

City of Lafayette

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"Third Oldest City in Oregon"

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LAFAYETTE PLANNING COMMISSION

NOTICE OF PUBLIC MEETING

THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE WILL MEET IN REGULAR SESSION THURSDAY, AUGUST 19, 2010 AT 7 PM IN THE CITY HALL MEETING ROOM AT 486 THIRD STREET (99W), LAFAYETTE, OREGON.

AGENDA IS AS FOLLOWS:

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF THE **July 15, 2010 minutes**
4. **Goal setting work session**

The location of this meeting is accessible to the disabled. If you will need any special accommodations to attend or participate in the meeting, please notify City Hall, at (503) 864-2451, at least 24 hours before the meeting.

TO: LAFAYETTE PLANNING COMMISSION
FROM: JIM JACKS, CITY PLANNER
SUBJ: COMMISSIONER'S SUGGESTED GOALS FOR DISCUSSION
DATE: AUGUST 19, 2010

PURPOSE

The purpose of this memo is to show the suggested goals submitted by the Planning Commission. I have commented on each suggestion from a land use planning perspective. Additional suggestions can be forwarded to staff and we'll endeavor to get them out to the Commission prior to the meeting. It is expected that other goals will be suggested at the August 19 meeting.

The goal for the August 19 meeting is to come to a consensus on goals for the Planning Commission.

The following suggestions are those received on or before August 2. The Commissioner making the suggestion is listed so the Commission can look to that person at the meeting for an explanation of the issue.

Dave Gilbey:

1. Downtown Business District- Lafayette really looks like a dump when you drive through it. And that's what people do...drive on through. How can we (Planning Commission) look into planning/funding to improve our downtown? Conceptual Plan?
 - A. Wine industry ties.
 - B. Antiquing.
 - C. Dare say we look at some tax incentives to get medium size businesses to come to Lafayette.

Planner's Comment:

A city's downtown or main street is often the visual focal point for the community's residents and out-of-towners. The image portrayed by the downtown and the main street may be the only image retained by out-of-towners. When company representatives visit a town to see what it's like on the ground, the visual appearance is important because it provides an indicator of several intangible elements such as pride, community spirit and the ability of the community to successfully address issues.

Downtown appearance can be assisted by the Municipal Code's nuisance abatement process. Nuisance abatement is not typically categorized as a land use planning issue, but if the Lafayette Municipal Code does not include a nuisance abatement process, the Planning Commission could suggest to the Council that such a process be amended into the Municipal Code.

Another non-land use planning approach would be for the City to budget for banners to be placed on power/telephone poles along main street. They provide a festive feeling and send the message that things are happening along main street. Banners in Lincoln City indicate the sections of the city (Nelscott, Taft, DeLake, etc.). Some banners focus on Highway 101 and state the number of miles south of the Columbia River (a takeoff on Route 66 from Chicago to LA). Would a focus

on 99W benefit Lafayette's main street? Might the banners tout Lafayette as the Land of Locks and Libations (the locks on the River and a connection to wine country)?

The Lafayette Zoning and Development Code (LZDO) can be reviewed to determine if the required landscaping is what the Commission believes is adequate to support an improved appearance in the downtown, and if it isn't, the Commission can develop and recommend amendments to the LZDO for the City Council to adopt. If changes are desired and adopted, they would apply to new construction, and would not require existing businesses to improve their landscaping, thus no immediate benefit would come from such action.

The LZDO can be reviewed to determine if architectural standards should be added. If a certain architectural style is desired, such as at Sisters, OR or Leavenworth, WA, the Commission can consider developing such architectural standards. If a particular style isn't thought to be necessary, then generic architectural standards can be considered that would require articulation in front building walls, window treatments, gables and other similar elements so that "military barracks" style commercial buildings won't be built. Such amendments to the LZDO would be adopted by the City Council.

2. Parks and Open Space- How do we (Planning Commission) begin to set the tone for preserving open areas and making them USABLE and SAFE. It's not just setting those parcels aside...I'd like to recommend that this commission take a look at funding for parks maintenance. Let's stop looking at the minimum and look at what the community wants...and figure out how to make it happen!

