



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

November 3, 2008

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 004-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 20, 2008

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.**

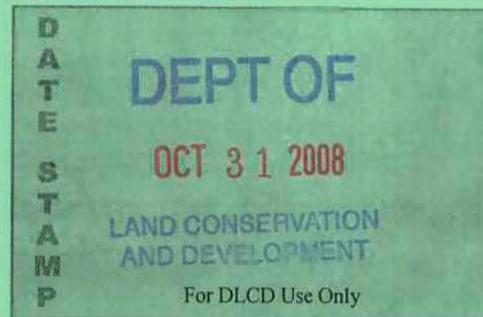
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Amanda Punton, DLCD Natural Resource Specialist
Brian Issa, City of Veneta

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PROF

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-2-07
 Date of Adoption: 10/13/2008 Date Mailed: 10/30/2008
 Date original Notice of Proposed Amendment was mailed to DLCD: 10/9/2007

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

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

Amends the Veneta Land Development Ordinance 461 Article 5 related to landscaping and street trees, and Ordinance 399 regulating the removal of significant trees within the City.

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".

Provides numerical standards for tree perservation not included in the proposed text.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 5,6,10

Was an Exception Adopted? YES NO

DLCD File No.: 004-07 (16463)

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. 483

AN ORDINANCE OF THE CITY OF VENETA REGULATING THE CUTTING,
DESTRUCTION AND REMOVAL OF TREES, PROVIDING PENALTIES FOR
SUCH ACTIONS, AND REPEALING ORDINANCE 399

WHEREAS, on October 9, 2007 the City of Veneta properly notified the Department of Land Conservation and Development was notified of the proposed adoption of the Veneta tree ordinance; and

WHEREAS, on December 3, 2007 and January 7, 2008 the Veneta City Planning Commission conducted properly advertised public hearings on the proposed adoption of the Veneta tree ordinance and within 40 days after the second public hearing made a recommendation for the City Council to adopt the proposed amendments; and

WHEREAS, on February 26, 2008 and September 8, 2008 the Veneta City Council conducted a properly advertised public hearings on the proposed adoption of the Veneta tree ordinance; and

WHEREAS based upon all materials relevant to the proposal, staff reports, findings made by the Veneta City Council, and testimony and comments submitted at the public hearings and/or in writing;

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

Section 1. Purpose and Declaration

Pursuant to ORS 527.722, the city has chosen to regulate noncommercial cutting, destruction, and removal of trees in place of the Oregon Forest Practices Act. (Ord. 399 § 1, 1998). This chapter is intended to preserve and enhance the urban forest within the City of Veneta through the prudent management of existing trees, and the continual replacement and establishment of new trees compatible with an urban environment. Specifically, the Council finds the following:

1. Trees and wooded areas, especially large native trees, are a large part of the aesthetic appeal of Veneta
2. Trees benefit the public health, safety, and welfare by protecting air and water quality, preventing erosion and flooding, reducing energy costs, increasing property values, and providing natural beauty and contrast to the built environment which contributes to the physical and mental well being of residents.
3. Trees enhance the local economy and increase property values by providing an attractive and aesthetically pleasing environment.
4. Management of Douglas fir for commercial purposes is a historic use which should continue to be accommodated while preserving those trees that have the highest value as part of Veneta's urban forest.

Section 2. Definitions

1. "Building Official" means the Veneta Building and Planning Official or designee thereof.
2. "Critical Root Zone" or "CRZ" means a circular area determined by either of the following methods. The method used shall be indicated on the plans.

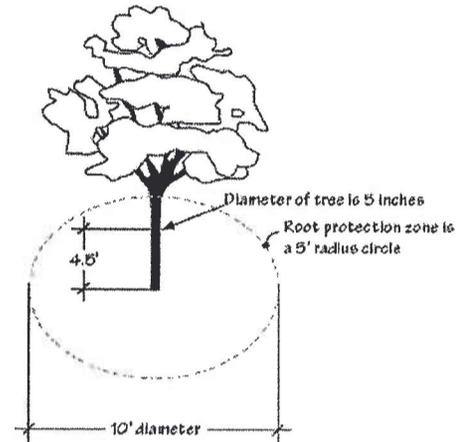
- a. Method A

A circular area equal to 1 foot in radius for every inch of tree diameter at breast height measured from the outside trunk of the tree at 4.5 ft above ground level, or

- b. Method B

An area determined for an individual tree to be the necessary root area for the tree's continued normal growth as demonstrated in a written report by a certified arborist and based on documented field investigations.

Reasonable alteration of the shape based on factors such as existing infrastructures, tree lean or steep slopes may be considered.



- a. Method A
 - b. Method B
3. Commercial Wood Lot means parcels or lots which meet the following criteria on the effective date of this regulation:
 - a. The site is at least 2 acres in size.
 - b. Trees have been actively managed and maintained on the subject property for the purpose of harvesting.
 - c. The owner has supplied the City with proof that the property has been in tax deferred status under state law provisions such as Forest Land Deferral, or Small Woodlands Deferral for a minimum of 5 consecutive years immediately prior to application.
4. "Diameter at breast height" or "dbh" means the diameter of the tree measured in inches at 4.5 feet above ground level. For trees with multiple trunks, dbh shall be measured at the narrowest point between ground level and the point where the trunk diverges, or shall be the sum of the diameters of the two largest trunks at breast height, whichever is smaller. All measurements shall be rounded to the nearest inch.
5. "Dead" means the tree is obviously lifeless without any live leaves, needles or buds.
6. "Dying" means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.

7. "Hazardous Tree" means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

8. "Heritage tree" means any of the following which are not hazardous trees as defined above.

Oregon white oak	18" or more dbh
Madrone	18" or more dbh
Douglas fir	48" or more dbh
Any other tree	36" or more dbh

9. "Impacted Tree" means a significant tree whose critical root zone will be impacted by proposed development. Impacts include, but are not limited to, fill, cuts, soil compaction, paving, placement of structures, stockpiling of soil, utility trenching and other activities that may impact the health and viability of the tree.

10. "Remove" means

- a. To cut down a tree; or to damage a tree so as to cause the tree to decline and/or die within a three year period. Types of damage which may constitute removal include but are not limited to topping, damage inflicted upon a root system by application of toxic substances, and girdling. "Removal" does not include normal trimming or pruning of trees as defined by ANSI A300 pruning standards current on the day this definition was adopted.
- b. To perform activities which result in impacts to more than 30% of the Critical Root Zone if the CRZ is determined by method 2A above.
- c. To perform activities which impact any of the CRZ if determined using method 2B above.

11. "Significant Tree" means any of the following as well as trees which have been planted or individually preserved as part of a previous tree removal permit.

Any tree	18" or more dbh
Douglas Fir	18" or more dbh
Big leaf maple	12" or more dbh
Chinquapin	12" or more dbh
Oregon ash	8" or more dbh Pacific
Dogwood	6" or more dbh
Madrone	6" or more dbh
Red Alder	6" or more dbh
Ponderosa pine	6" or more dbh
Western red cedar	6" or more dbh
California black oak	6" or more dbh
Oregon white oak	6" or more dbh

12. "Street Tree" means any tree planted or preserved within a dedicated street right-of-way

13. "Topping" means the severe cutting back of a tree's limbs to stubs within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

14. "Tree" means any significant tree

Section 3. Tree Removal Permit Required

No person shall remove or transplant any tree without first obtaining a Tree Removal Permit as required by this subchapter.

Section 4. Exceptions

1. Notwithstanding Section 3, the following activities are allowed without a Tree Removal Permit, unless otherwise prohibited:
 - a. Removal of dead or hazardous trees upon City confirmation of tree condition. If unable to verify the condition of a tree, staff may obtain the opinion of a certified arborist at the owner's expense. When trees are removed due to hazardous conditions, the owner may qualify for assistance from the City Tree Fund to aid in replacement of the tree(s) removed.
 - b. Agriculture, Commercial Tree Farm or Orchard. Tree removal or transplanting occurring during use of land for commercial agriculture, orchard(s), or tree farm(s) for nursery or Christmas tree production. Removal of trees for timber production requires a Type D permit.
 - c. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, utility damage or other like disasters, in order to prevent imminent injury or damage to persons or property or restore order and it is impractical due to circumstances to apply for a permit.
 - d. Tree removal by the City or a utility within easements, right-of-ways, or on public lands.
 - e. Abatement of a nuisance as defined in Veneta Municipal Code 8.05. The City is not required to apply for a Tree Removal Permit to undertake nuisance abatement pursuant to this ordinance. However, the owner of the property subject to nuisance abatement is subject to all the mitigation provisions of this subchapter.

Section 5. Application For Tree Removal Permit

1. A person seeking to remove one or more trees shall apply for a Tree Removal Permit type A, B, C, or D, depending on the applicable standards as provided in this subchapter.
 - a. By submission of an application, the applicant shall be deemed to have authorized City employees, representatives, or consultants to have access to applicant's property after providing 24 hours notice as may be

necessary to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.

2. Time of Application. Application for a Tree Removal Permit shall be made before removing or transplanting significant trees except in emergency situations as provided in Section 4(1)(c) above. Where the site is proposed for development necessitating site plan or tentative plat review, application for a Tree Removal Permit shall be made concurrent with subdivision, partition, site plan review, or other development application as specified in this subchapter.
3. Fees. A person applying for a Tree Removal Permit shall pay an application fee, as established by resolution of the City Council.

Section 6. Application Review Procedure

1. Reviewing Authority.
 - a. Type A, B, or D. Where site plan review or tentative plat approval by the Planning Commission is not required by City ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Official.
 - b. Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Planning Commission, the tree removal permit shall be reviewed concurrently by the Planning Commission.
2. Timeline and Notice
 - a. Review period for complete applications. Type A, & B, permit applications shall be approved or denied within ten (10) calendar days.
 - b. Type C permit applications shall be reviewed for completeness within thirty (30) calendar days, and final action shall take place within 120 days as required by ORS 227.178. Notice of proposed action shall be given to surrounding property owners according to Land Development Ordinance 461 Article 2. A Type C permit shall follow the hearings procedures required for the accompanying land use application. If the accompanying land use application is denied or is withdrawn or expired, the tree removal permit shall similarly be denied, withdrawn, or expired.
 - c. Type D permits shall be approved or denied within 45 calendar days.
3. Conditional approval. Whenever an application for a Tree Removal Permit is granted, the reviewing authority may attach to the permit any reasonable conditions considered necessary to ensure compliance with applicable standards.
4. Tree removal permits and tree surveys shall be valid for a period not to exceed three (3) years.

Section 7. Type A Permit

1. A Type A permit application will be approved when all of the following conditions are met.
 - a. A completed request for Type A permit has been filed on the forms provided by the City.
 - b. The request is for removal of three (3) or fewer trees within a single twelve (12) month period.
 - c. The trees subject to removal are not Heritage Trees, or street trees.
 - d. The trees subject to removal were not retained as part of a previous site development approval or planted as mitigation for a previous tree removal.
 - e. The tree removal is not to be performed in conjunction with a land development which requires a land use approval including but not limited to Site Plan Review or amendment, Subdivision, or Partition approval.
2. Tree removals under a Type A permit do not require mitigation, however, replanting is generally recommended, and recipients of Type A permits who wish to replant may qualify for assistance from the City's Tree Fund.

Section 8. Type B Permit

1. An applicant must apply for a Type B Permit to remove trees when any of the following conditions are met:
 - a. The applicant proposes to remove more than three (3) trees within a twelve (12) month period, independent of an application for site development review; or
 - b. The applicant proposes to remove a tree or trees which were preserved as part of a previous land use permit or planted as mitigation for previous tree removal; or
 - c. The applicant proposes to remove a heritage tree; or
 - d. The proposed tree removal is for clearing of a home site on a lot subsequent to land division approval. All trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.
2. Application for the Type B permit shall contain the following information unless specifically waived by the reviewing authority under (g) below:
 - a. A brief statement explaining why tree removal is being requested to ensure that another permit type or consolidated application is not more appropriate.

