



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

04/08/2013

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 003-12

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: Monday, April 22, 2013

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: Lisa Garbett, City of Veneta
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	APR 01 2013
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Veneta**

Local file number: **A-3-12**

Date of Adoption: **3/25/2013**

Date Mailed: **3/29/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 12/7/2012

☐ 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".

Amended the Land Development and Land Division Ordinances to perform general housekeeping amendments, include items previously removed in error during 2010 code update. Most importantly, included provisions to allow land use approval extension requests.

Does the Adoption differ from proposal? Yes, Please explain below:

Minor edits to code language but generally the same.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **0**

Specify Density: Previous:

New:

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...

35-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. 003-12 (19624) [17404]

DLCD file No. _____

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

None

Local Contact: **Kay Bork**

Phone: (541) 935-2191 Extension: 314

Address: **88184 Eighth Street**

Fax Number: **541-935-1838**

City: **Veneta**

Zip: **97487-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE 508

AN ORDINANCE ADOPTING AMENDMENTS TO THE VENETA LAND DEVELOPMENT ORDINANCE of 2010 (ORDINANCE 493) AND LAND DIVISION ORDINANCE 494

WHEREAS, there is a need to update the Land Development Ordinance of 2010 (Ordinance 493) and Land Division Ordinance 494 to provide clarity, consistency, and to more fully implement the goals and policies of the Veneta Comprehensive Plan.

WHEREAS, The City finds that, due to extenuating economic circumstances, it is necessary and beneficial to extend certain land use application approvals to allow additional time for applicants to secure financing and to commence project construction; and

WHEREAS, on December 6, 2012, the City of Veneta properly notified the Department of Land Conservation and Development of the proposed amendments to the Land Development Ordinance 493 and Land Division Ordinance 494; and

WHEREAS, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Land Development Ordinance 493 and Land Division Ordinance 494 on February 4, 2013 and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Land Development Ordinance 493 and Land Division Ordinance 494 on March 11, 2013; 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 public hearings, both orally and in writing, the Veneta City Council has made the findings of fact as set forth in Exhibit A.

NOW, THEREFORE, THE CITY OF VENETA ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts the Findings of Fact attached as Exhibit A as its basis for adopting the proposed amendments to the Land Development Ordinance of 2010 (Ordinance 493) and Land Division Ordinance 494.

Section 2. The City Council hereby adopts the following amendments to Land Development Ordinance of 2010 (Ordinance 493) and Land Division Ordinance 494:

- A. Amend the Veneta Land Development Ordinance of 2010 (Ordinance 493), Section 2.07 APPEALS, subsection (1) as follows:

An action or ruling of the Building and Planning Official pursuant to this ordinance may be appealed to the Veneta Planning Commission within fifteen (15) days after the Building and Planning Official ~~has rendered its decision~~ is mailed. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision and the final order has been signed. Written notice of appeal from a decision of either the Building and Planning Official or the Planning Commission shall be filed with the City within fifteen (15) days of the date the final order has been signed.

- B. Amend the textual portion of Veneta Land Development Ordinance of 2010 (Ordinance 493), Section 5.03 CLEAR VISION AREAS, subsection (1) as follows (Figures are unchanged):

Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and ~~panhandle~~flag lot-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 20 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and ~~panhandle~~flag lot-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 20 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides. See Figure 5.03(a)

- C. Delete Veneta Land Development Ordinance of 2010 (Ordinance 493), Section 5.17 EXTENSION OF APPROVED LAND USE APPLICATIONS in its entirety.
- D. Add a new Section 5.18 to the Veneta Land Development Ordinance of 2010 (Ordinance 493), as follows:

Section 5.18 TIME LIMIT EXTENSION REQUEST

The applicant may submit a request in writing for up to a one (1) year extension for a land use approval. Unless the City Council or the original

approval provides otherwise, a maximum of two (2) extensions may be granted.

(1) Requests for extensions shall:

- a. Be submitted to the City in writing prior to expiration of the approval, but no earlier than 90 days prior to the expiration of the approval; and
- b. Explain any special or unusual circumstances that warrant an extension.

