



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/03/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Veneta Plan Amendment
DLCD File Number 001-08[A]

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 19, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Zac Moody, City of Veneta
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA/ph



ORDINANCE NO. 487

AN ORDINANCE AMENDING THE VENETA LAND DEVELOPMENT ORDINANCE 461, ARTICLE 2 AND THE VENETA LAND DIVISION ORDINANCE 462, ARTICLE 4 & ARTICLE 5

WHEREAS, on August 16, 2008 the City of Veneta properly notified the Department of Land Conservation and Development of proposed amendments to the Land Development Ordinance administrative provisions and the Land Division Ordinance subdivision and partition standards; and

WHEREAS, on October 6, 2008 the Veneta City Planning Commission conducted properly advertised public hearings on the proposed amendments to the Veneta Land Development Ordinance administrative provisions and the subdivision and partition standards and within 40 days after the public hearing made a recommendation for the City Council to adopt the proposed amendments; and

WHEREAS, on November 10, 2008 and January 26, 2009 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 2 amending the administrative provisions and to the Veneta Land Division Ordinance 462, Article 4 & 5 amending the subdivision and partition standards adopted by the Veneta City Council on January 26, 2009 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 2, Sections 2.01 through 2.13 are hereby amended to read as follows:

SECTION 2.01 COMPLIANCE WITH ORDINANCE PROVISIONS

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

off-street loading area or other open space of another use, except as provided for in this ordinance.

SECTION 2.02 INTERPRETATION

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

SECTION 2.03 ADMINISTRATION

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

SECTION 2.04 CERTIFICATE OF OCCUPANCY AND FINAL INSPECTION

- (1) Building Inspector Requirements.
 - (a) The Building Inspector shall issue a Certificate of Occupancy for all Residential, Commercial and Industrial buildings. Certificates of Occupancy must meet the requirements in Veneta Municipal Code 15.05.210.
 - (b) The Building Inspector shall conduct a final site inspection for all other construction.
 - (c) The Building Inspector shall provide the City with copies of all Certificates of Occupancy and shall notify the City at the time any final inspection is completed and approved.
 - (d) The Building Inspector shall conduct an on-site inspection of the building site, after receiving notification of final inspection, to ensure that all requirements of this ordinance and approved site plans have been complied with.
 - (e) If the Building Inspector determines that a violation of this ordinance does exist, he shall immediately notify the property owner and follow procedures in accordance with Section 2.10, "Enforcement, Violations and Penalties" of this ordinance.

SECTION 2.05 AUTHORIZATION OF SIMILAR USES

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

SECTION 2.06 FORM OF PETITIONS, APPLICATIONS, FINAL ACTION

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

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

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

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

- (a) All of the missing information;

- (b) Some of the missing information and written notice that no other information will be provided; or
 - (c) Written notice that none of the missing information will be provided.
- (4) After the Building and Planning Official deems an application complete, it shall be sent to the City Engineer, Veneta Public Works Superintendent, affected regulatory agencies which may include but are not limited to the Lane County Fire District No. 1, Oregon Department of Transportation, Lane County Public Works Department, local utility companies, Division of State Lands, and US Army Corp of Engineers.
 - (5) Approval or denial of a land use regulation or limited land use application shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon and explains the justification for the decision based on the criteria standards and facts set forth.
 - (6) The decision of either the Building and Planning Official or the Planning Commission will be issued with a Final Order. If a written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order of the Building and Planning Official or the Planning Commission decision is mailed, the decision becomes final.
 - (7) Final action on a permit or zone change application is required within 120 days from the date the application is deemed complete except where parties have agreed to mediation and for expedited land use decisions.

SECTION 2.07 APPEALS

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

Commission and who files a written "Notice of Appeal" within fifteen (15) days of the decision.

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

SECTION 2.08 FILING FEES

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

SECTION 2.09 WETLAND DEVELOPMENT

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

- (1) Notification. The City shall provide notice to the Division of State Lands (DSL) the applicant, and the owner of record within five working days of the acceptance of any complete application for subdivisions; building permits for new structures; other development permits and approvals that allow physical alteration of land involving excavation and grading, including permits for removal or fill, or both, or development in the floodplain; conditional uses and variances that involve physical alteration of land or construction of new structures; and planned unit development approvals that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.

- (2) Approval. Approval of any activity described above shall include one of the following:
- (a) Issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;
 - (b) Notice from DSL that no permit is required; or
 - (c) Notice from DSL that no permit is required until specific proposals to remove fill or alter the wetlands are submitted.

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

SECTION 2.10 ENFORCEMENT, VIOLATIONS AND PENALTIES

- (1) Responsibility. In any enforcement action the person or persons owning or occupying the premises at the time of the violation shall be presumed to be the person or persons who constructed, moved, caused or maintained the unlawful activity, use, condition, or structure. This presumption may be rebutted by either the city or the defendant both of whom shall have the right to show that the offense was committed by someone other than, or in addition to, the person charged. This provision shall not be construed as relieving a person in possession and control of property from any duty imposed upon him or her by this ordinance.

