



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

August 1, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Veneta Plan Amendment  
DLCD File Number 001-06 A



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: August 15, 2006**

This amendment was submitted to DLCD for review 45 days 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 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.**

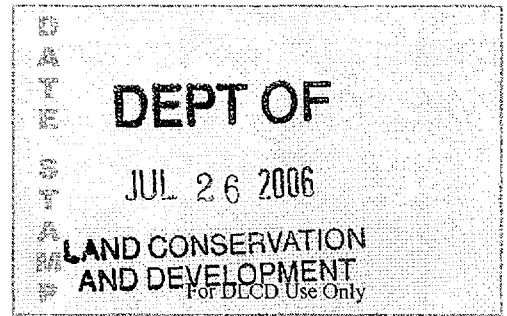
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator  
Brian Issa, City of Veneta

<paa> ya/



# 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Veneta Local file number: A-1-06 & CP/ZC-1-06  
Date of Adoption: 7/24/2006 Date Mailed: 7/25/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 1/5/2006

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other: _____                                |

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

**Amendments to the Greenway-Open Space subzone and plan designation including map amendments, and changes to the Greenway sections of the Comprehensive Plan and Land Development Ordinance. Creates a consistent 50ft buffer on all wetlands and clarifies permitted uses. Originally noticed with our TSP revision, but later seperated.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**Significant text changes as well as some changes to the maps. See the attached findings for a discussion of changes in buildable lands, zone locations, etc.**

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1, 2, 5, 6 7, 8, 9, 10

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 001-06A (1492)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

**Forty-five (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**

Affected State or Federal Agencies, Local Governments or Special Districts:

**City of Veneta**

Local Contact: **Brian Issa** Phone: **(541) 935-2191** Extension:

Address: **Po Box 458** City: **Veneta**

Zip Code + 4: **97487-** Email Address: **bissa@ci.veneta.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** 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**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

## ORDINANCE NO. 466

AN ORDINANCE AMENDING THE VENETA COMPREHENSIVE PLAN ORDINANCE 416, SECTION IV, SUBSECTION L; THE VENETA LAND DEVELOPMENT ORDINANCE 461, ARTICLE 4, SECTION 4.02, SUBSECTION (4)(c), SECTION 4.03, SUBSECTION (4)(f), AND SECTION 4.11, ARTICLE 5, SECTION 5.26, SUBSECTION (3)(d), ARTICLE 8, SECTION 8.20, SUBSECTION (19)(g); THE VENETA COMPREHENSIVE PLAN MAP GREENWAY PLAN DESIGNATION; THE VENETA ZONING MAP GREENWAY OVERLAY SUBZONE; AND DECLARING AN EMERGENCY.

WHEREAS, the Veneta City Council has found a need to update the text and maps for the Greenway Overlay Subzone and Plan Designation to protect wetlands and open space; and

WHEREAS, the Department of Land Conservation and Development was notified of the proposed amendments to the Veneta Comprehensive Plan, the Land Development Ordinance, the Veneta Comprehensive Plan Map, and the Veneta Zoning Map on January 5, 2006; and

WHEREAS, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Plan, the Veneta Land Development Ordinance, and the Zoning and Comprehensive Plan maps on February 21, 2006 and April 3, 2006. On June 5, 2006 the Veneta Planning Commission made a recommendation for the City Council to adopt the proposed amendments; and

WHEREAS, on July 10, 2006 the Veneta City Council conducted a properly advertised public hearing on the proposed amendments; 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;

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

SECTION 1. The Findings of Fact in support of amendments to the Veneta Comprehensive Plan Ordinance 416, the Veneta Land Development Ordinance 461, the Veneta Comprehensive Plan Map, and the Veneta Zoning Map amending the Greenway subzone and plan designation adopted by the Veneta City Council on July 24, 2006, attached as Exhibit A, are hereby incorporated herein and made a part of this Ordinance.

SECTION 2. The Veneta Comprehensive Plan Ordinance 416, Section IV, Subsection L. is hereby repealed and replaced with the following:

### OPEN SPACE-GREENWAY OVERLAY (O)

Purpose of Overlay Plan Designation:

- Identify major areas which should remain largely undeveloped. These areas are not designated for any conversion to eventual urban uses as are rural residential areas.
- Provide open space corridors and parkways for expansion of pedestrian/bicycle networks.
- To protect citizen and natural resources safety as required by federal law through the maintenance and enhancement of water quality and flood control by providing an undeveloped buffer between wetlands and developed areas.
- Maintain and enhance wildlife habitat and movement corridors by preserving and enhancing native vegetation and riparian areas.
- Provide a buffer between residential lands and other high intensity or industrial uses.

SECTION 3. The Veneta Land Development Ordinance 461, Article 4, Section 4.02, Subsection (4)(c) is hereby repealed and replaced with the following:

- (c) Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone the following standards shall apply and shall supersede the standards for the base zone.
  - 1. In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone.
  - 2. In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.
  - 3. Development shall only qualify for such a density bonus if any structures existing prior to the adoption of the greenway overlay are relocated outside of the greenway area.
  - 4. Side yards shall be no less than 5 feet on a side, 10 feet total.
  - 5. Front yard setbacks shall be no less than 10 feet.
  - 6. Garages setbacks shall be no less than 20 feet.
  - 7. Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.
  - 8. Minimum average lot width for single family detached dwellings shall be 40 feet.

SECTION 4. The Veneta Land Development Ordinance 461, Article 4, Section 4.03, Subsection (4)(f) is hereby repealed and replaced with the following:

- (f) Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.
  - 1. In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone.
  - 2. In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.
  - 3. Development shall only qualify for such a density bonus if any structures existing previous to the adoption of the greenway overlay are relocated outside of the greenway area.
  - 4. Side yards shall be no less than 5 feet on a side, 10 feet total.
  - 5. Front yard setbacks shall be no less than 10 feet.
  - 6. Garages setbacks shall be no less than 20 feet.
  - 7. Exceptions to these setback requirements may be allowed when necessary to allow a larger buffer between waterways or other natural resources and development.
  - 8. Minimum average lot width for single family detached dwellings shall be 40 feet.