(2) The City may deny a request for an extension if any Land Use Ordinance requirements or laws have been adopted since the original approval that would clearly make the development unlawful to approve as of the date the approval would otherwise expire.

E. Amend the "Vehicle Parking Requirement" for the "Church" category on Table 5.20(a) of the Veneta Land Development Ordinance of 2010 (Ordinance 493), as follows:

One (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium or one (1) space for each 35 square feet of floor area of main auditorium not containing fixed seats.

F. Amend the Veneta Land Development Ordinance of 2010 (Ordinance 493), Section 5.29 RESIDENTIAL DESIGN STANDARDS, subsection (4)(c) as follows:

Eyes on the Street. All dwellings (including duplexes) shall provide entrances facing a street or an approved ~~panhandle~~ flag lot drive. Multi-family buildings and attached single-family units shall also provide windows, porches, entrances and/or balconies covering minimum of forty (40) percent of the front (*i.e.*, street-facing) elevation, including elevations facing a flag lot drive, and covering a minimum of twenty (20) percent of the side and rear building elevations. "Percent of elevation" is measured as a percentage of surface area containing the above features. The standard applies to each full and partial building story.

G. Add an entry to the Veneta Land Development Ordinance of 2010 (Ordinance 493), Section 13.02 DEFINITIONS in alphabetical order as follows:

Dwelling, Single Family

A single-family dwelling is a building (detached or attached) used exclusively as a unit and built to the specifications of the State Building Code (CABO) as adopted by the City of Veneta or a manufactured home

as defined within the statutes of the State of Oregon, on a permanent foundation.

- (1) Shall meet current energy standards as adopted by the State of Oregon.
- (2) Shall be occupied only for residential purposes.
- (3) Shall conform to all residential use development standards for one-family dwellings.
- (4) Shall be constructed or installed in accordance with the State Building Code (CABO), as adopted by the City or as defined within the statutes of the State of Oregon.
- (5) Foundations:
 - (a) Stick-built homes shall have foundation systems in accordance with the State Building Code (CABO);
 - (b) Manufactured dwellings shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation will not apply.
- (6) Shall have a minimum width of eighteen (18) feet as measured by the narrowest elevation.
- (7) Shall have an exterior finish and roof materials commonly found on residential structures in the area and City of Veneta.
- (8) Shall have a roof with eaves and gable overhangs of not less than six (6) inches measured from the vertical side of the structure and shall include gutters.
- (9) Shall have an enclosed garage or carport whichever is commonly found in the surrounding area and its exterior covering and roof materials shall be the same as the main structure. The maximum size of the garage shall be three stalls, with a maximum floor area of 900 square feet. Garage may be attached to house or detached.
- (10) Shall have electrical meter base attached either to the garage or dwelling unit.
- (11) Shall have a roof with a nominal pitch of 3 feet in height for each twelve (12) feet in width.

H. Delete Veneta Land Division Ordinance 494, Section 1.07 EXTENSION OF APPROVED LAND USE APPLICATIONS in its entirety.

I. Amend Section 4.02(5) of the Veneta Land Division Ordinance 494, as follows:

The applicant may submit a request in writing for up to a one (1) year extension for a land use approval. Unless the City Council or the original

approval provides otherwise, a maximum of two (2) extensions may be granted.

(1) Requests for extensions shall:

- a. Be submitted to the City in writing prior to expiration of the approval, but no earlier than 90 days prior to the expiration of the approval; and
- b. Explain any special or unusual circumstances that warrant an extension.

(2) The City may deny a request for an extension if any Land Use Ordinance requirements or laws have been adopted since the original approval that would clearly make the development unlawful to approve as of the date the approval would otherwise expire.

J. Add an entry to the Veneta Land Division Ordinance 494, Section 8.06
DEFINITIONS in alphabetical order as follows:

Dwelling, Single Family

A single-family dwelling is a building (detached or attached) used exclusively as a unit and built to the specifications of the State Building Code (CABO) as adopted by the City of Veneta or a manufactured home as defined within the statutes of the State of Oregon, on a permanent foundation.

