

ORDINANCE NO. 491

AN ORDINANCE AMENDING THE VENETA COMPREHENSIVE PLAN ORDINANCE
416 AND COMPREHENSIVE PLAN MAP

WHEREAS, on May 22, 2009, the City of Veneta properly notified the Department of Land Conservation and Development of the proposed amendments to the Veneta Comprehensive Plan Ordinance 416 and Comprehensive Plan Map; and,

WHEREAS, on August 3, 2009 the Veneta Planning Commission conducted a properly advertised public hearing and recommended that the City Council adopt the proposed amendments to the Veneta Comprehensive Plan Ordinance 416 and Comprehensive Plan Map; and

WHEREAS, on October 12, 2009 the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Plan Ordinance 416 and Comprehensive Plan Map; and,

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

THE CITY OF VENETA ORDAINS AS FOLLOWS:

SECTION 1. The City Council adopts the Findings of Fact attached as Exhibit A as the basis for the following amendments.

SECTION 2. The POLICIES in Chapter III. PLAN ELEMENTS AND POLICIES is hereby repealed and replaced with the following:

POLICIES: A policy is a statement adopted as part of the Comprehensive Plan to provide a consistent course of action for moving the community toward attainment of its goals. The policies in the Comprehensive Plan vary in their scope and implications. Not every policy is a specific criterion to be applied to an individual decision. Some call for immediate action, others call for study aimed at developing more specific policies later on, and still others suggest or take the form of policy statements. Additionally, the goals are not presented in any particular order of importance. When making decisions based on Comprehensive Plan policies,

not all policies can be met to the same degree in every instance. Use of the Comprehensive Plan requires a balancing of its various components on a case-by-case basis, as well as a selection of the goals and policies most pertinent to the issue at hand.

SECTION 3. POLICY 5. in Chapter III, Section B. COMMUNITY , BUILDING, AND SITE DESIGN ELEMENT is hereby repealed and replaced with the following:

5. Create a pedestrian oriented boulevard feel on West Broadway that has aesthetically pleasing streetscapes with street trees, and larger sidewalks when practical. Require buildings to have their primary entrances facing West Broadway and within 20 feet of the right-of-way to allow for public plazas. Require screening of parking lots and unattractive uses.

SECTION 4. The second paragraph of the NARRATIVE in Chapter III, Section C. RESIDENTIAL LAND AND HOUSING ELEMENT is hereby repealed and replaced with the following:

Most of the newly developing residential areas in Veneta are of low-density character. This type of development occurred primarily because of consumer demand for this particular lifestyle and because of sewer limitations. Higher density residential areas are in the areas adjacent to downtown (west of Territorial and south of West Broadway, along East Broadway, Dunham, McCutcheon, and Hunter). Single Family Residential areas are located on Bolton Hill and the Oak Island/Perkins area.

SECTION 5. POLICY 15. in Chapter III, Section C. RESIDENTIAL LAND AND HOUSING ELEMENT is hereby repealed and replaced with the following:

15. Allow accessory dwelling units on the same lot as the main house in some zoning districts such as the downtown area and newly developing residential areas in accordance with specific standards intended to ensure consistency with surrounding development and the purpose of the base zone.

SECTION 6. The first sentence in the third paragraph of the NARRATIVE in Chapter III, Section D. ECONOMIC DEVELOPMENT ELEMENT is hereby repealed and replaced with the following:

The downtown area including West Broadway and streets to the south (Territorial Hwy, Dunham, McCutcheon, and W. Hunter) is comprised of small parcels ranging in size from 5,000 square feet to 2.5 acres.

SECTION 7. POLICIES 20, 21 and 23 in Chapter III, Section D. ECONOMIC DEVELOPMENT ELEMENT are hereby repealed and replaced with the following:

20. Promote business development in the downtown area by:
 - upgrading city streets to include on-street parking, curbs, gutters, and sidewalks;
 - consolidating small parcels into larger parcels for commercial development;
 - fully utilizing the land through redevelopment;
 - promoting high density mixed use commercial-residential development within and adjacent to the downtown.