Planner's Comment:

As part of the 2009 LZDO "housekeeping" amendments, some substantive amendments were included that addressed open space and outdoor recreation areas.

In terms of preserving more open space areas, a Statewide Goal 5 (natural resources) planning effort could be initiated to more thoroughly address wetlands, riparian areas, steep slopes, and significant tree areas. Such an effort would take at least one year and require the expertise of specialists for some resources such as wetlands. The scope could be limited to address just one type of natural resource if desired.

The 2004 "Lafayette Parks Development Plan" was adopted by the City Council, although it was not adopted into the Comprehensive Plan. The purpose of the Plan was to provide the basis to develop a Parks system development charge (SDC). The Parks SDC was adopted just prior to the decline in the economy, thus the accrued funds to date are not large because very little development has occurred. Given the Parks Plan has been adopted, planning theory would suggest that the Plan be followed. Funding the projects in the Plan is a budget issue for the Budget Committee and City Council to address.

The subdivision, planned unit development and site development review processes can be used to a certain extent to require that open space and/or outdoor recreation areas be "useable." Such areas on private property, typically, would be for the use of the people in that development, not the general public. If such areas were dedicated to the public, then the City would need to decide it wants them and then fund their maintenance.

Jesse Huffman:

1. How to beautify main street and how to get the unoccupied houses to sell.

Planner's Comment:

For main street beautification, see the above comments.

Additionally, the City could institute a citywide "spring clean-up" effort in coordination with the solid waste franchisee. The city could sponsor a fall clean-up just for the downtown and invite the whole community to pick-up and clean-up the main street area. The businesses could provide gloves and garbage sacks and the restaurants could provide hot dogs and drinks. Maybe the main street clean-up could be formed around a downtown barbecue event.

For spurring house sales, the City does not have a direct role in the private market place. An indirect role could be the City hosting education sessions regarding home loans, how to prepare your home to encourage a quick sale and other subjects related to the sale of homes. Generally, the private sector has a direct interest in spurring sales and conducts open houses, etc. to generate interest. Another indirect City role could be requiring the owners of unoccupied and foreclosed homes to be cut so they would still present a kept appearance. For owners who don't cut their grass, the city's nuisance abatement program, if set up properly, can allow the City to hire a landscaper to cut the grass and then place a lien on the property which would be paid back to the city when the sale occurs.

Gordon Cook:

1. Develop a plan to maintain and improve the city's water resources. Especially concerning the future needs and conservation concepts. Consider having a representative on the newly formed Water Task Force.

Planner's Comment:

It appears the City Council is addressing this issue. A water system committee is to be formed. The Planning Commission could request that the City Council place a Planning Commissioner on the committee. If the Council does not want the Committee to have a slot specifically for a Commissioner, the Commission could request that a Planning Commission member be placed on the Committee, but not to represent the Planning Commission.

The City's Comprehensive Land Use Plan includes goals and policies regarding public facilities (Statewide Planning Goal 11) such as the water system, but typically goals and polices set the direction and it is up to the City Council and staff, through the budgeting process, to ensure the water system is meeting the city's needs. Specific items such as odd-even watering are usually not part of a comprehensive plan policy, and constructing a new reservoir is a decision based on the availability of funding (usually a loan or a grant from the State or the Feds).

2. Evaluate ways to promote green energy sources (i.e., solar, wind, etc.).

Planner's Comment:

Solar and wind resources can be addressed at different levels. For example, at the State level Statewide Goal 13 (Energy Conservation) basically says city and county comprehensive plans should address energy. The Planning Commission at its July 15 meeting reviewed proposed housekeeping amendments to the Comprehensive Plan's Findings, Goals, Policies and Implementation measures. Some amendments to the Energy Section were proposed.

In terms of solar energy, today any person or business can place solar collectors on their roof because there are no zoning prohibitions against it and the State building code provides regulations on how to do it. There are State incentives that have been advertised recently for people to purchase photo-voltaic solar collectors. The City could host education sessions on solar

energy. The City could provide property tax incentives in the form of not collecting a portion of the City's share of the property tax for those who have solar collectors.