- b. An accurate map, drawn to scale, which shows:
 - i. The shape and dimensions of the property, and the location of any existing and proposed structures, improvements, easements and setbacks.
 - ii. The location of all impacted trees on the site including critical root zones, species and/or common name, and diameter at breast height (dbh)
 - c. Tree Protection. Tree protection measures in conformance with Section 12 must be outlined to address protection of the tree trunks, canopy and soils within the critical root zones during and after the tree removal process. Examples of tree protection methods include mulching, irrigation, protective fencing, compaction reduction measures, erosion control etc.
 - d. Field Identification. All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction or application documents.
 - e. Mitigation Plan. A description of the proposed tree replacement program with a detailed explanation including the number, size, species, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.
 - f. Existing Covenants, Conditions and Restrictions (CC&R's). Where the applicant is proposing to remove trees on common areas governed by CC&Rs, the applicant shall provide a copy of the applicable CC&R's, including any landscaping provisions.
 - g. Waiver of documentation. The reviewing authority may waive any of the above information requirements where the information has already been made available to the City, the information is not necessary to review the application, or alternate forms of information have been provided which provide sufficient detail to allow the reviewing official to review the application.
3. Approval Criteria. Tree removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with Section 8(1), has provided complete and accurate information as required by this Chapter, and where the proposal includes provisions for mitigation and tree protection in accordance with Section 12 and Section 13

Section 9. Type C Permit

- 1. Approval to remove more than three trees on a single lot or parcel as part of a Site Plan Review or amendment, Subdivision, or Partition application may be granted as a Type C permit in conformance with Section 9(5)

2. Type C Permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.
3. Submittal Requirements. The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by a certified arborist that contains a summary of existing conditions and a mitigation plan as follows:
 - a. Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - i. Property Dimensions. The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.
 - ii. Tree survey. The survey must include:
 1. An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1") equals one hundred feet (100') including:
 - a. the location, d.b.h., and tree number of all impacted trees [see below (3)(iv). Field Identification],
 - b. the Critical Root Zone of impacted trees, and the extent of likely impacts
 - c. the common name of impacted trees
 - d. heritage trees shall be clearly noted on the survey
 2. Where a stand of twenty (20) or more contiguous trees will be removed, the required tree survey may be simplified to accurately show the location of all heritage trees, and significant trees which are within 50 feet of the edge of the development envelope. Only these trees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the d.b.h. , common name, and total number of all interior trees shall be accurately stated on the plans.
 3. Neighboring Properties. All impacted trees on neighboring properties shall be shown on the tree survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on the survey and locate the trees and CRZs to the best of their ability. The survey shall show the percentage of CRZ for these trees which will be impacted by the proposed improvements.
 - a. When a proposal includes activities which will result in removal of trees on neighboring properties,

- ii. Preserve all heritage trees and at least 30 percent of the significant trees on the site;
 - iii. If the site is larger than one acre, preserve at least 25 percent of the total tree canopy area on the site.
- b. Option B. Commercial/ Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this Chapter and where the reviewing authority determines that the following criteria have been met.
 - i. The proposal includes provisions for mitigation and tree protection in accordance with Section 12, and Section 13.
 - ii. The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.
 - iii. Other. Where the applicant shows that tree removal or transplanting is reasonable and necessary under the circumstances.
- c. Under Option A, when calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:
 - i. Tree inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or
 - ii. Statistical sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by individuals with demonstrated experience performing such surveys and shall be based on generally accepted standard methodologies.
 - iii. Tree canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than 5 years old, the applicant must provide a more recent photograph.

Section 10. Type D Permit

The owner or operator of a commercial woodlot shall apply and receive approval for a Type D Permit before beginning harvesting operations of more than three (3) trees within any twelve (12) month period. Type D permit applications shall be reviewed by the Building Official.

1. Application for a Type D permit shall include the following:
 - d. Proof that the subject property is a "Commercial Wood Lot" as defined by this chapter.
 - e. A map of the property including property boundaries
 - f. The size, species and location of all significant trees other than Douglas fir
 - g. The size, species and location of all heritage trees
2. Approval Standards for Type D permits. An application for a Type D permit shall be granted when all of the following criteria are met:
 - a. The applicant has submitted a complete application as required by Section 10(1);
 - b. All heritage trees other than Douglas Fir will be protected according to the requirements of this chapter;
 - c. All nonfir significant trees in excess of three shall be mitigated according to Section 12 or protected according to Section 13;
 - d. All applicable standards of the Oregon Forest Practice Rules are met;
 - e. The applicant has submitted and obtained approval of an erosion control plan from the City Engineer; and
 - f. If the tree removal proposed is a final harvest, and no further planting, maintenance, or rotation of trees is proposed, the applicant shall submit a long term erosion control and revegetation plan for review and approval.

Section 11. Amendments to Approved Permits

1. Amendments. The Planning Official may allow removal of up to a total of three (3) additional non-heritage trees as amendments to an approved Type B permit, or up to ten (10) additional non-heritage trees for a Type C permit subject to the mitigation requirements of this chapter. If removal of more than this number of trees, removal of a heritage tree, or substantial changes to the mitigation plan are necessary prior to final platting or certificate of occupancy due to changes in infrastructure layout, variable field conditions, or the necessities of construction, such changes shall be reviewed by the Planning Official as a Type B permit subject to the mitigation requirements of this chapter.

Section 12. Mitigation

1. Requirement Established. Type B or C Tree Removal Permit grantees shall plant one (1) replacement tree for each significant tree removed in excess of the three

(3) that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate nonfir trees as required by Section 10(2)(c). Mitigation is not required for removal of hazardous, dead, or dying trees.

2. Heritage trees shall be mitigated based on the following methodology:

$$\text{Replacement Trees} = 1 + (A - Q)$$

Where:

A=Actual dbh of the tree in question

Q= Min dbh for this species to qualify as a Heritage Tree

3. Replacement trees. Trees planted as mitigation must meet all of the following standards:

- a. To encourage a diversity of species when four or more trees are required as mitigation, no more than 25% of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;
- b. All replacement trees shall be appropriately chosen for the site conditions (especially soil & hydrology) from an approved tree species list supplied by the City, and shall be state Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;
- c. All replacement trees shall be (2") caliper. The Planning Official or Planning Commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if 2" caliper trees are not available;
- d. Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;
- e. Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and
- f. Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three (3) years after the planting date through an irrevocable development agreement;

4. Alternatives to on-site mitigation.

- a. Relocation or Replacement Off-Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:

- i. Replanting may occur on other property in the applicant's ownership or control within the City, or in a City owned or dedicated open space or park. If planting on City owned or dedicated property, the City may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.
 - ii. Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per tree rate as established by resolution of the City Council.
- 5. Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Veneta Land Development Ordinance Section 5.12.
- 6. To encourage the retention of established trees which do not yet meet the criteria for significance, credit towards mitigation requirements shall be given on a tree for tree basis for preservation of the following healthy, structurally sound trees. If such trees are to be used towards meeting the mitigation requirements of this section, required tree preservation and planting plans shall include the size, species, and location of these trees, and these trees shall be given the protections required by Section 13 and shall then be considered significant trees. Trees located within the Greenway/Open Space Subzone may not be counted towards required mitigation.

Big leaf maple	2-12" dbh
Oregon ash	2-8" dbh
Madrone	2-6" dbh
Red Alder	2-6" dbh
Ponderosa pine	2-6" dbh
Western red cedar	2-6" dbh
Chinquapin	2-6" dbh
Pacific Dogwood	2-6" dbh
Douglas fir	2-6" dbh
Oregon white oak	2-6" dbh

- 7. Economic Development Waiver. The City Council may reduce or waive mitigation requirements for developments on commercial and industrial zoned parcels when all of the criteria below are met. Request for waiver shall be made in writing to the City Council following the approval of land use applications and resolution of all appeals.
 - d. The applicant has complied with the landscaping requirements of Land Development Ordinance Section 5.12.
 - e. The applicant is unable to meet the mitigation requirements through onsite plantings or off site mitigation as determined by a professional landscape architect.
 - f. The Council determines that the proposed development will provide substantial economic, employment, and service benefits to the community

including provision of family wage jobs or services currently lacking within the City.

Section 13. Tree Protection During Construction

1. Where trees are to be preserved as part of a development plan, the following standards apply:
 - a. All trees to be protected must be clearly differentiated from those being removed by clearly marking trees to be removed in an obvious visible manner such as bright colored paint, ribbon, etc.
 - b. **Protective Barrier.** Before development, vegetation removal, filling, or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers to prevent damage to remaining trees. Barriers shall be erected at the edge of the critical root zone of trees to be preserved. Protective barriers shall not be moved and shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. At a minimum, barriers shall consist of forty eight inch high heavy duty, high visibility plastic fencing, or silt fencing, attached to anchored metal or wooden posts.
 - c. Prior to commencement of ground disturbing activities, the applicant shall request and receive an inspection of all tree protection barriers to ensure that the approved tree removal plans are accurately implemented on the ground. All inspection requests shall provide a minimum of 24 hours notice.
 - d. **Construction Near Preserved Trees.** No person may conduct any construction activity damaging to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment or depositing soils within the tree protection zone, attaching fencing or other items to trees, using trees as anchors, or placing irrigated landscaping within the protective barrier
 - e. Where trees are removed from within the CRZ of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. Removal of trees or stumps within the CRZ of a protected tree by pushing trees down or pulling trees and/or stumps out of the ground is prohibited.

Section 14. Notice and Appeal

1. Notice of a pending Type C permit shall be mailed to surrounding property owners in accordance with section 2.11 of the Veneta Land Development Ordinance
2. Any decision on a Type C tree removal permit may be appealed in accordance with Section 2.07 of the Veneta Land Development Ordinance.

Section 15. Timing of Removal, Display Of Permit; Inspection

1. No tree removal permitted as a Type B, C, or D permit shall take place until the applicant has received a Notice to Proceed from the City Engineer on public improvements. When no public improvements are proposed, tree removal shall not occur until building permits have been issued. The Building Official may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.
2. For applicants seeking a Type B permit to remove trees independent of site improvements, no tree removal shall take place until tree protection measure have been inspected and approved by the Building Official.
3. Inspection and approval of all required tree protection measures by the Building Official is required prior to tree removals permitted as Type B, C, and D permits.
4. Forty eight (48) hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.

Section 16. Violation; Enforcement

1. Any person found to have removed a significant tree in violation of this chapter shall incur a penalty of not more than \$1,000, nor less than \$250 per violation.
2. Any person found to have removed a heritage tree in violation of this chapter shall incur a penalty of not less than the value of the tree according to Section 12 the removed tree, plus no less than \$500.00 for each heritage tree removed.
3. Failure to comply with any condition of the permit issued to the applicant shall constitute a violation of this chapter and shall subject the applicant to a fine of not more than \$1,000, nor less than \$500.00. Any fines collected by the City under this section shall accrue to the City Tree Fund.
4. Each tree removed in violation of this chapter or any permit issued pursuant to this chapter shall constitute a separate violation.
5. Each tree that the applicant fails to replant or replace as required by the terms of the permit, and each violation of any other condition of a permit, shall constitute a separate violation.
6. Retroactive Permit. A person who removes a tree without obtaining a Type A permit may apply retroactively for a permit. In addition to all application requirements of this subchapter, the person must be able to demonstrate compliance with all requirements of this subchapter, in addition to paying an additional fee as established by resolution of the City Council. Mitigation requirements of this subchapter may apply to all retroactive permits.

7. Withholding Permits and Stop Work Orders. The Building Official has the authority to issue a stop-work order, withhold approval of a final plat, or withhold issuance of a certificate of occupancy, permits or inspections until the provisions of this Chapter, including any conditions attached to a Tree Removal Permit, have been fully met.
8. Revocation of Permit. The City Administrator may revoke any tree removal permit when the Planning Official or designee thereof has clearly demonstrated that the application was incomplete or inaccurate to such a degree as to invalidate the approval. Such a revocation may be immediately followed by a stop work order and the applicant required to either:
 - a. Revise and resubmit the permit for review and approval
 - b. Pay fines for removing trees in violation of the permit under subsection (1&2) of this section
9. The City shall notify the property owner in writing that a violation has occurred and mitigation is required. Within thirty (30) days of the date of mailing of the notice, the property owner shall provide a mitigation plan to the City. The plan shall provide for replacement of a tree or, at the City's discretion, payment into the tree fund according to the standards of Section 12.