SECTION 5. The Veneta Land Development Ordinance 461, Article 4, Section 4.11 is hereby repealed and replaced with the following:

SECTION 4.11 GREENWAY - OPEN SPACE SUBZONE (/GW)

In the GW subzone, the following regulations shall apply in addition to those of the base zone. If the requirements of the subzone are stricter than the base zone, the requirements of the subzone shall apply:

- (1) Purpose. To implement the Open Space - Greenway Overlay in the Veneta Comprehensive Plan.
- (2) Boundaries.
  - (a) The boundaries of the GW subzone are shown on the Veneta Zoning Map, updated July 24, 2006, and hereby adopted by reference. In instances where the Greenway boundary shown on the Veneta Zoning Map and the boundary as defined herein are different, the language of this section shall take precedence.
  - (b) Upon receiving a new wetland delineation and concurrence from the Division of State Lands (DSL), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.
  - (c) In cases where areas not associated with wetlands are necessary to provide for pedestrian/ bicycle connectivity, protection of other natural resources, or to provide a buffer between uses, the boundaries of the Greenway shall be as shown on the Veneta zoning map.
- (3) Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.11(6) of this ordinance.
  - (a) Public accesses such as bicycle and walk ways, streets, lookout points, and access roads for maintenance of channels, wetlands, and other natural resource areas.
    1. A path, walkway or running trail shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.
    2. All paths shall be designed and constructed according to City Standards.
    3. Streets shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.
  - (b) Stormwater facilities.
    1. All stormwater facilities constructed in the Greenway must be designed according to City standards and shall be designed to

enhance the water quality, habitat, and aesthetic values of the Greenway as determined by the City.

2. Stormwater detention and pre-treatment facilities excluding piping and outfall structures may be located no closer than 15 ft from any significant wetland unless the facility will enhance wetland values as defined in VMC 18.10 as determined by the City.

(c) Utility installations.

(d) Mitigation of development activities

(e) Restoration of previously disturbed or degraded areas.

(f) Removal of vegetation.

1. Vegetation removal is limited to the removal of:

- i. Native vegetation for the purpose of facilitating or encouraging the growth of native vegetation, or enhancement of habitat values and/or other natural resource values.
- ii. Nonnative or invasive plant species
- iii. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the City.
- iv. Dead or dried native plants or grasses only when they constitute an imminent fire hazard as determined by the City

(g) Planting and Replanting.

1. Replanting of areas cleared of existing vegetation must be completed within 90 days unless otherwise approved by the City.
2. Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the specific seed used requires otherwise, in which case germination shall be accomplished at the earliest date practicable.

(h) Removal of fill and any refuse that is in violation of local, state, or federal regulations. Removal of fill must be consistent with state of Oregon removal-fill regulations.

(i) Channel maintenance to maintain storm water conveyance and flood control capacity, as required and/or allowed by local policies, state and federal regulations, or intergovernmental agreements.

(j) For lots with residential development approved prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:

1. The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.
  2. No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.
- (k) Structures or development granted a variance to Veneta's Wetland Protection Ordinance found in VMC Section 18.10. Impacts to the Greenway shall be the minimum necessary to construct those improvements for which the wetlands variance was granted.
- (4) Uses granted a Conditional Use Permit subject to the criteria found in Article 8 of this ordinance
- (5) Prohibited Uses.
- (a) Any new structures or development (including fences), other than those allowed as permitted uses or approved as conditional uses, construction or ground disturbing activities, gardens, lawns, dumping of materials of any kind, and operation of heavy machinery.
  - (b) Storage of hazardous materials as defined by the Department of Environmental Quality.
  - (c) Application of herbicides, pesticides, fertilizer or other chemical products without first contacting City Hall.
  - (d) Removal of existing vegetation except as specified in 3(f) of this Section.
  - (e) Planting or establishment of nonnative or invasive species.
  - (f) Removal of trees without an approved permit. Standards for granting a permit to remove trees within the Greenway shall be those found in Veneta Municipal Code 8.10.080. These standards shall apply to the removal of any tree (as defined in VMC 18.10.020) within the boundaries of the Greenway. When practicable, trees removed under this section shall be replaced by planting an equal number of native trees within the remaining greenway.
- (6) Application and Construction Standards.  
No ground disturbing activities shall take place in the Greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities:
- (a) The applicant shall submit a revegetation plan containing the following information:
    1. A description of adverse impacts that will be caused as a result of development.
    2. An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree



necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.
  4. An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.
- (b) Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.
  - (c) To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.
  - (d) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by the City, and the vegetation shall be established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare areas during revegetation.
- (7) Enforcement. No prohibited use, construction activity including grading and/or excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway-Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscape architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall include provisions for monitoring and reporting on a yearly basis until such time that full restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Section of 2.10 of this ordinance.

SECTION 6. The Veneta Land Development Ordinance 461, Article 5, Section 5.26, Subsection (3)(d) is hereby repealed and replaced with the following:

- (d) Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.

SECTION 7. The Veneta Land Development Ordinance 461, Article 8, Section 8.20, Subsection (19)(g) is hereby repealed and replaced with the following:

- (g) Exceptional and undue hardship upon property owner or developer is avoided. For purposes of this subsection, hardship means the subject property will have no economically viable use without the Conditional Use Permit. The hardship must arise from conditions inherent in the land which distinguish it from other land in the neighborhood.

SECTION 8. The Veneta Comprehensive Plan map Greenway Overlay Plan Designation is hereby amended as shown on Exhibit B attached.


SECTION 9. The Veneta Zoning Map, Greenway Overlay Subzone is hereby amended as shown on Exhibit C attached.

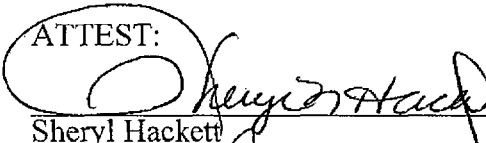
SECTION 10. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

READ FOR A FIRST TIME, BY TITLE ONLY, this 24 day of July, 2006, 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 24 day of July, 2006, no Council person in attendance having requested that it be read in full.

PASSED BY A VOTE OF 4 for and 0 against on the 24 day of July, 2006.

