



# 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

First Floor/Costal Fax: (503) 378-6033

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

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

### NOTICE OF ADOPTED AMENDMENT

March 9, 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 004-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: March 27, 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.**

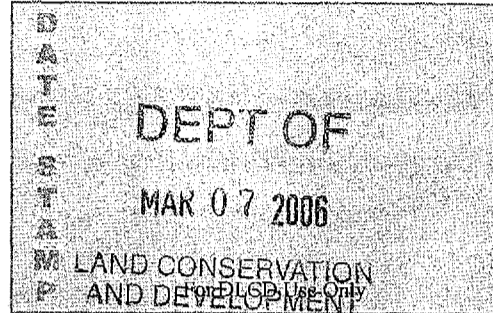
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Brian Issa, City of Veneta

<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-1-05, A-2-05, A-3-05  
Date of Adoption: 2/27/2006 Date Mailed: 3/6/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 11/16/2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
**Basic custodial revisions and clarifications of the Land Development & Land Division Ordinances including adoption of language requiring new residential subdivisions, planned developments, multi-family or manufactured home park developments to dedicate parkland or cash in lieu to serve existing and future residents of those developments.**

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".  
**Parkland dedication was incorporated rather than creating a stand-alone ord. Other minor changes were made based on public input and legal review.**

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

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

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

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

Applicable Statewide Planning Goals: 2,8

Was an Exception Adopted?  YES  NO

DLCD File No.: 004-05 (14815)  
and 005-05 (14816)

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:

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. 461**

**AN ORDINANCE ADOPTING THE VENETA LAND DEVELOPMENT  
ORDINANCE, REPEALING ORDINANCES 417, 435, 449, AND SECTION 4 OF  
ORDINANCE 427 AND DECLARING AN EMERGENCY**

WHEREAS, the Veneta City Council has found a need to acquire additional park lands to comply with its adopted Parks and Open Space Master Plan; and

WHEREAS, there is a need to update the Veneta Land Development Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statutes and other regulations; and

WHEREAS, the Department of Land Conservation and Development was notified of the proposed amendments to the Veneta Land Development Ordinance on November 16, 2005; and

WHEREAS, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed amendment to the Veneta Land Development Ordinance on January 3, 2006 and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the Veneta City Council conducted a properly advertised public hearing on the proposed amendment to the Veneta Land Development Ordinance 417 on February 13, 2006; and

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

**FINDINGS OF FACT:**

The Findings of Fact in support of Park Land Dedication, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this ordinance as Exhibit A.

The Findings of Fact in support of amendments to the Veneta Land Development Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statutes and other regulations, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this Ordinance as Exhibit B.

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

Section 1. The "Veneta Land Development Ordinance 461", attached as Exhibit C, and the Veneta Zoning and Floodplain Map dated August 8, 2005, attached as Exhibit D, are hereby adopted by the Veneta City Council as a part of this ordinance.

Section 2. Ordinances 417 and it's amending Ordinances 435, 449, and Section 4 of Ordinance 427 are hereby repealed. All resolutions adopted under the authority of Ordinance 417 remain in full force and effect under the authority of this Ordinance 461 until specifically repealed.

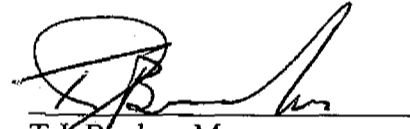
Section 3. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

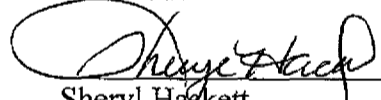
Section 4. Declaration of Emergency. It is hereby adjudged and declared that the existing conditions are such at it is necessary for the immediate preservation of the public peace, health, and safety of the City of Veneta and an emergency is hereby declared to exist, and this ordinance shall take effect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

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

PASSED BY A VOTE OF 3 for and 0 against on the 27<sup>th</sup> day of February, 2006.

  
T.J. Booker, Mayor  
Executed on 2-27-2006

ATTEST:  
  
Sheryl Haekett  
Executed on 2-27-2006

**ORDINANCE NO. 462**

**AN ORDINANCE ADOPTING THE VENETA LAND DIVISION ORDINANCE,  
REPEALING ORDINANCES 418 and 436, AND DECLARING AN EMERGENCY**

WHEREAS, the Veneta City Council has found a need to acquire additional park lands to comply with it's adopted Parks and Open Space Master Plan; and

WHEREAS, there is a need to update the Veneta Land Division Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statues and other regulations; and

WHEREAS, the Department of Land Conservation and Development was notified of the proposed amendments to the Veneta Land Development Ordinance on November 16, 2005; and

WHEREAS, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Veneta Land Division Ordinance on January 3, 2006 and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Veneta Land Division Ordinance 418 on February 13, 2006; and

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

**FINDINGS OF FACT:**

The Findings of Fact in support of Park Land Dedication, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this ordinance as Exhibit A.

The Findings of Fact in support of amendments to the Veneta Land Division Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statues and other regulations, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this Ordinance as Exhibit B.

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

Section 1. The "Veneta Land Division Ordinance 462" attached as Exhibit C is hereby adopted by the Veneta City Council as a part of this ordinance.

Section 2. Ordinances 418 and amending ordinance 436 are hereby repealed. All resolutions adopted under the authority of Ordinance 418 remain in full force and effect under the authority of this Ordinance 462 until specifically repealed.

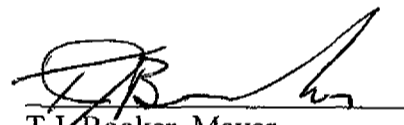
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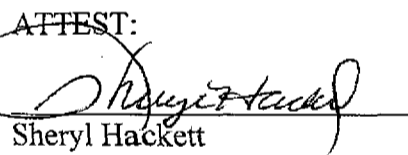
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PASSED BY A VOTE OF 3 for and 0 against on the 27<sup>th</sup> day of February, 2006.

  
T.J. Booker, Mayor  
Executed on 2-27-2006

ATTEST:  
  
Sheryl Hackett  
Executed on 2-27-2006

**ORDINANCE NO. 462**

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REPEALING ORDINANCES 418 and 436, AND DECLARING AN EMERGENCY**

WHEREAS, the Veneta City Council has found a need to acquire additional park lands to comply with it's adopted Parks and Open Space Master Plan; and

WHEREAS, there is a need to update the Veneta Land Division Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statues and other regulations; and

WHEREAS, the Department of Land Conservation and Development was notified of the proposed amendments to the Veneta Land Development Ordinance on November 16, 2005; and

WHEREAS, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Veneta Land Division Ordinance on January 3, 2006 and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Veneta Land Division Ordinance 418 on February 13, 2006; and

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

**FINDINGS OF FACT:**

The Findings of Fact in support of Park Land Dedication, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this ordinance as Exhibit A.

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T.J. Booker, Mayor  
Executed on 2-27-2006

ATTEST:

  
Sheryl Hackett  
Executed on 2-27-2006

**Exhibit A**  
**Veneta Land Division Ordinance 462**  
**Findings of Fact – Park Dedication**

The Veneta City Council finds the following:

1. The Veneta City Council held a public hearing on February 13, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417.
2. The Veneta Planning Commission held a public hearing on January 3, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417. The Planning Commission recommended that the City Council adopt the proposed amendments.
3. The proposed amendments comply with the goal and policies in the *Veneta Comprehensive Plan* and Statewide Planning goals as follows:

*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 ordinance will allow the City to provide adequate public spaces to accommodate Veneta's future population. Requiring dedication or fee in lieu will allow the City to provide park space 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 with open areas intended for both active and passive recreation.**

13. *Establish and enforce development and performance standards for landscaping, buildings, open space, architecture, and tree canopy.*

**The proposed ordinance establishes development standards for open space and directly implements this policy. The provision of park space may also have secondary benefits including the preservation of existing tree canopy and other natural or visual resources that improve the livability of Veneta.**

C. RESIDENTIAL LAND AND HOUSING ELEMENT

POLICIES:

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 changes clarify that density shifts as described in this policy are to be figured only for lands dedicated in excess of those required by the park dedication requirements. The required dedication fulfills the developers obligation to provide the necessary infrastructure to serve the future residents of the development according to City standards. Land dedicated in excess of the standard would still allow for smaller lots in order to further preserve natural resources or to enhance the dedicated or existing open space in or surrounding the development.**

E. UTILITIES

POLICIES:

8. *Require new development to pay for extension of infrastructure needed for new development and system development charges to cover their share of system capacity, as set forth in System Development Charges ordinances.*

**The proposed dedication ordinance requires that land be dedicated for parks to serve future residents of the development. This extension of infrastructure is similar to the need to provide sewer and water service to the future population. Developments that dedicate land will not pay the acquisition portion of the parks SDC.**

H. PARKS AND OPEN SPACE

POLICIES:

- (1) *Existing Facilities: Encourage the improvement of existing park and recreation facilities in Veneta through equipment replacement, maintenance, landscaping, access improvements, visibility and safety measures, and expansion.*

**The proposed changes requiring dedication, or fee in lieu of, can be used solely to expand the City's parkland inventory including expansion of existing parks through acquisition. The proposed changes do not affect the SDC charges allocated for improvements to existing and future parks.**

- (2) *New Facilities: Acquire additional land for new active recreation sites (including ball fields), passive recreational sites, open space, and new neighborhood and/or civic parks.*

**The proposed changes directly implement this policy by requiring dedication of park land to serve the future residents of a development. The proposed language is designed to allow the City to acquire additional active recreation space to supplement the wetlands and passive recreation areas present in the City. The proposed dedication standards ensure that the City receives useful land for these purposes so that the City may provide residents with recreation opportunities according to accepted standards. The amount of land required for dedication is based on the Standards found in the State Comprehensive Outdoor Recreation Plan (SCORP) and the standards recommended by the National Recreation and Park Association. These standards provide the basis for both the proposed dedication requirement, as well as the City's adopted Parks, Recreation, and Open-Space Master Plan (1998).**

- (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*

**At the City's discretion, areas within the Greenway Subzone may be accepted as partial or complete fulfillment of the proposed dedication requirement when such dedication is determined to be of substantial benefit to the City.**

- (4) *Collaboration: Work together with civic and non-profit organizations, such as schools and recreation providers, to co-locate facilities and share in acquisition, development, operation and maintenance.*

**The proposed changes will give the City the opportunity to play a greater role in partnering with other public and private entities to provide recreational opportunities to residents through increasing the financial resources the City can bring to bear for acquisition of lands.**

- (5) *Transportation: Coordinate park acquisition and development projects with the Transportation Plan, especially planned bikeways and bike routes.*

**The proposed changes will allow the City greater flexibility to locate parks along proposed bicycle paths and routes and allow for increased coordination between park siting and other City plans and activities.**

- (6) *Natural Resources: Where natural resources constrain development potential, consider acquiring these lands for permanent open space purposes.*

**At the City's discretion, areas of high natural resource value that would not normally be counted towards the dedication requirements (such as wetlands) may be accepted as partial or complete fulfillment of the proposed dedication requirement when such dedication is determined to be of substantial benefit to the City..**

*(7) Fiscal Resources: Encourage the development of stable funding mechanisms for short and long term park maintenance, acquisition, and development projects.*

**The proposed changes directly implement this policy by providing a mechanism for both short and long term park acquisition. The dedication requirements allow the City flexibility in determining where and how park acquisition will take place as well as providing a substantial funding source for acquisition. Park SDCs will still be charged to cover the costs of park improvement that are not acquisition related.**

#### **COMPLIANCE WITH STATEWIDE PLANNING GOALS**

Statewide Planning Goals potentially apply as standards for any changes to regulations implementing Comprehensive Plans, which would include changes to the *Veneta Land Development Ordinance No. 417*. This section lists each goal, states its relevance, and addresses it if it is an applicable standard.

*Goal 1: Citizen Involvement:*

**The Goal 1 requirements for citizen involvement are satisfied if the local government has made its changes following the procedures for citizen involvement in its acknowledged plan and code. Full public hearing, including notification, and opportunity for public input as required by the Veneta Land Development Ordinance No. 417, has been part of the review process for these changes. Goal 1 is satisfied.**

*Goal 2: Land Use Planning:*

**Goal 2 requires the City to have and apply a land use planning and policy framework for making decisions based on standards and an adequate supporting factual basis. The City will make this decision in compliance with the standards in its Comprehensive Plan and implementing code. Goal 2 is satisfied.**

*Goal 3: (Agricultural Lands) and Goal 4 (Forest Land):*

**Goals 3 and 4 do not apply.**

*Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:*

**Goal 5 requires the City to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.**

Goal 5 is implemented through the Goal 5 Rule adopted by the LCDC in 1996. The Rule appears in OAR Chapter 660, Division 23: Procedures and Requirements for Complying with Goal 5. The Rule applies to “post-acknowledgment plan amendments” or “PAPAs,” such as this application.<sup>1</sup>

When a local government undertakes a PAPA, as the City is doing here, it is not required to do an entire Goal 5 analysis from scratch. The local government’s obligation to do a Goal 5 analysis, and the scope of the Goal 5 analysis that is required, has been the subject of considerable case law development, which has been distilled into the applicability provisions of the Goal 5 Rule. Particularly relevant are subsection (3) and (4) of OAR 660-023-0250, which state:

*(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

*(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*

*(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*

*(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

*(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, Division 16.”*

**The City must go through the Goal 5 process only if one of the three conditions in subparts (a), (b) or (c) is present. This proposal meets none of the triggers for the Goal 5 process. (a) The proposal does not create or amend a list of Goal 5 resources. Neither does it amend any portion of the zoning code that was adopted to protect a Goal 5 resource. (b) The proposal does not allow any new uses that conflict a Goal 5 resource. This proposal rearranges somewhat the land uses already allowed on the site under the current zoning. (c) The proposal does not involve a UGB amendment.**

<sup>1</sup> OAR 660-023-0250(2) states, in part: “The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996.”

*Goal 6: Air, Water and Land Resources Quality:*  
**Goal 6 is not applicable.**

*Goal 7: Areas Subject to Natural Disasters and Hazards:*  
**Goal 7 is not applicable.**

*Goal 8: Recreational Needs:*  
**Goal 8 states:**

*The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.*

**The proposed amendments comply with Goal 8 by providing a means of acquiring parkland proportionate to the impacts of development and allows the City greater flexibility in coordinating acquisition of lands for parks and open-spaces in terms of location, quantity, and quality.**

*Goal 9: Economic Development:*  
**Goal 9 states that:**

*Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state.*

**The proposed amendments support the City's economic development strategy by providing a variety of recreation opportunities including active play fields and multi-use paths which contribute to an overall sense of community. These amenities may help to attract employers and encourage worker retention in the Veneta area.**

*Goal 10: Housing:*

**Goal 10 establishes general standards for cities to maintain an inventory of land available for development of housing during the planning period. Based on the City's Comprehensive Land Use Evaluation (CLUE 1999), the buildable lands within the UGB are sufficient to support the projected 2020 population. Numbers presented in the CLUE are conservative and did not take into account the rezoning of Rural Residential zoned lands to accommodate urban densities, or planned developments which utilize smaller lots in order to provide parks and preserve natural resources. The City's Park and Recreation Plan sets standards that call for an additional 35 acres of parkland to serve the projected 2020 population. This 35 acres will not decrease the City's buildable lands supply below that necessary to**

accommodate future populations. Therefore, the changes are consistent with Goal 10.

*Goal 11: Public Facilities:*

Goal 11 addresses facilities and services in urban and rural areas. The goal states the City will “plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. “Public facilities and services” is defined in the Statewide Planning Goals to include: “[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare.” The Goal 11 Rule defines a “public facility.” “A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.” OAR 660-11- 005(5). Therefore, the definition of a “public facility” under goal 11 does not include parks. Goal 11 is not applicable.

*Goal 12: Transportation:*

Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such this – amendments to acknowledged implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” The proposed amendments do not, and therefore, Goal 12 does not apply.

*Goal 13: Energy Conservation:*

Goal 13 intends that land uses and development shall be managed to maximize the conservation of all forms of energy. The proposed changes will allow the City greater flexibility and resources to implement planned bicycle and pedestrian transportation networks and thereby reduce the need for automobile traffic within the City of Veneta. The amendments comply with Goal 13.

*Goal 14: Urbanization:*

Goal 14 intends to provide for an orderly transition from urban to rural use. Goal 14 does not apply.

*Goal 15: Willamette River Greenway:*

Goal 15 does not apply.

*Goals 16 through 19: Ocean and Coastal Goals:*

These goals do not apply.



**Exhibit B**  
**Veneta Land Division Ordinance 462**  
**Findings of Fact – Minor Amendments**

The Veneta City Council finds the following:

1. The Veneta City Council held a public hearing on February 13, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417.
2. The proposed amendments comply with the following applicable Statewide Land Use Planning Goal:

*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.*

These amendments to the Veneta Land Development Ordinance and Land Division Ordinance are consistent with provisions found in the Veneta Comprehensive Plan, Ordinance No. 416.

3. The proposed amendments comply with the goals and policies of the Veneta Comprehensive Plan. The intent of these amendments is to provide clarity, consistency, and to adhere to the City's Comprehensive Plan and other regulations as appropriate.
- 4.

PURPOSE OF COMPREHENSIVE PLAN NO. 416: ...The Comprehensive Plan is the legal basis for implementing regulations such as the Land Development and Land Division Ordinances. Ordinances are developed in conjunction with the Comprehensive Plan and must be updated as the Comprehensive Plan changes over time.

PURPOSE OF LAND DIVISION ORDINANCE NO. 418: The purpose of this ordinance is to establish standards and procedures for the division of land within the jurisdiction of the City of Veneta. These regulations are necessary in order to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any overall plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation and proper use of land; and in general to protect the public health, safety and welfare.

The following amendments to the Land Division Ordinance No. 418 align City ordinances with State statute:

Section 2.03 Completeness Reviews

Section 2.06(4) City shall follow procedures in land use regulations

The following amendments to the Land Division Ordinance No. 418 provide better clarity or consistency:

Section 2.01 and 2.02 Pre-development  
Section 2.04 Application fees  
Section 2.05(2) Variance application  
Section 2.05(3) Variance criteria  
Section 3.01 Submission requirements  
Section 3.02(5) Easements  
Section 3.03 Maps  
Section 4.02 Tentative plan review  
Section 4.03(7) Location of property  
Section 4.05 Final plat submittals  
Section 4.06 and 5.03 and 5.07 Review and action procedures  
Section 4.07 Filing of plat  
Section 5.06(5)(d) Dedication to the City  
Section 6.02 Street standards  
Section 6.04 Lot depth and access  
Definitions

The following amendments to the Land Division Ordinance No. 418 reference other regulations or city municipal code:

Section 1.05(7) Building and Fire Code  
Section 2.06(1) City ordinances  
Section 2.07(3) Wetland protection ordinance  
Section 4.01(7)(b) Tree removal  
Section 5.01(4)(a)(1) Relationship to TSP  
Section 7.02 and 7.03 and 7.07 Municipal Code

The following amendments to the Land Division Ordinance No. 418 reflect prior direction from the City Council:

Section 2.06(2) Public Notice Subscribers  
Section 2.6(2) 250 feet

New Section 6.09 Stormwater Facilities

Criteria: Comprehensive Plan Section III(E) Utilities:

*Goal: Upgrade and develop adequate water, sewer, storm drainage and other appropriate utilities to serve the planning population.*

*Policy 7: In order to preserve drainage ways, the level of stormwater discharged due to a new development in the city limits should be no greater than the stormwater flow from the property prior to the development being in place (post-development flows shall not be greater than pre-development flows).*

This comprehensive plan policy applies to stormwater drainage designs. This amendment complies with the above comprehensive plan goal and policy.

**Exhibit B**  
**Veneta Land Division Ordinance 462**  
**Findings of Fact – Minor Amendments**

The Veneta City Council finds the following:

1. The Veneta City Council held a public hearing on February 13, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417.
2. The proposed amendments comply with the following applicable Statewide Land Use Planning Goal:

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Section 2.05(2) Variance application  
Section 2.05(3) Variance criteria  
Section 3.01 Submission requirements  
Section 3.02(5) Easements  
Section 3.03 Maps  
Section 4.02 Tentative plan review  
Section 4.03(7) Location of property  
Section 4.05 Final plat submittals  
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This comprehensive plan policy applies to stormwater drainage designs. This amendment complies with the above comprehensive plan goal and policy.

**VENETA LAND DIVISION  
ORDINANCE NO. 462**

**(Exhibit C)**

**Adopted: February 27, 2006**

\$10.00

**Veneta Land Division Ordinance  
No. 462**

**Adopted: February 27, 2006**

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## **ARTICLE 1 - INTRODUCTORY PROVISIONS**

### **SECTION 1.01 TITLE**

This ordinance shall be known as the "Veneta Land Division Ordinance 462."

### **SECTION 1.02 PURPOSE**

The purpose of this ordinance is to establish standards and procedures for the division of land within the jurisdiction of the City of Veneta. These regulations are necessary in order to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any overall plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; and in general to protect the public health, safety and welfare.

### **SECTION 1.03 SCOPE OF REGULATIONS**

Subdivision plats and partition maps shall be approved in accordance with these regulations. A person desiring to subdivide land, desiring to partition land or desiring to sell any portion not the whole of a parcel of land within the City shall submit tentative plans and final documents for approval as provided in this ordinance and the State law.

### **SECTION 1.04 VALIDITY**

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.

### **SECTION 1.05 COMPLIANCE WITH OTHER REGULATIONS**

In addition to the regulations contained herein, all land divisions within the City shall comply with the following regulations:

- (1) Chapter 92 of the Oregon Revised Statutes (ORS 92).
- (2) The Comprehensive Plan adopted by the City Council, as permitted by Oregon law.
- (3) Official Maps or Development Plans as adopted by the City Council.
- (4) Land Development Ordinance as adopted by the City Council.

- (5) Recording requirements of Lane County.
- (6) Veneta Municipal Code
- (7) All other applicable regulations provided by law including but not limited to the Uniform Building Code (UBC) and Oregon Fire Code (OFC)

**SECTION 1.06 ADDITIONAL REVIEW PROCESS AND STANDARDS  
FOR LAND DEVELOPMENTS AND LAND DIVISIONS  
ON LAND WITH SLOPES OF OR OVER FIFTEEN  
PERCENT**

In addition to other review processes and standards required in other sections of this ordinance, the following process and standards shall apply to all land developments and land divisions on land where the slope meets or exceeds fifteen percent:

- (1) A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.
- (2) All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:
  - (a) Base Geology
  - (b) Slopes (steepness, orientation and aspect)
  - (c) Soils
  - (d) Stream and Drainage Patterns
  - (e) Housing Density Impact
- (3) All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).
- (4) The requirements of this section shall apply and be considered during any site review process required by the Land Development or Land Divisions Ordinances. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.

- (5) The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address problems called out in the geo-technical report.

## **ARTICLE 2 - APPLICATION AND VARIANCE PROCEDURES**

### **SECTION 2.01 LETTER OF INTENT**

Prior to submission of an application and a tentative plan for a subdivision or partition, a land divider or his agent shall submit a letter and a sketch drawing for the layout of property to be divided to the Building and Planning Official for preliminary review.

### **SECTION 2.02 LAND DIVISION CONFERENCE**

Within 14 days after receipt of the letter of intent and preliminary review, the Building and Planning Official may either recommend filing of an application and tentative plan for review and action or may notify the applicant that a pre-development land division conference with the land divider and representatives of the City and other affected public and private agencies is required to clarify the conditions and requirements necessary in the preparation of the application and tentative plan. If the Building and Planning Official determines that a conference is necessary, or the applicant requests a conference, the applicant shall pay a pre-development conference fee established by City resolution. The land divider may request additional meetings with affected agencies either jointly or individually as may be necessary to clarify policies which may affect the proposed land division.

### **SECTION 2.03 SUBMISSION PROCEDURE**

Following preliminary review and the pre-development land division conference, where applicable, the land divider shall prepare an application and a tentative plan with other supplementary data required to indicate the general program and objectives of the proposed land division. The form of application shall be as prescribed by the City and shall be submitted to the Building and Planning Official who shall coordinate the process of review and action. The submission and informational requirements and review procedures shall be as specified for each land division classification contained in this ordinance.

Incomplete applications will not be accepted. Applications that appear to be complete will be reviewed and, within 30 days of its receipt, the applicant will be notified as to the completeness. If the City determines that the application is complete, the City will process the application in accordance with the review procedures for the type of application that has been submitted. If the City determines that the application is incomplete, the City shall advise the applicant in writing of the necessary missing information. Within 180 days after initial application submittal, the applicant shall submit to the City a written statement indicating either an intent to submit the missing information or a refusal to submit the missing information. The City shall begin review of the application when deemed completed for purposes of ORS 127.178 upon receipt of:

- (a) All of the missing information;

- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from applicant that none of the missing information will be provided.

On the 181<sup>st</sup> day after the first being submitted, the application is void if the applicant has been notified of the missing information as required above and has not submitted:

- (a) All of the missing information;
- (b) Some of the missing information and written notice that no other information will be provided; or
- (c) Written notice that none of the missing information will be provided.

#### SECTION 2.04 APPLICATION FEES

Application fees and deposits established by resolution of the City Council shall be paid to the City at the time of submitting the application and shall be in addition to other fees established by state or county regulations.

#### SECTION 2.05 VARIANCE PETITION

- (1) Variations authorized. Variations and conditional variations to the requirements of this ordinance may be authorized by the Planning Commission.
- (2) Application. Petition for a variance shall be made on a form prescribed by the City and shall be submitted to the Building and Planning Official. The variance petition shall cite the ordinance provisions from which a variance is requested and shall state fully the basis and facts relied upon and other data pertinent to the requested variance. Each ordinance provision for which a variance is requested shall be deemed a separate application and shall require a separate petition and filing fee.
- (3) Review and Action Procedure.
  - (a) The Building and Planning Official shall review the variance petition with all affected public and private agencies and submit a findings report to the Planning Commission.
  - (b) The Planning Commission shall consider the variance petition. Refer to the *Notice of Public Hearing* in Article 2 of the Land Development Ordinance for notification requirements. A variance or conditional variance may be granted provided all the following circumstances exist:
    - 1. That there are special or unusual circumstances or conditions affecting the property that do not apply generally to other properties in the same zone or vicinity.

2. That the variance is necessary for the proper design and/or function of the subdivision.
  3. That the granting of a variance will not be materially detrimental to the public health, safety, and welfare or injurious to other property in the same zone or vicinity in which the property is located.
  4. That the granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan and other related Veneta ordinances and will not otherwise conflict with the objectives of any City plan or policy
  5. That the variance is the minimum variance which would alleviate the hardship that would result from strict compliance with the regulations of this ordinance and the hardship arises from conditions inherent in the land which distinguish it from other land in the neighborhood. For purposes of this provision, hardship means the subject property will have no economically viable use without the variance
  6. And if applicable, that the variance is necessary to conform to an approved planned unit development approach which utilizes new planning and development techniques that do not necessarily conform with the more conventional standards of land division, design or improvements prescribed by this ordinance.
- (c) The Planning Commission may approve, conditionally approve or deny all or any part of a variance petition. A written record of the findings and action of the Planning Commission shall be attached and noted on two copies of the tentative plan as part of the conditions for approval of the proposed land division.
- (d) Authorization of a variance shall be void one (1) year after the date of approval of the variance application or such lesser time as the authorization may specify, unless a tentative plan has been approved within one (1) year from the date of the approval of the variance.

## SECTION 2.06 NOTICE OF LIMITED LAND USE ACTIONS

Tentative subdivision applications and tentative partition applications are limited land use decisions. Limited land use decisions do not require public hearings. Effective June 16, 2005, final plat approvals and property line adjustments are not limited land use decisions and do not require notice (HB 2356).

Limited land use decisions are subject to the following requirements:

- (1) The City shall follow the applicable procedures contained within the Land Development Ordinance, Land Division Ordinance, Transportation System Plan, Veneta Municipal Code and other applicable legal requirements.

- (2) Written notice shall be posted at City Hall and mailed to the property owner, applicant and all owners of property within 300 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site, and to any public notice subscribers. Notice shall also be posted on the property for which the limited land use decision has been requested.
- (3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the decision.
- (4) The public notice shall provide a 14 day period for submission of written comments prior to the decision. The notice shall explain the nature of the application and the proposed use or uses which would be authorized; list the applicable criteria from the ordinances that apply to the application; cite the street address or some other easily understood geographical reference to the subject property; state the place, date and time that comments are due; include the name and telephone number of the City representative to contact for additional information; state that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. The notice shall state that issues which may provide the basis for an appeal to the Council shall be raised in writing prior to the expiration of the comment period and issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
- (5) The City shall provide notice of the decision to the applicant and any person who submits comments within the fourteen (14) day period provided. The notice of the decision must include an explanation of appeal rights and briefly summarize the local decision making process for the decision being made.

#### SECTION 2.07 WETLAND DEVELOPMENT

- (1) Notification. The City shall provide notice to the DSL, the applicant, and the owner of record within five (5) working days of the acceptance of any complete application for subdivisions that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.
- (2) Approval. Approval of any activity described above shall include one of the following:
  - (a) issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;
  - (b) notice from DSL that no permit is required; or
  - (c) notice from DSL that no permit is required until specific proposals to remove fill or alter the wetlands are submitted.

If DSL fails to respond within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits. The City may issue local approval for parcels identified as or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and owner of record a written notice of possible presence of wetlands and the potential need for state and federal permits and providing DSL with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties. If the City's approval would be valid under state law, it should also have the benefit under its own ordinances.

- (3) Significant Wetlands: Development within a significant wetlands is also subject to the provisions in the Veneta Wetland Protection Ordinance, Veneta Municipal Code Chapter 18.10.



## **ARTICLE 3 - PROPERTY LINE ADJUSTMENTS**

### **SECTION 3.01 SUBMISSION REQUIREMENTS**

A complete application includes a completed application form signed by all the property owners involved in the proposed adjustment and six (6) reproducible 11 X 17 copies of a map showing the details below.

- (1) The scale, northpoint, and date of the map.
- (2) The assessors tax map and lot numbers identifying each property involved in the adjustment.
- (3) The location, width, and purpose of any easements, private wells, septic systems, and driveway access to public rights-of-way, existing and proposed.
- (4) The area of each property, before and after the property line adjustment.
- (5) The proposed property lines and dimensions of each property.
- (6) Evidence that the existing properties are legal, buildable lots or parcels.
- (7) Existing structures, all utility lines, including septic systems and wells, with dimensions and distances from new property lines.
- (8) Current title reports for both parcels of land.

### **SECTION 3.02 REVIEW CRITERIA**

The tentative plan shall be clearly and legibly drawn to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof. The Building and Planning Official shall approve, approve with conditions, or deny the request based on the criteria below.

- (1) The property line adjustment does not create any new lots or parcels.
- (2) All properties involved continue to have adequate access to public streets.
- (3) The properties involved meet the minimum lot size and configuration requirements for the zoning district and do not otherwise violate city standards.
- (4) The properties involved comply with any previous requirements or conditions imposed by a review body.
- (5) There are no conflicts with existing private or public utilities and utility easements.

- (6) Setbacks and lot coverage shall not be reduced below the minimum for the zone in which the property is located.

### SECTION 3.03 RECORDING REQUIREMENTS

Property line adjustment maps must be approved and signed by the City Building and Planning Official prior to recording. Property line adjustments must meet the recording requirements of ORS 92.190 and be executed by deed.

## ARTICLE 4 - SUBDIVISIONS

### SECTION 4.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following preliminary consultation as required in Article 2, the applicant shall submit fifteen (15) copies of the tentative plan together with improvement plans and other supplementary data for review and action. The applicant shall also submit one reproducible 11" x 17" black and white copy of the tentative plan.

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.
- (2) General Information. The following general information must be presented as part of the application for a tentative subdivision:
  - (a) Name of subdivision which has been reserved by the County Surveyor. All plats must continue the block numbers of the plat of the same name last filed.
  - (b) Date, northpoint, scale of drawing.
  - (c) Appropriate identification clearly stating the plan is a tentative subdivision plan.
  - (d) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
  - (e) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (f) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the subdivision.
  - (g) Any other information as required to comply with all provisions of State Law Chapter ORS 92.
- (3) Information Concerning Existing Conditions. The following information is required to show the existing conditions of the proposed subdivision and surrounding area:
  - (a) A vicinity map clearly showing the relationship of the proposed land division to surrounding developments, streets, storm drainage, sewer, water and utility services.

- (b) The location, widths and names of streets within or adjacent to the land division, together with easements, other rights-of-way and other important features such as section lines, corners, city boundary lines and monuments.
  - (c) Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:
    - 1. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
    - 2. For slopes of five (5) percent to ten (10) percent: two (2) feet.
    - 3. For slopes over ten (10) percent: five (5) feet
  - (d) The location of at least one bench mark within the tract boundaries.
  - (e) The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain.
  - (f) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
  - (g) Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage or drainage lines or channels.
- (4) Proposed Tentative Plan. All tentative subdivision applications shall include the following information:
- (a) Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:
    - 1. The location, width, name and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed land division, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
    - 2. Proposed plan locations and size of water service facilities, including fire hydrants.

3. Connection points and size of sanitary sewer facilities.
  4. Street light locations, sizes, and specifications.
  5. The location, width, and purpose of proposed easements.
  6. The approximate width and location of all existing and proposed reserve strips.
- (b) The approximate dimensions and area in square feet of all proposed lots.
  - (c) Sites, if any, allocated for purposes other than single-family dwellings.
  - (d) The location, approximate acreage and approximate dimensions of areas proposed for public use.
  - (e) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
  - (f) An outline of the areas proposed for partial recording of a final plat or map if phased recording is proposed.
  - (g) Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.
- (5) Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters.
- (a) Adequacy and source of water supply and compliance with the city's Water System Plan.
  - (b) A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the subdivision. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the subdivision.
  - (c) Proposed method of sanitary sewage disposal and compliance with the city's Wastewater Master Plan.
  - (d) Protective covenants and deed restrictions to be recorded, if any.
  - (e) The time the proposed improvements are to be made or installed.