In terms of wind energy, because wind generators are, typically, tall and have moving parts and create noise, the zone code does not allow them as permitted, conditional or accessory uses. The Planning Commission could direct staff to review the types of wind generators and the possibility of erecting them on residential, commercial and industrial lands. Unlike solar energy where the amount of solar energy is the same throughout the City, wind energy is very likely not the same throughout the City and it may not be economical anywhere in the City, or the north Yamhill County area in general. A possible issue to investigate could be allowing wind generators in the Industrial Zone given it is isolated from the main portion of the community.

3. Evaluate the Education needs of the community into the next 10 years. (Beyond the 2005 limit in the present Comprehensive Plan).

Planner's Comment:

The Planning Commission should be careful to not take-on tasks that are the legal responsibility of another government entity, i.e., the McMinnville School District. The statement in the Comprehensive Plan was obtained from the school district. The Planning Commission could ask staff to send a letter to the district asking for a brief summary of the district's latest efforts to evaluate the district's needs out to 2020. Alternatively, the Commission could ask staff to ask the district to provide a speaker to come and talk to the Commission about the district's efforts. If there are specific concerns about Wascher Elementary School, the school or the school district should be contacted directly by the party with the concern.

As a sidebar: An element to be aware of is "social infrastructure." Social infrastructure is similar to physical infrastructure such as roads and sewer and water pipes, but obviously it actually relates to the number of people-to-people connections and organization-to-organization connections that exist within the community. For example a community with a lot of social infrastructure, typically, will operate more effectively and efficiently than a community with less social infrastructure. Social infrastructure includes the number of schools and grades within the community, City committees, chamber of commerce, downtown business club, civic organizations, churches, youth sports, recreation programs, library programs, girl and boy scout troops, watershed councils, nonprofit groups, foundations, etc. The more interaction among the residents and businesspeople, the more understanding and trust is developed. People get used to working with one another to solve problems and over time the problems are solved more easily.

4. Outline specific Transportation (road) improvements to reflect the future needs of the city.

Planner's Comment:

Statewide Planning Goal 12 (Transportation) and an Oregon Administrative Rule called the Transportation Planning Rule, require each city and county to do a Transportation Systems Plan (TSP). Lafayette adopted its TSP in 2003 and updated it in 2007. Among others, two standard elements in a TSP are a list of projects and funding sources. The TSP, p. 55, includes 13 projects and cost estimates. The issue with transportation projects is they are expensive and most small cities are not able to fund them which means reliance on State and Federal funding.

On a year to year basis, the Budget Committee and City Council address the need to budget and construct road, pedestrian and bike projects.

To help fund road maintenance (not new roads), some cities have adopted a monthly road maintenance fee to cover the cost to slurry seal, or provide an asphalt overlay for a prioritized list of streets.

5. Consider sending out another “Community attitude questionnaire” to update the findings from the one sent out in 1979.

Planner’s Comment:

The questionnaire probably was not focused on land use planning issues, but it could have included some land use related questions. It would be good to see the 1979 version. The Commission could suggest to the City Council that they consider distributing the survey again at an appropriate time.

City Planner Issue:

To spur wine-country related development, the Commission could direct staff to review the zone code to determine the regulations and process for a hotel/restaurant locating in the City, including identifying possible sites, even if a zone change would be needed. Same process for a branch bank, or a ____ ?

Planning Commissioner Training

City of Lafayette

August 19, 2010

THE COMPREHENSIVE PLAN, ZONE CODE AND LAND DIVISIONS.

INTRODUCTION

The Comprehensive Plan is a local government's basic land use framework document. It sets forth the local jurisdiction's policies for land use planning. Typically, the policies address issues such as citizen involvement, growth, development, natural resources, and public facility systems (sewer, water, storm drainage and transportation). In Oregon Comprehensive Plans address, at a minimum, the elements in the Statewide Planning Goals.

COMPREHENSIVE PLAN

Oregon Revised Statute (ORS) Chapter 197.015 defines a comprehensive plan as follows.