  
T.J. Brooker, Mayor  
Executed on 7/28/06

ATTEST:  
  
Sheryl Hackett  
Executed on July 24, 2006

S:\Sheryl's Data\Ordinances\Ordinance 466 - Amends Comp Plan & Land Development Ordinance-GW.wpd

Ordinance 466 - Exhibit A (Findings of Fact - attached)

Ordinance 466 - Exhibit B (Comprehensive Plan Map - attached)

Ordinance 466 - Exhibit C (Zoning Map - attached)

Ordinance 466 - Exhibit A  
**FINAL ORDER of the  
VENETA CITY COUNCIL  
LAND DEVELOPMENT ORDINANCE 461,  
COMPREHENSIVE PLAN, & ZONING/PLAN MAP CHANGE (A-1-06)  
OPEN SPACE/GREENWAY OVERLAY**

**A. The Veneta City Council finds the following:**

1. The proposal meets all requirements of Article 11 of Veneta's Land Development Ordinance 461 for an amendment to the Veneta Zoning Map.
2. The proposal meets all requirements of the Veneta Comprehensive Plan for an amendment to the Veneta Comprehensive Plan map.
3. The Planning Commission and City Council have reviewed all materials relevant to the application for map amendment to the zoning map and comprehensive plan map which has been submitted by staff, the public, and other agencies regarding this matter.
4. The Veneta Planning Commission held a public hearing on February 21, 2006, after providing notice as required in Veneta Land Development Ordinance 2.11, to review and discuss the proposed amendments after providing proper notice of public hearing in accordance with Veneta Land Development Ordinance 417, Article 2. The Commission continued the hearing on April 3. The public hearing on proposed map amendments and deliberations on proposed text changes were continued to May 1 and recommended for approval on June 6, 2006.
5. The City Council held a public hearing on July 10, 2006 after providing notice as required in Veneta Land Development Ordinance 2.11. Notice was also mailed to persons who had presented testimony or written comments during the Planning Commission hearings, as well as all persons who had requested to be placed on an "interested parties" list.
6. The City Council has followed the required procedure and standards as set forth in Sections 11.01 of the Veneta Land Development Ordinance 461.

**C. IT IS HEREBY ORDERED THAT the Veneta City Council approves the requested zoning map, comprehensive plan map, Land Development Ordinance text, and Comprehensive Plan text amendments based on the information in the staff report and the following findings of fact:**

**APPROVAL CRITERIA FOR COMPREHENSIVE PLAN MAP AMMENDMENTS**

Standards are listed in *italics*, followed by findings in **bold**.

The following are submission requirements for the proposed Comprehensive Plan map amendment, as described on page 80 of the Veneta Comprehensive 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 is consistent with these criteria because City staff were directed by the Planning Commission and City Council to address map error related to the Open Space/Greenway Overlay (OS) of the Comprehensive Plan map diagram and the Greenway-Open Space Subzone of the zoning map as part of the East Veneta Study. The City held a joint worksession on November 14, 2005 with both the Planning Commission and City Council to gain further direction and confirmation that both the purpose and general content of the proposed amendments were appropriate. The need for the proposed amendments is based on the following factors:**

- 1. Because of changes in wetland location during site specific delineations, the Greenway no longer accurately overlays the wetlands. This has led to the encroachment on wetlands by development, and the necessary enforcement of Greenway provisions where they do not belong based on the purpose of the zone and planning designation.**
- 2. Veneta is a low wet area as evidenced by the large number of wetlands throughout town. The City utilizes the natural drainageways and wetlands as a means of conveying stormwater. Encroachment on these channels by development reduces their capacity to convey runoff leading to increased drainage problems and localized flooding with the potential for property damage. In order for these channels to function properly as a stormwater conveyance system, the City needs to maintain the capacity of these channels to expand onto their adjacent floodplain and riparian areas.**
- 3. The City has developed significantly since the last update of the Greenway. In**

order to plan and maintain bicycle/pedestrian connectivity throughout the community, the City needs to reassess those areas of the Greenway that are key to providing an interconnected bike/pedestrian system.

4. The City is considered a Designated Management Agency under the Oregon Department of Environmental Quality TMDL program. As such, the City has the responsibility to take steps to limit pollutant levels discharged to water quality limited streams. Water from Veneta drains to either the Long Tom River, or Fern Ridge Reservoir, both of which are listed by DEQ as water quality limited. Ensuring that wetlands and waterways have a sufficient buffer helps limit the transport of sediments and other pollutants, and provides an area where natural vegetation can be maintained to provide shading and other water quality benefits.
5. The proposed map changes are warranted because when the greenway was originally mapped, the layer was not coordinated with specific points of geographic reference. This resulted in inconsistencies in mapping and difficulties in the development review process. The purpose of the Open Space-Greenway Overlay and Subzone is to identify major areas which should remain undeveloped; and/or function as either parkways, open space or buffer areas

A significant portion of the areas identified to be included in the Greenway Overlay and Subzone were the locally significant wetlands identified in the Local Wetland Inventory (LWI). Since the LWI, more wetlands and more accurate delineations of wetland areas have been established warranting changes to the greenway on the Comprehensive Plan Diagram and zoning map. The proposed changes to the greenway overlay and subzone are needed to cover all locally significant wetlands including newly delineated wetlands and wetlands whose boundaries have changed since the 1999 LWI; to provide consistency during the development review process; to provide for the creation and extension of bicycle/pedestrian networks within the City, to limit the potential for property damage and localized flooding by protecting natural drainage channels and their capacity to convey stormwater runoff, and to fulfill the City's obligations to limit transfer of pollutants to surface waters under the TMDL program.

The City notified DLCD of the proposed changes on Jan 5, 2006, and scheduled a public hearing before the Planning Commission. The Planning Commission held a public hearing on February 21, 2006, April 3, 2006, and May 1, 2006, and made a recommendation to the City Council on the final amendments on June 5, 2006.

The demonstrated need for these changes lies in the fact that the existing maps are inaccurate and inconsistent, and do not properly implement at least one purpose of the Greenway Overlay Zone which is to identify areas that should remain undeveloped to serve as buffers to sensitive natural resources such as wetlands and to protect the water quality and stormwater conveyance benefits that these resources provide. The adoption of the map changes will make the comprehensive plan and zoning map consistent with the most up to date data, and ensure that the location of the Greenway on the ground matches the intent of the plan designation

**and zoning as described in the Comprehensive Plan and Land Development Ordinance.**

An amendment to the Comprehensive Plan map must be consistent with statewide land use planning goals and the Veneta Comprehensive Plan. The zoning map amendment implements the Comprehensive Plan and must also be consistent with the Veneta Comprehensive Plan.

**Statewide Planning Goals**

The following statewide planning goals are relevant to the proposed comprehensive plan map amendment and zoning map amendment: 1 – Citizen Involvement, 2 – Land Use Planning, 5- Open Spaces, Scenic and Historic Areas, and Natural Resources, 6 - Air, Water and Land Resources, 8-Recreational Needs. The following are findings for each of the relevant goals:

**Goal 1—Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City Council and Planning Commission are responsible for public hearings for review of plan amendments. The City Council approved the following public involvement plan for the Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan diagram and zoning map amendment, a post acknowledgement plan amendment as part of the East Veneta Study.

