



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

December 22, 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 002-06



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: January 4, 2007

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
Matthew Crall, DLCD Transportation Planner
Marguerite Nabeta, DLCD Regional Representative
Brian Issa, City of Veneta

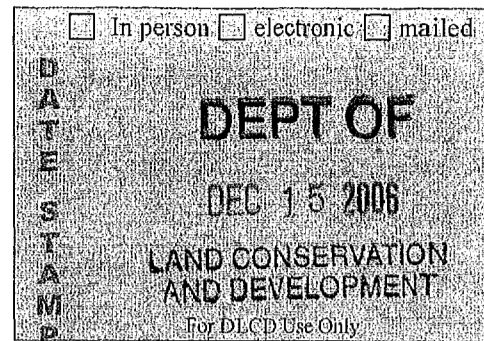
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FORM **2**

DLCD

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-3-06**

Date of Adoption: **12/11/2006**

Date Mailed: **12/14/2006**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/18/2006

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

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

Expansion of the UGB and annexation to incorporate part of an existing gravel access road to allow for extension of a Major Collector to serve areas within the existing City Limits.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **SW of interesction of Territorial Rd & Perkins Rd**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

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

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

*DLCD # 002-06
(15562)*

DLCD file No. _____

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

Oregon Department of Transportation, City of Veneta, Lane County

Local Contact: **Brian Issa**

Phone: **(541) 935-2191** Extension:

Address: **P O Box 458**

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

City: **Veneta**

Zip: **97487-**

E-mail 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 Complete Copies** (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also 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**.

CITY OF VENETA
ORDINANCE NO. 471

AN ORDINANCE AMENDING THE VENETA COMPREHENSIVE PLAN MAP DATED
JULY 24, 2006 AND THE VENETA ZONING MAP DATED JULY 24, 2006
EXPANDING THE CITY'S URBAN GROWTH BOUNDARY

WHEREAS, the City of Veneta has properly notified the Department of Land Conservation and Development (DLCD) of the proposed amendments to the Veneta Comprehensive Plan Map and Zoning Map for an Urban Growth Boundary (UGB) expansion to include a .36 acre area of land for an extension of Perkins Road connecting to Territorial Highway; and

WHEREAS, the City of Veneta has properly notified other affected entities and individuals; and

WHEREAS, on November 6, 2006 the Veneta Planning Commission conducted a properly advertised public hearing on the proposed map amendments and UGB expansion; and

WHEREAS, within 40 days after the public hearing, the Planning Commission recommended that the Veneta City Council proceed with the proposed map amendments and UGB expansion; and

WHEREAS, on November 13, 2006 the Veneta City Council conducted a properly advertised public hearing on the proposed map amendments and UGB expansion and approved the proposed amendments and UGB expansion; and

WHEREAS, the Veneta City Council endorses the findings of fact as set forth in the Staff Report and Burden of Proof, attached as Exhibit A.

NOW THEREFORE, the City of Veneta Ordains as follows:

Section 1. The findings of fact as set forth above and in the Staff Report and Burden of Proof, attached as Exhibit A are hereby adopted as a basis for expanding the Veneta Urban Growth Boundary and amending the Veneta Comprehensive Plan map and Veneta Zoning map.


Section 2. The Veneta Comprehensive Plan map dated July 24, 2006 is hereby amended and replaced with Exhibit B.

Section 3. The Veneta Zoning map dated July 24, 2006 is hereby amended and replaced with Exhibit C.

READ FOR A FIRST TIME, BY TITLE ONLY, this 27 day of November, 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 11 day of December, 2006, no Council person in attendance having requested that it be read in full.

PASSED BY A VOTE OF 4 in favor and 0 against by the Veneta City Council this 11 day of December, 2006.



T. J. Brooker, Mayor

ATTEST:



Sheryl Hackett, City Recorder

City of Veneta Ordinance 471 - EXHIBIT A

VENETA CITY COUNCIL STAFF REPORT

URBAN GROWTH BOUNDARY EXPANSION FOR PERKINS ROAD COMPREHENSIVE PLAN DESIGNATION ZONING MAP AMENDMENTS AND ANNEXATION (A-3-06)

Application Submitted:	September 18, 2006
Application Deemed Complete:	September 22, 2006
DLCD Notice Mailed:	September 18, 2006
Public Notice Mailed:	September 29, 2006
Public Notice Published:	October 26, 2006
Hearing Date Planning Comm:	November 6, 2006
Hearing Date: City Council:	November 13, 2006
Staff Report Date:	October 27, 2006
Prepared By:	Margaret Boutell

Referrals: Veneta Public Works
Veneta City Engineer
Lane County Land Management Division
Lane County Fire District #1
Oregon Department of Transportation
Lane County Electric Coop

BASIC DATA

Applicant:	Hayden Homes 2464 SW Glacier Place Redmond, Oregon 97756
Property Owner:	Hayden Homes
Location:	West of Territorial Highway at the intersection of Perkins Road, abutting the south city limits.
Assessors Map And Tax Lot:	18-06-01-00 Tax Lot 1600
Area:	0.36 acre portion of tax lot 1600
Zoning:	Impacted Forest Lands, Lane County (F2)

REQUEST

Zone Change

The request before the City Council is to approve an amendment to the City's Comprehensive Plan map and Zoning Map for a 0.36 acre portion of tax lot 1600 to be included in the City of Veneta's Urban Growth Boundary and re-zoned from F2 (County) to General Residential (GR) (City).

BACKGROUND

The subject property is located at the western terminus of Perkins Road at Territorial Highway. This potential roadway was approved as part of the Southwest Area Specific Area Development Plan on April 10, 2006. After plan approval, the County indicated that there was a need for a UGB and City limits expansion to bring the road into the City's jurisdiction. The Oregon Department of Land Conservation and Development concurred with that opinion. Expanding the UGB and City limits requires making findings in compliance with the State Land Use Planning Goal 14, as well as the City's and County's comprehensive plan goals and policies.

The process requires hearings and approvals by the City's Planning Commission and City Council, as well as the County's Planning Commission and Board of Commissioners. Once the City has approved the UGB expansion, it will go to the County for their review and approval. Once both jurisdictions has approved the UGB expansion, and DLCD has acknowledged it, the property owner can then submit to annex the property through the Boundary Commission.

The Planning Commission held a public hearing on this matter on November 6, 2006 and recommends the City Council approve this amendment.

SUBMITTAL AND PROCESS REQUIREMENTS

Comprehensive Plan Designation and Zoning Map Amendments (A-3-06)

The applicant has submitted the application as required by Sections 2.06 and 11.01 of Veneta Land Development Ordinance No. 461. Notice was provided in accordance with Section 2.11 of Veneta Land Development Ordinance and a public hearing was held on November 6 which followed the requirements for conducting public meetings.

APPROVAL CRITERIA

The applicable criteria for approval of this application includes the Veneta Comprehensive Plan Ordinance 416, Section V(B); Veneta Land Development Ordinance 461 Article 11 (Section 11.01), Article 3 (Section 3.03), and applicable Statewide Planning Goals.

AGENCY COMMENTS

The City received seven responses to the referral notice (attached as Exhibit B). Their responses are generally supportive of the UGB expansion.

PUBLIC COMMENTS

No comments were received.

ISSUES

Since the placement of the extension of Perkins Road was adopted as part of the Southwest Area Specific Area Development Plan, which was reviewed by both the Planning Commission and City Council and several public hearings were conducted on that plan, there are no issues associated with this UGB expansion.

STAFF RECOMMENDATIONS

Based on the recommended findings for the requested Comprehensive Designation and Zoning Map amendments stated in the attached *Burden of Proof* document, staff recommends that the City Council approve the requested map amendments.

POSSIBLE ACTIONS BY THE CITY COUNCIL

The Council may:

- a. Recommend approval of the Comprehensive Designation and Zoning Map amendments based on the recommended findings and public testimony.
- b. Recommend approval with modifications to the recommended findings.
- c. Recommend denial of the Comprehensive Designation and Zoning Map amendments based on the recommended findings and public testimony.
- d. Continue deliberations on the Comprehensive Designation and Zoning Map amendments if more information is needed.

EXHIBITS

- A. Application and *Burden of Proof* (findings)
- B. Comments from Referral Agencies

City of Veneta Ordinance 471 - EXHIBIT A

BURDEN OF PROOF **City of Veneta Urban Growth Boundary Expansion**

**APPLICANT AND
PROPERTY OWNER:**

Hayden Homes
2464 SW Glacier Place
Redmond, Oregon 97756
Phone: (541) 923-6607
Fax: (541) 549-8521
Contact: Dave Cady

ATTORNEY:

Ball Janik LLP
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3219
Phone: (503) 228-2525
Fax: (503) 295-1058
Contact: Renee France

PLANNERS:

Otak Incorporated
333 SW Upper Terrace Drive
Bend, Oregon 97702
Phone: (541) 385-9960
Fax: (541) 312-8704
Contact: Duncan Brown, Senior Planner

SITE:

The site is west of Territorial Highway at the intersection with Perkins Road, abutting the south city limits of the City of Veneta. It is a 15,600-square-foot (0.36 acres) portion of Tax Lot 1600, Section 1, T18S R6W.

PROPOSAL:

The following actions are requested:

- Amend the Veneta Urban Growth Boundary to include the 0.36-acre site. This request includes an amendment to both the City Zoning Map and the Comprehensive Plan Map.

