

**AGENDA**  
**Veneta Planning Commission**  
TUESDAY – August 4, 2015 – 6:30 p.m.  
Veneta City Hall

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1. **Review Agenda**
2. **Public Comment**  
If you wish to address the Planning Commission; state your name, address, and limit your comments to 3 minutes. Maximum time is 20 minutes. The Planning Commission will not engage in any discussion or make any decisions based on public comment at this time; however, they may take comments under advisement for discussion and action at a future Planning Commission meeting.
3. **Public Hearing: Adoption of Proposed Amendments to the Veneta Comprehensive Plan Ordinance No. 504 and Land Development Ordinance No. 493**
  1. Open Hearing
  2. Staff Report (pgs. 3-41)
  3. Public Testimony
  4. Questions from the Planning Commission
  5. Close of Public Hearing
  6. Deliberation and Decision
4. **Approval of Minutes**
  - a. June 2, 2015 (pgs. 43-50)
5. **Other**
6. **Adjourn**

**LAND USE DECISIONS - Veneta Municipal Code Chapter 18.05**

Whenever this chapter is in effect, the following procedures or procedure similar thereto shall be followed by the city staff and applicable decision-making body: (1) Preparation of brief statement setting forth the criteria and standards considered relevant to the decision of the city staff. Such shall utilize criteria and standards found in the applicable ordinance, the comprehensive plan, and other ordinances and rules and regulations now in effect as from time to time adopted by the city council and appropriate decision-making body.

**PUBLIC HEARINGS** - Please observe the following rules.

**WRITTEN TESTIMONY:**

Written comments received seven (7) days prior to the meeting have been incorporated in the staff report. All comments, including those received up until the meeting, are presented to the Planning Commission members to be considered in their decision.

**ORAL TESTIMONY:**

If you wish to testify with regard to a matter which has been set for **Public Hearing** please observe the following rules:

1. **State your name and address.**
2. **Indicate if you are in favor of or opposed to the proposal.**
3. **Limit your testimony to three (3) minutes. Testimony must be specific to the issue at hand. Keep your comments brief and to the point.**

The Planning Commission considers all public comments, staff reports, and City ordinances in arriving at a final decision. **Staff reports are available for review at Veneta City Hall - 88184 8th Street - Veneta, Oregon.**



**VENETA PLANNING COMMISSION  
STAFF REPORT  
File #A-1-15**

**Amendments to Veneta Comprehensive Plan No. 416 and Land Development Ordinance No. 493**

DLCD Notice	March 13, 2015
Planning Commission Notice Posted:	July 22, 2015
Planning Commission Notice Published:	July 22, 2015
1 <sup>st</sup> Public Hearing (Planning Commission)	August 4, 2015

**REQUEST**

The request before the Planning Commission is to review the proposed amendments to the Veneta Comprehensive Plan and Land Development Ordinance and make a recommendation regarding adoption of the proposed amendments to the City Council.

The Plan is being amended to reflect the recently adopted Residential Buildable Land Inventory and Housing Needs Analysis (2014) and Economic Opportunity Analysis (2015). Other amendments are meant to eliminate the reference to the urban service boundary throughout the Comprehensive Plan. The urban service boundary, developed with the first Comprehensive plan, is a defined area within the UGB that could serve growth based on city sewer capacity issues at the time.

Following is a summary of the proposed amendments:

**Housing**

1. Amend Goals, Findings, and Policies of the Residential and Housing Element, Chapter III, Section C, to reflect findings of the 2014 Residential Buildable Land Inventory and Housing Needs Analysis.
2. Adopt the 2013 Residential Buildable Land Inventory and Housing Needs Analysis into the Comprehensive Plan by amending text to reference the study.

**Economic Development**

1. Amend Goals, Findings, and Policies of the Economic Development Element to reflect findings of the adopted 2015 Economic Opportunity Analysis.
2. Adopt the 2015 Economic Opportunity Analysis into the Comprehensive Plan by amending text to reference the Study.

**Public Facilities/Urban Service Boundary**

The Urban Service Boundary was a concept established in the 1977 Comp Plan and was an area identified inside the UGB where urban density development would occur and defined as the area which could be served by city sewer. The analysis at that time stated: “the holding capacity of the City is in excess of the planning population. As a result, it is not necessary or advisable to allocate the entire City area for urban density development.” Since that time, the City expanded the sewer treatment plant in 2000 to increase capacity and in 2009 adopted an updated Wastewater Master Plan that included the entire UGB in the service area to serve a future population of 9,960. The master plan did not consider

the urban service boundary in the analysis. The Wastewater Master Plan was used to update the most recent public facilities plan which was adopted into the Comprehensive Plan in 2012, file #A-1-12.

An urban service boundary is no longer necessary in the Comprehensive Plan since the City assumes all lands inside the UGB are available for development to urban densities and uses when water and sewer are extended to serve that development. The recommended improvements in the Wastewater System Master Plan provide for expanded sewer collection systems to service all land within the urban growth boundary. The 2009 update of the Water Master Plan concluded that it is unlikely that Veneta will be able to meet long term demand through development of groundwater sources alone and recommends seeking a regional solution such as obtaining water from EWEB. The City constructed a nine mile pipeline to connect to EWEB water in 2013/14.

The City will retain the existing Rural Residential Plan Designation which delineates where rural uses are allowed to continue until urban services are extended or become available for development.

Comprehensive Plan Chapters to be amended:

1. Chapter III. Section E. Utilities, Findings
2. Chapter IV. Comprehensive Plan Map and Land Use Designations, Narrative
3. Chapter V. Implementation and Updates to the Plan, Paragraph A

## **BACKGROUND**

In 2013, the Planning Commission and City Council approved a two year work plan to prepare a Residential Buildable Lands Inventory and Housing Needs Analysis and Economic Opportunity Analysis and applicable Comprehensive and code amendments.

In 2013-2014 staff prepared the Residential BLI and Housing Needs Analysis with Planning Commission technical and policy review and guidance. Staff worked with the Planning Commission to update the relevant goals, polices, and findings of the Housing Element of the Comprehensive Plan and Land Development Ordinance to reflect the study results.

In 2014 the City Council approved a contract with the University of Oregon Community Planning Workshop to complete an Economic Opportunity Analysis, Economic Development Implementation Strategy and subsequent Comprehensive Plan and code amendments.

Planning Commission reviewed drafts amendments to the Comprehensive Plan and Land Development Ordinance between May and July and took comments from the public at the meetings for consideration in the amendments. Staff forwarded the final proposed amendments to legal counsel for review. The following are some suggested modifications to the proposed amendments, reviewed at the July 7<sup>th</sup> Planning Commission meeting.

Changes are indicated with underline and strikethrough. Planning Commission may choose to modify recommendations made by legal counsel.

## **LEGAL COUNSEL REVIEW**

**Comment 1:** Be sure that all data or direction that you'll want to rely on for future land use decisions is incorporated directly into the text of this Plan.

Staff rearranged Section D to specifically list the long range planning documents that are required to be incorporated into the Comprehensive Plan. The remaining documents are listed under the section titled "Coordination with Existing Plans."

### **D. RELATIONSHIP TO OTHER PLANS AND POLICIES**

#### **Compliance with State Law**

One of the primary functions of periodic review is to ensure that cities take the opportunity to revisit their comprehensive plan and ordinances and bring them into compliance with changes in the Oregon Statewide Planning Goals, the Oregon Revised Statutes (ORS), and the Oregon Administrative Rules (OAR).

#### *Oregon's Statewide Planning Goals & Guidelines*

The foundation for Oregon's land use planning is a set of statewide planning goals. The goals express the state's policies on land use and on related topics such as citizen involvement, housing and natural resources. The goals have been adopted as administrative rules in Chapter 660, Division 15. Most of the goals are accompanied by guidelines which are suggestions about how a goal may be applied. Veneta's Comprehensive Plan must comply with the state's planning goals.

The following plans listed below and attached hereto as Appendices A, B and C, D, and E are adopted and incorporated into the Comp Plan by reference.

#### *Economic Opportunity Analysis, 2015*

This document includes a buildable lands inventory, projected employment needs, economic development vision, a comparison of land supply and demand, and recommended Comprehensive Plan and Land Development Ordinance amendments. The EOA complies with Statewide Planning Goal 9 requirements.

*Residential Buildable Land and Housing Needs Analysis, 2014.* This document includes a buildable lands inventory, projected housing needs, projected employment needs, economic development vision, a comparison of land supply and demand, and recommended Comprehensive Plan amendments. The analysis complies with Statewide Planning Goal 10 requirements.

*Public Facilities Plan (PFP), April, 2012.* This plan, identifies major facilities and capacity improvements to water, wastewater, and stormwater systems necessary to support land uses

allowed by the Comprehensive Plan for the 20 year planning period. The PFP implements Statewide Planning Goal 11.

Transportation System Plan (TSP), 2006. In 1998, Veneta adopted their first Transportation System Plan. The TSP is the long-range policy document that guides transportation planning within Veneta for the next 20 years. The most recent update occurred in 2006 Coordination with Existing Plans.

Parks, Recreation, and Open Space Plan, June 1998

This plan is a policy document that will guide the development of parks and recreation facilities in Veneta over the next 20 years. Prepared by Satre Associates and funded by the City of Veneta, it includes existing conditions and needs analysis; challenges and opportunities; and goals, policies and actions. This plan implements Statewide Planning Goal 8.

**Comment 2.** “Consider less binding language for such commitments, such as “plans to” instead of “will.” Preserve the City’s flexibility regarding its infrastructure financing arrangements.”

Staff made the following changes to the referenced sections.

### **III. PLAN ELEMENTS AND POLICIES**

#### **E. UTILITIES**

##### **POLICIES:**

1. Develop and implement groundwater protection and conservation programs to ensure a reliable supply, protecting the ability of the land to recharge the groundwater supply. The City of Veneta ~~will work~~ plans to work with the Long Tom Watershed Council on developing measures to protect the groundwater supply.
5. Pursue acquisition of “right of entry” along drainage ways of sufficient width to allow city maintenance of drainage ways to help prevent problems with flooding. The City ~~will~~ may choose to only make use of these “rights of entry” if a property owner does not maintain the easement on his own.
13. Oversizing of water and wastewater pipes ~~shall be paid~~ can be paid for by the City; these costs ~~shall~~ can be covered by funds collected through water and wastewater systems development charges.
21. The City of Veneta ~~shall be~~ plans to be the ultimate provider of wastewater, water, and stormwater services.

**Comment 3.** Shouldn’t “Allow” instead read “Require”? Otherwise, the City is saying it won’t allow rural residential uses once urban services are extended. While we can require property owners to connect once services are available, we can’t force them to develop their private property.

Staff can see how that interpretation can be made and suggest changing “Allow” to “Require” or change the word “or” to “and even.”

### **PLAN DESIGNATIONS - RURAL RESIDENTIAL (R)**

Purpose of Plan Designation:

- ~~Allow~~ Require rural residential areas of land to continue until conversion to urban uses and densities occurs or when water and sewer services are extended.

**OR**

- Allow rural residential areas of land to continue until conversion to urban uses and densities occurs ~~or~~ and even when water and sewer services are extended.

