

AGENDA
Veneta Planning Commission
TUESDAY – December 6, 2016 – 6:30 p.m.
Veneta City Hall 88184 8th Street

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 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. APPROVAL OF MINUTES

a. November 1, 2016

4. REVIEW PROPOSED CODE AMENDMENTS – TREE CODE (USA)

5. UPDATE – NORTHEAST EMPLOYMENT CENTER

6. TRANSPORTATION ADVISORY COMMITTEE APPOINTMENTS

7. OTHER

8. ADJOURN

Location is wheelchair accessible (WCA). Communication interpreter, including American Sign Language (ASL) interpretation, is available with 48 hours' notice. Contact Darci Henneman; Phone (541) 935-2191, FAX (541) 935-1838 or by TTY Telecommunications Relay Service 1-800-735-1232.
THIS MEETING WILL BE DIGITALLY RECORDED.

Minutes of the Veneta Planning Commission

November 1, 2016

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

Absent: Kevin Conlin

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

I. REVIEW AGENDA

Chair James Eagle Eye called the Veneta Planning Commission to order at 6:30 p.m. and reviewed the agenda.

II. PUBLIC COMMENT

Herb Vloedman, 25115 Luther Ln., Veneta, OR

Mr. Vloedman said he wanted to circle around to the economic development environment in our area. He said he was sad to hear that Broadcom would not be coming to Lane County and move forward with recommissioning that facility, which would bring a number of benefits to our area. He said we're likely going to have to take care of ourselves and look at what we can create here and hopefully backfill that loss. He said the plant is back on the market. He said as a Planning Commissioner, he's hopeful they look at the work they're doing is clear and concise for residents and commercial development.

III. APPROVAL OF MINUTES

MOTION: Lily Rees made a motion to approve the September 26, 2016 Joint Work Session minutes. Calvin Kenney seconded the motion which passed with a vote of 4-0.

MOTION: Calvin Kenney made a motion to approve the October 4, 2016 minutes. Len Goodwin seconded the motion which passed with a vote of 4-0.

IV. PROPOSED CODE AMENDMENTS (TREE CODE AND GREENWAY-OPEN SPACE SUBZONE)

Garbett reviewed the proposed code amendment options to the tree code, Veneta Municipal Code (VMC) Chapter 8.10 and an amendment to the Greenway-Open Space Subzone. She said the amendment to the Greenway was recommended by legal counsel in order to reinforce a provision already listed in the Wetland Protection Ordinance (VMC Chapter 18.1). She said the tree code was last updated in 2008. She said one Type B permit initiated some of the amendments regarding logging debris left on a fairly large 20 acre site that the owner didn't plan on developing. She said staff didn't really have the authority to address the issues nearby subdivision residents were having. Staff met with the Dept. of Forestry to get some insight on what could be done with debris left over from logging.

Issue #1:

Tree preservation is not required for Type B permits. Some Type B permits involve large undeveloped sites (one acre or more). Therefore, a property owner with one (1) acre or more of property and located in a residential zone, is able to clear cut a large piece of property with no tree preservation required. Depending on the size and species of the trees in question, tree mitigation (replacement) may be required or the applicant may pay in lieu of tree replacement.

Decision:

Should Type B tree permits that involve a vacant undeveloped site, one (1) acre or more in size, require tree preservation?

Len Goodwin said he felt the Planning Commission should discuss whether or not our definition of a commercial woodlot is too restrictive: if a 20 acre forested parcel is cleared, is it a commercial woodlot if the trees were grown for commercial harvesting, or if they were there when the property was purchased and is there really a difference in how we regulate the property just because the trees were already there and not planted for commercial harvesting.

Bork said currently, the only definition is if property has a tax deferral status, then a type D tree permit would apply for commercial logging. Type B permits would apply to large parcels that are not considered commercial logging or if they do not have tax deferral status.

James Eagle Eye said we need to be able to regulate larger lots being logged as commercial logging or planned to be harvested, etc.

Len Goodwin said he's sensitive to Mr. Vloedman's comment: do we want to regulate them the same way? He said currently there's a very narrow distinction between the two. Do we want to regulate the elimination of trees on a non-commercial woodlot the same as a commercial lot or should there be a difference. He said should we look at our regulatory hand be a little lighter.

Bork suggested treating Type B permits without as many restrictions. She said staff can bring back the pros and cons for that.

Garbett said one option to tree mitigation is tree preservation. She said the case that was referenced in the staff report; the property owner preserved so many existing trees, so they weren't required to provide replacement trees for the trees they removed. She said tree preservation is also encouraged because tree replacement is expensive - \$250 per required tree replacement.

James Eagle Eye said its difficult to remove trees from some of the bigger lots if there's no planned development but if the trees are gone, there's no options. If some preservation work is done and something is left so when it is developed, it may or may not work out, but there's something there to work with.

Bork said a scenario with less restriction for a Type B permit, would be if someone comes in and clears a lot and then two years later, submits a subdivision application – there's nothing to preserve and there's no tree replanting requirements in that subdivision except for street trees if they are required.

James Eagle Eye said we need to keep in mind if all the trees are removed and nothing is done as far as other vegetation and erosion happens, we could end up with a condition that's not favorable to the City.

In response to a question from Lily Rees, Garbett said she would research which lots on the map are tax deferred and would require a Type D permit and provide that information at the next meeting.

Lily Rees said she's concerned about run off when it comes to clear cutting property.

Issue #2:

Tree permits, except Type C, do not require notice or posting on site of a pending permit to surrounding property owners.

Decision:

Should courtesy notice be required to adjacent property owners (within 100-feet) for Type B tree permits that involve one (1) acre or more of property, a vacant undeveloped site and removal of ten (10) trees or more? And/ or should the site be posted at the property for which the Type B permit has been issued?

James Eagle Eye said the more notice the better. He said it's a courtesy we should do.

Len Goodwin agreed but said we need to be careful with the notice, unless we make it abundantly clear. He said even if we state that there's no right to object and no opportunity to comment, we'll still have people coming to City Hall wanting to comment. He said he agrees we should do the courtesy notice but make it very clear why they don't have an opportunity to object.

James Eagle Eye said he believes a lot of those folks will show up any way, whether or not they get the information up front, they will still be here.

Len Goodwin suggested only adjacent property owners would receive notice, rather than all property owners within 100 ft.

Issue #3:

The definition and use of word "tree" in the code causes confusion. The Tree Code defines "tree" as any 'Significant' tree. The code also includes a separate definition for 'Significant' tree and a definition for 'Heritage' tree. The code mentions 'trees' throughout, and in some instances may be referring to Significant trees or both Significant and Heritage trees. For instance, VMC 8.10.030 – Tree removal permit required states, *"No person shall remove or transplant any tree without first obtaining a tree removal permit as required by this chapter."* Based on the definition of 'tree', removal of Heritage trees would not require a tree permit.

Decision:

Should the word 'regulated' or 'protected' be added to the code when mentioning 'trees'? Or should the definition of 'tree' in VMC 8.10.120(14) be modified to include 'Heritage' and 'Significant' trees?

Len Goodwin suggested the second choice is easier to work with. He said we still need to find the definition but we should remove "significant or heritage".

In response to a question from Lily Rees, Bork said more mitigation is required to remove heritage trees.

In response to a question from Ingham, Len Goodwin explained there are regulated and unregulated trees and among the regulated trees there are two types - heritage and significant.

Bork said the code only identified significant trees and it's not completely clear so she's hoping to address that piece of code.

Issue #4:

Currently, there is no mechanism in place to require timely (within a specific time period) tree replacement planting for Type B and Type D permits which are not reviewed concurrent with a development review process (i.e. land division, subdivision, site plan review, etc.). If replacement trees have not been planted prior to expiration of a Type B permit (three years) then staff would need to try and contact the applicant with a potential violation notification.

Decision:

Should tree mitigation (replacement trees) required by a Type B permit be required to be planted within a specific timeframe (i.e. within one year of tree permit approval)? Currently, replacement trees are required to be *'planted prior to plat for land divisions'* and *'prior to issuance of certificate of occupancy'* for other applications and shall *"run with the land until all required mitigation has been completed"*, per VMC 18.10.120(3)(d). Type B permits that are not associated with land division or a certificate of occupancy, expire after three years per VMC 8.10.060(4) – Application review procedure. Type C permits expire when the accompanying land use application expires per VMC 8.10.060(2)(b).

Len Goodwin suggested a time frame would make it easier for staff.

In response to a question from Calvin Kenney, Bork said it would be difficult to track property when it's sold but we could record the agreement with Lane County Deeds and Records which would follow the land and not the owner.

Len Goodwin said we could give a two year expiration but with an exception that the development application must also be submitted within that time. He said so if it's sold in six months, and they want to develop, we don't require tree mitigation but require the trees based on the type of development. He also said the development agreement would be recorded and follow the land and not the owner.

Bork said currently they have three years to replant after development.

After a brief discussion, it was the consensus of the Planning Commission that three years is too long.