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I. Proposal

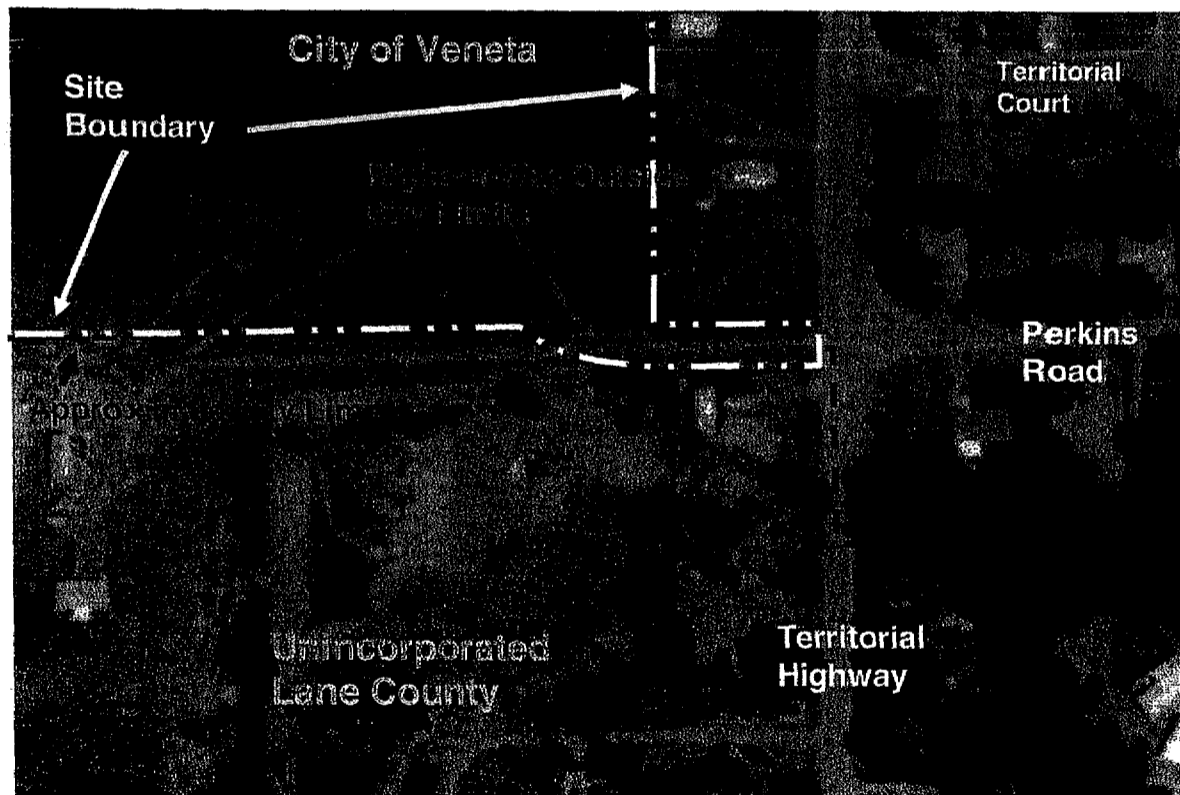
Introduction

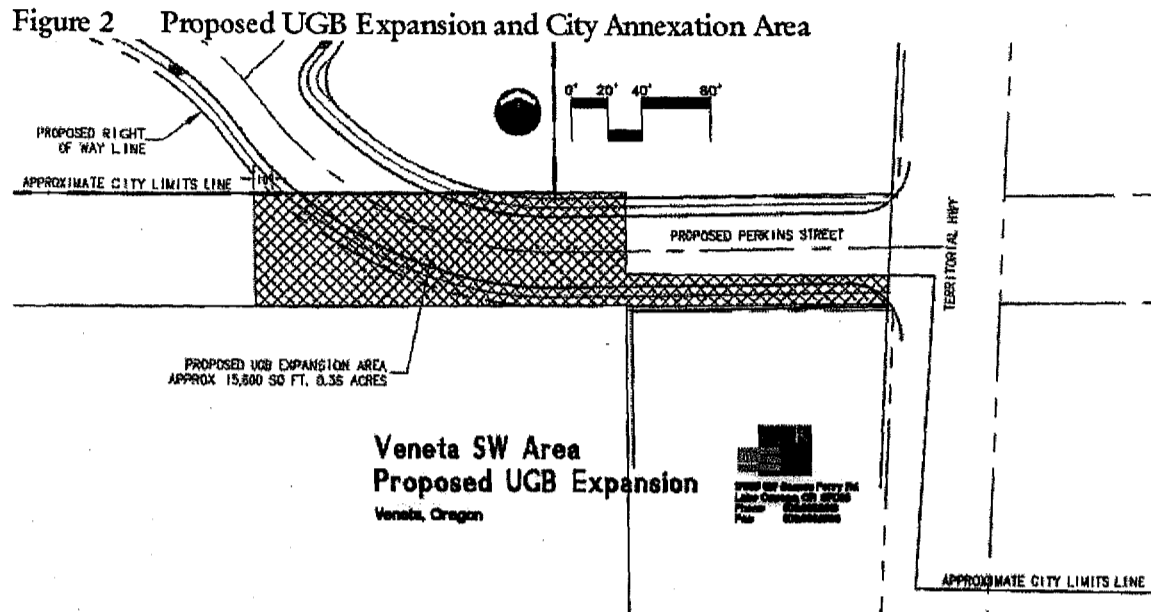
A 0.36-acre expansion to the Veneta Urban Growth Boundary (UGB) is requested in order to allow extension of Perkins Road west of Territorial Highway in conformance with the adopted and State-acknowledged Veneta *Comprehensive Plan* and *Transportation System Plan*. This request is necessary because older documents prepared for these plans were not done in great enough detail, and the maps used were at too large a scale to determine that the Perkins Road extension could not be completed within the UGB while meeting either Veneta or Oregon Department of Transportation road design requirements. Because Perkins Road will serve urban uses, Oregon Administrative Rules require it to be located within an UGB.

This issue became apparent only when the property owner, Hayden Homes, accurately located the Veneta City Limits and attempted to design the Perkins Road extension to serve the first phase of Applegate Landing, a ten-phase subdivision, in conformance with the *Veneta Southwest Area Specific Plan*.

In order to complete the required land use requirements and allow Perkins Road to be constructed, annexation of the site into the City of Veneta and rezoning is necessary. This will be done concurrently with or subsequent to the UGB expansion.

Figure 1 Aerial Photo of the Proposed Perkins Road Extension





(A full size version of the proposed alignment is attached as Exhibit I)

Background

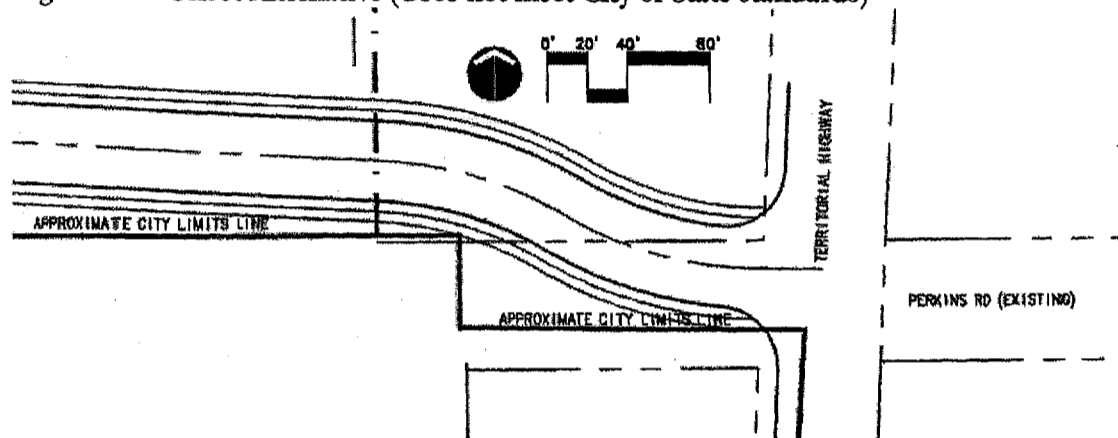
In 1998 Veneta adopted a *Transportation System Plan (TSP)*, prepared by the Lane Council of Governments. The purpose of the TSP was to guide transportation planning within the Veneta UGB for the next 20 years. Included in the TSP was Map 9, Proposed Streets, which identified a westerly extension of Perkins Road from the intersection of the existing road with Territorial Highway. Scale of the map was large (approximately 1 inch=1,300 feet), and the UGB was inaccurately drawn. Therefore, the TSP depicts the road extension clearly within the UGB. However, the TSP did not include a detailed site plan of the intersection or an analysis of whether the proposed extension could be made using adopted engineering standards and still remain within the UGB and city limits.

In 2000 Veneta adopted a *Comprehensive Plan* that provided for future urban development within the UGB and city limits. The Transportation Elements and Policies of the *Comprehensive Plan* carried over many parts of the previously-adopted portions of the TSP verbatim, including the future extension of Perkins Road.

In 2006 an amended *Veneta Southwest Area Specific Plan* was adopted by the City to guide development in an undeveloped area in the City's Southwest Neighborhood Center. The approved plan includes a mixed use development to be built in ten phases, adding approximately 600 dwelling units and two acres of commercial development on 128 acres between Territorial Highway and Bolton Hill Road. A *Southwest Area Specific Plan Land Use Map* was adopted as part of the Specific Area Plan. The adopted map included a street plan incorporating the TSP and *Comprehensive Plan* and therefore also incorporated the extension of Perkins Road into the site from Territorial Highway. When the street extension was designed for the Phase I subdivision of the development, two major problems were discovered that prevented Perkins Road from being extended into the Specific Plan area while remaining entirely within the existing UGB and city limits:

- The Veneta UGB and city limits do not extend as far south as shown on the TSP, *Comprehensive Plan*, and other city maps. This was discovered by the property owner's surveyor through an analysis of the description of the city limits when Veneta was incorporated as a city in 1962. In order to be located entirely within the city limits and UGB, the centerline of the westerly extension of Perkins Road would have to be offset approximately 30 feet to the north of the existing Perkins Road right-of-way to the east of Territorial Highway. New offset intersections such as this are not allowed by the City of Veneta Land Division Ordinance (6.02(5)) or Oregon Department of Transportation regulations (Roadway Engineering Section).