**Comment 4.** If the City wishes to allow Professional and Business offices in the Light Industrial Zone, it needs to be specifically listed. Personal and business services do not really address professional offices which are already defined in code:

SECTION 4.09      LIGHT INDUSTRIAL (LI)

In an LI zone, the following regulations shall apply:

- (k) Personal or business services.
- (l) Professional, financial and business offices.

**PUBLIC NOTICE**

Public Notice was published in the Fern Ridge Review on July 22, 2015 at least 10 days prior to the public hearing scheduled for August 4, 2015 per Veneta Land Development Section 2.11 – Notice of Public Hearing.

“(1) Each notice of public hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City and posted at Veneta City Hall at least ten (10) days prior to the date of the hearing.”

The City also mailed a Measure 56 Notice to all affected property owners. This type of notice is required when a zone amendment could affect the permissible uses of properties, and may change the value of your property. Interim stable uses are being deleted from the industrial zones.

**POSSIBLE ACTIONS BY THE PLANNING COMMISSION**

1. Continue the public hearing to a date and time certain.
2. Close the public hearing. Approve the proposed draft language and recommend approval of the amendments to the City Council.
3. Close the public hearing. Modify the proposed draft language and recommend approval to the City Council with specific changes.
4. If more research is needed, the Commission may direct staff to conduct the needed research and bring revised language to the Planning Commission meeting in August. If this is done, staff recommends leaving the public hearing open to allow public comment on the revisions.

**SUGGESTED MOTION**

*"I move that the Veneta Planning Commission approve the proposed amendments to the Veneta Comprehensive Plan Ordinance 416 and Land Development Ordinances 493 as presented in the Final Order, File #A-1-15 and recommend adoption to the City Council."*

**ATTACHMENTS:**

I. Planning Commission Final Order #A-1-15 and Exhibit A – Proposed Amendments.

**FINAL ORDER**  
**VENETA PLANNING COMMISSION**  
**File #A-1-15**

**AMENDMENTS TO VENETA COMPREHENSIVE PLAN ORDINANCE NO. 416 AND  
VENETA LAND DEVELOPMENT ORDINANCE NO. 493**

**A. The Veneta Planning Commission finds the following:**

1. The Planning Commission held a public hearing on August 4, 2015 on the proposed amendments after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 493.
2. The Veneta Planning Commission recommended adoption of the proposed changes to Veneta Comprehensive Plan Ordinance No. 416 and Veneta Land Development Ordinance No. 493.
3. The proposed amendments are in conformance with and applicable Statewide Planning Goals, the Veneta Comprehensive Plan Ordinance No. 416, and the Veneta Land Development Ordinance No. 493.

**B. IT IS HEREBY ORDERED THAT the Veneta Planning Commission recommends approval of the proposed amendments, as shown in Exhibit A, to the Veneta City Council based on the following findings of fact:**

The Veneta Comprehensive Plan and Land Development Ordinances are being amended to reflect the recently adopted Residential Buildable Land Inventory and Housing Needs Analysis (2013) and Economic Opportunity Analysis (2015). Following is a summary of the proposed amendments:

Housing

1. Amend Goals, Findings, and Policies of the Residential and Housing Element, Chapter III, Section C, to reflect findings of the 2013 Residential Buildable Land Inventory and Housing Needs Analysis.
2. Adopt the 2013 Residential Buildable Land Inventory and Housing Needs Analysis into the Comprehensive Plan by amending text to reference the study.
3. Amend Section 8.11(11) Special Conditional Use Standards for multi-family in Single Family Residential Zone to add siting standards and remove density maximum.

### Economic Development

1. Amend Goals, Findings, and Policies of the Economic Development Element to reflect findings of the adopted 2015 Economic Opportunity Analysis.
2. Adopt the 2015 Economic Opportunity Analysis into the Comprehensive Plan by amending text to reference the Study.
3. Amend Veneta Land Development Ordinance 493:
  - Section 4.05 Broadway Commercial Zone, by combining retail use categories,
  - Section 4.08 Industrial Commercial, by expanding retail shops maximum square footage from 10,000 to 40,000 square feet,
  - Section 4.09 Light Industrial, deleting requirement that all uses must be in an enclosed building; adding 'Personal & Business Services' and 'Eating and Drinking Establishments (excluding drive through)' as permitted uses, and removing interim stables as a conditional use,
  - Section 4.10, Medium Industrial, removing interim stables as a conditional use.

### Public Facilities/Urban Service Boundary

The Urban Service Boundary was a concept established in the 1977 Comprehensive Plan and was an area identified inside the UGB where urban density development would occur and defined as the area which could be served by city sewer. The analysis at that time stated: "the holding capacity of the City is in excess of the planning population. As a result, it is not necessary or advisable to allocate the entire City area for urban density development." Since that time, the City expanded the sewer treatment plant in 2000 to increase capacity and in 2009 adopted an updated Wastewater Master Plan that included the entire UGB analysis. The master plan did not consider the urban service boundary in the analysis. The recommended improvements in the Wastewater System Master Plan provide for expanded sewer collection systems to service all land within the urban growth boundary. The Wastewater Master Plan was used to update the most recent public facilities plan which was adopted into the Comprehensive Plan in 2012, file #A-1-12.

The 2009 update of the Water Master Plan concluded that it is unlikely Veneta will be able to meet long term demand through development of groundwater sources alone and recommended seeking a regional solution such as obtaining water from EWEB. With the construction of the Veneta water pipeline in 2013, Veneta can serve growth well over the 20 year planning period.

An urban service boundary is no longer necessary in the Comprehensive Plan since the City assumes all lands inside the UGB are available for development to urban densities and uses when water and sewer are extended to serve that development. The amendments will remove reference to the urban services boundary and the City will retain the existing Rural Residential Plan Designation which delineates where rural uses are allowed to continue until urban services are extended or become available for development.

Comprehensive Plan Chapters to be amended:

1. Chapter III. Section E. Utilities, Findings

2. Chapter IV. Comprehensive Plan Map and Land Use Designations, Narrative
3. Chapter V. Implementation and Updates to the Plan, Paragraph A

Other Amendments to Veneta Comprehensive Plan.

Amendments to the following sections will reference the current studies being adopted and update population and employment projections and findings with current data from housing and economic studies being adopted

- Preface
- I. Introduction
  - B. Relationship To Other Plans And Policies
- Ii. Planning Framework
  - B. General Findings
  - C. Population And Employment Projections

### **FINDINGS:**

Standards are listed in *italics*, followed by findings in **bold**.

### APPROVAL CRITERIA FOR COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

#### STATEWIDE PLANNING GOALS

*Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. The Planning Commission and City Council engaged in two separate public involvement processes from May of 2013 through February 2014 (Residential Buildable Land Inventory and Housing Needs Analysis) and October 2014 through March 2015 (Economic Opportunity Analysis). The meetings were publicly noticed and public comments were welcomed. These meetings resulted in recommended amendments to the Housing and Economic Development Elements of the Comprehensive Plan.**

**A Public Hearing was held on August 4, 2015 with the Veneta Planning Commission. The Planning Commission took testimony on the proposed amendments and made a recommendation to the City Council. The City also coordinated with DLCD to solicit comments. The City's public and agency review process complied with Goal 1.**

*Goal 2 Land Use Planning:*

**Goal 2 outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be based upon a factual record, made in accordance with comprehensive plans, and that an effective implementation ordinance must be adopted. In the process of developing the Residential Buildable Land Inventory and Housing Needs Analysis and Economic Opportunity Analysis, the City inventoried existing employment and residential land uses, projected suitable land needs by land use**

classifications, and compared these needs with potentially suitable land within the Veneta urban growth boundary. The determination of land need and supply is found in the Veneta Residential Buildable Land Inventory and Housing Needs Analysis (2013), the Economic Opportunity Analysis (2015), and the revised Veneta Comprehensive Plan (2015). Therefore, Goal 2 has been properly addressed.

*Goals 3 Agricultural Lands and 4 Forest Lands*

Goal 3 seeks to preserve and maintain agricultural lands, and Goal 4 seeks to conserve forest lands. As neither of those types of lands is affected by the proposed amendments, these goals are inapplicable here. No further analysis is required.

*Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources*

Goal 5 and related rules under OAR chapter 660, division 23 seek to protect natural resources and conserve scenic and historic areas and open spaces. Pursuant to 660-023-0250, Goal 5 and its implementing rules apply only to post acknowledgement plan amendments (PAPA) where the PAPA affects a Goal 5 resource by amending a resource list, adding a new use that conflicts with a significant Goal 5 resource site, or amending the UGB.

The City's Local Wetland and Riparian Inventory (1998), adopted into the Comprehensive Plan in 2000 as part of periodic review to satisfy Goal 5, is not being amended or nor will any resource site be impacted by the proposed amendments. The EOA and BLI considered wetlands that are protected locally, in the constraints analysis. The analysis show there is sufficient land to accommodate growth inside the UGB subject to those constraints, and no additional lands are required to offset the reduction in developable land, per OAR 660-023-0070. Further, a UGB expansion is not being proposed with the Comprehensive Plan amendments. Therefore, the City is not required to apply Goal 5 to the proposed amendments. Goal 5 has been properly addressed.

*Goal 6 Air, Water and Land Resources Quality*

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. The acknowledged Comprehensive Pan complies with applicable air, water and land resource quality policies in the Veneta Comprehensive Plan and no changes are proposed that would affect these resources. Therefore, Goal 6 is properly addressed.

*Goal 7 Hazards*

Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as flood hazards. The only identified natural hazard in Veneta is flooding. The buildable land inventory considered the floodplain in the BLI and EOA constraints analysis. The floodplain is

**protected by an acknowledged floodplain protection ordinance, Veneta Land Development Ordinance No. 493 and no changes are proposed. Therefore, Goal 7 has been properly addressed.**

*Goal 8 Recreation Needs*

**Goal 8 requires governmental organizations with responsibilities for providing recreational facilities, plan for recreational facilities. Veneta has an adopted a Parks, Recreation and Open Space Plan (1998). No plan designation changes are proposed with the Comprehensive Plan amendments. Therefore, Goal 8 has been properly addressed.**

*Goal 9 Economy of the State*

*Implementing rule OAR 660-009-0015 requires cities to review and amend their comprehensive plans to provide economic opportunities analysis meeting the requirements of the rule.*

**The City contracted with University of Oregon, Community Planning Workshop to prepare an Economic Opportunity Analysis (EOA) in compliance with Goal 9 and its implementing administrative rule. The study showed that Veneta can accommodate the 20-year projected need for commercial and industrial land with existing land, thus no UGB expansion is required. The proposed adoption of the EOA directly complies with the requirements of Goal 9 and OAR 660-009.**

**Per OAR 660-009-0015, the consultant identified major categories of industrial and employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county, or local trends; identified the number of sites by type reasonably expected to be needed to accommodate projected employment growth based on the site characteristics; conducted an inventory of vacant and developed lands within the planning area designated for industrial or other employment use; and estimated the types and amounts of industrial and other employment uses likely to occur in the planning area. The consultant also worked with the City and an Economic Strategic Lanning Committee to develop an economic development vision and implementation strategy.**

**Per OAR 660-009-0020, the consultant worked with the City to develop commercial and industrial development Comprehensive Plan and Land Development policies and a Five Year Economic Implementation Strategy based on the EOA.**

**Per OAR 660-09-0025, the EOA found the City has an adequate supply of land, including site characteristics of commercial and industrial land to accommodate employment forecasts. Employment forecasts used the Safe Harbor method described in OAR 660-020-0040(9)(a) - job rate growth.**