- An “Interested Parties” mailing list was maintained throughout the study process and was used to notify those listed of significant events such as workshops, forums, citizen advisory committee work, public hearings, etc.
- Open Citizen Advisory Committee (CAC) meetings were conducted. The general public was invited and welcomed to monthly CAC meetings.
- Two Open House/Workshops were conducted to keep the public informed about the proposed amendment.
- Newspaper Ads and News Releases were prepared and released to the local media prior to all events.
- Presentations by project staff to local citizen and special interest groups were available upon request.
- Public Hearings were conducted according to Veneta Land Development Ordinance Section 2.11. on all changes to the Comprehensive Plan text, plan diagram, and zoning map changes. The Planning Commission held a public hearing on February 21, 2006, to hear public testimony and consider the proposed changes. The public hearing was continued to April 3, 2006 where additional testimony and discussion took place. The City Council held a public hearing on July 10 to take public comment and make deliberations.

Notice of public hearing was mailed to every property owner in Veneta on February 2nd, 2006. Notice was posted and published in the *West Lane News* at least 10 days before the first public hearing in the February 9th edition and again on June 28th prior to the City Council public hearing. Maps and text amendments were available for review at City Hall as part of the East Veneta Study (EVS) and two open houses were conducted as part of the EVS, which were noticed in the *West Lane News*, and invitations were sent to each land owner within the East Veneta Study area. Notice of the July 10 City Council hearing was mailed to all persons who had provided comments during the Planning Commission process, as well as those who had requested to be added to the "Interested Parties" list.

The Oregon Department of Land Conservation and Development (DLCD) received drafts of the text and diagram amendments. Notice of the Comprehensive Plan Diagram amendments was sent to DLCD at least 45 days prior to the first public hearing.

These processes afforded ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendment is consistent with Statewide Planning Goal 1.

**Goal 2—Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The following findings of consistency with Goal 2 pertain to the Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan diagram and map amendment. The Veneta Comprehensive Plan, Ordinance 416, Chapter V. Implementation and Updates to the Plan Section B establishes the process for Comprehensive Plan and zoning map amendments.

*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 need for the proposed amendments is based on the following factors:

1. Because of changes in wetland location during site specific delineations, the Greenway no longer accurately overlays the wetlands. This has led to the encroachment on wetlands by development, and the necessary enforcement of Greenway provisions where they have no purpose.
2. Veneta is a low wet area as evidenced by the large number of wetlands throughout town. The City utilizes the natural drainageways and wetlands as a means of conveying stormwater. Encroachment on these channels by development reduces their capacity to convey runoff leading to increased drainage problems and localized flooding with the potential for property damage. In order for these channels to



function properly as a stormwater conveyance system, the City needs to maintain the capacity of these channels to expand onto their adjacent floodplain and riparian areas.

3. The City has developed significantly since the last update of the Greenway. In order to plan and maintain bicycle/pedestrian connectivity throughout the community, the City needs to reassess those areas of the Greenway that are key to providing an interconnected bike/pedestrian system.
4. The City is considered a Designated Management Agency under the Oregon Department of Environmental Quality TMDL program. As such, the City has the responsibility to take steps to limit pollutant levels discharged to water quality limited streams. Water from Veneta drains to either the Long Tom River, or Fern Ridge Reservoir, both of which are listed by DEQ as water quality limited. Ensuring that wetlands and waterways have a sufficient buffer helps limit the transport of sediments and other pollutants, and provides an area where natural vegetation can be maintained to provide shading and other water quality benefits.
5. Certain areas of Greenway, namely the church property on E. Bolton and the 200ft strip on the western edge of the City, do not have a sufficient body of evidence to establish the requisite need to continue applying the overlay to those properties. Because no need has been established and no wetlands exist on these properties, the Greenway was removed.

The factors above, as confirmed by both the Planning Commission and City Council in directing staff to undertake the amendment process, firmly establish the need for the proposed amendments.

The proposal to amend the Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan diagram and zoning map amendment is consistent with Plan amendment provisions found in the *Comprehensive Plan* and Land Development Ordinance. The Comprehensive Plan is an acknowledged comprehensive plan, pursuant to provisions specified by the Land Conservation and Development Commission. This proposal and the process for reviewing the requested amendment follow the procedures outlined in the Veneta Comprehensive Plan and Land Development Code, thus conforming with the established land use planning process consistent with Goal 2.

The record shows that there is an adequate factual basis found in the East Veneta Study and supplementary information to support the Comprehensive Plan text and diagram amendments and zoning map amendment, as Goal 2 requires. Further, the Goal 2 coordination requirement is met. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the review of the amendments was coordinated with all affected governmental units. Specifically, notice was mailed to: Lane County, and the following state agencies: Oregon Department of Land Conservation and Development, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, the Oregon Department of Transportation; and US Army Corps of Engineers. There are no Goal 2 Exceptions required for these amendments.

**Goal 5—Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To conserve open space and protect natural and scenic resources.*

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and zoning map amendments make no substantive changes to policies or findings for open spaces, scenic and historic areas, and natural resources. However, approximately 36.3 acres have been added to the OS and /GW. Twenty five acres result from newly delineated wetlands in the Southwest Neighborhood area. Approximately 11.3 additional acres result from the increase of the buffer area from no defined distance to 50'.

The additional acreage placed in the OS and /GW further contributes to the conservation of natural and scenic resources and does not reduce (to the level of noncompliance) the City's supply of buildable lands needed for housing. Therefore, the Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and zoning map amendment are found to be consistent with Statewide Planning Goal 5.

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and zoning map amendment updates better reflect adopted refinement plans, zoning actions, and development approvals, which have already been through a goal analysis and acknowledged by DLCD. Therefore, the updates will not affect Comprehensive Plan compliance with Goal 5.

Oregon Administrative Rule (OAR 660, Division 23) requires local governments to inventory and evaluate Goal 5 resources and to develop land use programs to conserve and protect Goal 5 resources identified for protection. Veneta completed the Goal 5 requirements in Oregon Administrative Rule (OAR 660, Division 23) for wetlands, riparian corridors, and wildlife habitat. The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and map amendments document the Goal 5 process, and direct the use of adopted inventory maps to identify significant resources for purposes of considering protection measures specified in the amendment.

