



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/08/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Veneta Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 23, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Zac Moody, City of Veneta
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

DEC 03 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Veneta**

Local file number: **CP/ZC-1-10**

Date of Adoption: **November 22, 2010**

Date Mailed: **December 2, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/2/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

****Mapping Error****Correction. During a recent comprehensive plan and zoning map change this parcel was changed to Community Commercial. Initially, this parcel was split zoned General Residential/Community Commercial, but served no commercial purpose. This parcel contains a structure that has been historically used as a dwelling. There is no space to supply proper parking and only access for a residential driveway.

Does the Adoption differ from proposal? Please select one
No.

Plan Map Changed from: **Commercial** to: **Medium Density Residential**

Zone Map Changed from: **Community Commercial** to: **General Residential**

Location: **25053 Bolton Hill Road** Acres Involved: **0.15**

Specify Density: Previous: **N/A** New: **15 units per acre**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-10

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Zac Moody**

Phone: (541) 935-2191 Extension: 314

Address: **PO Box 458**

Fax Number: 541-935-1838

City: **Veneta**

Zip: **97487**

E-mail Address: **zmoody@ci.veneta.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

**VENETA CITY COUNCIL
STAFF REPORT and FINDINGS OF FACT**

**BABB COMPREHENSIVE PLAN MAP & ZONE CHANGE
CP/ZC-1-10**

Application Date: June 12, 2010
Application Complete: June 12, 2010
Notice Posted and Mailed: July 2, 2010
Notice Published: July 2, 2010
Staff Report Date: September 27, 2010

Prepared By: Zac Moody

Planning Commission
Meeting Date: October 4, 2010
City Council
Hearing Date: October 25, 2010

BASIC DATA

Applicant: City of Veneta
P.O. Box 458
Veneta, Oregon 97487

Property Owner: Kip Babb
1550 SE Lava Dr., Unit 10
Portland, Oregon 97222

Assessors Map: 17-06-36-41, Tax Lot 1100

Area: .15 acres

Plan Designation: Commercial (C)/Medium Density Residential (M)

Zoning: Community Commercial (CC)/General Residential (GR)

REQUEST

Zone Change

The request before the Veneta City Council is to amend Veneta's Comprehensive Plan map and Zoning map to redesignate and rezone the above described property. The proposed change to the Comprehensive Plan map would be from Commercial to Medium Density Residential and the Zoning map would be from Community Commercial to General Residential.

BACKGROUND

The property is currently developed with a small dwelling and is located west of Central Little School near the intersection of Bolton Hill Road and Territorial Hwy. The property is approximately 0.15 acres in size and has shared access to Bolton Hill Road. The property is adjacent to other residential properties as well as the Oregon Department of Forestry. Prior to the map amendments in 2009, the parcel was split zoned General Residential and Community Commercial. Considering the parcel was previously split zoned Commercial/Residential and the last use on the parcel was commercial, the Comprehensive Plan map and Zoning maps were amended to show a commercial designation.

On August 1, 2006, the City received a request to convert the existing dwelling from a residential use to a commercial use. The request to annex the existing residence located at 25053 Bolton Hill Road for use by Central Little School as a classroom triggered the need for a major site plan amendment. An application for the amendment was submitted (SR-7-06) and approved with conditions (Exhibit D). Condition #1 of the approved site plan required a revised parking plan that demonstrated safe on-site circulation that controlled traffic exiting the site and relocated the exit on Bolton Hill Road. The requirement identified in the above condition was met and during the construction of Bolton Hill Road, a new access was created on the east side of the subject parcel (Tax Lot 1100). During the construction of the new access the driveway access to the garage of the dwelling was removed.

ISSUES

Commercial vs. Residential Uses

On June 12, 2010, the property owner requested a rezone due to a mapping error. The applicant stated that the parcel was previously split zoned Commercial/Residential and as part of the map changes done in 2009 was incorrectly mapped as commercial. Staff corrected the split zoned map error by rezoning the parcel to commercial due to its principal use at the time and its proximity to other Community Commercial parcels. The applicant stated that this parcel as a commercial property cannot meet the parking requirements for commercial and is not viable as a commercial site given the existing residential street. A site visit confirms that the driveway that provides access to Bolton Hill Road is insufficient to provide both access and parking for a commercial use on the site nor is there on-street parking.

