission to match residential code for "dwelling unit," "housing" to "dwelling," move 1 through 11 under "dwelling single family" into Article 5 and find an appropriate place for it.

In response to a question from Commissioner Voltz, small typographical punctuation errors are generally corrected by staff and don't necessarily come to the Planning Commission for review. He said there is a "to-do" housekeeping list of things to address.

MOTION: Commissioner Soderberg made a motion that the Planning Commission recommend Council adoption of the proposed amendments, as written, unless specific changes are requested by the City Attorney prior to adoption. Commissioner Voltz seconded the motion which passed with a vote of 3-0.

MacKenzie asked the Planning Commission if the current notice radius is sufficient or should we have a smaller notice radius for Type II decisions? Do we want to make it simple and set everything at 300 feet formally? He wants to make sure the Commission is comfortable with the current notice radius for partitions that don't involve any discretion. He said notice is based on parcel boundaries. He said for zone amendments everyone in the zone is noticed. Code amendments are to any affected property owner within that amended zone. We wouldn't notice beyond single family zone but to everyone within that zone.

Garbett said if it's changing something for one specific zone, we would notice everyone in that zone. For tonight's amendment, we provide for the public to attend the meeting telephonically so we don't necessarily send out a notice to individual property owners.

In response to a question from Commissioner Voltz, MacKenzie said for a notice like this, because we're not changing the rules that apply on any zone, we didn't mail notices to property owners. We did notify the Department of Land Conservation and Development (DLCD), the County, and we published the public hearing notice in the paper. But because we're not changing the rules for what you can and cannot do, no individual or group of properties is affected, so they didn't get anything in

the mail. If we are proposing a change that would affect what you can build, where you can put it, how high you can make it, anyone affected by that proposal would get a notice.

In response to a question from Commissioner Soderberg, MacKenzie said the benefit of reducing it from 300 to 100 feet is mainly a reduction in cost. He said the smaller radius, the number of those that need to be noticed is reduced. He said usually only adjoining properties are affected. He said this is a judgment call, not a requirement, and we can leave it the way it is.

Chair Goodwin said one caveat to reducing notice to 100 feet, it doesn't affect anything but the perception of the public might be that the City is reducing the opportunity for residents to have knowledge of what we're doing. In this particular context, where we are so restricted in our ability to inform the public and where the public doesn't have the opportunity to be present it may be something we want to defer until we're back into what looks like a more normal situation. He doesn't think it affects anything but there may be some that perceive that it affects something. He would argue for delaying the decision.

In response to questions from Commissioner Voltz, MacKenzie said if the Commission wants to table the decision, it would mostly be less for a Type II than a Type III and what the Commission and Council deems appropriate for how far out we go. He said it doesn't have to be graduated, it could be the same for everything but Chair Goodwin had a good point and we may want to at least provide a forum for more public comment. MacKenzie said statutory noticing requirement is still pretty old school, we mail to the property owner of record according to the county assessor. The only exception is if it affects a mobile home park, then we have to send notice to all tenants. There is no state requirement to mail to renters. It is possible to figure out who is renting and other times it's more difficult. If a property owner's mailing address is other than the site address, it might be a rental. We likely don't know who that renter is but you have to manually do that and include an occupant list. For apartment complexes is more difficult and you have to send to "occupant" which may trigger a higher fee because it's time consuming. Some jurisdiction do this and we could too but we do not. He said it's not a statutory requirement and would increase staff and mailing costs and would vary by circumstances. There is no (State) requirement for posting onsite, we don't have to but we do.

Commissioner Voltz suggested incorporating something into Facebook or other social media. He said it's more than doing our due diligence but informing residents about what's going on.

Garbett said public notices are published on the City's website under Land Use Decisions – public notices. The City does have a Facebook page and we did start daily updates about public meetings with agenda topics.

After a thorough discussion, it was the consensus of the Planning Commission to keep the noticing requirements is.

- e. Chair Len Goodwin closed the Public Hearing and with no objections, closed the public record at 7:39 p.m.
- f. Planning Commission Deliberation and Decision
None

V. ADMINISTRATIVE LAND USE DECISIONS (JANUARY THROUGH MARCH, 2020)

Garbett said we didn't have any chicken permits in the last few months but in January, February, and March we had several Type A Tree removals and we received the fireworks stand temporary use permit to locate at the West Lane Shopping Center. She said they're hoping to have in-person sales. They submitted their permit which was approved. She said their stand is a non-profit fundraiser through, she

believes, a church. We also received three new single family building permits for Arlo Court Subdivision that the Commissioners reviewed in 2017. She said it's on Hunter Ave. adjacent to Veneta Elementary. We expect to see the fourth building permit soon. She said it's the same owner and they are working with Monarch Construction out of Eugene. We also received a pre-development conference application for dividing a pretty large property on Hunter, south of McCutcheon. She said there is an existing single family home on the site and they are interested in creating three, maybe four lots. She said these are good infill projects.

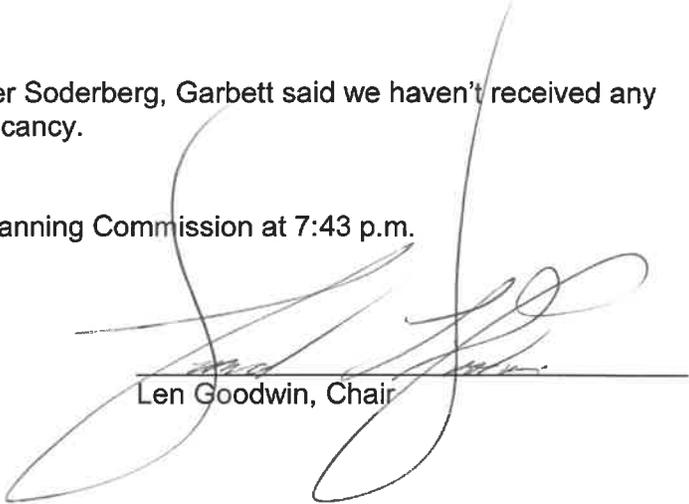
In response to a question from Chair Goodwin, Garbett said the Dollar General submitted their building permit and we provided them with the fee estimate for the permit including the SDC today. She said the permit is not quite ready to issue. She said Planning and Public Works have reviewed the application but the building official has not.

VI. OTHER

In response to a question from Commissioner Soderberg, Garbett said we haven't received any applications for the Planning Commission vacancy.

VII. ADJOURN

Chair Len Goodwin adjourned the Veneta Planning Commission at 7:43 p.m.



Len Goodwin, Chair

ATTEST:



~~DHenneman, City Recorder~~
(Minutes prepared by DHenneman)
Matt Michel, City Administrator