**Goal 6—Air, Water and Land Resources Quality:** *To maintain and improve the quality of the air, water and land resources of the state.*

The proposed greenway provides a 50' buffer on wetlands within the City of Veneta. Most of the wetlands in the City are linear drainage ways rather than isolated areas. The City uses the natural drainage channels to convey stormwater. Comprehensive Plan chapter E. policy 6 states that the City will:

6. *Incorporate wetlands and other natural systems into stormwater drainage plans to the greatest extent possible.*

**This practice helps maintain water quality through increasing the contact time between runoff and vegetation, and slowing velocities to allow sediments to settle out. The Comprehensive Plan also finds in Chapter I: Natural Resources, that:**

- 2. Protection and enhancement of wetland resources provides a biological filtering system to remove sediments, certain nutrients, and water pollutants from the many drainage ways running through Veneta. Water quality improvements provided by wetlands will have a direct impact on the long term viability of Veneta's ground source drinking water supply.*
- 3. Wetland protection significantly increases a community's ability to manage storm water runoff and water quality while providing enhanced flood storage and control. Wetland resources help reduce the downstream impacts of storm water originating in more urbanized areas.*

**The standard buffer of 50 ft, and the minimum buffer of 15 ft furthers existing policy for water quality protection. Therefore, the Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and zoning map amendments are consistent with Statewide Planning Goal 6.**

**A 50 ft distance, with a minimum 15 ft buffer for exceptions, was determined to be adequate to protect significant wetlands and water quality as directed by the City's Comprehensive Plan after a survey of the current scientific literature, and the buffer distances used by other Cities across Oregon. The implementation of a Greenway that provides adequate buffers for waterways within the City is a major step in limiting impacts to water quality and meeting the City's responsibilities under the Department of Environmental Quality TMDL program.**

**Stormwater from the City of Veneta drains to either the Long Tom River, or Coyote Creek, a tributary of the Long Tom. Both the Long Tom and Coyote Creek are on the Oregon DEQ 303(d) list of water quality limited streams. The listing process sets in motion the Total Maximum Daily Load or TMDL process. A TMDL is a pollution analysis conducted with the primary purpose of determining how much a pollutant must be reduced in order to meet State water quality criteria. The focus of the Willamette TMDLs is on the most commonly 303(d) listed pollutants in the basin, which are bacteria, mercury, and temperature, although there are listings for other pollutants as well.**

**The Long Tom River is listed for both turbidity and bacteria, and Coyote Creek is listed for dissolved oxygen(temperature) and bacteria. The City of Veneta is designated by the TMDL program as a Designated Management Agency(DMA). DMAs are agencies or entities with legal authority over land use activities affecting water quality and are responsible for implementing TMDL load allocations or reduction strategies. DMAs are required to submit an Implementation Plan to ODEQ explaining how TMDL load allocations will be implemented. Actual implementation is accomplished by DMAs through their land and/or water resource management mechanisms and strategies. The support of DMAs in implementing TMDLs is essential because water quality will not improve without TMDL implementation.**

The implementation of a Greenway that provides adequate buffers for significant wetlands and waterways within the City a major step in limiting impacts to water quality and meeting the City's responsibilities under the TMDL program by providing separation between wetlands and urban uses, increasing standards for vegetation retention and restoration, and increased filtration of stormwater runoff.

**Goal 7—Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*

As stated in Chapter : K. AREAS SUBJECT TO DEVELOPMENT CONSTRAINTS in the Veneta Comprehensive Plan policy 3(a):

- (a) *All new developments shall protect existing natural drainage channels or provide storm drainage facilities to alleviate the storm drainage needs of the area.*
- (b) *Storm water drainage facilities shall be provided to direct storm water runoff into the same watershed area.*
- (c) *All new developments shall protect the natural drainage channels designated as linear greenways and open space areas in the Parks and Open Space Plan.*

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan diagram and map amendment makes no changes to policies affecting areas subject to natural disasters and hazards. The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan diagram and map amendment establishes a defined buffer between wetlands and new development helping to maintain the flood storage capacity of wetlands and waterways within the City, thereby protecting lives and property from disasters and natural hazards associated with flooding.

**Goal 8—Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and map amendment make no substantive changes to policies or findings affecting recreational needs and facilities. The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan diagram and map amendment provides additional recreational trails and improved connectivity consistent with existing Comprehensive Plan policy and does not affect Comprehensive Plan consistency with Statewide Planning Goal 8.

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and map amendment better reflect adopted refinement plans, zoning actions, and development approvals, which have already been through a goal analysis and acknowledged by DLCD.

**Goal 9: Economic Development:**

**Goal 9 is focused on commercial and industrial development. Stating that community Comprehensive Plans must:**

*3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.*

**The following table shows the impacts of the proposed amendments on the City's supply of vacant industrial and commercial lands. Lands in the Industrial Commercial (IC) zone were counted as commercial based on recent development activities.**

<b>ZONE</b>	<b>Vacant Acres</b>	<b>Vacant acres impacted by existing GW</b>	<b>Vacant acres impacted by proposed GW</b>	<b>Existing Vacant Unconstrained</b>	<b>Vacant Unconstrained w/ Proposed GW</b>
RC	1	0.0	0.0	1.0	1.0
CC	19	1.1	1.5	18.2	17.8
HC	36	7.9	17.2	28.2	18.9
IC	19	0.0	0.0	18.8	18.8
LI	43	4.4	4.3	38.9	39.0
MI	0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>118</b>	<b>13.4</b>	<b>23.0</b>	<b>104.1</b>	<b>95.5</b>

**Based on the City's 1999 Comprehensive Land Use Evaluation (CLUE), the City needed between 25 and 35 net acres of Industrial land to support future employment at projected densities, and between 66 and 97 net acres of Commercial land. Currently, there are approximately 38.4 unconstrained vacant acres of Industrial land, and 66.2 acres of Commercial land (including Commercial/Industrial) in Veneta.**

**With the proposed changes, there will be approximately 39.0 acres of Industrial and 56.5 acres of Commercial, a total reduction of approximately 11 acres from current levels. All of the additional 10 acres impacted by the proposed Greenway are located in the Highway Commercial zone along highway 126 on the west side of the City near the intersection with 8<sup>th</sup> Street. Three of the additional acres occur on taxlots 300 and 400 which are already almost totally constrained with no buildable area outside of significant wetlands. The remaining 6 acres occur along the South side of Jack Kelly Drive. Two of these acres are in an area with an approved development plan and approval for wetland fill which is currently under LUBA appeal. The remaining 4 acres overlay a significant year-around wetland.**

**Given that a significant amount of redevelopment can occur on nonvacant Commercial and Industrial lands within the City (many of the structures that formerly housed industry in Veneta are currently vacant), and that some commercial development has occurred since the drafting of the CLUE report, there is sufficient unconstrained vacant land within the City to accommodate future employment growth.**

Based on the analysis above, the proposed amendments will have a minimal impact on the City's ability to support employment growth and do not reduce (to the level of noncompliance) the City's supply of buildable Industrial or Commercial lands.