21. Serve the large-scale retail needs of Veneta and the surrounding area through continued development of West Lane Center, Fern Ridge Center, and Northeast Employment Center. These sites are desirable to commercial development because of their excellent access to Highway 126 and Territorial Road, high visibility, available water and sewer, and large parcels.

23. Promote visibility and pedestrian access to business by encouraging parking to be located at the sides or behind commercial buildings. Encourage an attractive streetscape through plantings and flexible set-backs that range from 20 feet to zero. Encourage the use of various architectural elements intended to enhance curb appeal and visual interest such as windows, awnings, and building articulations.

SECTION 8. Chapter III, Section F COMMUNITY FACILITIES AND SERVICES is hereby amended to delete the words "and Peer Court" from the end of the last sentence of POLICY (5).

SECTION 9. POLICIY (3)(h) in Chapter III, Section G TRANSPORTATION is hereby repealed and replaced with the following:

- (h) Attention shall be given to the beautification of entranceways to the city, particularly, West Broadway, Highway 126, and Territorial Highway.

SECTION 10. The PLAN DESIGNATION in Chapter IV for COMMERCIAL (C) is hereby repealed and replaced with the following:

COMMERCIAL (C)

Purpose of Plan Designation:

- Provide areas suitable and desirable for all types of commercial development intended to meet the business needs of area residents and highway travelers.
- Ensure that sufficient lands are available to encourage commercial development in Veneta.
- Permit residential living quarters in the back or above a commercial structure as a conditional use.
- Allow for mixed use structures in commercial zones by allowing residential units above first floor commercial developments.

Urban Renewal Plan: Seek to obtain financing to construct priority public improvements. Encourage rehabilitation, conservation, land acquisitions, and redevelopment projects.

West Broadway Main Street: Work with the West Lane Chamber of Commerce to develop Broadway as the "main street" for the Fern Ridge area. Implement design recommendations developed by the Oregon Downtown Development Association (ODDA) in the Downtown Master Plan in 2006 and the "Next Steps Strategies" in February 2008. Encourage a pedestrian friendly environment, with retail shops, professional offices, government providers and other commercial services to locate along West Broadway, west of Territorial Highway.

Territorial Highway Commercial Area: Maintain traffic safety and adequate function of Territorial Highway by providing wider turn lanes, landscaped medians and bike lanes to calm traffic through the commercial area. Work with the Oregon Department of Transportation to coordinate ingress and egress at appropriate locations to minimize interruption of traffic flow.

Highway 126 Commercial Area: Maintain traffic safety and adequate function of Highway 126 as a major arterial by allowing development that would not create major

traffic hazards. Work with the Oregon Department of Transportation to limit ingress and egress to appropriate locations which will minimize interruption of traffic flow.

Neighborhood Commercial Nodes: Small neighborhood commercial areas shall be allowed in any plan designation area when located at the intersection of two major arterials and/or collectors. Small mom and pop type commercial shops, professional offices and other uses compatible with the surrounding land uses will be allowed.

SECTION 11. The Veneta Comprehensive Plan Map in Chapter IV is hereby amended as shown on attached Exhibit B.

READ FOR A FIRST TIME, BY TITLE ONLY, this 9th day of November, 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 23rd day of November, 2009, no Council person in attendance having requested that it be read in full.

Sharon Hobart-Hardin
Sharon Hobart-Hardin, Mayor
Executed on 11/23/09

ATTEST:

Darci Henneman
Darci Henneman,
Assistant City Recorder
Executed on 11/23/09

**FINAL ORDER of the
VENETA CITY COUNCIL
COMPREHENSIVE PLAN TEXT AND COMPREHENSIVE PLAN MAP
(A-1-09)**

A. The Veneta City Council finds the following:

1. The proposal meets all requirements of the Oregon State Planning goals for an amendment to the Veneta Comprehensive Plan map and text.
2. The Planning Commission and City Council have reviewed all materials submitted by staff, the public and other affected agencies relevant to the application for amendments to the Veneta Comprehensive Plan map and text changes.
3. The Veneta Planning Commission held a public hearing on August 3, 2009, after providing notice as required in Veneta Land Development Ordinance 2.11 and ORS 197.610, to review, and discuss the proposed changes to the Veneta Comprehensive Plan map and text changes.