**Once adopted, compliance with this planning tool will ensure that Goal 9 continues to be met by the City into the future. Therefore, Goal 9 has been properly addressed.**

*Goal 10 Housing*

*Goal 10 requires that buildable lands for residential uses be inventoried and that plans encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

**The City conducted a Residential Buildable Land Inventory (BLI) and Housing Needs Analysis using the methods described in the recommended approach in the Department of Land Conservation and Development’s guidebook on local housing needs studies “Planning for Residential Growth: A Workbook for Oregon’s Urban Areas.” The City relied on the 2009 adopted Coordinated Population Forecast Study prepared by Portland State University (PSU) for the analysis. The housing need estimate relied on assumptions used by PSU in preparation of the Forecast Study such as group quarter population, average household size, and vacancy rates. The BLI and HNA concluded that Veneta can accommodate the 20-year projected need for residential land. Adoption of the proposed amendments, which include the required BLI, complies with Goal 10.**

Goal 11 Public Facilities and Services

**The City previously adopted a Water Master Plan (2012) and Wastewater System Master Plan (2009) and adopted an updated Public Facilities Plan (2012 File #A-1-12). The proposed Comprehensive Plan amendments do not include re-designation of land uses, the expansion or extension of services, or a UGB expansion. For this reason Goal 11 has been adequately addressed.**

*Goal 12 Transportation*

**Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0060(1). No UGB expansion, plan designation, or zoning map changes are proposed. The proposed comprehensive plan and development code text amendments will not significantly affect any existing or planned transportation facilities. For this reason, the proposed amendments comply with Goal 12.**

*Goal 13 Energy*

**Goal 13 requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. No land use designations are proposed to be changed as part of the Comprehensive Plan amendments. Therefore Goal 13 has been adequately addressed.**

*Goal 14 Urbanization*

**The Residential Buildable Land Analysis and Economic Opportunity Analysis show that Veneta can accommodate the 20-year projected need for residential and employment lands within its current boundaries and UGB. Consequently, the proposed Comprehensive Plan amendments do not include a change to the Urban Growth Boundary. For these reasons, Goal 14 has been complied with.**

*Goal 15 through 19*

**Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the City of Veneta and no further analysis is required.**

**FINDINGS FOR AMENDMENTS TO THE VENETA COMPREHENSIVE PLAN AND LAND DEVELOPMENT ORDINANCE**

*VENETA COMPREHENSIVE PLAN - IMPLEMENTATION OF THE PLAN*  
*B. UPDATING THE PLAN:*

*The City Council is solely responsible for adopting amendments to the Comprehensive Plan or for adopting an updated plan. Updating the plan periodically as recommended above would require Council action authorizing study to determine appropriate revisions. This most likely would be accomplished by directing the Planning Commission to undertake this work utilizing either city staff or contracting to either a public planning agency such as the County or LCOG or contracting to a private planning consultant.*

*Comprehensive Plan amendments, however, can be initiated by private citizens. The procedure will be exactly the same as the procedure used for a zone change as outlined in the Veneta Land Development Ordinance. The applicant makes the initial request for a plan amendment to the Planning Commission. The City notifies LCDC of the proposal 45 days prior to the first hearing date. The Planning Commission holds a public hearing and makes its recommendation to the City Council. The City Council holds a final public hearing. If the amendment is approved, the City would instruct the city attorney to prepare an ordinance to that effect and the ordinance could be adopted at the next regularly scheduled Council meeting.*

*For a plan amendment to be legally adopted, there must be documentation of an "established need" for the plan change. The establishment of this need rests ultimately with the City Council. However, the most common practice in Oregon is for the City Council and Planning Commission to require the applicant to submit the documentation for establishing that*

*changes in the Comprehensive Plan cannot be arbitrary or capricious but must be based on a demonstrated need.*

**To comply with the requirements of Goals 9 and 10 and applicable implementing rules, in 2013, the Planning Commission and City Council approved a two year work plan to prepare a Residential Buildable Lands Inventory and Housing Needs Analysis and Economic Opportunity Analysis and corresponding Comprehensive and Development Code amendments.**

**Accordingly, the City conducted a Residential Buildable Lands Inventory and Housing Needs Analysis and an Economic Opportunity Analysis which are proposed to be adopted and incorporated into the Veneta Comprehensive Plan. These studies and underlying legal requirements establish the factual basis for the need to amend the Comprehensive Plan. Amendments to the goals and policies of the Comprehensive Plan, Ordinance 416 and Land Development Ordinance 493 reflect the findings of the studies and the direction provided by the Planning Commission and City Council during the completion of the studies in compliance with applicable law.**

*VENETA COMPREHENSIVE PLAN  
II. A COMMUNITY VISION*

*In order to help Veneta continue to evolve in a promising direction, citizens joined together with public officials to develop goal statements for the Comprehensive Plan. As goals, they provide a general vision and framework for planning in the City. They are broad statements that embody the community's hope for its future. By supporting and following the Comprehensive Plan, the community continuously strives towards these goals.*

- 2. Maintain Veneta as an attractive residential community while improving the service and retail sector and developing a commercial and light industrial employment base for the entire Fern Ridge area.*

**The City finds that the amendments to the Land Development Ordinance 493 4.05(2) Broadway Commercial, 4.08(d) Commercial Industrial and 4.09 (k) and (l) Light Industrial, and Medium Industrial, 4.12(d) are consistent with the above Comprehensive Plan goal. The amendments expand the types of allowed uses in the Industrial Commercial and Light Industrial Zoning Districts which will further Veneta's goal of improving the service and retail sector and developing the commercial and light industrial employment base for the Fern Ridge area. Changes to the Broadway Commercial Zoning District, Section 4.05(2) combine existing use types into a broader land use classification; "retail sales" and does not change the intent of the zoning district. The remaining amendments are to remove "interim stable uses" from the MI and LI zoning district. This use is not compatible with the goal of developing a commercial and light industrial employment base.**

**City finds proposed amendments to Veneta Land Development Ordinance 493, Section 8.11 Special Use Standards for multi-family in single family residential zone, are consistent with the above Comprehensive Plan goal. The proposed standards add conditional use criteria that address compatibility with surrounding single family residential uses and remove the density restriction to allow for infill development. These standards aid in creating an attractive residential community and improving Veneta as a service and retail sector to serve the Fern Ridge area. Attractive residential areas within a city are necessary to improve the interest of potential retailers and manufactures and are at the forefront of establishing Veneta as a viable service and retail center in the Fern Ridge Area.**

### *III. A. GROWTH MANAGEMENT ELEMENT*

*Provide sufficient buildable lands and open space areas to allow Veneta to develop as the retail and service center for the Fern Ridge area and to develop a commercial and light industrial employment base.*

**The Residential Buildable Land Inventory and Housing Needs Analysis and Economic Opportunity Analysis, proposed for adoption into the Veneta Comprehensive Plan, show that Veneta has sufficient residential and employment land to accommodate growth over the next twenty-year planning horizon. No Urban Growth Boundary expansion is required or proposed; therefore adoption of the studies into the Veneta Comprehensive Plan is consistent with the above goal.**

### *III. D. ECONOMIC DEVELOPMENT ELEMENT*

#### *GOALS:*

- a) Guide the responsible expansion and growth of business and industry in Veneta and the Fern Ridge area.*

#### *POLICIES:*

- 1. Enhance Veneta's role as the Fern Ridge commercial and service center.*
- 4. Encourage a diverse mix of unique and interesting shops.*
- 6. Diversify and expand Veneta's economic base by providing opportunities for mixed use areas for both industrial and commercial development.*
- 21. Serve the large-scale retail needs of Veneta and the surrounding area through continued development of West Lane Center, Fern Ridge Center, and Northeast Employment Center. These sites are desirable to commercial development because of their excellent access to Highway 126 and Territorial Road, high visibility, available water and sewer, and large parcels.*

**The City finds that the proposed amendments to Veneta Land Development Ordinance 493 support the above goal and policies by guiding the responsible expansion and growth of business and industry in Veneta; diversifying and expanding Veneta's economic base by providing mixed use opportunities for retail and professional services and large sale retail opportunities in the Northeast Employment Center.**

### *C. RESIDENTIAL LAND AND HOUSING ELEMENT*

#### *GOALS:*

1. *Encourage efficient land development patterns that minimize service and infrastructure costs and provide viable, livable neighborhood centers with nodal development, mixed land uses, housing types and alternative or non-conventional building practices.*
3. *Maintain an attractive residential community in an appealing rural setting.*

**POLICIES:**

2. *Provide a variety of residential neighborhoods including rural residential with large lots, traditional single-family subdivisions with standard lots, areas with a mix of housing types, and mixed-use neighborhoods where commercial and residential are blended such as in the downtown area.*
5. *Encourage a range of housing prices including high-end, mid-range, and affordable housing that is available for purchase or rent.*
7. *Allow various housing types such as multi-family housing, townhouses and co-housing so the market provides housing choices to Veneta residents.*

**The City finds the proposed amendments to Veneta Land Development Ordinance 493, Section 8.11 Special Use Standards for multi-family in single family residential zone, comply with the above goals and policies of the Comprehensive Plan by encouraging efficient use of land and a mix of housing types while maintaining an attractive residential community.**

**SECTION 4.09 LIGHT INDUSTRIAL (LI)**

*In an LI zone, the following regulations shall apply:*

*(1) Purpose. To allow for light industrial uses in a business park environment. Such development could include flexible space for a variety of small industrial manufacturing, storage, distribution and office uses. Such space is commonly used as business incubators for small local businesses and could ideally be used by artisans and craftspeople as industrial studio space.*

**The addition of ‘Personal and Business Services’, ‘Professional, Financial, and Business Offices’, and ‘Eating and Drinking Establishments (excluding drive through facilitates)’ to the list of permitted uses in the LI zone will support industrial uses and employees in the Northeast Employment Center. The elimination of “interim stables” from the LI zone supports the purpose of this zoning district as interim stables are not compatible with a business park environment.**

**SECTION 8.01 PURPOSE OF CONDITIONAL USE PROCEDURE**

*A conditional use is a use, which, due to the nature of potential impacts on surrounding land uses and public facilities, requires a case-by-case review and analysis.*

**The City finds proposed amendments to Veneta Land Development Ordinance 493, Section 8.11 Special Use Standards for multi-family in the single family residential zone are consistent with the intent of the Conditional Use procedure. As currently written**

**multi-family use is only permitted when a single family zoned lot cannot be divided to create individual lots and is at least 18, 000 square feet in size. Adding siting standards for multi-family dwellings while removing the density maximum will require a case by case review by the Planning Commission for compatibility with surrounding uses since multi-family is not permitted outright in this zone. The additional siting standards are intended to protect and enhance the appearance, safety, and livability of Veneta through appropriate building and site design regulations.**

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James Eagle Eye, Chairperson  
Veneta Planning Commission

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Date



**EXHIBIT A  
TO FINAL ORDER  
File #A-1-15  
PROPOSED AMENDMENTS**

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**VENETA COMPREHENSIVE PLAN**

**PREFACE**

This plan was previously updated in 2012 to incorporate the coordinated population numbers adopted by Lane County in June of 2009. This update was limited in nature and included only those amendments necessary to incorporate the new population numbers and information from the new sewer and water master plans adopted in 2009 and 2012 respectively. In 2013 the City initiated a buildable lands inventory, housing needs analysis, and economic opportunities analysis as part of a Comprehensive Plan update. Goals, findings and policies were updated in elements of the Plan to reflect current data.