Figure 3 Offset Alternative (does not meet City or State standards)



- The City of Veneta requires roads to have at least 100 feet of tangent roadway (straight road) at intersections ((6.02(8)). ODOT will also require a minimum tangent distance. If the Perkins Road intersection were extended in a straight line for 100 feet from the centerline of Perkins Road prior to curving northward at the minimum 100-foot radius (6.02(13)), the road will still extend beyond the UGB and city limits. Therefore, minimal compliance with design standards for Perkins Road extension will result in the need for UGB expansion.¹

In summary, a westerly extension of Perkins Road has been identified by the City as part of their TSP and *Comprehensive Plan*. Implementation of it requires a portion of the roadway to extend outside of the existing UGB and city limits in order to meet both Veneta and ODOT design requirements. Since Perkins Road is an urban street serving urban uses, it is not allowed outside of the UGB. Therefore, expansion of the Veneta UGB is necessary for the Perkins Road extension.

¹ The tangent length for the approved alignment for the extension of Perkins Road in the *Southwest Area Specific Plan* is slightly longer than 100 feet for two primary reasons. First, if the length were only 100 feet it would require a small portion of the road to be located on a neighboring property owners land to the north. More significantly, 100 feet is the absolute minimum tangent length allowed. However, each road is assessed on a case-by-case basis and it was determined that the slightly longer tangent in the proposed alignment results in a safer alignment in this case. Therefore, while the proposed alignment requires a slightly larger UGB expansion area than would be required with the absolute minimum 100 foot alignment, it provides a much safer road alignment, and is located over an existing gravel road that has limited or no forest resource value.

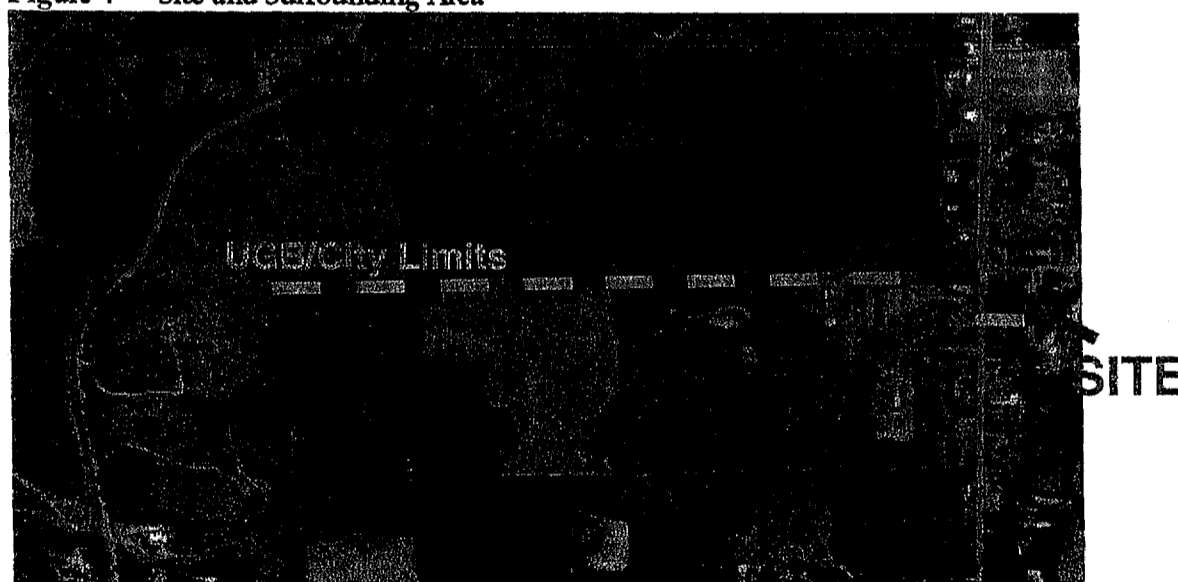
Site Location and Description

The site is the easternmost portion of Tax Lot 1600, Section 1, T1S R6W that serves as a 60-foot-wide accessway to the remaining 84.93-acre portion of Tax Lot 1600. It is nearly level in an east-west direction, and contains a gravel driveway that connects the home on the remainder portion of Tax Lot 1600 with Territorial Highway. Vegetation is primarily weedy groundcover with occasional shrubs or small trees along the north and south boundaries. The site is vacant and has no land uses or activities beyond the access drive.

Surrounding Land Uses

The site abuts Territorial Highway on the east, Veneta City Limits on the north, 1.26-acre and 10.82-acre lots on the south, and the remainder of Tax Lot 1600 on the west. Within the city, land bordering Territorial Highway (1.27-acre Tax Lot 499) has a single-family dwelling. The land west of this lot (Tax Lot 1602) is vacant and part of the Southwest Neighborhood Plan area. The remainder of Tax Lot 1600, west of the site, has a single-family dwelling and outbuilding, with the remaining area either forested with a mix of hardwoods or a meadow. There is no commercial agricultural or forest activity, although a plan is being prepared by the property owner (Hayden Homes) for near future use consistent with the F2 base zone. South of the site are two acreage tracts of 1.26 and 10.82 acres (Tax Lots 800 and 1603). Again no commercial agricultural or forestry activity has been observed, with land use appearing to be limited to single-family homes, a number of outbuildings, horse pasture, and small vegetable gardens.

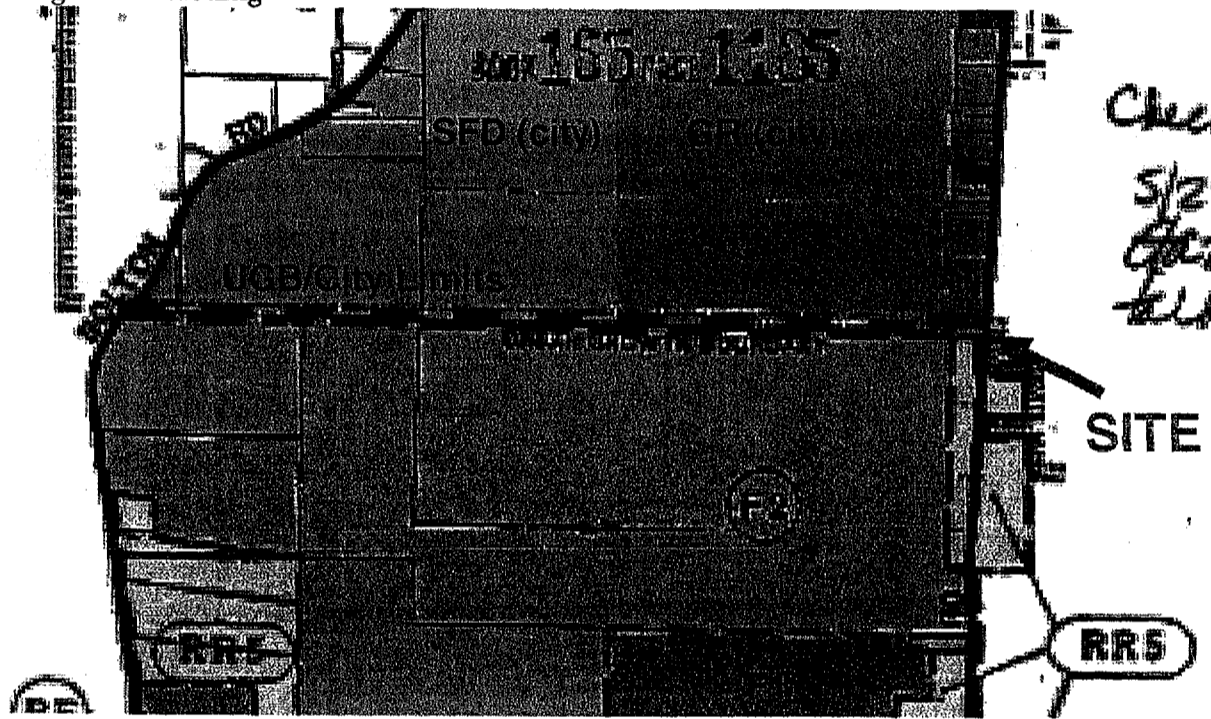
Figure 4 Site and Surrounding Area



Zoning

The site is zoned F2 Impacted Forest Lands Zone. The zoning is consistent with the property owner's remaining property in unincorporated Lane County, and the land to the southwest and west. Both forest and agricultural activities are allowed. The property directly south of the site is zoned RR5, Rural Residential. Land to the north, within Veneta, is zoned GR General residential. All land adjacent to the site is either vacant or in a land use that conforms with the respective base zone.

Figure 5 Zoning



II. Veneta Urban Growth Boundary Amendment

The applicants request a Comprehensive Plan amendment to modify the City of Veneta UGB to include the subject area. A Comprehensive Plan amendment for a UGB expansion requires a showing of compliance with the Statewide Planning Goal 14 factors for establishment or change of a UGB. The applicants must also demonstrate that the proposed amendment complies with other applicable statewide planning goals and the applicable goals and policies of the city and county comprehensive plans.

As demonstrated below, the applicants' proposal complies with all relevant statewide planning goals, including the UGB amendment factors of Goal 14. Additionally, the proposed amendment is consistent with the applicable comprehensive plan goals and policies.