Issue #5:

The Tree Code includes alternatives to on-site mitigation if trees have been removed, including, 'payment in lieu of planting' mitigation trees. Should the applicant be required to provide payment in lieu of mitigation if an associated land use expires for a Type C permit? For example, if an applicant pursued Type C Tree permit approval concurrently with Tentative Partition approval and the applicant chose the option to plant mitigation trees, the final order for the Tentative Partition would require those mitigation trees to be planted prior to final plat. However, if final plat was never pursued, it would be difficult to enforce planting of mitigation trees.

Decision:

Should a Type C permit applicant be required to provide payment in lieu of mitigation if the associated land use permit expires?

James Eagle Eye said its in the City's best interest to take care of it and not pass it on to the developer.

Garbett suggested that once it expires and they haven't planted the trees, we would require payment within 10 days and be associated with a time frame so we make sure everything's completed.

Len Goodwin suggested we require a bond. However, that could be a significant impediment to development, if they know they have to pay tree mitigation but if we require a bond and the permit expires, we foreclose on the bond and we get the cash and we're out of the hassle. He suggested we consult legal counsel.

Ingham suggested rather than requiring a bond, we require a cash payment and if they planted, we could refund it and give them credit for the trees planted.

Issue #6:

Tree removal, particularly clear cutting, can encourage growth of invasive species. Logging debris piles are an attractive nuisance within city limits and a potential fire hazard. The Tree Code does not currently include provisions for addressing debris post tree removal. Although not directly related to debris due to tree removal, the municipal code does include some provisions for regulation of "nuisances" per Veneta Municipal Code (VMC) Chapter 8.05 – Nuisances. For instance, VMC 8.05.030 Rodent control, prohibits conditions attracting rats, VMC 8.05.050 prohibits unguarded machinery, equipment or other devices which are attractive, dangerous and accessible to children; and also lumber, logs or piling placed, or stored, in a manner so as to be attractive, dangerous and accessible to children. In addition, VMC 8.05.060 regulates noxious vegetation (i.e. poison oak, poison ivy, blackberries) but does not apply to property in excess of one acre unless the vegetation is a health

hazard, a fire hazard or traffic hazard).

Decision:

Should the tree code include provisions for debris, site clean-up (noxious vegetation management) after Type B and Type C tree permit approval?

James Eagle Eye said there have been two recent instances where there was a big mess left after the property was logged and it shouldn't have been allowed to be left that way.

Garbett said most of the complaints came from adjacent property owners on Lindsay Lane wanting to know why the site wasn't cleaned up after it was logged.

Len Goodwin said he's concerned that we're going to require the property owner to take an action to create an unofficial park. He said he doesn't want to get focused on eliminating noxious vegetation and he understands that residents don't want a five acre blackberry patch but how do we do that without imposing an excessive burden on the property owner.

James Eagle Eye said he's more concerned about what's left after logging takes place, how we enforce clean up, and fire hazard, nuisance weeds, etc.

Bork said maybe residents are more concerned about the slash piles and stacked logs than they are about blackberries taking over. She said we do we have recourse to make them remove the blackberries.

Garbett said for lots within City limits, our Code takes the place of the Oregon Dept. of Forestry guidelines.

Bork said we did that so we can write our own code, which is more restrictive.

Lily Rees said the slash piles could be chipped and spread but chipping is expensive.

James Eagle Eye said the debris piles can be problematic for neighbors because they attract rodents and other small animals plus the possible fire danger they bring.

Len Goodwin said we need to find a middle ground approach but we don't want to create a hazard or nuisance. He said unless it's directly effecting an abutting property owner, we don't make it our issue. He said beyond noxious vegetation, piles of debris need to be managed in a way that they're not dangerous to other people or the environment.

Garbett said we could require debris piles be a certain distance from a property line.

James Eagle Eye said any fire hazard isn't going to change regardless of where the debris piles are located.

Bork said the only hazard issue is if they clear cut and leave borders that are subject to wind throw. She said we don't address that anywhere in our current code. We've had a couple of complaints from adjacent property owners that trees died after an adjacent lot was logged and currently the property owner is required to remove any dead tree at their own expense.

After a thorough discussion, it was the consensus of the Planning Commission that there are some issues here and we need to find a balance. Bork said if we can't address it in the code, staff would address it on an individual basis with the resources we have.

James Eagle Eye said he doesn't want to put staff in that position but suggested they review what we

have to enforce it.

Issue #7:

The Tree Code requires city confirmation of tree condition in terms of removal of a dead or hazardous tree and also states that staff may obtain the opinion of a certified arborist (at the owner's expense) if unable to verify tree condition per Veneta Municipal Code, Chapter 81.10.040.

Decision:

Should Veneta Municipal Code Chapter 8.10.040 be amended to require the applicant to provide written documentation prepared by a certified arborist (with a photo of the tree in question) to the City in order to confirm a tree is hazardous or dead?

Bork said this code amendment puts the burden on the property owner so if an applicant wants to remove a tree, they have to hire an arborist if staff can't determine that that the tree is hazardous. She said some times its obvious that a tree is dead and sometimes it's not. She said the way the code is currently written, staff will get confirmation from an arborist but staff would like to change the code to make it the property owner's responsibility.

In response to a question from Herb Vloedman, Bork said the applicant will need to retain an arborist only when the health of the tree is not obvious.

In response to a question from Len Goodwin, Garbett said at least once a month a resident wants to cut down a hazardous tree on their own property and it's difficult for staff, in some cases, to determine whether or not it's a hazardous tree.

Ingham said in most situations it's not a heritage or significant tree so it can be removed.

Garbett said in one instance, it was a heritage tree, so there was a lot of tree replacement required. She said the applicant in this case, was happy that they had options and obtained an arborist to determine if the tree was hazardous.

Bork said we want to make sure the code reads "applicant is unable to verify the condition of the tree" rather than "staff is unable to verify the condition of the tree".

Issue #8:

The Greenway-Open Space Subzone per Veneta Land Development Ordinance No. 493, Section 4.12 indicates permitted uses within the greenway but does not cite allowances for development within the greenway considering an approved variance to the Wetland Protection Ordinance, VMC 18.10.

Decision:

Should Veneta Land Development Ordinance No. 493, Section 4.12(3)(I) be amended to state that parcels with no usable building sites may be granted to allow development on the parcel in accordance with the standards listed in VMC 18.10 – Wetland Protection Ordinance?

In response to a question from James Eagle Eye, Len Goodwin said he felt this gives us a little protection against an unintentional taking situation. He said we have the ability to grant a variance to avoid a taking but we don't grant it if it's created by the property owner but just to confirm that we're going to find a way to avoid a taking.

James Eagle Eye said we have additional verbiage in other sections of the code, but here we've trimmed it down to say "there's no development on that lot". He said it seems that we've trimmed down the conditions so they still have to refer back to the variance conditions. He said the code has other requirements.

After a brief discussion, it was the consensus of the Planning Commission to direct staff to bring this back with an example.

V. OTHER

Bork said staff sent out an email regarding the Planning Commission advertisement and subsequent appointment of Calvin Kenney to the Planning Commission.

Bork said ODOT has agreed to fund the Transportation System Plan update and we're forming an Advisory Committee. She said ideally the Committee should include one or two members of the City Council and Planning Commission to serve on that committee. She said she wanted to pass that information on and asked Chair Eagle Eye how he would like to make that determination.

Bork provided a brief background on the City's current Transportation System Plan, which is a 20 year transportation plan for the City and it has not only street projects identified but sidewalk and bicycle projects, including some off road bicycle projects were identified. She said the update would also prioritize all of those infrastructures projects, and it would update policies and implementation strategies. She said the one we have now has expired and was developed in 2000, also the population projections are old and not consistent with the Buildable Lands Inventory (BLI) so when we do future traffic impact scenarios, we'll use those updated figures. She said DKS Consulting is the consultant hired for the project. She said they did the Highway 126 Fern Ridge Corridor Plan, and are working on transportation plans for Lane County and the City of Creswell. She said the Advisory Committee would meet roughly five times over a 14 to 18 month period. She said it would be an extra meeting once every three months. She said the citizen positions have been advertised and already she knows of three interested individuals.

VI. ADJOURN

Chair James Eagle Eye adjourned the Veneta Planning Commission at 7:39 p.m

XXXXXXXXXXXXXXXXXXXXX
James Eagle Eye, Chair

ATTEST:

XXXXXXXXXXXXXXXXXXXXX
Darci Henneman, City Recorder

VENETA PLANNING COMMISSION

AGENDA ITEM SUMMARY

Title/Topic: Proposed Code Amendments (Tree Code, Veneta Municipal Code, Chapter 8.10 – Tree Cutting, Destruction and Removal)

Meeting Date: December 6, 2016
Department: Community Development

Staff Contact: Lisa Garbett
Email: lgarbett@ci.veneta.or.us
Telephone Number: 541-935-2191 Ext. 304

ISSUE STATEMENT

Planning Commission is being asked to review the final code amendments addressing the Tree Code (Veneta Municipal Code, Chapter 8.10 – Tree Cutting, Destruction and Removal) in response to our discussion last month and before scheduling a public hearing.

BACKGROUND

At the November 1, 2016 meeting, Planning Commission reviewed several options for amending the code to address issues with the City's tree removal standards.