Records of the Lane County assessor showing the person or persons to whom the taxes are assessed for the premises shall constitute prima facia evidence that the person or persons are in possession or control of the premises. Evidence of the name of a person or persons displayed on a sign or signs located on premises which is zoned commercial or industrial shall constitute prima facia evidence that the person or persons whose name is displayed is in possession or control of the premises. This provision shall not be construed to relieve any agent, manager, employee or other person who actually committed a violation from responsibility.

- (2) Inspection and Right of Entry. When necessary to investigate a suspected violation of this land development ordinance, or an application for or revocation of any permit issued under this land development ordinance, the City Administrator and/or his designee may enter on any site or any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. No site or structure that is closed to the public shall be entered

without the written consent of the owner or the occupant unless a search warrant is obtained..

(3) Procedures.

- (a) Within ten (10) days after notification of a violation of this ordinance, the Building and Planning Official shall notify the property owner that such a violation exists.
- (b) Where the violation, in the opinion of the City Administrator and/or his designee, may adversely affect the health, safety or welfare of an individual, group or the community as a whole if not corrected immediately, action to rectify the problem may be required immediately or within a reasonable time as established by the City Administrator and/or his designee.
- (c) Where the violation does not involve a structure, action to rectify such shall be made within ten (10) days. Where the violation involves a structure, action to rectify shall be made within thirty (30) days.
- (d) Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this land development ordinance is unlawful and a public nuisance, and may be abated as provided in Veneta Municipal Code Chapter 8.05. The City Administrator and/or his designee has the discretion of referring the matter to the City Attorney to institute any necessary legal proceedings to enforce the provisions of this land development ordinance.

- (4) Penalty. A person violating a provision of this Ordinance shall, upon conviction, be fined not less than \$105.00 nor more than \$500.00 for each violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

SECTION 2.11 NOTICE OF PUBLIC HEARING

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

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

- (9) The notice provisions of this section shall not restrict the giving of notice by other means.
- (10) A notice of hearing on an amendment to a zoning map or text amendment shall be mailed to the Land Conservation and Development Commission (LCDC) 45 days prior to the first evidentiary hearing date.
- (11) The City shall provide notice of the decision to the applicant and any person who submits written or oral testimony. The notice of the decision must identify the application, state the decision being made and the date it was signed, include an explanation of appeal rights, either at the local level or to the Land Use Board of Appeals (LUBA), and briefly summarize the local decision making process for the decision being made.

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

SECTION 2.12 CONTINUANCE, REQUEST FOR EXTENSION AND REOPENING PUBLIC HEARINGS

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

SECTION 2.13 NOTICE OF LIMITED LAND USE ACTIONS

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

- (1) The City shall follow the applicable procedures contained within its land use regulations and other applicable legal requirements.
- (2) Written notice shall be posted at City Hall and mailed to the property owner, applicant and all owners of property within 300 feet of the entire contiguous site

for which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site; anyone who has paid a public notice subscription fee; and to Lane County Land Management Division. A notice shall also be posted on the property for which the limited land use decision has been requested.

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

SECTION 3. The Veneta Land Division Ordinance 462, Article 4, Sections 4.01 through 4.07 are hereby amended to read as follows:

SECTION 4.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following the submission of a letter of intent and preliminary consultation as required in Article 2, the applicant shall submit fifteen (15) copies of the tentative plan (map shall be folded and be at least 18 x 24 in size) together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) electronic copy in PDF format and one (1) reproducible 11" x 17" black and white copy of the tentative plan.

All tentative plan maps shall include the following when applicable:

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.

- (2) General Information. The following general information must be presented as part of the application for a tentative subdivision:
- (a) Name of subdivision which has been reserved by the County Surveyor. All plats must continue the block numbers of the plat of the same name last filed.
 - (b) Date, north arrow, scale of drawing.
 - (c) Appropriate identification clearly stating the plan is a tentative subdivision plan.
 - (d) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
 - (e) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
 - (f) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the subdivision.
 - (g) Any other information as required to comply with all provisions of State Law Chapter ORS 92.
- (3) Information required on the tentative plan maps. The tentative plan shall include the following information where applicable. At the discretion of the City the information listed below may be required to be on individual maps.
- (a) Existing Conditions.
 - 1. A scaled vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and utility services. All vicinity maps shall address all applicable requirements of the Veneta Land Development Ordinance.
 - 2. The location, widths and names of streets within or adjacent to the subdivision, together with easements, other right-of-ways and other important features such as section lines, corners, city boundary lines and monuments.
 - 3. Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage, wells or drainage lines or channels.