- (6) Supplementary Information. The following supplemental information may be required.
- (a) If the proposed subdivision meets the 15% slope criteria defined in Section 1.06(1) of this ordinance, the applicant shall comply with Section 1.06.
  - (b) If the tentative plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.
  - (c) The applicant is required to submit any additional information as may be required by the Planning Commission to assist in evaluating the request.

#### SECTION 4.02 TENTATIVE PLAN REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the Building and Planning Official shall furnish one (1) copy of the tentative plan and supplementary material to the City Engineer and Public Works Superintendent. Public agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given fifteen (15) days to review the plan and to suggest revisions that appear to be in the public interest.
- (2) The Building and Planning Official shall review the tentative plan proposal and the reports of agencies and submit a Findings report to the Planning Commission.
- (3) Within 40 days from the first regular Planning Commission meeting following submission of a tentative plan of a land division, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan to ensure compliance with city regulations. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons therefore. The Planning Commission may continue the review for good cause.
- (4) The action of the Planning Commission shall be incorporated into a Final Order and a copy shall be mailed to the applicant within seven (7) days of the decision. The original copy of the Final Order shall be retained in the City planning files.
- (5) At tentative plat approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and service, streets, which includes curbs, gutters and sidewalks with the City of Veneta. The cost of public improvements shall be based on an estimate by the City Engineer. Performance bonds shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.

- (6) Tentative Plan approval shall remain effective for one (1) year from date of Planning Commission action. Within that one (1) year the applicant must submit a Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued by the Veneta Planning Commission. If the land divider wishes to proceed with the land division after the expiration of the one (1)-year period following the approval of the tentative plan, s/he must resubmit the tentative plan and make any revision necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta. The applicant may apply for extensions up to a maximum of one (1) year each based on compliance with the following criteria:
  - (a) The request for an extension is made in writing prior to expiration of the original approval.
  - (b) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new Land Division regulations have been adopted that affect the applicant's proposal.

#### SECTION 4.03 CATEGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

The Planning Commission may approve, approve with conditions, or deny a tentative plan based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section:

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.
- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.
- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land

Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).

- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district in which the property is located (Land Development Ordinance).

#### SECTION 4.04 AMENDMENTS

- (1) Minor Amendments. Minor amendments to any approved tentative subdivision plan may be approved, approved with conditions, or denied administratively by the Building and Planning Official after giving notice of a limited land use decision. Minor amendments must meet the following criteria:
  - (a) the amendments do not involve any interpretation of submission requirements or require findings that would set a precedent for other tentative subdivision plan amendments,
  - (b) the amendments will not impact utilities, the transportation system, drainage, or natural features of the site,
  - (c) the amendments fully comply with City ordinances and do not require a variance,
  - (d) there are no questions of adequacy of services raised by the Public Works Superintendent, City Engineer, or any affected public or private agency, and
  - (e) the amendments do not create more lots than the approved tentative subdivision plan.
- (2) Major Amendments. Major amendments to an approved tentative subdivision plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original tentative subdivision plan. A new application and filing fee is required and the amendments must be approved by the Planning Commission.



## SECTION 4.05 FINAL PLAT SUBMISSION REQUIREMENTS

Within one (1) year after approval of the tentative plan, the land divider shall cause the land division or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved and shall complete all conditions listed in the Final Order for tentative plan approval.

- (1) Form and Scale. The final plat and ten (10) copies shall be submitted to the City in the form prescribed by ORS 92.
- (2) Information Required on Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
  - (a) The name of the land division, the date, scale, northpoint, and legend.
  - (b) Area and dimensions of each lot to the nearest square foot.
  - (c) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (d) The exact location and width of street rights-of-way and easements intercepting the boundary tract.
  - (e) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets or curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
  - (f) Easements denoted by fine dotted or dashed lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
  - (g) Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Each reserve strip shall be identified on the Plat as a Tract identified by alphabetic symbols. Tracts shall be dedicated to the City on the final plat. A notation shall be included on the plat that states "Reserve strips on adjacent properties that abut streets being dedicated on the plat are hereby released for public right-of-way purposes"
  - (h) Numbering of lots and blocks as follows:
    1. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence shall generally follow the same system as sections are numbered in a township.

2. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout a subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision. Block numbering sequence shall be the same system as for lots.
  3. Block numbers may be omitted where the blocks are of irregular shape. When block numbers are omitted, the lots shall be numbered consecutively throughout the subdivision and lots in an addition to the subdivision of the same name shall be a continuation of the numbering in the original subdivision.
    - (i) Land parcels to be dedicated for any purpose, such as parks and stormwater detention ponds, shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
    - (j) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
    - (k) Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: "No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements".
    - (l) Normal high water lines for any creek or other body of water including the 100-year flood plain.
    - (m) Any other information required as a condition of approval.
- (3) Supplemental Information. The following data shall accompany the plat:
- (a) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - (b) Sheets and drawings showing the following:
    1. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
    2. The computation of distances, angles and courses shown on the plat or map.
    3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.

- (c) A copy of any deed restrictions applicable to the land division.
- (d) A copy of any dedication or easement requiring separate documents.
- (e) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
- (f) A certificate by the City Engineer that the land divider has complied with one (1) of the following alternatives:
  - 1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.
  - 2. An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.

(4) Survey Requirements.

- (a) A complete and accurate survey of the land to be divided shall be made by a Surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as required by state law.
- (b) A 2 x 4 wood utility marker shall be provided for all underground water, sewer and utility stubs within the prepared land division as approved by the City Engineer. Markers shall be painted white and be maintained until all work has been accepted by the City.

(5) Dedication Requirements.

- (a) All land shown on the final plat intended for public use shall be dedicated at the time the plat is filed. Exception: Those lots which are intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those lots of land reserved for public purposes under the provisions of Section 6.08 of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
- (b) All rights of access to and from streets, lots of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
- (c) The land divider shall provide one (1)-foot reserve strips across the ends of stubbed streets adjoining undivided land, along half streets adjoining undivided land, and along lots with restricted access to public streets. Reserve strips shall have separate legal descriptions and documentation and be deeded to the City, and each reserve strip shall be separately identified on the plat.

- (6) Certificates on Final Plat. The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat. Such certificates may be combined where appropriate.
- (a) A certificate, signed and acknowledged by the owners of record of the land to be subdivided, consenting to the following:
    - 1. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use; and
    - 2. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
  - (b) A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
  - (c) A certificate for execution by the Building and Planning Official on behalf of the Planning Commission.
  - (d) A certificate for execution by the Mayor on behalf of the City.
  - (e) A certificate for execution by the City Engineer.
  - (f) A certificate for execution by the Public Works Superintendent.
  - (g) A certificate for execution by the County Surveyor.
  - (h) A certificate for execution by the County Assessor.
  - (i) A notarized declaration that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of ORS Chapter 92.
  - (j) Other certifications now or hereafter required by law.

#### SECTION 4.06 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the plat and other required data shall be reviewed by the Building and Planning Official, City Engineer and Public Works Superintendent to determine that the land division as shown is substantially the same as it appeared on the approved tentative plan, meets any conditions of approval, and that there has been compliance with provisions of the law and of this ordinance.
- (2) The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and City representatives may enter the property for this purpose.

- (3) If it is determined that full conformity has not been made, the Building and Planning Official shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make the changes or additions. .

If after approval by the City Engineer and Public Works Superintendent the Building and Planning Official determines that the plat conforms to all requirements, it shall give approval, provided supplemental documents and provisions for required improvements are satisfactory. After acceptance, a recordable copy of the map shall be submitted to the City for signature. Final approval shall be indicated by the signature of the Building and Planning Official on the recordable copy of the plat. Acceptance by the public of the dedication of any street or other easements shown on the plat shall be indicated by the signature of the Mayor on behalf of the City

#### SECTION 4.07 FILING OF PLAT

- (1) A land divider shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- (2) Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. Building permits shall not be issued by the City until an exact copy of the final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, are filed with the City of Veneta.
- (3) The applicant is responsible for all recording costs.

## ARTICLE 5 - PARTITIONS

### SECTION 5.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following preliminary consultation as required in Article 2, the applicant shall submit ten (10) copies of the tentative plan together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) reproducible 11" x 17" black and white copy of the tentative plan.

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than (one (1)) inch equals 100 feet or multiples of ten (10) thereof.
- (2) General Information. The following general information must be presented as part of the application for a tentative partition:
  - (a) Date, northpoint, scale of drawing.
  - (b) Appropriate identification clearly stating the plan is a tentative partition plan.
  - (c) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
  - (d) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (e) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the partition.
  - (f) Any other information as required to comply with all provisions of State Law Chapter ORS 92.
- (3) Information Concerning Existing Conditions. The following information is required to show the existing conditions of the proposed subdivision and surrounding area:
  - (a) A vicinity map clearly showing the relationship of the proposed land division to surrounding developments, streets, storm drainage, sewer, water and utility services.
  - (b) The location, widths and names of streets within or adjacent to the land division, together with easements, other rights-of-way and other important features such as section lines, corners, city boundary lines and monuments.
  - (c) Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:

1. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
  2. For slopes of five (5) percent to ten (10) percent: two feet.
  3. For slopes over ten (10) percent: five (5) feet
- (d) The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain.
- (e) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
- (f) Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage or drainage lines or channels.
- (4) Proposed Tentative Plan. All tentative partition applications shall include the following information:
- (a) Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:
1. The location, width, name and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed land division, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
  2. Proposed plan locations and size of water service facilities, including fire hydrants.
  3. Connection points and size of sanitary sewer facilities.
  4. Street light locations, sizes, and specifications.
  5. The location, width, and purpose of proposed easements.
  6. The approximate width and location of all existing and proposed reserve strips.

- (b) The approximate dimensions and area in square feet of all proposed parcels.
  - (c) Sites, if any, allocated for purposes other than single-family dwellings.
  - (d) The location, approximate acreage and approximate dimensions of areas proposed for public use.
- (5) Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters.
- (a) Adequacy and source of water supply and compliance with the city's Water System Plan.
  - (b) A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the land division and compliance with the city's Drainage Master Plan. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the land division.
  - (c) Proposed method of sanitary sewage disposal and compliance with the city's Wastewater Master Plan.
  - (d) Protective covenants and deed restrictions to be recorded, if any.
  - (e) The time the proposed improvements are to be made or installed.
- (6) Supplementary Information. The following supplemental information may be required.
- (a) If any portion of the proposed partition is located within the steep slope subzone, the applicant shall submit on-site and adjacent off-site data to insure that proposed developments are within the carrying capacity of the natural resources as required by the Land Development Ordinance.
  - (b) The applicant is required to submit any additional information as may be required by the Building and Planning Official or Planning Commission to assist in evaluating the request.

## SECTION 5.02 EXPEDITED LAND DIVISIONS

An expedited procedure is allowed for developments meeting certain criteria. The criteria, application and notice requirements and action and appeal procedures are detailed in ORS 197.360-197.380.



### SECTION 5.03 TENTATIVE PLAN REVIEW AND ACTION PROCEDURES

- (1) City Staff Review and Action. Upon receipt, the Building and Planning Official shall review the tentative plan and supplementary data with all affected public and private agencies and the City Engineer and Public Works Superintendent.

If it is determined that the proposed partition is consistent with the Veneta Land Division and Land Development Ordinances, Veneta Transportation System Plan, Veneta Municipal Code, and other related ordinances of the City and that adequate vehicular access and utilities can be provided, and there are no questions of adequacy of services raised by the Building and Planning Official, Public Works Superintendent, City Engineer or any affected public or private agency, the Building and Planning Official, may grant administrative approval without submitting it to the Planning Commission. The Planning Commission shall be advised of all administrative approvals of partitions at the following regular Planning Commission meeting.

- (2) Planning Commission Review. The Planning Commission shall have authority to set guidelines as to which partition requests come before the commission. If the proposed partition does not fully comply with City ordinances, requiring a variance, or if unusual circumstances exist relative to the proposed partition, the Building and Planning Official shall submit the proposal to the Planning Commission for review. Any other proposal may be submitted to the Commission for review at the discretion of the Building and Planning Official.
- (3) Dedications and Conditions of Approval. The Building and Planning Official or the Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Building and Planning Official or the Planning Commission require dedication or conditions in excess of those that could be required if the tract were subdivided.
- (4) Denial of Partition. If the City finds that the application does not meet all requirements of the City, then the city shall send the applicant with a findings report stating the reasons for denial. The applicant may modify the tentative plan and improve the parcels to meet the requirements, or may request an appeal within fifteen (15) days.
- (5) Tentative Plan Approval: The applicant shall be notified that a partition has received tentative approval by Final Order that lists all conditions of approval.
- (6) Failure to Complete Partition Requirements: Tentative plan approval shall remain effective for only one year. Within that one (1) year the applicant must submit a Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued either by the Building and Planning Official or the Planning Commission.
- (7) Appeal: Appeals must be filed according to Section 8.03 of this ordinance. Appeal

of an administrative decision will be heard before the Planning Commission. An appeal of a Planning Commission decision will go to the City Council.

#### SECTION 5.04 CATEGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

The Building and Planning Official or the Planning Commission may approve, approve with conditions, or deny a tentative plan based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section:

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.
- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.
- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the partition design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district (Land Development Ordinance).

## SECTION 5.05 AMENDMENTS

- (1) Minor Amendments. Minor amendments to an approved tentative plan may be approved, approved with conditions, or denied administratively by the Building and Planning Official after giving notice of a limited land use decision. Minor amendments must meet the following criteria:
  - (a) the amendments do not involve any interpretation of submission requirements or require findings that would set a precedent for other tentative plan amendments,
  - (b) the amendments will not impact utilities, the transportation system, drainage, or natural features of the site,
  - (c) the amendments fully comply with City ordinances and do not require a variance,
  - (d) there are no questions of adequacy of services raised by the Public Works Superintendent, City Engineer, or any affected public or private agency, and
  - (e) the amendments do not create more lots than the approved tentative plan.
- (2) Major Amendments. Major amendments to an approved tentative plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original partition plan. A new application and filing fee is required and the amendments must be approved by the Planning Commission.

## SECTION 5.06 FINAL PLAT SUBMISSION REQUIREMENTS

Within one year after approval of the tentative plan, the land divider shall cause the land division or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved and shall complete all conditions listed in the Final Order for tentative plan approval

- (1) Form and Scale. The final plat and four (4) copies shall be submitted to the City in the form prescribed by ORS 92.
- (2) Information Required on Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
  - (a) The date, scale, northpoint, and legend.
  - (b) Legal descriptions of each parcel and area and dimensions of each parcel to the nearest square foot.

- (c) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (d) The exact location and width of street rights-of-way and easements intercepting the boundary tract.
  - (e) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets or curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
  - (f) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
  - (g) Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Each reserve strip shall be identified on the Plat.
  - (h) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage.
  - (i) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
  - (j) Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements.
  - (k) Normal high water lines for any creek or other body of water including the 100-year flood plain.
  - (l) Any other information required as a condition of approval.
- (3) Supplemental Information. The following data shall accompany the plat:
- (a) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - (b) Sheets and drawings showing the following:
    1. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and

showing the error of closure, if any.

2. The computation of distances, angles and courses shown on the plat or map.
3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.

- (c) A copy of any deed restrictions applicable to the land division.
- (d) A copy of any dedication requiring separate documents.
- (e) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
- (f) A certificate by the City Engineer that the land divider has complied with one of the following alternatives:
  1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.
  2. An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.

(4) Dedication Requirements.

- (a) All land shown on the final plat intended for public use shall be dedicated at the time the plat is filed. Exception: Those lots which are intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those lots of land reserved for public purposes under the provisions of Section 6.08 of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
- (b) All rights of access to and from streets, parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
- (c) The land divider shall provide one-foot reserve strips as directed by the city. The reserve strip shall have separate legal descriptions and documentation and be deeded to the City, and each reserve strip shall be separately identified on the plat.

(5) Certificates on Final Plat. The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat. Such certificates may be combined where appropriate.

- (a) A certificate, signed and acknowledged by the owners of record of the land to be subdivided consenting to the following:

1. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use; and
  2. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
- (b) A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
  - (c) A certificate for execution by the Building and Planning Official.
  - (d) If property is to be dedicated to the City, the final plat shall include a certificate for execution by the Mayor on Behalf of the City.
  - (e) A certificate for execution by the City Engineer.
  - (f) A certificate for execution by the Public Works Superintendent.
  - (g) A certificate for execution by the County Surveyor.
  - (h) A certificate for execution by the County Assessor.
  - (i) A notarized declaration that the declarant has caused the partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of ORS Chapter 92.
  - (j) Other certifications now or hereafter required by law.

#### SECTION 5.07 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the plat and other required data shall be reviewed by the Building and Planning Official, City Engineer and Public Works Superintendent to determine that the land division as shown is substantially the same as it appeared on the approved tentative plan, meets any conditions of approval, and that there has been compliance with provisions of the law and of this ordinance.
- (2) The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and City representatives may enter the property for this purpose.
- (3) If it is determined that full conformity has not been made, the Building and Planning Official shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make the changes or additions. If the Building and Planning Official determines that the plat conforms to all requirements, it shall give approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the Building and Planning Official on a recordable copy of the

plat. The approval of the plat by the Building and Planning Official does not constitute or affect an acceptance by the public of the dedication of any street or other easements shown on the plat. If property is to be dedicated to the public, the final plat must be accompanied by copies of all documents to be recorded with the plat and the plat. Acceptance by the public of the dedication of any street or other easements on the plat shall be indicated by the signature of the Mayor on behalf of the City.

#### SECTION 5.08 FILING OF PLAT

- (1) A land divider shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- (2) Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. An exact copy of the final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, shall be filed with the City of Veneta.
- (3) The applicant is responsible for all recording costs.

## ARTICLE 6 - DESIGN STANDARDS

### SECTION 6.01 PRINCIPLES OF ACCEPTABILITY

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

### SECTION 6.02 STREET DESIGN STANDARDS

(1) General. The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. Where location is not shown on the street plan or in a development plan, the arrangement of streets shall either:

(a) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sacs shall be allowed only when one or more of the following conditions exist:

1. Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
3. Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of October 1, 1998 which preclude a required street connection.

Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible."

(b) Conform to a plan for the development area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.



(2) Standard right-of-way and street widths.

The width of streets shall be adequate to fulfill city specifications as provided for in SECTION 7.02 of this Ordinance, and, unless otherwise indicated on a development plan or approved by the Planning Commission, streets shall have:

<u>Type of Street</u>	<u>Standard Right-of-Way</u>	<u>Standard Paved Width</u>	<u>Sidewalks</u>
Major Collector	60' *	34' (11' travel lanes, 6' bike lanes, no parking)	yes
Minor Collector	60'	38' (10' travel lanes, 5' bike lanes, 8' parking on one side)	yes
Local Street	60'	36' (10' travel lanes, 8' parking on both sides)	yes
Cul-de-Sac	50'	36' (10' travel lanes, 8' parking on both sides)	yes
Radius for turn-around at end of cul-de-sac	50'	40' (No parking in cul-de-sac bulb)	yes
Alley	16'	12'	no

\* Bolton Hill Road requires 70' right-of-way to meet Lane County standards.

(3) Alternatives to standard street design.

The Planning Commission, in consultation with Lane County Fire District #1 and Lane Transit District may approve alternate street right-of-ways and paving widths when the benefits of standard right-of-way or paving width are outweighed by the benefits of feasible alternatives. Alternatives to street design may include things like narrower or varying street widths, medians, and bulb-outs at intersections. Considerations include:

- (a) emergency vehicle access
- (b) self-protection of structures using sprinkler systems or other fire prevention means
- (c) curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)
- (d) provision for generous parking on site that would eliminate need for on-street parking
- (e) location of proposed street relative to other streets (block length and connectivity)

- (f) provision of transit service through special agreements and facilities
  - (g) pedestrian safety, particularly at intersections
  - (h) adequate rights-of-way or easements for public utilities
  - (i) existing development that limits paving and right-of-way widths
  - (j) topography
  - (k) environmental impacts
- (4) Reserve Strips. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission or Building and Planning Official. One foot reserve strips are used across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. Reserve strips may also be parallel to the right-of-way as a means of access control (prohibiting driveway access). The reserve strip shall have separate legal descriptions and shall be separately identified on the plat.
- (5) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.
- (6) Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.
- (7) Division of property. Property with frontage onto two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.
- (8) Intersection angles. Streets shall be laid out to intersect at right angles, and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
- (9) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

- (10) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to the tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.
- (11) Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.
- (12) Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission and Lane County.
- (13) Grades and curves. Grades shall not exceed six (6) percent on arterial, ten (10) per cent on collector streets or fifteen per cent on other streets. Center line radii of curves shall not be less than 300 feet on major arterial, 200 feet on secondary arterial or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.3 per cent.
- (14) Streets adjacent to railroad rights-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (15) Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (16) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a visual clearance of not less than 45 degrees with fifteen (15) foot leg lengths.

## SECTION 6.03 BLOCKS

- (1) General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- (2) Size. In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.
- (3) Easements.
  - (a) Utility lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width.
  - (b) Water courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose in accordance with the adopted drainage plan. Streets or parkways parallel to the major water courses may be required.
  - (c) Pedestrian and bicycle ways. When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.

## SECTION 6.04 BUILDING SITES

- (1) Size and shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with the following standards:
  - (a) Width. Each lot or parcel shall have an average width between the lot side lines as specified in the Land Development Ordinance.
  - (b) Depth. Each lot or parcel shall have an average depth between the front line and lot or parcel rear line of not less than 80 feet and not more than 2-1/2 times the average width between the side lines. Exceptions are allowed for lots designed for single-family attached dwellings and for lots that are currently non-conforming and will be brought closer to conformity. The lot

depth and width ratio shall not apply to the portion of a panhandle lot that provides access.

- (c) Area. Each lot or parcel shall comprise a minimum area as specified in the Land Development Ordinance.
  - (d) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
  - (e) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (2) Access. Each lot and parcel (except those in the GR and RC zones intended for single-family attached housing) shall abut upon a street other than an alley for a width of at least 50 feet and 35 feet for a cul-de-sac. Panhandle or flag lots shall be allowed when other options for dividing the property are not available such as odd shaped lots, separate disparate uses exist on a single lot, or natural and pre-existing man-made barriers which may cause an undue hardship on the land owner. Exceptions to the frontage requirement may be made when the Planning Commission approves panhandle or flag lots.
  - (3) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across, to which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.
  - (4) Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets and cul-de-sacs they shall be radial to the curve.

## SECTION 6.05 GRADING OF BUILDING SITES

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- (1) Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one foot vertically.
- (2) Fill slopes shall not exceed two feet horizontally to one foot vertically.

- (3) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- (4) All sites shall be graded to direct stormwater to City storm sewers or to natural drainage ways as required by City Ordinances.

#### SECTION 6.06 BUILDING LINES

If special building setback lines are to be established in a land division, they shall be shown on the subdivision plat or partition map or, if temporary in nature, they shall be included in the deed restrictions.

#### SECTION 6.07 LARGE BUILDING SITES

In dividing tracts into large lots or parcels which at some future time are likely to be re-divided into smaller parcels approaching the minimum standards of the Land Development Ordinance, the land divider shall show the small parcel division by means of dash lines indicating future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within the Land Development Ordinance as though the development were occurring on the smaller parcel. This will facilitate future land divisions and guarantee that existing buildings or structures will meet the locational requirements of the Land Development Ordinance.

#### SECTION 6.08 LAND FOR PUBLIC PURPOSES.

Land for parks and open space shall be dedicated for all land divisions according to Section 5.26 of the Land Development Ordinance.

If the City has an interest in acquiring a portion of a proposed land division in excess of that required for dedication by Section 5.26 of the Land Development Ordinance for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

#### SECTION 6.09 STORMWATER FACILITIES

All new development and redevelopment shall be designed and constructed such that the system(s) peak discharge for a 10-year frequency storm of the fully developed site shall not exceed the peak storm discharge of the pre-developed site, as determined and approved by the sole discretion of the City Engineer or his/her designee.

## ARTICLE 7 - IMPROVEMENT REQUIREMENTS

### SECTION 7.01 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his/her own option shall conform to the requirements of this ordinance and all improvement standards and specifications of the City, and shall be installed in accordance with the following procedure:

- (1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.
- (2) Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
- (3) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- (4) Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
- (5) A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.

### SECTION 7.02 SPECIFICATIONS FOR IMPROVEMENTS

All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter 13.30 in addition to the standards of this ordinance. If the City does not have adopted design standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval.

### SECTION 7.03 IMPROVEMENTS IN SUBDIVISIONS

The following improvements shall be installed at the expense of the sub-divider at the time of subdivision or as agreed upon as provided in Section 7.05. All improvements shall comply with the construction permit requirements of Veneta Municipal Code Chapter 12.05

- (1) Streets. Public Streets, including alleys, within the subdivisions and public streets

adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in ORS Chapter 92.

- (2) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan.
- (3) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains and shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. In the event it is impractical to connect the subdivision to the City sewer system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area.

If sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the City Council may construct as an assessment project with such arrangements as are desirable with the sub-divider to assure financing his share of the construction. If the City Council chooses not to construct the project as an assessment project the sub-divider shall be solely responsible for the cost of improvements in accordance with City approved plans.

- (4) Water system. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed to the standards of the City, taking into account provisions for extension beyond the subdivision.
- (5) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except that in the case of arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acres, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets.
- (6) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.
- (7) Street name signs. Street name signs shall be installed at all street intersections to approved City standards.



- (8) Street lights. Street lights shall be installed in conformance with Veneta Municipal Chapter 15.15 and shall be served from an underground source of supply.
- (9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

#### **SECTION 7.04 IMPROVEMENTS IN PARTITIONS**

The same improvements may be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission or Building and Planning Official finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission may except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

#### **SECTION 7.05 AGREEMENT FOR IMPROVEMENTS**

Before final approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City in accordance with Section 7.06.

#### **SECTION 7.06 BOND**

- (1) If required by the Planning Commission or Building and Planning Official, the land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:
  - (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  - (b) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - (c) Cash.

- (2) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
- (3) If the land divider fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

#### SECTION 7.07 SPECIAL ASSESSMENT FINANCING OF PUBLIC IMPROVEMENTS

- (1) Public improvement within a subdivision may be installed under special assessment financing, in accordance with Veneta Municipal Code Chapter 3.10, if the Planning Commission and Council find:
  - (a) The public improvements necessary to serve the land division will specially benefit other properties in addition to the land division; or
  - (b) The City is able to obtain necessary financing to guarantee the completion of the public improvements within (1) year from the date of the approval of the final plat and the City has adequate bonding capacity within its debt limit, as allowed under ORS 223.295 and ORS 287.004.
  - (c) The City shall review the planned financial pay-back of any bonds and find that the developer has adequate financial resources to assure repayment of the bonds in accordance with the schedules to be set forth in any ordinance approving the sale of such bonds.
- (2) The land divider shall file the following items, on forms approved by the City Attorney, prior to Council passage of a resolution authorizing the special assessment project:
  - (a) Petition for Local Improvement Project including approval by all underlying finance holders;
  - (b) Waiver authorizing the City to waive the Engineer's Report, public hearings and notices of assessment normally required.
  - (c) An agreement for public improvements and a security, approved by the Council, in a sufficient amount to insure full and faithful performance and completion of the public improvements in a specified time period, or a petition including the following items:
    - 1. A petition that the City obtain interim financing for the improvement or sell Bancroft bonds prior to construction of the improvements; and

2. An agreement authorizing the City to assess property within the land division for all administrative, legal, engineering and interest expenses incurred by the City, in the event the City is unable to secure financing for the public improvements and abandons the project.
- (3) If the City is unable to obtain interim financing for the improvements or sell Bancroft bonds prior to construction, then the land divider will be required to submit a security as required by Sections 7.05 and 7.06.

## **ARTICLE 8 - GENERAL PROVISIONS**

### **SECTION 8.01 INTERPRETATION**

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance or another ordinance, the provisions which are more restrictive shall govern.

### **SECTION 8.02 SEVERABILITY**

The provisions of this ordinance are severable. If a 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.

### **SECTION 8.03 ENFORCEMENT AND APPEAL PROVISIONS**

- (1) The Building and Planning Official shall have authority to enforce the provisions of this ordinance. In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative or in addition to other remedies or penalties set forth herein or above, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
  - (a) Within a reasonable time after notification of a violation of this ordinance, the Building and Planning Official shall notify the property owner that such a violation exists.
  - (b) Where the violation does not involve a structure, action to rectify such shall be made within 30 days. Where the violation involves a structure, action to rectify such shall be made within 60 days.
  - (c) If no action has been taken to rectify the violation within the specified time, the Building and Planning Official shall refer it to the City Attorney.
- (2) An action or ruling of the Building and Planning Official pursuant to this ordinance may be appealed to the Veneta Planning Commission within fifteen (15) days after the Building and Planning Official has rendered its decision. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision and the final order has been signed. Written notice of appeal from a decision of either the Building and Planning Official or the Planning Commission shall be filed with the City within fifteen (15) days of the date the final order has been signed.

- (3) The written notice of appeal shall: (a) be made on the appeal form provided by the City and include applicant's valid signature' (b) be filed with the appropriate fee; and (c) include all matters specifically appealed, including a brief summary of the material presented to the Building and Planning Official or the Planning Commission upon which the decision which is being appealed was based. Specific statutory citations supporting the appeal shall also be included. Failure to comply with one or more of these appeal requirements constitutes a jurisdiction defect which precludes the Planning Commission or City Council from considering the appeal. Any issue not specifically raised in the written appeal shall be deemed waived and will not be heard by the Planning Commission or the City Council as part of the appeal. If the appeal is filed, the Planning Commission or City Council shall receive a report and recommendation thereon from the Building and Planning Official or the Planning Commission and shall hold a public hearing on the appeal. Review is de novo by both the Planning Commission and City Council. The Planning Commission or City Council may continue the hearing for good cause. Following the hearing, the Planning Commission or City Council may sustain, reject, or overrule any recommendations or rulings of the Building and Planning Official or Planning Commission, provided such action complies with the provisions of this ordinance.
- (4) Appeal fees shall be paid to the City Recorder upon filing as authorized by the Veneta Municipal Code chapter 3.30. A separate application and fee is required for each decision being appealed.

#### **SECTION 8.04 PENALTIES**

Violation of any provision of this ordinance or any amendment thereto is punishable, upon conviction, by a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars.

A violation of this ordinance shall be considered a separate offense for each day the violation continues.

#### **SECTION 8.05 AMENDMENTS**

- (1) An amendment to the text of this ordinance may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Building and Planning Official using forms provided by the City.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment after notifying Lane County and publishing notice of the hearing once a week for two (2) successive weeks prior to the hearing in a newspaper of general circulation within the City. The notice shall specify the time, place and purpose of the hearing. The Division of State Lands shall be notified of the amendment 45 days prior to the final hearing.

- (3) Within ten (10) days after such hearing, the Planning Commission shall recommend to the City Council approval, disapproval, or modified approval of the proposed amendment.

Upon receiving a recommendation of approval from the Planning Commission, the City Council shall hold a public hearing on the proposed amendment following the same procedures as prescribed for the Planning Commission.

- (4) No application of a property owner for an amendment to the text of this ordinance shall be considered by the Planning Commission within the one (1) year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.
- (5) Any such amendments are subject to any required reviews or approvals, including notifications to DLCD.

#### SECTION 8.06 DEFINITIONS

As used in this ordinance, the following words and phrases shall mean:

- (1) BUILDING LINE A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Buildings shall not overhang over an easement or dedicated right-of-way.
- (2) BUILDING AND PLANNING OFFICIAL The City Administrator of Veneta and his/her designee.
- (3) CITY The City of Veneta, Oregon
- (4) COMMON COUNCIL The Common Council of the City of Veneta, Oregon, which is the governing body of said City.
- (5) COMPREHENSIVE PLAN A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.
- (6) DECLARANT A person who files a declaration under ORS 92.075.
- (7) DECLARATION The instrument described in ORS 92.075 by which the subdivision or partition plat was created.
- (8) EASEMENT A grant of the right to use a strip of land for specific purposes.
- (9) LEGAL LOT A legal lot is a unit of land that meets the requirements of State, County, and City laws that were in effect at the time it was first created. The lot must have been formed by identifying, combining, or dividing land in accordance

with these laws. A tax lot is not necessarily a legal lot. A unit of land conveyed by deed or contract is not necessarily a legal lot. A lot from a land division which has not received final city and county approval is not a legal lot.

- (10) LOT A unit of land that is created by a subdivision of land.
  - (a) Corner Lot A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
  - (b) Through Lot A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (11) MAP A final diagram, drawing or other writing concerning a partition.
- (12) OWNER An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.
- (13) PARCEL A unit of land that is created by a partitioning of land.
- (14) PARTITION Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
- (15) PARTITION LAND To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
- (16) PEDESTRIAN WAY A right-of-way for pedestrian traffic.
- (17) PERSON A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- (18) PLANNING COMMISSION The Planning Commission of the City.
- (19) PLAT The final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (20) PROPERTY LINE ADJUSTMENT The relocations of a common property line between two abutting properties. An adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with

ORS 92.065(3); a survey, complying with ORS 209.250, shall be filed with the county surveyor; and the property line adjustment shall be recorded with the Lane County Department of Deeds and Records.

