

ORDINANCE NO. 499

AN ORDINANCE AMENDING THE VENETA COMPREHENSIVE PLAN MAP AS AMENDED BY ORDINANCE 416, SECTION 2, AMENDED BY ORDINANCE 491, SECTION 11 AND THE VENETA ZONING MAP AS ADOPTED BY THE VENETA LAND DEVELOPMENT ORDINANCE 494, ARTICLE 3, SECTION 3.04, AND DECLARING AN EMERGENCY

WHEREAS, the owner has proposed to change the comprehensive plan map and zoning map designations for Assessors Map 17-06-36-41 Tax Lot 1100; and

WHEREAS, on August 2, 2010 the Veneta Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Plan map and Veneta Zoning map and on October 4, 2010 recommended that the City Council adopt the proposed amendments; and

WHEREAS, on October 25, 2010 the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Plan map and the Veneta Zoning 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 following findings of fact:

FINDINGS OF FACT:

Existing ordinance text is listed in italics.

VENETA COMPREHENSIVE PLAN, ORDINANCE 416 - Updating the 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.

The proposal to amend the Veneta Comprehensive Plan map to change the designation of the above-described property from Commercial to Medium Residential meets this criterion. The property owners submitted an application for the plan designation change and the City notified LCDC of the proposal 45 days prior to the first hearing date. The Planning Commission reviewed the proposed change at a public hearing on October 4, 2010 and made a recommendation to the Veneta City Council to re-designate the above-described property from Commercial to Medium Residential.

The proposal for the comprehensive plan and zoning map changes are warranted, due to the fact the change that was made did not take into consideration commercial development requirements such as parking and access. The property contains a dwelling and has limited access, suitable only for a residential use.

The type of amendment procedure is considered a "mapping error" to correct map changes that were arbitrary or capricious in nature and not based on a demonstrated need for the land for a commercial use.

VENETA LAND DEVELOPMENT ORDINANCE 494, ARTICLE 11 - AMENDMENTS.

An amendment to the zoning map may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by an application for an amendment shall be accomplished by filing an application with the Building and Planning Official using forms prescribed pursuant to Section 2.06. A filing fee in accordance with the provisions of Section 2.08 and a narrative statement explaining the reasons for the amendment shall accompany an application by a property owner.

The property owner submitted an application and narrative statement requesting the amendment to the zoning map to re-zone the property from Community Commercial to General Residential correct an error on the zoning map adopted on January 25, 2010. Correcting this map error has a de minimis impact on the buildable lands inventory and reflects the feasible uses of the property.

THE CITY OF VENETA ORDAINS AS FOLLOWS:

SECTION 1. The City Council adopts the above findings of fact as its basis for the following amendments.

SECTION 2. The plan designation as shown on the Veneta Comprehensive Plan map for Assessors Map 17-06-36-41, Tax Lot 1100, as shown on Exhibit 1, attached hereto and incorporated herein by this reference, is hereby changed from Commercial (C) to Medium Residential (M).

SECTION 3. The zone designation as shown on the Veneta Zoning map for Assessors map 17-06-36-41, Tax Lot 1100, as shown on Exhibit 2, attached hereto and incorporated herein by this reference, is hereby changed from Community Commercial (CC) to General Residential (GR).

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


READ FOR A FIRST TIME, BY TITLE ONLY, this 22 day of November, 2010, no Council person in attendance having requested that it be read in full.