4. The location of at least one bench mark within the tract boundaries.

(b) Proposed Tentative Plan.

1. Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the lot(s). This requirement may be waived if the applicant will have to file a site plan review application including all of this information in order to further improve or develop the property. These include:
 - i. The location, width, street name(s) and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed subdivision, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed subdivision. The relationship of streets to any existing or proposed streets shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
 - ii. The location, width, and purpose of proposed easements.
 - iii. The approximate width and location of all existing and proposed reserve strips.
2. The approximate dimensions and area in square feet of all proposed lots.
3. Sites, if any, allocated for purposes other than single-family dwellings.
4. The location, approximate acreage and approximate dimensions of areas proposed for public use.
5. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
6. An outline of the areas proposed for partial recording of a final plat or map if phased recording is proposed.
7. Elevation, slope for commercial, industrial and development sites with more than 4000 square feet of building space.
8. Traffic Impact Analysis (TIA) Review as required by Section 5.27 of the Land Development Ordinance.

(c) Significant Natural Features.

1. Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:
 - i. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
 - ii. For slopes of five (5) percent to ten (10) percent: two (2) feet.
 - iii. For slopes over ten (10) percent: five (5) feet
2. The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain. Identification of the base flood elevation for development in floodplains. Evidence of contact with National Flood Insurance Program to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. Elevation certificates are required for all construction in floodplains prior to occupancy;
3. Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
4. Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.

(d) Utilities. Any proposed public and private utilities within the development, shall be shown on the tentative plan, including but not limited to:

1. The location and size of water service facilities, including fire hydrants.
2. Connection points and size of sanitary sewer facilities.
3. Street light locations, sizes, and specifications.
4. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and

elevations, and section details and planting plans for all swales or other open features.

- (e) Tree Removal & Mitigation Plans. If development of the proposed plan will require removal of significant trees as defined by Veneta Municipal Code 8.10, detailed tree removal and mitigation plans are required. Plans shall be in conformance with VMC 8.10.
- (4) Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by a written statement from the applicant giving essential information regarding the following matters:
- (a) Adequacy and source of water supply and compliance with the City of Veneta Water Master Plan.
 - (b) A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the subdivision and in compliance with the City's Stormwater Master Plan. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the subdivision.
 - (c) Proposed method of sanitary sewage disposal and compliance with the City of Veneta Wastewater Master Plan.
 - (d) Protective covenants and deed restrictions to be recorded, if any.
 - (e) The time the proposed improvements are to be made or installed.
 - (f) A statement of how the traffic impacts to facilities as identified in the Traffic Impact Analysis (TIA) and supported by the City's Traffic Engineer, shall be mitigated by the developer as part of the improvements for the Site Plan, Subdivision, Planned Development (PD), or Specific Development Plan (SDP).
 - (g) A statement of how the lot or parcel was created and proof that the parcel is a legal lot created with City approval, Recorded deeds after July 8, 1969 without proper city approval will not be accepted as proof that the lot(s) or parcel(s) were legally created.
- (5) Supplementary Information. The following supplemental information may be required.
- (a) If the proposed subdivision meets the 15% slope criteria defined in Section 1.06(1) of this ordinance, the applicant shall comply with Section 1.06.

- (b) The applicant is required to submit any additional information as may be required by the Planning Commission to assist in evaluating the request.

SECTION 4.02 TENTATIVE PLAN REVIEW AND ACTION PROCEDURES

- (1) City Staff Review and Action. Upon deeming an application complete, the Building and Planning Official shall furnish one (1) copy of the tentative plan and supplementary material to the City Engineer and Public Works Superintendent. Public agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given fifteen (15) days to review the plan and to suggest revisions that appear to be in the public interest.

The Building and Planning Official shall review the tentative plan proposal and the reports of agencies and submit a Findings report to the Planning Commission.

Within 40 days from the first regular Planning Commission meeting following submission of a complete tentative plan of a land division, the Planning Commission shall review the plan and the reports of appropriate officials and agencies.

- (2) Dedications and Conditions of Approval: The Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary to ensure compliance with city regulations.
- (3) Denial of Subdivision: If the Planning Commission finds that the application does not meet all requirements of the City, and cannot through lawful conditions of approval, the Planning Commission shall mail the applicant Final Orders stating the reason(s) for denial. The applicant may request an appeal within fifteen (15) days from the date the Final Order was signed.
- (4) Tentative Plan Approval: The action of the Planning Commission shall be incorporated into a Final Order with all of the conditions of approval and a copy shall be mailed to the applicant within seven (7) days of the decision. The original copy of the Final Order shall be retained in the City planning files.
- (5) Failure to Complete Subdivision Requirements: Tentative Plan approval shall remain effective for one (1) year from the date of Planning Commission action. Within that one (1) year, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order. If the land divider is unable to proceed with the subdivision prior to the expiration of the one (1) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the

City of Veneta or applicant may submit a request in writing for up to a one (1) year extension. A maximum of two (2) extensions may be granted. Requests for extensions to file a final plat are based on compliance with the following criteria:

- (a) The request for an extension is made in writing prior to expiration of the tentative approval, but no earlier than 90 days prior to the expiration of the approval.
- (b) Any special or unusual circumstances that exist that warrant an extension are provided in writing.