Section 17. Alternative Enforcement

1. In the event that a person, company, or other operating unit, commits more than one violation of this ordinance, the following alternative sentence may be imposed by the Veneta Municipal Court:
 - a. If a person has gained money or property through the commission of an offense under this section, then upon conviction thereof, the court, in lieu of imposing a fine, may sentence the person to pay an amount, fixed by the court, not to exceed double the amount of the gain from the commission of the offense.
 - b. "Gain" is defined as the amount of money or value of property derived from the commission of the violation, less the amount of money or value of property seized by or surrendered to the City. "Value" shall be the greater of the market value or replacement cost as determined by a licensed professional in the tree, nursery, or landscape field.

Section 18. Findings of Fact

The Findings of Fact adopted by the Veneta City Council on September 22, 2008 as support for the adoption of this ordinance, attached as Exhibit A, are hereby incorporated herein and made a part of this Ordinance.

Section 19. Amendments

All amendments made to this land use ordinance shall be in accordance with the amendment procedures set forth in Veneta's Land Development Ordinance.

Section 20. Repeal

Veneta Ordinance No. 399, enacted on September 28, 1998, is hereby repealed; provided however, that Ordinance 399 shall remain in full force and effect and shall govern all aspects of permitting for tree removal, and violations and enforcement of Ordinance 399 which occur before the effective date of this ordinance.

Section 21. Severability

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections, or permit approvals and prosecutions brought pursuant to this ordinance.

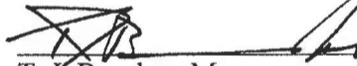
Section 22. City Liability

Notwithstanding any provision of this ordinance, the City of Veneta shall not be responsible or liable for damages to anyone for the removal of trees whether or not in violation of this ordinance.

READ FOR A FIRST TIME, BY TITLE ONLY, this 22nd of September, 2008, 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 13 day of October, 2008, no Council person in attendance having requested that it be read in full.

PASSED BY A VOTE OF 5 for and 0 against on the 13 day of October, 2008.



T. J. Brooker, Mayor
Executed on 10-13-08

ATTEST:



Darci Henneman, Assistant City Recorder

VENETA ORDINANCE 483 AND 484 - ATTACHMENT "A"
Findings of Fact

**FINAL ORDER OF THE
VENETA CITY COUNCIL**

**Amendments to the Veneta Municipal Code Section 8.10
Amendments to Land Development Ordinance No. 461
(A-2-07)**

The Veneta City Council finds the following:

1. The Veneta Planning Commission held a public hearing on December 3, 2007 and January 7, 2008 on the proposed amendments after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 461.
2. The Planning Commission reviewed all materials relevant to the application for amendment which has been submitted by staff, and other agencies, and the public regarding this matter and recommended approval of the proposed amendments to the Veneta City Council.
3. The Veneta City Council held public hearings on February 26, 2008 and September 8, 2008 after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 461.
4. The proposed amendments to the Veneta Land Development Ordinance and Veneta Municipal code are consistent with the goals and policies of the Veneta Comprehensive Plan Ordinance No. 416 as stated in the findings below, and therefore comply with all applicable statewide planning goals.

**CONSISTENCY OF PROPOSED CHANGES WITH THE VENETA
COMPREHENSIVE PLAN**

III. PLAN ELEMENTS AND POLICIES

A. GROWTH MANAGEMENT ELEMENT

GOAL:

Provide sufficient buildable lands and open space areas to allow Veneta to develop as the retail and service center for the Fern Ridge area and to develop a commercial and light industrial employment base.

This goal relates specifically to potential effects on the City's 1999 Comprehensive Land Use Evaluation (CLUE) which is the City's buildable lands inventory (BLI) adopted pursuant to Statewide Planning Goals 9 and 10 and the implementing rules. Although individual plan designations are addressed specifically under

other Goals and Policies as described below, they will be addressed together here for continuity. The following findings show that the proposed regulations do not reduce the City's necessary supply of unconstrained residential, commercial, or industrial land, and are considered a full and complete accounting of buildable lands as may be required by any and all applicable comprehensive plan provisions and statewide planning goals.

IMPACTS OF EXISTING REGULATIONS

The proposed regulations allow more development than possible under the existing code. The wording of the existing regulations found in VMC 8.10.080(2) may prevent or limit development due to requirements to retain wooded areas, buffers, and views to an undefined degree. Because forested areas were not subtracted from the City's buildable lands supply during the CLUE process, tree preservation under the existing code substantially reduces buildable lands to an unknown extent. The proposed changes create certainty for applicants and have definable impacts on the buildable lands inventory which can be determined and accounted for as a whole, rather than undetermined impacts which vary based on a case by case application of the current subjective standards.

IMPACTS OF PROPOSED CHANGES ON RESIDENTIAL LAND SUPPLY

Existing Residential Supply

Based on recent GIS analysis performed for this amendment, the City currently has the following amounts of vacant unconstrained residential land to accommodate future units.

	Acres	CLUE Average Net Density	CLUE Potential Units	Actual Net Density*	Actual Potential Units	Max Net Density**	Max Potential Units
GR	119	3.2	381	7.1	844.9	15	1785
SFR6000	34	3.2	109	6	204	7	238
SFR8000	219	3.2	701	3.1	678.9	7	1533
RR***	134	3.2	429	6	804	7	938
TOTAL	506		1620		2531.8		4494

*Computed using figures from approved subdivisions from 2000-2008
 ** From the Veneta Comprehensive Plan 2000
 ***Assumes rezoning of RR land to SFR6000

Since 1999, the City has approved more than 1054 residential units including 991 single family units. Residential densities have also increased substantially. The CLUE analysis used an average net density of 3.2 du/ac across all housing types including a

density for single family of 2.9du/ac. Using statistics for recent subdivisions, actual net densities for single family are around 6.0 du/acre, more than double the assumed density used in the inventory. Recent development of multi-family housing also increases the average net density. It is assumed the densities will continue to increase in the future as the City continues to comply with statewide planning goals. Using the maximum net densities stated in the Comprehensive Plan, the total number of potential units increases to 4494 which would accommodate a population of over 12,800 residents.

Needed Residential Lands

The CLUE report called for sufficient land to accommodate a 2030 population of 5760. Taking into account the current population of 4640, sufficient residential land is required to house an additional 1120 residents. Using an average household size of 2.85(2000 Census), this equates to a total of 393 additional units. This requires a total of 122 net acres using an average net density of 3.2 as stated in the CLUE.

Although the CLUE report provides the necessary legal framework for analyzing buildable land needs, several factors may invalidate many of the assumptions of the CLUE. Various methodologies are available to estimate future population growth. Recent moratoria in Veneta complicate forecasting because no growth occurred during these periods. The degree to which the lifting of moratoria influenced recent rapid growth rates is also difficult to determine. Recent 2007 forecasts produced by LCOG using a 5 year regression trend analysis yield a 2030 population of 9960. Other methods such as using a raw annual growth rate (rather than the regression trend), and using a 15 year (rather than a 5 year) trend typically yield populations lower than 9960. The City has requested a new coordinated population of 9000 for 2030.

Using the 2030 population estimate of 9000 and an average household size of 2.85 (2000 Census), the City will need an additional 1529 units to accommodate the 2030 population. Assuming that all of these are single family detached units (a conservative assumption when estimating needed land as it disregards the development of multi-family housing) built at the current net density of 6du/ac, the City needs approximately 339 gross or 255 net acres of land to accommodate the 2030 population assuming a land efficiency of 75% with 25% loss to roads, parks etcetera.

Effects of Proposed Landscaping Code on Residential Land Supply

The landscaping requirements similarly clarify existing standards. The proposed code specifies a minimum area of the site that must be landscaped. For residential developments, this percentage is less than the 60% of the site that cannot be covered with structures (VLDO caps residential lot coverage at 40%) and therefore, has no effect on the City's supply of buildable residential land.

Effects of Proposed Tree Code on Residential Land Supply

Assessing the potential impacts of the proposed changes to the tree code requires analysis of the two methods provide for securing development permits involving tree removal. The first establishes a standard approach utilizing clear and objective numeric standards. An alternative design review process is also available. Two avenues are provided for securing development permits involving tree removal, a standard approach utilizing clear and objective numeric standards, and an alternative design review process. These findings focus only the standard numeric approach because the alternative design review criteria in protections stating that "application of the standards of this section shall not result in a reduction of overall building square footage or loss of density...".

Several numeric options for tree preservation are presented. Estimating the impacts of these options of the land supply requires consideration of the variability of tree coverage, size, and species composition across the City. A conservative approach taking these variables into account would be to assume all vacant land is covered with significant tree canopy, and all applicants will select the option of preserving 25% of this canopy. This would essentially remove 25% of the buildable land from the inventory. This option has the highest impact on buildable area of the options available. A 25% reduction in the number of potential units would result in the potential for a total of 1899 units if current net densities are used, more than the 393 needed to support the adopted 5760 population, and more than the 1529 needed to support the 20 year build out.

This is a very conservative approach, as:

- Many residentially zoned parcels do not have trees on them at all;
- The reality that parcels that do have trees are not usually completely covered by significant tree canopy;

- If the maximum net densities allowed in the Comprehensive Plan are used, a total of 3370 potential units would remain after the 25% tree canopy is subtracted.
- Based on an analysis of five recent large (20+ lot), geographically distributed subdivisions, approximately 65% of the trees in Veneta are Douglas fir, and 83% of these firs are below the cutoff for significance (18"). These factors alone reduce the significant canopy coverage from the assumed 100% to 46% ;
- The vacant acreage includes existing lots which are not divisible and therefore, not impacted by the proposed Type C permit criteria;
- Applicants may elect to develop under the alternative residential design review criteria for preservation of tree diameter or heritage trees which does not require that 25% of the site be preserved;
- Additional units may be created through redevelopment of existing non-vacant parcels
- A 2030 population projection of 9000 used here is towards the higher end of the range of projections arrived at by using various forecasting techniques.

To house a population of 5760, an additional 393 units is required if the CLUE densities are used. Prior to implementing the proposed changes, the City has sufficient residential land to accommodate at least 1214 units using the same densities used in the CLUE report. The table below illustrates the potential impacts of the proposed changes on residential lands using the same assumptions used in the CLUE. Because the City would still have enough vacant unconstrained residential land to meet the CLUE estimated demand of 393 units even without taking the factors into account, it can be safely stated that the proposed regulations in no way reduce the City's needed supply of residential land.

	Acres	CLUE Average Net Density	CLUE Potential Units	Landscaping Impacts	Tree Code Impacts (25%)	Remaining Acres	Potential Units
GR	119	3.2	381	0	-29.75	89.25	285.6
SFR6000	34	3.2	109	0	-8.5	25.5	81.6
		3.2	701	0		164.2	525.6
SFR8000	219				-54.75	5	
RR	134	3.2	429	0	-33.5	100.5	321.6
TOTAL	506		1620	0	-126.6	379.4	1214
Units Needed to Accommodate a Future Population of 5760							393

As detailed above, many of the density and population assumptions of the CLUE are outdated. The table below illustrates the potential impacts of the proposed changes on residential land supply using updated population figures and density assumptions based on recent developments. Even using these figures and a worst case scenario for the impacts of the code, the City clearly has enough residential land to accommodate future growth.