**Goal 10—Housing:** *To provide for the housing needs of citizens of the state.*

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and map amendments make no substantive changes to policies affecting housing. The 1999 Comprehensive Land Use Evaluation (CLUE) stated some open space areas were considered unbuildable because they are natural drainage channels or because they are heavily forested and serve as natural buffers from highway traffic. As of 1999, 38 acres of vacant residential land in the Open Space Greenway Overlay were considered unbuildable and subtracted from the buildable lands inventory. During periodic review in 2000, additional acres were added to the Greenway resulting in approximately 98 acres of vacant residential land constrained by the Greenway.

The following table shows the impacts of the proposed changes on the supply of buildable residential land in the City.

ZONE	Vacant Acres	Vacant acres impacted by existing GW	Vacant acres impacted by proposed GW	Existing Vacant Unconstrained Residential	Vacant Unconstrained Residential w/ Proposed GW	Avg Net Density	Potential Units
RC	1	0.0	0.0	1.0	1.0	7.0	7
GR	89	24.2	35.2	65.0	54.0	7.0	378
RR	175	39.9	41.1	135.5	134.3	6.0	806
SFR6000	53	13.7	16.2	39.2	36.7	6.0	220
SFR8000	251	20.5	10.2	230.1	240.4	4.0	962
<b>TOTAL</b>	<b>569</b>	<b>98.3</b>	<b>102.7</b>	<b>469.8</b>	<b>465.4</b>		<b>2373</b>

The proposed changes to the Greenway will remove approximately 12.3 acres of buildable residential land from the City's inventory resulting in a total of approximately 457.4 acres of buildable residential land.

When the CLUE was written in 1999, net densities for build-out were assumed to be the same as existing urban densities within the City. Given the rural nature of the area and past trends towards larger lot sizes, a net density of 2.9units/acre was used for computing the number of net acres needed to support future growth which was determined at the time to be 677 new single family detached units to serve a population of 5760 by 2020.

Since 1999, approximately 690 single family detached units have been built in new subdivisions (not counting single lot developments and partitions). The City has also approved a proposal for 28 units of multifamily development and is working towards approval of a Southwest Area Specific Development Plan (SWAP) that could potentially result in approximately 500 single family detached units as well as additional multifamily and town home style dwellings. Approximately 25 acres of the proposed Greenway is attributable to new wetlands within the SWAP and is nearly contiguous with the areas

proposed for dedication as parks and open space.

Overall, housing densities within the City have increased over time. As housing prices have gone up and the supply of buildable land in surrounding areas has dwindled, developers have moved toward lots that more closely reflect the minimum lot sizes and densities outlined in the Comprehensive plan and Land Development Ordinance. Using recent housing development from 2000-2005, net densities in the SFR6000 and SFR 8000 zones have been approximately 6 and 4 units/acre respectively. Taking into account recently approved applications for multifamily developments, the net density for SFR6000 moves closer to 7 units/acre.

The CLUE analysis did not take into account the rezoning and build-out of the Rural Residential lands. Even without figuring in the potential for housing in the RR zone, a total of approximately 1531 single family units could be built. Taking in to account the Rural Residential lands rezoning to urban densities (SFR6000 or GR), the total number of units reaches over 2000 even with the proposed Greenway subtracted.

The additional acreage placed in the OS and /GW further contributes to the conservation of open space and protection of natural and scenic resources and does not reduce (to the level of noncompliance) the City's supply of buildable lands needed for housing.

The Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and zoning map amendments do not affect housing. Therefore, the Open Space-Greenway Overlay (OS) and the Greenway Open Space Subzone (/GW) Comprehensive Plan text, diagram and map amendments do not affect Comprehensive Plan consistency with Statewide Planning Goal 10.

#### **APPROVAL CRITERIA FOR LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT.**

State statutes set substantive standards for amending the text of land use implementing regulations, such as the Land Development Ordinance. ORS 197.175(2)(b) requires that these amendments must implement the acknowledged Comprehensive Plan. Therefore, relevant policies in the *Veneta Comprehensive Plan Ordinance No 416* are standards for this decision.

#### ***B. COMMUNITY, BUILDING, AND SITE DESIGN ELEMENT***

##### **POLICIES:**

2. *Provide adequate public spaces such as small parks, greenways, or plazas where residents and employees can meet or relax and that provide a counterbalance to the high activity levels in the mixed-use area. Provide amenities such as benches and educational signage in public spaces and along off-street pathways.*

**The proposed amendments help the City to provide open spaces to counter balance areas of high residential and commercial development and provide**

citizens with places to relax and recreate as well as helping to connect the City's proposed path network.

3. *Provide adequate buffers between uses that may have negative impacts on adjacent land uses and minimize the impacts of development on wetlands and waterways.*

The proposed amendments directly implement this policy by creating Greenway Overlay which is consistent with delineated wetland boundaries. The proposed amendments also create a more rigorous application process for development proposed in the Greenway. This process will ensure that standards for protection of tree canopy, native vegetation, habitat, and other natural features, as well as proper mitigation are sufficient to minimize impacts on wetlands and waterways. The proposed amendments preserve the existing portions of the Greenway that serve as buffers between uses such as those along the railroad right-of-way that provide a visual and auditory buffer between the railroad and adjacent residential uses. A large portion of greenway along the western boundary of the City, as well as the church property along the railroad on East Broadway, were removed because of lack of evidence in the City's record relating to the rationale for establishment of this area as greenway. The City finds that the reasons for including this area, which does not include wetlands, are not sufficient to justify the establishment of greenway on these properties.

**C. RESIDENTIAL LAND AND HOUSING ELEMENT**  
**POLICIES:**

1. *Designate adequate land to support the residential needs for a population of 5,760.*

**See response to Goal 10 above.**

14. *If public open space is provided, allow smaller lot sizes than zoning districts otherwise allow. In this way, the overall gross density of development does not increase, but the open spaces may be used to protect natural resources or provide more viable recreation areas.*

The proposed amendments clarifies and sets standards for utilizing density compensation as currently allowed by Land Development Ordinance Section 4.02(4)(c), and 4.02(4)(f). Changes to the Park Dedication Requirement clarify that Greenways and wetlands do not satisfy the dedication requirements.