As discussed during the August 2, 2010 Planning Commission meeting, a zone change back to General Residential is appropriate for this parcel. A change to residential would require the residential unit to reestablish their driveway access in front of the garage in conformance with the

off-street parking requirements of Section 5.20 of the Veneta Land Development Ordinance. Other than replacement of the residential driveway, there are no zone change criteria that require either parcel to change the shared access.

The conversion of the subject parcel back to residential would likely mean moving the egress for Central Little School closer to Territorial Hwy. At the last meeting, the Planning Commission had questions surrounding right-of-way jurisdiction and whether or not Lane County or Oregon Department of Transportation would sign off on any changes. The City is currently in the process of taking jurisdiction of Bolton Hill Road which would allow the property owners of both parcels to request a right-of-way permit directly from the City. To ensure that all access issues are resolved prior to the zone change, staff notified ODOT of the possible changes to the accesses of both parcels. In an email response from ODOT, the Permit Specialist stated that it is the City's decision where to allow accesses, but that they would like to see them as far away from the intersection as possible (**Exhibit A**). Central Little School currently has an entrance from Territorial and exit to Bolton Hill Road from a 20' driveway on the east side of the subject parcel. If the existing exit from the parking area was relocated back to Central Little School property adjacent to the western property line (**Exhibit B**), the driveway way would still be further away from the intersection of Territorial and Bolton Hill than what it was prior to the relocation.

Buildable Lands

The subject parcel is approximately 6,500 square feet in size with the previous split placing about 3,250 square in the commercial designation and 3,250 square feet in the residential designation. Considering the negligible square footage allotted to either designation, the change from one designation to the other will have virtually no impact on the buildable lands inventory for either designation. In addition to the minimum amount of square footage, the subject parcel is neither developable nor vacant.

APPROVAL CRITERIA & FINDINGS OF FACT

The Land Development Ordinance does not provide criteria for review of amendments to zoning maps; however, the Veneta Comprehensive Plan, Ordinance 416, page 80, B, Updating the Plan, states:

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.

The proposal meets this criteria. The property owner submitted an application for the plan designation and zone designation change. The City notified DLCD of the proposal 45 days prior to the first evidentiary hearing. The Planning Commission reviewed the proposed change and made a recommendation to the Veneta City Council.

The proposal for the comprehensive plan and zoning map changes are warranted, due to the fact the change that was made in 2009 did not take into consideration commercial development requirements such as parking and access. The property contains a dwelling and has limited access, suitable only for a residential use.

The type of amendment procedure is considered a "mapping error" in nature to correct map changes that were arbitrary or capricious in nature and not based on a demonstrated need for the land for a commercial use.

ATTACHED: Ordinance 499 - An Ordinance amending the Veneta Comprehensive Plan map as amended by Ordinance 491, Section 11, and the Veneta Zoning map as adopted by Ordinance 494, Article 3, Section 3.04.

AGENCY COMMENTS

The City has no objection to the proposed zone change to correct a mapping error. DLCD was given notice 45 days prior to the public hearing and had no comments. As noted above, ODOT had no objections to the proposed zone change.

PUBLIC COMMENT

No written comments were received by the public at the time the staff report was written.

PLANNING COMMISSION RECOMMENDATION

Based on the information above, the Veneta City Council finds that the proposal meets all of Veneta's requirements for a change to the Veneta Comprehensive Plan map and Veneta Zoning map and recommends approval.

POSSIBLE ACTIONS BY THE VENETA CITY COUNCIL

The Veneta City Council shall review the plan and the reports of the appropriate officials and agencies. The City Council may:

1. Recommend approval of the comprehensive plan map and zoning map changes based on the information and findings in the Staff Report.
2. Recommend denial of the comprehensive plan map and zoning map changes based on available criteria. Additional findings will need to be generated to support the denial.
3. Continue the review for good cause.