(5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

A Comprehensive Plan is developed based on inventories and analysis of the data gathered. The heart of a Comprehensive Plan is its policies. Plans typically have policy commitments to encourage/require citizen involvement in the land use planning process, to provide a viable local economy, and to provide sewer, water, storm drainage, transportation and park systems to support the City's residents and businesses. Additional policy commitments address natural resources, wetlands, flood plains, steep slopes, historic resources and any other issue the local jurisdiction deems important.

In addition to the written policy commitments, each Comprehensive Plan includes a Plan Map showing specifically which areas of a City are designated to be Residential, Commercial and Industrial. Other designations can show open spaces, public uses and wetlands.

An important factor inherent in the Plan is that it is coordinated with surrounding Plan's by other jurisdictions. For example, a City Plan is coordinated with the County Plan in terms of the urban growth boundary (UGB). The UGB is established jointly by the City and County. Transportation planning is coordinated so that a City, a County and the State (Oregon Department of Transportation) agree on the hierarchy of roads. Such coordination works to reduce situations where a road is designated as an arterial by one government and as a local street by another government.

ZONE CODE

The Comprehensive Plan is implemented by the Zone Code. The Zone Code's requirements implement the Plan's policies with regulations that are consistent with the Plan's policies. The Zone Code establishes zones, lists the kind of uses that can occur in each zone, sets regulations for developing land and creating lots, and establishes processes to review applications.

The Zone Map implements the Plan Map. The Zone Map shows which zones are on which properties. The zones on the Zone Map must be consistent with the Plan's Map, for example, if the Plan's Map designates a particular area for single family residential uses, then the Zone Map must zone that area for single family uses – the Zone Map cannot place an Industrial Zone on land that the Plan Map designates for residential uses.

Another example would be, if a Plan policy commits the City to be a regional center for retail activity, the Comprehensive Plan's Map would designate an adequately sized area of the city with adequate transportation facilities for the regional center. The Zone Code would implement that policy direction and Map designation by having a Regional Retail Zone that would be applied to that area. The Regional Retail Zone would allow many retail uses in big buildings to encourage the creation of a large commercial retail center in the City to serve a regional market.

If the Plan Map has one "Residential" designation and designates a specific area of the City as "Residential," the Zone Map must zone that area for some type of residential use (single family, multi-family).

If the Plan Map has two "Residential" designations, for example a "Single Family Residential" designation and a "Multi-family Residential" designation, then the Zone Map must zone the "Single Family Residential" area for single family uses such as R-1 with an appropriate single family minimum lot size, and must zone the "Multi-family Residential" area for multi-family uses such as R-2 with an appropriate density.

The Zone Map cannot zone an area for uses more intense than the Plan Map calls for. For example, a commercial zone cannot be applied to land designated “Residential” on the Plan Map and an industrial zone cannot be applied to land designated “Commercial” on the Plan Map. Comprehensive Plans and Zone Code can be as complex as needed to accomplish the City’s desires. For example, if a mixed residential/commercial area is desired, the Comprehensive Plan and the Zone Code can be set-up to allow (or require) a part of the City to have commercial on the first floor and residential on the upper floors.

The Zone Code includes many types of applications regarding the use of land. A process is set forth to review and decide each type of application. Notice requirements and criteria for judging each application are established. For example, a process is set forth to change a property’s zone (Zone Change Application) or if someone wants to establish a business in their home (Home Occupation Permit). Generally, the least complex applications are reviewed through a simple process (clear and objective criteria with a staff decision, a Property Line Adjustment for example) and the more complex applications are reviewed through a more rigorous process (subjective criteria, public hearings with a City Council decision, a Plan Map change for example).

LAND DIVISIONS – SUBDIVISIONS, PARTITIONS

Another way the Zone Code implements the Comprehensive Plan is it establishes regulations regarding the creation of units of land (lots, parcels, tracts). The two ways to create lots, parcels and tracts are through subdividing and partitioning.

A subdivision is defined in ORS Chapter 92.010 as:

(16) “Subdivide land” means to divide land to create four or more lots within a calendar year.