Compliance with Goal 14

Statewide Planning goal 14 provides for "orderly and efficient transition from rural to urban land use." The goal requires cities and counties to cooperatively establish urban growth boundaries and outlines the procedure for amending the boundaries once established. Pursuant to Goal 14, changes to an established boundary shall be determined through the consideration of two "land need" factors and four "boundary location" factors.² Additionally, alternative boundary locations must be considered in manner consistent with ORS 197.298. As demonstrated below, the proposed change in the Veneta UGB to accommodate the extension of Perkins Road satisfies the four Goal 14 factors, as well as the ORS 197.298 provisions.

A. Land Need Factors

Response: As discussed in detail above, the specific need for the requested UGB expansion is to facilitate the extension of Perkins Road depicted on the City of Veneta *Comprehensive Plan* and TSP, and approved through the *Southwest Area Specific Plan*. Given the existing location of Perkins Road east of the Territorial Highway, and the location of the UGB boundary west of the Territorial Highway, it is physically impossible to develop an extension of Perkins Road that satisfies all applicable road standards and stays within the existing UGB line. Figure 3 depicts what the road would look like if it were to stay within the existing UGB line. As discussed above this is not an approvable design. Therefore, the need for this road extension cannot reasonably be accommodated on land already inside the UGB.

² Prior to April 28, 2006, UGB amendment applicants were required to demonstrate compliance with seven Goal 14 factors, and also follow the procedures and requirements set forth in Goal 2 and its implementing rule, which establish the procedures for taking an exception to the relevant planning goals. However, On April 28, 2005, the Department of Land Conservation and Development adopted revisions to Goal 14 which reduced the number of Goal 14 factors from seven to six, and eliminated the need to follow the procedures and requirements of Goal 2. These amendments became effective on April 28, 2006. The change is also reflected in the Goal 2 implementing rule. Specifically, OAR 660-004-0010(1)(c)(C) states, "When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable Goals." In this case, the applicant is not seeking an exception to Goal 14 or any other applicable goals. Therefore, an exception is not required in this case.

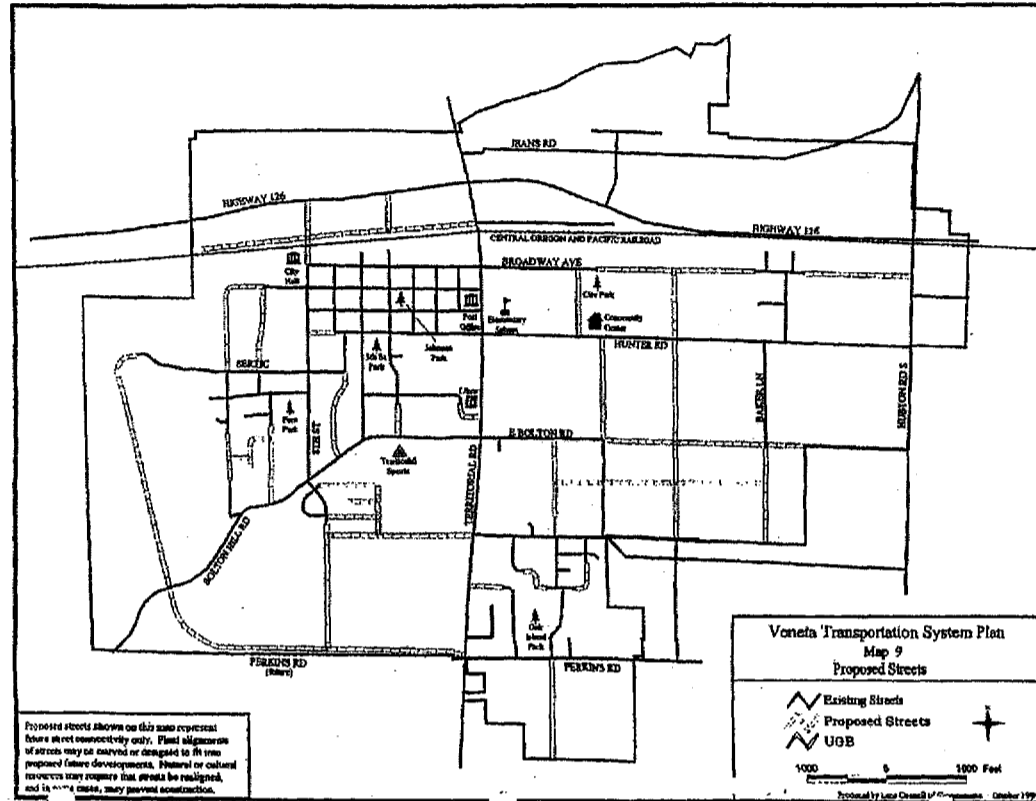
- (1) **Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and**

Response: The City of Veneta included the land located within the *Southwest Area Specific Plan* in its adopted *Comprehensive Plan*. At that time the City determined, and DLCD agreed, that the 128-acre area was necessary to accommodate the long range urban population in looking at a 20-year planning period. The limited area requested under this UGB expansion is necessary to provide adequate access to the *Southwest Area Specific Plan*. This access point is critical for the area to develop as expected by the City during *Comprehensive Plan* adoption and subsequent approval of the *Southwest Area Specific Plan*.

- (2) **Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, park or open space, or any combination of the need categories in this subsection.**

Response: As discussed above, when the City adopted its *Comprehensive Plan*, it generally determined that the area covered by the *Southwest Area Specific Plan* was necessary to satisfy the City's increasing need for housing. The area will also provide public facilities, streets and roads, and critical open space areas for the City of Veneta. In this case, however, the requested UGB amendment is only necessary to accommodate the extension of Perkins Road to serve the *Southwest Area Specific Plan* area. The intent for this extension to serve a city-wide transportation need is clear and well established. The "Proposed Street" map (Map 9) included in the Veneta TSP shows the extension of Perkins Road to the west of Territorial Highway. The Veneta TSP designates Perkins Road as a Major Collector. Therefore, it serves traffic from local street or minor collectors to the arterial system. The TSP clearly depicts the Perkins Road extension as the significant connector for east-west traffic across the southern edge of the City. Therefore, the extension will not only provide access to the newly developing *Southwest Area Specific Plan* area, it will provide an alternative route that can be used for east and west bound traffic to reduce traffic on other congested routes such as Bolton Hill Road or Highway 126. It will also allow traffic now using Territorial Highway (the only major north-south route through Veneta) to divert to Bolton Hill Road or 8th Street to the west, thereby easing congestion on the State highway.

Figure 6 Proposed Streets Map (Veneta Transportation System Plan)



B. Boundary Location Factors

(1) Efficient accommodation of identified land needs;

Response: In order to ensure efficient accommodation of the identified land and to limit impacts on exiting rural lands, the requested UGB extension is limited to 0.36 acres - the area needed to accommodate the approved Perkins Road extension. The UGB will be extended to the south just far enough to match-up with the southern boundary of the Perkins Road right-of-way on the east side of Territorial Highway. This represents the minimum area need to accommodate an extension of the road to the west. As depicted on the UGB Expansion Area plan, the UGB line will also be extended to the west to allow sufficient room for Perkins Road as it curves to the north. As noted above, this alignment provides a safe tangent length (straight line before the intersection) of the approach to and from Territorial Highway. The requested expansion includes an additional 10 feet beyond the expected road alignment to accommodate any minor alterations that may need to be made during final street design or construction. After these two changes, the total expansion area is limited to approximately 15,600 square feet or 0.36 acres.

(2) Orderly and economic provision of public facilities and services;

Response: Expansion of the UGB will allow implementation of the TSP and an additional access point to the *Southwest Area Specific Plan* area of south Veneta. This will increase transportation efficiency within the Specific Plan area, facilitate east-west traffic flow along the

south boundary of Veneta, and allow dispersal of the north-south traffic flow through the City that must now use Territorial Highway. Perkins Road will also allow an additional access point and more efficient access to the west for emergency vehicles.

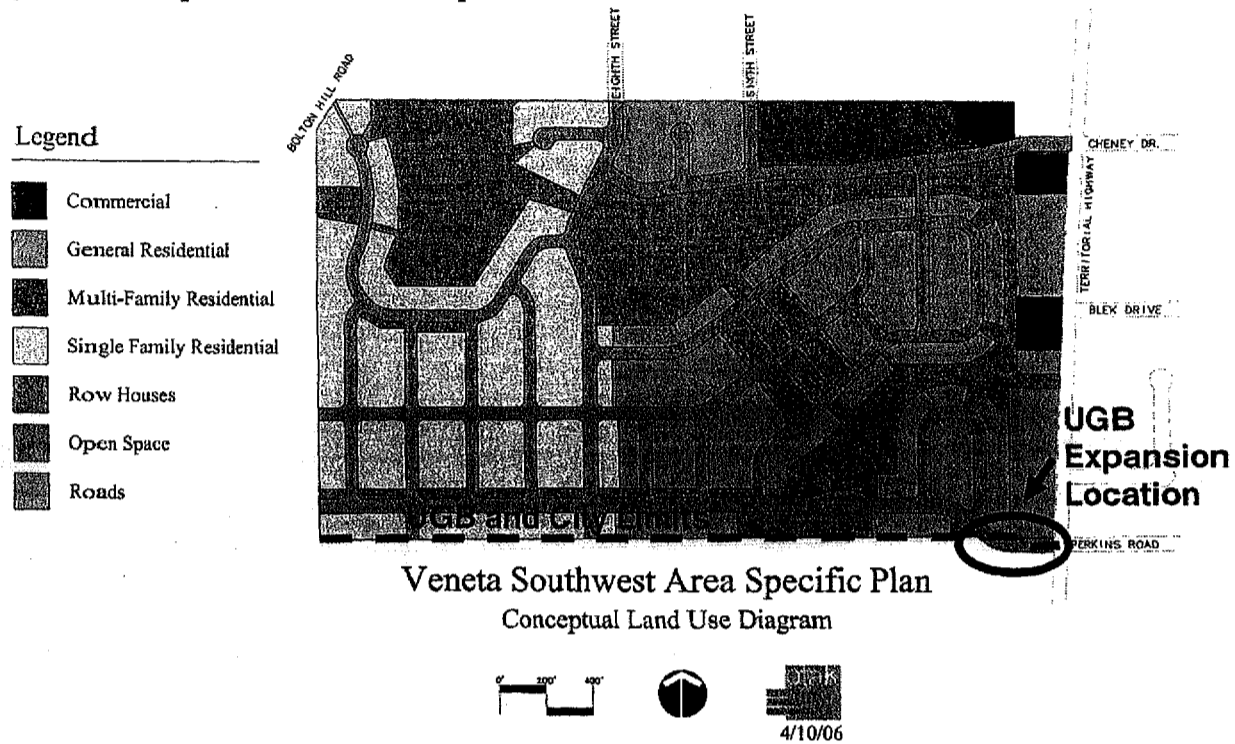
(3) **Comparative environmental, energy, economic and social consequences; and**

Response: In general, the positive environmental, energy, economic, and social (ESEE) consequences of including the proposed area within the Veneta UGB far outweigh any negative ESEE consequences. The anticipated consequences are discussed separately below.