EXHIBITS

- A. Zone Change Application
- B. Vicinity map
- C. Comprehensive Plan map dated 1/25/10 & Zoning Map dated 1/25/10
- D. Comprehensive Plan map dated 9/24/07
- E. SR-7-06 Final Orders and Site Plan map

ORDINANCE NO. 499

AN ORDINANCE AMENDING THE VENETA COMPREHENSIVE PLAN MAP AS AMENDED BY ORDINANCE 416, SECTION 2, AMENDED BY ORDINANCE 491, SECTION 11 AND THE VENETA ZONING MAP AS ADOPTED BY THE VENETA LAND DEVELOPMENT ORDINANCE 494, ARTICLE 3, SECTION 3.04, AND DECLARING AN EMERGENCY

WHEREAS, the owner has proposed to change the comprehensive plan map and zoning map designations for Assessors Map 17-06-36-41 Tax Lot 1100; and

WHEREAS, on August 2, 2010 the Veneta Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Plan map and Veneta Zoning map and on October 4, 2010 recommended that the City Council adopt the proposed amendments; and

WHEREAS, on October 25, 2010 the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Plan map and the Veneta Zoning map; and

WHEREAS based upon all materials relevant to the proposal, staff reports, findings made by the Veneta Planning Commission, and testimony and comments submitted at both public hearings and/or in writing, the Veneta City Council has made the following findings of fact:

FINDINGS OF FACT:

Existing ordinance text is listed in italics.

VENETA COMPREHENSIVE PLAN, ORDINANCE 416 - Updating the Plan:

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

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

attorney to prepare an ordinance to that effect and the ordinance could be adopted at the next regularly scheduled Council meeting. For a plan amendment to be legally adopted there must be documentation of an "established need" for the plan change. The establishment of this need rests ultimately with the City Council. However, the most common practice in Oregon is for the City Council and Planning Commission to require the applicant to submit the documentation for establishing that changes in the Comprehensive Plan cannot be arbitrary or capricious but must be based on a demonstrated need.

The proposal to amend the Veneta Comprehensive Plan map to change the designation of the above-described property from Commercial to Medium Residential meets this criterion. The property owners submitted an application for the plan designation change and the City notified LCDC of the proposal 45 days prior to the first hearing date. The Planning Commission reviewed the proposed change at a public hearing on October 4, 2010 and made a recommendation to the Veneta City Council to re-designate the above-described property from Commercial to Medium Residential.

The proposal for the comprehensive plan and zoning map changes are warranted, due to the fact the change that was made did not take into consideration commercial development requirements such as parking and access. The property contains a dwelling and has limited access, suitable only for a residential use.

The type of amendment procedure is considered a "mapping error" to correct map changes that were arbitrary or capricious in nature and not based on a demonstrated need for the land for a commercial use.

VENETA LAND DEVELOPMENT ORDINANCE 494, ARTICLE 11 - AMENDMENTS.

An amendment to the zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by an application for an amendment shall be accomplished by filing an application with the Building and Planning Official using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 and a narrative statement explaining the reasons for the amendment shall accompany an application by a property owner.

The property owner submitted an application and narrative statement requesting the amendment to the zoning map to re-zone the property from Community Commercial to General Residential correct an error on the zoning map adopted on January 25, 2010. Correcting this map error has a de minimis impact on the buildable lands inventory and reflects the feasible uses of the property.

THE CITY OF VENETA ORDAINS AS FOLLOWS:

SECTION 1. The City Council adopts the above findings of fact as its basis for the following amendments.

SECTION 2. The plan designation as shown on the Veneta Comprehensive Plan map for Assessors Map 17-06-36-41, Tax Lot 1100, as shown on Exhibit 1, attached hereto and incorporated herein by this reference, is hereby changed from Commercial (C) to Medium Residential (M).

SECTION 3. The zone designation as shown on the Veneta Zoning map for Assessors map 17-06-36-41, Tax Lot 1100, as shown on Exhibit 2, attached hereto and incorporated herein by this reference, is hereby changed from Community Commercial (CC) to General Residential (GR).

SECTION 4. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Veneta, and an emergency is hereby declared to exist and this ordinance shall take effect in full force and effect when signed by the Mayor.

READ FOR A FIRST TIME, BY TITLE ONLY, this 22 day of November, 2010, no Council person in attendance having requested that it be read in full.