(1) Shall meet current energy standards as adopted by the State of Oregon.

(2) Shall be occupied only for residential purposes.

(3) Shall conform to all residential use development standards for one-family dwellings.

(4) Shall be constructed or installed in accordance with the State Building Code (CABO), as adopted by the City or as defined within the statutes of the State of Oregon.

(5) Foundations:

(a) Stick-built homes shall have foundation systems in accordance with the State Building Code (CABO);

(b) Manufactured dwellings shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation will not apply.

(6) Shall have a minimum width of eighteen (18) feet as measured by the narrowest elevation.

(7) Shall have an exterior finish and roof materials commonly found on residential structures in the area and City of Veneta.

(8) Shall have a roof with eaves and gable overhangs of not less than six (6) inches measured from the vertical side of the structure and shall include gutters.

(9) Shall have an enclosed garage or carport whichever is commonly found in the surrounding area and its exterior covering and roof materials shall be the same as the main structure. The maximum size of the garage shall be three stalls, with a maximum floor area of 900 square feet.

Garage may be attached to house or detached.

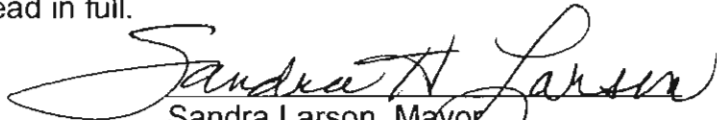
(10) Shall have electrical meter base attached either to the garage or dwelling unit.

(11) Shall have a roof with a nominal pitch of 3 feet in height for each twelve (12) feet in width.

Section 3. Notwithstanding the general limitation on the number of times an approval may be extended, the two (2) extensions authorized under Land Development Ordinance 493, Section 5.18 or Land Division Ordinance 494, Section 4.02(5) may be requested and approved for any land use approval that was unexpired or that was subject to a valid timeline extension application pending on the date the City approved this Ordinance.

READ FOR A FIRST TIME, BY TITLE ONLY, this 11th day of March, 2013, no Council person in attendance having requested that it be read in full.

READ FOR A SECOND TIME, BY TITLE ONLY, AND FOR FINAL ADOPTION, this 25th day of March, 2013, no Council person in attendance having requested that it be read in full.


Sandra Larson, Mayor
Executed on Mar 25, 2013

ATTEST:



Darci Henneman, Assistant City Recorder
Executed on March 25, 2013

EXHIBIT A

FINAL ORDER of the VENETA CITY COUNCIL

LAND DEVELOPMENT & LAND DIVISION ORDINANCES File (A-3-12)

Minor Amendments to the Veneta Land Development Ordinance No. 493 Minor Amendments to the Veneta Land Division Ordinance No. 494

A. The Veneta City Council finds the following:

1. A public hearing was held at the Planning Commission meeting on February 4, 2013 on the proposed amendments after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 493.
2. The Veneta Planning Commission recommended adoption of the proposed changes to the Land Development and Land Division Ordinances at the meeting.
3. A public hearing was held by the Veneta City Council on March 11, 2013 on the proposed amendments after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 493.
4. The proposed amendments to the Veneta Land Development and Land Division Ordinances are consistent with the goals and policies of the adopted Veneta Comprehensive Plan Ordinance No. 504, and therefore comply with all applicable statewide planning goals.
5. These amendments do not alter the intent or purpose of any portion of the Land Development and Land Division Ordinances. The intent of these amendments is to provide clarity, consistency, and to more fully implement the goals and policies of the Veneta Comprehensive Plan. Proposed Amendments are attached as Exhibit A to Final Order A-3-12.

FINDINGS

Applicable Ordinance and Comprehensive Plan provisions are set forth in *italics*, below. Findings showing compliance with the applicable criteria and standards are in **bold**.