**I. INTRODUCTION**

**D. RELATIONSHIP TO OTHER PLANS AND POLICIES**

Compliance with State Law

One of the primary functions of periodic review is to ensure that cities take the opportunity to revisit their comprehensive plan and ordinances and bring them into compliance with changes in the Oregon Statewide Planning Goals, the Oregon Revised Statutes (ORS), and the Oregon Administrative Rules (OAR).

Oregon's Statewide Planning Goals & Guidelines

The foundation for Oregon's land use planning is a set of statewide planning goals. The goals express the state's policies on land use and on related topics such as citizen involvement, housing and natural resources. The goals have been adopted as administrative rules in Chapter 660, Division 15. Most of the goals are accompanied by guidelines which are suggestions about how a goal may be applied. Veneta's Comprehensive Plan must comply with the state's planning goals.

The following plans listed below and attached hereto as Appendices A, B and C, D, and E are adopted and incorporated into the Comp Plan by reference.

*Economic Opportunity Analysis, 2015.* This document includes a buildable lands inventory, projected employment needs, economic development vision, a comparison of land supply and demand, and recommended Comprehensive Plan and Land Development Ordinance amendments. The EOA complies with Statewide Planning Goal 9 requirements.

*Residential Buildable Land and Housing Needs Analysis (2014).* This document includes a buildable lands inventory, projected housing needs, projected employment needs, economic development vision, a comparison of land supply and demand, and recommended Comprehensive Plan amendments. The analysis complies with Statewide Planning Goal 10 requirements.

*Public Facilities Plan (PFP), April, 2012.* This plan identifies major facilities and capacity improvements to water, wastewater, and stormwater systems necessary to support land uses allowed by the Comprehensive Plan for the 20 year planning period. The PFP implements Statewide Planning Goal 11.

*Transportation System Plan (TSP), 2006.* In 1998, Veneta adopted their first Transportation System Plan. The TSP is the long-range policy document that guides transportation planning within Veneta for the next 20 years. The most recent update occurred in 2006 Coordination with Existing Plans.

*Parks, Recreation, and Open Space Plan, June 1998.* This plan is a policy document that will guide the development of parks and recreation facilities in Veneta over the next 20 years. Prepared by Satre Associates and funded by the City of Veneta, it includes existing conditions and needs analysis; challenges and opportunities; and goals, policies and actions. This plan implements Statewide Planning Goal 8.

*Local Wetlands Inventory and Riparian Inventory, April 1998.* This report, funded by the Division of State Lands and the City of Veneta, satisfies compliance with Statewide Planning Goal 5 which requires an inventory of the location, quality, and quantity of wetlands within a city. It was produced by Wetland Specialties with mapping assistance from Satre Associates and project management from Lane Council of Governments.

## **II. PLANNING FRAMEWORK**

### **B. GENERAL FINDINGS**

Findings are essentially facts about the community, based on historical evidence. These general findings, unlike the more specific findings included in each plan element, provide the underlying platform on which the entire plan builds. They are also used to develop the assumptions which guide the plan. These assumptions are discussed in Section C.

#### **General Findings**

1. Veneta's population grew at a rate of 2.9% from 1962-1998 and 4.73 percent from 1998-2010. The 2013 population in Veneta was estimated at 4,635 and is forecast to increase to 10,505 in the year 2035. According to Portland State University 2009 Coordinated Population Report for Lane County, growth will be higher between 2010 and 2020 and will begin to slow afterwards until 2035 with an annual average growth rate of 4.3%.
2. Unplanned urban growth can result in long-lasting problems that are difficult to solve.
3. Planning policies have social, economic, and environmental impacts on the community and the region.
4. Economic inequities can be avoided by containing growth in areas intended and designated for growth. This prevents urban residents from bearing the burden of tax costs for services that benefit residents outside the urban area, where services are less efficient to provide.

## **C. POPULATION AND EMPLOYMENT PROJECTIONS**

In forming policy for the next twenty years, the Comprehensive Plan relies on basic population and employment projections that are consistent throughout the plan. These projections, and the assumptions involved in their formation, are described below.

### **Employment Projections and Assumptions**

1. Veneta's employment forecast for the 2015 to 2035 period is based on the OAR 660-024-0040(9)(a)(A) regional employment growth rate safe harbor. The regional employment growth rate for the safe harbor is 1.43%. Applying this to the base year employment estimate of 1,789 yields a 2015 employment estimate of 1,867 and a 2035 forecast of 2,479. This is a net increase of 612 employees over the 20-year forecast period.
2. The industries that fit with the Community's aspirations for growth and identified as having growth potential in Veneta are:
  - Food Processing – with a focus on specialty items
  - Professional, Scientific, and Technical Services – focus on high-tech
  - Secondary Wood Products – focus on niche markets
  - Small-scale or Specialty Agriculture including Greenhouse, and Floriculture Products
  - Tourism and Wine Industry
3. The sectors that will lead employment growth in Lane County for the ten-year period are Health Care and Social Assistance (adding 3,800 jobs), Government (adding 3,700 jobs), Leisure and Hospitality (adding 2,900 jobs), Professional and Business Services (adding 2,700 jobs), and Retail Trade (adding 2,100 jobs). Together, these sectors are expected to add 13,100 new jobs or 60 percent of employment growth in Lane County.
4. Projections indicate that five percent of total jobs in Veneta will be home-based occupations. Therefore, Veneta should continue to allow home-based occupations.
5. The City needs to develop a main street and central business district to accommodate the local demand for goods and services. Over time, West Broadway will become more of a main street for downtown Veneta.
6. The City will work to offer a broad range of retail and commercial services, with emphasis on attracting businesses to the downtown area.
7. The City of Veneta will be a complete community that provides an array of job opportunities and local services in addition to residential opportunities.

## **III. PLAN ELEMENTS AND POLICIES**

### **C. RESIDENTIAL LAND AND HOUSING ELEMENT**

#### **NARRATIVE:**

The Residential Land and Housing Element addresses the housing needs of current and future residents of Veneta

In 2013 the City conducted a Residential Buildable Land Inventory and Housing Needs Analysis to determine whether there is a sufficient amount of buildable land to meet future housing demands within the existing Urban Growth Boundary. The study provides the technical analysis required to determine the 20 year need for residential land, consistent with Oregon Statewide Goal 14, Oregon Revised Statute (ORS) 197.296, and Oregon Administrative Rule (OAR) 660-008.

The Housing Needs Analysis determined the number of housing units and acreage needed to meet the forecasted population growth over the next 20 years. A more detailed demographic analysis, looking at local, state, national trends, and the demographic characteristics helped the City understand the types of housing that will best meet the needs of the community.

The future growth and attraction of the residential areas of Veneta will, to a large degree, be dependent upon the small town residential character, the development of livable neighborhoods, and the close proximity to jobs in Eugene/Springfield metro area for easy commuting. Even though low-density residential development will likely dominate the housing market, a greater mix of housing types is likely to be built over the next twenty years to respond to the housing needs of existing and future residents. These needs include affordable housing options such as multi-family and single-family attached dwellings.

#### GOALS:

1. Provide an adequate supply of residential land and encourage land use regulations that allow a variety of housing types that will be able to meet the housing needs of a range of age groups, income levels, and family types.
2. Encourage efficient land development patterns that minimize service and infrastructure costs.
3. Encourage land use patterns that provide livable neighborhoods; allow mixed uses, and allow a variety of housing types.
4. Encourage land use patterns that protect and enhance Veneta's natural resources.
5. Facilitate new housing starts to ensure there is adequate opportunity and choice to acquire safe, sanitary, and affordable housing.
6. Maintain an attractive residential community in an appealing rural setting.

#### FINDINGS:

The Residential Buildable Land Inventory and Housing Needs Analysis (2013) adopted by City Council determined there is a sufficient amount of buildable land to meet future housing demands within the existing Urban Growth Boundary. The Housing Needs Analysis determined the number and type of housing units needed to meet the forecasted population growth over the next 20 years. A detailed demographic analysis helped the City understand the types of housing that will best meet the needs of the community. Following are findings from the analysis:

## 1. Population Growth

- (a) Veneta's population is forecast to more than double between 2013 and 2035 from 4,635 to 10,505. In 2033 Veneta's population is estimated to be 10,242.
- (b) Growth will be higher between 2010 and 2020 and will begin to slow afterwards until 2035.
- (c) Veneta's growth will be comparable to the cities of Creswell and Junction City and is expected to grow much faster than Lane County and the Eugene-Springfield Metro area as a whole, with an annual average growth rate of 4.3%.

## 2. Residential Land Inventory

- (a) Veneta has a total of 475.8 acres of buildable residential acres. The majority of buildable residential land acres is designated Rural Residential and Low Density Residential totaling 347.6 acres and the remaining 128 acres is designated Medium Density Residential.

## 3. Housing and Land Need

- (a) Veneta will need to provide 2,120 new dwelling units between the years 2013-2033 plus an additional 63 group quarter units to accommodate the forecasted population.
- (b) Single family dwellings will remain the dominant housing type based on demographic trends, i.e. higher incomes, attraction of family households and family households with children in Veneta.
- (c) The future housing mix shows a majority of the dwelling units needed will be single family detached homes (84.0%) and the remaining needed housing types will be multi-family (10%), duplexes and single family attached (4%), and mobile homes (2%).
- (d) Group quarter population is forecasted to double by 2033. An additional 3.3 acres will be needed to accommodate new group quarter facilities.
- (e) Single family dwellings are forecast to develop at 6.2 dwelling units per acre and multi-family dwellings at 11.9 dwelling units per acre.
- (f) The City of Veneta will need a total of 321.8 acres of residential land; 287.2 acres of Low Density Residential Land and 34.6 acres of Medium Density Residential land.

## 4. Comparing Supply and Demand of Residential Acres

- (a) Veneta has a surplus of 153 acres of residential land. There is a surplus of approximately 60 acres of Low Density/Rural Residential land and 93 acres of Medium Density Residential land.
- (b) Veneta has an adequate supply of residential land to meet the 20 year projected demand within its current UGB.

## POLICIES:

1. Provide an adequate supply of residential land to meet the 20-year projected demand for 2013-2023.
2. Encourage a variety of residential neighborhoods including rural residential with large lots, traditional single-family subdivisions with standard lots, areas with a mix of housing types, and mixed-use neighborhoods where commercial and residential are blended such as in the downtown area.