	Acres	Actual Net Density*	Potential Units	Landscaping Impacts	Tree Code Impacts (25%)	Remaining Acres	Potential Units
GR	119	7.1	844.9	0	-29.75	89.25	634
SFR6000	34	6	204	0	-8.5	25.5	153
SFR8000	219	3.1	678.9	0	-54.75	164.25	509
RR	134	6	804	0	-33.5	100.5	603
TOTAL	506		2531.8	0	-126.6	379.4	1899
Units Needed to Accommodate a Future 2030 Population of 9000							1529

IMPACTS OF PROPOSED CHANGES ON COMMERCIAL LANDS

Existing Commercial Land Supply

As stated on page 77 of the City's 1999 buildable lands inventory, the City had 40.2 acres of unconstrained commercial land in 1999, exactly enough to meet future employment needs using a high jobs/acre density assumption. Under a low employment density assumption, the City needed an additional 20.4 acres of unconstrained land to support the 2020 employment projections.

The adopted report does not state the criteria used to assess the amount of vacant unconstrained commercial land during the 1999 CLUE process. No criteria or list of parcels is given that would allow a time series analysis on the same basis. Recent development and the 2006 Greenway update removed 16.2 acres of commercial land while expansion of properties near the intersection of 8th Street and Highway 126 added 5.2 acres. However, recent GIS analysis of vacant unconstrained commercial lands taking into account more recent data yielded a total of 66.71 vacant unconstrained commercial acres (see

attached map). This analysis removed all wetlands, greenways, rights-of-way, and currently occupied commercial structures and included all parcels with vacant developable areas in excess of 1 acre. Assumptions regarding redevelopment potential and changes in vacancy may also confound comparisons between the CLUE and more recent analysis. Staff feels that 66.71 acres is a reasonable estimate of the current amount of vacant commercial land and has used this figure as a starting point for the current analysis.

	Vacant Unconstrained Acres
Community Commercial (CC)	18.71
Highway Commercial (HC)	23.6
Industrial Commercial (IC)	24.4
TOTAL	66.71

Needed Commercial Land Supply

The CLUE report assumes that only employment in the sectors of Retail Trade, Financial/Real Estate, and Other Services will occupy land zoned as Commercial or Highway Commercial. Because the CLUE used 1994 employment numbers and a 1999 land inventory to perform a 2020 supply analysis, the inventory actually accommodates 25 years of employment growth (1995-2020) rather than the 20 years required by state statute. The CLUE projected a 2020 commercial employment of 1593 jobs. (Note: the CLUE report gives two different employment projections for 2020 on Tables 28 and 35 without any discussion regarding this discrepancy. The larger of these projections was used here to arrive at the most conservative estimate of needed land.) This is an increase of 1296 commercial jobs over the 25 years from 1995-2020, or approximately 52 new jobs per year. As stated in the CLUE, the City needed 40.2 acres of unconstrained commercial land to accommodate employment growth to 2020 using a high jobs/acre density assumption. Under a low employment density assumption, the City needed an additional 60.6 acres of unconstrained land to support the 2020 employment projections, 20 acres more than the City had at the time. Because the CLUE and subsequently the comprehensive plan were adopted, it is assumed that the higher employment density and corresponding land needs can be used .

As opposed to the anticipated 52 new jobs per year in the CLUE, the total number of actual commercial jobs in Veneta went from

317 in 1994 to 487 in 2006, an increase of 170 jobs or 14.2 jobs per year over 12 years (Source: Oregon Employment Department). Based on the actual growth rate of 14.2 jobs/year from 1995-2007, the City finds that the 52 jobs/year growth rate used to anticipate commercial land needs during the 1999 CLUE process vastly overestimates the amount of land actually needed to accommodate future growth. Recent marketing studies for the Fern Ridge area show that this is due at least in part to Veneta's proximity to a major urban area where goods and services are easily available, and the fact that the vast majority of Veneta residents work in the Eugene area and do most of their shopping while in the City. These factors have largely stifled job growth in the Veneta area despite rapid residential development.

Using the 14.2 jobs/year figure, the city will add a total of 327 jobs by 2030. Based on the job density assumptions used in the CLUE (20-30 jobs/acre, no more accurate data is currently available), the City needs between 10.9 and 16.4 acres of vacant unconstrained land to accommodate commercial growth between 2007 and 2030.

Commercial Land Needs		
Actual commercial employment growth 1994-2006 (jobs/year)		14.2
Projected commercial employment growth 2007-2030		327
Commercial employment density(jobs/acre)	High	30
	Low	20
Needed Acres	High	10.9
	Low	16.4

Impacts of the Landscaping Code on Commercial Lands

For commercial developments, the proposed regulations adopt numerical standards which clarify the area which commercial developments must dedicate to landscaping under VLDO Section 5.12(8). Commercial developments do not generally have yard requirements unless the parcel abuts a residential zone. The proposed landscaping requirements may have some minimal impact on the City's supply of buildable commercial lands. Assuming that landscaping standards, parking standards, or other design requirements essentially remove land from the City's inventory, the new landscaping requirements require that 10% of each commercial development be committed to landscaping and thus remove 10% of each commercial lot from the inventory. This would result in the removal of approximately 4.02 acres from the BLI.

Impacts of the Tree Preservation Code on Commercial Lands

The proposed tree preservation standards do not affect the City's commercial or industrial land supply. Section 8.10.080(5)(c) which provides the approval standards for tree removals pursuant to site plans or land divisions specifically states that:

Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location.

Therefore, tree preservation conditions for any site plan or land division will not reduce the employment density of development and therefore, does not remove commercial lands from the inventory.

Opponents may argue that the proposed preservation standards are ambiguous and may be used to limit development in spite of the above language. One hypothetical example of this brought up during public comment was the City requiring a shopping center or sawmill to build a multi-story development in order to lessen the footprint and preserve trees. Subsection (ii) of 8.10.080(5)(c) states that:

Tree removal or transplanting pursuant to a Type C permit shall be limited to instances ... where the reviewing authority determines that the following criteria have been met.

(ii) The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.

The City finds that this provision adequately protects applicants from required tree preservation which would adversely affect the overall functionality of the development to any significant degree. Given these protections, the City could not find that a multi-floor sawmill provides the same level of design functionality as a single level sawmill.

Although the City finds that the above protections are adequate, the following findings demonstrate that even if trees are fully protected, the impacts do not reduce the City's needed inventory of commercial lands. Using a 2004 aerial photo and the City's GIS

software, an overlay was created to determine the potential impacts of the tree code changes to the BLI for commercial lands. Areas of trees are visible on the photo due to color differences and shadows cast by trees. In creating this overlay, rough polygons were created whose boundaries lie substantially outside of the canopy area in order to provide a conservative estimate of the impacts. Based on this analysis, approximately 13.4 acres of tree canopy occur on unconstrained vacant commercial lands. Some of the limitations of this methodology are as follows:

- This methodology may not account for areas with small significant trees which are not easily discernable from the photos,
- It may overestimate canopy coverage by including substantial gaps within treed areas
- 13.4 acres overestimates tree canopy by including areas covered by Douglas fir less than 18" in dbh and other trees not considered significant by the code. Based on an analysis of five recent large (20+ lot), geographically distributed subdivisions, approximately 65% of the trees in Veneta are Douglas fir, and 83% of these firs are below the cutoff for significance (18"). Therefore, this method of tracing treed areas on the aerial photo is a significant overestimate of the area impacted by the proposed regulations. Removing non-significant Douglas firs reduces the impacted area to 6.1 acres.

The most conservative assumption of how tree preservation would affect the commercial BLI would be to assume that applicants will be required to protect 100% of the canopy. This would remove 6.1 acres from the commercial BLI.

Summary of effects on Commercial lands supply

The City currently has approximately 66.7 acres of unconstrained vacant or redevelopable land zoned Community Commercial (CC), Highway Commercial (HC), or Industrial/Commercial (IC). Subtracting the 4.0 acres impacted by the landscaping code, and the 6.1 acres impacted by the tree code, a total of 10.1 acres could potentially be removed from the commercial lands inventory leaving an unconstrained total of 56.6 commercial acres.

According to the CLUE, the City needed 40.2 acres to accommodate growth from 1995 to 2020. 56.6 acres of vacant, unconstrained commercial land remaining, after taking into account the maximum potential impacts of these proposed Code amendments, is significantly more than 40.2 acres. This

demonstrates that they proposed amendments do not reduce the City's supply of commercial land needed to address anticipated economic growth, as established in the 1999 CLUE BLI.

Based on the actual growth rate of 14.2 jobs/year from 1995-2007, the City finds that the 52 jobs/year growth rate used to anticipate commercial land needs during the 1999 CLUE process vastly overestimates the amount of land actually needed to accommodate future growth. This is due at least in part to Veneta's proximity to a major urban area where goods and services are easily available, and the fact that the vast majority of Veneta residents work in the Eugene area and do most of their shopping while in the City. These factors have largely stifled job growth in the Veneta area despite rapid residential development.

Using the 14.2 jobs/year figure, the city will add a total of 308 jobs over the next 20 years. Based on the job density assumptions used in the CLUE (20-30 jobs/acre, no more accurate data is currently available), the City needs between 10.9 and 16.4 acres of vacant unconstrained land to accommodate commercial growth over the next 20 years. The 56.6 acres of vacant unconstrained land left after taking into account the impacts of these proposed regulations is more than adequate to accommodate this growth. Therefore, the proposed regulations do not reduce the City's needed supply of vacant, unconstrained commercial land. Even if the overly optimistic CLUE projection of 52 jobs/year is used, the city still has an adequate supply of commercial land for the next twenty years as a low employment density would require about 52 acres to accommodate this growth, approximately the amount left after using the highest impact scenario for tree preservation.

Summary of Commercial Lands Impacts	
Existing Land Supply (from recent GIS analysis)	66.7
Lands potentially impacted by Landscaping standards	-4.0
Lands potentially impacted by Tree Code changes	-6.1
Remaining Vacant Unconstrained Commercial Land Supply (2008)	56.6
Needed Commercial Land Supply for 2030 (high emp. den.)	14.2
Needed Commercial Land Supply for 2030 (low emp. den.)	9.5

The size, type, and location of vacant commercial parcels available for development are not impacted by the proposed regulations. Veneta continues to have a large number of parcels with good highway visibility. The size of these vacant parcels ranges from less than an acre up to 10 acres with an average of 1.4 acres throughout the three commercial zones. The three zones provide for a broad range of commercial development from

mixed use and small scale retail in the downtown area, to large industrial/commercial development in the Northeast Employment Center.

IMPACTS OF PROPOSED CHANGES ON INDUSTRIAL LANDS

Existing Industrial Land Supply

Recent GIS analysis shows a total of 65.7 acres of vacant unconstrained industrial land. The 1999 CLUE showed a total of 93.9 acres. Again, it is difficult to determine the factors that lead to the difference between supplies in 1999 and 2007. Little industrial development has occurred (other than approximately 12 acres of land that were used in developing the Bi-Mart, Fern Ridge Storage, Pacific Wood ceilings, and City's water treatment sites), though developed sites that were vacant in 1999 may now be occupied. The table below illustrates the existing Industrial land supply according to recent GIS analysis.

	Vacant Unconstrained Acres
Light Industrial (LI)	38.3
Medium Industrial (MI)	3.1
Industrial Commercial (IC)	24.4
TOTAL	65.8

Needed Industrial Lands

Because there are so few industrial employers in Veneta, job figures in industrial sectors are not readily available due to confidentiality constraints. Therefore, a different methodology must be used to estimate industrial land needs than that used for commercial.

One way to arrive at an estimate would be to use the same rate of industrial employment growth used in the CLUE report to make employment forecasts to 2030. The CLUE estimated a total gain of 344 industrial jobs over 20 years, or 17.2 jobs/year. This 344 jobs would occupy between 25.2 and 35.8 acres of industrial land depending on the employment densities used.

Another way to arrive at an estimate of needed land would be to assume that the proportion of industrial to commercial employment in the city has remained constant since 1994. In all likelihood the ratio has been tilted in favor of commercial because

nearly all of the development that has occurred since 1994 has been in the commercial sectors. This ratio was 61 industrial to 317 commercial in 1994. Knowing that commercial employment in 2006 was 487 people, a proportional increase in industrial employment would yield 93.7 jobs in 2006 for an increase of 2.7 jobs/year over 12 years (1994-2006.) Extending this rate out to 2030, the City would gain approximately 63 industrial jobs on between 3.5 and 5.7 acres depending on the employment density used and the distribution of growth within different industrial sectors. The low and high average industrial employment densities stated in the CLUE of 11 and 18 jobs per acres were used.