**D. ECONOMIC DEVELOPMENT ELEMENT**  
**POLICIES:**

27. *Designate sufficient lands for industrial uses to encourage immediate industrial development in Veneta and protect lands in large parcels which will be needed for future industrial development.*

The proposed amendments do not reduce the amount of buildable residential, industrial, or commercial lands within the City to the level of noncompliance as discussed in the findings for compliance with statewide planning goals above.



**The proposed changes clarify the procedures and standards to follow when utilizing the density compensation provisions of Section 4.02 and 4.03 of the Land Development Ordinance.**

***E. UTILITIES***

**POLICIES:**

1. *Develop and implement groundwater protection and conservation programs to ensure a reliable supply, protecting the ability of the land to recharge the groundwater supply. The City of Veneta will work with the Long Tom Watershed Council on developing measures to protect the groundwater supply.*

**Though not specifically part of the City's Drinking Water Protection plan, the proposed amendments will provide additional protection for both surface and groundwater within the City by ensuring that wetlands and their peripheral areas where a significant amount of both surface water treatment and groundwater recharge occur are protected.**

6. *Incorporate wetlands and other natural systems into stormwater drainage plans to the greatest extent possible.*

**Since the drafting of the Comprehensive Plan, the use of in-stream detention facilities has fallen out of favor with regulatory agencies. The proposed amendments create a consistent area around significant wetlands where properly constructed stormwater facilities are permitted outright. These facilities will utilize natural filtration methods to treat runoff before it enters wetlands. In most cases, these facilities will be vegetated and will enhance the natural systems already at work. Providing wetlands and waterways with a 50 ft buffer will allow these features to perform their stormwater conveyance and enhancement functions without encroachment from development.**

***G. TRANSPORTATION***

**POLICIES:**

***(1) Protection of Transportation Facilities***

- (a) *The City shall protect the function of existing and planned transportation systems as identified in the Street Plan, the bicycle Plan, and Pedestrian Plan and Transit Plan through application of appropriate land use and access management regulations.*

**The proposed amendments better allow for the implementation of the City's planned bicycle and transportation networks by providing a consistent corridor along the wetlands throughout the City which can be used to construct proposed pathways. The proposed amendments also preserve and refine existing GW coverage for non-wetland related connections which are key to a complete and useful path network.**

## *H. PARKS AND OPEN SPACE*

### *POLICIES:*

- (3) Greenway Acquisition and Development: Work to acquire and develop lands along the drainage corridors and the railway right-of-way designated for greenway use on the Veneta Comprehensive Plan Map. Investigate the potential for designating additional greenway corridors to connect to both the planned local system and to regional recreational resources.*

**The proposed amendments preserve the existing corridor connections to the City limits, allowing for expansion as the City grows, and integration with future regional trail systems.**

## *I. NATURAL RESOURCES*

### *POLICIES:*

*Conservation and protection of significant wetland resources shall be achieved through the following measures:*

- 2. Protect and enhance water quality, wildlife habitat, flood storage, sediment and toxicant removal, and other wetland functions and values.*

**The proposed amendments provide protection to those wetland areas that currently lie outside of the existing Greenway. The proposal also provides a consistent buffer to all significant wetlands that protects and enhances water quality, wildlife habitat, flood storage, and sediment and toxicant removal.**

- 4. Minimize economic hardship on private property owners due to protection of significant wetland resources by adopting procedures to consider hardship variances and claims of map error verified by the Division of State Lands, and reducing or removing restrictions for lots or parcels that have been rendered unbuildable from the adoption of new development requirements.*

**The proposed amendments preserve the existing variance process for Conditional Use Permits for development on unbuildable parcels within the Greenway. The proposed amendments correct existing map errors and ensure that the Greenway will match all future wetland delineations on a consistent basis. Exemptions have been included for small, developed lots that will be overlain by the greenway with this amendment.**

## *K. AREAS SUBJECT TO DEVELOPMENT CONSTRAINTS*

### *POLICIES:*

- (3) Low-Wet Areas and Storm Drainage Facilities: The City shall cooperate with private developers, county, state, and federal agencies to ensure that adequate storm drainage facilities are provided in Veneta.*

*(a) All new developments shall protect existing natural drainage channels or provide storm drainage facilities to alleviate the storm drainage needs of the area.*

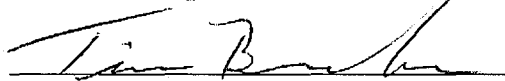
*(c) All new developments shall protect the natural drainage channels designated*

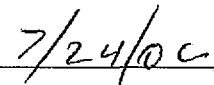
*as linear greenways and open space areas in the Parks and Open Space Plan.*

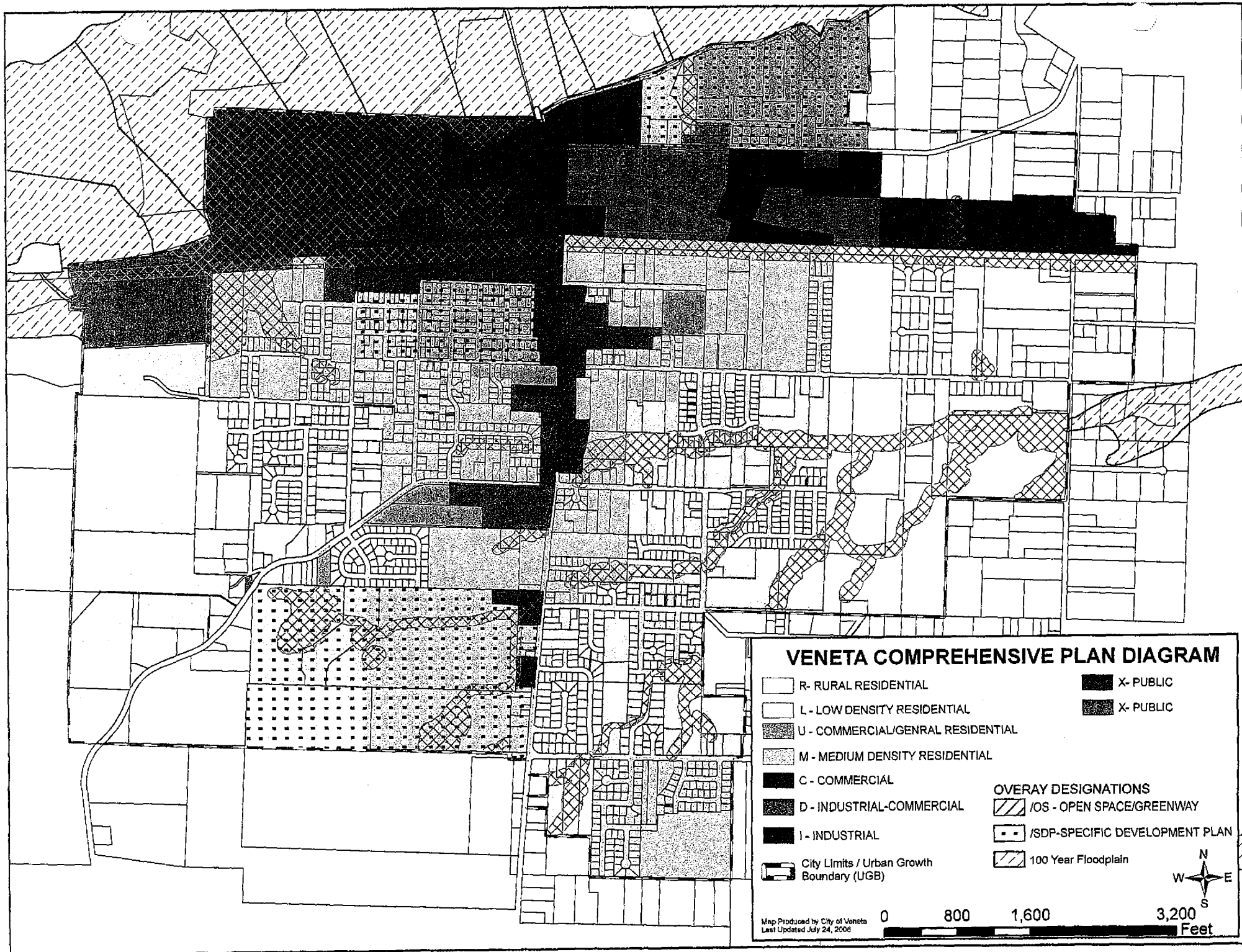
The proposed amendments are consistent with the above policies by allowing stormwater facilities within the Greenway, and protecting natural drainage systems by controlling the type and intensity of development that can occur immediately adjacent to significant wetlands.