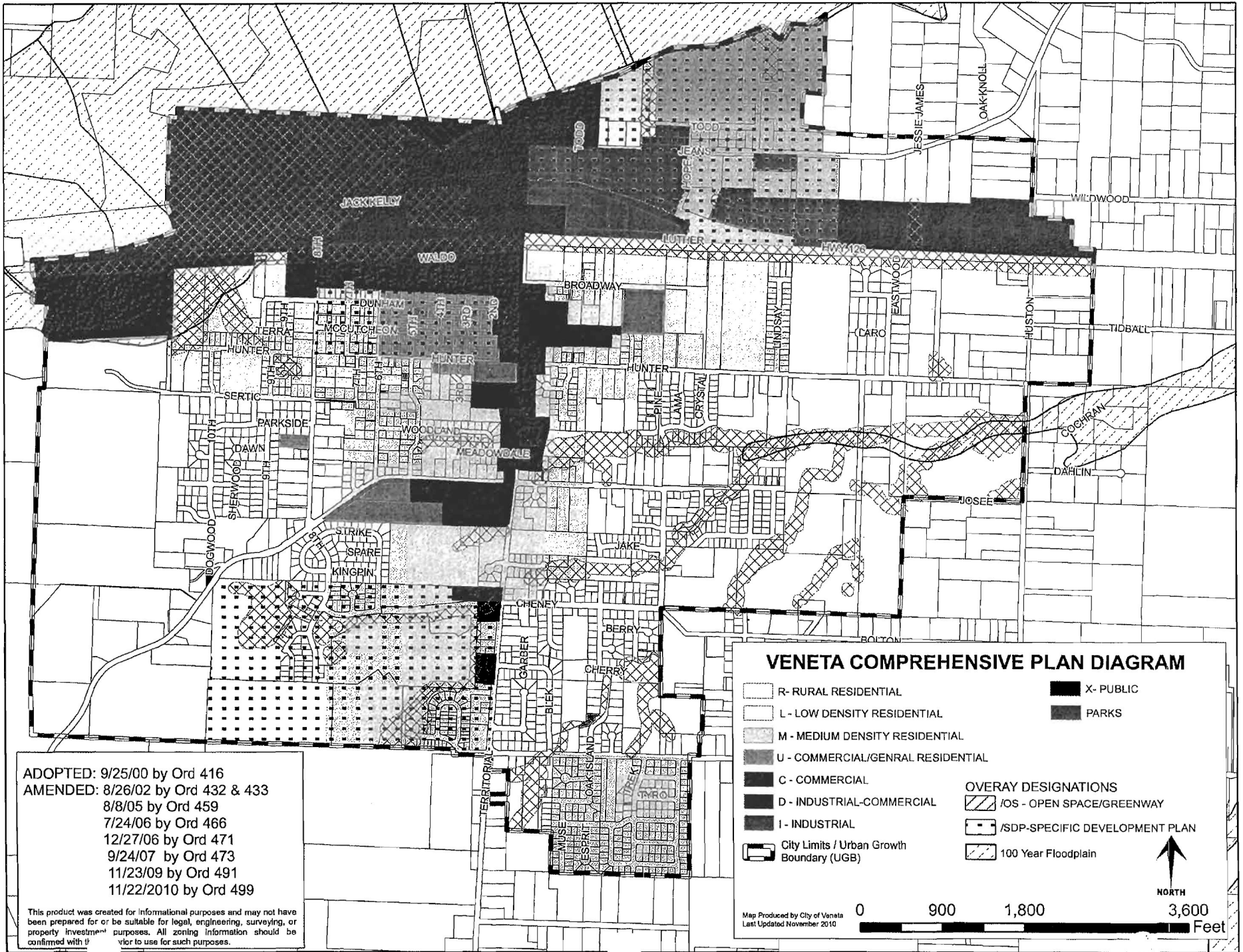
READ FOR A SECOND TIME, BY TITLE ONLY, this 22 day of November 2010, no Council person in attendance having requested that it be read in full.

PASSED AND ADOPTED by the City of Veneta Council this 22 day of November, 2010.