- (21) REPLAT The act of plating the lots, parcels and easements in a recorded subdivision or partition plat to achieve a re-configuration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- (22) RIGHT-OF-WAY The right of passage or of way, which is a servitude imposed by law or convention, and by virtue of which one has the right to pass over or through the property of another as is set forth by its terms.
- (23) ROADWAY The portion of a street right-of-way developed for vehicular and bicycle traffic.
- (24) SIDEWALK A pedestrian walkway with permanent surfacing.
- (25) STREET A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term, "road," "highway," "lane," "avenue," "alley" or similar designations.
- (a) Alley A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (b) Arterial (Principal) Roadways in urbanized areas which serve the major centers of activity, the highest traffic volume corridors, the longest trip desires, and a high proportion of the total urban area travel (even though it may only constitute a relatively small percentage of the total roadway network).
- Provides significant intra-area travel
  - Because of the nature of the travel served by the major arterial system, almost all are fully and partially controlled access facilities.
  - For major arterials, service to abutting land is subordinate to travel service to major traffic movements.
- (c) Arterial (Minor) Interconnects with and augments the principal arterial system.
- Accommodates trips of moderate length at a somewhat lower level of travel mobility than major arterials.
  - Distributes travel to geographic areas smaller than the higher system does and offers lower traffic mobility.
  - May carry local bus routes and provide intracommunity continuity. Ideally, does not penetrate identifiable neighborhoods.
- (d) Collector Provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas.
- Differs from Arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destination.
  - Conversely, they collect traffic from the local streets in neighborhoods and channel it into the arterial system.



- (e) Cul-de-Sac (dead-end Street) A local street, usually only a few hundred feet in length and closed at one end, designed to serve the interior of a subdivision or large tract of land.
  - (f) Half Street A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
  - (g) Limited Access Street A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
  - (h) Local Street Streets that serve primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes.
- (26) SUBDIVIDE LAND To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (27) SUBDIVISION Either an act of subdividing land or an area or tract of land subdivided as defined in this section.
- (28) TENTATIVE PLAN A tentative plan is the plan of a subdivision or partition submitted to the City for approval under the provision of ORS 92 and Article 3 and Article 5 of the Land Division Ordinance. No final subdivision plat or partition map shall be approved unless it is in substantial conformity with the provisions of the approved tentative plan.
- (29) WETLANDS Areas that are inundated or saturated by surface of groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

**ORDINANCE NO. 461**

**AN ORDINANCE ADOPTING THE VENETA LAND DEVELOPMENT  
ORDINANCE, REPEALING ORDINANCES 417, 435, 449, AND SECTION 4 OF  
ORDINANCE 427 AND DECLARING AN EMERGENCY**

WHEREAS, the Veneta City Council has found a need to acquire additional park lands to comply with it's adopted Parks and Open Space Master Plan; and

WHEREAS, there is a need to update the Veneta Land Development Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statues and other regulations; and

WHEREAS, the Department of Land Conservation and Development was notified of the proposed amendments to the Veneta Land Development Ordinance on November 16, 2005; and

WHEREAS, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed amendment to the Veneta Land Development Ordinance on January 3, 2006 and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the Veneta City Council conducted a properly advertised public hearing on the proposed amendment to the Veneta Land Development Ordinance 417 on February 13, 2006; and

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

**FINDINGS OF FACT:**

The Findings of Fact in support of Park Land Dedication, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this ordinance as Exhibit A.

The Findings of Fact in support of amendments to the Veneta Land Development Ordinance to provide clarity, consistency, and to adhere to the City's Comprehensive Plan, State statues and other regulations, adopted by the Veneta City Council on February 13, 2006, are hereby incorporated herein and made a part of this Ordinance as Exhibit B.

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

Section 1. The "Veneta Land Development Ordinance 461", attached as Exhibit C, and the Veneta Zoning and Floodplain Map dated August 8, 2005, attached as Exhibit D, are hereby adopted by the Veneta City Council as a part of this ordinance.

Section 2. Ordinances 417 and its amending Ordinances 435, 449, and Section 4 of Ordinance 427 are hereby repealed. All resolutions adopted under the authority of Ordinance 417 remain in full force and effect under the authority of this Ordinance 461 until specifically repealed.


Section 3. 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.

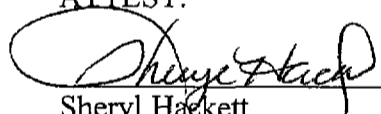
Section 4. Declaration of Emergency. It is hereby adjudged and declared that the existing conditions are such that it is necessary for the immediate preservation of the public peace, health, and safety of the City of Veneta and an emergency is hereby declared to exist, and this ordinance shall take effect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

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

PASSED BY A VOTE OF 3 for and 0 against on the 27<sup>th</sup> day of February, 2006.

  
T.J. Booker, Mayor  
Executed on 2-27-2006

ATTEST:  
  
Sheryl Hackett  
Executed on 2-27-2006

**Exhibit A**  
**Veneta Land Development Ordinance 461**  
**Findings of Fact – Park Dedication**

The Veneta City Council finds the following:

1. The Veneta City Council held a public hearing on February 13, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417.
2. The Veneta Planning Commission held a public hearing on January 3, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417. The Planning Commission recommended that the City Council adopt the proposed amendments.
3. The proposed amendments comply with the goal and policies in the *Veneta Comprehensive Plan* and Statewide Planning goals as follows:

*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 ordinance will allow the City to provide adequate public spaces to accommodate Veneta's future population. Requiring dedication or fee in lieu will allow the City to provide park space 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 with open areas intended for both active and passive recreation.**

13. *Establish and enforce development and performance standards for landscaping, buildings, open space, architecture, and tree canopy.*

**The proposed ordinance establishes development standards for open space and directly implements this policy. The provision of park space may also have secondary benefits including the preservation of existing tree canopy and other natural or visual resources that improve the livability of Veneta.**

C. RESIDENTIAL LAND AND HOUSING ELEMENT

POLICIES:

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 changes clarify that density shifts as described in this policy are to be figured only for lands dedicated in excess of those required by the park dedication requirements. The required dedication fulfills the developers obligation to provide the necessary infrastructure to serve the future residents of the development according to City standards. Land dedicated in excess of the standard would still allow for smaller lots in order to further preserve natural resources or to enhance the dedicated or existing open space in or surrounding the development.**

E. UTILITIES

POLICIES:

8. *Require new development to pay for extension of infrastructure needed for new development and system development charges to cover their share of system capacity, as set forth in System Development Charges ordinances.*

**The proposed dedication ordinance requires that land be dedicated for parks to serve future residents of the development. This extension of infrastructure is similar to the need to provide sewer and water service to the future population. Developments that dedicate land will not pay the acquisition portion of the parks SDC.**

H. PARKS AND OPEN SPACE

POLICIES:

- (1) *Existing Facilities: Encourage the improvement of existing park and recreation facilities in Veneta through equipment replacement, maintenance, landscaping, access improvements, visibility and safety measures, and expansion.*

**The proposed changes requiring dedication, or fee in lieu of, can be used solely to expand the City's parkland inventory including expansion of existing parks through acquisition. The proposed changes do not affect the SDC charges allocated for improvements to existing and future parks.**

- (2) *New Facilities: Acquire additional land for new active recreation sites (including ball fields), passive recreational sites, open space, and new neighborhood and/or civic parks.*

**The proposed changes directly implement this policy by requiring dedication of park land to serve the future residents of a development. The proposed language is designed to allow the City to acquire additional active recreation space to supplement the wetlands and passive recreation areas present in the City. The proposed dedication standards ensure that the City receives useful land for these purposes so that the City may provide residents with recreation opportunities according to accepted standards. The amount of land required for dedication is based on the Standards found in the State Comprehensive Outdoor Recreation Plan (SCORP) and the standards recommended by the National Recreation and Park Association. These standards provide the basis for both the proposed dedication requirement, as well as the City's adopted Parks, Recreation, and Open-Space Master Plan (1998).**

- (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*

**At the City's discretion, areas within the Greenway Subzone may be accepted as partial or complete fulfillment of the proposed dedication requirement when such dedication is determined to be of substantial benefit to the City..**

- (4) *Collaboration: Work together with civic and non-profit organizations, such as schools and recreation providers, to co-locate facilities and share in acquisition, development, operation and maintenance.*

**The proposed changes will give the City the opportunity to play a greater role in partnering with other public and private entities to provide recreational opportunities to residents through increasing the financial resources the City can bring to bear for acquisition of lands.**

- (5) *Transportation: Coordinate park acquisition and development projects with the Transportation Plan, especially planned bikeways and bike routes.*

**The proposed changes will allow the City greater flexibility to locate parks along proposed bicycle paths and routes and allow for increased coordination between park siting and other City plans and activities.**

- (6) *Natural Resources: Where natural resources constrain development potential, consider acquiring these lands for permanent open space purposes.*

**At the City's discretion, areas of high natural resource value that would not normally be counted towards the dedication requirements (such as wetlands) may be accepted as partial or complete fulfillment of the proposed dedication requirement when such dedication is determined to be of substantial benefit to the City..**

*(7) Fiscal Resources: Encourage the development of stable funding mechanisms for short and long term park maintenance, acquisition, and development projects.*

**The proposed changes directly implement this policy by providing a mechanism for both short and long term park acquisition. The dedication requirements allow the City flexibility in determining where and how park acquisition will take place as well as providing a substantial funding source for acquisition. Park SDCs will still be charged to cover the costs of park improvement that are not acquisition related.**

#### **COMPLIANCE WITH STATEWIDE PLANNING GOALS**

Statewide Planning Goals potentially apply as standards for any changes to regulations implementing Comprehensive Plans, which would include changes to the *Veneta Land Development Ordinance No. 417*. This section lists each goal, states its relevance, and addresses it if it is an applicable standard.

*Goal 1: Citizen Involvement:*

**The Goal 1 requirements for citizen involvement are satisfied if the local government has made its changes following the procedures for citizen involvement in its acknowledged plan and code. Full public hearing, including notification, and opportunity for public input as required by the Veneta Land Development Ordinance No. 417, has been part of the review process for these changes. Goal 1 is satisfied.**

*Goal 2: Land Use Planning:*

**Goal 2 requires the City to have and apply a land use planning and policy framework for making decisions based on standards and an adequate supporting factual basis. The City will make this decision in compliance with the standards in its Comprehensive Plan and implementing code. Goal 2 is satisfied.**

*Goal 3: (Agricultural Lands) and Goal 4 (Forest Land):*

**Goals 3 and 4 do not apply.**

*Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:*

**Goal 5 requires the City to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.**

Goal 5 is implemented through the Goal 5 Rule adopted by the LCDC in 1996. The Rule appears in OAR Chapter 660, Division 23: Procedures and Requirements for Complying with Goal 5. The Rule applies to “post-acknowledgment plan amendments” or “PAPAs,” such as this application.<sup>1</sup>

When a local government undertakes a PAPA, as the City is doing here, it is not required to do an entire Goal 5 analysis from scratch. The local government’s obligation to do a Goal 5 analysis, and the scope of the Goal 5 analysis that is required, has been the subject of considerable case law development, which has been distilled into the applicability provisions of the Goal 5 Rule. Particularly relevant are subsection (3) and (4) of OAR 660-023-0250, which state:

*(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

*(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*

*(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*

*(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

*(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, Division 16.”*

**The City must go through the Goal 5 process only if one of the three conditions in subparts (a), (b) or (c) is present. This proposal meets none of the triggers for the Goal 5 process. (a) The proposal does not create or amend a list of Goal 5 resources. Neither does it amend any portion of the zoning code that was adopted to protect a Goal 5 resource. (b) The proposal does not allow any new uses that conflict a Goal 5 resource. This proposal rearranges somewhat the land uses already allowed on the site under the current zoning. (c) The proposal does not involve a UGB amendment.**

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<sup>1</sup> OAR 660-023-0250(2) states, in part: “The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996.”



*Goal 6: Air, Water and Land Resources Quality:*  
**Goal 6 is not applicable.**

*Goal 7: Areas Subject to Natural Disasters and Hazards:*  
**Goal 7 is not applicable.**

*Goal 8: Recreational Needs:*  
**Goal 8 states:**

*The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.*

**The proposed amendments comply with Goal 8 by providing a means of acquiring parkland proportionate to the impacts of development and allows the City greater flexibility in coordinating acquisition of lands for parks and open-spaces in terms of location, quantity, and quality.**

*Goal 9: Economic Development:*  
**Goal 9 states that:**

*Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state.*

**The proposed amendments support the City's economic development strategy by providing a variety of recreation opportunities including active play fields and multi-use paths which contribute to an overall sense of community. These amenities may help to attract employers and encourage worker retention in the Veneta area.**

*Goal 10: Housing:*

**Goal 10 establishes general standards for cities to maintain an inventory of land available for development of housing during the planning period. Based on the City's Comprehensive Land Use Evaluation (CLUE 1999), the buildable lands within the UGB are sufficient to support the projected 2020 population. Numbers presented in the CLUE are conservative and did not take into account the rezoning of Rural Residential zoned lands to accommodate urban densities, or planned developments which utilize smaller lots in order to provide parks and preserve natural resources. The City's Park and Recreation Plan sets standards that call for an additional 35 acres of parkland to serve the projected 2020 population. This 35 acres will not decrease the City's buildable lands supply below that necessary to**

accommodate future populations. Therefore, the changes are consistent with Goal 10.

*Goal 11: Public Facilities:*

Goal 11 addresses facilities and services in urban and rural areas. The goal states the City will “plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. “Public facilities and services” is defined in the Statewide Planning Goals to include: “[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare.” The Goal 11 Rule defines a “public facility.” “A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.” OAR 660-11- 005(5). Therefore, the definition of a “public facility” under goal 11 does not include parks. Goal 11 is not applicable.

*Goal 12: Transportation:*

Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such this – amendments to acknowledged implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” The proposed amendments do not, and therefore, Goal 12 does not apply.

*Goal 13: Energy Conservation:*

Goal 13 intends that land uses and development shall be managed to maximize the conservation of all forms of energy. The proposed changes will allow the City greater flexibility and resources to implement planned bicycle and pedestrian transportation networks and thereby reduce the need for automobile traffic within the City of Veneta. The amendments comply with Goal 13.

*Goal 14: Urbanization:*

Goal 14 intends to provide for an orderly transition from urban to rural use. Goal 14 does not apply.

*Goal 15: Willamette River Greenway:*

Goal 15 does not apply.

*Goals 16 through 19: Ocean and Coastal Goals:*

These goals do not apply.

**Exhibit B**  
**Veneta Land Development Ordinance 461**  
**Findings of Fact – Minor Amendments**

The Veneta City Council finds the following:

1. The Veneta City Council held a public hearing on February 13, 2006 on the proposed amendments after giving the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 417.
2. The proposed amendments comply with the following applicable Statewide Land Use Planning Goal:

*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.*

These amendments to the Veneta Land Development Ordinance and Land Division Ordinance are consistent with provisions found in the Veneta Comprehensive Plan, Ordinance No. 416.

3. The proposed amendments comply with the goals and policies of the Veneta Comprehensive Plan. The intent of these amendments is to provide clarity, consistency, and to adhere to the City's Comprehensive Plan and other regulations as appropriate.

PURPOSE OF COMPREHENSIVE PLAN NO. 416: ...The Comprehensive Plan is the legal basis for implementing regulations such as the Land Development and Land Division Ordinances. Ordinances are developed in conjunction with the Comprehensive Plan and must be updated as the Comprehensive Plan changes over time.

PURPOSE OF LAND DEVELOPMENT ORDINANCE NO. 417: The purpose of this ordinance is to establish standards and procedures for the orderly development of land within the City of Veneta; to assist in implementing the Veneta Comprehensive Plan and to promote the public health, safety and general welfare.

The following amendments to the Land Development Ordinance No. 417 align City ordinances with State statute:

Section 2.06 Completeness Reviews

Section 2.09(11) Notice of Decision

Section 2.12 Record open for 7 days after hearing.

Section 2.13(1) and 2.13(4) and 7.03 City shall follow procedures in land use regulations

Section 4.02(3)(d) Manufactured dwelling parks

The following amendments to the Land Development Ordinance No. 417 provide better clarity or consistency:

Section 2.07 Appeals

Section 2.09(2) Notice

Section 2.09(4) List of property owners  
Section 4.01(2) Changes in use and pigs  
Section 4.01(2)(c)(3) Exception for properties one acre or larger  
Section 4.01(4)(b) Shadow plats including minimum yard setbacks  
Section 4.02(2)(i) and 4.03(2)(m) Garages used as sales offices temporarily  
Section 4.03(5)(b) Side yard setbacks  
Section 5.01(5) Accessory structures  
Section 5.02 Exceptions to the frontage requirement  
Section 5.03 Clear vision areas  
Section 5.06 Conversion of residential structures to commercial  
Section 5.08 Calculating lot size of panhandle lots  
Section 5.11 Measuring building setbacks  
Section 5.12(8) Landscaping  
Section 5.14(2) Installing improvements  
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Section 5.20(1)(a) and 5.20(2)(a) Driveway improvements  
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Section 6.06 Site plan amendments  
Section 6.08 and Section 8.05 and Section 10.06 Time limit on approved plans  
Section 7.04 Temporary permits  
Section 7.06 Procedure for renewing temporary uses  
Section 8.20(3)(f) Yard setbacks for temporary homes  
Section 8.20(3)(h) Converting an accessory use  
Section 10.03 Variance criteria  
Section 10.07 Termination of a variance  
Definitions

The following amendments to the Land Development Ordinance No. 417 change ordinance numbers to City Code Chapters:

Section 2.08

The following amendments to the Land Development Ordinance No. 417 reference other regulations or city municipal code:

Section 2.09 Wetland Development  
Section 4.01(3) and 4.02(3) Conditional uses permitted  
Section 4.02(2) and 4.03 (2) and 4.03(3) and 4.04(2) Permitted uses  
Section 4.04(4)(a) Downtown area in Comprehensive Plan  
Section 5.01(4) Setbacks in a residential zone  
Section 5.20(2)(i) Parking lot lighting  
Section 6.01 Veneta Zoning Map  
Section 6.02(2)(d) Tree removal  
Section 7.05(7) Business registration  
Section 8.20(3)(b)(4) Transportation System Plan reference  
Section 9.02(3) Pre-existing dwellings  
Section 12.03(7) Parking requirements

The following amendments to the Land Development Ordinance No. 417 reflect prior direction from the City Council:

Section 2.09(2) and 2.13(2) Public Notice Subscribers

Section 2.09(3) and 2.13(2) Notice of 250 feet

Section 4.06(5) Deleted building orientation

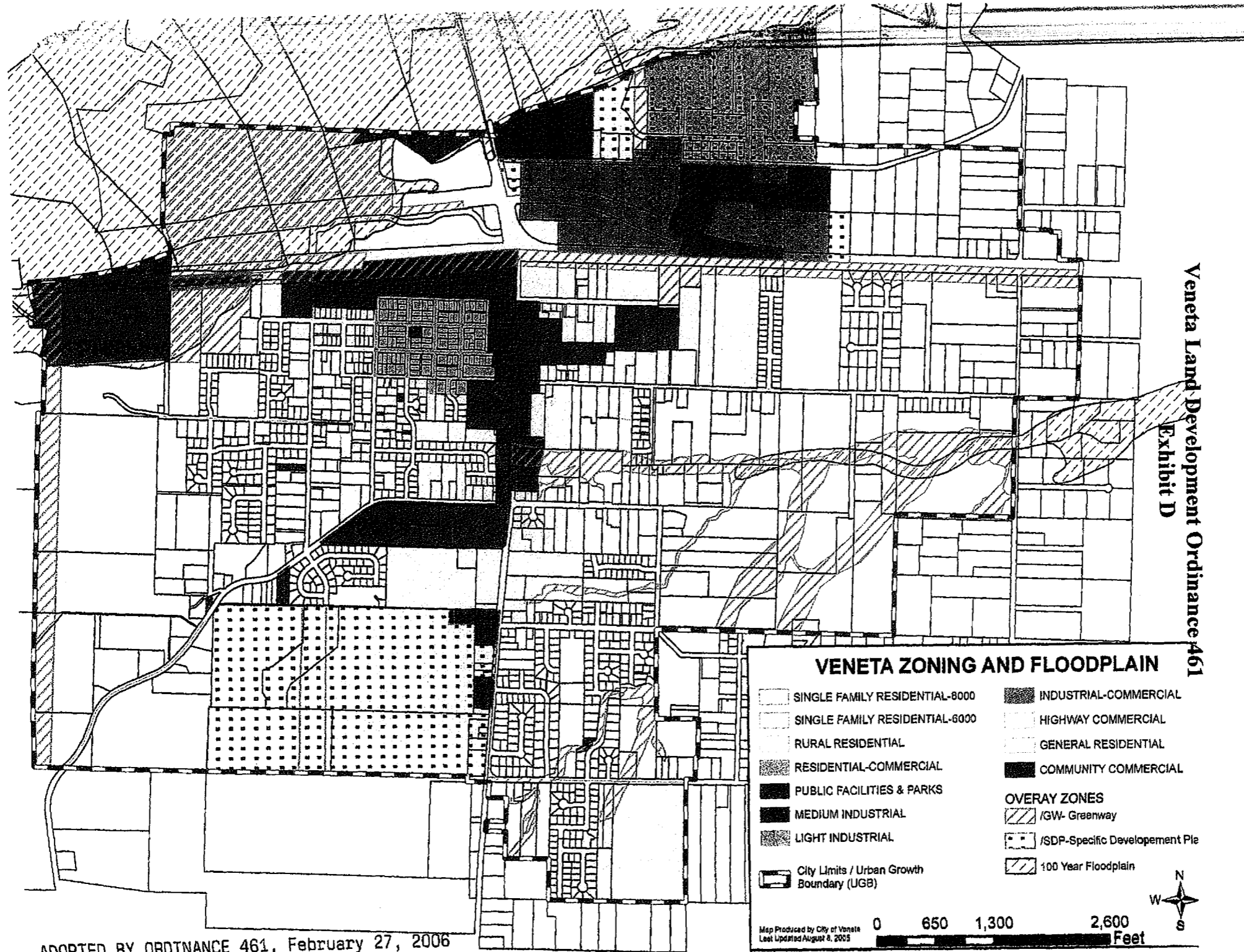
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Veneta Land Development Ordinance  
No. 461

Adopted: February 27, 2006

**VENETA LAND DEVELOPMENT  
ORDINANCE No. 461  
(Exhibit C)**

**Adopted: February 27, 2006**



Veneta Land Development Ordinance 461  
Exhibit D

ADOPTED BY ORDINANCE 461, February 27, 2006



\$20.00

**Veneta Land Development Ordinance  
No. 461**

**Adopted: February 27, 2006**

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## **ARTICLE 1 - INTRODUCTORY PROVISIONS**

### SECTION 1.01      TITLE

This ordinance shall be known as the VENETA LAND DEVELOPMENT ORDINANCE of 2006.

### SECTION 1.02      PURPOSE

The purpose of this ordinance is to establish standards and procedures for the orderly development of land within the City of Veneta; to assist in implementing the Veneta Comprehensive Plan and to promote the public health, safety and general welfare.

## ARTICLE 2 - ADMINISTRATIVE PROVISIONS

### SECTION 2.01 COMPLIANCE WITH ORDINANCE PROVISIONS

- (1) Land may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.
- (2) No lot area, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
- (3) No lot area, yard, off-street parking area, off-street loading area or other open space shall be used as the required lot area, yard, off-street parking area, off-street loading area or other open space of another use, except as provided for in this ordinance.

### SECTION 2.02 INTERPRETATION

Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

### SECTION 2.03 ADMINISTRATION

The City Administrator or other official designated as the building and planning official by the City shall have the power and duty to enforce the provisions of this ordinance.

### SECTION 2.04 CERTIFICATE OF OCCUPANCY AND FINAL INSPECTION

- (1) Building Inspector Requirements.
  - (a) The Building Inspector shall issue a Certificate of Occupancy for all Commercial and Industrial buildings certifying that all requirements have been met and that the structure is safe for human occupancy.
  - (b) The Building Inspector shall conduct a final site inspection for all other construction.
  - (c) The Building Inspector shall provide the City with copies of all Certificates of Occupancy and shall notify the City at the time any final inspection is completed and approved.
  - (d) The Building Inspector shall conduct an on-site inspection of the building site, after receiving notification of final inspection, to ensure that all requirements of this ordinance and approved site plans have been complied with.
  - (e) If the Building Inspector determines that a violation of this ordinance does exist, he

shall immediately notify the property owner and follow procedures in accordance with Section 2.10, "Enforcement, Violations and Penalties" of this ordinance.

#### SECTION 2.05 AUTHORIZATION OF SIMILAR USES

The Building and Planning Official may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone, where it is not listed, a use specifically listed in another zone. The decision of the Building and Planning Official may be appealed to the Planning Commission using procedures as spelled out in Section 2.07 of this ordinance.

#### SECTION 2.06 FORM OF PETITIONS, APPLICATIONS, FINAL ACTION

- (1) Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City.
- (2) An applicant shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. Zone changes and permits required through the application of the overlay district and discretionary permit procedures shall be available for a consolidated permit process. For purposes of this ordinance, a consolidated permit process shall mean that the hearing body shall, to the greatest extent possible, apply concurrent notice, public hearing and decision making procedures to the permits and zone changes which have been consolidated for review.
- (3) Applications shall be accompanied by plans and specifications drawn to scale, showing the actual shape and dimensions of the legal lot to be built upon; the sizes and locations on the legal lot of all existing and proposed structures; the intended use of each structure; the number of households, if any, to be accommodated thereon; the relationship of the property to the surrounding area; a narrative statement addressing the applicable criteria; and such other information as is needed to determine conformance with this ordinance.

Incomplete applications will not be accepted. Applications that appear to be complete will be reviewed and, within 30 days of its receipt, the applicant will be notified as to the completeness. If the City determines that the application is complete, the City will process the application in accordance with the review procedures for the type of application that has been submitted. If the City determines that the application is incomplete, the City shall advise the applicant in writing of the necessary missing information. Within 180 days after initial application submittal, the applicant shall submit to the City a written statement indicating either an intent to submit the missing information or a refusal to submit the missing information. The City shall begin review of the application when deemed complete for purposes of ORS 127.178 upon receipt of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from applicant that none of the missing information will be provided.

On the 181<sup>st</sup> day after first being submitted, the application is void if the applicant has been notified of the missing information as required above and has not submitted:

- (a) All of the missing information;
- (b) Some of the missing information and written notice that no other information will be provided; or
- (c) Written notice that none of the missing information will be provided.

- (4) After the Building and Planning Official deems an application complete, it shall be sent to the City Engineer, Veneta Public Works Superintendent, affected regulatory agencies which may include but are not limited to the Lane County Fire District No. 1, Oregon Department of Transportation, Lane County Public Works Department, local utility companies, Division of State Lands, and US Army Corp of Engineers.
- (5) Approval or denial of a land use regulation or limited land use application shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon and explains the justification for the decision based on the criteria standards and facts set forth.
- (6) The decision of either the Building and Planning Official or the Planning Commission will be issued with a Final Order. If a written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order of the Building and Planning Official or the Planning Commission decision is mailed, the decision becomes final.
- (7) Final action on a permit or zone change application is required within 120 days from the date the application is deemed complete except where parties have agreed to mediation and for expedited land use decisions.

#### SECTION 2.07 APPEALS

- (1) An action or ruling of the Building and Planning Official pursuant to this ordinance may be appealed to the Veneta Planning Commission within fifteen (15) days after the Building and Planning Official has rendered its decision. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision and the final order has been signed. Written notice of appeal from a decision of either the Building and Planning Official or the Planning Commission shall be filed with the City within fifteen (15) days of the date the final order has been signed.
- (2) Issues of appeal must be raised with sufficient specificity to have afforded the decision maker and the applicant, if appropriate, an adequate opportunity to respond to and resolve each issue. The failure to raise an issue in person or by letter filed in a timely manner precludes appeal and the failure to specify to which criterion the comment is directed, precludes appeal based on that criterion. Appeals may only be made by an adversely affected or aggrieved person or an affected party who appears in person or to a timely presentation of written testimony to the Building and Planning Official or the Planning Commission and who files a written "Notice of Appeal" within fifteen (15) days of the decision.

- (3) The written notice of appeal shall: (a) be made on the appeal form provided by the City and include applicant's valid signature; (b) be filed with the appropriate fee; and (c) include all matters specifically appealed, including a brief summary of the material presented to the Building and Planning Official or the Planning Commission upon which the decision which is being appealed was based. Specific statutory citations supporting the appeal shall also be included. Failure to comply with one or more of these appeal requirements constitutes a jurisdictional defect which precludes the Planning Commission or City Council from considering the appeal. Any issue not specifically raised in the written appeal shall be deemed waived and will not be heard by the Planning Commission or the City Council as part of the appeal. If the appeal is filed, the Planning Commission or City Council shall receive a report and recommendation thereon from the Building and Planning Official or the Planning Commission and shall hold a public hearing on the appeal. Review is de novo by both the Planning Commission and City Council. The Planning Commission or City Council may continue the hearing for good cause. Following the hearing, the Planning Commission or City Council may sustain, reject, or overrule any recommendations or rulings of the Building and Planning Official or Planning Commission, provided such action complies with the provisions of this ordinance.

#### SECTION 2.08 FILING FEES

Application, petition and appeal fees shall be paid to the City Recorder upon filing as authorized in Veneta Municipal Code Chapter 3.30. A separate application and fee is required for each decision being appealed. All fees shall be established by a separate resolution adopted by the Council.

#### SECTION 2.09 WETLAND DEVELOPMENT

Development within a wetland is subject to compliance with Veneta's Wetland Protection Ordinance, Veneta Municipal Code Chapter 18.10.

- (1) Notification. The City shall provide notice to the Division of State Lands (DSL) the applicant, and the owner of record within five working days of the acceptance of any complete application for subdivisions; building permits for new structures; other development permits and approvals that allow physical alteration of land involving excavation and grading, including permits for removal or fill, or both, or development in the floodplain; conditional uses and variances that involve physical alteration of land or construction of new structures; and planned unit development approvals that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.
- (2) Approval. Approval of any activity described above shall include one of the following:
  - (a) issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;
  - (b) notice from DSL that no permit is required;



- (c) or notice from DSL that no permit is required until specific proposals to remove fill or alter the wetlands are submitted.

If DSL fails to respond within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits. The City may issue local approval for parcels identified as or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and owner of record a written notice of possible presence of wetlands and the potential need for state and federal permits and providing DSL with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

#### SECTION 2.10 ENFORCEMENT, VIOLATIONS AND PENALTIES

- (1) Penalty. A person violating a provision of this Ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 for each violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues.
- (2) Procedures.
  - (a) Within ten (10) days after notification of a violation of this ordinance, the Building and Planning Official shall notify the property owner that such a violation exists.
  - (b) Where the violation, in the opinion of the City Administrator, may adversely affect the health, safety or welfare of an individual, group or the community as a whole if not corrected immediately, action to rectify the problem may be required immediately or within a reasonable time as established by the City Administrator.
  - (c) Where the violation does not involve a structure, action to rectify such shall be made within ten (10) days. Where the violation involves a structure, action to rectify shall be made within thirty (30) days.
  - (d) If no action has been taken to rectify the violation within the specified time, the Building and Planning Official shall refer the matter to the City Attorney.

#### SECTION 2.11 NOTICE OF PUBLIC HEARING

- (1) Each notice of public hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City and posted at Veneta City Hall at least ten (10) days prior to the date of the hearing.
- (2) A notice of public hearing on an amendment to a zoning map shall be mailed to all owners of property located within not less than 500 feet from the exterior boundaries of the property for which the zoning map amendment has been requested. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site; to public notice subscribers; to the Lane County Assessor; and to the Lane

County Land Management Division.

- (3) A notice of public hearing on a quasi-judicial land use decision shall be mailed to the property owner, applicant, anyone who has expressed interest in the application or public notice subscribers, and all owners of property located within 300 feet of the property, for which the quasi-judicial land use decision has been requested. A notice shall also be posted on the property for which the land use decision has been requested.
- (4) For the purpose of mailing notices of public hearing, the applicant shall provide the City with a list of property owners of record on the most recent property tax assessment roll. If the applicant fails to provide a list, the City may prepare the list and charge the applicant for the staff time involved as a part of the publication costs.
- (5) The notice of hearing shall be mailed at least:
  - (a) Twenty (20) days before the hearing; or
  - (b) If two (2) or more hearings are required, ten (10) days before the first hearing.
- (6) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- (7) When an application is received to change the zone of any property which includes all or part of a manufactured dwelling park, written notice by first class mail shall be sent to each existing mailing address for tenants of the manufactured dwelling park at least ten (10) days, before the date of the first hearing on the application.
- (8) The public notice shall explain the nature of the application and the proposed use or uses which would be authorized; list the applicable criteria from the ordinance and the comprehensive plan that apply to the application; cite the street address or some other easily understood geographical reference to the subject property; state the date, time and location of the hearing; include the name and telephone number of the City representative to contact for additional information; state that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and that a staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost. The notice shall also include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings and shall state that failure to raise an issue in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue. It shall also state that failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the city to respond to the issues precludes an action for damages in circuit court.
- (9) The notice provisions of this section shall not restrict the giving of notice by other means.
- (10) A notice of hearing on an amendment to a zoning map or text amendment shall be mailed to the Land Conservation and Development Commission (LCDC) 45 days prior to the first

evidentiary hearing date.

- (11) The City shall provide notice of the decision to the applicant and any person who submits written or oral testimony. The notice of the decision must identify the application, state the decision being made and the date it was signed, include an explanation of appeal rights, either at the local level or to the Land Use Board of Appeals (LUBA), and briefly summarize the local decision making process for the decision being made.

If the City Council approves a zone change, notice of the decision shall also be mailed to the Lane County Assessor's Office.

#### SECTION 2.12 CONTINUANCE, REQUEST FOR EXTENSION AND REOPENING PUBLIC HEARINGS

- (1) The Planning Commission may continue the public hearing to a time, date, and place certain if additional information is needed to make a decision.
- (2) Unless there is a continuance, if a participant so requests before the conclusion of the initial public hearing, the record shall remain open for at least seven (7) days after the hearing. Such an extension shall be subject to the limitations of the 120-Day Rule, unless the extension is requested or agreed to by the applicant. Unless waived by the applicant, the City must allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. This seven (7) day period is not subject to the 120-Day Rule.
- (3) When a local governing body, planning commission, council or hearings officer reopens a record to admit new evidence, arguments, or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

#### SECTION 2.13 NOTICE OF LIMITED LAND USE ACTIONS

Limited Land Use decisions do not require public hearings; however, the decision is subject to the following requirements:

- (1) The City shall follow the applicable procedures contained within its land use regulations and other applicable legal requirements.
- (2) Written notice shall be posted at City Hall and mailed to the property owner, applicant and all owners of property within 300 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site; anyone who has paid a public notice subscription fee; and to Lane County Land Management Division. A notice shall also be posted on the property for which the limited land use decision has been requested.
- (3) Failure of a person to receive the notice prescribed in this section shall not impair the validity

of the decision.