Staff brought forward suggested amendments to address Veneta Municipal Code, Chapter 8.10.080(3) – Approval Criteria for Type B tree permits, Chapter 8.10.140(1) – Notice and Appeal, Chapter 8.10.120(14) – Definitions, Chapter 8.10.120(3)(d) – Replacement Trees, Chapter 8.10.120(4)(a)(ii) – Payment in Lieu of Planting, Chapter 8.10.200 – Post Tree Removal Requirements for all tree permits (Type A – D) and Chapter 8.10.040 – Exceptions. The final code amendments will also include previously approved Sign Code modifications (Veneta Land Development Ordinance No. 493, Section 5.15 – Signs).

Attachment 'A' includes the complete text amendments shown in **red** and underlined font. Attachment 'B' includes a reference map with all property within city limits that are one (1) acre or more in size and undeveloped. The map also highlights all properties within city limits which are currently in Lane County Tax Deferred Status (i.e. Forest Land Deferral) according to the shared Geographic Information System provided to staff by Lane County.

After review of proposed amendments at the November 1, 2016 meeting, the Planning Commission provided a response to each of staff's decision questions. Staff's questions (shown in italics), followed by a brief summary of Commissioner's response is provided below. In instances where the Planning Commission requested additional information or had questions, staff response is provided below.

- 1) Should Type B tree permits that involve an undeveloped site and one (1) acre or more in size, require tree preservation?*

Planning Commission response:

Does the City want to regulate the elimination of trees on a non-commercial wood lot? Please provide a list of pros and cons.

Staff response:

Currently, tree preservation is not required but encouraged for Type B permits. It is encouraged through a provision which allows credit towards replacement tree requirements on a tree for tree basis for preservation or retention of relatively small, non-regulated trees. Some Type B permits involve large undeveloped sites (one acre or more). Therefore, a property owner with one (1) acre or more of property and located in a residential zone, is able to clear cut a large piece of property with no tree preservation requirements. Depending on the size and species of the trees in question, tree mitigation (replacement) may be required or the applicant may pay in lieu of tree replacement or the applicant may preserve certain trees (small size than regulated trees) and receive credit towards tree replacement requirements on a tree for tree basis. Therefore, tree removal is currently regulated on non-commercial wood lots.

A pro to regulation of trees on a non-commercial wood lot is; It is important to regulate the urban tree canopy, even on non-commercial wood lots, given trees can prevent soil erosion, preserve nutrient rich top soil, slow water runoff, provide habitat for wildlife and benefits to air quality.

A ‘con’ to regulating a non-commercial wood lot is that requiring tree preservation in every instance is too rigid. The code currently encourages tree retention but requiring tree retention/preservation is too over-reaching and not flexible enough for each situation.

- 2) *Should courtesy notice be required to adjacent property owners (abutting property lines) for Type B tree permits that involve one (1) acre or more of property, a undeveloped site and removal of ten (10) trees or more? And/or should the site be posted at the property for which the Type B permit has been issued?*

Planning Commission response:

Yes, courtesy notice should be provided and posted at the site but only mailed to immediate adjacent property line with abutting property to the subject site.

Staff response:

Legal counsel assisted with proposed language, VMC 8.10.140(1) as described in the attached Code Amendments (complete text). In general, for sites larger than on-acre, the City will provide notice of approved Type B permits via First Class Mail to Owners of record of property on the most recent property tax assessment role located within 100 feet of the property for which the Type B permit has been issued.

- 3) *Should the word ‘regulated’ be added to the code when mentioning ‘trees’? Or should the definition of ‘tree’ in VMC 8.10.020(14) be modified to include ‘Heritage’ and ‘Significant’ trees?*

Planning Commission response:

The word “regulated” is preferred over “protected”, however this would add additional vernacular that is not necessary. Defining a “tree” as ‘Heritage’ or ‘Significant’ is more transparent.

Staff response:

Staff posed this question to legal counsel. It may be beneficial to capitalize the “t” in Tree each place in the Code where the Commission agrees it refers to the defined term. However, there are many other uses of the term “tree” where it is potentially not clear that the City intends to refer only to regulated “Trees” or to all “trees.” Attachment A – Proposed Tree Code Amendments depicts the word “tree” highlighted where this is questionable. Particularly, within VMC Chapter 8.10.090 regarding Type C permits, required reports and mitigation efforts, staff is asking the Planning Commission to look closely at this chapter and to determine if submitted plans (Tree Inventory Plans) should reference all trees or only regulated “Trees.”

- 4) *Should tree mitigation (replacement trees) required by a Type B permit be required to be planted within a specific timeframe (i.e. within one year of tree permit approval)?*

Planning Commission response:

Yes, but a two (2) year timeframe to plant replacement trees is more reasonable than one (1) year. Also, the Commission recommends adding the following language; “if a development application is filed for the subject site, the replacement trees should be planted consistent with conditions of approval with the development application final order”.

- 5) *Should a Type C permit applicant be required to provide payment in lieu of mitigation if the associated land use permit expires?*

Planning Commission response:

The Planning Commission suggested consulting legal counsel.

Staff response:

Staff posed this question to legal counsel. The City can impose the requirement to pay a mitigation fee in the event trees are removed and the underlying land use approval(s) expire, subject to certain required findings. Staff will ensure that such findings support any Tree Code amendments addressing this issue.

If the Commission does decide to move forward with this particular amendment, legal counsel asked about a mechanism by which the City would collect such fees. Will the City record the possibility of collection against the property and impose a lien in the event trees are not planted? Will the City require a signed recordable lien agreement with the application or as a condition of approval, which the City would collect on and/or record in the event trees aren't planted? A third option could be to treat tree replacement as part of the required (and bonded) subdivision improvements. If the developer walks away from a partially completed subdivision, the City would then have the option to call in the bond and complete the improvements, including planting trees, itself.

- 6) *Should the tree code include provisions for debris, site clean-up (noxious vegetation management) after Type B and Type C tree permit approval?*

Planning Commission response:

Not creating an attractive nuisance is important. The size & amount of logging piles can become an issue. We should ensure management of piles of debris so they aren't dangerous. The City Administrator asked, "What are the benefits of the Oregon Forest Practices Act in terms of slash piles and debris, site clean-up after tree removal?"

Staff response:

The State of Oregon website indicates that the forest practice rules, "allows slash treatment and burning for site preparation as long as soil, air, and water are protected. Following a harvest, slash (or tree tops, limbs, and defective wood) is often left on site and may require treatment to make the site ready for successful reforestation (site preparation), to reduce wildfire hazards, or both. Piling, burning, and chipping are examples of slash treatments and may be done in combination with site preparation or separately."

There are several cities in Oregon who have their own forest practice regulations. For example, attached is a list of local governments with Forest Practice Regulations Supplanting the Oregon Forest Practices Act (FPA) for reference (Attachment C).

In terms of treatment of slash, the Oregon Forest Practices Act describes the treatment of slash as: "treatment of slash is recognized as a necessary tool for the protection of reproduction and residual stands from the risk of fire, insects, and disease, to prepare the site for future productivity and to minimize the risk of material entering streams. Such treatment may employ the use of mechanical processes, fire, chemical or other means to minimize competitive vegetation and residue from harvesting operations." Staff recommends adding a new section (VMC 8.10.155 – Tree Removal Site Requirements) in order to address post Tree Removal debris and other potential nuisances that may occur after Tree Removal. Staff also is proposing to add a definition for "slash", see VMC 8.10.020 (12) in Attachment A.

- 7) *Should Veneta Municipal Code Chapter 8.10.040 be amended to require the applicant to provide written documentation prepared by a certified arborist (with a photo of the tree in question) to the City in order to confirm a tree is hazardous or dead?*

Planning Commission response:

Yes, the applicant should be required to provide written documentation by a certified arborist (with a photo of the tree in question) to the City in order to confirm a tree is hazardous or dead.

- 8) *Should Veneta Land Development Ordinance No. 493, Section 4.12(3)(l) be amended to state that parcels with no usable building sites may be granted to allow development on the parcel in accordance with the standards listed in VMC 18.10 – Wetland Protection Ordinance?*

Planning Commission response:

The Planning Commission suggested checking with legal counsel and providing an example. Commissioners were also concerned that this could create an unintentional taking situation.

Staff response:

Staff inquired with legal counsel and there is not a need for this additional language/ amendment given the exact scenario is covered by the interaction between VMC 18.10.060 and VLDO 493, Section 4.12(3)(k). Specifically, VMC 18.10.060 allows for a wetlands variance in the event that a lot is rendered unbuildable. Such a variance is then recognized by VLDO 493, Section 4.12(3)(k).

Below are the proposed amendments to the code sections. Additions are underlined and deletions are shown with strikethrough.

Add Veneta Municipal Code, Chapter 8.10.020(12) – Definitions

(12) “Slash” means tree tops, branches, bark and other natural debris, left after Tree Removal.”