The City may deny a request for an extension if any Land Use Ordinance requirements or laws applicable to the development have been adopted since the original approval.

- (6) Appeal: Appeals must be filed according to Section 8.03 of this land use ordinance. An appeal of a Planning Commission decision will go to the City Council.
- (7) Performance Bonds and Irrevocable Agreements: At tentative plat approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements including city water and sewer main extension and service and streets, which includes curbs, gutters and sidewalks with the City of Veneta. The cost of public improvements shall be based on an estimate by the City Engineer. Performance bonds shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.

SECTION 4.03 CATEGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

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

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.
- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this

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

- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district in which the property is located (Land Development Ordinance)

SECTION 4.04 AMENDMENTS

- (1) Minor Amendments. Minor amendments to any approved tentative subdivision plan may be approved, approved with conditions, or denied administratively by the Building and Planning Official as long as the amendments substantially comply with the tentative plan, fully complies with all City ordinances and does not:
 - (a) Involve any interpretation of submission requirements or require findings that would set a precedent for other tentative subdivision plan amendments,
 - (b) Impact utilities, the transportation system, drainage, or natural features of the site,
 - (c) Require a variance,
 - (d) Raise questions of adequacy of services by the Public Works Superintendent, City Engineer, or any affected public or private agency, and
 - (e) Create more lots than the approved tentative subdivision plan.

- (2) Major Amendments. Major amendments to an approved tentative subdivision plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original tentative subdivision plan. A new application and filing fee is required and the amendments must be approved by the Planning Commission.

SECTION 4.05 FINAL PLAT SUBMISSION REQUIREMENTS

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

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

tracts shall be dedicated to the City on the final plat. A notation shall be included on the plat that states "Reserve strips on adjacent properties that abut streets being dedicated on the plat are hereby released for public right-of-way purposes".

- (h) Numbering of lots and blocks as follows:
 - 1. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence shall generally follow the same system as sections are numbered in a township.
 - 2. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout a subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision. Block numbering sequence shall be the same system as for lots.
 - 3. Block numbers may be omitted where the blocks are of irregular shape. When block numbers are omitted, the lots shall be numbered consecutively throughout the subdivision and lots in an addition to the subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (i) Land parcels to be dedicated for any purpose, such as parks and stormwater detention ponds, shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
- (j) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
- (k) Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: "No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements".
- (l) Normal high water lines for any creek or other body of water including the 100-year flood plain.
- (m) Any other information required as a condition of approval.

- (3) Supplemental Information. The following data shall accompany the plat:
- (a) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
 - (b) Sheets and drawings showing the following:
 - 1. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2. The computation of distances, angles and courses shown on the plat or map.
 - 3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - (c) A copy of any deed restrictions applicable to the subdivision.
 - (d) A copy of any dedication or easement requiring separate documents.
 - (e) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
 - (f) A certificate by the City Engineer that the sub-divider has complied with one (1) of the following alternatives:
 - 1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.
 - 2. An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.
- (4) Survey Requirements.
- (a) A complete and accurate survey of the land to be divided shall be made by a Surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as required by state law.
 - (b) A 2 x 4 wood utility marker shall be provided for all underground water, sewer and utility stubs within the prepared land division as approved by the City Engineer. Markers shall be painted white and be maintained until all work has been accepted by the City.

(5) Dedication Requirements.

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

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

- (a) A certificate signed and acknowledged by the owners of record of the land to be subdivided, consenting to the following:
 - 1. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other right-of-way intended for public use; and
 - 2. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
- (b) A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
- (c) A certificate for execution by the Building and Planning Official on behalf of the Planning Commission.
- (d) If a property is to be dedicated to the City, the final plat shall include a certificate of acceptance for execution by the Mayor or the Mayor's designee on behalf of the City.
- (e) A certificate for execution by the City Engineer.

- (f) A certificate for execution by the Public Works Superintendent.
- (g) A certificate for execution by the County Surveyor.
- (h) A certificate for execution by the County Assessor.
- (i) A notarized declaration that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of ORS Chapter 92.
- (j) Other certifications now or hereafter required by law.