3. Prioritize infrastructure investment that will promote infill development of vacant and partially vacant lands within the Urban Growth Boundary.
4. Control further subdivision of land in the rural residential area to allow for easy conversion of rural residential properties to urban densities in the future when full city services become available.
5. Through zoning and land use regulations, encourage a range of housing types that can be built to serve high-end, mid-range, and affordable housing that is available for purchase or rent.
6. Promote private construction for low income housing and encourage private developers to utilize government programs to construct housing for low income families.
7. Locate multi-family housing where traffic circulation problems and safety hazards are minimized.
8. Encourage high density apartment uses to locate as close to employment, service, and retail centers, as possible.
9. Locate manufactured dwelling parks out of the downtown area in order not to disrupt the historic street pattern.
10. Allow increased densities and flexibility in lot size and housing type using the Planned Development process.
11. Maintain consistency with the original plat of Veneta by allowing lot sizes in the downtown area consistent with the original lots.
12. Allow smaller lot sizes than the zoning districts otherwise allow for development to protect natural resources and to provide open space using Planned Development process. In this way, the overall gross density of development does not increase, but the open spaces may be used to protect natural resources or provide more viable recreation areas.
13. Allow accessory dwelling units on the same lot as the main house in some zoning districts in accordance with specific standards intended to ensure consistency with surrounding development and the purpose of the base zone.
14. Require standards for landscaping, fencing, and off-street parking in residential developments.
15. Enforce land development, nuisance ordinances, and building codes to help maintain the appearance and safety of the existing housing stock.
16. Protect all persons from housing discrimination.
17. Develop and implement street lighting standards for residential neighborhoods and arterial streets.

## **D. ECONOMIC DEVELOPMENT ELEMENT**

### **NARRATIVE:**

The purpose of economic development is to help expand the local economy. This element addresses State Economic Development Goal 9, "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

In Veneta, particular attention is directed toward developing the city as a commercial and service center for the Fern Ridge area. Veneta captures much of the regional commercial demand.

The downtown area including West Broadway and streets to the south (Territorial Hwy, Dunham, McCutcheon, and W. Hunter) is comprised of small parcels ranging in size from 5,000 square feet to 2.5 acres. There is anticipated growth of government services, professional offices, minor retail, and personal services which now intermix with residential uses. Street improvements to urban standards are needed prior to dense commercial development in the area.

To attract new industries, Veneta must provide large buildable vacant parcels, serviced or readily serviceable with adequate public facilities, which are located in close proximity to Highway 126. Veneta has identified two large industrial sites, Veneta Business Park (approximately 46 acres) and Tanglewood Park (approximately 49 acres) in the northeast quadrant of the city. This industrial area has few development constraints.

The number of home-based businesses will continue to increase as an affordable, convenient option for economic development among Veneta residents. These businesses are often located in residential zones. They fit well in the downtown mixed-use area.

### **GOAL:**

Pursue the economic interest of the City of Veneta by constructing and implementing policies and programs, including but not limited to the following functions:

1. Guide the responsible expansion and growth of business and industry in Veneta and the Fern Ridge area.
2. Develop a working relationship with economic development-related public and private agencies, community groups, and business organizations.
3. Engage in dialogue with interested parties about the development of Veneta's industrially and commercially zoned properties, and other development and interests related to Comprehensive Plan Goals.
4. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses.
5. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

## FINDINGS:

1. Veneta is a bedroom community to the Eugene-Springfield Metro Area. In 2011, five percent of Veneta residents worked in Veneta. Fifty-one percent of employed persons living in Veneta commuted to Eugene/Springfield for work in 2011.
2. Very few residents both live and work inside Veneta. In 2011 ninety-five percent of workers commuted to work outside the City and eighty six percent of the Veneta workforce lives outside the City.
3. Veneta's economy has changed from timber-dependent to service-oriented.
4. Much of Veneta's commercial activity has moved from downtown to the West Lane Center, located along Highway 126.
5. Between 2001 and 2013 employment in Lane County increased by 935 jobs or 1 percent. Sectors with the largest increases in employment were: Health & Social Assistance; Government; Accommodations & Food Services; and Retail sectors which combined accounted for 8,220 new jobs. Manufacturing accounted for the largest decreases, with a loss of 7,118 jobs
6. In 2012, Retail Trade and Accommodation and Food Services had the largest share of employees in Veneta, accounting for 15 percent and 18 percent of the workforce. Management of Companies and Enterprises (\$48,302) and Government (\$34,557) accounted for the largest average payroll of the sectors provided.
7. According to 2009-13 American Community Survey (ACS) data, Office and Administrative Support (20 percent), Management, Business, and Financial (18 percent), and Sales and Related Occupations (12 percent) account for half of the jobs held by Veneta residents.
8. The sectors that will lead employment growth in Lane County for the ten-year period are Health Care and Social Assistance (adding 3,800 jobs), Government (adding 3,700 jobs), Leisure and Hospitality (adding 2,900 jobs), Professional and Business Services (adding 2,700 jobs), and Retail Trade (adding 2,100 jobs). Together, these sectors are expected to add 13,100 new jobs or 60 percent of employment growth in Lane County.
9. In 2013, there is no durable manufacturing that does not involve lumber and wood products. There is no employment in the wholesale trade sector either. However, as Veneta's economy diversifies, each sector is expected to comprise two percent of total future employment.
10. Projections indicate that five percent of total jobs in Veneta will be home-based occupations.
11. Seventy-nine acres of Veneta's undeveloped land designated for industrial or commercial development is constrained with wetlands and/or is within the 100-year floodplain.

POLICIES:

1. Diversify and expand Veneta's economic base by providing opportunities for mixed use areas for both industrial and commercial development.
2. Make strategic investments based on Capital Improvement Planning to install utilities adjacent to employment sites so properties are ready to develop. Seek grant opportunities to pay for needed infrastructure such as roads or utilities that would encourage job creation.
3. Encourage the installation of an advanced communications or broadband network to Veneta to help the city move more fully into the communication age. Develop a telecommunications ordinance to guide investments and installation of telecommunications facilities.
4. Allow home occupations in accordance with provisions of City code. Additional or different home occupation practices will be allowed only through approval of an appropriate zone change.
5. Establish and actively enforce nuisance and property maintenance regulations to create attractive, well-maintained industrial and commercial areas.
6. Ensure that major traffic hazards are avoided along Highway 126 and have the Planning Commission review all commercial or industrial development adjacent to the highway.
7. Encourage development along Highway 126 that provides services to support tourism and the traveling public and provides large scale commercial services to meet the needs of the Fern Ridge area.
8. Promote business development in the downtown area by:
  - upgrading city streets to include on-street parking, curbs, gutters, and sidewalks.
  - consolidating small parcels into larger parcels for commercial development;
  - fully utilizing the land through redevelopment;
  - promoting mixed use commercial-residential development within and adjacent to the downtown.
9. Serve the large-scale retail needs of Veneta and the surrounding area through continued development of West Lane Center, Fern Ridge Center, and Northeast Employment Center.
10. Maintain and possibly expand the commercial area on Territorial Highway south of Bolton Hill Road. This area is a neighborhood service area. Expansion of this commercial area could provide some services to future residential neighborhoods in southwest Veneta.
11. Develop and adopt design standards for the RC, BC, and CC zones that focus on streetscapes and setbacks that create an attractive urban environment.

12. Locate industrial lands adjacent to arterial or collector streets, rail, and public facilities to allow easy development on the sites.
13. Designate sufficient lands for industrial uses to encourage immediate industrial development in Veneta and protect lands in large parcels which will be needed for future industrial development.
14. Use landscaping to create attractive business environments and conserve existing native and heritage trees.
15. Conduct an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends every 5 to 10 years as conditions change.
16. Develop and periodically review policies concerning the economic development opportunities in the community every five to ten years.
17. Provide a 20-year supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.
18. Limit uses on or near sites zoned for industrial and commercial uses to those which are compatible with proposed uses.

### **III. PLAN ELEMENTS AND POLICIES**

#### **E. UTILITIES**

##### FINDINGS:

1. There are instances when the community benefits from services extended for a private development, whether it be because of the nature of the development or the area to which services are being extended.
2. There are times when infrastructure needed to service a particular development will not be sufficient to handle requirements for future development in the same area or beyond.
3. In some instances, oversizing infrastructure in anticipation of future development at urban densities contributes to the logical and efficient delivery of services within the urban growth boundary.
4. Resolution 775 (February 25, 1999) establishes that "The City may elect to participate in the cost of water main oversizing for pipes greater than 8 inch nominal diameter."
5. Many areas of Veneta developed prior to current standards and are now in need of service upgrades. In some instances right-of-ways are too narrow; in other cases water mains are of inadequate size or are in poor condition.
6. According to Veneta's 2013 residential buildable lands inventory, and 2015 commercial and industrial lands inventory, there is a surplus of land inside Veneta's city limits and UGB than is needed to provide housing and commercial/industrial land for the 20 year planning period.

7. The 1989 Comprehensive Plan designated an urban services boundary to demarcate the area that would be considered the priority development area. The remainder of the city was not planned for development at urban densities with urban services within the 20 year planning period. However, the service areas studied for the 2009 Wastewater Master Plan and 2012 Water Master Plan, included the entire UGB and the Urban Service Boundary is no longer a necessary tool.
8. Lands inside the urban growth boundary are planned for eventual development at urban densities, either beyond the 20-year planning period or as feasible and needed.
9. Water quality and quantity are key concerns for the citizens of Veneta.
10. In addition to water provided by the recently constructed EWEB pipeline from Eugene to Veneta, the City also depends on groundwater for its drinking water supply. Therefore, it is important to the city and its residents that this water supply be protected from potential contamination.
11. A preliminary assessment by the Oregon Health Division indicates that the estimated 10-year time-of-travel zone for the two City of Veneta wells in active use (Wells 4 & 9) includes most of the land within the city limits as well as land outside the city limits.
12. Some city residents rely on well water for their drinking water supply. There is concern that new private wells may impact the water supply for existing private wells.
13. As of late 1998, it is estimated that as many as 50 private wells are located within the UGB. Some of these shallow wells were contaminated via private septic systems. Contamination potential remains, particularly since a number of private wells have not been properly abandoned.
14. The entire urban growth boundary is eventually planned to receive city water, either beyond the 20-year planning period or as feasible and needed.
15. The city experiences some localized flooding with heavy rains. Maintenance of drainage ways is helpful in preventing these problems. Many drainage ways throughout the city run across private property.
16. In 1994, Territorial Highway modifications and developments altered drainage system components.
17. The 1996 storms and subsequent flooding caused drainage system failure and concern in the Oak Island area and Baker Lane area as well as along Eighth Street.
18. As of mid-1999, the City does not have an ongoing maintenance program for the stormwater drainage system and does not collect any revenue for stormwater projects.
19. The City has used swales and other more natural methods to control stormwater run-off rather than relying exclusively on pipes.
20. Much of the City's drainage system are wetlands. Wetlands can be an effective means for removing pollutants.

21. As of 1999, Veneta is not yet required to meet Environmental Protection Agency (EPA) requirements regarding stormwater management plans.
22. The Wastewater System Master Plan plans for a population of 9,960 to receive city sewer service in 2030.
23. The Water Master Plan plans for a population of just over 10,000 at build out (2035)
24. The stormwater master plan will plan for a serviceable population of 5,760.