Sharon Hobart-Hardin, Mayor

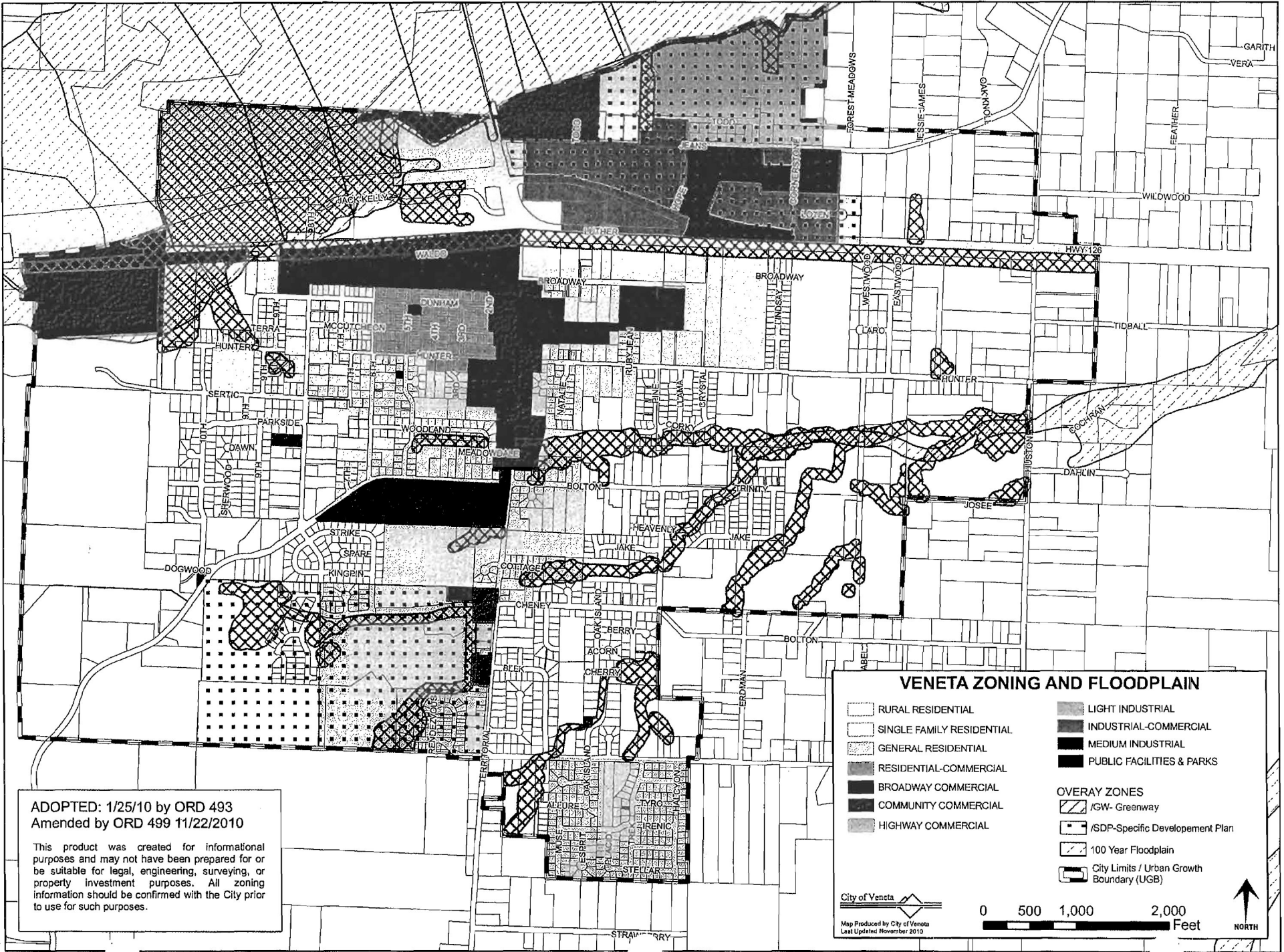
ATTEST:


Darci Henneman, Assistant City Recorder



ADOPTED: 9/25/00 by Ord 416
 AMENDED: 8/26/02 by Ord 432 & 433
 8/8/05 by Ord 459
 7/24/06 by Ord 466
 12/27/06 by Ord 471
 9/24/07 by Ord 473
 11/23/09 by Ord 491
 11/22/2010 by Ord 499

This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed with the City of Veneta prior to use for such purposes.



ADOPTED: 1/25/10 by ORD 493
Amended by ORD 499 11/22/2010

This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be confirmed with the City prior to use for such purposes.

City of Veneta
P.O. Box 458
Veneta, OR 97487



Attention: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301

DEPT OF
DEC 03 2010
LAND CONSERVATION
AND DEVELOPMENT