Environmental Consequences

The potential positive environmental consequences of including the subject area in the UGB include the development of an area already designated for an urban level of residential development. Development of this area as expected will alleviate the need to expand the UGB in more sensitive resource areas to accommodate the expected growth in the City of Veneta. Additionally, the first development proposed within the *Southwest Area Specific Plan* will provide an open space network designed to protect and enhance wetland areas located at the site.

Figure 7 Adopted Southwest Area Specific Plan



The potential negative environmental consequence of including the subject area in the UGB is the development and paving of the Perkins Road extension over land currently zoned for forest uses. However, despite the zoning the relevant area is already disturbed and compacted with a gravel driveway. Therefore, the UGB expansion area is not suitable for forest uses. Additionally, the remainder of the property to the south and southwest property does not currently support an active timber or farming operation. The extension of Perkins Road is generally consistent with the current use of that area and will not prevent any future uses allowed within the County's F2 zone. Therefore, the removal of the property from the forest use is unlikely to result in significant environmental consequences.

Energy Consequences

The most significant positive energy consequence of including the subject area within the UGB will stem from facilitating an efficient east/west vehicular connection along the southern portion of the City of Veneta. This alternative transportation route will allow residents traveling from east to west through the southern portion of the city to do so more efficiently. Additionally, the extended portion of the road will include bicycle lanes and a sidewalk to encourage alternative forms of transportation. As depicted on the Proposed Bicycle Plan (Map 15) in the Veneta TSP, the relevant section of Perkins Road is designated as a proposed bicycle lane. The section is a critical link in the City's proposed bicycle lane system that will provide a connection for cyclists traveling east-west. It will also serve those wishing to travel by bicycle from the south to the north or vice-versa because it will provide a critical connection to 8th Street. This will be a more appropriate route than Territorial Highway, the only existing north-south through street in the area.

The potential negative energy consequences are limited, but include the increase in traffic using the extended street. However, the extension is included as a necessary major collector on the Veneta TSP that will serve the *Southwest Area Specific Plan* area and City's transportation needs. The more efficient flow of traffic in that area will generally have a positive energy consequence.

Economic Consequences

The primary positive economic benefit of expanding the UGB to accommodate the Perkins Road extension will be enhanced revenue to the City from the planned development of the southern portion of the *Southwest Area Specific Plan*, as well as the remainder of the plan area. The extension of the road will ensure that the *Southwest Area Specific Plan* can develop as anticipated by the City. If Perkins Road were not extended across Territorial Highway as planned, it would severely complicate the planned and approved development of the area to the severe economic detriment of the City.

There are no readily apparent negative economic consequences of including the subject area within the UGB. If the area were to remain outside of the UGB it would continue to be used a gravel driveway to serve the property located to the southwest. Once Perkins Road is extended, the properties to the south and west will be accessible through a connection to Perkins Road. Therefore, the UGB expansion will have no impact, economic or otherwise, on the future uses of that property.

Social Consequences

The expected positive social consequences of including the subject area within the Veneta UGB is the development of *Southwest Area Specific Plan* area as contemplated and approved by the City and the implementation of the Veneta TSP. The City spent a significant amount of time and energy developing the *Southwest Area Specific Plan*. The *Southwest Area Specific Plan* was adopted by the City in April of 2006 and provides a comprehensive, performance-oriented approach for the development of the 128-acre Southwest Neighborhood Center into a new innovative neighborhood of mixed residential uses and supporting commercial uses. Once developed, the area will include needed residential uses available to a variety of income levels, neighborhood commercial uses, parks, and open space areas. The extension of Perkins Road is a critical step in the development of this entire area. Furthermore, there will be social benefits in implementing the Veneta TSP. In developing the TSP, the City examined critical transportation routes for efficient travel in and around the City. As noted above, the Perkins Road extension was identified as an important new road to serve the travel needs along the southern edge of the City. This extension will have a tremendously positive social consequence of creating sufficient room within the UGB to develop a planned TSP improvement.

Potential negative social consequences could include negative impacts associated with increased vehicle traffic and residential development on neighboring uses. However, as discussed above, the property directly south of the UGB expansion area is developed with a single residential use that will continue to have vehicular access. The social benefit to the community from providing an extension included in the adopted TSP far outweighs any potential negative social impact on surrounding property owners.

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Response: As discussed in detail above, there are currently no active commercial agricultural or forest activities directly adjacent to the UGB expansion area. The closest agricultural and forest activities larger than the "hobby farm" grazing occurring on the RR5-zoned land to the immediate south are over one-quarter of a mile away. In any case, the proposed Perkins Road extension is entirely compatible with existing or potential agricultural and forest activities occurring south of the UGB. When the UGB line was placed in its current location, the City assessed the impacts of the urban levels of residential and commercial development on surrounding areas and determined that the uses, including extension of Perkins Road, were compatible. By acknowledging the existing UGB line, which was assumed through the *Comprehensive Plan* and TSP to allow Perkins Road to be placed within the UGB, the state agreed. The requested UGB amendment does not change that analysis. Instead it only slightly relocates the line to allow a use (Perkins Road) that was previously contemplated and previously approved.

C. ORS 197.298 Priorities

ORS 197.298 establishes a priority system for the inclusion of land within urban growth boundaries. ORS 197.298(1)(a) requires the county to first consider designated urban reserve land under ORS 195.145, rule, or metropolitan service district action plan. Second priority lands under ORS 197.298(1)(b) are exception lands and non-resource lands. If the lands identified under ORS 197.298(1)(a) and (b) are inadequate to meet the identified need, land designated as "marginal land" under ORS 197.247 may be included in the UGB pursuant to ORS 197.298(1)(c). Finally, if lands identified under ORS 197.298(a) through (c) are inadequate to meet the identified need, lands zoned for agricultural or forest lands are to be included. ORS 197.298(2) states that lands "of lower capability as measured by the capability classification system or by cubic foot site class" must be added before lands of higher capability.

ORS 197.298(3) specifies that lower priority land may be included in the UGB if higher priority land is found to be inadequate based on one of the following reasons:

- (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;*
- (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or*
- (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.*

Response: In this case, the proposed UGB expansion would include land zoned F2 in Lane County, a forest zoning designation. Therefore, the relevant land is forest land and of lowest priority for inclusion in the UGB. However, this particular forest land should be included in the UGB because no other land located outside the UGB can satisfy the need to extend Perkins Road across the Territorial Highway. In other words, the identified need for the extension of Perkins Road cannot be accommodated, reasonably or otherwise, on higher priority lands. The road extension is site-specific and dependent on location of the existing intersection and transportation needs of the City of Veneta and surrounding area, as outlined in its adopted and

state-acknowledged Comprehensive Plan and TSP. There are simply no “first,” “second,” or “third” priority lands that could geographically satisfy the identified need. Therefore, this lands qualifies for inclusion in the UGB under ORS 197.298(3)(a).

Compliance with Remaining Statewide Planning Goals

1. Goal 1 - Citizen Involvement

Response: Goal 1 requires each City and County to have a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. This application will be processed consistent with the City of Veneta and Lane County citizen involvement programs. Specifically, properties within a specific area will be notified of the application and will be given an opportunity to comment on the proposal. Additionally, public hearings will be held by both the City and County Planning Commissions, Veneta City Council, and the Board of County Commissioners, and citizens will be given the opportunity to provide both written and oral testimony prior to issuance of a final decision at both the City and the County levels. Additionally, citizens were appropriately involved in both *Southwest Area Specific Plan* planning process and the TSP process that approved the extension of Perkins Road.

2. Goal 2 - Land Use Planning

Response: Goal 2 requires the establishment of a land use planning process and policy framework, and the goal outlines the basic procedures of the statewide planning program. As evidenced by this application applying the statewide planning goals, this application is complying with the framework established in through Goal 2 and is therefore consistent with Goal 2. As noted above, in order to apply for a UGB amendment under the former Goal 14 it was necessary to demonstrate compliance with the Goal 2 exception standards. However, pursuant to OAR 660-004-0010(1)(c)(C) a goal exception is no longer required. This is true even if, as in this application, the UGB expansion includes Goal 4 resource lands.

3. Goal 3 - Agricultural Lands

Response: Goal 3 seeks to preserve and maintain agricultural lands for farm use. The subject property is designated as forest land (F2), and not agricultural land. Therefore, this goal is not directly applicable to this request.