- (4) The public notice shall provide a fourteen (14) day period for submission of written comments prior to the decision. The notice shall explain the nature of the application and the proposed use or uses which would be authorized; list the applicable criteria from the ordinance that apply to the application; cite the street address or some other easily understood geographical reference to the subject property; state the place, date and time that comments are due; include the name and telephone number of the City representative to contact for additional information; state that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. The notice shall state that issues which may provide the basis for an appeal to the Council shall be raised in writing prior to the expiration of the comment period and issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
- (5) The City shall provide notice of the decision to the applicant and any person who submits comments within the fourteen (14) day period provided. The notice of the decision must include an explanation of appeal rights and briefly summarize the local decision making process for the decision being made.

**ARTICLE 3 - ESTABLISHMENT OF ZONES**

**SECTION 3.01 CLASSIFICATION OF BASIC ZONES**

For the purposes of this ordinance the following basic zones are hereby established:

<u>BASIC ZONES</u>	<u>ABBREVIATED DESIGNATION</u>
Rural Residential	RR
Single-Family Residential	SFR
General Residential	GR
Residential-Commercial	RC
Community Commercial	CC
Highway Commercial	HC
Industrial-Commercial	IC
Light Industrial	LI
Medium Industrial	MI
Public Facilities and Parks	PFP

**SECTION 3.02 CLASSIFICATION OF SUB-ZONES**

- (1) A sub-zone may be established in combination with a basic zone. The sub-zone shall establish additional requirements, standards, and procedures for the use and development of property in the basic zone. In cases of conflict between the standards and requirements of the basic zone and the sub-zone, the standards and requirements of the sub-zone shall apply.
- (2) For the purposes of this ordinance the following sub-zones are hereby established:

<u>SUB-ZONES</u>	<u>ABBREVIATED DESIGNATION</u>
Greenway - Open Space	\GW
Flood Hazard	\FH
Planned Development	\PD
Specific Development Plan	\SDP

**SECTION 3.03 LOCATION OF ZONES**

The boundaries for Specific Development Plan sub-zones are indicated on the Veneta Zoning Map, dated August 8, 2006, which is hereby adopted by reference and made a part of this ordinance. The Northeast Employment Center Map dated August 26, 2002 is hereby adopted by reference and made a part of this ordinance. The Flood Hazard Zone is delineated from the Federal Emergency Management Agency's Lane County, Oregon and Incorporated Areas Flood Insurance Rate Map. The Greenway - Open Space sub-zone and Flood Hazard sub-zone are shown on the Veneta Zoning Map.

SECTION 3.04 ZONING MAPS

A zoning map adopted by section 3.03 of this ordinance or an amendment thereto shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

SECTION 3.05 ZONING OF BOUNDARIES

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot; then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

SECTION 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.

## ARTICLE 4 - USE ZONES

### SECTION 4.01 RURAL RESIDENTIAL ZONE (RR)

In an RR zone the following regulations shall apply:

- (1) Purpose. To maintain areas outside the City's service boundary for limited rural development within the carrying capacity of the natural resources until conversion to urban residential uses.
- (2) Permitted Uses. In an RR zone the following uses and their accessory uses are permitted subject to compliance with state and local health and sanitation requirements. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.
  - (a) One (1) single-family dwelling per buildable legal lot, provided adequate water and sewage disposal are available.
  - (b) Domestic and commercial horticulture.
  - (c) Non-commercial animal husbandry including the raising of fowl, bees and domestic farm animals, except pigs (including potbellied pigs), not conducted on a commercial basis subject to the following provisions:

1. The total number of animals allowed on a lot shall be limited to the square footage of the lot divided by the total minimum area required for each animal.

Cows, horses, sheep or goats can be kept on lots having an area of 20,000 square feet per animal (other than their young under the age of six (6) months)

The number of chickens, other fowl and/or rabbits (over the age of six (6) months) shall not exceed one for each 500 square feet of property, provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, other fowl and/or rabbits (under the age of six (6) months) allowed on the property at any one time shall not exceed three (3) times the allowable number of chickens, other fowl and/or rabbits over the age of six (six (6)) months.

The number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area.

Animal runs or barns, chicken or other fowl pens and colonies of bees shall be located behind the house, not less than 100 feet from any residence, nor closer than twenty (20) feet to the interior property line of an abutting

property.

2. Animals, chickens and/or other fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.
  3. When a RR zone is reclassified to another zone, all those land uses granted under item (c) above shall be completely discontinued within a period of six (6) months from the date of reclassification except for properties one acre in size or larger and zoned SFR or GR.
- (d) Low impact public and semi-public uses, subject to Site Plan Review procedures of Article 6.
  - (e) Day care facilities serving five (5) or fewer children or adults.
  - (f) Residential homes.
  - (g) Accessory structures smaller than 2500 square feet.
  - (h) Non-stationary commercial sales such as ice-cream carts. Vehicle must generally travel on public streets and not set up in one place for a period of time exceeding fifteen minutes. See Article 7 for Temporary Use requirements.
  - (i) Temporary displays, sales, and activities associated with horticultural activities. See Article 7 for Temporary Use requirements.
  - (j) Minor Home Occupations. See Article 12 for Home Occupation Requirements.
- (3) Conditional Uses Permitted. In a RR zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review. As described in Section 6.01, some development activities or changes in use may require Site Plan Review if the property is located within a subzone or has physical characteristics which may be affected by the development.
- (a) Major Home occupations. See Article 12 for Home Occupation Requirements.
  - (b) Commercial animal husbandry.
  - (c) Commercial dog kennel. This use is also subject to Site Plan Review provisions of Article 6.
  - (d) A manufactured dwelling as a temporary accessory dwelling to a permanent residence for designated members of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.



- (e) Accessory structures greater than 2500 square feet.
  - (f) Public structures or uses of land for public utility facilities such as:
    - 1. Electric substation or transformer.
    - 2. Public or community sewage disposal plant or pumping station.
    - 3. Radio or television tower or cell tower transmitter.
    - 4. Telephone exchange.
 These uses are also subject to Site Plan Review provisions of Article 6.
  - (g) Day care facilities serving six (6) or more children or adults. This use is also subject to Site Plan Review provisions of Article 6.
- (4) Lot Size. Except as provided in Articles 5, 6, and 8, the minimum lot size in an RR zone shall be as follows:
- (a) The minimum legal lot size is one (1) acre, or larger as needed to permit compliance with the requirements of the Department of Environmental Quality for the location of on-site disposal systems and domestic wells. Determination of minimum legal lot size and land division approval will be made on a case-by-case basis by the Planning Commission based on the carrying capacity of the land, availability of sewage disposal systems and type of water supply.
  - (b) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities, including minimum yard setbacks and future street extensions.
- (5) Yards. Except as provided elsewhere in this Article and in Articles 5, 6 and 8, in an RR zone, yards shall be as follows:
- (a) Front yards shall be a minimum of twenty (20) feet.
  - (b) Back and side yards shall be a minimum of ten (10) feet.
  - (c) Yards shall be landscaped as provided in Section 5.12.
  - (d) See Section 5.09 for additional setbacks on designated streets.
  - (e) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
  - (f) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.
- (6) Lot Coverage. All buildings, including accessory structures, shall not occupy more than 30

percent of the legal lot area.

- (7) Building Height. Except as provided in Articles 5 and 6, in an RR zone no building shall exceed a height of 35 feet.
- (8) For additional requirements see Article 5 - Supplementary Provisions.

#### SECTION 4.02 SINGLE-FAMILY RESIDENTIAL ZONE (SFR)

In an SFR zone, the following regulations shall apply:

- (1) Purpose. To provide areas suitable and desirable for primarily single-family use with provisions for associated public service uses, planned developments and limited multiple-family use under controlled conditions on lots incapable of division to city standards.
- (2) Permitted Uses. In an SFR zone, the following use and its accessory use is permitted. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.
  - (a) One single-family dwelling per buildable legal lot.
  - (b) Low impact public and semi-public uses, subject to site plan review procedures of Article 6.
  - (c) Domestic horticulture.
  - (d) Day care facilities serving five (5) or fewer children or adults.
  - (e) Residential home.
  - (f) Accessory structures not exceeding 2500 square feet in size.
  - (g) Non-stationary commercial sales such as ice-cream carts. Vehicle must generally travel on public streets and not set up in one place for a period of time exceeding fifteen minutes.
  - (h) Non-commercial animal husbandry on properties one acre in size or larger. See Section 4.01 (2) (c) for requirements.
  - (i) Minor Home Occupations. See Article 12 for Home Occupation Requirements.
  - (j) The garage of a Single-Family Dwelling within a subdivision may be used as a temporary sales office before permanent occupancy. The sales office must be converted to a garage before permanent occupancy.

- (3) Conditional Uses Permitted. In an SFR zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review. As described in Section 6.01, some development activities or changes in use may require Site Plan Review if the property is located within a subzone or has physical characteristics which may be affected by the development.
- (a) Major Home occupation. See Article 12 for Home Occupation Requirements.
  - (b) Neighborhood commercial centers located at the intersection of designated arterial and/or collector streets, subject also to the Site Plan Review provisions of Article 6.
  - (c) A manufactured dwelling as a temporary accessory dwelling to a permanent residence for designated members of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.
  - (d) Multi-family when there is no feasible alternative which would allow division of existing legal lots. Approval must be based upon a development plan, subject to Site Review procedures per Article 6.
  - (e) Public structures or uses of land for public utility facilities such as:
    - 1. Electric substation or transformer.
    - 2. Public or community sewage disposal plant or pumping station.
    - 3. Radio or television tower or cell tower transmitter.
    - 4. Telephone exchange.These uses are also subject to Site Plan Review provisions of Article 6.
  - (f) Day care facilities serving six (6) or more children or adults. This use is also subject to Site Plan Review provisions of Article 6.
  - (g) Residential facility.
  - (h) Accessory structures larger than 2500 square feet.
  - (i) Residential care facilities with more than fifteen (15) persons. Density shall not exceed 30 beds or units per acre and the facility must be served by City water and sewer. This use is also subject to Site Plan Review provisions of Article 6 and Section 8.20, subsection (20).
- (4) Lot Size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width in an SFR zone shall be as follows:
- (a) The minimum lot area shall be 6,000 square feet east of Territorial Road and the minimum lot area shall be 8,000 square feet west of Territorial Road and the average minimum lot width shall be 60 feet.

- (b) The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:
    - 1. Protect natural drainage-ways.
    - 2. Provide drainage or utility easements.
    - 3. Protect future right-of-way.
    - 4. Protect un-buildable steep slope areas above the 450-foot elevation level.
    - 5. Protect flood plain hazard areas.
  - (c) Smaller lots are 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. The gross density of the development area (including public space) may not exceed the gross density of the development area if it had developed with 6,000 square feet lots.
  - (d) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities, including future street extensions.
- (5) Yards. Except as provided in Articles 5, 6 and 8, in an SFR zone, yards shall be as follows:
- (a) Front yards shall be a minimum of twenty (20) feet.
  - (b) Back yards shall be a minimum of five (5) feet. Side yards shall be a minimum of five (5) feet on one side and the total of the two (2) side yards shall be a minimum of fifteen (15) feet. Yards shall be landscaped as provided in Section 5.12. See Section 5.09 for additional setbacks on designated street, or construction of new streets.
  - (c) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.
- (6) Lot Coverage. In an SFR zone, all buildings shall not occupy more than 40 percent of the lot area.
- (7) Building Height. Except as provided in Articles 5, 6 and 8, in an SFR zone, no building shall exceed 2-1/2 stories or 35 feet.
- (8) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.03 GENERAL RESIDENTIAL ZONE (GR)

In a GR zone, the following regulations shall apply:

- (1) Purpose. To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses, planned developments and other uses

under controlled conditions.

- (2) Permitted Uses. In a GR zone, the following uses and their accessory uses are permitted. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.
- (a) Detached single-family dwellings. Unlike the other residential zones, in the General Residential zone, there may be more than one detached dwelling per legal lot. Lots 1200 square feet or larger in size are subject to compliance with Article 5, Section 5.07.
  - (b) Two-family dwellings (duplexes)
  - (c) Attached single-family dwellings (townhouse or rowhouse), subject to the Site Plan Review procedures of Article 6
  - (d) Multiple-family dwellings, subject to the Site Plan Review procedures of Article 6.
  - (e) Low impact public and semi-public uses, subject to site plan review procedures of Article 6.
  - (f) Domestic horticulture.
  - (g) Day care facilities serving five (5) or fewer children or adults.
  - (h) Residential homes.
  - (i) Non-commercial animal husbandry on properties one acre in size or larger. See Section 4.01 (2) (c) for requirements.
  - (j) Accessory structures not exceeding 2500 square feet in size.
  - (k) Non-stationary commercial sales such as ice-cream carts. Vehicle must generally travel on public streets and not set up in one place for a period of time exceeding fifteen (15) minutes.
  - (l) Minor Home Occupations. See Article 12 for Home Occupation Requirements.
  - (m) The garage of a Single-Family Dwelling within a subdivision may be used as a temporary sales office before permanent occupancy. The sales office must be converted to a garage before permanent occupancy.
- (3) Conditional Uses Permitted. In a GR zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review. As described in Section 6.01, some development activities or changes in use may require Site Plan Review if

the property is located within a subzone or has physical characteristics which may be affected by the development.

- (a) Major Home occupation. See Article 12 for Home Occupation Requirements.
  - (b) Neighborhood commercial centers located at the intersection of designated arterial and/or collector streets, subject also to Site Plan Review provisions of Article 6.
  - (c) Day care facilities serving six (6) or more children or adults. This use is also subject to Site Plan Review provisions of Article 6.
  - (d) Manufactured dwelling parks, subject to Site Plan Review provisions of Article 6. No manufactured home dwelling parks are allowed in the area zoned Residential-Commercial on the zoning map. Manufactured dwelling parks are also subject to state regulations under Oregon Revised Statutes Chapter 446.
  - (e) Public structures or uses of land for public utility facilities such as:
    - 1. Electric substation or transformer.
    - 2. Public or Community sewage disposal plant or pumping station.
    - 3. Radio or television tower or cell tower transmitter.
    - 4. Telephone exchange.These uses are also subject to Site Plan Review provisions of Article 6.
  - (f) A manufactured dwelling as a temporary accessory dwelling to a permanent residence for designated members of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.
  - (g) Residential facilities.
  - (h) Accessory structures larger than 2500 square feet.
  - (i) Residential care facilities with more than fifteen (15) persons. Density shall not exceed 30 beds or units per acre and the facility must be served by City water and sewer. This use is also subject to Site Plan Review provisions of Article 6 and Section 8.20, subsection (20).
- (4) Lot size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width in a GR zone shall be as follows:
- (a) For any housing type, the maximum density allowed per legal lot is one dwelling per 6,000 square feet (5,400 in the downtown area on the Comprehensive Plan map), two (2) dwellings per 7,500 square feet, plus 2,000 square feet for each additional dwelling unit.
  - (b) Lot sizes smaller than 6,000 square feet are allowed for single-family attached homes that do not exceed the overall net density allowed for multi-family housing. Lots for

single-family attached homes do not need to meet the minimum lot width.

- (c) The average minimum lot width shall be 60 feet, except in the downtown area where it shall be 50 feet.
  - (d) Existing undersize legal lots that were created prior to 1980 may be developed with a single-family dwelling.
  - (e) The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:
    - 1. Protect natural drainage-ways
    - 2. Provide drainage or utility easements.
    - 3. Protect future right-of-way.
    - 4. Protect unbuildable steep slope areas above the 450-foot elevation level.
    - 5. Protect flood plain hazard areas.
  - (f) Lot sizes smaller than 6,000 square feet (or 5,400 square feet in the downtown area) are 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. The gross density of the development area (including public space) may not exceed the gross density of the development area if it had developed with 6,000 square foot lots (or 5,400 square feet in the downtown area).
  - (g) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.
- (5) Yards. Except as provided in Articles 5 and 6, in a GR zone, yards shall be as follows:
- (a) Front yards shall be a minimum of twenty (20) feet.
  - (b) Sideyards shall be a minimum of five (5) feet on one side and the total of the two (2) side yards shall be a minimum of fifteen (15) feet. Side yards are not required for single-family attached homes, except when the adjacent side lot(s) is(are) developed. In these cases, the minimum side yard shall be a minimum of 5 feet.
  - (c) Back yards shall be a minimum of five (5) feet.
  - (d) Yards shall be landscaped as provided in Section 5.12.
  - (e) See Section 5.09 for additional setbacks on designated streets.
  - (f) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
  - (g) See Veneta Tree Felling Ordinance for possible setback exemptions for the

preservation of heritage trees.

- (6) Lot Coverage. In a GR zone, all buildings shall not occupy more than 50 percent of the lot area.
- (7) Building Height. Except as provided in Articles 5, 6 and 8, in a GR zone, no building shall exceed 2-1/2 stories or 35 feet.
- (8) For additional requirements, see Article 5 - Supplementary Provisions.

#### SECTION 4.04 RESIDENTIAL-COMMERCIAL ZONE (RC)

In a RC zone, the following regulations shall apply:

- (1) Purpose. To provide areas suitable and desirable for a mixture of residential and commercial uses with provisions for associated public service uses, and other uses under controlled conditions.
- (2) Permitted Uses. In a RC zone, the following uses and their accessory uses are permitted. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.
  - (a) All uses allowed as permitted or conditional uses in Sections 4.03 (2) and (3) of the General Residential Zone.
  - (b) All uses allowed as permitted uses in Section 4.05(2) of the Community Commercial Zone.
  - (c) Residential uses within commercial structures, provided that no dwelling unit occupies the front 25 feet of the building's ground floor facing the principal commercial street, except that one six (6)-foot wide separate entrance to the residential use may be allowed off the principal commercial street at the ground floor.
- (3) Conditional Uses Permitted. In the RC zone, the uses listed in Section 4.05 (3) of the Community Commercial Zone may be permitted subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.
- (4) Lot Size and Width. In the RC zone, minimum lot sizes and widths shall be as follows:
  - (a) Lots solely devoted to residential uses shall be 6,000 square feet (5,400 in the downtown area on the Comprehensive Plan Map) and shall have an average minimum lot width of 60 feet, except in the downtown area where it shall be 50 feet
  - (b) There shall be no minimum lot size or width for lots devoted to commercial uses or mixed commercial and residential uses except as otherwise provided by Articles 5, 6



and 8.

- (c) When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities, including future street extensions.

(5) Yards. Except as provided in Articles 5, 6 and 8, in a RC zone, no yards are required except as follows:

- (a) Front yards abutting a residential zone (RR, SFR, GR) shall be twenty (20) feet.
- (b) Back and side yards abutting a residential zone (RR, SFR, GR) shall be five (5) feet.
- (c) Yards shall be landscaped as provided in Section 5.12.
- (d) See Section 5.09 for additional setbacks on designated streets, or construction of new streets.
- (f) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.

(6) Lot Coverage. In a RC zone, all buildings devoted solely to residential use shall not occupy more than 50 percent of the lot area.

(7) Building Height. Except as provided in Articles 5, 6 and 8, in a RC zone, no building shall exceed 2 ½ stories or 35 feet.

(8) Building Orientation. All new or remodeled commercial or public buildings shall have their main entrance facing the street.

(9) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.

(10) For additional requirements, see Article 5 - Supplementary Provisions.

#### SECTION 4.05 COMMUNITY COMMERCIAL (CC)

In the CC zone, the following regulations shall apply:

- (1) Purpose: To provide areas suitable and desirable for a wide range of small commercial and business facilities to serve the Fern Ridge community.
- (2) Permitted Uses: In a CC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-

street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building:

- (a) Retail stores or shops under 10,000 square feet
  - (b) Personal or business service
  - (c) Household appliance and small equipment repair and maintenance service
  - (d) Eating and drinking establishments, excluding drive-thru restaurants
  - (e) Museums and art galleries
  - (f) Offices, business or professional
  - (g) Clinics and health services
  - (h) Mortuary or crematorium
  - (i) Financial institutions
  - (j) Indoor commercial amusement or recreation establishments
  - (k) Bed and breakfast; boarding, lodging or rooming home
  - (l) Public or semi-public buildings or uses excluding high-impact recreation and transportation facilities.
  - (m) Day nurseries and day care centers
  - (n) Residential uses within commercial structures, provided that the residential use does not occupy more than 50 percent of the structure and no dwelling unit occupies the front 25 feet of the building's ground floor facing the principal commercial street, except that one six (6)-foot wide separate entrance to the residential use may be allowed off the principal commercial street at the ground floor.
  - (o) Parking lots and parking garages geared toward automobiles.
  - (p) Landscaping or plant nursery/greenhouse.
  - (q) Mobile food and flower vendors are allowed as temporary uses. See Article 7 for permit requirements.
- (3) Conditional Uses. In a CC zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses:

- (a) Permitted uses listed in (2) above, requiring open display or storage outside the building
- (4) Yards. Except as provided in Articles 5, 6 and 8, in a CC zone, no yards are required except as follows:
  - (a) Front yards abutting a residential zone (not including the RC zone) shall be twenty (20) feet. Front yards along West Broadway shall be ten (10) feet.
  - (b) Back and side yards abutting a residential zone (not including the RC zone) shall be ten (10) feet.
  - (c) Yards shall be landscaped as provided in Section 5.12.
  - (d) See Section 5.09 for additional setbacks on designated streets.
  - (e) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
- (5) Building Orientation. All new or remodeled commercial or public buildings shall have their main entrance facing the street.
- (6) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.
- (7) For additional requirements see Article 5 - Supplementary Provisions.

SECTION 4.06 HIGHWAY COMMERCIAL (HC)

In the HC zone, the following regulations shall apply:

- (1) Purpose. To provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area.
- (2) Permitted Uses. In an HC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6 provided, all operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building:
  - (a) Hotel or motel
  - (b) Rental storage units, may include a residential living quarters
  - (a) Retail stores or shops

- (b) Personal or business service
  - (c) Repair and maintenance service; excluding those which involve automobiles, trucks, motorcycles, buses, recreational vehicles, boats, and heavy equipment
  - (d) Eating and drinking establishments, excluding drive-thru restaurants
  - (e) Landscaping or plant nursery/greenhouse.
  - (f) Museums and art galleries
  - (g) Offices, business or professional
  - (h) Clinics and health services
  - (i) Financial institutions
  - (j) Indoor commercial amusement or recreation establishments
  - (k) Bed and breakfast; boarding, lodging or rooming home
  - (l) Public or semi-public buildings or uses, excluding high impact recreation and transportation facilities
  - (m) Parking lots and parking garages, including truck parking
  - (n) Mobile food and flower vendors are allowed as temporary uses. See Article 7 for permit requirements.
- (3) Conditional Uses. In an HC zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses.
- (a) Recreational vehicle parks
  - (b) Outdoor equipment or vehicle storage
  - (c) Commercial dog kennels
  - (d) Outdoor commercial amusement or recreation establishments
  - (e) Drive-thru eating and drinking establishments
  - (f) Automobile service stations, including maintenance and repair
  - (g) Truck fuel sales, truck servicing, and overnight trucking facilities

- (h) Car or truck washes
  - (i) Heavy equipment and truck rental/sales and repair
  - (j) Material recycling operations excluding metal salvage yards and automobile junkyards
  - (k) Outdoor sales of landscaping materials and rock products
  - (l) Temporary use of manufactured dwelling
  - (m) Dwelling used by caretaker or watchperson employed on the premises
- (4) Yards. Except as provided in Articles 5, 6 and 8, in an HC zone, no yards are required except as follows:
- (a) No front yards are required.
  - (b) Back and side yards abutting a residential zone shall be ten (10) feet.
  - (c) Yards shall be landscaped as provided in Section 5.12.
  - (d) See Section 5.09 for additional setbacks on designated streets.
  - (e) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
- (5) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.
- (6) For additional requirements see Article 5 -Supplementary Provisions.

SECTION 4.07 INDUSTRIAL-COMMERCIAL (IC)

In an IC zone, the following provisions shall apply:

- (1) Purpose: To provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.
- (2) Permitted Uses: In an IC zone, the following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review. All operations except off-street parking and temporary activities associated with the established businesses shall be conducted entirely within an enclosed building:

- (a) All permitted uses in the Light-Industrial zone
  - (b) Rental storage units, may include a residential living quarters
  - (c) Retail stores or shops under 10,000 square feet
  - (d) Personal or business service
  - (e) Repair and maintenance service, excluding auto and truck service stations, maintenance, and repair.
  - (f) Eating and drinking establishments, excluding drive-thru restaurants
  - (g) Offices, business or professional
  - (h) Indoor commercial amusement or recreation establishments
  - (i) Public or semi-public buildings or uses, excluding high impact recreation and transportation facilities.
- (3) Conditional Uses: In an IC zone, the following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.
- (a) All conditional uses in the Light-Industrial zone.
  - (b) Temporary use of manufactured dwelling
  - (c) Outdoor commercial amusement or recreation establishments
  - (d) Drive-thru restaurants
  - (e) Commercial dog kennels
  - (f) Nursery/greenhouse
  - (g) Automobile service stations, including maintenance and repair
  - (h) Truck fuel sales, truck servicing, and overnight trucking facilities
  - (i) Car or truck washes
  - (j) Heavy equipment and truck rental/sales
  - (k) Material recycling operations excluding metal salvage yards and automobile junkyards

- (l) Outdoor sales of landscaping materials and rock products
  - (m) Dwelling used by caretaker or watchperson employed on the premises
- (4) Yards. In an IC zone, yards shall be as follows:
- (a) Front yards shall be a minimum of ten (10) feet, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.
  - (b) Back and side yards shall be a minimum of five (5) feet from property line, except when a lots abuts a residential zone the minimum setback shall be twenty (20) feet.
  - (c) Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.
  - (d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
  - (e) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.
- (5) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided, and all performance standards are met.
- (6) Off-Street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.
- (7) For additional requirements, see Article 5 - Supplementary Provisions.

#### SECTION 4.08 LIGHT INDUSTRIAL (LI)

In an LI zone, the following regulations shall apply:

- (1) Purpose: To allow for light industrial uses in a business park environment. Such development could include flexible space for a variety of small industrial manufacturing, storage, distribution and office uses. Such space is commonly used as business incubators for small local businesses and could ideally be used by artisans and craftspeople as industrial studio space.
- (2) Permitted Uses: In an LI zone, the following uses and accessory uses are permitted, provided all operations except off-street parking are within an enclosed building. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4). Any uses

specifically listed as only allowed in the Medium-Industrial district are not allowed in the Light-Industrial District. All permitted uses are subject to Site Plan Review provisions of Article 6.

- (a) Small scale manufacturing, wholesaling, compounding, assembling, and processing.
  - (b) Plant-based food processing.
  - (c) Storage and warehousing, including mini-storage rental units.
  - (d) Research and development and testing laboratories and facilities.
  - (e) Construction businesses.
  - (f) Automotive, truck and heavy equipment repair and service.
  - (g) Media productions, including but not limited to TV and radio broadcasting, motion picture production, and newspaper/book publishing.
  - (h) Offices for business, labor, scientific, and professional organizations.
  - (i) Retail sales in conjunction with manufacturing, provided the sales area is not greater than 25% of the total floor area.
  - (j) Offices in conjunction with an industrial use.
  - (k) Parking lots and parking garages, including truck parking
  - (l) Public or semi-public buildings or uses, excluding high-impact recreation or transportation facilities.
  - (m) Interim agricultural cultivation on undeveloped land provided the spraying, dust, odors and other side effects of such uses do not interfere with the successful operations of adjacent land uses.
- (3) Conditional Uses Permitted: In the LI zone, the following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4). All permitted uses are subject to Site Plan Review provisions of Article 6.
- (a) Any of the above uses requiring open display or storage.
  - (b) Temporary use of manufactured dwellings.
  - (c) Interim use of stables provided the dust, odors, noise, and other side effects of such uses do not interfere with the successful operations of adjacent land uses.



- (d) High impact transportation facilities such as heliports, helistops, and bus or train terminals.
  - (e) Dwelling used by caretaker or watchperson employed on the premises
- (4) Performance Standards.
- (a) Water Supply. All industrial uses must connect to the City of Veneta water system. Projected water use must be shown to be within Veneta's water system capabilities and approved by the City Engineer.
  - (b) Waste Water Standards. All industrial uses must be connected to the City of Veneta sanitary sewerage system. Veneta's sanitary sewerage system must be shown to be capable of treating the projected amount and quality of waste water and approved by the City Engineer.
  - (c) Stormwater Drainage. The development site, its operations and improvements thereon shall discharge all stormwater into a storm sewer collection system or a natural drainage course. There shall be no contamination of stormwater from solid or other wastes.
  - (d) Solid Waste Containers. Garbage collection areas, service facilities and air conditioning facilities located outside the building shall be appropriately screened and landscaped to obscure view from beyond the boundary of the development site. No hazardous wastes may be collected or stored within the development site.
  - (e) Odor Standards. No emission or odorous matter shall be produced in such a manner to cause a public nuisance or contribute to a condition of air pollution. An odor nuisance may be measured as an emission that occurs for sufficient duration or frequency so that two (2) measurements made within a period of one (1) hour, separated by not less than fifteen (15) minutes, are equal to or greater than a Centimeter No. 0 or equivalent dilution measured at the property line.
  - (f) Noise Standards. Operations must demonstrate, by noise production methods, that it shall not exceed DEQ standards set forth in Oregon Administrative Rules, Chapter 340, Division 35: "Oregon State Noise Control Regulations for Industry and Commerce," and the Veneta Noise Ordinance No. 299.
  - (g) Dust and Fugitive Emission Standards. Open operations on the development site require a paved dust-free and adequately drained durable surface of asphaltic concrete or Portland cement or other approved materials.

Vegetative screens or buffers shall be required to minimize dust "drift" onto abutting properties. Buffers are to be installed as required under parking area standards, Section 5.20.

- (h) Aesthetic Standards: Landscaping shall be installed around building areas and outdoor uses within six (6) months from the granting of a Certificate of Occupancy for the building. Natural landscaping shall positively project the identity and image of the firm and of the City. Landscaping shall meet the standards established in Section 5.12.
- (5) Yards. In an LI zone, yards shall be as follows:
  - (a) Front yards shall be a minimum of ten (10) feet, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.
  - (b) Back and side yards shall be a minimum of five (5) feet from property line, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.
  - (c) Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.
  - (d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
  - (e) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.
- (6) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided, and all performance standards are met.
- (7) Off-Street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.
- (8) For additional requirements, see Article 5 - Supplementary Provisions.

SECTION 4.09 MEDIUM INDUSTRIAL (MI)

In an MI zone, the following regulations shall apply:

- (1) Purpose: To allow industrial uses which cater to the more traditional sectors. These include secondary work products manufacturing and processing, other durable manufacturing enterprises.
- (2) Permitted Uses: In an MI zone, the following uses and accessory uses are permitted. All uses must meet and continually comply with the Performance Standards listed for the LI

zone. Any uses specifically listed as only allowed in an MI zone (except item (a)) are not allowed in a LI zone. All permitted uses are subject to Site Plan Review provisions of Article 6.

- (a) All uses permitted in the LI zone.
  - (b) Large scale manufacturing, wholesaling, compounding, assembling, and processing.
  - (c) Recycling facilities.
  - (d) Manufacturing, assembling, and/or storage of:
    - 1. chemicals and chemical products
    - 2. lumber, wood, and paper products
    - 3. metal and metal alloy products
    - 4. paints, varnishes, lacquers, enamels and allied products
    - 5. concrete blocks, cinder blocks
    - 6. septic tanks
  - (e) Animal-based food processing (slaughter houses not allowed)
- (3) Conditional Uses Permitted: In the MI zone, the following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4), unless specifically exempted. All permitted uses are subject to Site Plan Review provisions of Article 6.
- (a) Any of the above uses requiring relaxation of one or more of the performance standards.
  - (b) Temporary use of manufactured dwellings.
  - (c) Interim use of stables provided the dust, odors, noise, and other side effects of such uses do not interfere with the successful operations of adjacent land uses.
- (4) Prohibited Uses: Heavy industrial uses are not allowed in the MI district, nor anywhere in Veneta. The city does not have the utilities or services to support heavy industry, nor are there adequate locations to site these uses where they will not become a public nuisance or health and safety risk. Prohibited uses include but are not limited to:
- (a) Manufacturing, assembly, and/or distribution of explosives or fireworks
  - (b) Batch plants for asphaltic or Portland cement concrete
  - (c) Bulk plants or distribution facilities for refined flammable liquids
  - (d) Foundries and stamping plants

- (e) Incineration or reduction of garbage, dead animals, offal and refuse
  - (f) Leather tanning and finishing
  - (g) Slaughter houses
  - (h) Wrecking yards, metal salvage yards and automobile junkyards
- (5) Yards. In an MI zone, yards shall be as follows:
- (a) Front yards shall be a minimum of twenty (20) feet.
  - (b) Back and side yards shall be a minimum of ten (10) feet from property line, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.
  - (c) Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.
  - (d) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
  - (e) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.
- (6) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided, and all performance standards are met.
- (7) Off-Street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.
- (8) For additional requirements, see Article 5 - Supplementary Provisions.