Industrial Land Needs		
Estimated Industrial employment growth 1994-2006 (jobs/year)		2.7
Projected commercial employment growth 2007-2030		63
Industrial employment density(jobs/acre)	High	18
	Low	11
Needed Acres	High	3.5
	Low	5.7

Impacts of Landscaping Standards on Industrial Land Supply

Industrial developments have yard requirements which exceed the proposed 5% landscaping requirement. For instance a 100x100 ft lot would have a landscaping requirement of 500 sqft. Under the current code, the 10 ft front yard requirement alone would create a landscaped area of 1000 sqft. Therefore the proposed landscaping standards do not impact the industrial land supply.

Impacts of Tree Preservation on Industrial Land Supply

The section above entitled *Impacts of the Tree Preservation Code on Commercial Lands* is hereby incorporated by reference. The findings of that section apply equally to industrial and commercial lands in that the City does not find that the proposed code will have any effect on the supply of these lands. However, in order to address the arguments stated in the above section, staff has performed a “worst case” analysis for both commercial and industrial lands.

Using the same methodology described above for commercial lands, tree canopy was estimated using GIS to assess the impacts on industrial lands. Based on aerial photography, a total of approximately 35 acres are covered by canopy. As explained earlier, approximately 65% of the trees on Douglas fir and 83%

of these are smaller than would be considered significant under the proposed code. Therefore a total of approximately 16.1 acres of industrial land would be covered under the proposed code. Using the same assumptions applied to commercial lands above, preservation of 100% of this canopy area results in 16.1 acres of industrial land being removed from the buildable lands inventory.

Summary of Impacts on Industrial Land Supply

Industrial Land Supply and Potential Impacts	
Current Industrial Land Supply	65.8
Lands potentially impacted by Landscaping standards	0
Lands potentially impacted by Tree Code changes	16.1
Remaining Vacant Unconstrained Industrial Land Supply (2008) (GIS)	49.7

Needed Lands vs. Existing Supply (CLUE)	
CLUE estimate of needed land (low)	25.2
CLUE estimate of needed land (high)	35.8
Potential Surplus (lowest estimate)	13.9
Potential surplus (highest estimate)	24.5

Needed Lands vs. Existing Supply (Revised Estimate)	
Needed Industrial land (lowest estimate using a constant ratio of C:I employment from 1994-2006)	3.5
Needed Industrial land (highest estimate using employment projections from 1999 CLUE)	36
Potential surplus (lowest estimate)	13.7
Potential surplus (highest estimate)	46.2

Based on the analysis presented above, the City has between 13.9 and 24.5 acres in excess of what it needs to accommodate industrial growth according to the CLUE report.

Using more realistic numbers based on industrial growth from 2000-2008, the City has between 13.7 and 46.2 excess acres to accommodate industrial growth over the next 20 years.

The proposed code changes do not reduce the City's supply of vacant, unconstrained industrial land needed to accommodate 20 years of industrial growth.

SUMMARY OF BUILDABLE LANDS IMPACTS

The City has taken a very conservative approach in analyzing the impacts of the proposed regulations. Based on this analysis, the proposed regulations do not reduce the City's needed buildable land supply according to the adopted CLUE report, the basis for the City's adopted Comprehensive Plan. Using more update to

date and realistic numbers based on growth rates over the last 8 years, the City has more than enough land to accommodate future growth both before and after adoption of the proposed regulations.

III. PLAN ELEMENTS AND POLICIES (continued)

A. GROWTH MANAGEMENT ELEMENT

GOAL:

2. Provide services in a timely and orderly manner:

The existing tree code has in some cases prevented City staff from providing timely service due to the subjective nature of the majority of existing criteria. Uncertainties in both the requirements and the process have led to inconsistent decisions and appeals. The intent of the proposed changes is to add certainty so that it is clear for both the applicant and staff what is required and whether or not the criteria have been met. This is accomplished by creating objective numerical standards and clear definitions.

B. COMMUNITY, BUILDING, AND SITE DESIGN ELEMENT

GOAL:

Create a city with efficient and ecologically sensitive infrastructure; an environment that aesthetically stimulates us; and buildings, sidewalks, trails, and other public facilities that are accessible to everyone.

In order to provide “ecologically sensitive” and “aesthetically stimulating” infrastructure, it is necessary for the City to ensure that development incorporates existing trees, especially large native trees, into development plans to the extent feasible, while accommodating the needs of new construction. Existing trees provide many different services within the City including interception and treatment of precipitation, erosion control, reduction in air conditioning costs, and provision of habitat for native wildlife. Trees are also a large part of the character of Veneta, creating an aesthetically appealing environment in both residential and commercial settings as stated by the Comprehensive Plan policies addressed below. The proposed code language provides a significant economic disincentive for removal of existing trees, and requires mitigation for trees that are removed to ensure canopy replacement over time.

POLICIES:

7. *Incorporate natural features such as creeks, wetlands, and large trees into site plans (including grading, landscaping, and lighting).*

The proposed amendments increase the likelihood that large trees will be incorporated into site plans by providing significant monetary disincentives for the removal of heritage trees, and by requiring that the applicant examine design alternatives to ensure that there is not an equally functional design that would better preserve significant trees.

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

The proposed amendments clarify requirements intended to enhance and preserve Veneta's urban forest including existing trees, new landscaping, and street tree standards. The changes to VMC 8.10 are intended to allow flexibility in the development process while preserving existing trees or mitigating for their removal in an effort to limit loss of tree canopy throughout the City.

Changes to VLDO 5.12 clarify existing standards for landscaping and set clear minimum landscaping standards.

The proposed language also strengthens existing enforcement provisions for illegal tree removals as required by this policy.

C. RESIDENTIAL LAND AND HOUSING ELEMENT

GOALS:

3. *Maintain an attractive residential community in an appealing rural setting.*

Trees, especially large native trees, are a large part of Veneta's rural character. The record for this amendment includes studies showing that preservation of large native trees within developments increases property values, decreases energy costs, and creates a more attractive residential community. The proposed changes increase the likelihood that large trees will be incorporated into site plans by providing significant monetary disincentives for the removal of heritage trees and requiring replanting of removed trees when feasible in an effort to limit the loss of urban forest during the development process and to retain and enhance Veneta's urban forest.

POLICIES:

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

The findings above under III.A. Goal 1. demonstrate that the proposed regulations do not reduce the City's needed buildable residential land supply, even when a more realistic population figure of 9000 is used for 2030.

16. *Require standards for landscaping, fencing, and off-street parking in residential developments of five units per net acre or more.*

The proposed changes to VLDO 5.12 sets clear, numerical standards for landscaping of residential developments.

D. ECONOMIC DEVELOPMENT ELEMENT

GOAL: Pursue the economic interest of the City of Veneta by constructing and implementing policies and programs, including but not limited to the following functions:

- b) *Develop a working relationship with economic development-related public and private agencies, community groups, and business organizations.*
- c) *Engage in dialogue with interested parties about the development of Veneta's industrially and commercially zoned properties, and other development and interests related to Comprehensive Plan Goals.*

The City worked closely with representatives of the Lane County Homebuilders Association, Fern Ridge Chamber of Commerce, local developers, neighborhood groups, and forestry professionals in crafting the proposed amendments. This stakeholder group met on August 30, 2007, August 21, 2007, and June 1, 2007 to discuss issues, propose solutions and review and comment on the proposed changes. This dialogue resulted in amendments which will better meet the goals of the comprehensive plan. Staff also held two open houses on May 17, 2007 and November 5, 2007, a joint Council/Planning Commission worksession on November 5, public hearings before the Planning Commission on December 3, 2007, and January 7, 2008, and before the City Council on February 26, 2008 where other members of the development community and the general public voiced their concerns and suggestions for improvements.

POLICIES:

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

The findings above under III.A. Goal 1. demonstrate that the proposed regulations do not reduce the City's needed buildable industrial land supply . Several large parcels in excess of five acres have remained vacant for many years and continue to provide opportunities for large scale industrial development. These parcels are located within close proximity to the highway and City services.

29. *Use landscaping to create attractive business environments and conserve existing native and heritage trees.*

The proposed amendments set minimum standards for landscaping of commercial and industrial developments which will lead to attractive business environments. The proposed amendments increase the likelihood that native and heritage trees will be incorporated into site plans by providing significant monetary disincentives for their removal, and by requiring that the applicant examine design

alternatives to ensure that no equally functional design exists that would better preserve significant trees. The proposed definitions of significant trees places heavy emphasis on native trees, especially those which are compatible with urban development. An emphasis is placed on mitigation with trees native to western Oregon.

I. NATURAL RESOURCES

GOALS:

- 1. Conserve open space and protect natural and scenic resources, including wildlife corridors.*

Trees, especially large native trees, are a large part of the character and aesthetic appeal of Veneta, and a considerable natural and scenic resource. The proposed amendments provide significant disincentives for removal of large native trees and requires replanting of removed trees when feasible in order to ensure continual replacement of trees over time. The emphasis of the proposed code is on native trees, especially native hardwoods such as Gary Oak, madrones, and other natives which may be slow growing or hard to obtain commercially.

J. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: *Preserve the quality of Veneta's Air, Water, and Land Resources.*

Existing trees provide many different services within the City including interception and treatment of precipitation, erosion control, reduction in air conditioning costs, and provision of habitat for native wildlife. Through shading and erosion prevention, trees have substantial air, land, and water quality benefits. The proposed amendments are intended to preserve and enhance Veneta's urban forest to limit the loss of trees and their associated benefits. Urban development often leads to a reduction in tree canopy. Through preservation and mitigation, the net loss of trees during the development process will be minimized to the greatest extent feasible through implementation of the proposed changes.

CONSISTENCY WITH THE PURPOSE OF THE VENETA LAND DEVELOPMENT ORDINANCE

PURPOSE OF LAND DEVELOPMENT ORDINANCE NO. 461: *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 proposed amendments do not alter the purpose of the VLDO. The proposed amendments clarify or establish new standards for the orderly development of land within the City and better implement the Veneta Comprehensive Plan as discussed in the findings above. The purpose of VMC 8.10 has been amended to better capture the intent of the code in seeking to implement the goals and policies of the comprehensive plan.

ORDINANCE NO. 484

AN ORDINANCE AMENDING THE VENETA LAND DEVELOPMENT ORDINANCE 461,
ARTICLE 5

WHEREAS, on October 9, 2007 the City of Veneta properly notified the Department of Land Conservation and Development of proposed amendments to the Land Development Ordinance landscaping standards; and

WHEREAS, on December 3, 2007 and January 7, 2008 the Veneta City Planning Commission conducted properly advertised public hearings on the proposed amendments to the Veneta Land Development Ordinance landscaping standards and within 40 days after the second public hearing made a recommendation for the City Council to adopt the proposed amendments; and

WHEREAS, on February 26, 2008 and September 8, 2008 the Veneta City Council conducted properly advertised public hearings on the proposed amendments; and

WHEREAS, based upon all materials relevant to the proposal, staff reports, findings made by the Veneta City Council, and testimony and comments submitted at both public hearings and/or in writing;

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

SECTION 1. The Findings of Fact in support of amendments to the Veneta Land Development Ordinance 461, Article 5 amending the landscaping standards and adding street tree standards adopted by the Veneta City Council on September 22, 2008 in support of this ordinance, attached as Exhibit A, are hereby incorporated herein and made a part of this Ordinance.

SECTION 2. The Veneta Land Development Ordinance 461, Article 5, Section 5.12 is hereby repealed and replaced with the following:

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 and such areas shall be maintained in a clean, weed free manner.
- (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) Minimum Landscaped Area. The minimum percentage of required landscaping is as follows:
 - (a) Residential and Residential-Commercial Zones. 20 percent of each lot for residential developments, 10 percent for commercial or mixed use.
 - (b) Community Commercial Zone. 10 percent of the site.