**CONCLUSIONARY FINDINGS**

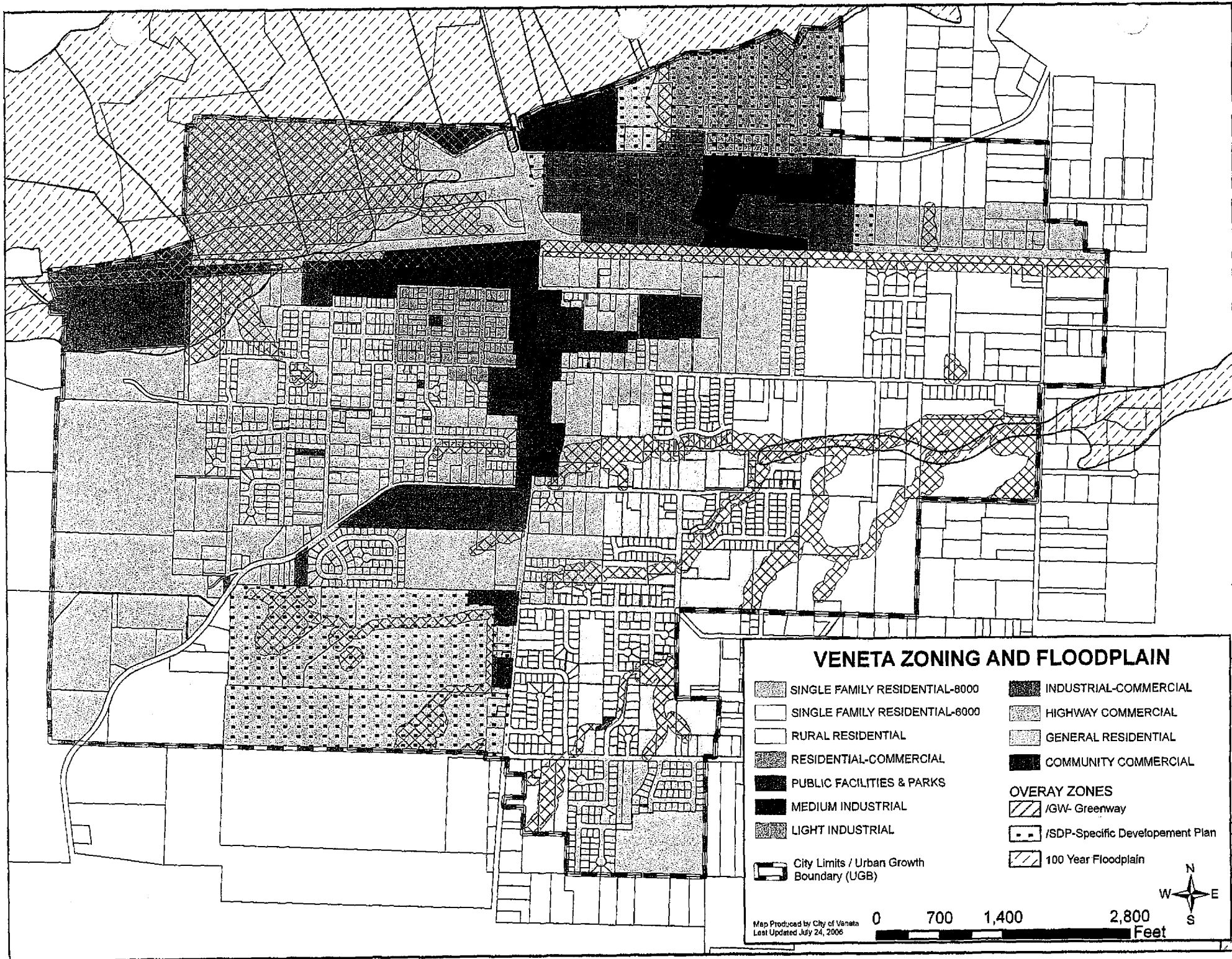
Based on the information and findings stated above, the proposal for the Comprehensive Plan and Zoning Map changes, and text amendments to the Veneta Land Development Ordinance meet all the requirements of the Veneta Land Development Ordinance, No. 461, the Veneta Comprehensive Plan Ordinance 416 and Oregon Statewide Planning Goals. The Veneta City Council hereby approves the requested amendments, and adopts these findings of fact for changes to the Veneta Comprehensive Plan map and Veneta Zoning map and Land Development Ordinance Text.

  
Tim Brooker, Mayor

  
Date



Ordinance 466 - Exhibit B



Ordinance 466 - Exhibit C