#### POLICIES:

1. Develop and implement groundwater protection and conservation programs to ensure a reliable supply, protecting the ability of the land to recharge the groundwater supply. The City of Veneta plans to work with the Long Tom Watershed Council on developing measures to protect the groundwater supply.
2. Protect groundwater from the potential of contamination through improperly abandoned wells and protect city water from contamination by private wells by requiring proof of proper abandonment/isolation of private wells at the time of any development action on property with one or more private wells.
3. Encourage use of city water and wastewater services by requiring all new development to connect to the city water supply when practical.
4. Protect the aquifer from contamination by eliminating, when practical, substandard private wells that have the potential to contaminate the groundwater.
5. Pursue acquisition of "right of entry" along drainage ways of sufficient width to allow city maintenance of drainage ways to help prevent problems with flooding. The City may choose to only make use of these "rights of entry" if a property owner does not maintain the easement on his own.
6. Incorporate wetlands and other natural systems into stormwater drainage plans to the greatest extent possible.
7. In order to preserve drainage ways, the level of stormwater discharged due to a new development in the city limits should be no greater than the stormwater flow from the property prior to the development being in place (post-development flows shall not be greater than pre-development flows).
8. Require new development to pay for extension of infrastructure needed for new development and system development charges to cover their share of system capacity, as set forth in System Development Charges ordinances.
9. Consider subsidizing the provision of infrastructure to help further economic development or other types of development deemed beneficial to the community as a whole.

10. Allocate resources as available to upgrade existing public infrastructure to current city standards during development of City's facility plans. Investigate and support cost-sharing schemes for upgrading the existing public infrastructure to current city standards whereby the city and property owners who benefit share in the cost of making these upgrades.
11. Require property owner to agree to install and pay for required improvements either at the time of development or in the future as determined by city ordinances. Includes the installation of necessary streets, storm drainage, sanitary sewers, water mains, street lights and driveways to city standards and specifications.
12. Determine if oversizing of infrastructure is needed in light of future potential development (based on development at urban densities).
13. Oversizing of water and wastewater pipes can be paid for by the City; these costs may be covered by funds collected through water and wastewater systems development charges.
14. Focus development and associated infrastructure in the Phase I Priority Development Area.
15. Allow rural properties until such time as the conversion to urban densities is feasible and needed.
16. Locate key urban facilities within the UGB to the greatest extent possible, recognizing that there may be instances when it is most practical to locate urban facilities outside the UGB.
17. Ensure that future developments make provisions for utilities through easements and utility corridors.
18. Coordinate new developments with utility companies.
19. If utilities are required to be extended to service new land divisions then said utilities shall be placed underground.
20. Place overhead electric lines underground in existing commercial areas and on Territorial Road when these projects are feasible and compatible with the remaining electrical distribution system.
21. The City of Veneta plans to be the ultimate provider of wastewater, water, and stormwater services.
22. The water, wastewater and stormwater sections of the Veneta Public Facilities Plan shall serve as the basis for guiding water, wastewater and storm sewer improvements in Veneta.
23. Additions to or deletions from the project list or significant change to project location requires amending the Public Facilities Plan.
24. Changes to the Public Facilities Plan project timing or anticipated costs and financing shall be made in accordance with budgeting and capital improvement program procedures and do not require amendment of the Public Facilities Plan. Modifications should be reflected in the Public Facilities Plan at the next regularly scheduled update.

25. Both timing and financing provisions for public facilities are not considered land use decisions, and therefore cannot be the basis of appeal in accordance with state law.

#### **IV. COMPREHENSIVE PLAN MAP AND LAND USE DESIGNATIONS**

##### **NARRATIVE:**

The Comprehensive Plan map is a graphic designation of future land use in Veneta. Specific development decisions should be checked against the individual plan element. If a conflict appears between plan policies and the Comprehensive Plan map, the plan policies shall prevail. Land use designations in the Plan are the basis for the zoning map and shall be referred to in updating or revising the zoning map. In Veneta the Urban Growth Boundary and City Limits are the same.

The Comprehensive Plan map depicts 10 (ten) plan designations.

- Industrial (I)
- Industrial/Commercial (IC)
- Commercial (C)
- Commercial/General Residential (U)
- Medium Density General Residential (M)
- Low Density Single-Family Residential (L)
- Rural Residential (R)
- Public (X)
- Parks (P)
- Open Space/Greenway (O)

##### **PLAN DESIGNATIONS**

##### **RURAL RESIDENTIAL (R)**

Purpose of Plan Designation:

- Require rural residential areas of land to continue until conversion to urban uses and densities occurs or when water and sewer services are extended. **[will be updated with PC recommended language]**
- Allow the City of Veneta or the property owner to initiate a plan designation change to either Low Density or Medium Density Residential, and applicable zoning map amendments, when development to urban uses and densities is desired and services become available.
- When reviewing land divisions for minimum lot sizes, the Planning Commission shall take into consideration problems of water supply, sewage disposal, and stormwater runoff. All land divisions must result in lots or parcels that are at least one acre in size.
- Allow development or land divisions in the Rural Residential area when the following requirements are met:

- (a) Future Development Plans: A plan for the full development of the property to urban densities showing future streets and lot lines (shadow plat) is approved by the Building and Planning Official or Planning Commission.
  - (b) Sewage Disposal: On-site disposal systems for individual lot development is approved by the Lane County Department of Environmental Management prior to approval of the land division or building permit.
  - (c) Water Supply: Property owner has obtained approval to connect to City of Veneta water supply or has county approval for use of a private well.
  - (d) Street Improvements: All lots abut an existing paved street that can handle the additional traffic generated by the proposed development. If the street is not improved to jurisdictional standards (city, county, or state requirements), the property owner must improve the street frontage to those standards or sign an agreement for future street improvements.
- Allow property owners in the rural residential zone to use a private well if development with city water is not practical, consistent with the city's policy of eliminating private wells.

## **V. IMPLEMENTATION AND UPDATES TO THE PLAN**

### **A. IMPLEMENTATION OF THE PLAN**

The measure of success of the Comprehensive Plan would be how well the Plan dealt with the objectives and the problems which were outlined and if the plan policies are implemented.

Veneta's Comprehensive Plan's primary focus is the process of urbanization, or the conversion of rural lands to urban uses. The entire plan is based on a rational and economical pattern of growth which promotes contiguous urbanization in relation to land requirements for the planning population, and the City's ability to provide services and utilities. The Plan, through designation of Rural Residential land, also makes clear distinctions between areas of rural and urban uses during this process of urbanization, especially in view of the fact that the area within the Urban Growth Boundary is capable of supporting more population than the 20-year planning population.

## LAND DEVELOPMENT ORDINANCE REVISIONS

### SECTION 4.05 BROADWAY COMMERCIAL

In the BC zone, the following regulations shall apply:

- (1) Purpose. Create a pedestrian friendly environment within the downtown area with a mixture of land uses that provides direct, safe, and convenient access from residential areas to commercial services, public spaces, and transit connections while maintaining access for automobiles and bikes.
- (2) Uses Permitted Subject to Site Plan Review. In a BC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations, except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use, shall be conducted entirely within an enclosed building (excludes drive-thru facilities):
  - (a) Retail stores or shops exceeding 10,000 square feet and contained in a mixed-use building where residential uses are located above commercial space.
  - (b) Retail establishments not exceeding 10,000 square feet including:
    1. Restaurants (excluding drive-thru facilities), tasting rooms, catering and other food services.
    2. Bakeries and other food and beverage manufacturing (with retail outlet).
    3. Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.
  - (c) Personal service establishments.
  - (d) Museums and art galleries.
  - (e) Professional, financial and business offices.
  - (f) Medical, dental clinics, or medical laboratories.
  - (g) Financial institutions.
  - (h) Indoor commercial amusement or recreation establishments.

- (i) Community buildings and social organizations, including but not limited to senior centers.
- (j) Bed and breakfast; boarding, lodging or rooming home.
- (k) Manufacturing and production of jewelry, candy or other similar items (less than 5,000 sq. ft. with retail outlet that is a minimum of twenty-five (25) percent the size of the manufacturing area).
- (l) Laundromat or cleaning agencies.
- (m) Technical support and telemarketing centers.

#### SECTION 4.08 INDUSTRIAL-COMMERCIAL (IC)

In an IC zone, the following provisions shall apply:

- (1) Purpose. To provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.
- (2) Uses Permitted subject to Site Plan Review. In an IC zone, the following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review. All operations except off-street parking and temporary activities associated with the established businesses shall be conducted entirely within an enclosed building:
  - (a) All permitted uses in the Light-Industrial zone.
  - (b) Rental storage units.
  - (c) Caretaker or watch person dwelling on the premises of a non-residential use.
  - (d) Retail stores or shops not exceeding 40,000 square feet.
  - (e) Personal or business service.
  - (f) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

- (g) Repair and maintenance service, excluding auto and truck service stations, maintenance, and repair.

- (h) Eating and drinking establishments, excluding drive-thru restaurants.
- (i) Professional, financial and business offices.
- (j) Indoor commercial amusement or recreation establishments.
- (k) Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.
- (l) Outdoor sales of plants and pre-packaged garden supplies.
- (m) Uses similar to the above permitted uses as provided by Section 2.05.

#### SECTION 4.09 LIGHT INDUSTRIAL (LI)

In an LI zone, the following regulations shall apply:

- (1) Purpose. To allow for light industrial uses in a business park environment. Such development could include flexible space for a variety of small industrial manufacturing, storage, distribution and office uses. Such space is commonly used as business incubators for small local businesses and could ideally be used by artisans and craftspeople as industrial studio space.
- (2) Uses Permitted subject to Site Plan Review. In an LI zone, the following uses and accessory uses are permitted subject to Site Plan Review. All uses must meet and continually comply with the Performance Standards of Section 4.09(4). Any uses specifically listed as only allowed in the Medium-Industrial district are not allowed in the Light-Industrial District.
  - (a) Small scale manufacturing, wholesaling, compounding, assembling, and processing.
  - (b) Plant-based food processing.
  - (c) Storage and warehousing, including mini-storage rental units.
  - (d) Research and development and testing laboratories and facilities.
  - (e) Construction businesses.
  - (f) Automotive, truck and heavy equipment repair and service.
  - (g) Media productions, including but not limited to TV and radio broadcasting, motion picture production, and newspaper/book publishing.
  - (h) Offices for business, labor, scientific, and professional organizations.
  - (i) Retail sales in conjunction with manufacturing, provided the sales area is not greater than 25% of the total floor area.
  - (j) Offices in conjunction with an industrial use.

- (k) Personal or business services.
- (l) Professional, financial and business offices.
- (m) Eating and drinking establishments (excluding drive-thru facilities).
- (n) Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park.

For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.

- (o) Parking lots and parking garages, including truck parking
- (p) Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System.
- (q) Interim agricultural cultivation on undeveloped land provided the spraying, dust, odors and other side effects of such uses do not interfere with the successful operations of adjacent land uses.
- (r) Uses similar to the above permitted uses as provided by Section 2.05.

(3) Conditional Uses Permitted. In the LI zone, the following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4). All permitted uses are subject to Site Plan Review provisions of Article 6.

- (a) Open display, sales or storage outside exceeding 180 days.
- (b) Caretaker or watch person dwelling on the premises of a non-residential use.
- (c) High impact transportation facilities such as heliports, helistops, and bus or train terminals.
- (d) Transportation improvements not identified by the City of Veneta Transportation System Plan.
- (e) Uses similar to the above conditional uses as provided by Section 2.05.