SECTION 4.06 REVIEW AND ACTION PROCEDURES

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

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

SECTION 4.07 FILING & RECORDING OF PLAT

- (1) Filing for Final Plat shall extend the 1 year time limit on tentative approvals established in Section 4.02(6) of this ordinance by an additional 180 days. If the Final Plat has not been recorded within 180 days of the date of expiration of the tentative plan, both the tentative plan approval and the application for Final Plat shall be void. Extensions to the 180 day timeline may be granted by the Building and Planning official provided that:

- (a) The request for an extension is made in writing prior to, but within 90 days of the expiration of the 180 day Final Plat processing period.
- (b) There are special or unusual circumstances that exist which warrant an extension.

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

- (2) A sub-divider shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- (3) Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. Building permits shall not be issued by the City until an exact copy of the recorded final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, are filed with the City of Veneta. In addition, the applicant shall at his/her own expense provide the City with one (1) laminated copy of the recorded plat at least 18 x 24 in size.
- (4) The applicant is responsible for all recording costs.

SECTION 4. The Veneta Land Division Ordinance 462, Article 5, Sections 5.01 through Section 5.08 are hereby amended to read as follows:

SECTION 5.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following the submission of a letter of intent and preliminary consultation as required in Article 2, the applicant shall submit ten (10) (map shall be folded and be at least 18 x 24 in size) copies of the tentative plan together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) electronic copy in PDF format and one (1) reproducible 11" x 17" black and white copy of the tentative plan.

All tentative plan maps shall include the following when applicable:

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.
- (2) General Information. The following general information must be presented as part of the application for a tentative partition:
 - (a) Date, north arrow, scale of drawing.

- (b) Appropriate identification clearly stating the plan is a tentative partition plan.
 - (c) Location of the partition by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
 - (d) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
 - (e) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the partition.
 - (f) Any other information as required to comply with all provisions of State Law Chapter ORS 92.
- (3) Information required on the tentative plan maps. The tentative plan shall include the following information where applicable. At the discretion of the City the information listed below may be required to be on individual maps.
- (a) Existing Conditions
 - 1. A scaled vicinity map clearly showing the relationship of the proposed partition to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and utility services. All vicinity maps shall address all applicable requirements of the Veneta Land Development Ordinance.
 - 2. The location, widths and names of streets within or adjacent to the partition, together with easements, other right-of-way and other important features such as section lines, corners, city boundary lines and monuments.
 - 3. Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage, wells or drainage lines or channels.
 - 4. The location of at least one bench mark within the tract boundaries.
 - (b) Proposed Tentative Plan.
 - 1. Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels.

This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:

- i. The location, width, street name(s) and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed partition, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
 - ii. The location, width, and purpose of proposed easements.
 - iii. The approximate width and location of all existing and proposed reserve strips.
2. The approximate dimensions and area in square feet of all proposed parcels.
 3. Sites, if any, allocated for purposes other than single-family dwellings.
 4. The location, approximate acreage and approximate dimensions of areas proposed for public use.
 5. The location and approximate dimensions of proposed parcels and the proposed parcel numbers.
 6. An outline of the area proposed for partial recording of a final plat or map if phased recording is proposed.
 7. Traffic Impact Analysis (TIA) Review as required by Section 5.27 of the Land Development Ordinance.

(c) Significant Natural Features

1. Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:
 - i. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.

- ii. For slopes of five (5) percent to ten (10) percent: two (2) feet.
 - iii. For slopes over ten (10) percent: five (5) feet
2. The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain including identification of the base flood elevation for development in floodplains. Evidence of contact with National Flood Insurance Program to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. Elevation certificates are required for all construction in floodplains prior to occupancy;
 3. Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
 4. Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.
- (d) Utilities. Any proposed public and private utilities within the development, shall be shown on the tentative plan, including but not limited to:
1. The location and size of water service facilities, including fire hydrants.
 2. Connection points and size of sanitary sewer facilities.
 3. Street light locations, sizes, and specifications.
 4. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details and planting plans for all swales or other open features.
- (e) Tree Removal Plans: If development of the proposed plan will require a tree removal permit in accordance with Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be drafted in conformance with the requirements of VMC 8.10.
- (4) Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

- (a) Adequacy and source of water supply and compliance with the City of Veneta Water Master Plan.
 - (b) A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the land division and compliance with the city's Stormwater Master Plan. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the land division.
 - (c) Proposed method of sanitary sewage disposal and compliance with the City of Veneta Wastewater Master Plan.
 - (d) Protective covenants and deed restrictions to be recorded, if any.
 - (e) The time the proposed improvements are to be made or installed.
 - (f) A statement of how the traffic impacts to facilities as identified in the Traffic Impact Analysis (TIA) and supported by the City's Traffic Engineer, shall be mitigated by the developer as part of the improvements for the Site Plan, Partition, Planned Development (PD) or Specific Development Plan (SDP).
 - (g) A statement of how the lot or parcel was created and proof that the parcel is a legal lot created with City approval. Recorded deeds after July 8, 1969 without proper city approval will not be accepted as proof that the lot(s) or parcel(s) were legally created.
- (5) Supplementary Information. The following supplemental information may be required.
- (a) If any portion of the proposed partition is located within the steep slope subzone, the applicant shall submit on-site and adjacent off-site data to insure that proposed developments are within the carrying capacity of the natural resources as required by the Land Development Ordinance.
 - (b) The applicant is required to submit any additional information as may be required by the Building and Planning Official or Planning Commission to assist in evaluating the request.