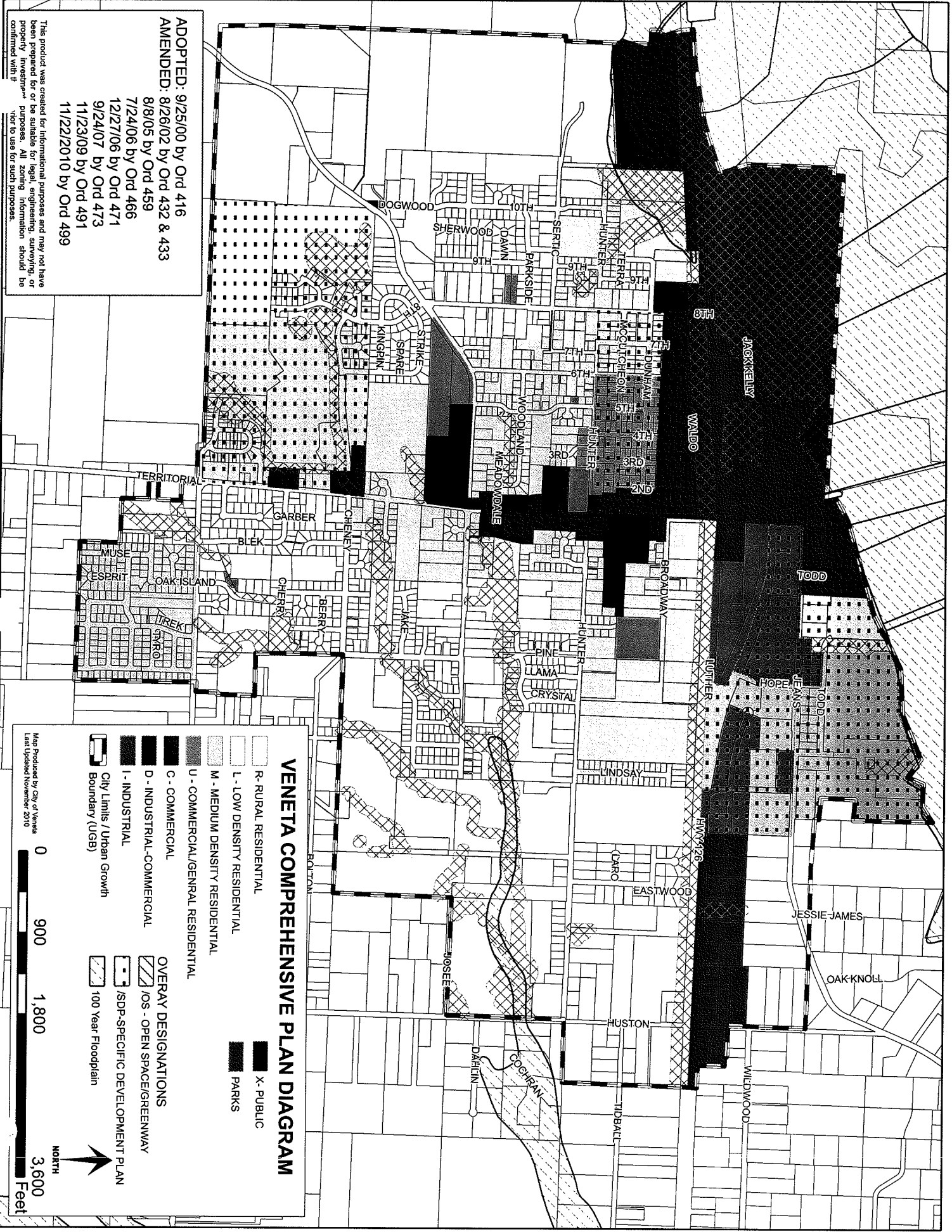
READ FOR A SECOND TIME, BY TITLE ONLY, this 22 day of November 2010, no Council person in attendance having requested that it be read in full.

PASSED AND ADOPTED by the City of Veneta Council this 22 day of November, 2010.


Sharon Hobart-Hardin, Mayor

ATTEST:


Darci Henneman, Assistant City Recorder



ADOPTED: 9/25/00 by Ord 416
 AMENDED: 8/26/02 by Ord 432 & 433
 8/8/05 by Ord 459
 7/24/06 by Ord 466
 12/27/06 by Ord 471
 9/24/07 by Ord 473
 11/23/09 by Ord 491
 11/22/2010 by Ord 499

This product was created for informational purposes and may not have been prepared for or be suitable for legal, engineering, surveying, or property investment purposes. All zoning information should be verified with the City of Veneta.

VENETA COMPREHENSIVE PLAN DIAGRAM

- | | | | |
|--|------------------------------------|--|---------------------------------|
| | R - RURAL RESIDENTIAL | | X - PUBLIC |
| | L - LOW DENSITY RESIDENTIAL | | PARKS |
| | M - MEDIUM DENSITY RESIDENTIAL | | |
| | U - COMMERCIAL/GENERAL RESIDENTIAL | | |
| | C - COMMERCIAL | | |
| | D - INDUSTRIAL-COMMERCIAL | | |
| | I - INDUSTRIAL | | OS - OPEN SPACE/GREENWAY |
| | | | SDP - SPECIFIC DEVELOPMENT PLAN |
| | | | 100 Year Floodplain |
| | | | |