A partition is defined in ORS Chapter 92.010 as:

(8) “Partition land” means to divide land to create not more than three parcels of land within a calendar year, but does not include: [the exceptions are not included]

In an urban area where the units of land are used intensively a subdivision or partition process addresses issues such as providing City sewer, water, storm drainage and streets to support the intense use of the land. Some elements of the subdivision and partition process cover traditional land use issues such as ensuring each lot meets the minimum lot size set in the zone. However, much of the subdivision process, and to a lesser degree the partition process, is devoted to ensuring the needed urban infrastructure is in place, inspected, and ready to support urban uses when the residents move into homes or employees occupy a new commercial or industrial building.

The subdivision and partition processes includes two general steps. First is the submittal and review of the tentative plan (sometimes called the preliminary plan). A City staff

person, a Hearings Officer, or the Planning Commission reviews the proposed tentative plan and approves it, approves it with conditions, or denies it (rarely is an application denied because conditions of approval are crafted to ensure compliance with the criteria or to address issues raised by the parties). Second, once the tentative plan is approved, the developer constructs the infrastructure to support the lots and a registered professional land surveyor prepares the Final Plat. Separate plans are reviewed and permits are issued by the Public Works Department before the developer begins constructing the infrastructure. Development Agreements with financial assurances by the developer to the City can be required by the City to ensure the infrastructure will be constructed properly. Once constructed and inspected, the City accepts the sewer, water, storm drainage and streets as public facilities by City Council action. It is important for the City to ensure the facilities it will maintain are constructed properly. The Final Plat is reviewed to ensure it is consistent with the approved tentative plan and the infrastructure is in place. The Final Plat is signed by City and County officials and recorded. The lots are created at the time of recording and only then may they be sold.

In addition to the Final Plat, other items may need to be recorded such as a document creating a Homeowners Association with By-Laws or a non-remonstrance agreement or a maintenance agreement.

The creation of units of land is not just for residential development. Land in commercial and industrial zones can also be the subject of a subdivision or partition application.

“Lots” are created through the subdivision process. “Parcels” are created through the partition process. Tracts can be created through either process and, generally, they are not buildable. Typically, a tract is shown on the subdivision or partition final plat for a specific purpose, for example open space, water quality pond, storm water detention/retention facility, etc.

PROPERTY LINE ADJUSTMENT

A related action, but different from creating land units is a Property Line Adjustment (PLA). A PLA moves a common property line and does not result in the creation of a new lot or parcel. Some cities have determined that State Statute (ORS 92, Subdivisions and Partitions) requires the city to approve the moving of a common lot line, but others have determined they are not required to do so. A local government would issue a land use decision to move a property line and then, based on that decision the applicant would engage a professional land surveyor to prepare a survey and record it at the County Surveyor’s Office.

PLANNED UNIT DEVELOPMENTS (PUD)

A Planned Unit Development (PUD) is another method of creating lots. It is a variation of a subdivision. The City and the developer each achieve some benefits and the residents

achieve a higher quality of life due to a more natural environment and possibly lower housing costs.

Typically, subdivisions are regulated by specific regulations that engender uniformity. For example, a minimum lot size requirement of 7,000 square feet means that many lots in every subdivision will be just over 7,000 square feet. Subdivisions, usually, do not allow flexibility, except through the Variance process, to work with issues inherent to the land such as wetlands, streams, slopes and tree groves. Generally, the Variance process includes approval criteria that do not allow new development to not comply with the regulations – the basic concept is the regulations are minimums and must be met.

The PUD process provides a method of creating lots based on flexible requirements. Typically, PUD regulations allow a portion of the lots to be smaller than the minimum lot size provided they are clustered, or provided other lots are larger, or provided a tree grove is retained, or a wetland is not filled that otherwise could be filled, or a creek corridor (riparian area) is not infringed upon.

The urban infrastructure must be provided as in a subdivision, but through clustering the lots, often there are infrastructure savings because the length of pipes and streets is reduced due to the clustering. The City benefits from such reductions because it will have fewer feet of pipes and streets to clean, maintain and patrol.

SUMMARY

The Comprehensive Plan is the local government's basic framework document for land use planning. Its policies and the designations on the Plan Map guide the City's land use decisions.

The Comp Plan is implemented by the Zone Code with its zones, development requirements, types of land use applications, processes and land division standards.

End.