SECTION 5.02 EXPEDITED LAND DIVISIONS

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

- (1) City Staff Review and Action. Upon deeming an application complete, the Building and Planning Official shall furnish one (1) copy of the tentative plan and supplementary material to the City Engineer and Public Works Superintendent. Public agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given fifteen (15) days to review the plan and to suggest revisions that appear to be in the public interest.

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

- (2) Planning Commission Review. The Planning Commission shall have authority to set guidelines as to which partition requests come before the commission. If the proposed partition does not fully comply with City ordinances, requires a variance, or if unusual circumstances exist relative to the proposed partition, the Building and Planning Official shall submit the proposal to the Planning Commission for review. Any other proposal may be submitted to the Commission for review at the discretion of the Building and Planning Official.
- (4) Dedications and Conditions of Approval. The Building and Planning Official or the Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary.
- (5) Denial of Partition. If the Building & Planning Official or the Planning Commission finds that the application does not meet all requirements of the City, and cannot through lawful conditions of approval, then the Building & Planning Official or the Planning Commission shall send the applicant with findings stating the reasons for denial. The applicant may request an appeal within fifteen (15) days from the date the final order is signed.
- (6) Tentative Plan Approval: The action of the Building & Planning Official or the Planning Commission shall be incorporated into a Final Order with all conditions of approval and a copy sent by mail to the applicant within seven (7) days of the decision. The original copy of the Final Order shall be retained in the City Planning files.

- (7) Failure to Complete Partition Requirements: Tentative plan approval shall remain effective for only one (1) year from the date the Building & Planning Official or Planning Commission took action. Within that one (1) year, the applicant must submit a complete Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued either by the Building & Planning Official or the Veneta Planning Commission. If the land divider is unable to proceed with the partition prior to the expiration of the one (1) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revisions(s) necessary to meet changed conditions of modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta or the applicant may submit a request in writing for up to a one (1) year extension. A maximum of two (2) extensions may be granted. Requests for extensions of final plat are based on compliance with the following criteria:
- (a) The request for an extension is made in writing prior to expiration of the tentative approval, but no earlier than 90 days prior to the expiration of the original approval.
 - (b) Any special or unusual circumstances that exist which warrant an extension are provided in writing.

The City may deny a request for an extension if new Land Use Ordinance requirements or laws applicable to the development have been adopted since the approval.

- (8) Appeal: Appeals must be filed according to Section 8.03 of this land use ordinance. Appeal of an administrative decision will be heard before the Planning Commission. An appeal of a Planning Commission decision will go to the City Council.

SECTION 5.04 CATEGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

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

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.
- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including

Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.

- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the partition design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district (Land Development Ordinance).

SECTION 5.05 AMENDMENTS

- (1) Minor Amendments. Minor amendments to an approved tentative plan may be approved or approved with conditions administratively by the Building and Planning Official as long as the amendments substantially comply with the tentative plan, fully complies with all City ordinances and does not:
 - (a) Involve any interpretation of submission requirements or require findings that would set a precedent for other tentative plan amendments,
 - (b) Impact utilities, the transportation system, drainage, or natural features of the site,
 - (c) Require a variance,
 - (d) Raise questions of adequacy of services by the Public Works Superintendent, City Engineer, or any affected public or private agency, and
 - (e) Create more lots than the approved tentative plan.

- (2) Major Amendments. Major amendments to an approved tentative plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original partition plan. A new application and filing fee is required and the amendments must be approved by the Planning Commission.

SECTION 5.06 FINAL PLAT SUBMISSION REQUIREMENTS

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

- (1) Form and Scale. The final plat and seven (7) copies shall be submitted to the City in the form prescribed by ORS 92.
- (2) Information Required on Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
 - (a) The date, scale, north arrow, and legend.
 - (b) Area and dimensions of each parcel to the nearest square foot.
 - (c) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
 - (d) The exact location and width of street rights-of-way and easements intercepting the boundary tract.
 - (e) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets or curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
 - (f) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 - (g) Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Each reserve strip shall be identified on the Plat.