Amend Veneta Municipal Code, Chapter 8.10.040 – Exceptions

“(1) Removal of ~~d~~Dead or ~~h~~Hazardous trees, ~~upon city confirmation~~ subject to city’s approval of applicant providing documentation to the City of a certified arborist’s written report confirmation of the tree’s condition. Said report shall be submitted to City by owner, and obtained at Owner’s sole expense. Certified arborist determinations of Dead or Hazardous or dead trees shall be supported by one or more photographs of the tree in question. If unable to verify the condition of a tree, staff may obtain the opinion of a certified arborist at the owner’s expense. When ~~t~~Trees are ~~r~~Removed due to hazardous conditions, the owner may qualify for assistance from the city tree fund to aid in replacement of the ~~t~~Trees ~~r~~Removed.”

Amend Veneta Municipal Code, Chapter 8.10.080(3)

“(3) Approval Criteria. Tree ~~r~~Removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section, has provided complete and accurate information as required by this chapter, and where the proposal includes provisions for mitigation and tree protection in accordance with VMC 8.10.120 and 8.10.130. (Ord. 483 § 8, 2008) If the site is undeveloped and larger than one (1) acre, the applicant shall preserve at least 25% of the total tree canopy area on the site.”

Amend Veneta Municipal Code, Chapter 8.10.120(3)(d) – Replacement Trees

“(3)(d)(d) Replacement trees shall be planted prior to the earlier of: final plat approval for land divisions; and prior to issuance of final certificate of occupancy for other land use applications approvals; or within two (2) years after the issuance of the Tree Removal permit approval. Planting shall be consistent with any applicable conditions of approval imposed within the subdivision, land development or Tree Removal permit approval. Mitigation requirements shall run with the land until all required mitigation has been completed;”

Amend Veneta Municipal Code, Chapter 8.10.120(4)(a)(ii) – Payment in Lieu of Planting

“(4)(a)(ii) Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council. In the event the land use or land division approval (Approval) associated with a Type C Tree Permit expires and Trees were Removed in accordance with a Tree Removal permit, owner shall make a payment in lieu of planting for all required replacement trees within ten (10) days after expiration of the Approval.”

Amend Veneta Municipal Code, Chapter 8.10.140(1) – Notice and Appeal

“(1) For sites larger than one-acre, City will provide notice of approved Type B permits via First Class Mail to Owners of record of property on the most recent property tax assessment role located within 100 feet of the property for which the Type B permit has been issued. Failure to provide such notice will not invalidate an approved permit, nor does the notice or lack thereof provide any right of appeal.”

Add Veneta Municipal Code, Chapter 8.10.155 Tree Removal Site Requirements.

“Properties on which Trees are Removed shall be maintained in accordance with the following standards:

- a) All logging equipment shall be removed no later than 30 days after tree Removal. The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d)
- c) Property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation.
- d) Slash shall be chipped within thirty (30) days after Tree Removal.”

PLANNING COMMISSION OPTIONS

Review, comment and provide policy recommendations on proposed code amendments.

SUGGESTED MOTION

1. Review and comment on proposed revisions and set public hearing date.

ATTACHMENTS

- A. Proposed Code Amendments (Complete Text)
- B. Map - Lane County Tax Deferred Status (Forest Land Deferral) & undeveloped property
- C. List of Local Governments with Forest Practice Regulations Supplanting the Oregon Forest Practice Act (FPA)

Chapter 8.10
TREE CUTTING, DESTRUCTION
AND REMOVAL

Sections:

8.10.010 Purpose and declaration.

8.10.020 Definitions.

8.10.030 Tree removal permit required.

8.10.040 Exceptions.

8.10.050 Application for ~~tree~~ tree removal permit.

8.10.060 Application review procedure.

8.10.070 Type A permit.

8.10.080 Type B permit.

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8.10.100 Type D permit.

8.10.110 Amendments to approved permits.

8.10.120 Mitigation.

8.10.130 Tree protection during construction.

8.10.140 Notice and appeal.

8.10.150 Timing of removal, display of permit – Inspection.

8.10.160 Violation – Enforcement.

8.10.170 Alternative enforcement.

8.10.180 Findings of fact.

8.10.190 Amendments.

8.10.010 Purpose and declaration.

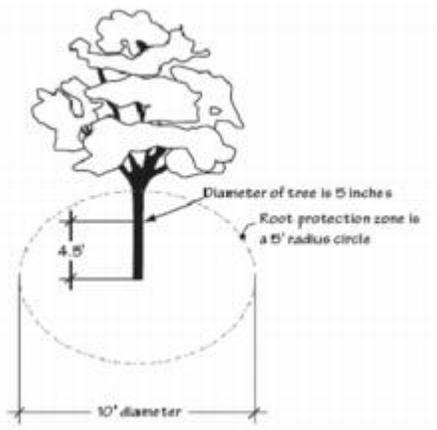
Pursuant to ORS 527.722, the city has chosen to regulate non-commercial cutting, destruction, and removal of trees in place of the Oregon Forest Practices Act. This chapter is intended to preserve and enhance the urban forest within the city of Veneta through the prudent management of existing trees, and the continual replacement and establishment of new trees compatible with an urban environment. Specifically, the council finds the following:

- (1) Trees and wooded areas, especially large native trees, are a large part of the aesthetic appeal of Veneta.
- (2) Trees benefit the public health, safety, and welfare by protecting air and water quality, preventing erosion and flooding, reducing energy costs, increasing property values, and providing natural beauty and contrast to the built environment which contributes to the physical and mental well-being of residents.
- (3) Trees enhance the local economy and increase property values by providing an attractive and aesthetically pleasing environment.
- (4) Management of Douglas fir for commercial purposes is a historic use which should continue to be accommodated while preserving those trees that have the highest value as part of Veneta's urban forest. (Ord. 483 § 1, 2008)

8.10.020 Definitions.

- (1) "Building official" means the Veneta building and planning official or designee thereof.
- (2) "Critical root zone" or "CRZ" means a circular area determined by either of the following methods. The method used shall be indicated on the plans.
 - (a) Method A. A circular area equal to one foot in radius for every inch of tree diameter at breast height measured from the outside trunk of the tree at four and one-half feet above ground level; or
 - (b) Method B. An area determined for an individual tree to be the necessary root area for the tree's continued normal growth as demonstrated in a written report by a certified arborist and based on documented field investigations. Reasonable alteration of the shape based on factors

such as existing infrastructures, tree lean or steep slopes may be considered.



- (3) “Commercial wood lot” means parcels or lots which meet the following criteria on the effective date of the ordinance codified in this chapter:
 - (a) The site is at least two acres in size.
 - (b) Trees have been actively managed and maintained on the subject property for the purpose of harvesting.
 - (c) The owner has supplied the city with proof that the property has been in tax-deferred status under state law provisions such as forest land deferral or small woodlands deferral for a minimum of five consecutive years immediately prior to application.
- (4) “Diameter at breast height” or “dbh” means the diameter of the tree measured in inches at four and one-half feet above ground level. For trees with multiple trunks, dbh shall be measured at the narrowest point between ground level and the point where the trunk diverges, or shall be the sum of the diameters of the two largest trunks at breast height, whichever is smaller. All measurements shall be rounded to the nearest inch.
- (5) “Dead” means the tree is obviously lifeless without any live leaves, needles or buds.
- (6) “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.
- (7) “Hazardous tree” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- (8) “Heritage tree” means any of the following which are not ~~h~~Hazardous trees as defined above.

Oregon white oak	18" or more dbh
Madrone	18" or more dbh
Douglas fir	48" or more dbh

Any other tree 36" or more dbh

(9) "Impacted tree" means a ~~s~~Significant tree whose ~~e~~Critical ~~r~~Root ~~z~~Zone will be impacted by proposed development. Impacts include, but are not limited to, fill, cuts, soil compaction, paving, placement of structures, stockpiling of soil, utility trenching and other activities that may impact the health and viability of the tree.

(10) "Remove" means:

(a) To cut down a tree, or to damage a tree so as to cause the tree to decline and/or die within a three-year period. Types of damage which may constitute removal include but are not limited to ~~t~~Topping, damage inflicted upon a root system by application of toxic substances, and girdling. "Removal" does not include normal trimming or pruning of trees as defined by ANSI A300 pruning standards current on the day this definition was adopted.

(b) To perform activities which result in impacts to more than 30 percent of the critical root zone if the CRZ is determined by Method A in subsection (2) of this section.

(c) To perform activities which impact any of the CRZ if determined using Method B in subsection (2) of this section.

(11) "Significant tree" means any of the following as well as trees which have been planted or individually preserved as part of a previous ~~t~~Tree ~~r~~Removal permit.

Any tree	18" or more dbh
Douglas fir	18" or more dbh
Big leaf maple	12" or more dbh
Chinquapin	12" or more dbh
Oregon ash	8" or more dbh
Pacific dogwood	6" or more dbh
Madrone	6" or more dbh
Red alder	6" or more dbh
Ponderosa pine	6" or more dbh
Western red cedar	6" or more dbh
California black oak	6" or more dbh
Oregon white oak	6" or more dbh

(12) "Slash" means tree tops, branches, bark and other natural debris, left after Tree Removal.

(13) "Street tree" means any tree planted or preserved within a dedicated street right-of-way.