#### SECTION 4.10 PUBLIC FACILITIES AND PARKS (PFP)

In a PFP zone, the following regulations shall apply:

- (1) Purpose. To provide for public facilities and parks, and allow for construction of new facilities as the community grows.
- (2) Permitted Uses. In a PFP zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6:

- (a) Educational institutions.
  - (b) Government buildings.
  - (c) Parks.
  - (d) Low impact recreation and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.
  - (e) Nature preserves.
  - (f) Cemeteries.
  - (g) Community centers.
  - (h) Museums and interpretive centers.
  - (i) Commercial horticulture.
  - (j) Public structures or uses of land for public utilities such as:
    - 1. Electric substations or transformers.
    - 2. Public or community sewage disposal plant or pumping station.
    - 3. Radio, television, or cell tower or transmitter.
    - 4. Telephone exchange.
    - 5. School bus garage.
    - 6. Shop or storage yard.
- (3) Conditional Uses Permitted. In a PFP zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses:
- (a) High impact recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, and swimming pools.
  - (b) High impact transportation facilities such as heliports, helistops and bus or train terminals.
- (4) Lot Size and Width. There are no minimum lot sizes in the PFP zone.
- (5) Yards. Except as provided in Articles 5, 6, and 8, in a PFP zone, yards shall be as follows:
- (a) Front yards abutting a residential zone shall be a minimum of twenty (20) feet.
  - (b) Back and side yards abutting a residential zone shall be a minimum of five (5) feet.
  - (c) Yards shall be landscaped as provided in Section 5.12.
  - (d) See Section 5.09 for additional setbacks on designated streets.

- (e) Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
  - (f) See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.
- (6) Lot Coverage. All impermeable surfaces, including parking, driveways, and structures, shall not cover more than 65 percent of the property.
- (7) Pedestrian Access. If a building is open to the public, a sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.
- (8) For additional requirements, see Article 5 - Supplementary Provisions.

#### SECTION 4.11 GREENWAY - OPEN SPACE SUBZONE (/GW)

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

- (1) Purpose. To implement the Open Space - Greenway Overlay in the Veneta Comprehensive Plan. These areas should remain largely undeveloped and function as parkways, open space, or buffer areas.
- (2) Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with state and local requirements.
  - (a) Public access such as bicycle and walk ways, streets, lookout points.
  - (b) Stormwater facilities.
  - (c) Utility installations.
  - (d) Mitigation of development activities.
  - (e) Restoration of previously disturbed or degraded areas.
  - (f) Enhancement of native vegetation, habitat values and/or other natural resource values.
- (3) Conditional Uses Permitted. In a GW subzone, uses allowed in the basic zone may be permitted subject to the provisions of Article 8, Conditional Uses.
- (4) Enforcement. No construction activity, including grading, excavation, or stockpiling of fill shall be permitted whether to provide for a building site, on-site utilities or services, or for

any roads or driveways prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway-Open Space zone, the development project shall restore to the community such lost natural resource either on or off site. Any such restoration or replacement area shall be roughly equivalent to twice the area disturbed.

SECTION 4.12 FLOOD PLAIN SUBZONE (/FP)

(1) Purpose. The purpose of the Flood Plain Subzone is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas through provisions designed to:

- (a) Protect human life and health;
- (b) Minimize the expenditure of public money on costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) Ensure that potential buyers are aware, if property is within an area of special flood hazard; and
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

The Flood Plain Subzone shall be applied in any zone hereinafter set forth where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be shown on the Lane County, Oregon and Incorporated Areas Flood Insurance Rate Map, which designate regulated floodways and areas subject to a 1% or 100-year flood.

(2) Methods. In order to accomplish such purposes, this subzone includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural

protective barriers, which help accommodate or channel flood waters;

- (d) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;
- (f) Establishing requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water;

The Flood Plain subzone shall be any zone in combination with the symbol "/FP" as an overlay district of special concern. For example, SFR/FP means a single family residential zone (SFR) which is also subject to Flood Plain subzone Regulations. The regulations governing the "/FP" subzone shall be those of the zone in which it lies and, additionally, the provisions of this Section applicable to the development. In cases of conflicts between standards of the basic zone and the "/FP" subzone, the standards of the "/FP" subzone shall apply.

- (3) Flood Plain Definitions. Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within the City subject to a one percent (1%) or greater chance of flooding in a given year. Designation on the Flood Insurance Rate Map always includes the letters A or V.

"BASE FLOOD" means the flood has a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100- year flood. Designation on maps always includes the letters A or V.

"BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.

"DEVELOPMENT" means any human made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"FLOOD" or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters and/or
- (b) The unusual and rapid accumulation of runoff or surface waters from any source.

"FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards



and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 4.12 (7) (a) 2.

"MANUFACTURED DWELLING" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured dwelling" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured dwelling" does not include park trailers, travel trailers, and other similar vehicles.

"NEW CONSTRUCTION" means structures for which the start of construction commenced on or after the effective date of this ordinance.

"START OF CONSTRUCTION" includes substantial improvement, and means the date of the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage

occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(4) General Provisions

- (a) Lands to Which the Flood Plain Regulations Apply: The "/FP" subzone regulations shall apply to all areas of special flood hazards within the jurisdiction of the City of Veneta.
- (b) Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Flood Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County, Oregon and Incorporated Areas," dated June 2, 1999, and as amended, with accompanying Flood Insurance Maps, as amended, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the City Administrative Center. The best available information for flood hazard identification as outlined in Section 4.12(5)(d)2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 4.12(5)(d)2.
- (c) Compliance. No structure or land within the flood plain subzone shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.
- (d) Interpretation. In the interpretation of this subzone, all provisions shall be considered as minimum requirements.
- (e) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Veneta, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(5) Administration

- (a) Development Permit Required: A development permit shall be obtained before construction or development begins within the flood plain subzone. The permit shall be for all structures including manufactured dwellings, as set forth in the "Definitions," Section 4.12 (3), and for all development including fill and other activities, also set forth in the definition Section 4.12 (3).
- (b) Application for Development Permit: Application for a development permit shall be made on forms furnished by the City of Veneta and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
  2. Elevation in relation to mean sea level to which any structure will be flood proofed;
  3. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 4.12 (7) (b); and
  4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- (c) Designation of Local Administrator: The Building and Planning Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
- (d) Duties and Responsibilities of the Building and Planning Official: The duties of the local administrator shall include, but not be limited to:
1. Permit Review:
    - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
    - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.
  2. Use of Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 4.12 (4) (b), "Basis for Establishing the Areas of Special Flood Hazard," the Building and Planning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 4.12 (7), "Specific Standards".

3. Information to be Obtained and Maintained:
- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.12 (5) (d) 2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - b. For all new or substantially improved flood proofed structures:
    - (i) Verify and record the actual elevation (in relation to mean sea level), and
    - (ii) Maintain the flood proofing certifications required in Section 4.12 (5) (b) 3.
  - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses:

- a. Notify adjacent communities, the Department of Land Conservation and Development, and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the area of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44CFR 59-76).

- (6) Provisions for Flood Hazard Reduction-General Standards: In all areas of special flood hazards, the following standards are required:

(a) Anchoring:

- 1. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All manufactured dwellings must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(b) Construction Materials and Methods:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Land Division Proposals:

1. All land division proposals shall be consistent with the need to minimize flood damage.
2. All land division proposals shall have public utilities and facilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.
3. All land division proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five (5) acres, whichever is less.

(e) Review of Building Permits: Where elevation data is not available either through the Flood Insurance Study or from another authoritative source Section 4.12 (5) (d) 2, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

(7) Provisions for Flood Hazard Reduction--Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.12 (4) (b), Basis for Establishing the Areas of Special Flood Hazard, or Section 4.12 (5) (d) 2, Use of Other Base Flood Data, the following provisions are required:

(a) Residential Construction:

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(b) Non-residential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the

design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided as set forth in Section 4.12 (5) (d) 3.b.

4. Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 4.12 (7) (a) 2.
5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood elevation will be rated as one foot below that level).

(c) Manufactured Dwellings: All manufactured dwellings to be placed or substantially improved shall be elevated on a permanent foundation such that the underside of the lowest floor of the manufactured home is elevated one foot above the base flood elevation or as is required by the Oregon Manufactured Dwelling Standard. The manufactured home shall be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

(d) Recreational Vehicles: Recreation vehicles placed within the floodplain shall either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements above for manufactured dwellings.

(8) Encroachments.

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

#### SECTION 4.13 PLANNED DEVELOPMENT SUBZONE (/PD)

- (1) Purpose. The purpose of the /PD subzone is to provide opportunities to create more desirable environments such as co-housing through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The /PD subzone is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general

well-being of the inhabitants and to acquire and protect solar access.

- (2) Establishment of a /PD Subzone in Combination with a Basic Zone. A /PD subzone may be established in combination with any basic zone. In cases of conflict between standards of the basic zone and the /PD subzone, the standards of the /PD subzone will apply.
- (3) Procedure for Preliminary Approval. The applicant shall submit at least fifteen (15) copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the Building and Planning Official at least 30 days prior to the Planning Commission meeting, at which time the proposal shall be first discussed. The proposal shall consist of a preliminary plan in schematic fashion and a written program with consideration given to the following elements:

(a) Elements of the Plan.

1. Vicinity map showing location of streets and lots in the area within 500 feet of the proposed development.
2. Existing land uses and zoning of property and vicinity.
3. Proposed land uses including housing unit densities (number of units per acre, type of residence and number of bedrooms by type of residence).
4. Building types and approximate bulk.
5. Vehicular and pedestrian access, circulation and parking pattern. Status of street ownership.
6. Parks, playgrounds and open spaces.
7. Existing natural features such as trees, streams and topography. If the plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.
8. Landscaping, screening and fencing proposals.
9. Proposed method of solid waste disposal.
10. Proposed method for provisions of water supply and sewage disposal.
11. Proposed method for the handling of surface water drainage.
12. Proposed grading patterns.
13. Street and open space lighting proposals.



(b) Elements of the Program.

1. Proposed ownership pattern; verification of ownership.
2. Operation and maintenance proposal, such as condominium, co-op or Homeowner's Association.
3. Commercial facilities such as shopping; community facilities such as schools or parks.
4. Timetable of the development, to include expected starting dates, projection of completion time and project phasing, if anticipated.
5. Method of public improvements financing, if any.
6. The proposal shall be prepared by one or more persons with professional qualifications in such design-related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering. Names(s) of professional persons should be provided.

(c) Planning Commission Review of Preliminary Development Plan.

1. The Planning Commission shall informally review the Preliminary Development Plan and Program and may recommend either preliminary approval in principal, with or without modifications or denial. Such action shall be based upon the City's Comprehensive Plan, the standards of this ordinance and other regulations and the suitability of the proposed development in relation to the physical characteristics of the area and the development characteristics of the neighborhood.
2. Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The Planning Commission may require the submission of other information than that specified for submittal as part of the General Development Plan and Program.
3. Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting but does not require a public hearing.
4. The Planning Commission shall evaluate design team needs and may recommend additional members, depending upon the scope of the proposal, to facilitate preparation of the General Development Plan and Program.
5. The Planning Commission shall determine the extent of any environmental assessment to be included in the General Development Plan and Program.

(4) General Development Plan and Program.

- (a) After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall submit a General Development Plan and Program to the Building and Planning Official at least 45 days prior to the date of public hearing.
- (b) The applicant shall petition for an amendment to the zoning map as specified in Article 11. Ten (10) copies of the General Development Plan and Program shall be submitted to the Building and Planning Official at least 45 days prior to the date of public hearing. The Building and Planning Official shall notify Lane County about applications that may have a potential impact or effect on lands, services or facilities outside the City limits.
- (c) Upon receipt of the re-zone petition accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing in accordance with the provisions of Article 11. At the public hearing the applicant shall present the General Development Plan and Program.
- (d) The General Development Plan and Program shall contain the following elements:
  - 1. Plan Elements.
    - a. General development plan in conformance with the approved preliminary plan, including a vicinity map showing the circulation pattern within and adjacent to the proposed development, integration of water, sewer and other underground utilities with existing utilities and the integration of proposed sites drainage with existing drainage systems.
    - b. Existing and proposed contour map of the site to a scale commensurate with the size of the development.
    - c. Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces and land uses within 500 feet of the development.
    - d. Existing sewer, water and other underground utilities within and adjacent to the development and their certified capacities.
    - e. Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
    - f. Proposed system for the handling of storm drainage.
    - g. A preliminary subdivision plan if the property is proposed to be subdivided.

- h. A land use plan indicating the uses planned for the development.
- i. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, bikeways or other uses dedicated or reserved to the public, if any.
- k. Open space that is to be maintained and controlled by the owners of the property and the proposed users thereof.
- l. A traffic flow map showing the circulation pattern within and adjacent to the proposed development, including fire equipment access and turnarounds.
- m. Location, and dimensions of bikeways, pedestrian walkways, malls and trails or easements.
- n. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- o. Location, arrangement and dimensions of truck loading and unloading spaces, if any.
- p. Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- q. A preliminary tree planting and landscaping plan. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- r. The approximate location, height, materials of all walls, fences and screen planting. Elevation drawings of typical walls and fences shall be included.
- s. Location, size, height and means of illumination of all proposed signs.
- t. The stages, if any, of development construction. Such stages shall be clearly marked on the General Development Plan.
- u. Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use, including approvals of all regulatory agencies having jurisdiction.

Uses which possess nuisance characteristics or those potentially

detrimental to the public health, safety and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a Certificate of Occupancy.

- v. Shadow patterns for all buildings and trees illustrating areas shaded between the hours of 9:30 a.m. and 2:30 p.m. on December 21.
- w. Any such other data as may be necessary to permit the Planning Commission to make the required findings.

2. Program Elements.

- a. Narrative statement of the basic purposes of the planned development.
- b. A completed environmental assessment if required by the Planning Commission.
- c. Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
- d. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
- e. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space or required dedications or reservations of public open spaces and of any dedications of development rights.
- f. A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

(5) Action and Findings by Planning Commission and Council.

- (a) Planning Commission Action. The Planning Commission, after public hearing on an amendment to the zoning map in accordance with the provisions of Article 11, may recommend approval of the /PD subzone and the General Development Plan and Program, with or without modifications or may deny the application. A decision to

recommend approval of a /PD subzone shall be based on the following findings:

1. That the proposed development is in substantial conformance with the Veneta Comprehensive Plan.
  2. That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan and program.
  3. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable to the proposed development, to the neighborhood and to the City as a whole as required in Section 4.14 (7) (g) "Ownership and Maintenance of the Planned Development" and in accordance with restrictive covenants or improvement agreements approved by the City Attorney and Veneta Planning Commission.
  4. That the proposed development or a unit thereof can be substantially completed within one year of final approval or completed in accordance with an approved development plan timetable.
  5. That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned development area.
  6. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residences either within or outside the planned area.
  7. That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.
  8. That the location, design, size and land uses are such that the long axis of 70 percent of all proposed building shall be oriented to within 45 degrees of the true east/west axis so as to provide proper solar orientation and that the south facing walls and rooftops of buildings with proper solar orientation shall be protected from shadows between the hours of 9:30 a.m. and 2:30 p.m. on December 21. The Planning Commission may exempt from solar orientation requirements those buildings which by virtue of innovative design provide for the utilization of solar energy.
- (b) City Council Action. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing on the proposal for a /PD subzone and the General Development Plan and Program, in accordance with the provisions of Article 11. The City Council shall either approve the application, with or without modifications, or deny it.

(c) Conditions for Approval. The Planning Commission or City Council may require conditions for approval which may include but are not limited to the following:

1. Increasing the required setbacks.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicular access points.
4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
5. Requiring additional improvements for utilities or storm drainage facilities.
6. Increasing the number of parking spaces and improving design standards for parking areas.
7. Limiting the number, size, location and lighting of signs.
8. Designating sites for open space and recreation and, in general, improving landscaping requirements.
9. Requiring additional view-obscuring screening or fencing.
10. Establishing any special time limits for completion of all or any portion of the project, including, but not limited to, utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
11. Requiring a special contractual agreement with the City to assure development of streets, sidewalks, drainage facilities, utilities and other improvements to standards which are acceptable to the City.

(d) Any condition specified shall be placed on the official design plan and signed by the owners. Where applicable, the requirements may be made part of any existing or future deed as a covenant.

(6) Final Plan and Program.

(a) Following approval of the /PD subzone by the City Council, the applicant shall prepare a Final Plan and Program and shall submit five (5) copies to the Building and Planning Official to check for compliance with the approved General Development Plan and Program.

(b) If the Final Plan and Program is found to be in compliance, it shall be so certified by

the Planning Commission Chairman and recorded by the applicant in the office of the City Recorder as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions and associations which shall constitute the Final Program.

- (c) The procedures set forth in the City's Land Division Ordinance shall be followed if the property is to be divided or streets are to be dedicated unless exceptions have been formally granted by the Planning Commission and City Council.
- (d) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permits.
- (e) Final copies of all approved articles governing operation and maintenance shall be placed on file with the City Recorder's office prior to the issuance of any building permit.
- (f) After an area has been placed in the /PD subzone, all building permits shall only be issued on the basis of the Final Plan and Program as recorded in the office of the City Recorder. The area shall henceforth be shown on the official zoning map as a /PD subzone in addition to the basic zone.

(7) Development Standards.

- (a) Minimum Site Size. A /PD subzone shall not be established on less than two (2) acres unless the Planning Commission and City Council find less area suitable by virtue of its unique character.
- (b) Compatibility with Neighborhood.
  - 1. The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities and fencing to insure compatibility with the Veneta Comprehensive Plan and the character of the neighborhood.
  - 2. Periphery yards of a /PD subzone shall be at least as deep as those required by the yard regulations of the underlying zone unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
- (c) Lot Coverage and Building Height. Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.
- (d) Open Space. Open space in a /PD subzone means the land area to be used for scenic or open recreational purposes within the development.

1. Open space does not include street right-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.
  2. Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.
  3. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
  4. In order to assure that open space will be permanent, dedication of development rights to the City for other than open space may be required.
  5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- (e) Density. Greater overall density, may be allowed under a /PD subzone but only by recommendation of the Planning Commission and approval of the City Council based on the entire development design. Areas dedicated to the public shall be excluded when determining the net density of the development. In any PUD subzone, established in a SFR basic zone, the net density shall not exceed 3,000 square feet of site area per dwelling unit. In any PUD subzone, established in a GR basic zone, the net density shall not exceed 2,200 square feet of site area per dwelling unit.
- (f) Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a /PD subzone may be less than the minimum specified in the basic zone if in accordance with the approved General Development Plan and Program and the density standards of this section.
- (g) Ownership and Maintenance of the Planned Development. Except as provided herein, the area in a proposed planned development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved. Dwelling units or individual portions of a planned development may be transferred to additional parties provided:
1. The Planning Commission finds that the purpose of the planned development regulations and the findings and conditions of approval at each step have been satisfied and approves of the transfer based thereon; and
  2. Documents necessary to assure permanent maintenance of buildings, common use facilities, landscaping, open space and outdoor living areas at no expense to the City have been approved by the City Attorney.



(8) Phased Development.

- (a) The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.
- (b) The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

(9) Permitted Uses in Residential Zones Combined with /PD Subzone. The following uses and their accessory uses are permitted in a /PD subzone which has been combined with a residential zone.

- (a) Residential use of land.
- (b) Related commercial uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council.
- (c) Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council. Such community service uses may also be designed to serve the adjacent area if considered desirable upon review of the overall proposal.

(10) Bonding

- (a) A developer may be required to post one of the following instruments, to assure full and faithful performance in completion of the approved plan:
  - 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon. The bond shall be in a form approved by the City.
  - 2. In lieu of said bonds:
    - a. The developer may deposit with the City Recorder cash money in an amount fixed by the Building and Planning official and the City Engineer.
    - b. The developer may provide certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvement and that it will be released only upon authorization of the City Engineer.
- (b) If the developer fails to carry out the project as approved and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

(11) Proposed Changes in Approved Plans.

- (a) Major Changes. Major changes in the General Development Plan and Program after it has been adopted shall be considered as a new petition and shall be made in accordance with the procedures specified above.
- (b) Minor Changes. Minor changes in an approved General Development Plan and Program may be approved by the Building and Planning Official provided that such changes:
  - 1. Do not change the character of the development or the population density.
  - 2. Do not change the boundaries of the /PD subzone.
  - 3. Do not change any use, such as residential to commercial.
  - 4. Do not change the location or amount of land devoted to a specific land use.
  - 5. Do not relax dimensional standards or other specific requirements established by the Planning Commission or City Council as a condition of approval.

(12) Expiration.

- (a) If substantial construction or development has not taken place within one (1) year from the date of final approval by the City Council of the General Development Plan and Program the /PD Subzone shall become null and void.
- (b) Upon abandonment of a particular Planned Development or if it is specified in the General Plan and Program, it may be determined by the Planning Commission and the City Council, after the appropriate public hearings, that the granting of approval be nullified and the re-zone repealed and further use of the property and structures thereon shall be in accordance with the existing basic zone, unless a request to extend the time limit is approved.

SECTION 4.14 SPECIFIC DEVELOPMENT PLAN SUBZONE (/SDP)

- (1) Purpose. The purpose of the “/SDP” subzone is to allow the development and approval of specific development plans in the City of Veneta. A specific development plan is a master plan applied to one or more parcels to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the land use review process and encourage development that is consistent with the specific development plan. Specific development plans are intended to promote coordinated planning and pedestrian-oriented mixed-use development.
- (2) Plan Development and Approval Process.

- (a) Initiation. The process to establish a specific development plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific development plan process. If owners request initiation of a specific development plan process, the City Council may require an application fee to cover the cost of creating the plan.
  - (b) Steering Committee. The City Council shall appoint a steering committee to guide development of the plan. The steering committee should include persons representing affected property owners, agencies, and the community at large.
  - (c) Draft Specific Development Plan. The Steering Committee shall develop a draft plan to submit to the Planning Commission and City Council for review, modification, and approval.
  - (d) Specific Development Plan Components. A specific development plan shall include text and a diagram or diagrams which specify all of the following in detail:
    - 1. Plan Objectives. The narrative shall set forth the goals and objectives of the plan.
    - 2. Site and Context. A map of the site and context shall indicate existing land use, slope, natural features and property ownership.
    - 3. Land Use Plan. The distribution, location and extent of the uses of land, including open space and parks, within the area covered by the specific development plan.
    - 4. Circulation Plan. The proposed street pattern, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included.
    - 5. Development Standards. Description and illustration of key development standards such as housing types, lot sizes, setbacks, building orientation, etc.
    - 6. Infrastructure Plan. The proposed location and extent of major components of sewage, water, drainage and other essential facilities needed to support the land uses described in the plan.
  - (e) Public Hearings and Decisions. The Planning Commission shall hold a public hearing on the specific development plan and shall make a recommendation to the City Council. The City Council shall have final approval authority. The hearing process to be followed shall be the same as that set forth for zoning map amendments in Section 11.02 of this Ordinance.
- (3) Approval Criteria. Adoption of the specific development plan and its related overlay district shall be based on compliance with the following approval criteria:
- (a) The specific development plan is consistent with the general land uses and potential

gross density allowed by the Comprehensive Plan designation, or a plan amendment is approved in conjunction with the specific development plan.

- (b) The specific development plan will increase the efficiency of land use and provide for compact development.
- (c) The specific development plan will provide a mix of compatible land uses offering a variety of activities and destinations within the project area that respond to existing and future market conditions.
- (d) The specific development plan will create a pedestrian friendly environment that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The circulation plan includes connections to surrounding properties.
- (e) The specific development plan provides adequate public spaces such as small parks, greenways, or plazas where people can meet or relax.
- (f) The specific development plan incorporates natural features such as creeks, wetlands, and large trees into the plans for the site.
- (g) The specific development plan promotes building and site design that contributes positively to a sense of community and to the overall street scape.

(4) Plan Implementation.

- (a) Subzone. The specific development plan shall be implemented as a subzone. The specific development plan (including the land use plan, circulation plan and illustrative plan) shall be adopted by reference as an exhibit to the /SDP subzone.
- (b) New Construction. New construction under Site Plan Review or building permit review shall meet the special development and design standards of the specific development plan.
- (c) Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific development plan subzone shall supplement and supersede the standards and procedures of the Land Development Ordinance and the Land Division Ordinance.

(5) Amendments to the Specific Development Plan. Amendments to the specific development plan are classified as minor or major amendments as follows:

- (a) Minor amendments are those which result in any of the following:
  - 1. Changes in the circulation plan that require a street, easement, or pathway to be shifted by up to 100 feet in any direction.

2. A change in the land use plan that requires a shift in land uses (including park sites) by up to 100 feet in any direction.
  3. A modification in the street or utility plan that is required on the basis of more detailed engineering and grading plans. Overall connections identified in the specific development plan are maintained.
- (b) Major amendments are those which result in any of the following:
1. A change in the development standards.
  2. Changes in the circulation plan that result in the elimination of a major street connection (collector or arterial).
  3. A change in the land use plan that results in the elimination of a proposed land use or a shift in land uses (including park sites) by more than 100 feet in any direction.
- (c) The Building and Planning Official may approve a minor amendment to a specific development plan. The Building and Planning Official's decision shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or function of the specific development plan.
- (d) A major amendment to a specific development plan shall be approved by the Planning Commission following a public hearing. The Planning Commission findings must demonstrate that the change will not adversely affect the purpose, objectives, or function of the specific development plan.
- (6) Interim Development. To encourage platting in conformance with the specific development plan, the Building and Planning Official may grant the following modifications to land division standards:
- (a) Temporary Dead-ends. The Building and Planning Official may authorize temporary cul-de-sacs or vehicle turn-around where a through street will eventually be provided. Due to their temporary nature, the dimensions and improvement requirements may vary from standards set forth in the Land Division Ordinance.
  - (b) Half-Street Improvements. Half-width streets may be provided temporarily to access lots where a full street will eventually be provided when all abutting lots are developed.
- (7) Specific Development Plan Standards. Standards for specific development plans are listed below. The standards shall be utilized in conjunction with the specific development plan adopted as an exhibit to the "/SDP" subzone. This section will be amended as new specific development plans are adopted.

(a) Northeast Employment Center

1. Report Adopted. The Northeast Employment Center Specific Development Plan Final Report, dated June 1999, and Thomas Alternative Veneta Mixed use Employment Center map dated March 2000, is hereby adopted by reference.

2. Permitted Uses and Conditional Uses. All uses permitted under the base zoning districts are also permitted in the “/SDP” subzone.

Other uses are allowed only in the area designated as the Northeast Employment Center on the zoning map as follows:

(i) Hotels and motels are allowed in the CC zone.

(ii) In the I/C zone and CC zone, retail stores or shops limited to 60,000 square feet in one building.

(iii) In the I/C zone, permitted uses are the same as in the H.C. zone, but maximum building square footage is 60,000 square feet per building.

3. Streets and Pedestrian Path Standards. Streets and paths shall be designed in compliance with the Circulation Plan and street sections.

4. Setbacks. The following setbacks are shown on the Plan and supersede conflicting setback requirements elsewhere in ordinance.

(i) East end landscape buffer: 30' building setback, twenty (20)' landscaping consisting of evergreen plants forming a continuous hedge or treed buffer reaching a height of at least 8' within 3 years of establishment. All plants must be watered with automatic irrigation systems until established.

(ii) Highway 126 tree preservation setback: thirty (30) foot building setback, twenty (20) foot tree preservation area in which trees greater than eight (8) inch diameter at four (4) foot from the ground will be preserved unless deemed to be impracticable. Cleared "windows" no greater than 100 foot in length are allowed. "Windows" shall be spaced to provide at least 300 foot of tree canopy between "windows" unless exempted as part of site review.

5. Signage. Monument signs for Employment Center at the intersection of Hope Lane and Highway 126 allowed in addition to other signage allowed in the Highway 126 Corridor District. Monument signs for Employment Center at intersections of Jeans Road and Hope Lane allowed in addition to other signage allowed in the Business District.

6. Street Trees. Deciduous street trees (minimum two (2) inch diameter at time of installation) shall be planted every 40 foot (or the equivalent number for each property) with ground cover or unobstructing vegetation as under story.
7. Design Theme for Improvements. As part of site review, Building and Planning Official or Planning Commission must approve plan for public improvements and site amenities to ensure they establish or support a design theme throughout the area. Relevant public improvements and amenities include signage, pedestrian crosswalks, lighting, transit stops, landscaping in public right-of-way, and on-street parking.
8. Parking Area Landscaping. A minimum of one shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.
9. Building Facades. The following design standards shall apply:
  - (i) Commercial and industrial front building facades must not extend for more than 300 feet without a pedestrian connection between or through the building.
  - (ii) Commercial and industrial buildings facing a public street shall have no more than 100 feet without providing variation in building material or articulation.
10. Cross Connections. Development sites shall be designed to allow for internal connections between parking lot drive aisles and between abutting developments without requiring access to a public street.
11. Exterior lighting. All exterior lighting shall be shielded and reflected downward to minimize glare on adjacent parcels, other land uses, and street rights-of-way.
12. Transportation Impacts. Prior to the City granting site plan approval or any other type of construction approval within the Northeast Employment Center, a Transportation Impact Study shall be conducted, if deemed necessary by the City's Building and Planning Official. The study shall identify traffic impact and needed mitigation measures to the impacted street intersections, and shall describe the location, type and thresholds (vehicle trips) for street improvements necessary to mitigate identified traffic impacts. The study assumptions, which shall be established on a case-by-case basis upon submittal of the application, shall meet all requirements of the City and ODOT. The study shall include a funding mechanism, approved by the City, to assure that adequate funding is available to pay the developer's proportional share of the state, county and city street improvements, as

identified in the traffic impact study. Possible mechanisms may include:

City adoption of transportation impact fees;  
A development agreement encompassing the funding mechanism set forth in the applicant's Transportation Impact Study must be entered into between the City and the developer that will run with the land;  
Formation of a local improvement district; or  
Some combination of the above.

(b) Southwest Neighborhood Center

1. Report Adopted. The Southwest Neighborhood Center Specific Development Plan Final Report dated June 1999 and further refined by the Veneta Southwest Area Specific Plan map, dated September 25, 2000, is hereby adopted by reference.
2. Permitted Uses and Conditional Uses. All uses permitted under the base zoning districts are also permitted in the "/SDP" subzone.
3. Streets and Pedestrian Path Standards. Streets and paths shall be designed in compliance with the Circulation Plan and street sections. Street construction shall include traffic calming devices as shown on the Veneta SW Area Specific Plan map.
4. Setbacks. Maximum front yard setbacks for dwellings are shown on the street sections. The standards are summarized below:
  - (i) Single-Family Detached
    1. ten (10) foot minimum to front of house
    2. twenty (20) foot maximum to front of house
    3. twenty (20) foot minimum front yard setback to garage
  - (ii) Single-Family Attached
    1. fifteen (15) foot maximum to front of house

Standard five (5) foot minimum side and rear yard setbacks for single-family detached homes. There is no side or rear yard required for single-family attached homes (excluding duplexes).
5. Alleys. To ensure a pedestrian-friendly street character, garages for townhouses-rowhouses shall be located at the rear of the lots and accessed by alleys. Alleys are allowed but not required for all other districts.
6. Utilities. All overhead utilities shall be placed underground.
7. Residential Density. The "/SDP" subdistrict and the following lot size and dimensional standards govern residential density:



<u>Land Use Table</u>	<u>Minimum Lot Size</u>	<u>Avg. Min. Lot Width</u>
Large Single-Family	8,000 sq. ft.	60 feet
Standard Single-Family	6,000 sq. ft.	50 feet
Townhouses/Rowhouses	2,000 sq. ft.	20 feet

8. Multi-Family Standards. Multi-Family must develop at an overall density of between fifteen (15) and twenty (20) units per net acre. The following design standards apply:

- (i) The multi-family development shall consist of a series of small buildings.
- (ii) All parking shall be internal to the development.

9. Neighborhood Commercial Standards. Neighborhood commercial developments shall comply with Section 8.20 (6), in addition to the standards in this section, a neighborhood commercial site of up to 2.8 acres is approved for the northeast corner of the specific development plan, fronting on Cheney Drive. Second floor office and residential uses are allowed and encouraged. The following design standards apply to the neighborhood commercial parcels:

- (i) Commercial buildings shall be oriented to Cheney Drive, with a zero (0) front yard setback permitted. A maximum setback of twenty (20) feet is allowed if the space between the building and the sidewalk is enhanced with pedestrian amenities such as a plaza, sidewalk café, etc. If no pedestrian amenities are provided, the maximum setback shall be ten (10) feet.
- (ii) Retail buildings shall have main entrances oriented to Cheney Drive. Ground floor windows are required along at least 60 percent of the facade length facing Cheney Drive.
- (iii) Off-street parking shall be located to the side and/or rear of the buildings, and available on street parking along the parcel frontages may count toward off-street parking requirements.

## ARTICLE 5 - SUPPLEMENTARY PROVISIONS

### SECTION 5.01 GENERAL PROVISIONS REGARDING ACCESSORY USES

An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation. Accessory uses shall comply with the following standards.

- (1) Fences, hedges and walls may be located within required yards but shall not exceed 48" (four (4) feet) in height in any required front yard which abuts a street other than an alley nor 2-1/2 feet in height in a vision clearance area. Elsewhere, fences, hedges and walls shall not exceed six (6) feet in height in residential and commercial zones and eight (8) feet in height in industrial zones. Swimming pools, tennis courts, and other accessory recreational structures may have fences that exceed six (6) feet, provided they are not located within the front yard, but may be allowed within the side and rear yards.
- (2) No sales shall be made from a greenhouse or hothouse maintained as an accessory to a dwelling in a residential zone unless the sales have been approved as a home occupation.
- (3) The highest point of the roof of an accessory structure shall not exceed a height of 24 feet in a residential zone.
- (4) A garage shall be located a minimum of twenty (20) feet from front property lines in a residential zone except in an RC zone and as specified in Section 5.09(1). Parking requirements as specified in Section 5.20 continue to apply to lots with reduced setbacks. Garages must also meet the requirements of Article 13, Section 13.02 Dwelling, Single-Family (8).
- (5) Except for garages and carports, accessory structures in the SFR, GR, and CR zones, including those not requiring a building permit, shall not be located between any front or side street and a principal building and must comply with the minimum yard setbacks for the zone in which they are located.
- (6) Boats, trailers, detached campers, motorized dwellings and similar recreation equipment may be stored, but not used for human habitation, on a lot as an accessory use to a dwelling provided that storage shall not be permitted in a front yard.
- (7) All buildings that are accessory structures shall have a minimum roof pitch of 2:12.