B. IT IS HEREBY ORDERED THAT the Veneta City Council approves the requested Comprehensive Plan Map and Comprehensive Plan text amendments based on the information in the staff report and the following findings of fact:

APPROVAL CRITERIA FOR COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

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

The following are submission requirements for the proposed Comprehensive Plan map amendment, as described on page 80 of the Veneta Comprehensive Plan:

The City Council is solely responsible for adopting amendments to the Comprehensive Plan or for adopting an updated plan. Updating the plan periodically as recommended above would require Council action authorizing study to determine appropriate revisions. This most likely would be accomplished by directing the Planning Commission to undertake this work utilizing either city staff or contracting to either a public planning agency such as the County or LCOG or contracting to a private planning consultant.

Comprehensive Plan amendments, however, can be initiated by private citizens. The procedure will be exactly the same as the procedure used for a zone change as outlined in the Veneta Land Development Ordinance. The applicant makes the initial request for a plan amendment to the Planning Commission. The City notifies LCDC of the proposal 45 days prior to the first hearing date. The Planning Commission holds a public hearing and makes its recommendation to the City Council. The City Council holds a final public hearing. If the amendment is approved, the City would instruct the city attorney to prepare an ordinance to that effect and the ordinance could be adopted at the next

regularly scheduled Council meeting.

For a plan amendment to be legally adopted, there must be documentation of an "established need" for the plan change. The establishment of this need rests ultimately with the City Council. However, the most common practice in Oregon is for the City Council and Planning Commission to require the applicant to submit the documentation for establishing that changes in the Comprehensive Plan cannot be arbitrary or capricious but must be based on a demonstrated need.

Beginning in 1984 the City of Veneta put together a task force to determine how to remove blight and revitalize the downtown core and provide strong incentives to businesses located in the city to relocate downtown. With a strong citizen driven committee, the City established a need for an Urban Renewal District and began working on establishing a blueprint for the future of the downtown business district. In 1998 the Urban Renewal plan was amended to set the maximum debt limit of the Urban Renewal Agency. An amendment to the plan in 2002 paved the way for the redevelopment of the downtown area by establishing a need for infrastructure improvements, such as street improvements in the downtown core area along West Broadway. Downtown redevelopment continued in October 2005 when the City Council directed staff to form a nine member Economic Development Committee to engage the public on the downtown master planning process.

During the next two years (2006-2007) the City engaged various consultants to hold workshops and public hearings to develop a Market Readiness Report, Fern Ridge Community Strategic Plan, Downtown Master Plan, Next Steps Strategies for implementation of the Downtown Master Plan and a Visitor Readiness Report. In all, seven work sessions and four public hearings were held to maintain public involvement and to make sure the City had general consensus from the community to move forward. At the two public meetings for the downtown master plan, residents of Veneta and its outlying areas discussed the need for the proposed amendments based on the following:

- 1. Make the downtown more cohesive and identifiable.**
- 2. Create gathering spaces for residents and visitors.**
- 3. Visually represent Veneta's unique assets.**
- 4. Ensure that buildings and landscapes are created for safety and aesthetics, and represent civic pride.**
- 5. Increase the mix of compatible uses.**
- 6. Improve and enhance the pedestrian environment throughout downtown, as well as the pedestrian connections to surrounding neighborhoods and civic resources.**

In 2007 the City was awarded a grant from Transportation Growth Management (TGM) to prepare code amendments based on the code audit prepared by SERA Architects outlining the necessary code changes in order to implement the Downtown Master Plan.