~~(143)~~ "Topping" means the severe cutting back of a tree's limbs to stubs within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

~~(154)~~ "Tree" means any ~~s~~Significant tree. (Ord. 483 § 2, 2008)

8.10.030 Tree ~~¶~~Removal permit required.

No person shall ~~¶~~Remove or transplant any ~~¶~~Tree without first obtaining a ~~¶~~Tree ~~¶~~Removal permit as required by this chapter. (Ord. 483 § 3, 2008)

8.10.040 Exceptions.

Notwithstanding VMC 8.10.030, the following activities are allowed without a ~~¶~~Tree ~~¶~~Removal permit, unless otherwise prohibited:

(1) Removal of ~~d~~Dead or ~~h~~Hazardous trees, ~~upon city confirmation subject to city's approval of applicant providing documentation to the City of a certified arborist's written report confirming of the ¶Tree's condition. Said report shall be submitted to City by owner, and obtained at Owner's sole expense. Certified arborist determinations of Dead or Hazardous trees shall be supported by one or more photographs of the tree in question. If unable to verify the condition of a tree, staff the applicant~~ may obtain the opinion of a certified arborist at the owner's expense. When ~~¶~~Trees are ~~¶~~Removed due to hazardous conditions, the owner may qualify for assistance from the city tree fund to aid in replacement of the ~~¶~~Trees ~~¶~~Removed.

(2) Agriculture, Commercial Tree Farm or Orchard. Tree ~~¶~~Removal or transplanting occurring during use of land for commercial agriculture, orchard(s), or tree farm(s) for nursery or Christmas tree production. Removal of ~~¶~~Trees for timber production requires a Type D permit.

(3) Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order, and it is impractical due to circumstances to apply for a permit.

(4) Tree ~~¶~~Removal by the city or a utility within easements, rights-of-way, or on public lands.

(5) Abatement of a nuisance as defined in Chapter 8.05 VMC. The city is not required to apply for a ~~¶~~Tree ~~¶~~Removal permit to undertake nuisance abatement pursuant to this chapter. However, the owner of the property subject to nuisance abatement is subject to all the mitigation provisions of this chapter. (Ord. 483 § 4, 2008)

8.10.050 Application for ~~¶~~Tree ~~¶~~Removal permit.

(1) A person seeking to ~~¶~~Remove one or more ~~¶~~Trees shall apply for a ~~¶~~Tree ~~¶~~Removal permit Type A, B, C, or D, depending on the applicable standards as provided in this chapter.

(a) By submission of an application, the applicant shall be deemed to have authorized city employees, representatives, or consultants to have access to applicant's property after providing 24 hours' notice as may be necessary to verify the information provided, to observe site conditions, and, if a permit is granted, to verify that terms and conditions of the permit are followed.

(2) Time of Application. Application for a ~~¶~~Tree ~~¶~~Removal permit shall be made before removing or transplanting ~~s~~Significant trees except in emergency situations as provided in VMC 8.10.040(3). Where the site is proposed for development necessitating site plan or tentative plat review,

application for a ~~Tree Removal~~ permit shall be made concurrent with subdivision, partition, site plan review, or other development application as specified in this chapter.

(3) Fees. A person applying for a ~~Tree Removal~~ permit shall pay an application fee, as established by resolution of the city council. (Ord. 483 § 5, 2008)

8.10.060 Application review procedure.

(1) Reviewing Authority.

(a) Type A, B, or D. Where site plan review or tentative plat approval by the planning commission is not required by city ordinance, the grant or denial of the ~~Tree Removal~~ permit application shall be the responsibility of the planning official.

(b) Type C. Where the site is proposed for development necessitating site plan review or plat approval by the planning commission, the ~~Tree Removal~~ permit shall be reviewed concurrently by the planning commission.

(2) Timeline and Notice – Review Period for Complete Applications.

(a) Type A and B permit applications shall be approved or denied within 10 calendar days.

(b) Type C permit applications shall be reviewed for completeness within 30 calendar days, and final action shall take place within 120 days as required by ORS 227.178. Notice of proposed action shall be given to surrounding property owners according to Land Development Ordinance ~~493461~~ Article 2. A Type C permit shall follow the hearings procedures required for the accompanying land use application. If the accompanying land use application is denied or is withdrawn or expired, the ~~Tree Removal~~ permit shall similarly be denied, withdrawn, or expired.

(c) Type D permits shall be approved or denied within 45 calendar days.

(3) Conditional Approval. Whenever an application for a ~~Tree Removal~~ permit is granted, the reviewing authority may attach to the permit any reasonable conditions considered necessary to ensure compliance with applicable standards.

(4) Tree ~~Removal~~ permits and tree surveys shall be valid for a period not to exceed three years. (Ord. 483 § 6, 2008)

8.10.070 Type A permit.

(1) A Type A permit application will be approved when all of the following conditions are met:

(a) A completed request for Type A permit has been filed on the forms provided by the city.

(b) The request is for ~~Removal~~ of three or fewer ~~Trees~~ within a single 12-month period.

(c) The ~~Trees~~ subject to ~~Removal~~ are not ~~Heritage~~ trees or ~~Street~~ trees.

(d) The ~~€~~Trees subject to ~~€~~Removal were not retained as part of a previous site development approval or planted as mitigation for a previous ~~€~~Tree ~~€~~Removal.

(e) The ~~€~~Tree ~~€~~Removal is not to be performed in conjunction with a land development which requires a land use approval including but not limited to site plan review or amendment, subdivision, or partition approval.

(2) Tree ~~€~~Removals under a Type A permit do not require mitigation; however, replanting is generally recommended, and recipients of Type A permits who wish to replant may qualify for assistance from the city's tree fund. (Ord. 483 § 7, 2008)

8.10.080 Type B permit.

(1) An applicant must apply for a Type B permit to ~~€~~Remove ~~T~~Trees when any of the following conditions are met:

(a) The applicant proposes to ~~€~~Remove more than three ~~€~~Trees within a 12-month period, independent of an application for site development review; or

(b) The applicant proposes to ~~€~~Remove a ~~€~~Tree or ~~€~~Trees which were preserved as part of a previous land use permit or planted as mitigation for previous ~~€~~Tree ~~€~~Removal; or

(c) The applicant proposes to ~~€~~Remove a ~~h~~Heritage tree; or

(d) The proposed ~~€~~Tree ~~€~~Removal is for clearing of a home site on a lot subsequent to land division approval. All ~~€~~Trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.

(2) Application for the Type B permit shall contain the following information unless specifically waived by the reviewing authority under subsection (2)(g) of this section:

(a) A brief statement explaining why ~~€~~Tree ~~€~~Removal is being requested, to ensure that another permit type or consolidated application is not more appropriate.

(b) An accurate map, drawn to scale, which shows:

(i) The shape and dimensions of the property, and the location of any existing and proposed structures, improvements, easements and setbacks.

(ii) The location of all ~~h~~Impacted ~~€~~Trees on the site including ~~e~~Critical root zones, species and/or common name, and ~~d~~Diameter at breast height (dbh).

(c) Tree Protection. Tree protection measures in conformance with VMC 8.10.130 must be outlined to address protection of the ~~tree~~ trunks, canopy and soils within the ~~e~~Critical root zones during and after the ~~€~~Tree ~~€~~Removal process. Examples of ~~tree~~ protection methods include mulching, irrigation, protective fencing, compaction reduction measures, erosion control, etc.

(d) Field Identification. All ~~€~~Trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction or application documents.

(e) Mitigation Plan. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.

(f) Existing Covenants, Conditions and Restrictions (CC&Rs). Where the applicant is proposing to ~~€~~Remove ~~€~~Trees on common areas governed by CC&Rs, the applicant shall provide a copy of the applicable CC&Rs, including any landscaping provisions.

(g) Waiver of Documentation. The reviewing authority may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to review the application, or alternate forms of information have been provided which provide sufficient detail to allow the reviewing official to review the application.

(3) Approval Criteria. Tree ~~€~~Removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section, has provided complete and accurate information as required by this chapter, and where the proposal includes provisions for mitigation and tree protection in accordance with VMC 8.10.120 and 8.10.130. (Ord. 483 § 8, 2008). If the site is undeveloped and larger than one (1) acre, the applicant shall preserve at least 25% of the total tree canopy area on the site.

8.10.090 Type C permit.

(1) Approval to ~~€~~Remove more than three ~~€~~Trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.

(2) Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no ~~€~~Trees shall be removed until the appeal has been resolved.

(3) Submittal Requirements. The applicant must provide 10 copies of a ~~€~~Tree maintenance and protection plan completed by a certified arborist that contains a summary of existing conditions and a mitigation plan as follows:

(a) Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:

(i) Property Dimensions. The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.

(ii) Tree Survey. The survey must include:

(A) An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet including:

1. The location, dbh, and **tree** number of all **i**mpacted trees (see subsection (3)(a)(iv) of this section, Field Identification).
2. The **e**ritical root zone of **i**mpacted trees, and the extent of likely impacts.
3. The common name of **i**mpacted trees.
4. Heritage trees shall be clearly noted on the survey.