- (h) Land to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage.
 - (i) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
 - (j) Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements.
 - (k) Normal high water lines for any creek or other body of water including the 100-year flood plain.
 - (l) Any other information required as a condition of approval.
- (3) Supplemental Information. The following data shall accompany the plat:
- (a) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
 - (b) Sheets and drawings showing the following:
 1. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 2. The computation of distances, angles and courses shown on the plat or map.
 3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - (c) A copy of any deed restrictions applicable to the land division.
 - (d) A copy of any dedication requiring separate documents.
 - (e) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
 - (f) A certificate by the City Engineer that the partitioner has complied with one of the following alternatives:

1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.
2. An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.

(4) Dedication Requirements.

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

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

- (a) A certificate signed and acknowledged by the owners of record of the land to be subdivided consenting to the following:
 1. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other right-of-way intended for public use; and
 2. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
- (b) A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
- (c) A certificate for execution by the Building and Planning Official.

- (d) If property is to be dedicated to the City, the final plat shall include a certificate of acceptance for execution by the Mayor or the Mayor's designee on Behalf of the City.
- (e) A certificate for execution by the City Engineer.
- (f) A certificate for execution by the Public Works Superintendent.
- (g) A certificate for execution by the County Surveyor.
- (h) A certificate for execution by the County Assessor.
- (i) A notarized declaration that the declarant has caused the partition plat to be prepared and the property partitioned in accordance with the provisions of ORS Chapter 92.
- (j) Other certifications now or hereafter required by law.

SECTION 5.07 REVIEW AND ACTION PROCEDURES

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

SECTION 5.08 FILING & RECORDING OF PLAT

- (1) Filing for Final Plat shall extend the 1 year time limit on tentative approvals established in Section 5.03(6) of this ordinance by an additional 180 days. If the Final Plat has not been recorded within 180 days of the date of expiration of the tentative plan, both the tentative plan approval and the application for Final Plat shall be void. Extensions to the 180 day timeline may be granted by the building and planning official provided that:
 - (a) The request for an extension is made in writing prior to but no earlier than 90 days from the date of the 180 day Final Plat processing period.
 - (b) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new Land Use Ordinance requirements applicable to the development changed since the original approval.

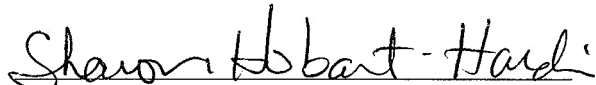
- (2) A partitioner shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- (3) Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. An exact copy of the final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, shall be filed with the City of Veneta. In addition, the applicant shall at his/her own expense provide the City with one (1) laminated copy of the recorded plat at least 18 x 24 in size.
- (4) The applicant is responsible for all recording costs.

SECTION 5. 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 26th day of January 2009, 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 9 day of February 2009, 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 9 day of February 2009.


Sharon Hobart-Hardin, Mayor
Executed on 2/9/09

ATTEST:


Darci Henneman, Assistant City Recorder
Executed on 2/9/09

VENETA ORDINANCE 487 – ATTACHMENT “A”
FINDINGS OF FACT

**VENETA CITY COUNCIL
FINDINGS OF FACT
(A-1-08)**

**Minor Amendments to the Land Development Ordinance No. 461
And Land Division Ordinance No. 462**

A. The Veneta City Council finds the following:

1. A public hearing was held on November 10, 2008 on the proposed amendments after providing the required notice as per Section 2.11 of Veneta’s Land Development Ordinance No. 461 and Land Division Ordinance No. 462. The public hearing was closed and the proposed changes forwarded to the City Council for adoption.
2. The Veneta City Council recommended some changes at the November 10, 2008 meeting.
3. The proposed amendments to the Veneta Land Development Ordinance and Land Division Ordinance are consistent with the goals and policies of the Veneta Comprehensive Plan Ordinance No. 416, and therefore comply with all applicable statewide planning goals.
4. The proposed amendments comply with the goals and policies of the Veneta Comprehensive Plan. These amendments do not alter the intent or purpose of any portion of the land development or land division ordinances. The intent of these amendments is to provide clarity, consistency, and to more fully implement the goals and policies of the Veneta Comprehensive Plan.

LAND DEVELOPMENT ORDINANCE NO. 461

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

SECTION 1.02 PURPOSE

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

The following amendments to the Land Development Ordinance No. 461 clarify existing regulations:

1. Section 2.04(1)(a) Adds residential buildings and refers requirements to VMC.
2. Section 2.10(1) Adds provisions which identify who the responsible party is in matters of enforcement, violations and penalties.
3. Section 2.10(2) Adds provisions that detail inspection and right of entry.
4. Section 2.10(3)(d) Revises the procedure requirements where violations have not be rectified. Adds provisions that give discretion of referring the matter(s) to the City Attorney or instituting any necessary legal proceedings.
5. Section 2.10(4) This section was moved from Section 2.10(1) and increases the minimum fines.