### SECTION 5.02 ACCESS

Generally, every lot shall abut a street other than an alley for a minimum width of 50 feet and 35 feet for a cul-de-sac. Exceptions to the frontage requirement may be made where the Planning Commission has approved panhandle lots or an easement for access, where an easement existed prior to 1989, or the lot will be used for single-family attached housing.

#### SECTION 5.03 CLEAR VISION AREAS

In all zones except the C zone a clear vision area shall be maintained on the corners of all property at the intersections of two (2) streets, a street-alley or street-railroad.

- (1) Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and panhandle-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 25 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and panhandle-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 25 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides.
- (2) A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.

#### SECTION 5.04 DISTANCE FROM PROPERTY LINE

In commercial or industrial zones where a back or side yard is not required and a structure is not to be erected at the property line, it shall be set back at least three (3) feet from the property line.

#### SECTION 5.05 SETBACKS FOR AUTOMOBILE SERVICE STATIONS

In a zone where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required front yard, provided they are a minimum of fifteen (15) feet from the property line.

#### SECTION 5.06 USE OF RESIDENTIAL STRUCTURES IN COMMERCIAL ZONE

In commercial zones, pre-existing residential structures may be occupied by uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the building code and provided further that the Building and Planning Official approves a development plan for vehicular access and parking, signing and exterior lighting. A Minor Site Plan Amendment Application, subject to Article 6 is required. If a residential structure is converted to a commercial use, further use of the structure shall conform to the zone in which the property is located.

#### SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

Buildings must be placed on a site to allow for future street extensions and appropriate setbacks. When a residential property is larger than twice the minimum lot size and has potential for division, the applicant must submit a shadow plat showing how that future land division could take place and site the residence(s) accordingly.

SECTION 5.08 EXCEPTIONS TO LOT SIZE REQUIREMENTS

- (1) If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the Lane County Assessor prior to 1989 has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot area per dwelling unit requirement of the zone.
- (2) The minimum lot size for panhandle lots shall be calculated for the area exclusive of the portion of the lot that provides access.

SECTION 5.09 EXCEPTIONS TO YARD REQUIREMENTS

The following are authorized exceptions to yard requirements:

- (1) In the General Residential (GR) zone, the front yard setback of a building may be reduced to a minimum of ten (10) feet for any lot that is entirely within the following geographical area:
  - (a) West of 3rd Street and
  - (b) North of Hunter Avenue and
  - (c) East of 8th Street and
  - (d) South of Dunham Avenue.
- (2) In any residential zone, the minimum front yard set-back for a part of the building may be modified by not more than five (5) feet, provided the average front yard depth shall not be less than the standard of the zone. Garage and carport front yard set-backs shall not be reduced below twenty (20) feet, except when permitted under Section 5.09(1).
- (3) In order to permit the eventual widening of streets, every lot abutting a portion of a street hereinafter named shall have an additional setback over the required yard dimension specified in the zone so that the minimum distance from the center line of the street right-of-way to the front setback line shall be listed as below:

<u>Street Name</u>	<u>Setback from Center Line of Right-of-Way</u>
Highway 126	50 feet
Territorial Highway	40 feet - West side only
Bolton Hill Road	35 feet
Hunter Road	30 feet

The required front yards specified for each zone shall be in addition to the setbacks specified above.

SECTION 5.10 EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

Vertical projections, such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy shall not be subject to the building height limitations of this ordinance.

SECTION 5.11 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, canopies, sunshades, gutters, chimneys and flues may not project into required yards or public easements. Eaves may extend up to two (2) feet into a required side and/or rear yard and up to six (6) feet into a required front yard. The building setback shall be measured from the foundation of the structure, including covered porches

SECTION 5.12 LANDSCAPING

All yards and parking areas shall be landscaped in accordance with the following requirements:

- (1) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner.
- (2) Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.
- (3) Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible. Particular attention shall be focused on preserving native and heritage trees.
- (4) All required yards and the entire open space of all multiple-family dwelling sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area.

Minimum number of trees and shrubs acceptable per 1,000 square feet of yard and open-space area is as follows:

- (a) One tree at least six (6) feet in height.
  - (b) Four 1-gallon shrubs or accent plants.
- (5) All other site areas and unused property shall be maintained in suitable ground cover or kept in a clean, weed-free manner.
  - (6) Multiple-family sites and parking lots shall be screened from abutting single-family land uses by a combination of sight-obscuring fences, walls and landscaping adequate to provide privacy and separation for the abutting land use.

- (7) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.
- (8) All commercial and industrial uses shall provide landscaping as part of the development plan. Landscaping shall cover all required yards and the entire open space of the property, exclusive of walks, drives, parking areas and buildings and shall be permanently maintained by the property owner. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants.

Minimum number of trees and shrubs acceptable per 1,000 square feet of yard and open-space area is as follows:

- (a) One tree at least six (6) feet in height.
  - (b) Four 1-gallon shrubs or accent plants.
- (9) When a sight-obscuring fence, wall, or hedge is required under the provisions of this ordinance, it must meet the following provisions:
    - (a) In order to be "sight-obscuring", fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.
    - (b) Fences and walls must be maintained in a safe condition and opacity must be maintained. Wooden materials shall be protected from rot, decay and insect infestation. Plants forming hedges must be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.
  - (10) When adjacent land uses are of a different type and the proposed use may impact the adjacent land uses, the Building and Planning Official or Planning Commission may require sight-obscuring fencing, walls, and/or landscaping. In order to provide appropriate buffering and screening, the Building and Planning Official or Planning Commission may increase the required yard dimension.

#### SECTION 5.14 IMPROVEMENT REQUIREMENTS

All applicants for land development shall comply with all public improvement requirements specified in Article 7 of the Veneta Land Division Ordinance and shall install improvements in accordance with specifications approved by the City Engineer.

- (1) Water and Sewer connections. All developments requiring water within the SFR, GR, CR, CC, IC, and I zones shall be connected to City water and sanitary sewers. Developments in the RR zone and HC zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.

- (2) Agreement for Improvements. Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities and shall repair existing streets and other public utilities damaged in the development or execute and file with the city an agreement between the owner of the land and the city specifying the period within which required improvements and repairs shall be completed. If the improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land developer.
- (3) Specifications for Improvements. All improvements shall comply with the Public Improvement Specifications of Veneta Ordinances in addition to the standard of this ordinance. If the City does not have adopted standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval by the City Engineer.
- (4) Improvements within a Public Right-of-Way. A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.
- (5) Dedication of Street Right-of-Way. Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, Land Division Ordinance and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.
- (6) Utility and Drainage Easements. Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.
- (7) Waiver. The City Administrator may waive improvement requirements for construction of sidewalk improvements when a paved street with curbs and gutters is not adjacent to the proposed development. If this requirement is waived, the developer may be required to deposit with the City the cash to cover the cost of improvements based on an estimate approved by the City Engineer or sign an Irrevocable Petition for the future installation of sidewalks.

#### SECTION 5.15 SIGNS

- (1) Purpose.
  - (a) This section of the Veneta Land Development Ordinance will be referred to as the Veneta Sign Code.
  - (b) The general purpose of signs is to communicate. The public benefits from this

expression of speech, particularly in identifying businesses. This benefit supports the Comprehensive Plan Goal of establishing Veneta as a service and retail center for the Fern Ridge area and an attractive residential community.

- (c) The purpose of this section is to safeguard, preserve, and enhance economic, recreational, and aesthetic values through regulation of the size, number, location, illumination, construction and maintenance of signs; and thereby protect public health, safety and general welfare.

(2) Definitions.

**SIGN:** Any identification, description, illustration, symbol or device which is placed, painted, or affixed directly or indirectly upon a building, structure, flag or land visible from a public right-of-way.

- (a) Alteration: Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.
- (b) Area: The area included within the outer dimensions of a sign. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than 24 inches back-to-back. The area of odd-shaped signs made up of individual letters mounted to the wall of a building shall be the area enclosed within the outline or perimeter around the sign or letters.
- (c) Building Sign: A sign attached to, projecting from, erected against or painted on the building, or on the face of a marquee, awning, canopy or building fascia or to a wall or fence which is intended to be read from a public right-of-way.
- (d) Business: A commercial or industrial enterprise
- (e) Construction Sign: A temporary, non-illuminated sign placed at a construction site which identifies the contractor, architect, lending institution and/or development project. The sign shall be removed once construction is complete.
- (f) Directional Sign: A permanent sign which is designated and erected solely for the purpose of directing traffic.
- (g) Election: The time designated by law for voters to cast ballots for candidates and measures.
- (h) Election Signs: A temporary, non-illuminated sign erected for the purpose of advertising an election candidate or issue. All election signs must be removed within 30 days following an election. A candidate who intends to run again in the following election must still comply with this 30 day requirement. Such a candidate shall not re-erect election signs until either (1) 30 days has elapsed since that candidate's election signs were removed, or (2) until the filing deadline for the upcoming election,



whichever is a shorter period of time.

- (i) Flashing Sign: An illuminated sign, or a sign constructed of reflective material to simulate movement, on or within which light is not maintained stationary and constant in intensity and color at all times.
- (j) Free-Standing Sign: A non-temporary sign erected on a free-standing frame, mast or pole and not attached to any building. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).
- (k) Garage, Yard or Estate Sale Sign: A temporary sign which advertises a public sale for the purpose of disposing of personal property.
- (l) Grand Opening: A 30 day period which encompasses the date a newly established business opens to the public.
- (m) Illegal Sign: A sign which is not authorized by or is erected in violation of the Veneta Sign Code.
- (n) Illuminated Sign: Any sign which has characters, letters, figures, or designs with the source of illumination being on the surface of the sign or from within the sign.
- (o) Indirectly Lighted Sign: A sign having a source of illumination directed toward the sign so that a beam of light falls upon the exterior surface of a sign.
- (p) Logo: Pictures, figures, symbols, letters, sign copy or similar graphic design which advertises or identifies a business, building or use.
- (q) Monument Sign: A low to the ground, free-standing sign mounted in a frame that is incorporated into the overall design of the sign. The total square footage of a monument sign shall include the supporting frame. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).
- (r) Murals: Mosaic, wall decoration or painted scene, graphic art technique or combination or grouping of mosaics, murals, paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence. With the exception of the artist's signature, the mural shall contain no printed text or logo and shall be intended as a decorative or ornamental feature or to highlight a building's architectural or structural features.
- (s) Non-conforming Sign: An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of the Veneta Sign Code.
- (t) On-Site Information Sign: A sign used for the purpose of communicating to persons on the development site. Such a sign may be visible but shall not convey a message to

persons not on the site. A sign which conveys a message where any portion of the message is easily legible or discernible to a person of ordinary vision from any location off the site commonly visited by members of the public shall not qualify as an on-site information sign. On-site information signs may include but are not limited to menu boards and building directories.

- (u) Portable Sign: A single or double surface painted or poster type sign which is not permanently attached to a building, structure or the ground which is to be displayed for more than 30 days per calendar year. It shall be constructed of weather-resistant paper, cloth, wood, plastic, or metal, or other material with sufficient structural integrity to withstand wind and moisture, so as to maintain appearance and service for the term of use.
- (v) Projecting Signs: Signs which are attached to and project from a structure or building face, usually perpendicular to the building face.
- (w) Public Sign: Any sign placed by a public officer or employee in the performance of a public duty, including but not limited to traffic signals and control signs, warning lights, street identification signs, directional signs, informational signs or legal notices.
- (x) Real Estate Signs: A temporary, non-illuminated sign advertising the prospective sale, rental or lease of the building(s) or property on which the sign is located. The sign shall be removed once the property is sold or leased.
- (y) Sign Copy: Any combination of letters or text which advertise or identify a business, building or use, including logos.
- (z) Sign Height: The vertical distance from grade to the highest point of a sign or a sign structure.
- (aa) Subdivision Identification Sign: A sign placed at the entrance to a neighborhood development which identifies a subdivision by name.
- (bb) Temporary Sign: A sign which is not permanently affixed to a building, structure or the ground, including all devices such as banners, pennants, sandwich boards, sidewalk signs, curb signs and balloons which will be displayed for less than 30 days per calendar year.
- (cc) Unsafe Sign: Any sign or supporting structure which constitutes a hazard to the public health, safety or welfare by reason of structural design or construction, inadequate maintenance, lack of repair or dilapidation.
- (dd) Vehicle Sign: Any sign permanently or temporarily placed on or attached to a motor vehicle, where the vehicle is used in the regular course of business for purposes other than the display of signs.
- (ee) Wall Sign: See Building Sign.

- (ff) Warning Signs: Signs which warn the public of the existence of danger, hazardous materials or relating to trespass and containing no advertising material.
  - (gg) Window Sign: Any sign attached to or painted on the inside surface of a window.
- (3) Designated Sign Districts. Three sign districts have been established to ensure that sign size and location will provide the most visibility for each business while protecting the aesthetic and liveability qualities of surrounding uses. The size, height and distance allowed between signs vary by district, taking into account traffic speeds and types of uses in each district. Refer to Tables A and B for Permitted Signs to determine whether or not a sign is allowed in the following districts and what specific requirements may apply. In addition to specific requirements for each district, signs must comply with all other sections of the Veneta Sign Code.
- (a) Highway 126 Corridor District: All property zoned commercial, industrial/commercial, industrial, and public facilities and parks which abut Hwy 126, except residential uses.
  - (b) Business District(s): All property zoned commercial, residential/commercial, industrial/commercial, industrial, and public facilities and parks which do not abut Hwy 126, except residential uses.
  - (c) Residential District: All property zoned rural residential, general residential or single-family residential. Also includes residential uses in the residential/ commercial zone.
- If property is visible from a state highway, a permit from the Oregon Department of Transportation (ODOT) may be required in addition to any city permits.
- (4) Authorization of Similar Signs. The Building or Planning Official may permit in a particular sign district a type of sign not specifically listed in the Veneta Sign Code, provided the sign is of the same general type as the signs permitted there by code. The decision of the building and planning official may be appealed to the Planning Commission using procedures specified in Section 2.07 of this ordinance.
- (5) Prohibited Signs. Any sign not exempted or allowed pursuant to the Veneta Sign Code, except by approval of variance, is not permitted. The following signs are prohibited:
- (a) Signs or devices that move; appear to move; have moving parts or can move by wind or other means; or display flashing, intermittent, scintillating or varying degree of intensity lights (flags and time/temperature signs excepted).
  - (b) Strings of lights and "neon type" tubing used to outline or border any feature of the building are not permissible. (Neon tubing is allowed in the actual composition of a sign.) This type of sign may be allowed by the Building and Planning Official if the applicant provides substantial proof that the sign will not provide a distraction to the operator of a motor vehicle.

- (c) Strings of pennants, tinsel and lights except for grand openings and holiday lights (from November 15 to January 15).
  - (d) Signs which project more than six (6) inches above the roof of a building.
  - (e) Signs that may be confused with public traffic signs or highway identification signs, or graphically appear similar to these types of signs. This includes, but is not limited to, signs which use the words "stop, slow, caution, look, danger" or any other word, phrase, symbol or character that may mislead or confuse vehicle operators.
  - (f) Signs located on or above public rights-of-way without written consent of the applicable jurisdiction.
  - (g) Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure which is inoperable or not registered, licensed and insured for use on public highways.
  - (h) Unsafe or illegal signs as defined by the Veneta Sign Code.
  - (i) Internally illuminated signs in the residential district, except address or name plates.
  - (j) Signs which exceed this Code's size, distance, or height restrictions, or conflict with any other provision of the Veneta Sign Code.
- (6) Temporary Signs. There is no limit to the size or number of temporary signs allowed on a lot or parcel, except as indicated in Table B for specific types of temporary signs (such as election signs, real estate signs and garage sale signs). Unless otherwise specified, a temporary sign may only be displayed for up to 30 days per calendar year. Signs that will be displayed for more than 30 days per year are considered "portable signs" and require a permit (see Table A). Although no permit is required for a temporary sign, the Building and Planning Official must be notified of any temporary signs not listed in Table B, for tracking purposes. The placement of temporary signs must conform with the requirements listed in the Veneta Sign Code.
- (7) Permitted Signs. The following tables (Table A and Table B) list the types of signs which are allowed within the three designated sign districts. In addition to the conditions listed in these tables, all signs must comply with all other applicable sections of the Veneta Sign Code. Any box marked with an "X" indicates a sign is permitted in the zone with no restrictions on size, height or number. A shaded box indicates that the particular sign listed is not permitted in a particular sign district.

**KEY TO TABLES**

X = Sign is permitted with no restrictions as to size, height or number

SHADED TEXT - Not Permitted

**TABLE A PERMITTED SIGNS - Permits Required**

TYPE OF SIGN	HIGHWAY 126 CORRIDOR DISTRICT	BUSINESS DISTRICT	RESIDENTIAL DISTRICT	
			Single-Family Residential uses *Subdivisions	Apartments, Manf. Dwell. Parks, Public or Semi-Public uses, etc.
Free-standing or Monument Signs	(1) per lot or parcel Maximum height: 35' Maximum size: 100 sq. ft Minimum distance from any other free-standing or monument sign: 200'	(1) per lot or parcel Maximum height: 20' Maximum size: 64 sq. ft.		(1) per lot or parcel Maximum height: 20' Maximum size: 64 sq. ft.
Building Signs and Portable Signs (See definition)	Total area of all building signs plus portable signs shall not exceed 6% of that building's ground floor footprint (square footage)	Total area of all building signs plus portable signs shall not exceed 6% of that building's ground floor footprint (square footage)		Total area of all building signs plus portable signs shall not exceed 6% of that building's ground floor footprint (square footage)
*Subdivision Identification Sign			(1) Free-standing or monument sign per subdivision Maximum height: 20' Maximum size: 32 sq. ft.	

TABLE B PERMITTED SIGNS - No Permits Required				
TYPE OF SIGN	HIGHWAY 126 CORRIDOR DISTRICT	BUSINESS DISTRICT	RESIDENTIAL DISTRICT	
			Single-Family Residential uses	Apartments, Manf. Dwell Parks, Public or Semi-Public uses, etc.
Public Signs	X	X	X	X
Flags	Maximum height: 35' Maximum size: 20 sq. ft.	Maximum height: 35' Maximum size: 20 sq. ft.	Maximum height: 35' Maximum size: 20 sq. ft.	Maximum height: 35' Maximum size: 20 sq. ft.
Election Signs	Time limit (see definition) Maximum size: 32 sq. ft.	Time limit (see definition) Maximum size: 12 sq. ft.	Time limit (see definition) Maximum size: 4 sq. ft.	Time limit (see definition) Maximum size: 4 sq. ft.
Real Estate or Construction Signs	Time limit (see definition) (1) Free-standing sign per lot Max. size: 36 sq. ft.	Time limit (see definition) (1) Free-standing sign per lot Max. size: 32 sq. ft.	Time limit (see definition) (1) Sign per lot Max. size: 4 sq. ft.	Time limit (see definition) (1) Free-standing sign per lot Max. size: 32 sq. ft.
Window Signs	X	X		
Holiday lights, decorations and banners	X	X	X	X
On-site Information Signs	X	X	X	X
Driveway Entrance/Exit Signs	Maximum height: 2½ ft.	Maximum height: 2½ ft.	Maximum height: 2½ ft.	Maximum height: 2½ ft.
Murals	X	X	X	X
Garage, Yard or Estate Sale Signs			Must comply with Veneta Garage Sale Ordinance	Must comply with Veneta Garage Sale Ordinance
Warning Signs	X	X	X	X
Name Plate			Max. size: 1 ½ sq. ft.	Max. size: 1 ½ sq. ft.
Address Plates	Max. size: 1 sq. ft.	Max. size: 1 sq. ft.	Max. size: 1 sq. ft.	Max. Size: 1 sq. ft.
Directional Signs	Max. size: 2 sq. ft.	Max. size: 2 sq. ft.	Max. size: 2 sq. ft.	Max. size: 2 sq. ft.

(8) Sign Permits.

(a) A sign permit is required in each of the following instances:

1. Upon the erection of any new sign except signs specifically listed in Table B as signs not requiring a permit.
2. To make structural or electrical alteration to an existing sign, including a change in the size, shape, materials or location.
3. To replace a pre-existing sign.

(b) Information required for a sign permit:

1. A drawing to scale shall be submitted which indicates fully the material, color, dimensions, size, shape and height above grade. The drawing shall show the structural elements of the proposed sign and supporting structure(s) and any other information needed to show that the sign will not interfere with traffic safety, public health, or general welfare.

(i) Building Signs: The diagram shall show where the sign will be attached to the building, including the distance the sign will project from the wall to which it is attached and the height above the finished ground surface over which it is mounted.

(ii) Free-standing Signs: In addition to the diagram a site plan shall be submitted which shows the placement of the sign on the property with relation to property lines, driveways, sidewalks, parking areas and buildings.

2. The size and types of all other permitted signs located on the applicant's building or property.

3. For free-standing signs, the applicant shall show the distance, measured in feet, to free-standing signs on adjacent lots.

(c) In addition to a sign permit, all illuminated signs require a City of Veneta electrical permit.

(d) A permit shall expire if a sign is not installed, as approved, within 180 days from the date of approval. Reapplication shall include a new, fully completed application form and a new application fee.

(9) Permit Fees. Sign permit fees which are due and payable upon receipt of a permit shall be set by separate resolution adopted by the council.

(10) Placement of Signs. In addition to requirements of the sign district in which a sign is located, placement of signs must comply with the following:

(a) No signs in excess of 2½ feet in height shall be placed in the vision clearance area as described in Section 5.03 or within ten (10) feet of driveways. A portion of the sign

area, excluding the base or supporting structure, may extend into the vision clearance area or within ten (10) feet of a driveway, provided it is at least eight (8) feet above grade.

- (b) No sign or portion thereof shall be erected within a future street right-of-way unless and until an agreement is recorded stipulating that when street improvements are made the sign will be removed or relocated at no expense to the City.
  - (c) No sign or portion thereof shall be erected within public utility easements.
  - (d) No sign or portion thereof shall be placed where it obstructs ingress or egress through any door, window, fire escape, or like facility required or designated for safety or emergency use.
  - (e) No sign shall interfere with on-site traffic, bicycle or pedestrian circulation.
  - (f) No sign may be placed where it hides from view any official traffic sign or signal.
  - (g) No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
  - (h) No sign projecting from a building may be less than eight (8) feet above the ground over which it projects and may not interfere with traffic circulation or public safety.
- (11) Calculating Sign and Wall Areas. The total area for building signs shall not exceed the area permitted in this sign district in which the building is located. The area shall include all signs attached to, projecting from, erected against or painted on a wall or portion of a wall, including any fascia, awning, canopy or marquee attached to the wall, which is visible to the public. If any sign painted on a roof or attached to a fence is visible and intended to be read from a public right-of-way, the total area of the roof painting or fence sign shall be included in the total area permitted for building signs. The total area permitted for building signs may be divided into multiple signs or used for one single sign and may also be used for portable signs.
- (12) Vehicle Signs. The City does not regulate signs placed on, affixed to, or painted on any operable motor vehicle, trailer or other mobile structure which is registered, licensed and insured for use on public highways.
- (13) Illuminated Signs. Illuminated signs, except those listed in as Prohibited Signs, are permitted in all sign districts. In addition to the requirements of the sign district in which the sign is located, illuminated signs must comply with the following:
- (a) No sign may be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof.
  - (b) No sign may be illuminated or use lighting which causes a direct glare on adjacent properties.



- (c) External illumination shall be shielded so that the light source elements are not directly visible from a residential use which is adjacent to or across a street from the source of illumination.
- (14) Sign Maintenance. Signs and supporting structures shall be maintained to protect public safety and to prevent deterioration. Sign maintenance includes copy changes, painting, repainting, cleaning and normal maintenance and repair but does not include a structural or electrical change.
- (15) Unsafe or Illegal Signs. Any sign determined by the Building or Planning Official to be an unsafe or illegal sign is subject to the following:
- (a) If the Building or Planning Official finds that any sign is unsafe or illegal, enforcement action shall be taken as prescribed in Section 2.090. Failure to remove or alter said sign as directed shall subject the permittee or property owner to the penalties prescribed in Section 2.090.
  - (b) The Building and Planning Official may remove or cause to be removed any sign which is so unsafe or insecure it constitutes a real and immediate danger to persons or property.
  - (c) Any sign removed because it has been determined to be unsafe or illegal shall not be re-established until a valid permit has been issued.
- (16) Non-Conforming Signs.
- (a) A non-conforming sign may continue to be used until altered, replaced, modified or moved at which time the sign shall be brought into conformance with all provisions of the Veneta Sign Code.
  - (b) General maintenance, repair and copy changes which do not add to the size or shape of the sign shall be permitted.
  - (c) If a non-conforming sign is totally or substantially destroyed, a future sign on the site shall comply with the provisions of the sign district in which the property is located.
- (17) Variances. A request for a variance must comply with Article 10. Variances will not be granted where the following sign regulations are involved:
- (a) Prohibited Signs
  - (b) Abatement of unsafe signs
  - (c) Construction and Maintenance standards of the Uniform Sign Code
  - (d) Placement of a sign in the Clear Vision Area

(18) General Exemption. All public signs are exempt from the Veneta Sign Code.

SECTION 5.20 OFF-STREET PARKING REQUIREMENTS

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure, there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

(1) Design and improvement requirements for residential parking for single-family and two-family dwellings.

- (a) All parking areas, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer. Paved driveways are not required in situations approved by the Planning Commission or Building and Planning Official in which the driveway will be used temporarily until further land divisions or development occur.
- (b) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.
- (c) Off-street parking areas shall not be located in a required front yard, except that driveways may be used for off-street parking.

(2) Design and improvement requirements for parking lots (not including single-family two-family dwellings).

- (a) All parking lots, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.
- (b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking spaces, except for handicap spaces, shall have a minimum dimension of eighteen (18)' X nine (9)' exclusive of maneuvering and access area. The dimension includes the area in front of the curb stop over which the front of a vehicle would extend. Handicap spaces shall be provided as required by the Oregon State Structural Specialty Code.
- (c) Parking lots shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Building and Planning Official. Two-way driveways shall have a minimum width of twenty (20) feet and a maximum width of 30 feet. One-way driveways shall have a minimum width of twelve (12) feet and a maximum width of sixteen (16) feet.

- (d) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.
  - (e) Service driveways to off-street parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.
  - (f) All off-street parking lots within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the Building and Planning Official to minimize disturbances to adjacent residents.
  - (g) A grading structure and drainage plan shall be submitted to the City Building and Planning Official and approved by the City Engineer.
  - (h) Parking lots shall be provided with landscaping as provided in Section 5.12 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot. A minimum of one shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.
  - (i) Parking lot lighting must comply with Veneta Municipal Code Chapter 15.15
- (3) Location standards for parking lots
- (a) Off-street parking shall be provided on the development site for all zones, except for the Commercial, Residential-Commercial, Public Facilities & Park zone, and Industrial zones which may be located no farther than 400 feet from the building or use they are required to serve. Owners of two (2) or more uses, structures, or parcels of land may agree to use the same parking spaces jointly when peak demands do not occur at the same time periods, provided substantial proof is presented to the Building and Planning Official or Planning Commission pertaining to the cooperative use of the parking facilities.
  - (b) Off-street parking areas shall not be located in a required front yard.
  - (c) Parking lots and loading docks for new commercial, public, and semi-public buildings shall be located to the side or rear of the building.
- (4) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicle or materials or for the parking of trucks used in conducting the business or for repair or servicing.

- (5) The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking area required by this ordinance.
- (6) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin to maintain such altered use until the required increase in off-street parking is provided.
- (7) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- (8) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office properties wherever feasible and shall incorporate the following:
  - (a) A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
  - (b) A unified access and circulation plan for coordinated or shared parking areas.

Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;
2. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

The Building and Planning Official or the Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

- (9) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany a request for a building permit.
- (10) The Building and Planning Official or the Planning Commission may approve the use of on-street parking spaces in lieu of required off-street parking spaces in the Commercial and Residential-Commercial, Industrial-Commercial and Public Facilities & Park zones.
- (11) Space requirements for off-street parking shall be listed in this section. Fractional space

requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building primary to the use but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces is allowed if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with LTD to provide bus passes to employees or who offers van pools may need fewer parking spaces for employees.

<u>USE</u>	<u>SPACE REQUIREMENT</u>
<u>Residential</u>	
(a) One- and two-family dwellings	Two (2) spaces per dwelling unit.
(b) Multiple-family dwellings spaces/units	Studio or 1 bedroom - One (1) space/unit 2 bedrooms - One and one half (1-1/2) spaces/unit 3 bedrooms or more - Two (2) spaces/unit
(c) Rooming or boarding house	Space equal to 80 percent of the number of guest accommodations, plus one (1) additional space for the owner or manager.
(d) Residential Care Facilities with more than fifteen (15) persons	One space (1) per two (2) beds or living units plus one space for each employee during peak work shift.
<u>Commercial Residential</u>	
(a) Hotel	One (1) space per two (2) guest rooms, plus (1) space per two (2) employees
(b) Motel	One (1) space per guest room or suite, plus one (1) additional space for the owner or manager
<u>Institutional</u>	
(a) Welfare or correctional institution	One (1) space per six (6) beds for patients or inmates
(b) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged, which do not include retirement units where care is not provided	One (1) space per three (3) beds for patients or residents
(c) Hospital	One and one half (1- 1 ½) spaces per bed

Place of Public Assembly

- (a) Church One (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium or one (1) space for each 35 square feet of floor area of main auditorium not containing fixed seats.
- (b) Library, reading room One (1) space per 400 square feet of floor area of main auditorium not containing fixed seats.
- (c) Day care facility Two (2) spaces per staff person, based on the maximum staff at the facility at one time.
- (d) Elementary or Junior High School One (1) space per classroom, plus one (1) space per administrative employee or one (1) space per four (4) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater.
- (e) High School, College, commercial school for adults One (1) space per classroom, plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four seats or eight (8) feet of bench length, whichever is greater.
- (f) Other public assembly One (1) space per six (6) seats or eight feet of bench length, or one (1) space for each 35 square feet of floor area for assembly room not containing fixed seats.

Commercial Amusement

- (a) Stadium, arena, theater One (1) space per four (4) seats or eight (8) feet of bench length.
- (b) Bowling alley Five (5) spaces per alley, plus one (1) space per two (2) employees.
- (c) Dance Hall, skating rink One (1) space per 100 square feet of floor area, plus one (1) space per two (2) employees.

Commercial

- (a) Retail store except as provided in subsection (b) of this subsection One (1) space per 200 square feet of floor area designated for retail sales.
- (b) Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture One (1) space per 600 square feet of floor area designated for retail sales.

- |  |  |
|--|--|
| (c) Bank, office (except medical and dental) | One (1) space per 300 square feet of floor area  |
| (d) Medical and dental clinic                | One (1) space per 300 square feet of floor area, plus one (1) space per two (2) employees. |
| (e) Eating or drinking establishments        | One (1) space per 100 square feet of floor area.   |
| (f) Mortuaries                               | One (1) space per six (6) seats or eight feet of bench length in chapels.                  |

Industrial

- |  |   |
|--|---|
| (a) Industrial uses which entail manufacturing, research, processing or assembling, except as otherwise specified in this ordinance. | One (1) space per 600 square feet of gross floor area.                      |
| (b) Industrial uses which are primarily warehousing and distribution, except as otherwise specified in this ordinance.               | One (1) space per 800 square feet of gross floor area.                      |
| (c) Industrial uses shall provide spaces for patron and visitor use.   | Minimum of three (3) parking spaces in addition to the requirements listed. |

- (12) Accessible Parking Spaces. Parking shall be provided for disabled persons, in accordance with the Americans with Disabilities Act. Accessible parking is included in the minimum number of required parking spaces listed above.

Minimum Number of Accessible Parking Spaces

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
25 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of total Accessible Parking Spaces*	7/8 of total Accessible Parking Spaces**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of total Accessible Parking Spaces*	7/8 of total Accessible Parking Spaces**

\* one out of every 8 accessible spaces parking spaces      \*\* 7 out of every 8 accessible parking spaces

- (13) Unspecified uses. Any use not specifically listed in this section shall have a parking requirement determined by the Building and Planning Official, based on the parking space requirements for comparable uses listed in this section. The decision of the Building and Planning Official may be appealed to the Planning Commission, using procedures as spelled out in this ordinance.
- (14) Off-Street Loading. In any zone, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales or as a hotel, hospital, mortuary, laundry, dry cleaning establishment or other uses similarly requiring the receipt or



distribution by vehicles of material or merchandise, there shall be provided and maintained at least 1 off-street loading space, plus 1 additional such loading space for each additional 20,000 square feet of gross floor area.

(a) Said loading space shall be provided with access, driveways and surfacing in the same manner as for off-street parking, except that each space shall be ten (10) feet wide and 25 feet long, with a height clearance of at least fourteen (14) feet. In the case where service vehicles of the truck and trailer category are utilized, the Planning Commission may require additional length for required off-street loading spaces to accommodate up to a maximum overall length of 50 feet.

(15) Parking of Recreational Vehicles on Private Property

(a) No person shall park or store a recreational vehicle not in use through any form of human occupancy, unless they meet 1-5 below or subject to approval of a Temporary Use approval of Second Dwelling on Property During Construction or Demolition, Section 7.04(3):

1. The recreational vehicle is maintained in structurally safe condition and not permitted to become unsafe or objectionable by reason of dilapidation, obsolescence or abandonment, or by reason of unsatisfactory or inadequate maintenance; and either
2. The recreational vehicle is located within a garage or carport; or
3. The recreational vehicle is parked or stored on a surface in such a manner that it does not obstruct the front or side views of the neighbors adjoining on either side; or
4. The recreational vehicle is parked or stored in a manufactured dwelling park or recreational vehicle park.
5. The use of the recreational vehicle has been approved as part of a temporary use permit.