(B) Where a stand of 20 or more contiguous trees will be removed, the required **tree** survey may be simplified to accurately show the location of all **h**eritage trees, and **s**ignificant trees which are within 50 feet of the edge of the development envelope. Only these **t**rees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the dbh, common name, and total number of all interior tree shall be accurately stated on the plans.

(C) Neighboring Properties. All **i**mpacted trees on neighboring properties shall be shown on the trees survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on the survey and locate the trees and CRZs to the best of their ability. The survey shall show the percentage of CRZ for **the**se trees which will be impacted by the proposed improvements.

1. When a proposal includes activities which will result in **r**emoval of **t**rees on neighboring properties, the applicant shall include the **r**emoval of the neighboring **t**rees in the permit application and mitigate for their **r**emoval.

(iii) Arborist Report. The report shall describe the health and condition of all **h**eritage trees including species, common name, dbh, approximate height, and age. The report shall identify **h**azardous, **d**ead, or **d**ying trees. The report shall identify opportunities for preservation of groves or stands of **trees** and make recommendations regarding special trees protection and maintenance practices necessary to restore preserved trees to full health.

(iv) Field Identification. Impacted trees shall be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the **tree** survey map that is provided with the application. See subsection (3)(a)(ii)(B) of this section regarding large groups of **trees**.

(v) Tree Protection. A statement addressing **trees** protection during construction in accordance with VMC 8.10.130.

(b) Mitigation Plan. A plan prepared by a certified arborist or landscape architect describing the proposed trees replacement program with a detailed explanation including the number, size, species, and planting location of replacement trees, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.

(4) Waiver of Documentation. The reviewing authority may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to determine conformance with applicable criteria, or alternate forms of information have been provided which provide sufficient detail to allow such a determination.

(5) Approval Standards for Type C Permits. All Type C permits submitted as part of a proposed residential development shall be reviewed under Option A in subsection (5)(a) of this section unless the applicant chooses the alternative design review available in Option B in subsection (5)(b) of this section. All commercial and industrial developments shall comply with the criteria of Option B.

(a) Option A – Numerical Preservation Standard for Residential Developments. Existing trees must be preserved. The total ~~T~~ree diameter on the site is the total diameter of all ~~s~~Significant trees on the site, minus the diameter of all exempt trees as defined by this chapter. The applicant must choose one of the following options. Calculations shall be in accordance with subsection (5)(c) of this section.

(i) Preserve at least 30 percent of the total ~~s~~Significant tree diameter on the site;

(ii) Preserve all ~~h~~Heritage trees and at least 30 percent of the ~~s~~Significant trees on the site;

(iii) If the site is larger than one acre, preserve at least 25 percent of the total ~~tree~~ canopy area on the site.

(b) Option B – Commercial/Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree ~~r~~Removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this chapter and where the reviewing authority determines that the following criteria have been met.

(i) The proposal includes provisions for mitigation and ~~t~~Tree protection in accordance with VMC 8.10.120 and 8.10.130.

(ii) The proposed ~~r~~Removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve ~~s~~Significant trees on the site while providing the same overall level of density and design functionality.

(iii) Other. Where the applicant shows that ~~t~~Tree ~~r~~Removal or transplanting is reasonable and necessary under the circumstances.

(c) Under Option A, when calculating the amount of ~~t~~Tree diameter and the number of ~~s~~Significant trees on the site, the applicant may choose one of the following methods of measurement:

(i) Tree Inventory. A ~~tree~~ inventory identifies all ~~trees~~ on the site, specifying location, species, and diameter of each ~~tree~~; or

(ii) Statistical Sampling. Statistical sampling may be used to estimate the total ~~tree~~ diameter and total number of ~~s~~Significant trees present. Sampling must be carried out by individuals with demonstrated experience performing such surveys and shall be based on generally accepted standard methodologies.

(iii) Tree Canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than five years old, the applicant must provide a more recent photograph. (Ord. 483 § 9, 2008)

8.10.100 Type D permit.

The owner or operator of a **e**Commercial wood lot shall apply and receive approval for a Type D permit before beginning harvesting operations of more than three **t**Trees within any 12-month period. Type D permit applications shall be reviewed by the **b**Building official.

(1) Application for a Type D permit shall include the following:

(a) Proof that the subject property is a “**e**Commercial wood lot” as defined by this chapter;

(b) A map of the property including property boundaries;

(c) The size, species and location of all **s**Significant trees other than Douglas fir;

(d) The size, species and location of all **h**Heritage trees.

(2) Approval Standards for Type D permits. An application for a Type D permit shall be granted when all of the following criteria are met:

(a) The applicant has submitted a complete application as required by subsection (1) of this section;

(b) All **h**Heritage trees other than Douglas fir will be protected according to the requirements of this chapter;

(c) All non-**f**ir **s**Significant trees in excess of three shall be mitigated according to VMC 8.10.120 or protected according to VMC 8.10.130;

(d) All applicable standards of the Oregon Forest Practice Rules are met;

(e) The applicant has submitted and obtained approval of an erosion control plan from the city engineer; and

(f) If the **t**Tree **r**Removal proposed is a final harvest, and no further planting, maintenance, or rotation of tree is proposed, the applicant shall submit a long-term erosion control and revegetation plan for review and approval. (Ord. 483 § 10, 2008)

8.10.110 Amendments to approved permits.

(1) Amendments. The planning official may allow **r**Removal of up to a total of three additional non-**h**Heritage trees as amendments to an approved Type B permit, or up to 10 additional non-**h**Heritage trees for a Type C permit subject to the mitigation requirements of this chapter. If **r**Removal of more than this number of **t**Trees, **r**Removal of a **h**Heritage tree, or substantial changes

to the mitigation plan are necessary prior to final platting or certificate of occupancy due to changes in infrastructure layout, variable field conditions, or the necessities of construction, such changes shall be reviewed by the planning official as a Type B permit subject to the mitigation requirements of this chapter. (Ord. 483 § 11, 2008)

8.10.120 Mitigation.

(1) Requirement Established. Type B or C ~~Tree Removal~~ permit grantees shall plant one replacement tree for each ~~significant tree~~ removed in excess of the three that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate non-fir ~~Trees~~ as required by VMC 8.10.100(2)(c). Mitigation is not required for ~~Removal of Hazardous, Dead, or Dying~~ trees.

(2) Heritage trees shall be mitigated based on the following methodology:

$$\text{Replacement trees} = 1 + (A - Q)$$

Where:

A = Actual dbh of the ~~Tree~~ in question.

Q = Minimum dbh for this species to qualify as a ~~Heritage~~ tree.

(3) Replacement Trees. Trees planted as mitigation must meet all of the following standards:

(a) To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;

(b) All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be state Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;

(c) All replacement trees shall be two-inch caliper. The planning official or planning commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if two-inch caliper trees are not available;

(d) Replacement trees shall be planted prior to the earlier of: final plat approval for land divisions; and prior to issuance of final certificate of occupancy for other land use applications approvals; or: within two (2) years after the issuance of the Tree Removal permit approval. Planting shall be consistent with any applicable conditions of approval imposed within the subdivision, land development or Tree Removal permit approval. Mitigation requirements shall run with the land until all required mitigation has been completed;

(e) Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and

(f) Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for three years after the planting date through an irrevocable development agreement.

(4) Alternatives to On-Site Mitigation.

(a) Relocation or Replacement Off Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:

(i) Replanting may occur on other property in the applicant’s ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the replacement trees. Nothing in this section shall be construed as an obligation of the city to allow replacement trees to be planted on city-owned or dedicated property.

(ii) Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council. In the event the land use or land division approval (Approval) associated with a Type C Tree Permit expires and Trees were Removed in accordance with a Tree Removal permit, owner shall make a payment in lieu of planting for all required replacement trees within ten (10) days after expiration of the Approval.

(5) Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Veneta Land Development Ordinance Section 5.12.

(6) To encourage the retention of established trees which do not yet meet the criteria for significance, credit towards mitigation requirements shall be given on a tree-for-tree basis for preservation of the following healthy, structurally sound trees. If such trees are to be used towards meeting the mitigation requirements of this section, required tree preservation and planting plans shall include the size, species, and location of these trees, and these trees shall be given the protections required by VMC 8.10.130 and shall then be considered sSignificant trees. Trees located within the greenway/open space subzone may not be counted towards required mitigation.

- Big leaf maple 2 – 12" dbh
- Oregon ash 2 – 8" dbh
- Madrone 2 – 6" dbh
- Red alder 2 – 6" dbh
- Ponderosa pine 2 – 6" dbh
- Western red cedar 2 – 6" dbh
- Chinquapin 2 – 6" dbh
- Pacific dogwood 2 – 6" dbh
- Douglas fir 2 – 6" dbh
- Oregon white oak 2 – 6" dbh

(7) Economic Development Waiver. The city council may reduce or waive mitigation requirements for developments on commercial and industrial zoned parcels when all of the criteria below are met. Request for waiver shall be made in writing to the city council following the approval of land use applications and resolution of all appeals.

(a) The applicant has complied with the landscaping requirements of Land Development Ordinance Section 5.12.

(b) The applicant is unable to meet the mitigation requirements through on-site plantings or off-site mitigation as determined by a professional landscape architect.