In implementing the Downtown Master Plan, the City Council directed staff to begin drafting amendments to the Comprehensive Plan and accompanying land use regulations. In 2008, the City was awarded a grant from Transportation Growth Management (TGM) to assist in the implementation of the code changes. The City held three joint work sessions between April and July 2009 with both the Planning Commission and City Council to gain further direction and confirmation that both the purpose and general content of the proposed amendments were appropriate.

The City notified DLCD of the proposed changes on May 22, 2009 and sent a Measure 56 notice to all property owners in the City limits. The Planning Commission held a public hearing on August 3, 2009, deliberated at the September 7, 2009 Planning Commission meeting and made a recommendation to the City Council on the final amendments on September 7, 2009.

The demonstrated need for these changes lies in the fact that the existing maps include a single family residential component in a proposed mixed use downtown. The adoption of the map changes will make the comprehensive plan consistent with the goals of the downtown master plan, and ensure that the location of the Broadway Commercial zone matches the intent of the plan designation and zoning as described in the Comprehensive Plan and Land Development Ordinance. Changes to the Comprehensive Plan text are needed to reflect the intent of the Downtown Master Plan and maintain consistency with the Veneta Land Development Ordinance.

An amendment to the Comprehensive Plan must be consistent with statewide land use planning goals and the Comprehensive Plan Map must be consistent with the provisions of the Veneta Comprehensive Plan.

Statewide Planning Goals

Statewide Planning Goals 3, 4, 5, 6, 7, 8, 11, 14, 15, 16, 17, 18, and 19 are not applicable to these Comprehensive Plan Map and text changes. The following statewide planning goals are relevant to the proposed comprehensive plan map and text amendments: 1 – Citizen Involvement, 2 – Land Use Planning, 9-Economic Development, 10 - Housing, 12-Transportation, 13-Energy. The following are findings for each of the relevant goals:

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

During 2006 and 2007 the City engaged various consultants to hold workshops and public hearings to develop a Market Readiness Report, Fern Ridge Community Strategic Plan, Downtown Master Plan, Next Steps Strategies for implementation of the Downtown Master Plan and a Visitor Readiness Report. In all, seven work sessions and four public hearings were held to maintain public involvement and to make sure the City had general consensus from the community to move forward.

In 2007 the City was awarded a grant from Transportation Growth Management (TGM) to prepare code amendments based on the code audit prepared by SERA Architects outlining the necessary code changes in order to implement the Downtown Master Plan.

In implementing the Downtown Master Plan, City Council directed staff to begin drafting amendments to the Comprehensive Plan and accompanying Land Use Regulations. In 2008, the City was awarded a grant from Transportation Growth Management (TGM) to assist in the implementation of the code changes. The City held four joint work sessions on between April and July 2009 with both the Planning Commission and City Council to gain further direction and confirmation that both the purpose and general content of the proposed amendments were appropriate. Citizen involvement has been demonstrated in the following manner:

- Four public joint work sessions with the Council and Commission were conducted in an informal setting to keep the public involved and informed about the proposed amendments.
- Presentations by project staff to local citizen and special interest groups were available upon request.
- Public Hearings were conducted according to Veneta Land Development Ordinance Section 2.11. on all changes to the Comprehensive Plan text and map changes. The Planning Commission held a public hearing on August 3, 2009, to hear public testimony and consider the proposed changes. The public hearing was then closed and deliberations were held on September 7, 2009.
- Notice of public hearing was mailed to every property owner in Veneta on July 11, 2009. Notice was posted and published in the *West Lane News* at least 10 days before the first public hearing in the July 23, 2009 edition and again on October 1, 2009 prior to the City Council public hearing. Maps and text amendments were available for review at City Hall and online prior to each public hearing.
- The Oregon Department of Land Conservation and Development (DLCD) received drafts of the text and map amendments. Notice of the Comprehensive Plan map and text amendments was sent to DLCD on May 22, 2009, at least 45 days prior to the first public hearing.

