

**AGENDA**  
**Veneta Planning Commission**  
Monday - **August 1, 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: July 5, 2005

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

IV. PUBLIC HEARING & LIMITED LAND USE ACTIONS:

- A. CITY WELL 10 (V-9-05 & M-1-05) Request for a variance to allow less than the minimum 50 feet of street frontage and request for a land partition for the City Well 10 site. Assessors map 17-05-30-00, tax lots 917 and 919
- B. CLARK - (CP/ZC-2-05) Request to re-designate and re-zone a private parcel located at 88080 Territorial Road from Public to Community Commercial Assessors map 17-06-36-41, tax lot 200
- C. WILSON - (V-7-05) Request for a variance to reduce the minimum width of a lot in the Residential Commercial zone located at 88146 Third Street to less than the minimum 60'.
- D. ASPEN HEIGHTS - (V-8-05 & S-4-05) Request for a variance to allow two of the lots in a 24 lot subdivision in the Single Family Residential (8000) zone to be less than the minimum 8000 square feet (V-8-05) and request for approval of a tentative subdivision plan. The property is located at the north and south ends of Tenth Street. Assessors map 17-06-36-34, tax lots 600 and 700

**Aspen Heights has been postponed indefinitely. Applicant will submit revised tentative plan and new notices of Public Hearing will be mailed to anyone on the initial list of property owners, anyone who submits written testimony, or anyone who submits a written request to be notified.**

V. LIMITED LAND USE ACTIONS

- A. VLOEDMAN - (SR-4-05) Request for site plan review for a mini-storage unit located on the south side of Hwy 126 on the north side of the Fern Ridge Center.

Assessors map 17-05-31-20, tax lot 105

- VI. OTHER:  
A. Administrative Decisions

VII. ADJOURN:

**The next Planning Commission meeting will be held  
on Monday, September 5, 2005 at 7:00 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 MINIMUM LOT SIZES*

*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.

*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).

CATEGORIES FOR REVIEW OF TENTATIVE PARTITION PLAN  
Veneta Land Division Ordinance 418, Article 5

*Section 5.04 The Building and Planning Official or 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 partition 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).

CRITERIA FOR REVIEW OF REDUCED LOT FRONTAGE & REDUCED LOT WIDTH  
Veneta Land Division Ordinance 418

Section 2.05 (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.

CRITERIA FOR REVIEW OF COMPREHENSIVE PLAN MAP AND ZONE CHANGE  
Veneta Comprehensive Plan Ordinance 417, Chapter V. B. UPDATING THE PLAN

In order to maintain a workable plan, the City must review the Plan on a regular

basis. It is suggested that the Plan be reviewed yearly and amended as necessary with major revision and updating occurring at seven- to ten-year intervals in conjunction with Periodic Review. As example, this Plan update is the fifth major revision of the City's Plan since it was adopted in 1969. Numerous amendments and technical reports have been added since 1980.

The Comprehensive Plan is intended to be flexible, and part of this flexibility is the ability to amend the plan when situations warrant changes. The long-range nature of the Plan requires decisions to be made based upon projections, namely economic and population projections. As time progresses, these projections must be continually compared with existing conditions, and, if a wide discrepancy occurs, the plan should be updated to reflect these changes. Otherwise, it will not realistically meet the needs of the community.

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

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

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

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