(c) The council determines that the proposed development will provide substantial economic, employment, and service benefits to the community including provision of family-wage jobs or services currently lacking within the city. (Ord. 483 § 12, 2008)

8.10.130 Tree protection during construction.

Where trees are to be preserved as part of a development plan, the following standards apply:

(1) All trees to be protected must be clearly differentiated from those being removed by clearly marking trees to be removed in an obvious visible manner such as bright-colored paint, ribbon, etc.

(2) Protective Barrier. Before development, vegetation ~~Removal~~, filling, or any land alteration for which a ~~Tree Removal~~ permit is required, the developer shall erect and maintain suitable barriers to prevent damage to remaining trees. Barriers shall be erected at the edge of the ~~Critical~~ root zone of trees to be preserved. Protective barriers shall not be moved and shall remain in place until the city authorizes their ~~Removal~~ or issues a final certificate of occupancy, whichever occurs first. At a minimum, barriers shall consist of 48-inch-high heavy duty, high visibility plastic fencing, or silt fencing, attached to anchored metal or wooden posts.

(3) Prior to commencement of ground-disturbing activities, the applicant shall request and receive an inspection of all tree protection barriers to ensure that the approved ~~Tree Removal~~ plans are accurately implemented on the ground. All inspection requests shall provide a minimum of 24 hours' notice.

(4) Construction Near Preserved Trees. No person may conduct any construction activity damaging to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment or depositing soils within the tree protection zone, attaching fencing or other items to trees, using trees as anchors, or placing irrigated landscaping within the protective barrier.

(5) Where trees are removed from within the CRZ of a tree to remain, the ~~Removal~~ shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. Removal of ~~Trees~~ or stumps within the CRZ of a protected tree by pushing trees down or pulling trees, chemical treatment and/or stumps out of the ground is prohibited. (Ord. 483 § 13, 2008)

8.10.140 Notice and appeal.

(1) For sites larger than one-acre, City will provide notice of approved Type B permits via First Class Mail to Owners of record of property on the most recent property tax assessment role located within 100 feet of the property for which the Type B permit has been issued. Failure to provide such notice will not invalidate an approved permit, nor does the notice or lack thereof provide any right of appeal.

(2) Notice of a pending Type C Tree Removal permit shall be mailed to surrounding property owners in accordance with Section 2.11 of the Veneta Land Development Ordinance.

(23) Any decision on a Type C Tree Removal permit may be appealed in accordance with Section 2.07 of the Veneta Land Development Ordinance. (Ord. 483 § 14, 2008)

8.10.150 Timing of Removal, display of permit – Inspection.

(1) No Tree Removal permitted as a Type B, C, or D permit shall take place until the applicant has received a notice to proceed from the city engineer on public improvements. When no public improvements are proposed, Tree Removal shall not occur until building permits have been issued.

The Building official may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.

(2) For applicants seeking a Type B permit to Remove Trees independent of site improvements, no Tree Removal shall take place until tree protection measures have been inspected and approved by the Building official.

(3) Inspection and approval of all required tree protection measures by the Building official is required prior to Tree Removals permitted as Type B, C, and D permits.

(4) Forty-eight hours prior to Tree Removal, a copy of the Tree Removal permit shall be prominently displayed on the subject property and shall remain on display at all times while Tree Removal operations are being conducted. (Ord. 483 § 15, 2008)

8.10.155 Tree Removal Site Requirements.

Properties on which **Trees** are Removed shall be maintained in accordance with the following standards:

a) All logging equipment shall be removed no later than 30 days after Tree Removal. The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d)

c) Property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation.

d) Slash shall be chipped within thirty (30) days after **Tree** Removal.

8.10.160 Violation – Enforcement.

- (1) Any person found to have removed a ~~s~~Significant tree in violation of this chapter shall incur a penalty of not more than \$1,000 nor less than \$250.00 per violation.
- (2) Any person found to have removed a ~~h~~Heritage tree in violation of this chapter shall incur a penalty of not less than the value of the tree according to VMC 8.10.120 plus no less than \$500.00 for each ~~h~~Heritage tree removed.
- (3) Failure to comply with any condition of the permit issued to the applicant shall constitute a violation of this chapter and shall subject the applicant to a fine of not more than \$1,000, nor less than \$500.00. Any fines collected by the city under this section shall accrue to the city ~~tree~~ fund.
- (4) Each ~~t~~Tree removed in violation of this chapter or any permit issued pursuant to this chapter shall constitute a separate violation.
- (5) Each ~~t~~Tree that the applicant fails to replant or replace as required by the terms of the permit, and each violation of any other condition of a permit, shall constitute a separate violation.
- (6) Retroactive Permit. A person who removes a ~~t~~Tree without obtaining a Type A permit may apply retroactively for a permit. In addition to all application requirements of this chapter, the person must be able to demonstrate compliance with all requirements of this chapter, in addition to paying an additional fee as established by resolution of the city council. Mitigation requirements of this chapter may apply to all retroactive permits.
- (7) Withholding Permits and Stop-Work Orders. The ~~b~~Building official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this chapter, including any conditions attached to a ~~t~~Tree ~~r~~Removal permit, have been fully met.
- (8) Revocation of Permit. The city administrator may revoke any ~~t~~Tree ~~r~~Removal permit when the planning official or designee thereof has clearly demonstrated that the application was incomplete or inaccurate to such a degree as to invalidate the approval. Such a revocation may be immediately followed by a stop-work order and the applicant required to either:
 - (a) Revise and resubmit the permit for review and approval; or
 - (b) Pay fines for removing ~~t~~Trees in violation of the permit under subsections (1) and (2) of this section.
- (9) The city shall notify the property owner in writing that a violation has occurred and mitigation is required. Within 30 days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the city. The plan shall provide for replacement of a ~~t~~Tree or, at the city's discretion, payment into the ~~tree~~ fund according to the standards of VMC 8.10.120. (Ord. 483 § 16, 2008)

8.10.170 Alternative enforcement.

In the event that a person, company, or other operating unit commits more than one violation of this chapter, the following alternative sentence may be imposed by the Veneta municipal court:

(1) If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.

(2) “Gain” is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the city. “Value” shall be the greater of the market value or replacement cost as determined by a licensed professional in the **tree**, nursery, or landscape field. (Ord. 483 § 17, 2008)

~~8.10.180 Findings of fact.~~

~~The findings of fact adopted by the Veneta city council on September 22, 2008, as support for the adoption of the ordinance codified in this chapter, attached as Exhibit A, are hereby incorporated herein and made a part of this chapter. (Ord. 483 § 18, 2008)~~

~~8.10.1980 Amendments.~~

All amendments made to this ~~VMC land use e~~Chapter 8.10 shall be in accordance with the amendment procedures set forth in Veneta’s Land Development Ordinance. (Ord. 483 § 19, 2008)

Local Governments with Forest Practice Regulations Supplanting the Oregon Forest Practices Act

Each local government listed in the following table has adopted a local forest practice regulation in compliance with ORS 527.722. As directed by that statute, the local regulations take the place of the Oregon Forest Practices Act (FPA) in the areas indicated in the table. "UGB" means "urban growth boundary."

Local Governments with Forest Practice Regulations Supplanting the FPA		
Local Government	Area of local forest practice regulation	Comments
Ashland	Within city limits inside UGB	
Bay City	Within city limits inside UGB	
Beaverton	Within city limits inside UGB	See Washington County
Cannon Beach	Within city limits inside UGB	
Eugene	City and county jurisdiction inside UGB	See Lane County
Forest Grove	Within city limits inside UGB	See Washington County
Gresham	Within city limits inside UGB	
Happy Valley	Within city limits inside UGB	FPA applies to parcels taxed as forestland
Jacksonville	Within city limits inside UGB	FPA applies to certain parcels taxed as forestland
Lane County	See comments	Lane County has agreed that Eugene and Springfield forest practice regulations extend to the respective UGB boundaries.
Lake Oswego	Within city limits inside UGB	
Oakridge	Within city limits inside UGB	
Portland	Within city limits inside UGB	Portland forest practice regulation may apply outside UGB inside July 1, 1991 city limits. See ORS 527.722(2)(b).
Salem	Within city limits inside UGB	FPA applies to parcels taxed as forestland
Sandy	Within city limits inside UGB	
Springfield	City and county jurisdiction inside UGB	See Lane County
Tigard	Within city limits inside UGB	-FPA applies to parcels taxed as forestland -See Washington County
Tualatin	Within city limits inside UGB	See Washington County
Veneta	Within city limits inside UGB	
Washington County	Outside city limits, inside UGB	Washington County forest practice regulation applies inside UGBs but outside city limits for cities in the county
West Linn	Within city limits inside UGB	
Wilsonville	Within city limits inside UGB	
Notes		
1. Table last updated October 2, 2008. Changes in local regulations may not be reflected in the table. Contact local governments for specific questions on local forest practice regulations.		
2. ORS 634.055 through 634.065 prohibit local regulation of pesticide use. For local governments listed in this table, ODF does not regulate pesticide use, but it is not clear who does at this point.		