## SECTION 4.10 MEDIUM INDUSTRIAL (MI)

In an MI zone, the following regulations shall apply:

- (1) Purpose. To allow industrial uses which cater to the more traditional sectors. These include secondary work products manufacturing and processing, other durable manufacturing enterprises.
- (2) Uses Permitted subject to Site Plan Review. In an MI zone, the following uses and accessory uses are permitted subject to Site Plan Review. All uses must meet and continually comply with the Performance Standards listed for the LI zone. Any uses specifically listed as only allowed in an MI zone (except item (a)) are not allowed in a LI zone.
  - (a) All uses permitted in the LI zone.
  - (b) Large scale manufacturing, wholesaling, compounding, assembling, and processing.
  - (c) Recycling facilities.
  - (d) Manufacturing, assembling, and/or storage of:
    - 1) Chemicals and chemical products
    - 2) Lumber, wood, and paper products
    - 3) Metal and metal alloy products
    - 4) Paints, varnishes, lacquers, enamels and allied products
    - 5) Concrete blocks, cinder blocks
    - 6) Septic tanks
  - (e) Animal-based food processing (slaughter houses not allowed)
  - (f) Transportation improvements identified by the City of Veneta Transportation System Plan.
  - (g) Uses similar to the above permitted uses as provided by Section 2.05.
- (3) Conditional Uses Permitted. In the MI zone, the following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4), unless specifically exempted. All conditional uses are subject to Site Plan Review provisions of Article 6.
  - (a) Any of the above uses requiring relaxation of one or more of the performance standards.
  - (b) Open display, sales or storage outside exceeding 180 days.
  - (c) Caretaker or watch person dwelling on the premises of a non-residential use.
  - (d) Transportation improvements not identified by the City of Veneta Transportation System Plan.

- (e) Uses similar to the above conditional uses as provided by Section 2.05.

#### CONDITIONAL USES

##### Section 8.11 –Special Conditional Use Standards

- (11) Standards for multi-family in Single-Family Residential Zone. The Planning Commission may allow more than one dwelling on a legal lot if the proposed use meets the following standards:
  - (a) Minimum legal lot size is 18,000 square feet.
  - (b) Existing lot is incapable of division to City standards.
  - (c) Shall minimize detrimental impacts on neighboring properties, such as obstruction of views, limiting solar access, and intrusion on privacy. Planning Commission may impose conditions such as maximum height of structure, minimum setbacks, and required buffering in order to limit detrimental impacts.



# Minutes of the Veneta Planning Commission

## June 2, 2015

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

Others: Ric Ingham, City Administrator; Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Darci Henneman, City Recorder, Eric Bolken, DLR Group, and Andrea Larson, Chairperson, Fern Ridge School District

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### I. Review Agenda

James Eagle Eye opened the Veneta Planning Commission meeting at 7:01 p.m. and reviewed the agenda.

### II. Public Comment

None

### III. Approve Minutes

**MOTION:** Len Goodwin made a motion to approve the March 9, 2015 minutes of the Joint Meeting of the City Council and Planning Commission (Economic Strategic Plan, the April 6, 2015 minutes, and the May 5, 2015 minutes. Kevin Conlin seconded the motion which passed with a vote of 5-0.

### IV. Veneta Elementary School – Site Plan Review SR-2-15

Garbett reviewed her staff report with the Planning Commission. She said public comments were received from Ryan Frome, DVD, of Veneta Veterinary (veterinary clinic) and Mr. Marvin Margolis, who owns the property to the north of the School District's (Applicant) property line. She said they are concerned about continuing with their current access to their property from the Applicant's property. She said originally, ODOT recommended an easement access between the Applicant and veterinary clinic. But final comments from ODOT do not require an easement and legal counsel agrees that an easement is not required. However, if the Applicant wishes to do so, they can, but they are not required to. Nor is the City required to make the Applicant offer the property owners an easement.

#### Access

The veterinary clinic is located on tax lot 1000, immediately north of the Applicant's property and abuts Territorial Hwy. They currently use the Applicant's property to access their parking spaces. She said ODOT manages maintenance and access permits off of Territorial Hwy within City limits. She said the two existing residents on tax lot 1008 (owned by Mr. Margolis) adjacent to Applicant's southern property line also access their property from the Applicant's property. She said those residents also have legal access from E. Broadway Ave.

Garbett said the Applicant indicated they would notify the residents that they will no longer have access via school district property and will need to access their residences from Broadway Ave. The Final Order includes a condition for the Applicant to submit and receive a state highway approach permit. ODOT felt it was necessary in order to widen the existing approach to allow for side by side buses to travel through the area.

Garbett said there is a limited buffer between the residential properties and the Applicant's property, however, the existing chain link fence does not extend the entire length of the residential properties. Garbett said there is a provision in the Land Development ordinance that allows the Planning Commission to require the Applicant to provide a site obscuring fence as a buffer or screening between the residential properties and the Applicant's property. She said the Final Order includes a condition requiring sight obscuring fencing but it can be omitted if the Planning Commission approves.

Garbett said the Applicant approached the City this morning indicating they wanted to modify or split condition 10, prior to issuance of building permit, for the required state highway approach. She said staff confirmed with ODOT and they didn't find issue with splitting that condition. Staff is recommending approval.

In response to questions from Lily Rees, James Eagle Eye said splitting the submittal means that the Applicant wants to be able to start construction of the building before the parking lot approach is completed because the approach will be the last step. He said they need to have the approach approved before they build the parking lot. If it's not approved, the Applicant would need to make any required modifications and they can't take occupancy. He said working through the ODOT process without a building permit, the Applicant would lose a lot of building time if they had to wait for the building permit before they started working.

In response to a question from Lily Rees, Garbett said ODOT makes recommendations to staff which are not necessarily requirements but she did check with ODOT to make sure the intent of their recommendation was met. She said the Applicant isn't proposing construction phases but they do plan to stage equipment and building supplies in the proposed bus loop.

In response to a question from Calvin Kenney, Len Goodwin said this could be several because it's demolition as well as construction.

Garbett said ODOT did mention that the Applicant may wish to construct the new road approach in two phases; leaving one open to let the concrete set and then do the other half.

James Eagle Eye said they do have access for the demolition and construction from the existing parking lot.

In response to a question from Len Goodwin, Garbett said the City Engineer did not make a comment on Condition 2.

Len Goodwin said he is concerned that the thickness of the concrete is adequate for fully loaded school buses because sounds more like automobile loads and not bus loads.

Garbett said staff can check with the City Engineer.

James Eagle Eye said we may want to modify that before it's approved.

In response to a question from Len Goodwin, Garbett said she doesn't believe there's any change in use to the area adjacent to site obscuring fence.

In response to a question from James Eagle Eye, Garbett said students will be escorted out to the bus area to wait for the buses in the afternoon.

Len Goodwin said he is wondering what legal counsel's view is to the economic impact on the adjacent property owners if there were no access granted. He said there is clearly adverse economic impact if the property is restricted to straight in access which would eliminate all parking.

Garbett said there is no access easement in existence on file and legal counsel for the City indicated that an access easement was not a requirement by the City but if the two property owners were provided access by the Applicant, it would be between the Applicant and the property owners.

Len Goodwin said he's concerned we are walking into potential litigation by taking that attitude.

Bork said that's why we asked legal counsel to weigh in on us granting approval and if the City is in anyway liable for that. She said it appears the Applicant will offer the veterinary clinic an access easement.

Kevin Conlin said there is a fine line between what is required and what is prudent given the possibilities before the Commission. Even with the advice we've been given by legal, he would be more comfortable if we had some kind of guaranty that the interests would be respected.

Lily Rees said she noticed in Exhibit F there was a request to Lane Fire Authority for a site plan review but she didn't see a response. She said she doesn't see a fire truck being able to access the residences from the north or access the construction side to the northeast.

James Eagle Eye said there's not an easement nor has there ever been. He said those are divided legal lots with access from East Broadway. He said the two homes are on one parcel and the owner chose to access the homes from the south.

In response to a question from Lily Rees, James Eagle Eye said the fenced area could have an emergency gate put in so they have access to the east.

James Eagle Eye suggested including a condition that a gate be installed and be accessible. He said he understands the Applicant has offered an easement but he felt it's up to the Applicant and the property owners and it's not a City issue. He said it's an ODOT approach with an ODOT approval and he asked if the City' has the authority to make a requirement"?

Len Goodwin said tax lot 1000 (veterinary clinic) does not have access to Broadway, its only access is through the existing point. In a sense, absence the use of the area on the Applicant's property, it has no access to Territorial which means the veterinary clinic needs an access easement or an approach permit from ODOT. He said he is concerned about legal counsel's opinion, in the absence of an easement, it has no legitimate access to the road. He said he wonders if we haven't had a take which leads him to more questions about the parking area. What is the 10 ft. circulation lane and what does it serve? He wonders why it wouldn't be possible to relocate the island and the bus stalls south 10 ft. to get an additional amount of land for the joint access agreement so at least the veterinary clinic can get its customers through there even when buses are moving. He said he assumed the buses won't be staging on the north side so is it possible the entire bus turn around could be shifted 10 ft. to the south to provide additional access for the veterinary clinic.

James Eagle Eye said as he understands it, the Applicant planned for the buses to parallel park along the curb for student drop off and pick up and the City's stacking and queuing requirement is one space per 20 students, and that's where the parking lanes came in to meet that requirement.

Len Goodwin said so the buses would be circulating in the south lane, stopping to discharge students and returning to the north side of Territorial Rd.

In response to a question from James Eagle Eye, Garbett said there is no bus parking requirement in our code but that was proposed by the Applicant. She said we have required parking requirements which the existing parking lot meets.

In response to a question from Len Goodwin, Eric Bolken, the Applicant's's engineer, said the diagonal parking spaces are for buses and the buffer is for a turning radius to pull forward and out. He said buses are not allowed to go in reverse on the property so the 10 ft. of additional paving in front of the diagonal stalls is required for the buses to turn around.

In response to a question from Len Goodwin, Bork said the way the code is written, SDC credits remain with the property so the next property owner gets the benefit of those credits. She doesn't recall if SDC credits expire or have a time limit but she will check on that.

James Eagle Eye said he agreed with Len Goodwin, that it's not in the City's best interest to have a land locked parcel but in his opinion, and based on advice from legal counsel, it's a matter between the two properties and we've been told the Appilcant offered an access easement to the property owners.

Len Goodwin disagreed with legal counsel's opinion with respect to the value of the property and he's concerned this will render lot 1000 unsuitable for its purpose and he doesn't think he can support approving the site plan as it is. He said he understands the value of improving the school and it is a worthy objective but not at the expense of depriving the City of a valuable business. He said he's not convinced that all the right conditions have been established to approve the application.

Kevin Conlin said he agrees somewhat with Len Goodwin. He said, if in fact, there was some previous agreement that an easement would be granted then it does them no injury for the City to insist upon as a condition. He finds himself unable to support this proposal moving forward without seeing an access agreement in place.

Len Goodwin said he remained concerned about the other two parcels. He doesn't know what sort of access issue there may be but Lily Rees' comments caused him some concern about those two properties. He said he would like to hear more from staff as to how comfortable we are that the access from Broadway is in fact reasonable and appropriate. He said regarding the site obscuring fence, what is the purpose of the area to the east of the buses? He said if students will be present, he will be firm in asking for a site obscuring fence to separate the residential and educational uses. He would like to see alternatives to the bus area or tweak it to make it easier for the adjoining property owners to take advantage of their property. He will not assume they have acquired an easement by prescription but he would like some advice from legal counsel about the circumstances that an easement might be obtained. He's not sure they can't obtain an easement by prescription.