4. Goal 4 - Forest Lands

Response: The purpose of Goal 4 is to conserve forest lands by maintaining the forest lands base, and is intended to assure that the continuous growing and harvesting of forest tree species as the leading use on forest land. The goal states that “forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.”

Although the UGB expansion site is classified as high-value forest land and zoned as such, it is currently developed as a gravel access road and is 60 feet or less in width. The gravel road is the only access to the remainder of Tax Lot 1600, so with or without UGB expansion, the subject

area would remain as a road or accessway and could not be used for forest cultivation. Therefore, the limited expansion area is neither currently used for forest uses nor suitable for a commercial forest operation. Furthermore, the road will serve urban development already located within the UGB and will not increase access or vehicular travel on surrounding forest zoned lands. Finally, the amount of forest land to be included within the UGB is extremely limited. The proposed expansion only includes the 0.36 acres necessary to accommodate the extension of Perkins Road. For these reasons, the proposed expansion is consistent with Goal 4.

5. Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

Response: Goal 5 seeks to protect natural resources and conserve scenic and historic areas and open spaces by requiring local government to develop programs to inventory and protect such resources consistent with the Goal 5 guidelines. There are no inventoried Goal 5 resources in the UGB expansion area. Therefore, the state and local Goal 5 programs are not directly applicable to this application. There are wetlands located within the approved alignment of the Perkins Road extension on the portion of the road already located within the UGB. The applicant has applied for a permit to fill a small portion of the identified wetlands and will comply with all local, state, and federal wetland requirements. While the fill will primarily be required to allow for the extension of Perkins Road to the west, that limited amount of fill is balanced against the competing goals discussed throughout this application, including land use planning, transportation, housing, and economic development. Additionally, the applicant will provide mitigation for the limited amount of fill placed within the existing UGB area. Finally, while the road extension does require the filling of this small area of isolated wetlands, the vast majority of the 7.5 acres of delineated wetlands within the *Southwest Area Specific Plan* area will be protected under the approved *Southwest Area Specific Plan*.

6. Goal 6 – Air, Water, and Land Resource Quality

Response: Goal 6 protects the environmental quality of the state's air, water, and land. Goal 6 requires local governments to ensure that waste and process discharges from future development will comply with state and federal environmental quality regulations. The "waste and process discharges" referenced in the goal include "solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom."

This application proposes to amend the Veneta UGB for the limited purpose of facilitating the extension of Perkins Road. It is reasonable to conclude that the proposed use of the expansion area, the extension of Perkins Road, will comply with Goal 6 by meeting applicable state and federal environmental quality standards. The road will facilitate auto traffic in this area that will generate vehicular emissions. However, all vehicles using the road will have to comply with state emission standards. Additionally, the road will include bicycle lanes and pedestrian sidewalks that will help offset any vehicular emissions by encouraging alternative modes of transportation in this area of the City. The only other waste and process discharge likely to be associated with the proposed use includes noise discharges. However, as with the emissions, cars using the Perkins Road extension will be held to state and local noise control standards for motor vehicles.

7. Goal 7 - Areas Subject to Natural Disasters

Response: The purpose of Goal 7 is to protect people and property from natural disasters. The subject area is not located within an area recognized by the City or the County Comprehensive Plans as a natural disaster or hazard area. Consequently, this goal is not directly applicable.

8. Goal 8 - Recreational Needs

Response: Goal 8 requires local jurisdictions to inventory their existing recreational areas, facilities, and opportunities to determine the existing and future recreational needs for citizens and visitors, and to provide for the siting of recreational facilities to meet the inventoried needs. Because of the limited nature of the requested UGB expansion for road use, no recreational facilities will be located within the UGB expansion area. However, as discussed throughout this application, the UGB expansion will facilitate the extension of Perkins Road to serve the needs of development proposed for the *Southwest Area Specific Plan* area. All development within the *Southwest Area Specific Plan* area will need to demonstrate compliance with the parks and recreation elements of the Plan itself, as well as the City's adopted *Parks, Recreation, and Open Space Master Plan*.

9. Goal 9 - Economic Development

Response: Goal 9 encourages the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The proposed UGB amendment will facilitate the efficient development of the *Southwest Area Specific Plan* area. This area has been determined by the City to be a critical area for residential and neighborhood commercial growth. The development of this area is important to the economic development of the City of Veneta. The new homes will increase the City's tax revenues, while the commercial development in this area will provide economic opportunities for Veneta residents and will create new jobs. Therefore, while the UGB area will not support any economic activities directly, it is critical piece of the economic success and vitality of the southwest section of the City.

10. Goal 10 - Housing

Response: Goal 10 requires local jurisdictions to satisfy local housing needs. Specifically, local governments must inventory buildable lands for residential use, and local plans must encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Residential homes will not be located within the limited UGB expansion area. Therefore Goal 10 is not directly applicable. However, the Perkins Road extension is a critical element of the *Southwest Area Specific Plan* that does include area deemed necessary to satisfy the City housing needs. According to the approved *Southwest Area Specific Plan*, one of the major objectives of the Plan is to provide maximum opportunities for home ownership by creating Plan regulations that allow a wide variety of dwellings at varying densities. The Plan allows a mix of attached,

detached, and multifamily housing that will allow maximum choice of housing type for potential homeowners in a manner consistent with Goal 10.

11. Goal 11 - Public Facilities

Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The extension of Perkins Road west of Territorial Highway will provide an orderly and efficient extension of an identified major collector along the southern boundary of the City. This extension is necessary to accommodate existing east west traffic in this area, and will also serve the area that will be developed under the *Southwest Area Specific Plan*. The extension is included on the City's TSP and represents a critical improvement to the City's existing transportation system. The request does not directly involve any other public facilities.

12. Goal 12 - Transportation

Response: Goal 12 encourages jurisdictions to provide a safe, convenient, and economic transportation system. Goal 12 is implemented through the transportation element of the City's *Comprehensive Plan* and through the Transportation Planning Rule, OAR 660-012-0060. The relevant transportation goals and policies of the City's *Comprehensive Plan* are addressed in detail in Section III of this narrative.

OAR 660-012-0060 states that "[a]mendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility." Because this application requests a comprehensive plan and zoning map amendment, the TPR requires the applicants to demonstrate that (1) the amendments will not significantly affect a transportation facility, or (2) if the amendments do significantly affect a transportation facility that future land uses will be consistent with the function, capacity, and performance standards for the facility. As detailed below, the proposed amendments will not significantly affect a transportation facility.

Under OAR 660-012-0060(2), a plan or land use regulation amendment "significantly affects" a transportation facility if it:

- (a) *Changes the functional classification of an existing or planned transportation facility;*
- (b) *Changes standards implementing a functional classification system;*
- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

Perkins Road west of Territorial Highway is identified as a major collector street in both the Veneta *Comprehensive Plan* and TSP. It will remain a designated major collector street. No standards implementing the functional classification would be changed with the UGB extension

and subsequent extension of Perkins Road. In fact, the only way Perkins Road can be extended and meet City and ODOT standards regarding intersection design is by extending the UGB as proposed. The westerly Perkins Road extension as a major collector is intended to serve the development proposed in the *Southwest Area Specific Plan*. Design of Perkins Road as part of the subdivision application for Phase I of Applegate Landing, implementing the *Southwest Area Specific Plan*, is to City major collector standards. A traffic impact analysis has been completed for the *Southwest Area Specific Plan* area, concluding that the proposed Perkins Road extension would not reduce the performance standards below the minimum acceptable level of service, either for Perkins Road itself or for the intersection of Perkins Road and Territorial Highway. Even at full buildout of the *Southwest Area Specific Plan* area, in 2017 the predicted level of service at the intersection of Territorial Highway and Perkins Road with the proposed Perkins Road extension will be Level C (Level E is acceptable) and the Volume/Capacity ratio will be 0.28 (0.70 is the upper limit). Consequently, the requested UGB amendment is not an amendment that significantly affects a transportation facility, and the remainder of the TPR is not triggered.

13. Goal 13 - Energy Conservation

Response: Goal 13 requires land uses to be developed and managed to maximize the conservation of all forms of energy. This application is consistent with Goal 13 because the Perkins Road extension will provide a more efficient travel route for those driving in a east/ west direction along the southern boundary of the City. Currently, drivers from the southeast portion of the City wishing to access Bolton Hill Road or other roads on the west side of town must take a circuitous route. The Perkins Road extension will provide direct access and will thereby increase energy conservation.

14. Goals 15, 16, 17, 18, and 19

Response: These goals govern the Willamette Greenway, estuarine resources, coastal shoreland, beaches and dunes, and ocean resources. Therefore, Goals 15 through 19 are not relevant to this application.

Summary and Conclusion

Expansion of the UGB for the purpose of extending Perkins Road to the west of Territorial Highway is necessary to implement the *Veneta Comprehensive Plan* and TSP. The current location of the line is due to past reliance on large scale and inaccurate maps. As a result of the lack of site specific analysis in this area, the problem of UGB location relative to the existing intersection of Perkins Road and Territorial Highway has not been identified until now, when specific development is proposed. Because the land proposed for inclusion into the UGB is presently serving as a gravel driveway, and is less than 60 feet wide, it is neither used for forest activities nor does it have the potential for future forest use. The proposed UGB expansion will allow implementation of the *Veneta Comprehensive Plan* with no detrimental impacts on adjacent unincorporated land and land uses. State requirements for UGB expansion are met.

III. Comprehensive Plan Amendments for Lane County and the City of Veneta

Introduction

The Lane County Comprehensive Plan must be amended to expand the Veneta UGB to include the area necessary for Perkins Road extension. A Comprehensive Plan amendment requires a showing that, on balance, Comprehensive Plan goals and objectives are better met with the proposed amendment. Following are the applicable goals and objectives, each followed by a response showing how the proposed UGB expansion is consistent with each goal and objective.