- (c) Highway Commercial Zone. 10 percent of the site.
 - (d) Industrial Zones (IC,LI, MI). 5 percent of the site.
 - (e) When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.
- (4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
- (a) One tree, minimum 2" caliper.
 - (b) Four 5-gallon shrubs or accent plants.
- (5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (4)(f) & (g), below), shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.
- (6) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
- (a) Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.
 - (b) Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.
 - (c) Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two(2) years to ensure viability.
 - (d) Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
 - (e) "Invasive" plants, shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
 - (f) Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area; except in the Downtown Area where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and

similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.

- (g) Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
- (7) 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.
- (8) 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.
- (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 shall be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis as the sole discretion of the Planning Official.
 - (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.
- (11) All detention ponds shall be landscaped according to guidelines adopted by resolution of the City Council. Deviations from the guidelines may be allowed at the discretion of the City when the applicant has shown that the alternative will provide increased aesthetic, pollution reduction and/or flow control benefits over those provided by adhering to the adopted guidelines.

SECTION 3. The Veneta Land Development Ordinance 461, Article 5 is hereby amended to add Section 5.28 as follows:

Section 5.28 Street Trees

When street trees are proposed, their selection and installation shall be according to the following requirements. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction.

(1) Species selection. Trees shall be selected from the City's adopted tree list

(2) Caliper Size. All street trees shall be a minimum of 2 inch caliper at time of planting.

(3) Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements and clear vision areas.

(4) Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

(a) Provide a broad canopy where shade is desired, except where limited by available space or except in section 4.

(b) Use low-growing trees for spaces under low utility wires.

(c) Select trees which can be "limbed-up" to comply with vision clearance requirements.

(d) Use species with similar growth characteristics on the same block for design continuity.

(e) Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

(6) Replacement. Replacement of street trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

(7) Maintenance. Maintenance of street trees shall be the responsibility of the adjacent property owner

(a) Standards. All trees located within the public right-of-way must be pruned to National Arborist Association Pruning Standards for Shade Trees.

(b) **Adjacent Property Owners to Maintain Trees.** Every adjacent property owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet, six inches (13'6") over the street, and/or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety.

(c) **Adjacent Property Owners Liable.** The owner of property abutting trees on a right-of-way shall be liable for injury, damage, or loss to persons or property caused by the property owner's negligent failure to comply with subsection (b) of this section.

(d) **Notification.** The City may serve notice on the adjoining property owner to prune, remove, or otherwise treat any tree on a right-of-way as conditions may require. Any such notice shall be governed the standards below. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.

(i) **Notice to Prune or Remove.** Should any property owner fail to maintain adjacent trees as per Section 7 of this ordinance, the City shall order such person or persons, within ten days of mailing of such notice, to so prune or remove such trees.

(ii) **Notice Required.** The notice required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

(iii) **Failure to Comply.** When a person to whom a notice is directed shall fail to comply within this specified time, it shall be lawful for the city to cause the trees in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.

(e) **Debris Removal.** The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.

(f) **City Tree Maintenance.** The city shall have the right to plant, prune, maintain, and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of such areas. The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, natural gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said tree is in accordance with this ordinance.

(g) **City Held Harmless.** The city of Veneta shall not be liable for injury, damage, or loss to person or property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city

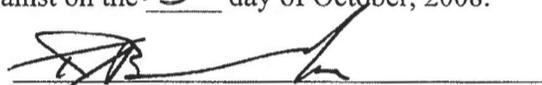
from all claims for loss and damage arising from the owner's negligent failure to comply with Section 7 of this ordinance.

SECTION 4. 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 decisions shall not affect the validity of the remaining portions of this ordinance.

READ FOR A FIRST TIME, BY TITLE ONLY, this 22nd day of September, 2008, 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 13 day of October, 2008, no Council person in attendance having requested that it be read in full.

PASSED BY A VOTE OF 5 for and 0 against on the 13 day of October, 2008.



T. J. Brooker, Mayor
Executed on 10-13-08

ATTEST;



Darci Henneman,
Assistant City Recorder
Executed on 10-13-08

VENETA ORDINANCE 483 AND 484 – ATTACHMENT "A"
Findings of Fact

**FINAL ORDER OF THE
VENETA CITY COUNCIL**

**Amendments to the Veneta Municipal Code Section 8.10
Amendments to Land Development Ordinance No. 461
(A-2-07)**

The Veneta City Council finds the following:

1. The Veneta Planning Commission held a public hearing on December 3, 2007 and January 7, 2008 on the proposed amendments after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 461.
2. The Planning Commission reviewed all materials relevant to the application for amendment which has been submitted by staff, and other agencies, and the public regarding this matter and recommended approval of the proposed amendments to the Veneta City Council.
3. The Veneta City Council held public hearings on February 26, 2008 and September 8, 2008 after providing the required notice as per Section 2.11 of Veneta's Land Development Ordinance No. 461.
4. The proposed amendments to the Veneta Land Development Ordinance and Veneta Municipal code are consistent with the goals and policies of the Veneta Comprehensive Plan Ordinance No. 416 as stated in the findings below, and therefore comply with all applicable statewide planning goals.

**CONSISTENCY OF PROPOSED CHANGES WITH THE VENETA
COMPREHENSIVE PLAN**

III. PLAN ELEMENTS AND POLICIES

A. GROWTH MANAGEMENT ELEMENT

GOAL:

Provide sufficient buildable lands and open space areas to allow Veneta to develop as the retail and service center for the Fern Ridge area and to develop a commercial and light industrial employment base.

This goal relates specifically to potential effects on the City's 1999 Comprehensive Land Use Evaluation (CLUE) which is the City's buildable lands inventory (BLI) adopted pursuant to Statewide Planning Goals 9 and 10 and the implementing rules. Although individual plan designations are addressed specifically under

other Goals and Policies as described below, they will be addressed together here for continuity. The following findings show that the proposed regulations do not reduce the City's necessary supply of unconstrained residential, commercial, or industrial land, and are considered a full and complete accounting of buildable lands as may be required by any and all applicable comprehensive plan provisions and statewide planning goals.

IMPACTS OF EXISTING REGULATIONS

The proposed regulations allow more development than possible under the existing code. The wording of the existing regulations found in VMC 8.10.080(2) may prevent or limit development due to requirements to retain wooded areas, buffers, and views to an undefined degree. Because forested areas were not subtracted from the City's buildable lands supply during the CLUE process, tree preservation under the existing code substantially reduces buildable lands to an unknown extent. The proposed changes create certainty for applicants and have definable impacts on the buildable lands inventory which can be determined and accounted for as a whole, rather than undetermined impacts which vary based on a case by case application of the current subjective standards.

IMPACTS OF PROPOSED CHANGES ON RESIDENTIAL LAND SUPPLY

Existing Residential Supply

Based on recent GIS analysis performed for this amendment, the City currently has the following amounts of vacant unconstrained residential land to accommodate future units.

	Acres	CLUE Average Net Density	CLUE Potential Units	Actual Net Density*	Actual Potential Units	Max Net Density**	Max Potential Units
GR	119	3.2	381	7.1	844.9	15	1785
SFR6000	34	3.2	109	6	204	7	238
SFR8000	219	3.2	701	3.1	678.9	7	1533
RR***	134	3.2	429	6	804	7	938
TOTAL	506		1620		2531.8		4494

*Computed using figures from approved subdivisions from 2000-2008

** From the Veneta Comprehensive Plan 2000

***Assumes rezoning of RR land to SFR6000

Since 1999, the City has approved more than 1054 residential units including 991 single family units. Residential densities have also increased substantially. The CLUE analysis used an average net density of 3.2 du/ac across all housing types including a

density for single family of 2.9du/ac. Using statistics for recent subdivisions, actual net densities for single family are around 6.0 du/acre, more than double the assumed density used in the inventory. Recent development of multi-family housing also increases the average net density. It is assumed the densities will continue to increase in the future as the City continues to comply with statewide planning goals. Using the maximum net densities stated in the Comprehensive Plan, the total number of potential units increases to 4494 which would accommodate a population of over 12,800 residents.

Needed Residential Lands

The CLUE report called for sufficient land to accommodate a 2030 population of 5760. Taking into account the current population of 4640, sufficient residential land is required to house an additional 1120 residents. Using an average household size of 2.85(2000 Census), this equates to a total of 393 additional units. This requires a total of 122 net acres using an average net density of 3.2 as stated in the CLUE.

Although the CLUE report provides the necessary legal framework for analyzing buildable land needs, several factors may invalidate many of the assumptions of the CLUE. Various methodologies are available to estimate future population growth. Recent moratoria in Veneta complicate forecasting because no growth occurred during these periods. The degree to which the lifting of moratoria influenced recent rapid growth rates is also difficult to determine. Recent 2007 forecasts produced by LCOG using a 5 year regression trend analysis yield a 2030 population of 9960. Other methods such as using a raw annual growth rate (rather than the regression trend), and using a 15 year (rather than a 5 year) trend typically yield populations lower than 9960. The City has requested a new coordinated population of 9000 for 2030.

Using the 2030 population estimate of 9000 and an average household size of 2.85 (2000 Census), the City will need an additional 1529 units to accommodate the 2030 population. Assuming that all of these are single family detached units (a conservative assumption when estimating needed land as it disregards the development of multi-family housing) built at the current net density of 6du/ac, the City needs approximately 339 gross or 255 net acres of land to accommodate the 2030 population assuming a land efficiency of 75% with 25% loss to roads, parks etcetera.

Effects of Proposed Landscaping Code on Residential Land Supply

The landscaping requirements similarly clarify existing standards. The proposed code specifies a minimum area of the site that must be landscaped. For residential developments, this percentage is less than the 60% of the site that cannot be covered with structures (VLDO caps residential lot coverage at 40%) and therefore, has no effect on the City's supply of buildable residential land.

Effects of Proposed Tree Code on Residential Land Supply

Assessing the potential impacts of the proposed changes to the tree code requires analysis of the two methods provide for securing development permits involving tree removal. The first establishes a standard approach utilizing clear and objective numeric standards. An alternative design review process is also available. Two avenues are provided for securing development permits involving tree removal, a standard approach utilizing clear and objective numeric standards, and an alternative design review process. These findings focus only the standard numeric approach because the alternative design review criteria in protections stating that "application of the standards of this section shall not result in a reduction of overall building square footage or loss of density...".

Several numeric options for tree preservation are presented. Estimating the impacts of these options of the land supply requires consideration of the variability of tree coverage, size, and species composition across the City. A conservative approach taking these variables into account would be to assume all vacant land is covered with significant tree canopy, and all applicants will select the option of preserving 25% of this canopy. This would essentially remove 25% of the buildable land from the inventory. This option has the highest impact on buildable area of the options available. A 25% reduction in the number of potential units would result in the potential for a total of 1899 units if current net densities are used, more than the 393 needed to support the adopted 5760 population, and more than the 1529 needed to support the 20 year build out.

This is a very conservative approach, as:

- Many residentially zoned parcels do not have trees on them at all;
- The reality that parcels that do have trees are not usually completely covered by significant tree canopy;

- If the maximum net densities allowed in the Comprehensive Plan are used, a total of 3370 potential units would remain after the 25% tree canopy is subtracted.
- Based on an analysis of five recent large (20+ lot), geographically distributed subdivisions, approximately 65% of the trees in Veneta are Douglas fir, and 83% of these firs are below the cutoff for significance (18"). These factors alone reduce the significant canopy coverage from the assumed 100% to 46% ;
- The vacant acreage includes existing lots which are not divisible and therefore, not impacted by the proposed Type C permit criteria;
- Applicants may elect to develop under the alternative residential design review criteria for preservation of tree diameter or heritage trees which does not require that 25% of the site be preserved;
- Additional units may be created through redevelopment of existing non-vacant parcels
- A 2030 population projection of 9000 used here is towards the higher end of the range of projections arrived at by using various forecasting techniques.