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

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

Compliance with Chapter V, Section B of the Veneta Comprehensive Plan, Ordinance 416 ensures compliance with Goal 2, as documentation of an established need for any plan change

ensures an adequate factual basis for any change in the City's planning process and policy framework.

For a plan amendment to be legally adopted, there must be documentation of an "established need" for the plan change. The establishment of this need rests ultimately with the City Council. However, the most common practice in Oregon is for the City Council and Planning Commission to require the applicant to submit the documentation for establishing that changes in the Comprehensive Plan cannot be arbitrary or capricious but must be based on a demonstrated need.

The established need for the proposed Comprehensive Plan amendments, as determined by the City Council, addresses the items identified by Veneta citizens and its public officials through multiple work sessions as follows:

1. **Make the downtown more cohesive and identifiable.**
2. **Create gathering spaces for residents and visitors.**
3. **Visually represent Veneta's unique assets.**
4. **Ensure that buildings and landscapes are created for safety and aesthetics, and represent civic pride.**
5. **Increase the mix of compatible uses.**
6. **Improve and enhance the pedestrian environment throughout downtown, as well as the pedestrian connections to surrounding neighborhoods and civic resources.**

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

The record shows that there is an adequate factual basis found in the Downtown Master Plan to support the Comprehensive Plan and the Comprehensive Plan text amendment, as Goal 2 requires. Further, the Goal 2 coordination requirement is met. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the review of the amendments was coordinated with all affected governmental units. Specifically, notice was mailed to the Oregon Department of Land Conservation and Development and Lane County Fire District #1.

Goal 9—Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

As pertains to these amendments, the following Goal 9 criteria apply:

2. *Contain policies concerning the economic development opportunities in the community.*

The proposed Comprehensive Plan amendments contain policies concerning the economic

development opportunities in the community. The creation of the new Broadway Commercial zoning district provides more flexibility in creating a vibrant downtown area and allows for an increase in density in the area so zoned.

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

4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

In recent years, the City of Veneta's employment base has not kept pace with its fast-growing residential population. To encourage the economic growth, strategies were identified in various plans the City has developed including the following:

- Economic Development Strategic Plan (2002-2003)**
- Downtown Master Plan (2006)**
- Fern Ridge Area Strategic Plan (2006)**
- Market Readiness Analysis and Report (2006)**
- Strategies for Next Step Implementation (2007)**
- Veneta Next Step Strategies (2008)**
- Visitor Readiness Report (2009)**

Veneta has worked hard to improve the infrastructure and aesthetics in its downtown business district. Yet, even with quality commercial sites, Veneta is well aware of the critical importance of conveying a positive community image to commercial business prospects.

A positive image is the result of many factors from good land use planning and well maintained infrastructure to an involved citizenry and tasteful architectural design. At the heart of a community's image is the downtown business district which signals the commitment of local leaders to creating a positive quality of life—a value that is highly important to potential businesses. Critical to capitalizing on the opportunity to develop downtown business district is encouraging physical and economic improvements to downtown Veneta. The first step toward the creation of a vibrant town center for Veneta was the completion of the Downtown Master Plan together with the Market Readiness Analysis which identified the need for more commercial space and a more cohesive downtown area.

The current downtown area is blighted and is a mix of low income single family dwelling and industrial uses with a very small commercial presence. A zone change and the creation of commercial design standards in the downtown area is necessary to establish commercial and mixed use development that encourages businesses to relocate to Veneta.

The proposed change in the Comprehensive Plan designation from Commercial/General Residential (U) to Commercial (C) will have no impact on the supply of suitable sites for commercial uses. The Commercial/General Residential designation provides for a mixture

of vertical mixed use commercial and residential. The Commercial designation, as amended, allows mixed use commercial and residential with commercial on the entire ground floor and residential above. Currently the Commercial/General Residential designation restricts residential to 50% of the building size and allows residential on the ground floor. The overall net change in density for the commercial designation remains the same, while the overall net change in density for residential has increased.