(b) No person shall use a recreational vehicle for emergency sleeping rooms for any period of time exceeding seven days, except in a manufactured dwelling park which has been issued a valid certificate of sanitation under the provisions of ORS Chapter 446.

(c) Citations may be issued to the property owner or the possessor or driver of such vehicle.

SECTION 5.21 BICYCLE PARKING

Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, changes of use, and building expansions and remodels. Bicycle parking spaces provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide, and seven feet high. Bicycle parking shall not interfere with pedestrian circulation.

- (1) Multi-Family Residences. Every residential use of four or more multi-family dwelling units shall provide at least one sheltered bicycle parking space for each unit. Residential care facilities with more than fifteen (15) persons shall provide one sheltered bicycle parking space for every twenty (20) vehicle parking spaces, or two (2) spaces, whichever is greater. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.
- (2) Non-Residential Parking. There shall be a minimum of one bicycle space for every seven motor vehicle spaces. At least ten percent of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.

#### SECTION 5.22 PEDESTRIAN ACCESS AND CIRCULATION

- (1) Internal pedestrian circulation shall be provided within new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping or similar techniques.
- (2) Pedestrian access to transit facilities shall be provided from new commercial, employment, and multi-family residential developments and new activity centers shall be provided while existing developments shall provide safe and accessible pedestrian access to transit facilities when a site changes uses or is retrofitted.
- (3) Internal pedestrian and bicycle systems shall connect with external existing or planned systems. Pedestrian access from public sidewalks to the main entrances of public, semi-public, commercial, and multi-family buildings shall not cross driveways or parking lots.
- (4) All streets shall have sidewalks except rural local streets and rural lanes unless there is compelling evidence that other pedestrian systems meet the needs of pedestrians.

#### SECTION 5.23 TRANSIT FACILITIES

The table below shows the transit amenities that may be required. Determination of specific requirements will be made on a case by case basis for each development by weighing the following factors in consultation with the Lane Transit District:

- Expected transit ridership generated by development
- Level of existing or planned service adjacent to development  
(Planned service is defined as service which will be established within five years after the completion of the development.)
- Location of existing transit facilities
- Proximity to other transit ridership generators

Number of Average Peak Hour Traffic Trips	Amenities Which May Be Required
<i>Residential</i>	
Developments with less than 9 dwelling units per gross acre that generate 25 to 49 trips	Concrete boarding pad for bus stop, lighting, bench
Developments with 9 or more dwelling units per gross acre that generate 25 to 49 trips	Shelter, concrete boarding pad, lighting
Developments that generate 50 to 99 trips 100 - 199 trips	Shelter, concrete boarding pad, lighting Shelter, concrete boarding pad, lighting, bus turnout
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout, on-site circulation
<i>Office Developments</i>	
50 to 199 trips	Shelter, concrete boarding pad, lighting
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout
<i>Retail/Industrial/Institutional/Public Facilities</i>	
100 to 249 trips	Shelter, concrete boarding pad, lighting
250 to 499 trips	Shelter, concrete boarding pad, lighting, bus turnout
500 or more trips	Shelter, concrete boarding pad, lighting, bus turnout, on-site circulation

Transit easements may be required for bus stops and shelters.

Amenities for developments that are being built in phases may be required at the phase of completed development that will generate enough peak hour traffic trips to meet the requirements.

**SECTION 5.24 ACCESS MANAGEMENT**

- (1) Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.
- (2) Properties that only front on collector or arterial streets are encouraged to share an access with neighboring properties.

- (3) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan.

SECTION 5.25      ADDITIONAL REVIEW PROCESS AND STANDARDS FOR LAND DEVELOPMENTS AND LAND DIVISIONS ON LAND WITH SLOPES OF OR OVER FIFTEEN PERCENT

In addition to other review processes and standards required in other sections of this ordinance, the following process and standards shall apply to all land developments and land divisions on land where the slope meets or exceeds fifteen percent:

- (1) A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.
- (2) All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:
  - (a) Base Geology
  - (b) Slopes (steepness, orientation and aspect)
  - (c) Soils
  - (d) Stream and Drainage Patterns
  - (e) Housing Density Impact
- (3) All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).
- (4) The requirements of this section shall apply and be considered during any site review process required by the Land Development or Land Divisions Ordinances. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.
- (5) The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address technical concerns raised in the geo-technical report.

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(1) INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Veneta. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Veneta. This chapter implements Goals and Policies of Chapter III(H) of the Comprehensive Plan and the Parks Master Plan by outlining requirements for dedication of parks and open space in the City of Veneta.

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments (including plans implementing the Specific Development Plan (SDP) subzone), multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication requirements.

- (a) The required parkland shall be dedicated as a condition of approval for the following:
1. Tentative plat for a subdivision or partition;
  2. Planned developments including those in the Planned Development (PD) and Specific Development Plan (SDP) subzones. For Specific Development Plans that have dedicated park space equal to or in excess of that required by this ordinance, no additional dedication is required at the time of subdivision.
  3. Site Plan Review for a multi-family development or manufactured home park; and
  4. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.
- (b) Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre:

$$\text{Required parkland dedication (acres)} = (\text{proposed units}) \times (\text{persons/unit}) \times 0.0084$$

*(per person park land dedication factor)*

1. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

2.

Type of Unit	Total Persons Per Unit
Single family residential	3.0
Standard multi-family unit	2.0
Manufactured dwelling park	2.0
Congregate multi-family unit	1.5

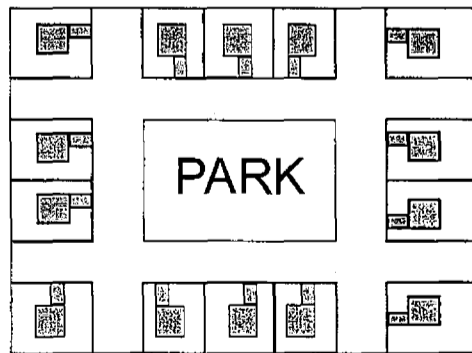
Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

3. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0084 of an acre per person based on the adopted standard of acres of land per one thousand of ultimate population according to the Veneta Parks, Recreation, and Open-Space Master Plan. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

(3) MINIMUM PARK LAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park. Exceptions to any or all of the following standards may be allowed if the Planning Commission determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the planning commission.

(a) Homes must front on the parkland as shown in the example below:



- (b) The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.
- (c) The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.
- (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 unless acquisition of these areas is determined to be of a substantial benefit to the City.
- (e) Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.
- (f) Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

(4) DEDICATION PROCEDURES

Lands required for dedication by this section shall be dedicated at the time of Final Plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

- (a) Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:
  1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,
- (b) Additional Requirements
  1. In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Planning Official, will interfere with the use of the land for park, open space or recreational purposes.
  2. The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.
  3. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

4. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by Veneta Land Division Ordinance Article 6 shall be made prior to approval of the final plat for the phase that includes the park land.

(5) CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated does not meet the standards stated above, or when a fee is determined to be in the best interest of the City as determined by the Planning Commission. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDC), and is eligible for a credit only for that portion of the SDC attributable to land acquisition. The amount of the fee in lieu of land dedication (in dollars per acre) shall be determined based on an appraisal performed by an individual selected and paid for by the City and acceptable to the developer. Appraisers must be certified to perform real estate appraisals in the state of Oregon. A date within 60 days of the date of approval of the application shall be used for fixing the market value of the proposed dedication.

- (a) The following factors shall be used in the choice of whether to accept land or cash in lieu:
  1. The topography, geology, access, parcel size, and location of land in the development available for dedication;
  2. Potential adverse/beneficial effects on environmentally sensitive areas;
  3. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Veneta Capital Improvements Program in effect at the time of dedication;
  4. The City's current park and open-space needs
  5. The feasibility of dedication.
- (a) Cash in lieu of parkland dedication shall be paid prior to approval of the final plat unless the developer provides a binding financial instrument acceptable to the City.



## **ARTICLE 6 - SITE PLAN REVIEW**

### **SECTION 6.01 SITE PLAN REVIEW PURPOSE AND APPLICABILITY**

The purpose of the site plan review procedures is to correlate the general ordinance requirements with the specific site conditions and proposed uses and changes of use through a comprehensive review process to assure that developments are in conformance with the applicable land use regulations of the Land Development Ordinance.

The Planning Commission and Building and Planning Official may request either a full or partial Site Plan Review for any development proposal not specifically required by this ordinance if the specific site or proposed new use or proposed change in use possesses any one of the following characteristics:

- (1) Site is traversed by a natural drainage-way or has demonstrated drainage limitations as shown on the utility plans required in Section 6.03 (1) 4 of this ordinance. Demonstrated drainage limitations are site or development conditions that prevent the unrestricted flow from areas draining through the site or that do not allow the extension of the system to serve such area as per the City's Drainage Master Plan, or that prevent stormwater from being directed to storm sewers or to natural drainageways in accordance with the Land Division and Land Development Ordinances.
- (2) Site includes Open Space and/or Greenway Areas designated on the Veneta Zoning Map as a Greenway subzone.
- (3) Site is located in a Flood Hazard subzone.
- (4) Site has slopes of or greater than fifteen percent (see Section 5.25 of this Ordinance).
- (5) Site is located adjacent to Greenway subzone Areas on the Veneta Zoning Map .
- (6) Site is an undersized lot.
- (7) Site includes significant wetland resources, or is located within 50 feet of a wetland resource identified as locally significant in the Veneta Local Wetlands Inventory.

The Building and Planning Official or Planning Commission may waive any component of the Site Plan Review for a development if it finds the required information does not apply to the development or the information is already available to the City.

### **SECTION 6.02 FILING COPIES OF SITE PLAN**

Developments which require a site plan review shall submit fifteen (15) copies of the site plan, including a map, to the City Building and Planning Official thirty (30) days prior to the Planning Commission meeting.

SECTION 6.03      REQUIRED INFORMATION ON SITE PLAN

Prior to the issuance of a building permit, the following information shall be submitted to the City and approved by the Planning Commission or Building and Planning Official.

- (1) Site Plan. All maps must be drawn to scale and indicate clearly and with full dimensions, the following information:
  - (a) Vicinity Map. A vicinity map shall include the location of the development in the City and major streets and drainage channels within 1,000 feet of the development.
  - (b) Development Plans. A development plan shall include the following items:
    1. Building and Land Use Plans.
      - (i) Location of all proposed buildings and existing buildings which will remain on the site.
      - (ii) Floor elevations.
      - (iii) Preliminary architectural plans indicating the general height, bulk, appearance, and number of dwelling units or retail shop areas.
      - (iv) Existing land uses adjacent to the property.
      - (v) The stages, if any, of development construction. Such stages shall be clearly marked on the plan.
    2. Parking and Traffic Flow Plans.
      - (i) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
      - (ii) Location, arrangement and dimensions of truck loading and unloading spaces, if any.
      - (iii) Location of bikeways, pedestrian walkways, malls and trails.
      - (iv) Traffic flow pattern showing the circulation of vehicles within and adjacent to the site, including fire equipment access and turnarounds.
      - (v) Location of all existing and proposed streets, public ways, railroad and utility rights-of-way within and immediately adjacent to the development.

3. Landscaping and Site Improvements. A change in use may require the applicant to pay additional Systems Development Charges (SDCs) for transportation.

- (i) Location and type of all landscaping proposed for the development, including irrigation system.
- (ii) Tree planting plan showing all trees six (6) inches in diameter and all groves of trees which will be retained or planted.
- (iii) Location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- (iv) Location, size, height and means of illumination of all proposed signs and lighting.
- (v) Open space to be maintained and controlled by the owners of the property but not included in the development.
- (vi) Areas proposed to be dedicated or reserved for public parks, playgrounds, school sites, public buildings and others to be reserved or dedicated to the public.

4. Utility Plans. A change in use may require the applicant to pay additional Systems Development Charges (SDCs) for water, sewer, and stormwater)

- (i) Existing and proposed contour map of the site, including the location, flow elevations and capacities of all existing and proposed storm drainage facilities and plan showing the integration of the new facilities with existing drainage systems.
- (ii) Location of all existing and proposed water mains.
- (iii) Location, flow elevations and certified capacities of all existing and proposed sewer lines.
- (iv) Location of all other underground utilities, including phone, electricity and cable television.

5. Emissions or Potential Hazards.

Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use including approvals of all regulatory agencies having jurisdiction.

The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use including, but not limited to surface or groundwater pollution, noise, vibration, smoke, odor, fumes, dust, heat, glare or

electromagnetic interference. Misrepresentations or omissions of required data shall be grounds for termination of a Certificate of Occupancy.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to construction, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

Any such other data as may be necessary to permit the Planning Commission to make the required findings.

(2) Program Elements.

- (a) Narrative statement of the basic purposes of the proposed development.
- (b) A completed environmental assessment if required by the Planning Commission. The Planning Commission may require an environmental assessment if it finds that a potential hazard, nuisance or emission will be created by the development and has not been adequately addressed in the development plans and program.
- (c) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.
- (d) If the site plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.

SECTION 6.04 REQUIRED FINDINGS

After an examination of the site and prior to approval of plans, the Commission or Building and Planning Official must make the following findings:

- (1) That all provisions of city ordinances are complied with.
- (2) That traffic congestion is avoided; pedestrian, bicycle and vehicular safety are protected; and future street right-of-way are protected.
- (3) That proposed signs or lighting will not, by size, location or color, interfere with traffic or limit visibility.
- (4) That adequate water, sewer and utilities for the proposed use are available.
- (5) That drainageways are protected and drainage facilities provided.
- (6) That the extent of emissions and potential nuisance characteristics are reasonably compatible

SECTION 6.05      PROCEDURE FOR APPROVING SITE PLANS

- (1) Prior to taking action on a site plan the City must provide Notice of Limited Land Use Action in compliance with Section 2.12.
- (2) The Planning Commission or Building and Planning Official may approve, disapprove or modify and approve the Site Plan. Approval of any Site Plan will be subject to compliance with the standards set forth in this ordinance and standards as established elsewhere by City ordinance or resolution.
- (3) The Planning Commission may call for a public hearing to receive testimony if it determines that the proposed development may produce adverse impacts on surrounding properties, the neighborhood or the City.
- (4) Once approved, the site plan submitted shall become the official plan. The applicant shall sign a Development Agreement to assure the completion and maintenance of site improvements. This agreement shall be recorded against the property. Building permits shall be issued only for plans which conform to the official plan and all construction shall conform to the official plan or a Certificate of Occupancy may be withheld until compliance.
- (5) If written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order is mailed, the decision becomes final.

SECTION 6.06      AMENDMENTS

Amendments are only permitted for developments for which the City has record of an original Site Plan. A change to an existing development for which a previous site plan has never been approved requires a full site plan review and the development site must be brought up to current code for parking, landscaping, access, etc., as described for the applicable zone and use.

If the proposed use is more intensive than the existing use, additional Systems Development Charges shall be assessed at the time a building permit is issued.

Major amendments to an approved site plan shall follow the same procedure as for an approval of a site development plan. A new application and filing fee is required and the proposal must be approved by the Planning Commission. Major site plan amendments involve a change that does not meet the criteria listed under minor site plan amendments. Minor site plan amendments that may be approved as an Administrative Decision by the Building and Planning Official are those that meet the following criteria:

- (1) The site plan amendment does not involve any interpretation of submission requirements or required findings that would set a precedent for other site plans or site plan amendments.
- (2) The site plan amendment will not change the impacts (such as traffic generation, emissions or drainage) on surrounding properties.
- (3) The site plan amendment fully complies with City ordinances and does not require a variance.

- (4) There are no unusual circumstances relative to the site plan amendment.
- (5) There are no questions of adequacy of services raised by The Public Works Superintendent, City Engineer, or any affected public or private agency.
- (6) The site plan amendment does not involve commercial or industrial development adjacent to Highway 126 where the change in use is more intensive than the previous use.

A minor amendment requires Planning Commission approval if it involves commercial or industrial development adjacent to Hwy 126 and involves a change in use that is more intensive than the current or previous use as determined by the Building and Planning Official.

A new application, including a narrative statement and filing fee is required. The Planning Commission shall be advised of all administrative approvals of site plan amendments at the following regular Planning Commission meeting. Appeals of an administrative decision will go before the Planning Commission.

#### SECTION 6.07 COMPLIANCE WITH SITE PLAN REVIEW

All development must substantially comply with the approved site plan. Minor shifts in location of buildings, parking lots, or landscaping are allowed by the Building and Planning Official as long as the site plan continues to comply with city requirements. Continual compliance with the approved site plan and any conditions of approval is required. Any departure from the approved site plan or conditions of approval constitutes a violation of this Ordinance and may be grounds for revocation of the site plan permit.

#### SECTION 6.08 TIME LIMIT ON AN APPROVED SITE PLAN

Approval of a site plan or site plan amendment shall be void one (1) year after the date of approval or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. The applicant may apply for extensions up to a maximum of one (1) year each based on compliance with the following criteria:

- (1) The request for an extension is made in writing prior to expiration of the original approval.
- (2) There are special or unusual circumstances that exist which warrant an extension.

The City may deny an extension of an approved Site Plan if new Land Development regulations have been adopted that affect the applicant's proposal.

## ARTICLE 7 - TEMPORARY USE PERMIT REGULATIONS

### SECTION 7.01 PURPOSE OF TEMPORARY USE PERMIT

To allow the establishment of specified uses on a short-term basis in certain, specified land use zoning districts. No temporary use permit can be granted which would have the effect of permanently rezoning or granting privilege not shared by other property in the same zone.

### SECTION 7.02 APPLICATION

All temporary uses must comply with the criteria in this Article. Only temporary uses lasting more than two (2) days require a temporary use permit. Applications for the temporary use permit shall be filed with the Building and Planning Official and shall include:

- (1) Form prescribed by the City and signed by the property owner.
- (2) A statement explaining the request.
- (3) Site plan showing location of any proposed structures, activity areas, and parking with respect to property lines and existing buildings, parking areas, and landscaping.
- (4) Drawings or photos showing proposed structures.
- (5) Any other information needed to describe the proposed use in sufficient detail for the Building and Planning Official to determine how the proposed use meets the approval criteria.

### SECTION 7.03 APPROVAL CRITERIA

A temporary use may be granted only if:

- (1) The temporary use is not inconsistent with the purpose of the zoning district in which it is placed.
- (2) The temporary use will not have a significant adverse impact on the surrounding uses.
- (3) The temporary use shall comply with any applicable criteria listed in Section 7.04.

### SECTION 7.04 ALLOWABLE TEMPORARY USES

- (1) Temporary displays, sales, and events. Temporary displays, sales and events may be permitted in all commercial and public facilities and parks zones. They are also allowed in the rural residential zone for horticultural-related activities. All activities must meet the following criteria:
  - (a) The temporary activity is located on the same lot for no more than three (3) months in any calendar year.

- (b) The proposed temporary activity does not result in vehicular traffic congestion and adequate pedestrian and bicycle access is provided.
  - (c) Adequate parking facilities are available. The temporary activity does not eliminate parking spaces required by the applicable city ordinance unless the business or businesses using such required spaces are closed for business on the day(s) of the temporary activity.
  - (d) The temporary activity does not encroach on the required setbacks of the lot.
  - (e) The temporary activity meets all state and county health rules and regulations and all necessary permits have been obtained from other agencies.
  - (f) Annual events require a renewal permit each year.
  - (g) Temporary activities involving tents, tarps, or sales out of vehicles will last no more than two (2) consecutive days.
- (2) Mobile food and flower vendors. Mobile food and flower vending may be permitted in all commercial zones for a period not to exceed 180 days during any one calendar year. Applications for temporary mobile vending permits shall meet the following criteria:
- (a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device, provided that such device shall occupy no more than sixteen (16) square feet of ground area and shall not exceed three feet in width; six (6) feet in length, including any handle; and not more than five feet in height, excluding any canopies, umbrellas or transparent enclosure.
  - (b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more and on private sidewalks or parking lots, provided that the Building and Planning Official approves specific locations.
  - (c) All mobile vendors shall pick up and dispose of any litter created by their place of business and shall provide an appropriate trash container for customer use.
  - (d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.
  - (e) Design, colors, signs, and graphics for any pushcart or mobile device shall be subject to review and approval by the Building and Planning Official.
  - (f) No freestanding signs shall be permitted in conjunction with any mobile vending permit.
  - (g) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit.



- (h) Prior to the issuance of any permit, the Fire marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the requirements of the Veneta Building and Fire Codes.
- (3) Stationary food vending and espresso/coffee stands. Stationary food vending and espresso/coffee stands may be permitted in all commercial zones for a period not to exceed one (1) year.
- (a) The use must comply with Section 7.04(1)(b), (c), (d), (e), and all other applicable standards in this section.
  - (b) The use may be required to connect to sewer and water if and when available.
  - (c) No extension cords shall be used to provide electricity.
  - (d) Permits may be renewed annually.
- (4) Second Dwelling on Property During Construction or Demolition of Dwelling  
A manufactured home or RV may be used temporarily during construction of a permanent residence. Or, a building permit may be issued for a new residence while an existing home remains occupied to allow for the residents to remain on their lot until the new dwelling is ready to occupy. The following standards must be met for either of these temporary uses:
- (a) Any occupied dwelling shall be provided with an approved water supply and sewage disposal system.
  - (b) The temporary use (including demolition of building) shall be limited to a maximum of one year unless an extension is approved by the Building and Planning Official.
  - (c) The certificate of occupancy for the new residence shall not be issued until the original dwelling has been demolished and the site cleaned up, or until the manufactured home being used temporarily is removed from the site. The time limit for a temporary certificate of occupancy shall be 60 days.
  - (d) If a manufactured home is to be used as a temporary residence, a building permit for the siting and anchoring of the manufactured home shall be submitted and approved by the building inspector prior to occupancy. Upon expiration of the temporary use, the manufactured home shall not be converted to an accessory use.
  - (e) RV use shall be limited to not more than 90 days.
- (5) Outdoor Storage. Temporary outdoor storage for up to 180 consecutive days in a calendar year may be permitted in all industrial and commercial zones. All outdoor storage areas must meet the following criteria:
- (a) The storage does not encroach on the required setbacks of the lot.

- (b) The outdoor storage will not result in the elimination of parking spaces required by the applicable city ordinance unless the business or businesses using such required spaces are closed for business during the time of the temporary storage.
  - (c) The materials being stored will not cause any contamination of stormwater runoff.
  - (d) The materials being stored will be screened from view with natural or artificial screening which will obscure the view at eye-level from the property line.
  - (e) The materials do not create an attractive nuisance as defined in the Veneta Municipal Code.
- (6) Standards for a manufactured dwelling as a temporary office in the commercial or industrial zone during construction of a permanent structure.
- (a) Approval by the Planning Commission shall be subject to a finding that such a use will be reasonably compatible with and have minimal impact on abutting property and surrounding neighborhoods.
  - (b) Within six (6) months from the date approval is granted, an application for a building permit for a permanent structure on the premises must be filed. Failure to submit the application within the specified time will terminate the approval.
  - (c) The temporary permit shall be for a period not to exceed eighteen (18) months.
  - (d) All owners of the lot agree in writing to remove the manufactured dwelling from the lot not later than eighteen (18) months from the date on which the building permit is issued or not later than two (2) months following the completion of the office, whichever shall occur first.
  - (e) All owners of the lot agree in writing to remove all evidence that the manufactured dwelling has been on the lot within 30 days after the removal of the manufactured dwelling and that the manufactured dwelling shall not be converted to an accessory building.
  - (f) Any electric, water and sewer connections which are necessary must be made according to City specification.
  - (g) A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy.

SECTION 7.05      PROCEDURE FOR APPROVING TEMPORARY USE PERMITS

- (1) Prior to taking action on a temporary use permit, the City must provide notice of a Limited Land Use Decision.
- (2) The Building and Planning Official may approve, disapprove, or conditionally approve the

Temporary Use Permit. If the application is for a highly visible location or potentially controversial use, the Building and Planning Official may forward the application to the Planning Commission for decision. Approval of the Temporary Use Permit will be subject to compliance with the standards as set forth in this ordinance and standards as established elsewhere by City ordinance or resolution.

- (3) The Building and Planning Official or the Planning Commission may attach appropriate and reasonable conditions to the permit that are necessary to secure the public health, safety, and welfare and to maintain compliance with city codes and ordinances. Such clear and objective standards may include but are not limited to:
  - (a) Setback requirements
  - (b) Screening
  - (c) Control of points of ingress and egress
  - (d) Special provisions for signs
  - (e) Landscaping and maintenance of landscaping
  - (f) Maintenance of grounds
  - (g) Control of noise, vibration, and odors
  - (h) Limitation of hours for certain activities
  - (i) Limitation of duration of temporary use
- (4) Once approved, the site plan as modified with conditions shall become the official plan.
- (5) If written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order is signed and mailed, the decision becomes final.
- (6) Compliance with conditions imposed in the temporary use permit and adherence to the approved plans is required. The Building and Planning Official may revoke the temporary use permit with any departure from the approved plans or conditions or approval.
- (7) All temporary uses involving a business must comply with Veneta Municipal Code Chapter 5.05, Business Registration.

#### SECTION 7.06 PROCEDURE FOR RENEWING TEMPORARY USE PERMITS

- (1) Temporary Use Permits shall be subject to review and renewal by the Building and Planning Official one (1) year from the date of approval.
- (2) Public Notice requirements may be waived for renewal of Temporary Use Permits at the discretion of the Building and Planning Official provided that:
  - (a) No formal complaints have been filed regarding the temporary use.
  - (b) There have been no changes made to the site plan or activities from the time of initial approval as verified by the Building and Planning Official

## ARTICLE 8 - CONDITIONAL USES

### SECTION 8.01 PURPOSE OF CONDITIONAL USE PROCEDURE

A conditional use is a use of land or a structure which is normally appropriate in a district, but due to the specifics of that use could cause a potential nuisance, health or safety problem. It is the intent of this article to provide standards and procedures so that uses which are classified as conditional can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood and the City are safeguarded.

### SECTION 8.02 AUTHORIZATION TO GRANT OR DENY A CONDITIONAL USE PERMIT

Conditional uses listed in this ordinance may be permitted, altered or enlarged upon authorization of the Planning Commission in accordance with the standards and procedures set forth in Sections 8.01 to 8.08 of this ordinance and Article 6, Site Plan Review. Relaxation of any of these standards must be granted by a variance in accordance with Article 10.

- (1) In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.
- (2) If an application is denied, the action must be based on reasons related to noncompliance with the Comprehensive Plan, incompatibility of the proposed use within the zone or to adjacent land uses, or inappropriate site location or failure to meet all applicable standards listed in Sections 8.10 and 8.20 for the proposed use.
- (3) In approving a conditional use permit application, the Planning Commission shall impose any conditions which are necessary to insure compliance with the standards of the Veneta Land Development Ordinance or other appropriate State, County and City standards, rules, regulations and laws and standards established by any other City resolution.
- (4) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform with the requirements for conditional use.
- (5) The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.
- (6) The Planning Commission may require that an applicant for a conditional use enter into a contractual agreement with the City to assure that the applicant will provide his or her share of the development costs for streets; curbs; gutters; sidewalks and water, sewer and drainage facilities to City standards.
- (7) The applicant shall sign and record a Development Agreement against the property to assure that all conditions of approval are met by the applicant and future property owners. The

Development Agreement shall be a form approved by the City Attorney.

SECTION 8.03      PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION

The procedure for taking action on an application for a conditional use shall be as follows:

- (1) A property owner may initiate a request for a conditional use by filing an application, a narrative statement explaining how the proposed use complies with the Comprehensive Plan and the standards of this ordinance, plans, and other supplementary data with the Building and Planning Official, using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 shall accompany an application for a conditional use and shall be submitted at least 45 days prior to the date of the public hearing.
- (2) Lane County shall be notified of any conditional use permits that will have a potential impact or effect on lands, services or facilities outside the city limits.
- (3) Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon in accordance with the provisions of Section 2.11.
- (4) Within seven (7) days after a decision has been rendered with reference to a conditional use application, the Building and Planning Official shall provide the applicant with written notice of the decision of the Planning Commission.

SECTION 8.04      BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE.

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified under Section 2.07 has passed.

SECTION 8.05      TIME LIMIT ON AN APPROVED CONDITIONAL USE APPLICATION

Authorization of a conditional use shall be void one (1) year after the date of approval of a conditional use application or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. The applicant may apply for extensions up to a maximum of one (1) year each based on compliance with the following criteria:

- (1) The request for an extension is made in writing prior to expiration of the original approval.
- (2) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new Land Development regulations have been adopted that affect the applicant's proposal..

SECTION 8.06            TERMINATION OF A CONDITIONAL USE

A conditional use may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

- (1) Approval of the conditional use was obtained by fraud or misrepresentation.
- (2) The use for which approval was granted has ceased to exist.
- (3) The use does not meet the conditions specifically established for it at the time of the approval of the application.
- (4) The use is in violation of any provision of this ordinance or of any other applicable statute, ordinance or regulation.

SECTION 8.07            LIMITATION

No request for a conditional use shall be considered by the Planning Commission within the one-year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

SECTION 8.08            TRANSFERRING A CONDITIONAL USE PERMIT

- (1) A Conditional Use Permit may not be transferred from one parcel to another parcel.
- (2) A Conditional Use Permit may be transferred from one owner to a new owner for the same parcel and the same use when the new owner submits an affidavit to the City of Veneta certifying that the new owner understands the conditions of the Conditional Use Permit and that the continued use shall comply wholly with the conditions stated in the permit as well as all applicable laws, rules and regulations.

SECTION 8.10            GENERAL STANDARDS OF APPROVAL

A conditional use may be granted only if:

- (1) The proposed use is consistent with the Veneta Comprehensive Plan.
- (2) The proposed use is consistent with the purpose of the zoning district.
- (3) The potential negative impacts of the proposed use on adjacent properties and on the public will be mitigated through the application of existing requirements and conditions of approval.
- (4) All required public facilities have adequate capacity to serve the proposal. Systems

Development Charges will be assessed at the time a building permit is issued. Additional SDCs will be assessed for changes in use that are more intense than a pre-existing use.

- (5) The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.

#### SECTION 8.20 SPECIAL STANDARDS GOVERNING CONDITIONAL USES

Certain conditional uses shall meet the following standards:

- (1) Requirements for front, back or side yards for conditional uses may be increased by one (1) foot for each foot by which the building height exceeds that specified for the district.
- (2) Standards for public structures or uses of land for public utility facilities such as electric substation or transformer, public or community sewage disposal plant or pumping station, radio or television tower or transmitter, telephone exchange, school bus garage, shop and storage yard or similar governmental or utility structure or use of land;
  - (a) Public utility facilities and storage areas shall be screened and provided with landscaping.
  - (b) The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.
- (3) Standards for a manufactured dwelling park. A manufactured dwelling park may be permitted as a conditional use subject to site plan approval. In addition, a manufactured dwelling park must meet current state requirements and the following minimum standards:
  - (a) Screening shall be provided on each side of a manufactured dwelling park which is adjacent to a property line or an alley. The screening shall consist of a continuous fence or wall, supplemented with landscape planting, evergreen hedge or combination thereof so as to effectively screen the manufactured dwelling park from view. All screening shall be maintained in good condition.
  - (b) The applicant must provide sufficient information to show that the proposed manufactured dwelling park shall not have an adverse impact upon the over-all future program for the development and improvement of the City as related to but not limited to the following areas of public service.
    - 1. Domestic water supply.
    - 2. Sewage disposal system.
    - 3. Adequacy of drainage facilities.
    - 4. Traffic problems and proposed streets in the Veneta Transportation System Plan
    - 5. Fire protection and police protection.
    - 6. Preservation of property values of surrounding areas.

- (4) Standards for dwelling used for caretaker or watch person employed on the premises of a non-residential use.
- (a) Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.
  - (b) The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.
  - (c) Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.
  - (d) If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.
  - (e) All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City.
  - (f) If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.
  - (g) Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-decaying, non-corroding material extending to the ground or to an impervious surface.
  - (h) Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:
    - 1. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.
    - 2. Openings shall be arranged to provide cross-ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.
    - 3. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.
  - (i) No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:



1. One carport or garage not to exceed 500 square feet in area.
  2. One covered or uncovered patio not to exceed 300 square feet in area.
  3. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.
- (j) A caretaker residence may be accessory to an existing commercial or industrial use that is in need of protection. The duration of the conditional use may be for the life of the commercial or industrial use and temporary vacancy periods for up to two (2) years. If at the end of the conditional use, the manufactured dwelling is removed from its permanent foundation, the owner of the property shall agree in writing to remove the foundation and all additions to the manufactured dwelling and permanently disconnect and secure all utilities. The agreement authorizes the City to perform the work and place a lien against the property for the cost within 30 days from the date on which the manufactured dwelling is moved from its foundation. This condition shall not apply in the event that another approved manufactured dwelling is placed within 30 days of the original unit's removal.
- (k) Two (2) off-street parking spaces for the dwelling shall be provided.
- (5) Standards for manufactured dwelling as a temporary accessory dwelling for medical hardship. A manufactured dwelling used as an accessory dwelling to a permanent residence for a designated member of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.
- (a) The minimum lot size shall be 20,000 square feet.
  - (b) The medical hardship is verified by a licensed physician.
  - (c) There is insufficient space in the permanent residence to accommodate the additional family member(s).
  - (d) The family lacks the resources for alternative off-site care.
  - (e) The temporary use shall be limited to a maximum of one year unless re-submitted for an extension and approved by the Planning Commission.
  - (f) The manufactured dwelling shall be provided with an approved water supply and sewage disposal system.
  - (g) A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy. The building permit must be accompanied by a plot plan showing that the temporary home complies with the minimum required yard setbacks for the zone in which it is located.

- (h) The manufactured dwelling and all accessory elements shall be removed within 60 days of vacation by the family member(s) and may not be converted to an accessory use.

(6) Standards for neighborhood commercial.