To house a population of 5760, an additional 393 units is required if the CLUE densities are used. Prior to implementing the proposed changes, the City has sufficient residential land to accommodate at least 1214 units using the same densities used in the CLUE report. The table below illustrates the potential impacts of the proposed changes on residential lands using the same assumptions used in the CLUE. Because the City would still have enough vacant unconstrained residential land to meet the CLUE estimated demand of 393 units even without taking the factors into account, it can be safely stated that the proposed regulations in no way reduce the City's needed supply of residential land.

	Acres	CLUE Average Net Density	CLUE Potential Units	Landscaping Impacts	Tree Code Impacts (25%)	Remaining Acres	Potential Units
GR	119	3.2	381	0	-29.75	89.25	285.6
SFR6000	34	3.2	109	0	-8.5	25.5	81.6
SFR8000	219	3.2	701	0	-54.75	164.2	525.6
RR	134	3.2	429	0	-33.5	5	321.6
TOTAL	506		1620	0	-126.6	379.4	1214
Units Needed to Accommodate a Future Population of 5760							393

As detailed above, many of the density and population assumptions of the CLUE are outdated. The table below illustrates the potential impacts of the proposed changes on residential land supply using updated population figures and density assumptions based on recent developments. Even using these figures and a worst case scenario for the impacts of the code, the City clearly has enough residential land to accommodate future growth.

	Acres	Actual Net Density*	Potential Units	Landscaping Impacts	Tree Code Impacts (25%)	Remaining Acres	Potential Units
GR	119	7.1	844.9	0	-29.75	89.25	634
SFR6000	34	6	204	0	-8.5	25.5	153
SFR8000	219	3.1	678.9	0	-54.75	164.25	509
RR	134	6	804	0	-33.5	100.5	603
TOTAL	506		2531.8	0	-126.6	379.4	1899
Units Needed to Accommodate a Future 2030 Population of 9000							1529

IMPACTS OF PROPOSED CHANGES ON COMMERCIAL LANDS

Existing Commercial Land Supply

As stated on page 77 of the City's 1999 buildable lands inventory, the City had 40.2 acres of unconstrained commercial land in 1999, exactly enough to meet future employment needs using a high jobs/acre density assumption. Under a low employment density assumption, the City needed an additional 20.4 acres of unconstrained land to support the 2020 employment projections.

The adopted report does not state the criteria used to assess the amount of vacant unconstrained commercial land during the 1999 CLUE process. No criteria or list of parcels is given that would allow a time series analysis on the same basis. Recent development and the 2006 Greenway update removed 16.2 acres of commercial land while expansion of properties near the intersection of 8th Street and Highway 126 added 5.2 acres. However, recent GIS analysis of vacant unconstrained commercial lands taking into account more recent data yielded a total of 66.71 vacant unconstrained commercial acres (see

attached map). This analysis removed all wetlands, greenways, rights-of-way, and currently occupied commercial structures and included all parcels with vacant developable areas in excess of 1 acre. Assumptions regarding redevelopment potential and changes in vacancy may also confound comparisons between the CLUE and more recent analysis. Staff feels that 66.71 acres is a reasonable estimate of the current amount of vacant commercial land and has used this figure as a starting point for the current analysis.

	Vacant Unconstrained Acres
Community Commercial (CC)	18.71
Highway Commercial (HC)	23.6
Industrial Commercial (IC)	24.4
TOTAL	66.71

Needed Commercial Land Supply

The CLUE report assumes that only employment in the sectors of Retail Trade, Financial/Real Estate, and Other Services will occupy land zoned as Commercial or Highway Commercial. Because the CLUE used 1994 employment numbers and a 1999 land inventory to perform a 2020 supply analysis, the inventory actually accommodates 25 years of employment growth (1995-2020) rather than the 20 years required by state statute. The CLUE projected a 2020 commercial employment of 1593 jobs. (Note: the CLUE report gives two different employment projections for 2020 on Tables 28 and 35 without any discussion regarding this discrepancy. The larger of these projections was used here to arrive at the most conservative estimate of needed land.) This is an increase of 1296 commercial jobs over the 25 years from 1995-2020, or approximately 52 new jobs per year. As stated in the CLUE, the City needed 40.2 acres of unconstrained commercial land to accommodate employment growth to 2020 using a high jobs/acre density assumption. Under a low employment density assumption, the City needed an additional 60.6 acres of unconstrained land to support the 2020 employment projections, 20 acres more than the City had at the time. Because the CLUE and subsequently the comprehensive plan were adopted, it is assumed that the higher employment density and corresponding land needs can be used .

As opposed to the anticipated 52 new jobs per year in the CLUE, the total number of actual commercial jobs in Veneta went from

317 in 1994 to 487 in 2006, an increase of 170 jobs or 14.2 jobs per year over 12 years (Source: Oregon Employment Department). Based on the actual growth rate of 14.2 jobs/year from 1995-2007, the City finds that the 52 jobs/year growth rate used to anticipate commercial land needs during the 1999 CLUE process vastly overestimates the amount of land actually needed to accommodate future growth. Recent marketing studies for the Fern Ridge area show that this is due at least in part to Veneta's proximity to a major urban area where goods and services are easily available, and the fact that the vast majority of Veneta residents work in the Eugene area and do most of their shopping while in the City. These factors have largely stifled job growth in the Veneta area despite rapid residential development.

Using the 14.2 jobs/year figure, the city will add a total of 327 jobs by 2030. Based on the job density assumptions used in the CLUE (20-30 jobs/acre, no more accurate data is currently available), the City needs between 10.9 and 16.4 acres of vacant unconstrained land to accommodate commercial growth between 2007 and 2030.

Commercial Land Needs		
Actual commercial employment growth 1994-2006 (jobs/year)		14.2
Projected commercial employment growth 2007-2030		327
Commercial employment density(jobs/acre)	High	30
	Low	20
Needed Acres	High	10.9
	Low	16.4

Impacts of the Landscaping Code on Commercial Lands

For commercial developments, the proposed regulations adopt numerical standards which clarify the area which commercial developments must dedicate to landscaping under VLDO Section 5.12(8). Commercial developments do not generally have yard requirements unless the parcel abuts a residential zone. The proposed landscaping requirements may have some minimal impact on the City's supply of buildable commercial lands. Assuming that landscaping standards, parking standards, or other design requirements essentially remove land from the City's inventory, the new landscaping requirements require that 10% of each commercial development be committed to landscaping and thus remove 10% of each commercial lot from the inventory. This would result in the removal of approximately 4.02 acres from the BLI.

Impacts of the Tree Preservation Code on Commercial Lands

The proposed tree preservation standards do not affect the City's commercial or industrial land supply. Section 8.10.080(5)(c) which provides the approval standards for tree removals pursuant to site plans or land divisions specifically states that:

Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location.

Therefore, tree preservation conditions for any site plan or land division will not reduce the employment density of development and therefore, does not remove commercial lands from the inventory.

Opponents may argue that the proposed preservation standards are ambiguous and may be used to limit development in spite of the above language. One hypothetical example of this brought up during public comment was the City requiring a shopping center or sawmill to build a multi-story development in order to lessen the footprint and preserve trees. Subsection (ii) of 8.10.080(5)(c) states that:

Tree removal or transplanting pursuant to a Type C permit shall be limited to instances ... where the reviewing authority determines that the following criteria have been met.

(ii) The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.

The City finds that this provision adequately protects applicants from required tree preservation which would adversely affect the overall functionality of the development to any significant degree. Given these protections, the City could not find that a multi-floor sawmill provides the same level of design functionality as a single level sawmill.

Although the City finds that the above protections are adequate, the following findings demonstrate that even if trees are fully protected, the impacts do not reduce the City's needed inventory of commercial lands. Using a 2004 aerial photo and the City's GIS

software, an overlay was created to determine the potential impacts of the tree code changes to the BLI for commercial lands. Areas of trees are visible on the photo due to color differences and shadows cast by trees. In creating this overlay, rough polygons were created whose boundaries lie substantially outside of the canopy area in order to provide a conservative estimate of the impacts. Based on this analysis, approximately 13.4 acres of tree canopy occur on unconstrained vacant commercial lands. Some of the limitations of this methodology are as follows:

- This methodology may not account for areas with small significant trees which are not easily discernable from the photos,
- It may overestimate canopy coverage by including substantial gaps within treed areas
- 13.4 acres overestimates tree canopy by including areas covered by Douglas fir less than 18" in dbh and other trees not considered significant by the code. Based on an analysis of five recent large (20+ lot), geographically distributed subdivisions, approximately 65% of the trees in Veneta are Douglas fir, and 83% of these firs are below the cutoff for significance (18"). Therefore, this method of tracing treed areas on the aerial photo is a significant overestimate of the area impacted by the proposed regulations. Removing non-significant Douglas firs reduces the impacted area to 6.1 acres.

The most conservative assumption of how tree preservation would affect the commercial BLI would be to assume that applicants will be required to protect 100% of the canopy. This would remove 6.1 acres from the commercial BLI.

Summary of effects on Commercial lands supply

The City currently has approximately 66.7 acres of unconstrained vacant or redevelopable land zoned Community Commercial (CC), Highway Commercial (HC), or Industrial/Commercial (IC). Subtracting the 4.0 acres impacted by the landscaping code, and the 6.1 acres impacted by the tree code, a total of 10.1 acres could potentially be removed from the commercial lands inventory leaving an unconstrained total of 56.6 commercial acres.

According to the CLUE, the City needed 40.2 acres to accommodate growth from 1995 to 2020. 56.6 acres of vacant, unconstrained commercial land remaining, after taking into account the maximum potential impacts of these proposed Code amendments, is significantly more than 40.2 acres. This

demonstrates that they proposed amendments do not reduce the City's supply of commercial land needed to address anticipated economic growth, as established in the 1999 CLUE BLI.

Based on the actual growth rate of 14.2 jobs/year from 1995-2007, the City finds that the 52 jobs/year growth rate used to anticipate commercial land needs during the 1999 CLUE process vastly overestimates the amount of land actually needed to accommodate future growth. This is due at least in part to Veneta's proximity to a major urban area where goods and services are easily available, and the fact that the vast majority of Veneta residents work in the Eugene area and do most of their shopping while in the City. These factors have largely stifled job growth in the Veneta area despite rapid residential development.

Using the 14.2 jobs/year figure, the city will add a total of 308 jobs over the next 20 years. Based on the job density assumptions used in the CLUE (20-30 jobs/acre, no more accurate data is currently available), the City needs between 10.9 and 16.4 acres of vacant unconstrained land to accommodate commercial growth over the next 20 years. The 56.6 acres of vacant unconstrained land left after taking into account the impacts of these proposed regulations is more than adequate to accommodate this growth. Therefore, the proposed regulations do not reduce the City's needed supply of vacant, unconstrained commercial land. Even if the overly optimistic CLUE projection of 52 jobs/year is used, the city still has an adequate supply of commercial land for the next twenty years as a low employment density would require about 52 acres to accommodate this growth, approximately the amount left after using the highest impact scenario for tree preservation.

Summary of Commercial Lands Impacts	
Existing Land Supply (from recent GIS analysis)	66.7
Lands potentially impacted by Landscaping standards	-4.0
Lands potentially impacted by Tree Code changes	-6.1
Remaining Vacant Unconstrained Commercial Land Supply (2008)	56.6
Needed Commercial Land Supply for 2030 (high emp. den.)	14.2
Needed Commercial Land Supply for 2030 (low emp. den.)	9.5

The size, type, and location of vacant commercial parcels available for development are not impacted by the proposed regulations. Veneta continues to have a large number of parcels with good highway visibility. The size of these vacant parcels ranges from less than an acre up to 10 acres with an average of 1.4 acres throughout the three commercial zones. The three zones provide for a broad range of commercial development from

mixed use and small scale retail in the downtown area, to large industrial/commercial development in the Northeast Employment Center.