VENETA COMPREHENSIVE PLAN NO. 416

II. PLANNING FRAMEWORK

A. COMMUNITY VISION

In order to help Veneta continue to evolve in a promising direction, citizens joined together with public officials to develop goal statements for the Comprehensive Plan. As goals, they provide a general vision and framework for planning in the City. They are broad statements that embody the community's hope for its future. By supporting and following the Comprehensive Plan, the community continuously strives towards these goals.

2. *Maintain Veneta as an attractive residential community while improving the service and retail sector and developing a commercial and light industrial employment base for the entire Fern Ridge area.*

III. PLAN ELEMENTS AND POLICIES

B. COMMUNITY, BUILDING, AND SITE DESIGN ELEMENTS

POLICIES:

12. *Actively enforce nuisance and development ordinances to maintain an attractive and safe environment.*

The City finds that the manner in which nuisance and development ordinances are enforced has a substantial impact on maintaining an attractive and safe environment

for residents of the city. The proposed amendments are intended to ensure;

1. That in any enforcement action, the person responsible for the nuisance is clearly identified.
2. That any enforcement action where the violation is committed in a commercial or industrial zone shall more clearly define the responsible party.
3. That when necessary to investigate a suspected violation, the City Administrator and/or his designee may enter any site with reasonable notice or opportunity to comply.
4. Violations of a City ordinance on a lot or parcel requesting development permits are addressed prior to further land development or building permits being issued.

To meet these ends, the City has worked with the City Attorney to create a set of standards clearly identifying those responsible for nuisance and development ordinance violations. These standards will provide more flexibility for City staff to efficiently process violations and collect the required evidence to support the violation.

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

The proposed addition of the term “Residential” to Section 2.04(1)(a) of the Land Development Ordinance is consistent with this policy. Residential buildings and new residential construction are very prominent in Veneta. As development continues, it is important that the all development standards including those for residential are enforced including standards for landscaping, buildings, open space, architecture and tree canopy.

C. RESIDENTIAL LAND AND HOUSING ELEMENT

POLICIES:

19. *Enforce land development and nuisance ordinances and building codes to help maintain the appearance and safety of the existing housing stock.*

The amended standards will provide more flexibility for City staff to efficiently process violations and collect the required evidence to support the violation. More flexibility in efficiently processing violations will help to maintain the appearance and safety of the existing homes and businesses.

D. ECONOMIC DEVELOPMENT ELEMENT

POLICIES:

5. *Establish and actively enforce nuisance and property maintenance regulations to create attractive, well-maintained industrial and commercial areas.*

The amended standards will provide more flexibility for City staff to efficiently process violations and collect the required evidence to support violations in industrial and commercial areas.

LAND DIVISION ORDINANCE NO. 462

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

SECTION 1.02 PURPOSE

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

VENETA COMPREHENSIVE PLAN NO 416

III. PLAN ELEMENTS AND POLICIES

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.

C. RESIDENTIAL LAND AND HOUSING ELEMENT

GOALS:

1. *Encourage efficient land development patterns that minimize service and infrastructure costs and provide viable, livable neighborhood centers with nodal development, mixed land uses, housing types and alternative or non-conventional building practices.*

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:

- a) *Guide the responsible expansion and growth of business and industry in Veneta and the Fern Ridge area.*
- 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.*

E. UTILITIES

GOAL:

Upgrade and develop adequate water, sewer, storm drainage and other appropriate utilities to serve the planning population. (Other utilities could potentially include telecommunications, electric, cable, solid waste, etc.).

F. COMMUNITY FACILITIES AND SERVICES

GOAL:

Upgrade and develop adequate community facilities and services to serve the planning population. The community facilities element of the Comprehensive Plan includes those public and semipublic activities in the community, with the exception of utilities and parks and open space. Each of these are considered as separate elements.

G. TRANSPORTATION

MISSION:

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

H. PARKS AND OPEN SPACE

GOAL:

Develop a variety of neighborhood parks, open space areas, and recreational facilities for use by the residents of Veneta.

I. NATURAL RESOURCES

GOALS:

- 1. Conserve open space and protect natural and scenic resources, including wildlife corridors.*
- 2. Conserve and protect Veneta's significant wetland resources.*

K. AREAS SUBJECT TO DEVELOPMENT CONSTRAINTS

GOAL:

Protect life and property from natural hazards and disasters.

The proposed amendments to the Land Division Ordinance continue to maintain the goals of the Comprehensive Plan and the purpose of the Land Division Ordinance. The proposed changes clarify previously established standards and procedures for the division of land within the City of Veneta. The clarified amendments include requirements for more specific maps identifying existing conditions, proposed tentative plans, utility plans, and significant natural features, as well as some minor reorganizing of both Article 4 and Article 5 that help further the goals and policies of the Comprehensive Plan. All of the proposed changes are consistent with the plan elements above and help further implement the Comprehensive Plan.