OAR 660-009-0010(2) and (4) require that a City has an economic opportunities analysis (EOA) as part of its Comprehensive Plan. The OAR states that if a post acknowledgement plan amendment changes the plan designation of more than two acres within a UGB from one employment use designation to any other this analysis is required. The proposed amendments involve the change of a designation of approximately 4.1 acres from Commercial/General Residential to Commercial. Considering the commercial aspect of the designation will not be changing, a change from one employment use designation to another does not occur and does not require an EOA.

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

The Comprehensive Plan text, diagram and map amendments make no substantive changes to the City's Comprehensive Plan policies affecting housing or addressing the Goal 10 guidelines.

Currently the Commercial designation within the Comprehensive Plan provides areas suitable and desirable commercial development and limited residential behind or above a commercial use. The Commercial/General Residential designation provides for individual residential units and/or commercial developments. The change in the Comprehensive Plan designation from Commercial/General Residential to Commercial removes the ability to build stand-alone single family dwellings in the downtown area, but still allows and increases opportunities for mixed use housing without restriction on height or floor area. This change allows for a residential density higher than what is currently allowed. Considering that the opportunities for higher density housing in the downtown are yet to be realized, the increase in residential housing units cannot be quantified. Changes in the number of residential housing units will remain unchanged or increase, but not decrease.

Goal 12—Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The number and location of major transportation facilities are not proposed to be changed with this amendment. The goal to provide and encourage a safe, convenient and economic transportation system is being met with the updated Comprehensive Plan. The current comprehensive plan identifies the downtown area as the area on and around Highway 126. Most of the parcels located in this area are either zoned Highway Commercial or Industrial Commercial. Highway Commercial and Industrial Commercial are both auto oriented zones that typically move large volumes of traffic at higher rates of speed. The proposed comprehensive plan amendments identify the downtown area along West Broadway. Creating a downtown area that is mixed use in nature, such as West Broadway, allows mixed use developments that typically calm and reduce traffic. The decrease in traffic

speed and volume encourages pedestrian use providing a convenience to residents in proximity to the downtown area.

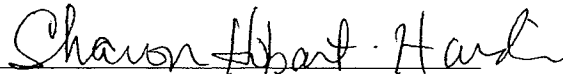
Goal 13 – Energy Conservation: *To conserve energy. The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.*


Land and uses developed under the proposed amendments of the Comprehensive Plan will continue to be managed and controlled so as to maximize the conservation of all forms of energy. The goal to conserve energy within the City will be maintained as the downtown area continues to develop. The identification of the West Broadway area as the downtown area will bring new commercial and mixed use residential commercial development into an area that is currently vacant. The creation of adequate, high density commercial and residential development is important in the overall reduction of average daily trips on Highway 126 from Veneta to Eugene. The average travel time to work is significantly higher for Veneta residents than for Lane County residents as a whole (compare 27.4 minutes to 19.9 minutes respectively). Veneta residents are commuting long distances to jobs in Eugene-Springfield, elsewhere on the I-5 corridor and some to the Oregon coast.

The creation of a more cohesive downtown area that provides commercial and mixed use commercial/residential with continue to bring new jobs to the Veneta area and will reduce the amount of traffic on Highway 126 to and from Eugene on a daily basis. An additional benefit of an established downtown is the close proximity of relatively dense single and multi-family housing. As more goods and services become available to the residents within the City limits, alternative modes of transportation will be used. An establishment of a core downtown business district will bring more pedestrian oriented businesses and a variety of new pedestrian paths and bicycle lanes, reducing vehicle trips, fuel consumption and overall vehicle emissions.

CONCLUSIONARY FINDINGS

Based on the information and findings stated above, the proposal for the Comprehensive Plan Map changes and text amendments to the Veneta Comprehensive Plan meets all the requirements of the Oregon Statewide Planning Goals. The Veneta City Council hereby approves the requested amendments, and adopts these findings of fact for changes to the Veneta Comprehensive Plan map and Comprehensive Plan text.


Sharon Hobart-Hardin, Mayor


Date