IMPACTS OF PROPOSED CHANGES ON INDUSTRIAL LANDS

Existing Industrial Land Supply

Recent GIS analysis shows a total of 65.7 acres of vacant unconstrained industrial land. The 1999 CLUE showed a total of 93.9 acres. Again, it is difficult to determine the factors that lead to the difference between supplies in 1999 and 2007. Little industrial development has occurred (other than approximately 12 acres of land that were used in developing the Bi-Mart, Fern Ridge Storage, Pacific Wood ceilings, and City's water treatment sites), though developed sites that were vacant in 1999 may now be occupied. The table below illustrates the existing Industrial land supply according to recent GIS analysis.

	Vacant Unconstrained Acres
Light Industrial (LI)	38.3
Medium Industrial (MI)	3.1
Industrial Commercial (IC)	24.4
TOTAL	65.8

Needed Industrial Lands

Because there are so few industrial employers in Veneta, job figures in industrial sectors are not readily available due to confidentiality constraints. Therefore, a different methodology must be used to estimate industrial land needs than that used for commercial.

One way to arrive at an estimate would be to use the same rate of industrial employment growth used in the CLUE report to make employment forecasts to 2030. The CLUE estimated a total gain of 344 industrial jobs over 20 years, or 17.2 jobs/year. This 344 jobs would occupy between 25.2 and 35.8 acres of industrial land depending on the employment densities used.

Another way to arrive at an estimate of needed land would be to assume that the proportion of industrial to commercial employment in the city has remained constant since 1994. In all likelihood the ratio has been tilted in favor of commercial because

nearly all of the development that has occurred since 1994 has been in the commercial sectors. This ratio was 61 industrial to 317 commercial in 1994. Knowing that commercial employment in 2006 was 487 people, a proportional increase in industrial employment would yield 93.7 jobs in 2006 for an increase of 2.7 jobs/year over 12 years (1994-2006.) Extending this rate out to 2030, the City would gain approximately 63 industrial jobs on between 3.5 and 5.7 acres depending on the employment density used and the distribution of growth within different industrial sectors. The low and high average industrial employment densities stated in the CLUE of 11 and 18 jobs per acres were used.

Industrial Land Needs		
Estimated Industrial employment growth 1994-2006 (jobs/year)		2.7
Projected commercial employment growth 2007-2030		63
Industrial employment density(jobs/acre)	High	18
	Low	11
Needed Acres	High	3.5
	Low	5.7

Impacts of Landscaping Standards on Industrial Land Supply

Industrial developments have yard requirements which exceed the proposed 5% landscaping requirement. For instance a 100x100 ft lot would have a landscaping requirement of 500 sqft. Under the current code, the 10 ft front yard requirement alone would create a landscaped area of 1000 sqft. Therefore the proposed landscaping standards do not impact the industrial land supply.

Impacts of Tree Preservation on Industrial Land Supply

The section above entitled *Impacts of the Tree Preservation Code on Commercial Lands* is hereby incorporated by reference. The findings of that section apply equally to industrial and commercial lands in that the City does not find that the proposed code will have any effect on the supply of these lands. However, in order to address the arguments stated in the above section, staff has performed a “worst case” analysis for both commercial and industrial lands.

Using the same methodology described above for commercial lands, tree canopy was estimated using GIS to assess the impacts on industrial lands. Based on aerial photography, a total of approximately 35 acres are covered by canopy. As explained earlier, approximately 65% of the trees on Douglas fir and 83%

of these are smaller than would be considered significant under the proposed code. Therefore a total of approximately 16.1 acres of industrial land would be covered under the proposed code. Using the same assumptions applied to commercial lands above, preservation of 100% of this canopy area results in 16.1 acres of industrial land being removed from the buildable lands inventory.

Summary of Impacts on Industrial Land Supply

Industrial Land Supply and Potential Impacts	
Current Industrial Land Supply	65.8
Lands potentially impacted by Landscaping standards	0
Lands potentially impacted by Tree Code changes	16.1
Remaining Vacant Unconstrained Industrial Land Supply (2008) (GIS)	49.7

Needed Lands vs. Existing Supply (CLUE)	
CLUE estimate of needed land (low)	25.2
CLUE estimate of needed land (high)	35.8
Potential Surplus (lowest estimate)	13.9
Potential surplus (highest estimate)	24.5

Needed Lands vs. Existing Supply (Revised Estimate)	
Needed Industrial land (lowest estimate using a constant ratio of C:I employment from 1994-2006)	3.5
Needed Industrial land (highest estimate using employment projections from 1999 CLUE)	36
Potential surplus (lowest estimate)	13.7
Potential surplus (highest estimate)	46.2

Based on the analysis presented above, the City has between 13.9 and 24.5 acres in excess of what it needs to accommodate industrial growth according to the CLUE report.

Using more realistic numbers based on industrial growth from 2000-2008, the City has between 13.7 and 46.2 excess acres to accommodate industrial growth over the next 20 years.

The proposed code changes do not reduce the City's supply of vacant, unconstrained industrial land needed to accommodate 20 years of industrial growth.

SUMMARY OF BUILDABLE LANDS IMPACTS

The City has taken a very conservative approach in analyzing the impacts of the proposed regulations. Based on this analysis, the proposed regulations do not reduce the City's needed buildable land supply according to the adopted CLUE report, the basis for the City's adopted Comprehensive Plan. Using more update to

date and realistic numbers based on growth rates over the last 8 years, the City has more than enough land to accommodate future growth both before and after adoption of the proposed regulations.

III. PLAN ELEMENTS AND POLICIES (continued)

A. GROWTH MANAGEMENT ELEMENT

GOAL:

2. *Provide services in a timely and orderly manner:*

The existing tree code has in some cases prevented City staff from providing timely service due to the subjective nature of the majority of existing criteria. Uncertainties in both the requirements and the process have led to inconsistent decisions and appeals. The intent of the proposed changes is to add certainty so that it is clear for both the applicant and staff what is required and whether or not the criteria have been met. This is accomplished by creating objective numerical standards and clear definitions.

B. COMMUNITY, BUILDING, AND SITE DESIGN ELEMENT

GOAL:

Create a city with efficient and ecologically sensitive infrastructure; an environment that aesthetically stimulates us; and buildings, sidewalks, trails, and other public facilities that are accessible to everyone.

In order to provide “ecologically sensitive” and “aesthetically stimulating” infrastructure, it is necessary for the City to ensure that development incorporates existing trees, especially large native trees, into development plans to the extent feasible, while accommodating the needs of new construction. Existing trees provide many different services within the City including interception and treatment of precipitation, erosion control, reduction in air conditioning costs, and provision of habitat for native wildlife. Trees are also a large part of the character of Veneta, creating an aesthetically appealing environment in both residential and commercial settings as stated by the Comprehensive Plan policies addressed below. The proposed code language provides a significant economic disincentive for removal of existing trees, and requires mitigation for trees that are removed to ensure canopy replacement over time.

POLICIES:

7. *Incorporate natural features such as creeks, wetlands, and large trees into site plans (including grading, landscaping, and lighting).*

The proposed amendments increase the likelihood that large trees will be incorporated into site plans by providing significant monetary disincentives for the removal of heritage trees, and by requiring that the applicant examine design alternatives to ensure that there is not an equally functional design that would better preserve significant trees.

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

The proposed amendments clarify requirements intended to enhance and preserve Veneta's urban forest including existing trees, new landscaping, and street tree standards. The changes to VMC 8.10 are intended to allow flexibility in the development process while preserving existing trees or mitigating for their removal in an effort to limit loss of tree canopy throughout the City.

Changes to VLDO 5.12 clarify existing standards for landscaping and set clear minimum landscaping standards.

The proposed language also strengthens existing enforcement provisions for illegal tree removals as required by this policy.

C. RESIDENTIAL LAND AND HOUSING ELEMENT

GOALS:

3. *Maintain an attractive residential community in an appealing rural setting.*

Trees, especially large native trees, are a large part of Veneta's rural character. The record for this amendment includes studies showing that preservation of large native trees within developments increases property values, decreases energy costs, and creates a more attractive residential community. The proposed changes increase the likelihood that large trees will be incorporated into site plans by providing significant monetary disincentives for the removal of heritage trees and requiring replanting of removed trees when feasible in an effort to limit the loss of urban forest during the development process and to retain and enhance Veneta's urban forest.

POLICIES:

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

The findings above under III.A. Goal 1. demonstrate that the proposed regulations do not reduce the City's needed buildable residential land supply, even when a more realistic population figure of 9000 is used for 2030.

16. *Require standards for landscaping, fencing, and off-street parking in residential developments of five units per net acre or more.*

The proposed changes to VLDO 5.12 sets clear, numerical standards for landscaping of residential developments.

D. ECONOMIC DEVELOPMENT ELEMENT

GOAL. *Pursue the economic interest of the City of Veneta by constructing and implementing policies and programs, including but not limited to the following functions:*

- b) *Develop a working relationship with economic development-related public and private agencies, community groups, and business organizations.*
- c) *Engage in dialogue with interested parties about the development of Veneta's industrially and commercially zoned properties, and other development and interests related to Comprehensive Plan Goals.*

The City worked closely with representatives of the Lane County Homebuilders Association, Fern Ridge Chamber of Commerce, local developers, neighborhood groups, and forestry professionals in crafting the proposed amendments. This stakeholder group met on August 30, 2007, August 21, 2007, and June 1, 2007 to discuss issues, propose solutions and review and comment on the proposed changes. This dialogue resulted in amendments which will better meet the goals of the comprehensive plan. Staff also held two open houses on May 17, 2007 and November 5, 2007, a joint Council/Planning Commission worksession on November 5, public hearings before the Planning Commission on December 3, 2007, and January 7, 2008, and before the City Council on February 26, 2008 where other members of the development community and the general public voiced their concerns and suggestions for improvements.

POLICIES:

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

The findings above under III.A. Goal 1. demonstrate that the proposed regulations do not reduce the City's needed buildable industrial land supply . Several large parcels in excess of five acres have remained vacant for many years and continue to provide opportunities for large scale industrial development. These parcels are located within close proximity to the highway and City services.

29. *Use landscaping to create attractive business environments and conserve existing native and heritage trees.*

The proposed amendments set minimum standards for landscaping of commercial and industrial developments which will lead to attractive business environments. The proposed amendments increase the likelihood that native and heritage trees will be incorporated into site plans by providing significant monetary disincentives for their removal, and by requiring that the applicant examine design

alternatives to ensure that no equally functional design exists that would better preserve significant trees. The proposed definitions of significant trees places heavy emphasis on native trees, especially those which are compatible with urban development. An emphasis is placed on mitigation with trees native to western Oregon.

I. NATURAL RESOURCES

GOALS:

1. *Conserve open space and protect natural and scenic resources, including wildlife corridors.*

Trees, especially large native trees, are a large part of the character and aesthetic appeal of Veneta, and a considerable natural and scenic resource. The proposed amendments provide significant disincentives for removal of large native trees and requires replanting of removed trees when feasible in order to ensure continual replacement of trees over time. The emphasis of the proposed code is on native trees, especially native hardwoods such as Gary Oak, madrones, and other natives which may be slow growing or hard to obtain commercially.

J. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: *Preserve the quality of Veneta's Air, Water, and Land Resources.*

Existing trees provide many different services within the City including interception and treatment of precipitation, erosion control, reduction in air conditioning costs, and provision of habitat for native wildlife. Through shading and erosion prevention, trees have substantial air, land, and water quality benefits. The proposed amendments are intended to preserve and enhance Veneta's urban forest to limit the loss of trees and their associated benefits. Urban development often leads to a reduction in tree canopy. Through preservation and mitigation, the net loss of trees during the development process will be minimized to the greatest extent feasible though implementation of the proposed changes.

CONSISTENCY WITH THE PURPOSE OF THE VENETA LAND DEVELOPMENT ORDINANCE

PURPOSE OF LAND DEVELOPMENT ORDINANCE NO. 461: *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 proposed amendments do not alter the purpose of the VLDO. The proposed amendments clarify or establish new standards for the orderly development of land within the City and better implement the Veneta Comprehensive Plan as discussed in the findings above. The purpose of VMC 8.10 has been amended to better capture the intent of the code in seeking to implement the goals and policies of the comprehensive plan.

OF VENETA
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