- (a) Permitted Uses. Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area. Allowable uses include retail stores, restaurants, laundromats and dry cleaners, medical and dental offices, clinics and laboratories, professional and administrative offices, personal services (e.g. barber shop, salon), and repair services (excluding vehicle or large equipment repair).
- (b) Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.
- (c) Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:
  - 1. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.
  - 2. Drive-up, drive-in, and drive-through facilities.
- (d) Maximum Size. The maximum commercial floor area shall not exceed 5,000 square feet per neighborhood commercial site. There may be up to four neighborhood commercial sites at one intersection (one on each corner).
- (e) Minimum Yard Requirements.
  - 1. Front yards abutting residential zone shall be twenty (20) feet.
  - 2. Back and side yards abutting residential zone shall be ten (10) feet.
  - 3. Yards shall be landscaped as provided in Section 5.120.
  - 4. See Section 5.090 for additional setbacks on designated streets.
- (f) Maximum Building Height. No building shall exceed 2-1/2 stories or 35 feet.
- (g) Building Orientation. All new or remodeled commercial buildings shall have their main entrance facing the street.
- (h) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.
- (i) Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against

the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall be located on the property and shall not project beyond the property line.

- (j) Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.

(7) Commercial Dog Kennels.

- (a) Minimum size of lots upon which commercial dog kennels are located is one acre.
- (b) Commercial dog kennels shall be located behind the residence if one exists, not less than 100 feet from any residence, nor closer than twenty (20) feet to any property lines.
- (c) Dogs shall be properly caged or housed and proper sanitation shall be maintained at all times. All food shall be stored in metal or other rodent-proof receptacles.
- (d) When a property with a commercial dog kennel is rezoned to a zoning district that does not allow commercial dog kennels, the commercial kennel use on that property shall be completely discontinued within a period of six (6) months from the date of reclassification.
- (e) Kennels must be operated in accordance with Veneta Municipal Code Regulations.

(8) Accessory Structures Larger than 2500 Square Feet in SFR, GR, RC, and RR Zone.

- (a) Shall require a building permit.
- (b) Shall not interfere with preservation of significant natural resources.
- (c) Shall be located so that grading and filling are kept to a minimum and natural feature such as drainage swales, rock outcroppings, and slopes are retained.
- (d) Shall minimize detrimental impacts on neighboring properties (such as obstruction of views, limiting solar access, and intrusion on privacy). Planning Commission may impose conditions such as maximum height of structure, minimum setbacks, and required buffering in order to limit detrimental impacts.

(9) Commercial animal husbandry.

- (a) The farm or parcel shall be located in the Rural Residential zone and shall have a minimum area of five (5) acres, with the exception of goat or cattle dairies which require a minimum area of twenty (20) acres.
- (b) The keeping of no more than five (5) swine over the age of three (3) months.

- (c) No killing or dressing of fowl or animals for public use.
  - (d) Animal runs, kennels, or barns, chicken or other fowl pens and colonies of bees shall be located on the rear half of the property, not less than 100 feet from any residence, nor closer than twenty (20) feet to the interior property line of an abutting property.
  - (e) Animals, chickens and/or other fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent-proof receptacles.
  - (f) When an RR zone is reclassified to another zone, all those land uses granted under item (b) above shall be completely discontinued within a period of six (6) months from the date of reclassification.
- (10) Standards for day care facilities serving six (6) or more children or adults and for Residential facilities.
- (a) At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.
  - (a) If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.
  - (c) A structure other than a private residence shall be used if 13 or more children or adults are to be enrolled or cared for at the facility. In this case, the required play and socializing area shall be sufficiently buffered from abutting residential property to minimize noise disturbances.
  - (d) The facility shall be readily accessible for fire and other emergency vehicles.
  - (e) The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.
  - (f) Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.
  - (g) Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.
- (11) Standards for multi-family in Single-Family Residential Zone. The Planning Commission may allow more than one dwelling on a legal lot if the proposed use meets the following standards.
- (a) Minimum legal lot size is 12,000 square feet.

- (b) Existing lot is incapable of division to City standards.
  - (c) Density does not exceed one dwelling unit per 6,000 square feet.
- (12) Standards for commercial and industrial uses with open display or storage outside the building. These standards also apply to material recycling operations and outdoor sales of landscaping materials and rock products. Open display or storage may be allowed by the Planning Commission if it meets the following standards:
- (a) Buildings shall be located toward the front of the lots, where possible, to minimize the visibility of outdoor storage yards.
  - (b) Except for the sales of heavy equipment and trucks, any outdoor storage yard shall be surrounded by a sight-obscuring fence, wall, or landscaping.
  - (c) Display of commercial merchandise must not encroach on any required yards. Additional setbacks may be required by the Planning Commission.
- (13) Standards for high impact transportation and recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.
- (a) Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.
  - (b) Transportation facilities must be consistent with or incorporated into the Transportation System Plan.
  - (c) Major public recreation facilities must be consist with or incorporated into the Parks, Recreation, and Open Space Plan.
  - (d) A traffic impact and parking study must be completed and approved by the Building and Planning Official and the City Engineer. The development project must include mitigation for any decrease in level of service of the transportation system.
- (14) Standards for an RV park. The Planning Commission may allow parks for recreation vehicles if the following standards are met:
- (a) The park shall consist of a minimum of one acre.
  - (b) There shall be a minimum of a twenty (20) foot landscaped per permitted setback on all sides.
  - (c) The public transportation system must be able to support large trucks and trailers.

(15) Standards for outdoor commercial amusement and recreation establishments.

- (a) These uses may not abut any residential uses or districts.
- (b) Screening and setbacks in addition to those normally associated with the district must be increased to minimize the auditory and visual impacts of the proposed establishment on adjacent uses.

(16) Standards for drive-thru eating and drinking establishments. Drive-thru includes “drive-up”, “drive-in”, and “drive-through” facilities. These are permitted only when:

- (a) The drive-thru portion is accessory to the primary commercial “walk-in” use.
- (b) The drive-thru facility is located at least twenty (20) feet from any property line.
- (c) The drive-thru facility is not oriented to a street corner.
- (d) No more than one drive-thru facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

(17) Standards for automobile service and repair stations, truck stops, car and truck washes, and heavy equipment/truck rentals, sales and repair. Automobile service stations, including maintenance and repair; truck fuel sales, servicing stations, and overnight trucking facilities; car or truck washes; and heavy equipment and truck rental sales/ and repair may be allowed by the Planning Commission if the following standards are met:

- (a) All activities associated with automotive, truck and heavy equipment repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring uses.
- (b) Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.
- (c) There shall be a minimum of a five foot front yard setback that is landscaped.
- (d) There shall be a physical barrier between the driving surfaces and pedestrian areas.
- (e) All areas of the site where vehicles or equipment will be stored, repaired, or displayed must be paved.
- (f) The areas around fuel pumps and over underground storage tanks must be paved with concrete.
- (g) Public restroom facilities must be available within the building.
- (h) All stormwater runoff must be pretreated with pollution control devices before

entering into the public stormwater system.

(18) Stables. Interim uses of stables is allowed provided:

- (a) Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of the buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring land uses.
- (b) The dust and other side effects of the use does not interfere with the successful operations of adjacent land uses.
- (c) Bulk storage or sales of fertilizer, feed, or plant materials is prohibited.

(19) Standards for development in the GW subzone. The development must comply with all standards listed below. If the proposed development cannot comply with all the standards, the Planning Commission must determine what balance is needed between the public benefits provided by standards (a) through (e) and the private benefits provided by standards (f) and (g).

- (a) Fish and wildlife habitats and wildlife movement corridors will be protected.
- (b) Scenic qualities and viewpoints will be preserved.
- (c) Natural drainageways are protected and the stormwater plans comply with an approved stormwater drainage management plan. Erosion will be prevented or controlled.
- (d) Significant trees and other site vegetation will be preserved.
- (e) Stream corridors and wetland will be protected and provided with buffers.
- (f) The practical needs of construction activity are provided for in terms of ingress and egress.
- (g) Exceptional and undue hardship upon property owner or developer is avoided.

(20) Standards for residential care facilities

- (a) Bicycle parking shall be in accordance with Section 5.21.
- (b) Landscaping shall be in accordance with Section 5.12 and be the same requirements as for multi-family developments.

- (21) Standards for rebuilding or continuation of a non-conforming use that is totally or substantially destroyed. Rebuilding of a non-conforming structure shall meet the following minimum standards:
- (a) The building may be placed on the original foundation.
  - (b) If a new foundation or location is proposed, the building shall meet the setback requirements for the zone.
  - (c) The use of the building shall not be more intensive than the original non-conforming use.
  - (d) The building shall meet all current building and fire codes.
  - (e) No additional dwelling units may be added.

#### SECTION 8.30 CONDITIONS OF APPROVAL

The Planning Commission may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

- (1) Limiting the hours, days, place and/or manner of operation;
- (2) Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- (3) Designing the project to compliment the visual context. Utilizing techniques such as architectural design, site design, use of native landscaping, and choice of colors and building materials in such manner that facilities are screened from off-site observers and blend with the natural visual character of the area;
- (4) Requiring larger setback areas, lot area, and/or lot depth or width;
- (5) Limiting the building height, size or lot coverage and/or location on the site;
- (6) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
- (7) Designating the size, number, location and/or design of vehicle access points or parking areas;
- (8) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
- (9) Limiting the number, size, location, height and/or lighting of signs;



- (10) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- (11) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- (12) Requiring and designating the size, height, location, and/or materials for fences;
- (13) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, and cultural resources;
- (14) Protecting public safety, especially from vandalism and trespass;
- (15) Timing construction to minimize disturbances;
- (16) Limiting land disturbance and grading;
- (17) Minimizing impervious surfaces;
- (18) Designating special areas of concern such as the GW subzone, wetlands, or other significant features on final development plans; and
- (19) Marking with fencing or other methods special areas of concern such as the GW subzone, wetlands, or other significant features on the site prior to commencement of excavation, grading, or construction.

## ARTICLE 9 - NONCONFORMING USES

### SECTION 9.01 INTENT

It is the intent of the nonconforming uses sections of this ordinance to permit pre-existing uses and structures which do not conform to the use or standards of this ordinance to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the City as a whole, are subject to Sections 9.01 to 9.08 of this ordinance.

### SECTION 9.02 CONTINUATION OF A NONCONFORMING USE

- (1) Subject to the provisions of Sections 9.01 to 9.08, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.
- (2) The extension of a nonconforming use which was approved prior to passage of this ordinance is not an extension of a nonconforming use.
- (3) Except as stated in Section 9.04(1), in any industrial or commercial zone, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements of the GR zone.

### SECTION 9.03 NONCONFORMING STRUCTURE

A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standard, may be altered or extended if the alteration or extension does not cause the structure to otherwise deviate from the standards of this ordinance.

### SECTION 9.04 DISCONTINUANCE OF A NONCONFORMING USE

- (1) If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.
- (2) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.

### SECTION 9.05 CHANGE OF A NONCONFORMING USE

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.

### SECTION 9.06 DESTRUCTION OF A NONCONFORMING USE OR STRUCTURE

If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed, a future structure or use on the site shall be either in accordance with the provisions of the zone in which the property is located or the property owner may apply for a conditional use permit to

continue with the existing use or to replace the structure in its present location. This provision does not apply to voluntary destruction. If the nonconforming structure is voluntarily destroyed, then future use shall be in accordance with the provisions of the zone in which the property is located.

**SECTION 9.07        REPAIRS AND MAINTENANCE.**

Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring or plumbing, provided the building is not increased in cubic content or floor area.

**SECTION 9.08        COMPLETION OF STRUCTURE**

Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

## ARTICLE 10 - VARIANCES

### SECTION 10.01 PURPOSE

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may affect individual properties or uses, the variance provision is created, thus making it possible to adjust the provisions of this ordinance to special and unusual cases without defeating the general purposes and intent of the ordinance.

### SECTION 10.02 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

### SECTION 10.03 CIRCUMSTANCES FOR GRANTING A VARIANCE

A variance may be granted only in the event that all of the following circumstances exist:

- (1) Special or unusual circumstances or conditions apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity.
- (2) The variance is necessary for the proper design and/or function of the development.
- (3) The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to other property in the same zone or vicinity in which the property is located.
- (4) The granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan and other related Veneta Ordinances and will not otherwise conflict with the objectives of any City plan or policy.
- (5) The variance requested is the minimum variance which would alleviate the hardship that would result from strict compliance with the regulations of this ordinance and the hardship arises from conditions inherent in the land which distinguish it from other land in the neighborhood. For purposes of this subsection, hardship means the subject property will have no economically viable use without the variance.

#### SECTION 10.04 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION

The procedure for taking action on an application for a variance shall be as follows:

- (1) A property owner may initiate a request for a variance by filing an application with the Building and Planning Official, using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 shall accompany an application for a variance. The applicant shall submit evidence that the circumstance for granting a variance as outlined in Section 10.03 applies to the variance request.
- (2) Before the Planning Commission may act on a variance application, a public hearing shall be held thereon in accordance with the provisions of Section 2.11.
- (3) The Planning Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of such variance and may require guarantees in such form as deemed proper under the circumstances to ensure that the purpose for which said variance is granted will be fulfilled and that the conditions of the variance will be met.
- (4) Within seven (7) days after a decision has been rendered with reference to a variance application, the Building and Planning Official shall provide the applicant with written notice of the decision.

#### SECTION 10.05 BUILDING PERMITS FOR AN APPROVED VARIANCE

Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the Building and Planning Official. Any proposed change in the approved plan shall be submitted to the Building and Planning Official as a new application for a variance. Building permits involving an approved variance shall not be issued until the appeal period as specified under Section 2.07 has passed.

#### SECTION 10.06 TIME LIMIT OF AN APPROVED VARIANCE APPLICATION

Authorization of a variance shall be void one (1) year after the date of approval of a variance application or such other time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place. The applicant may apply for extensions up to a maximum of one (1) year each based on compliance with the following criteria:

- (1) The request for an extension is made in writing prior to expiration of the original approval.
- (2) There are special or unusual circumstances that exist which warrant an extension.

The City may deny the request for an extension of a variance if new Land Development regulations have been adopted that affect the applicant's proposal.

#### SECTION 10.07 TERMINATION OF A VARIANCE

A variance may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

- (1) Approval of the variance was obtained by fraud or misrepresentation.
- (2) The use for which approval was granted has ceased to exist.
- (3) The variance is in violation of any other applicable statute, ordinance or regulation.

A variance may be revoked by the Planning Commission without public hearing when the use does not meet the conditions specifically established for it at the time of approval of the application.

#### SECTION 10.08 LIMITATION

No request for a variance shall be considered within the one-year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

## ARTICLE 11 - AMENDMENTS

### SECTION 11.01 AUTHORIZATION TO INITIATE AMENDMENTS

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

### SECTION 11.02 PUBLIC HEARINGS ON AMENDMENTS.

All requests for amendment to the text or zoning map of this ordinance shall comply with the following public hearing procedures:

- (1) Notice of public hearing shall be as specified in Section 2.11.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed. Lane County shall be notified about proposed amendments and large area rezoning proposals before the date of the hearing.
- (3) The Planning Commission shall, within 40 days after the initial hearing date, recommend to the City Council approval, disapproval or modification of the proposed amendment.
- (4) After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in conformity with the notice provisions of Section 2.11.
- (5) All public hearings shall be in accordance with procedures for the conduct of hearings before the Planning Commission and City Council.
- (6) Within seven (7) days after a decision has been rendered with reference to an amendment, the Building and Planning Official shall provide the applicant with written notice of the decision. This procedure shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

### SECTION 11.03 RECORD OF AMENDMENTS

The City Recorder shall maintain records of amendments to the text and zoning map of this ordinance.

### SECTION 11.04 LIMITATIONS

No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the one-year period immediately

following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.



## ARTICLE 12 - HOME OCCUPATIONS

### SECTION 12.01 PURPOSE OF HOME OCCUPATION PERMITS

To allow for home occupations that are compatible with the neighborhood in which they are located. Home occupation permits are designed for those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Some home occupations are permitted by right and only require a business license. Other home occupations which may have some impact on the neighborhood require a conditional use permit in addition to the business license.

### SECTION 12.02 STANDARDS FOR ALL HOME OCCUPATIONS

- (1) The home occupation shall be secondary to the use of the dwelling as a residence.
- (2) There shall be no external structural alterations or construction that cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or design.
- (3) No storage or display of goods shall be visible from the public street.
- (4) Mechanical equipment, except that which is compatible with residential purposes, shall be prohibited.
- (5) The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to the use of: semi-trucks, trucks and tractors, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.
- (6) No home occupation shall cause an increase in the use of water or sewer, so that the combined total use for dwelling and home occupation purposes exceeds the average water use for one ERU (equivalent residential unit) or (9,142 gallons/month). Additional SDCs may be assessed for home kitchens or other uses requiring more water and sewer use than one ERU.

### SECTION 12.03 MINOR HOME OCCUPATIONS

Home occupations in compliance with the standards for all home occupations and the standards listed below are permitted as accessory uses. No special land use permit shall be required to establish and maintain such uses. An annual business registration is required as well as a signed agreement acknowledging compliance with the relevant home occupations standards.

- (1) All aspects of the home occupation, including storage of materials and equipment, shall be contained and conducted within a completely enclosed, lawfully-built structure and be conducted in such a manner as not to give an outward appearance of a business.
- (2) The home occupation shall use no more than 25 percent of the floor area used for human

occupancy, or no more than 500 square feet in an accessory structure or attached garage.

- (3) On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) is prohibited.
- (4) The use shall involve no more than an average of five customers/clients per week.
- (5) No one from outside the resident household shall work at the home occupation site. The home occupation site shall not be used as a gathering or meeting place for people employed by or associated with the home occupation. A "home occupation site" means the property on which the home occupation is conducted.
- (6) There shall be no more than an average of one commercial delivery or pickup per week to or from the home occupation site.
- (7) No additional on-site parking will be needed. Residential off-street parking requirements as specified in 417 5.20(11) still apply.
- (8) No written complaints have been received regarding the home occupation. If a written complaint is submitted to city staff, the city shall not renew the business license until the Planning Commission has approved the home occupation as a conditional use.

#### SECTION 12.04 MAJOR HOME OCCUPATIONS

Home occupations which do not comply with the standards set forth for Minor Home Occupations but do comply with the standards below may be permitted subject to Planning Commission approval of a conditional use permit. A property owner may initiate a request for a conditional use permit by filing an application, plans, and supplementary data with the City, using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 shall accompany the application for a conditional use permit. The Planning Commission will take action on the conditional use application after holding a public hearing in accordance with the provisions of Section 2.11. If approved, the resident may then apply for an annual business license.

- (1) All outdoor storage of materials or equipment is not visible from any public right-of-way or adjacent property. The Planning Commission may require additional plantings or screening. The only external evidence of an occupation shall be one name plate as allowed by the Veneta Sign Code.
- (2) The home occupation shall use no more than 25 percent of the floor area used for human occupancy and or no more than 1000 square feet in an accessory structure.
- (3) Only hazardous materials (including toxic, explosive, noxious, combustible, or flammable) normally incidental to residential use are allowed.
- (4) Other than the household members residing within the dwelling, there shall be no more than two (2) people engaged in on-site aspects of the home occupation. The Planning Commission may further restrict the number of people involved in the business and set hours of allowable

operation.

- (5) There shall be a maximum of three vehicle deliveries to or from the home occupation site each week. Deliveries shall not be made by trucks with six (6) wheels or more. Deliveries shall not restrict traffic circulation. The Planning Commission may further restrict the number and times of the allowed deliveries.
- (6) There shall be a maximum of two (2) business-related vehicles parked on-site or on the street at any one time.
- (7) There shall be no more than an average of ten (10) customers/client per day. The Planning Commission may restrict the number and times of the allowed visits to prevent inconvenience to nearby residents based on timing of visits, available parking, and types of vehicles used. Any additional parking created for the purpose of the home occupation shall be screened from view by any adjacent residences or public streets.

#### SECTION 12.05 PROHIBITED HOME OCCUPATION USES

- (1) Any activities which are detrimental to the residential use of nearby dwellings, such as radio or TV interference, noise, dust, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line. Activities which involve hazardous materials are also prohibited. Such prohibited uses include:
  - (a) Ambulance service;
  - (b) Animal hospital, veterinary services, kennels or animal boarding;
  - (c) Auto or other vehicle repair, including but not limited to painting, tune-ups, alignments, body-fender work, detailing, and upholstery;
  - (d) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;
  - (e) Restaurant;
  - (f) Medical and dental offices;
  - (g) Mortician, hearse services;
  - (h) Tow truck services;
  - (i) Gun dealerships involving any storage of guns.
- (2) Any activity involving on-site retail sales except the sale of items that are incidental to the permitted home occupation. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer

consultants, and similar incidental items for sale by home businesses are allowed subject to relevant requirements for minor or major home occupations.

#### SECTION 12.06 TERMINATION OF HOME OCCUPATION

The Building and Planning Official or his/her designee may visit and inspect the site of home occupations to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice.

- (1) A home occupation which has been approved by staff may be revoked by staff if the home occupation is found to be in violation of the provisions of this ordinance. Enforcement procedures and penalties shall comply with Section 2.10. The revocation decision may be appealed to the Planning Commission.
- (2) A home occupation which has been approved as a conditional use by the Planning Commission may be revoked by the Planning Commission if the home occupation is found to be in violation of this ordinance or the conditions under which the permit was approved. Enforcement procedures and penalties shall comply with Section 2.10. The revocation decision may be appealed to the City Council.

## **ARTICLE 13 - DEFINITIONS**

### SECTION 13.01      RULES OF CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance:

TENSE                      Words used in the present tense include the future tense.

NUMBER                    Words used in the singular include the plural and words used in the plural include the singular.

SHALL AND MAY      The word "shall" is mandatory; the word "may" is permissive.

GENDER                    The masculine shall include the feminine and neuter.

HEADINGS                If there is any conflict or inconsistency between the headings of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

### SECTION 13.02      DEFINITIONS

As used in the ordinance the following words and phrases shall mean:

ABUT                        Contiguous to or immediately join. For example, two (2) lots with a common property line are considered to be abutting.

ACCESS                     The way or means by which pedestrians and vehicles enter and leave property.

ACCESSORY STRUCTURES OR ACCESSORY USE      A structure or use incidental, appropriate and subordinate to the main use of property and located on the same lot as the main use. Accessory structures are not permitted on vacant parcels of land. Accessory structures (including those originally designed for human habitation such as mobile homes) shall not be used for human habitation.

ALLEY                      A street that is more than ten (10) feet and less than sixteen (16) feet in width which affords only a secondary means of access to property.

ALTER                      Any change, addition or modification in construction or occupancy.

APPLICANT

The person making application to the City for any action as the owner or representative of the owner of the property that is subject of the action. The applicant shall provide proof of permission for the requested action from all owners or other persons having an interest in the property subject to the action.

BARN

A farm building for housing livestock or animals

BASEMENT

A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

BLOCK

An area bounded on 4 sides by streets not including cul-de sacs. In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.

BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT

The vertical distance from the grade to the highest point of the coping of flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. Exceptions: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building. Skylights, spires, flagpoles and chimneys may be built and maintained to a height greater than the limit; provided, however, that no structure in excess of the allowable building height shall be used for providing additional living or floor space.

BUILDING INSPECTOR

The Division Director of the Lane County Department of Environmental Management, Construction Permits Division, his authorized representative or any other authorized building inspector appointed by the Veneta City Council.

BUILDING AND  
PLANNING  
OFFICIAL

An employee of the City appointed by the City Council with duties and authority as designated by the Council, including the enforcement of the provisions of this ordinance.

CITY

The City of Veneta, Oregon.

<u>CO-HOUSING</u>	Co-housing includes private dwelling units and shared spaces such as community dining, cooking, and recreation rooms for adults and children. It can be rented or owner-occupied housing. Due to the shared facilities, the lot configuration may deviate from standard requirements such as street frontage and parking spaces.
<u>COMMERCIAL DOG KENNEL</u>	A place of business for the care of dogs, including but not limited to the boarding, grooming, breeding, training, or selling of dogs, but not including an animal hospital.
<u>COMMISSION</u>	The Planning Commission of the City of Veneta, Oregon.
<u>CONGREGATE HOUSING</u>	A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located, shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.
<u>COUNCIL</u>	The City Council of the City of Veneta, Oregon.
<u>CLINIC</u>	Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.
<u>CURB LEVEL</u>	The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level for the purpose of this ordinance.
<u>DAY CARE FACILITY</u>	Any institution, establishment or place, including nursery schools, private kindergartens, and adult day care, in which are commonly received at one time for less than 24 hours per day, six (6) or more non-resident children or adults for the purpose of being given care, supervision or training apart from their family or legal guardian.
<u>DENSITY, GROSS</u>	The number of dwelling units per acre of land, including areas devoted to dedicated streets, sidewalks, other public rights-of-way, parks, and non-residential uses allowed in residential areas.

DENSITY, NET

The number of dwelling units per acre of land in planned or actual use -- excluding from the acreage dedicated streets, sidewalks, other public rights-of-way, parks, and non-residential uses allowed in residential areas.

DESIGNATED  
ARTERIALS AND  
COLLECTORS

Streets identified in the Veneta Comprehensive Plan Functional Class map as Principal or Minor Arterials or Major or Minor Collectors.

DEVELOPMENT

Development means the construction of a building or portion thereof, which is occupied in whole or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two (2) or more parcels, including partitions and subdivisions, and creating or terminating a right of access.

DRIVEWAY

An area on private property where automobiles and other vehicles are operated or allowed to stand.

DRIVEWAY APPROACH

An area within the Right-of-Way, between the roadway of a public street and private property line, intended to provide access for vehicles from the roadway to a definite area of the private property, such as a driveway or parking area intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or curb return, and the sidewalk section.

DWELLING,  
MULTI-FAMILY

A building or any portion thereof, or a group of buildings on one legal lot, designated for three or more families living independently of each other, with the number of families in the residence not exceeding the number of dwelling units provided.

DWELLING,  
SINGLE FAMILY

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

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

(2) Shall be occupied only for residential purposes.



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

DWELLING, SINGLE-FAMILY DETACHED

One single-family dwelling unit detached from any other dwellings.

DWELLING, SINGLE-FAMILY, ATTACHED

One single-family dwelling unit on its own legal lot that is attached to one or more dwelling units (duplex, townhouse or rowhouse).

- (1) Shall be occupied only for residential purposes
- (2) Shall have an enclosed garage or carport, whichever is commonly found in the surrounding area and its exterior covering and roof materials shall be the same as the main structure.

DWELLING UNIT

A single unit providing complete independent living facilities, designed for occupancy by one (1) family and including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY

An individual or two (2) or more persons related by blood, marriage, legal adoption or legal guardianship living together in one dwelling unit using one kitchen and providing meals or lodging to not more than two (2) additional persons excluding servants; or a group of not more than five (5) unrelated persons living together in one dwelling unit using one kitchen.

FENCE, SIGHT OBSCURING

A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to provide a 75 percent view-obscuring screen.

FLOOR AREA

The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projection of the roof or floor above.

GRADE (GROUND) LEVEL

The average elevation of the finished ground level at the exterior of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the wall shall constitute ground level.

HALF-STORY

Means that part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it.

<u>HEIGHT OF BUILDING</u>	The vertical distance from the grade to the highest of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
<u>HIGH IMPACT RECREATION FACILITIES</u>	Facilities which have the potential for creating significant impacts through traffic generation, noise, dust, chemical use, lighting, or other nuisance characteristics. High impact recreation facilities include, but are not limited to, sport complexes, stadiums, equestrian arenas, golf course and driving ranges, and swimming pools. Examples of low impact recreation facilities include playgrounds, sports fields, bicycle and pedestrian ways.
<u>HOME OCCUPATION</u>	A lawful business carried on by a resident of a dwelling where the business is secondary to the main use of the property as a residence. See Veneta Municipal Code 5.05 for definitions and licensing requirements for businesses.
<u>HORTICULTURE</u>	The cultivation of crops, orchards, or gardens. Domestic horticulture involves plants grown for the people living on the property. Commercial horticulture involves plants that will be sold; either on-site or delivered to a buyer off-site. Farm stands and u-pick sales are temporary uses that may require a permit.
<u>MOTOR HOTEL, (TOURIST COURT)</u>	Any building or group of buildings used for transient residential purposes containing four (4) or more guest rooms without housekeeping facilities which are intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests.
<u>HOSPITAL, SMALL ANIMAL</u>	A building, together with animal runs, in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.
<u>JUNKYARD</u>	Any property used by a business that deals in buying, selling, trading, and storing, old motor vehicles, old motor vehicle parts, abandoned autos, or machinery or parts thereof, or appliances or parts thereof, or iron paper, or waste of discarded material.
<u>KENNELS</u>	Any lot or premises on which three (3) or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six (6) months.

LIMITED LAND USE  
DECISION

A final decision or determination made by the City of Veneta pertaining to a site which concerns:

- (a) Subdivision or partition, or
- (b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, such as site plan review. A limited land use decision involves notice to surrounding property owners but does not require a public hearing.

LOADING SPACE

An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access

LOT

A single parcel or tract of land which, at the time of application for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

LOT AREA

The total horizontal area within the lot lines of a lot, exclusive of public and private streets and easements of access to other property.

LOT, CORNER

A lot abutting on two (2) or more streets, other than an alley, at their intersection.

LOT, THROUGH

A lot with frontage on two (2) streets which are approximately parallel.

LOT LINE

The property line bounding a lot.

LOT LINE, FRONT

The lot line separating the lot from a street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley. See also YARD, Front

LOT LINE, REAR

The lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE

Any lot line not a front or rear lot line. See also YARD, Side

<u>LOT, PANHANDLE</u>	A lot with less frontage on a public street than is generally required by this land use code and where that frontage serves primarily as a vehicular access corridor. The "flag pole" of the flag lot is the access corridor to the "flag portion" of the lot. The "flag portion" of the flag lot is usually the buildable portion of the lot and is generally located behind another lot or parcel.
<u>LOT WIDTH</u>	The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
<u>MANUFACTURED DWELLING</u>	Residential trailers constructed before January 1, 1962; mobile homes constructed between January 1, 1962 and June 15, 1976, which met Oregon construction standards then in effect; and manufactured homes constructed to federal standards. (Refer to definition of "dwelling, single-family" for siting and construction requirements.)
<u>MANUFACTURED DWELLING PARK</u>	Any place where two (2) or more manufactured dwellings are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A manufactured dwelling park has the same definition as a mobile home park. Manufactured dwelling parks within Veneta are required to register as a business each year.
<u>NONCONFORMING STRUCTURE, LOT OR USE</u>	A lawful existing structure, lot or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.
<u>OPEN SPACE</u>	Land area to be used for scenic or open recreational purposes within the development. Open space does not include street right-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.
<u>PARKING SPACE</u>	An off-street enclosed or unenclosed surfaced area with minimum dimensions of eighteen (18) feet by nine (9) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

PROFESSIONAL OFFICE

An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

PROPER SOLAR ORIENTATION

The orientation of a building to the sun's path across the sky such that the long axis of the building is oriented to within 45 degrees of the true east/west axis.

PROTECTED AREA OF AN UNDEVELOPED LOT

The area of a buildable lot which is left unshaded by a 6-1/2 foot hypothetical wall located along the southern property line.

PUBLIC AND SEMI-PUBLIC BUILDINGS OR USES

A building or use owned or operated by a religious, charitable or other non-profit organization; a public utility or any social agency such as a church, school, auditorium, meeting hall, hospital, club, nursing or care home, stadium, library, art gallery, museum, fire station, utility substation, cemetery, park, playground or community center.

QUASI-JUDICIAL

Refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this Code. Quasi-judicial land use decisions involve a public hearing.

RECREATIONAL VEHICLE

A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes. It shall also include a camper placed on a pickup truck.

REDUCTION

A lessening in value, quantity, size, or the like.

RESIDENTIAL FACILITY

A facility licensed by or under the authority of DAR under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet DAR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other.

RESIDENTIAL CARE FACILITY

Residential care facilities with more than fifteen (15) persons include: group care homes, congregate care facilities, nursing homes and retirement homes.

RESIDENTIAL HOME

A home licensed by or under the authority of DAR under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet DAR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

SERVICE STATION,  
AUTOMOBILE

A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles but excluding major repair and overhauling.

SHADE

A southern wall or rooftop is deemed shaded if structures block the direct solar radiation that would otherwise reach its surface during the protected period. Such insubstantial shadows as those caused by utility poles, wires, flagpoles, and slender antennas are not deemed to shade for the purposes of this ordinance.

SHADOW PLAT

A future subdivision or partition concept plan approved by the city in conjunction with a request for interim development (often a single-family residence or partition). The shadow plat is not binding on either the property owner of the city; that is, the property owner would have to apply for tentative plat approval for future development proposals. Shadow plats are designed to ensure that an urban level of development will be possible when urban services become available.

SIGN

Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.

SINGLE FAMILY  
DWELLING

See Dwelling, Single-Family

SIGHT  
OBSCURING

To impede the visibility of an area by more than 75 percent. See also FENCE, SIGHT OBSCURING

SOLAR ACCESS

An unobstructed exposure to available solar radiation during daytime hours for the purpose of allowing solar radiation to be used to meet a portion of a building's energy requirements. The Planned Development Subzone have solar access requirements.

<u>STORY</u>	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above (see BASEMENT).
<u>STORY, HALF</u>	Shall mean any basement or cellar, except as provided in this chapter, which has less than six (6) feet of its height above grade.
<u>STREET</u>	A private way or public right-of-way, including an alley, designed for motor vehicular traffic.
<u>STRUCTURAL ALTERATION</u>	Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.
<u>STRUCTURE</u>	That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
<u>USE</u>	The purpose for which land or a structure is designed, arranged or intended or for which it is occupied and maintained.
<u>WETLAND</u>	Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.
<u>YARD, BACK</u>	A yard adjacent to a property line. See also LOT LINE, REAR
<u>YARD, FRONT</u>	A yard adjacent to a street and to the front entrance of a building. See also LOT LINE, FRONT
<u>YARD, SIDE</u>	A yard adjacent to a property line. For a corner lot, the SIDE YARD (located at the side of a residence or structure) can also be adjacent to a street. See also LOT LINE, SIDE