Amendments to Land Development and Land Division Ordinances are summarized as follows and are attached as **Exhibit A** to the Planning Commission Final Order:

Land Development Ordinance 493:

- Section 2.07: Appeals deadline made consistent throughout Section 2.
- Section 5.03 and Section 5.29(4) (C): “flag lot” changed to “panhandle lot” to create consistency in code.
- Section 5.18: Add language to allow an extension on an approved land use applications. This language will make Land Division and Land Development Ordinance consistent.
- Section 5.20 (Table A): Add missing provision for parking standards for churches without fixed seating in auditorium.
- Section 13.02: Single Family Dwelling Definition: Adding back definition of single family dwelling which was inadvertently eliminated from code amendments in 2010 (File #A-2-09).

Land Division Ordinance 494:

- Section 4.02: Add language to allow an extension on approved land use applications. This provision was inadvertently omitted during the 2010 code amendments (File #A-2-09) when Council enacted a timeline extension for all active and approved land use decisions for a three year period.
- Section 8.06: Single Family Dwelling Definition: Adding back definition of single family dwelling which was inadvertently eliminate from code amendments in 2010 (File #A-2-09).

FINDINGS OF CONSISTENCY FOR LAND DEVELOPMENT ORDINANCE

“PURPOSE OF LAND DEVELOPMENT ORDINANCE NO. 493: The purpose of this ordinance is to establish standards and procedures for the orderly development of land within the City of Veneta; to assist in implementing the Veneta Comprehensive Plan and to promote the public health, safety and general welfare.”

1. **The amendments to the Land Development Ordinance No. 493 do not affect the stated purpose of the Land Development Ordinance.**
2. **The proposed amendments clarify existing regulations which will promote orderly development within the City.**

FINDINGS OF CONSISTENCY FOR LAND DEVELOPMENT ORDINANCE

“PURPOSE OF LAND DIVISION ORDINANCE NO 494, SECTION 1.02: The purpose of this ordinance is to establish standards and procedures for the division of land within the jurisdiction of the City of Veneta. These regulations are necessary in order to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any overall plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; and in general to protect the public health, safety and welfare.”

3. The proposed amendments do not affect the stated purpose of the Land Division Ordinance. The amendments clarify existing regulations which will promote orderly development within the City.

FINDINGS OF CONSISTENCY FOR COMPREHENSIVE PLAN NO. 504

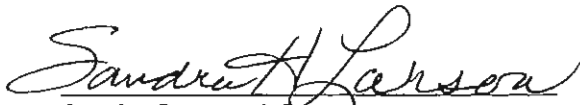
"Community, Building, and Site Design Element, Policy 8: Promote building and site design that contribute positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, frontages, entries, and yards to public streets and adjacent properties. The architecture and scale of commercial buildings should provide attractive street frontages and minimize the placement of parking lots and loading docks along public streets."

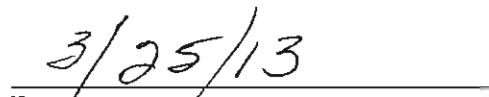
"Residential and Housing Element, Goal 3: Maintain Veneta as an attractive residential community."

4. The City finds the proposed amendments, specifically the definition of Single Family Dwelling, are consistent with the applicable goals and policies of the Comprehensive Plan listed above. The standards contained within the definition of Single Family Dwelling are intended to promote neighborhood livability and compatibility between new and existing developments. The amendments ensure that future development of residential communities remains attractive.
5. The addition of the definition of Single family Dwellings is not a change in policy. The definition was inadvertently omitted from code amendments adopted in 2010 (File #A-2-09).

CONCLUSIONARY FINDINGS

Based on the information and findings stated above, the proposed text amendments to the Veneta Land Development Ordinance 493 and Land Division Ordinance 494 meets all the requirements of the Veneta Comprehensive Plan. The Veneta City Council hereby approves the proposed amendments, and adopts these findings of fact for changes to Veneta Land Development Ordinance 493 and the Veneta Land Division Ordinance 494.


Sandra Larson, Mayor


Date

CITY OF VENETA

P.O. BOX 458
VENETA, OREGON 97487



ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT

635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301

9730132540