The City of Veneta does not have any specific criteria for amending its UGB. However, Comprehensive Plan amendments for the city also require compliance with applicable goals and policies. These are also contained in this chapter.

Lane County Comprehensive Plan Goals and Objectives

GOAL TWELVE: TRANSPORTATION

2. In managing the transportation system toward the fulfillment of adopted County land use goals and plans, Lane County shall:
 - a. Provide transportation services as necessary to accommodate growth concentrated within existing communities.

Response: The Veneta *Comprehensive Plan* identifies an extension of Perkins Road to the east of Territorial Highway as a collector street, in order to serve the south portion of the *Southwest Area Specific Plan* neighborhood. It was only through reliance on general large scale maps that it was not included in the UGB during adoption of either the Lane County or City of Veneta Comprehensive Plans. Expansion of the UGB to accommodate the Perkins Road extension will provide transportation services as necessary to accommodate growth concentrated within the existing community of Veneta. Furthermore, completing the UGB expansion and concurrent annexation, it is clear that the City will be responsible for the urban road rather than the County.

- b. Discourage the spread of residential development in agricultural and forest areas.

Response: The land proposed for UGB expansion functions as a gravel driveway. Because of its use and configuration (60 feet wide), it has no value as agricultural or forest land. By expanding the UGB to allow extension of Perkins Road, the southern part of the 600-home *Southwest Area Specific Plan* neighborhood can be developed. These homes will be provided within the UGB and thus will discourage the spread of residential development into agricultural and forest areas. The zoning classification of the portion of the property that will be outside the UGB will remain F-Z. Therefore, there is no risk that the extension of Perkins Road will encourage additional residential development in the remaining forest lands.

- c. **Guide the transportation pattern of newly developing areas and rural communities.**

Response: The UGB expansion will allow implementation of the TSP for the City of Veneta, which guides the transportation pattern of the *Southwest Area Specific Plan* area, a newly developing area.

- d. **Ensure that transportation improvements are consistent with adopted public policies and plans.**
- e. **Ensure that road development or improvement is consistent with adopted plan and policies.**

Response: The Veneta TSP and *Comprehensive Plan* are adopted and acknowledged public plans, and show the extension of Perkins Road to the east of Territorial Highway. Expansion of the UGB allows the Perkins Road improvement in a manner consistent with the adopted public plans. Furthermore, the Perkins Road extension is not inconsistent with any adopted Lane County transportation plans or policies.

GOAL FOURTEEN: URBANIZATION

1. **The County shall encourage new residential, commercial and industrial development to locate within existing incorporated cities or rural communities. Any growth outside Urban Growth Boundaries must:**
 - a. **Be restricted to committed or developed areas including approved new development centers; or**
 - b. **Under certain specified conditions set forth in this plan, industrial, commercial and residential development is appropriate outside of developed and committed areas provided a valid exception is taken and/or all Statewide Goal requirements are met.**
 - c. **Any community designated in the plan that does not have an adequate Urban Growth Boundary, or any addition to such community that may be proposed, shall be justified by a valid exception pursuant to Statewide Goal 2, Part II. This and subsequent policies do not apply to the Eugene-Springfield Metropolitan Area, which is governed by the Metro Area Plan.**

Response: Extension of Perkins Road is not within a committed or developed area, and no exception beyond UGB expansion is available according to the County. Therefore, a UGB expansion is requested. The prior section of this Burden of Proof has outlined how applicable state regulations are met.

2. **The County shall provide for orderly and efficient transition from rural to urban land use while insuring the supply of housing, employment, livability and other amenities, in order to accommodate the long-range growth of each city.**

Response: The long-range growth of the City of Veneta is dependent to a large degree on implementation of its TSP, which in turn provides safe and efficient access to developable areas throughout the City. UGB expansion that will allow Perkins Road extension in conformance with the TSP will allow urban development within the southern portion of the Veneta urban

area, thereby providing an orderly and efficient transition from rural to urban land use while ensuring the supply of housing in order to accommodate the long-range growth of the City.

3. **The County shall provide for a cooperative UGB management process between the County and cities in the County in the following:**
 - a. **The establishment and periodic revision of urban growth boundaries and the planning and implementation of common policies and procedures within the boundaries;**
 - b. **The planning and implementation of city policies for lands inside city boundaries which may affect the County.**
4. **The County shall continue to comply with the planning coordination requirements, and the "urban growth management program" requirements of the Oregon Land Conservation and Development Commission.**
5. **The County will seek agreement with each city to commonly determine the location of urban growth boundaries and the interim and long-term land use designations and public improvement project designations within the growth boundaries.**

Response: The requested amendment requires the cooperative management process between the City of Veneta and Lane County contemplated in this section. Consequently, the UGB amendment will be reviewed and approved by decision-making bodies at both the City and the County.

6. **Each city is regarded as the logical and ultimate provider of urban services within its urban growth boundaries; Lane County will not approve any development nor encourage or abet the establishment of urban services or facilities within the city's urban growth boundary, which are contrary to city policy or agreement excepting establishment service districts.**

Response: Urban services, including Perkins Road within the Veneta UGB, will be provided through the City of Veneta in keeping with the Veneta *Comprehensive Plan* and TSP.

7. **It is the County's position that ultimate urban-level density within a city's urban growth boundary should occur only where all essential public facilities and services (water, sewer, etc.) are or will be shortly available. Cities are encouraged and expected to prepare and publish facilities plans and schedules for all facilities.**

Response: City services are available to serve the land that is able to be urbanized as a result of the proposed UGB expansion and extension of Perkins Road. Availability of service was determined during adoption of the *Southwest Area Specific Plan* and is being reviewed with the Phase I subdivision request for Applegate Landing.

8. **The County will encourage the orderly and logical annexation of territory to each city.**

Response: Annexation of the site will occur concurrently or subsequent to UGB expansion. It will be coordinated through the Lane Council of Governments Boundary Commission.

9. Any County approval of the division and/or development of land within a city's urban growth boundary will be consistent with provisions of the applicable city plan within the area. If necessary, the County may take one or more of the following actions to land outside the city's jurisdiction:
 - a. On an interim basis, limiting the level of development to less than the planned urban density or intensity, based on interim standards to be adopted and published.
 - b. Determining that the design and operation of an interim land use will allow for later conversion to full urban densities in an orderly and efficient manner (e.g., land divisions to be approved in such a way as to permit later re-division into greater and urban-level densities), and that the interim land use will not otherwise pre-empt the subject or other properties from the future orderly provision of urban services and facilities;
 - c. Requiring that interim and long-term development be consistent with existing master sewer and/or water plans for the urban growth area;
 - d. Requiring city service connection, where agreeable to the city and consistent with applicable law, and where consistent with approved master facility plans for the urban growth area.

Response: As noted previously, the City Comprehensive Plan and TSP both identify the westerly extension of Perkins Road from Territorial Highway.

10. Lane County will apply where appropriate applicable city public improvement standards within urban growth boundaries where it is determined that those standards are more rigorous than those of the County. Where city standards are not practicable, County approvals will be given in such a way as to permit each conversion in the future to city standards.
11. Use of utility easements and natural drainage ways within the urban growth area shall be consistent with applicable plans, will have multiple uses where practicable and will be based on County-city agreement.
12. The County will provide each city the opportunity to review and comment upon County consideration of plans, ordinances, development proposals (zoning and land division), public improvement projects, sale of County lands and other similar matters of city interest which occur within the city's area of influence and/or urban growth boundary, via "joint agreements for planning coordinator" executed with each city.
13. Lane County will expect to review city proposals for, or consideration of, matters of County interest through established procedures. Matters to be reviewed may include those listed above in Policy No. 12, plus other matters such as annexations, as governed by joint agreement.

Response: The request is for a UGB expansion in conformance with the Veneta *Comprehensive Plan* and TSP, and not adoption of new improvement or other standards. Therefore, many of these provisions are not directly applicable. However, in any case, the County will be given the opportunity to review the proposed UGB amendment and will be the ultimate decision maker in a manner entirely consistent with these provisions.

14. Lane County shall attempt to achieve coordinated establishment approaches (including plan land use\public improvement approaches (including plan land use designations, development policies, zoning, etc.). Plan coordination may take one of the following forms:
- Co-adoption, with each city, of a common comprehensive plan; or
 - Adoption of the city's comprehensive plan as a part of the County's plan(s); or
 - Approval of any supplemental policies or procedures which will accomplish the intent of this section of the Policies, which may be mutually agreed upon by the County and each city.

Response: The request is for a mutually agreed-upon expansion of the Veneta UGB.

15. Lane County shall regard itself as "caretaker" for lands within city UGBs but outside of city limits and will administer County land use and other regulations toward that objective, within the parameters established by the preceding Policies. Conflicts between city and County interpretations of plans or appropriate County actions shall be resolved temporarily in favor of County until the conflict is fully resolved through plan amendment or clarification, or other action.

Response: Annexation of the site will be requested concurrently with or subsequent to expansion of the UGB.

16. Unincorporated communities shall be considered and treated as part of the County Plan with due consideration for community needs and values. Urban-level development requiring or ultimately likely to require urban services such as sewer and water systems shall not be approved unless the community itself, by public or private installation, can supply these services, and the development is in the form of an acceptable new development center proposal.

Response: The site will be incorporated into the City of Veneta at the same time or shortly after UGB expansion. This criterion does not apply.

17. Within established UGBs, city plans ratified or adopted by the County are to be considered the governing land use documents, but do not pre-empt final County legal responsibilities or authority. Contract annexation agreements between cities and the County may modify this position as acceptable to both parties.

Response: As noted previously, extension of Perkins Road, which requires UGB expansion, is an adopted element in both the Veneta *Comprehensive Plan* and TSP. Annexation into Veneta will occur concurrently with or subsequent to UGB expansion.