For more information, please contact:
 Brad Knotts Oregon Department of Forestry
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VENETA PLANNING COMMISSION

AGENDA ITEM SUMMARY

TITLE/TOPIC: OPTIONS FOR THE NORTHEAST EMPLOYMENT CENTER

Meeting Date: December 6, 2016
Department: Community Development

Staff Contact: Kay Bork, Director
Email: kbork@ci.veneta.or.us
Telephone Number: 541-935-2191 Ext.314

ISSUE STATEMENT

The NEEC SDP was developed in 1998-2000 as a means of stimulating job growth and reducing travel to Eugene, Noti, and elsewhere for employment. Since the plan was adopted in 2000, little development has occurred within the Plan boundary. Recently however the City is experiencing an increase in interest from potential developers with a couple of impending development proposals.

Recently staff working on the Market Analysis project received comments from property owners and a commercial real estate broker that the landscape buffer and HWY 126 tree preservation standards may hinder development on certain sites within the NEEC. These issues were brought to the Economic Development Committee for discussion who presented the issue to City Council on November 14, 2016.

As a result the Veneta City Council wishes to re-examine the Northeast Employment Center (NEEC) Specific Development Plan (SDP) standards to identify and amend significant barriers to development. City Council asked staff to present options to pursue a review the SDP and address development issues. Below staff is presenting several options for Council consideration. The options address tree preservation and landscape buffer regulations to accommodate immediate development opportunities as well as long term solutions to update the SDP.

BACKGROUND

Current Standards

1. Northeast Employment Center Specific Development Plan - Landscape Buffer and Tree Preservation Policies

Landscape Buffer Overlay

To mitigate potential noise, visual, and other impacts from non-residential uses at the eastern end of the Employment Center on adjacent and nearby rural residential uses outside of the project area and Veneta UGB, the SDP identifies a landscape buffer overlay. This overlay consists of a 30' wide development setback with a 20' wide landscaped buffer to effectively screen adjacent parcels. Evergreen plants within the buffer area must form a continuous hedge or treed buffer reaching a height of at least 8' within 3 years of establishment, and all plants must be watered with automatic irrigation systems until established. Solid fencing may be used to supplement, but not replace, landscaping.

Tree Preservation Overlay

Existing trees lining the north side of Highway 126 bordering the project area, particularly that area west of Hope Lane should be conserved to maintain the rural gateway appeal of the major crossroads

gateway to Veneta. Abutting property owners and tenants shall preserve and enhance the tree canopy bordering Highway 126, but will be allowed to establish “windows” to provide greater visibility to future businesses and greater solar access. Trees greater than 8” diameter at breast height within 20’ of the Highway 126 right-of-way will be preserved unless determined to be impracticable. Cleared “windows” through the canopy shall be no greater than 100’ in length and must have at least 300’ of canopy between windows unless exempted upon City site review.

2. Veneta Land Development Ordinance 493, Section 4.15(7)(a)(4) NEEC Specific Development Plan - Setbacks

“a. East end landscape buffer: 30' building setback, twenty (20)' landscaping consisting of evergreen plants forming a continuous hedge or treed buffer reaching a height of at least 8' within 3 years of establishment. All plants must be watered with automatic irrigation systems until established.

b. Highway 126 tree preservation setback: thirty (30) foot building setback, twenty (20) foot tree preservation area in which trees greater than eight (8) inch diameter at four (4) foot from the ground will be preserved unless deemed to be impracticable. Cleared "windows" no greater than 100 foot in length are allowed. "Windows" shall be spaced to provide at least 300 foot of tree canopy between "windows" unless exempted as part of site review.”

Options

1. Land Use Review

There are two land use review processes that can address the trees preservation and landscape buffer standards.

a. Variance Procedure

This option would apply to specific development sites that can comply with the Variance criteria. The site in question was discussed by the Economic Development Committee as being severely constrained due to the buffer and tree preservation requirements. This parcel is the only site in the NEEC that is subject to both the tree preservation and landscape buffer standards.

Staff and legal counsel analyzed the site, applying the variance criteria and agree findings can be made to support a variance for the 30-foot landscape buffer, especially since the site is the only one in the NEEC subject to both the tree preservation and buffer standards — a requirement not applied to other lots in the NEEC.

b. Site Plan Review Exemption Procedure

Per Veneta Land Development Ordinance, all new commercial development is subject to Site Plan Review. The SDP tree preservation standards include two exemption opportunities that can be applied during site plan review. The code reads as follows and the exemptions are highlighted:

*Highway 126 tree preservation setback: thirty (30) foot building setback, twenty (20) foot **tree preservation** area in which trees greater than eight (8) inch diameter at four (4) foot from the*

ground *will be preserved unless deemed to be impracticable.* Cleared "windows" no greater than 100 foot in length are allowed. "Windows" shall be spaced to provide at least 300 foot of tree canopy between "windows" *unless exempted as part of site review.*

The Planning Commission would review the proposal and consider the exemptions if justified. Some of the reasons that could constitute an exemptions to the tree preservation standards: 1) there are no trees to preserve, 2) the existing tree canopy is less than 300 feet, or 3) a proposed retail use depends on visibility from passing vehicles along Hwy 126 requiring a reduction or elimination of tree canopy. The burden of proof is upon the applicant to provide.

Minimum Timeline:

Month 1	Month 2	Month 3	Month 4	Month 5
Applicant submits proposal/application	Work Session with PC to review final amendment language	PC Hearing CC Hearing	CC Adoption	Ordinance Effective 30 days later

2. Amend landscape buffer and/or tree preservation standards.

This will require an amendment to both the Veneta Land Development Ordinance and an amendment to the SDP to amend the tree preservation and buffer standards. This is because amendments to the VLDO would have to be consistent with the SDP which was adopted into the code by reference.

The NEEC Specific Development Plan states: “Preservation and enhancement of trees along Highway 126 to provide gateway appeal to the community and project area, while allowing “windows” of visibility for uses bordering Highway 126.”

Staff would prefer to undertake a more complete review of the SDP rather than focus on one specific issue. An amendment process is time consuming regardless of the number of amendments, therefore addressing as many issues at once is a more efficient use of staff time and resources. The code amendment process is somewhat lengthy and the timeline uncertain since the plan is open to public comment. The amendment process may not respond quickly enough to near-term development. Focusing on one specific issues also runs the risk of amending or removing standards that could result in unintended consequences.

Minimum Timeline:

Month 1	Month 2	Month 3	Month 4	Month 5
Work Session with PC to review draft amendment language	Work Session with PC to review final amendment language	PC Hearing CC Hearing	CC Adoption	Ordinance Effective 30 days later

3. Remove the SDP from the VLDO and zoning map with the intention of a future project that would analyze the SDP and VLDO for possible amendments.

This will require an amendment to both the Veneta Land Development Ordinance and an amendment to the Zoning Map. The code and amendment process is somewhat lengthy and the timeline uncertain since the plan is open to public comment. The amendment process may not respond quickly enough to coming development.

Staff would prefer to take a more complete review of the SDP and address all issues at once. There is a risk of removing standards that could result in unintended consequences such as removing allowed uses within the SDP that are not permitted in the underlying zoning.

There is no benefit of removing the entire SDP since the most pressing issue (tree preservation and buffer) can most likely be addressed through the land use review process.

Minimum Timeline:

Month 1-2	Month 3	Month 4	Month 5
Hold one or two work sessions with PC to analyze outcomes of removing SDP	PC Hearing CC Hearing	CC Adoption	Ordinance Effective 30 days later

4. Amend the NEEC SDP

Staff supports re-examining the Northeast Employment Center (NEEC) Specific Development Plan (SDP) to identify and amend significant barriers to development and to determine if the zoning, lot configuration, and development standards will likely impede the desired type of development, and if the SDP supports the findings of the recently adopted 2015 Economic Opportunity Analysis and Veneta Economic Development Strategy: Five-Year Action Plan, 2015-2019.

The outcomes could include amendments to the Specific Development Plan, amendments to development standards, or even a removal of the SDP overlay zone if justified. Any proposed amendments could require amendments to the Land Development Ordinance, Veneta Zoning Map, and/or Comprehensive Plan Diagram.

Staff contacted Bob Parker at UO Community Planning Workshop about the project. Mr. Parker will provide the City a draft work plan and cost estimate to complete an analysis and proposed amendments for the NEEC. The CPW is available to work on the project beginning in January 2107.

Minimum Timeline:

Month 1	Month 2-3	Month 4	Month 5	Month 6	Month 7	Month 8
Staff Prep	Work Session with PC and or EDC to review issues and draft	Work Session with PC and or EDC to review draft amendment language	Work Session with PC and or EDC to review final amendment language	PC Hearing CC Hearing	CC Adoption	Ordinance Effective 30 days later

PLANNING COMMISSION OPTIONS

City Council asked staff to bring back options to address regulations that may be hindering development opportunities on December 12, 2016. Planning Commission is being asked to review the options and provide feedback to staff and City Council.

STAFF RECOMMENDATION

Conduct a re-analysis of the NEEC with Community Planning Workshop and direct property owner to pursue a Variance to the tree setback and landscape buffer requirements with their development proposal.