

**AGENDA**  
**Veneta Planning Commission**  
Monday - **May 2, 2005** - 7:00 p.m.  
Veneta City Hall

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I. REVIEW AGENDA

II. PUBLIC COMMENT: If you wish to address the Planning Commission about an issue which is not on the agenda; state your name, address, and limit your comments to 3 minutes.

III. APPROVAL OF MINUTES: April 4, 2005

IV. PUBLIC HEARINGS:

The public hearings will follow the following format. Please refer to the reverse side of the agenda for rules governing public testimony and criteria for each type of proposed use.

1. Open Hearing
2. Declaration of Conflict of Interest or Ex-Parte Contacts
3. Staff Report
4. Public Testimony (**SEE REVERSE SIDE OF AGENDA**)
5. Questions from the Veneta City Council and Planning Commission
6. Close of Public Hearing
7. Deliberation and Decision

- A. HARRIS (Gooden/Harrison) - Conditional Use Permit to allow temporary placement of a manufactured dwelling as an accessory use for Medical Hardship at 25066 Perkins Road; Veneta, OR (CUP-2-05) Assessor's map 18-05-06-23, tax lot 900
- B. SHREVE (Grassroots) - Variance to allow less than the minimum combined 15' sideyard setback for single family dwelling on property located at 88083 Ninth Street; Veneta, OR (V-6-05) Assessor's map 17-06-36-31, tax lot 7700
- C. SLAVEN ESTATES - Tentative Subdivision Plan (S-3-04), Conditional Use Permit to development within a Greenway Subzone (CUP-1-05), & Variance to allow panhandle lots (V-2-05) - North end of Oak Island Dr. off of Cheney and south end of Oak Island Dr. off of Jake Assessor's map 17-05-31-33, tax lot 4500

V. OTHER:

- A. Grading Plan for ANGEL CREEK SUBDIVISION (S-4-04)
- B. Update on Fern Ridge Reservoir

VI. ADJOURN:

**The next Planning Commission meeting will be held on Wednesday, May 11, 2005 at 6:00 p.m.**

Decisions by the Planning Commission for land use applications are issued with a FINAL ORDER. A Planning Commission Decision may be appealed to the Veneta City Council within 15 days after the Final Order has been signed and mailed. If a written Notice of Appeal is not filed within 15 days of the date the Final Order of the Planning Commission decision is mailed, the decision becomes final. Veneta Land Development Ordinance 417, Section 2.07 (1-3) and Veneta Land Division Ordinance 418, Section 8.03 (4) Location is wheelchair accessible (WCA). Communication interpreter, including American Sign Language (ASL) interpretation, is available with 48 hours notice. Contact Sheryl Hackett Phone (541) 935-2191, FAX (541) 935-1838 or by TTY

Telecommunications Relay Service 1-800-735-1232.

**THIS MEETING WILL BE TAPE-RECORDED.**

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

**WRITTEN TESTIMONY:**

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

**ORAL TESTIMONY:**

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

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

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

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

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

**CIRCUMSTANCES FOR GRANTING VARIANCES TO ALLOW PANHANDLE LOTS**  
Veneta Land Division Ordinance 418, Article 2, Section 2.05

Subsection (3)(b) - The Planning Commission shall consider the variance petition. Refer to the *Notice of Public Hearing* in Article 2 of the Land Development Ordinance for notification requirements. A variance or conditional variance may be granted provided all the following circumstances exist:

1. That there are special circumstances or conditions affecting the property.
2. That the variance is necessary for the proper design and/or function of the subdivision.
3. That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
4. That the granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan and other related Veneta ordinances.
5. That the variance is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.
6. And if applicable, that the variance is necessary to conform to an approved planned unit development approach which utilizes new planning and development techniques that do not necessarily conform with the more conventional standards of land division, design or improvements prescribed by this ordinance.

**CATEGORIES FOR REVIEW OF CONDITIONAL USE PERMITS**  
Veneta Land Development Ordinance, Article 8

Section 8.10 GENERAL STANDARDS OF APPROVAL - A conditional use may be granted only if:

- (1) The proposed use is consistent with the Veneta Comprehensive Plan.
- (2) The proposed use is consistent with the purpose of the zoning district.
- (3) The potential negative impacts of the proposed use on adjacent properties and on the public will be mitigated through the application of existing requirements and conditions of approval.
- (4) All required public facilities have adequate capacity to serve the proposal.
- (5) The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.

Section 8.20 SPECIAL STANDARDS GOVERNING CONDITIONAL USES - Certain conditional uses shall meet the following standards:

Subsection (5) Standards for manufactured dwelling as a temporary accessory dwelling for medical hardship.

A manufactured dwelling used as an accessory dwelling to a permanent residence for a designated member of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.

- (a) The minimum lot size shall be 20,000 square feet.
- (b) The medical hardship is verified by a licensed physician.
- (c) There is insufficient space in the permanent residence to accommodate the additional family member(s).
- (d) The family lacks the resources for alternative off-site care.
- (e) The temporary use shall be limited to a maximum of one year unless re-submitted for an extension and approved by the Planning Commission.
- (f) The manufactured dwelling shall be provided with an approved water supply and sewage disposal system.
- (g) A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy.
- (h) The manufactured dwelling and all accessory elements shall be removed within 60 days of vacation by the family member(s).

Section 8.20(19) Standards for development in the GW subzone. The development must comply with all standards listed below. If the proposed development cannot comply with all the standards, the Planning Commission must determine what balance is needed between the public benefits provided by standards (a) through (e) and the private benefits provided by standards (f) and (g).

- (a) Fish and wildlife habitats and wildlife movement corridors will be protected.
- (b) Scenic qualities and viewpoints will be preserved.
- (c) Natural drainageways are protected and the stormwater plans comply with an approved stormwater drainage management plan. Erosion will be prevented or controlled.
- (d) Significant trees and other site vegetation will be preserved.
- (e) Stream corridors and wetland will be protected and provided with buffers.
- (f) The practical needs of construction activity are provided for in terms of ingress and egress.
- (g) Exceptional and undue hardship upon property owner or developer is avoided.

#### *CATEGORIES FOR REVIEW OF TENTATIVE SUBDIVISION PLAN APPLICATIONS*

*Veneta Land Division Ordinance, Article 4, Section 4.03*

*The Planning Commission may approve, approve with conditions, or deny a tentative*

plan based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section:

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.
- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.
- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district (Land Development Ordinance).

**CIRCUMSTANCES FOR GRANTING VARIANCES TO YARD SETBACKS**  
**Veneta Land Development Ordinance 417, Article 10, Section 10.03**

A variance may be granted only in the event that all of the following circumstances exist:

- (1) Special or unusual circumstances apply to the property or use which do not apply generally to other

properties or uses in the same zone or vicinity.

- (2) The variance would not be materially detrimental to the public health, safety and welfare or to the purposes of this ordinance or to property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City plan or policy.
- (3) The variance requested is the minimum variance which would alleviate the hardship.