V. IMPLEMENTATION AND UPDATES TO THE PLAN

A. IMPLEMENTATION OF THE PLAN

The measure of success of the Comprehensive Plan would be how well the Plan dealt with the objectives and the problems which were outlined and if the plan policies are implemented. Veneta's Comprehensive Plan's primary focus is the process of urbanization, or the conversion of rural lands to urban uses. The entire plan is based on a rational and economical pattern of growth which promotes contiguous urbanization in relation to land requirements for the planning population, and the City's ability to provide services and utilities. The Plan, through designation of an urban service boundary, also makes clear distinctions between areas of rural uses and urban use during this process of urbanization, especially in view of the fact that the area within the Urban Growth Boundary is capable of supporting 30-40 percent more population than the planning population. This basic expression of urbanization speaks directly to the problems of sustaining urban growth with a bedroom community while keeping future long-term development options available. It also relates to the plan objectives and LCDC goals dealing with the need for orderly urbanization utilizing services, particularly utilities, in providing an overall framework for guiding urban development...

Response: The *Comprehensive Plan*, as well as the TSP, identify extension of Perkins Road to the west of Territorial Highway. This road extension will allow orderly urban growth of the designated urban area in conformance with the adopted *Southwest Area Specific Plan*. The expansion will further the goal of making clear distinction of areas for urban uses, such as Perkins Road and rural uses.

...The Plan responds to the need to upgrade and improve circulation patterns within the city, as well as encouraging the use of public transit and the continued development of bicycle trails as alternative circulation options...

Response: Perkins Road is identified in the *Comprehensive Plan* and TSP as a future collector street. Its extension will, for reasons detailed previously in this Burden of Proof, improve circulation patterns within the City. It is also a designated bicycle route and sidewalk area. Therefore, the extension will encourage alternative transportation modes.

B. UPDATING THE PLAN

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

Response: The proposed UGB expansion is a result of past use of inaccurate and large-scale maps that led to the erroneous conclusion that Perkins Road could be extended west of Territorial Highway within the existing UGB and city limits. However, as noted in Chapter I of this Burden of Proof, the roadway cannot be extended in conformance with either Veneta or ODOT road design standards and remain within the existing UGB. This review by the City is being initiated by a private property owner, Hayden Homes, in order to implement adopted city development plans. Proper notification and hearing requirements will be followed.

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.

Response: As provided in detail throughout this narrative, the established need for UGB expansion is to conform to the adopted Veneta *Comprehensive Plan*, TSP and *Southwest Area Specific Plan*. In support of this established need, applicable Comprehensive Plan goals and policies apply:

G. Transportation

Mission: To enhance the quality of life in the City of Veneta through a balanced transportation system that meets the travel needs of the community.

Goals:

Connectivity: Create an interconnected transportation system to support existing and proposed land uses.

Access: Meet the access needs of land development while protecting public safety needs, transportation operations, and mobility of all transportation modes.

Policies:

(2) Street Classifications

(b) Collector Streets: Access shall be managed to minimize degradation of capacity and traffic safety.

A major collector shall serve traffic from local streets or minor collectors to the arterial system. Major Collectors:...Perkins Road...

(3) Layout and Design of Streets, Bikeways, and Walkways.

(d) Streets shall be interconnected to reduce travel distance, encourage efficient lot layout, promote the use of alternative modes, efficiently provide utilities and emergency services, and to evenly disperse traffic...

These elements have been embodied into the TSP, which identifies Perkins Road as a major collector street. The westerly extension of Perkins Road will allow efficient and safe access to the southern portion of the *Southwest Specific Area Plan* neighborhood, in conformance with the adopted specific plan. It will connect Territorial Highway and the eastern half of Veneta to Bolton Hill Road and Eighth Street for greater traffic dispersion, increasing efficiency of the road system and decreasing congestion along Territorial Highway. As a designated bicycle route, it will also encourage alternative transportation modes more suited to short travel distances and energy efficiency. Overall, the UGB expansion will provide a significant positive benefit to the city.

VENETA LAND DEVELOPMENT ORDINANCE of 2006.

3.06 Zoning of Annexed Areas

All areas annexed to the City shall be placed in the Rural Residential (RR) zone unless specifically placed in another zone by the City Council at the time of annexation. The Council shall request a recommendation from the Planning Commission prior to zoning any annexed area other than RR.

Response: The proposed use of the annexed land is extension of Perkins Road in conformance with the *Comprehensive Plan* and TSP for the City of Veneta. Virtually the entire site will be dedicated for public right-of-way. Therefore, the base zone designation is immaterial to the proposed (road) use. Rezoning of the site to RR Rural Residential upon annexation is appropriate. However, the zone could also be changed to match the surrounding zoning during the annexation process if desired by the City.

IV. Summary and Conclusion

A 0.36-acre expansion to the Veneta UGB is requested in order to allow extension of Perkins Road west of Territorial Highway in conformance with the adopted and State-acknowledged Veneta *Comprehensive Plan* and *Transportation System Plan*. This request is necessary because older documents prepared for these plans were not done in great enough detail, and the maps used were at too large a scale to determine that the Perkins Road extension could not be completed within the UGB while meeting either Veneta or Oregon Department of Transportation road design requirements. Because Perkins Road will serve urban uses, Oregon Administrative Rules require it to be located within a UGB.

This issue became apparent only when the property owner, Hayden Homes, accurately located the Veneta City Limits and attempted to design the Perkins Road extension to serve the first phase of Applegate Landing, a ten-phase subdivision, in conformance with the *Veneta Southwest Area Specific Plan*.

The UGB expansion will allow development of a significant residential area in conformance with the Southwest Area Specific Plan, meeting housing needs of the City, while having no adverse impact on the rural agricultural or forestry activities nearby. All state, county, and city requirements are met.

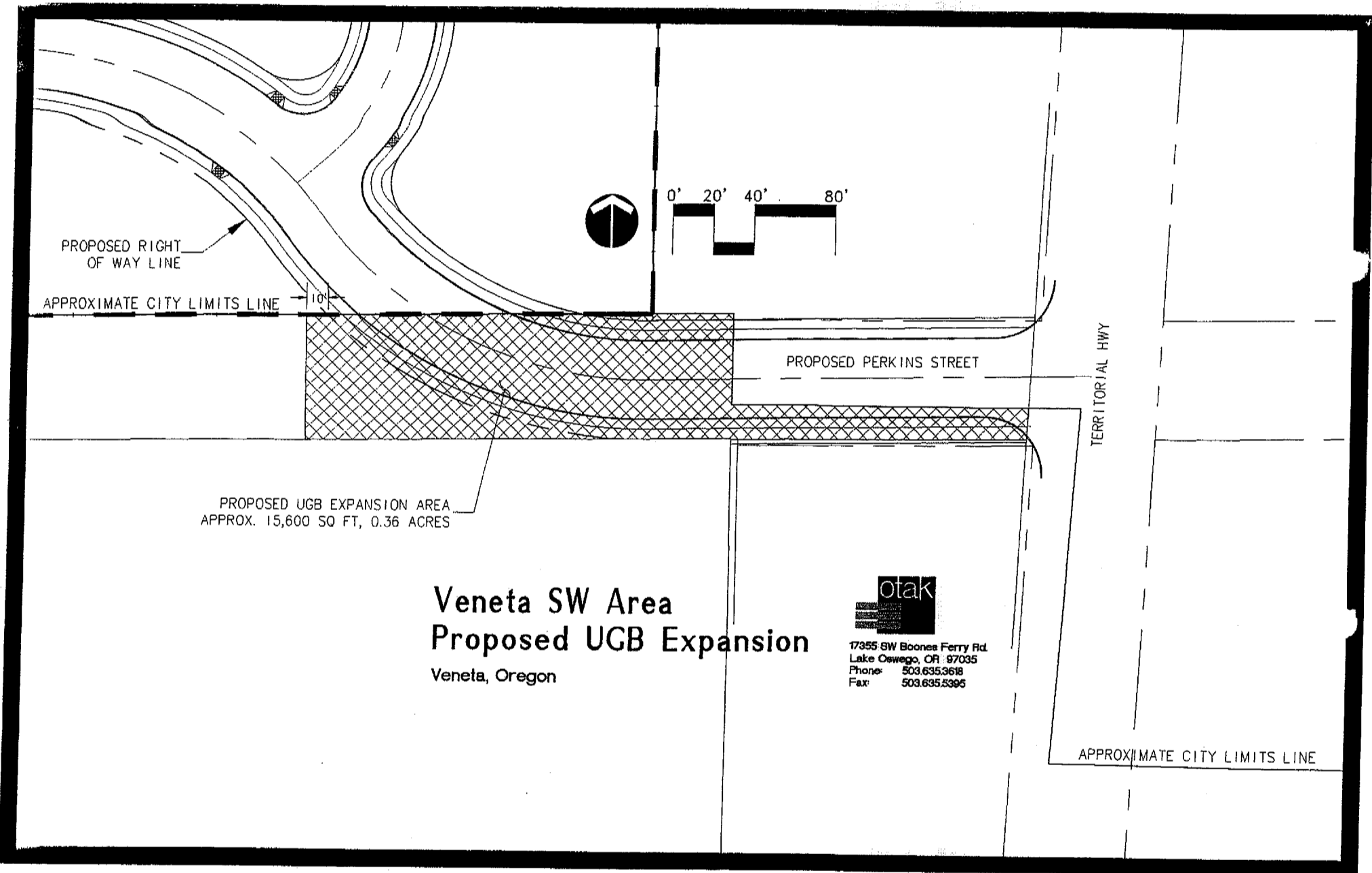


EXHIBIT 1