In response to a question from Lily Rees, Garbett said Lane Fire Authority's only recommendation was that the alarm system needed to be upgraded.

Lily Rees said she is concerned about the Broadway access for the two residential properties, liability of the veterinary clinic, and if there was an easement agreement between the Applicant and the veterinary clinic. She asked if the clinic decided to sell the property, would the easement agreement transfer with the property. Because if it didn't you can't put a driveway or a parking spot on the sidewalk or on Territorial, it would basically render that property worthless.

Calvin Kenney said he has some of the same concerns other Commissioners have expressed. He said he also checked out the gravel road easement from Broadway and an agreement made 40 years ago could easily have been based on a hand shake and without the easement and the way the site plan is written, he's not comfortable moving forward with this.

Bork said we can check with legal counsel whether or not the City can require the Applicant to even offer an easement as part of this land use decision. She said we're conditioning the Applicant on circumstances that are not necessarily things the City can require. That's why staff checked with legal counsel; if the City could even require it because it's private property. She said she understands the dilemma because those people have used the Applicant's access without proper agreements in place but whose responsibility is it and she's not sure it's necessarily a land use decision.

Kevin Conlin said since the Applicant claims they've already promised the property owners access, the Applicant cannot claim injury in that requirement. If they're going to claim that somehow requiring the access would cause injury, then he would ask under which condition would the Applicant not grant the access easement and if so, what is the harm and why has the Applicant not done it before now. Why wasn't an easement properly in place before it came before the Commission?

James Eagle Eye said looking at the site plan, the Planning Commission cannot require the Applicant to provide an easement to the properties because it's an issue between the Applicant and the property owners. He said he's also concerned about delaying the project.

Ingham said the Applicant is in the midst of a 26 million dollar bond process and they're dealing with four different sites. He said he's not sure the City can require that easement is in place prior to approval of the site plan.

Kevin Conlin said the Applicant has already indicated they intended to offer an easement agreement, which in his opinion, should be completed before the site plan is approved. He said he understands the pressure the Applicant is facing and he is sympathetic but this is an example of something that really should not be happening. He said some of the responsibility for it taking on the aspect that its taking on now is because the easement agreement was not in place earlier. He understands the City cannot require the Applicant to offer an easement to the property owners but had it been place prior to the site plan review, the Commission would not be having this discussion. He said many of the Commissioners' concerns are because the agreement was not in place and that's what he is questioning. He said intent is speculative.

Ingham said legal counsel provided a very thorough brief and he suggested Commissioners take a brief recess, so staff could make copies of the brief for Commissioners to review.

It was the consensus of the Commission to take a brief recess at 7:50 p.m. and reconvened at 7:55 p.m.

Bork said the Planning Commission is being asked to decide if a site obscuring fence, wall or landscaping should be required along the south side of the residential properties. She said requiring a buffer is consistent with the Applicant's intent to notify residents to begin using their Broadway Ave. access.

In response to a question from James Eagle Eye, Eric Bolken said the area at the end of the road and beyond the small parking area is currently a field. He said the road and parking lot currently goes passed or is in line with the last eastern residence. He said the field may be developed to provide for future school activities but for now it's intended to remain a field.

Len Goodwin said if it's not used for education functions, he sees no reason to require site obscuring fencing.

Bork said the way the condition is written in the code, it allows the Planning Commission to condition it with appropriate buffering so if Commissioners don't see the need for site obscuring fencing, then that condition can be omitted.

Len Goodwin said it should be fenced to provide security.

Bork said the Applicant is proposing to fence the northern boundary. She said the other issue is the alternative bus parking so the easement could be utilized safely. She said that is probably something the Applicant would need to agree to because she doesn't know how we could condition it.

Len Goodwin said we can't condition it. He said if the Applicant can come up with an alternative proposal, fine, but the Planning Commission will not provide a proposal. He said with respect to the depth of the lifts, we'll approve whatever the City Engineer recommends.

Bork suggested including that as a condition to be approved by City Engineer.

Garbett provided Commissioners with legal counsel's opinion which they took a few minutes to read.

Len Goodwin said Mr. Juster from ODOT recommended the following language . . . "Specifically, the Applicant shall provide evidence of an existing access easement, or record of an access easement for the joint shared driveway access off of the Territorial Hwy. The easement should apply to the School, the Veneta Veterinary Hospital and the two residences on Tax Lot 1008 . . . ". He said yet in legal counsel's comment "especially since ODOT isn't questioning the condition of approval, it seems, in fact, Mr. Juster was requesting that condition of approval."

Garbett said Mr. Juster made the first comment during the completeness review period, but his final comments, attached to the staff report as Exhibit G did not include any mention of a shared access

easement requirement.

James Eagle Eye said when staff followed up with ODOT, they verified ODOT would not require an access easement agreement.

Len Goodwin said he wonders if the veterinary clinic, at least, might not have an inverse condemnation against the Applicant.

Bork said as a condition, the Applicant could agree to provide a copy of the access easement agreement for the veterinary clinic. She said the City can't require it so it would have to be proposed by the Applicant.

James Eagle Eye said the Staff Report includes a draft copy of access easement agreement, which the Applicant provided to the veterinary clinic, which clearly indicates the Applicant offered access and is trying to move the situation forward.

In response to a question from Lily Rees, Garbett said when she corresponded back with ODOT to make sure that that requirement wasn't omitted mistakenly in their final comments, they said "if the intent of the Applicant is to continue to provide the veterinary client access, then yes, an easement should be in place". She said it's recommended but not required.

Lily Rees said it mentions all the properties and not just veterinary clinic.

Bork said ODOT is not requiring the access easement. She said they recommended the easement if the Applicant wants to allow access, it's probably a good idea to have it in place.

Kevin Conlin said his interpretation is that it should be in place.

Len Goodwin said ODOT's final comments of April 24<sup>th</sup> make no reference to a requirement of an easement or of access.

James Eagle Eye said that was followed up by staff to make sure it wasn't in error.

In response to a question from Kevin Conlin, Garbett said ODOT said if it was the intent of the Applicant to provide access then an easement is recommended but not required.

In response to a question from Calvin Kenney, Garbett said during the completeness review she received the first email from ODOT and she interpreted their final comments would require a shared access agreement but when she corresponded with the Applicant during the completeness review period, a number of things needed addressing, the biggest issue was stormwater, and she included a note that a shared access agreement should be provided. At that point, the Applicant provided the shared access agreement with the intent to follow through with the document. She said its her understanding it was presented to the veterinary clinic. She said but it turned out that ODOT's final comments did not include the requirement but just a recommendation.

In response to a question from Kevin Conlin, Bork said there's two different distinctions. It's not required by the land use decision and it's a separate issue if the Applicant allows access. She said its staff's understanding that the Applicant would like to offer the easement to the veterinary clinic but the City is staying out of it because it wasn't a condition, we are leaving the burden to the two property owners.

James Eagle Eye said as per a recommendation from legal counsel, and we have an Applicant that has attempted to provide the agreement and access to the veterinary clinic. He doesn't feel that we should hold up the Applicant's project. He said the Applicant has tried to be the good neighbor and give an access to the veterinary clinic when they're not required to do so.

Len Goodwin said the Applicant offered the draft agreement by letter on April 1<sup>st</sup> and they were aware

of ODOT's comments dated March 20<sup>th</sup>, that the easement would be required. Then on April 24<sup>th</sup> ODOT issued its comments, which do not comment upon a shared access agreement or easement. He is concerned whether or not the Applicant has changed its position after April 24<sup>th</sup>, given the knowledge at that time that ODOT would require an access agreement.

James Eagle Eye said his interpretation was that the Applicant intended to give the easement regardless of whether or not it was required by ODOT.

Andrea Larson, Fern Ridge School Board Chairperson, said the veterinary clinic and the two property owners have all received a letter of intent offering a 20 by 80 ft. easement. She said the Applicant fully intends to give an easement access to all three property owners but she's not sure why the property owners are dragging their feet.

James Eagle Eye said for clarification, yes, what the Applicant intends is feasible.

Len Goodwin said the Applicant intends to do it, whether it's feasible or not remains a question.

Andrea Larson said it is feasible, it's been explored and the Applicant has gone above and beyond.

James Eagle Eye said he's concerned about holding up a project while two parties, outside of the City, work out an agreement.

Kevin Conlin said he can vote against something that he's not sure what he's voting on even if he can't go forward with the requirement. He said that's why this discussion was helpful and that he's grateful the Commission was provided with legal counsel's recommendation and also to hear Ms. Larson's comments tonight. He said it's a situation that without some clarification as to present intent, we have a problem. He said he felt the entire discussion, however frustrating for some, was very worthwhile.

James Eagle Eye said everyone agrees that it's in the best interest of the City to have an access easement agreement in place so the business can continue and to allow the Applicant to move forward with their project. He said we can't require that and we've heard the intent of the Applicant. He said he doesn't know how else we could put a condition in that would make the Commission feel more comfortable.

Len Goodwin suggested as a condition, include the following language on page 5, Item 2. Site Plan Amendment . . . of the Proposed Final Order "the Commission notes that the Applicant has offered a shared ingress and egress easement to the property owner of tax lot 1000, which is not a requirement or a condition of approval but a finding." He said if it goes to LUBA it will be in the record.

Kevin Conlin suggested the following language be included "in reaching this conclusion, the Commission . . .".

Len Goodwin said it should read as follows "In making this finding, the Commission notes that the Applicant has offered an ingress and egress easement to the owner of tax lot 1000". He said that doesn't address tax lot 1008 and 1009 because they have legitimate access from E. Broadway and whether or not they are damaged is for them to determine on their own.

**MOTION: Len Goodwin made a motion to approve as conditioned with the exception of modifying condition 8 "the Applicant shall install a fence" leaving out the words "sight obscuring" and deleting the related "at least 75% opaque . . ." and as conditioned and modified. Kevin Conlin seconded the motion.**

Garbett asked for clarification, when you say "modify, does that include the recommendation to modify condition 10, the Applicant had wanted the state highway approach permit.

**MOTION: Len Goodwin withdrew the motion.**

**MOTION: Len Goodwin made a motion to approve modifying conditions 1, 2, 8, and 10 of the Proposed Final Order and include the addition of the finding on page 5, no. 2. Kevin Conlin seconded the motion which passed with a vote of 5-0.**

**V. Other**

Bork asked the Planning Commissioners if they were interested in changing the meeting start time to 6:30 p.m. She said the Council chose to move their meeting start time to 6:30 p.m. beginning July 1, 2015.

Commissioners agreed they would give it some thought and have a brief discussion at the July 7<sup>th</sup> meeting.

In response to a question from Len Goodwin, Bork said with regard to Ms. Boothe's comment about changing the zoning where her business is located on Jeans Rd., she said she compiled code amendments, included information on the residential piece, and incorporated Ms. Boothe's comments on the retail aspect in the Light Industrial zone. She said she mentioned there was a possibility of extracting all reference to the urban service boundary out of the comp plan to make sure the plan is up to date because we no longer use that terminology. She said it's taking longer than she thought but she should have it on next month's agenda.

After a brief discussion, it was the consensus of the Planning Commission to have the July 7<sup>th</sup> meeting.

**VI. Adjourn**

Chair James Eagle Eye adjourned the Veneta Planning Commission at 8:19 p.m

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James Eagle Eye, Chairman

ATTEST:

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Darci Henneman, City Recorder