Map Produced by City of Veneta
 Last Updated November 2010

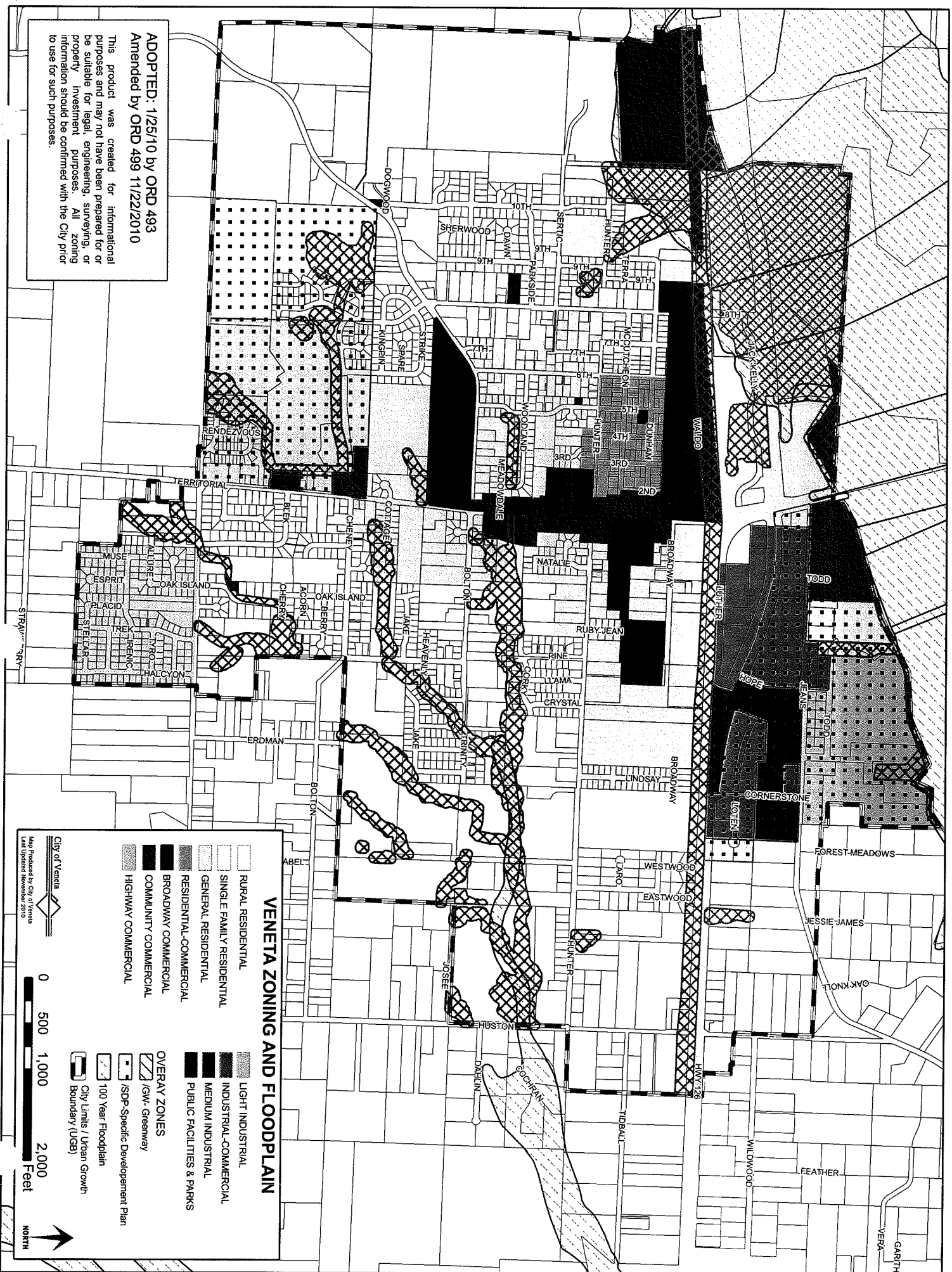
0 900 1,800 3,600 Feet

NORTH

EXHIBIT 1

ADOPTED: 1/25/10 by ORD 493
 Amended by ORD 499 11/22/2010

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VENETA ZONING AND FLOODPLAIN

- | | | | |
|--|---------------------------|--|---|
| | RURAL RESIDENTIAL | | LIGHT INDUSTRIAL |
| | SINGLE FAMILY RESIDENTIAL | | INDUSTRIAL-COMMERCIAL |
| | GENERAL RESIDENTIAL | | MEDIUM INDUSTRIAL |
| | RESIDENTIAL-COMMERCIAL | | PUBLIC FACILITIES & PARKS |
| | BROADWAY COMMERCIAL | | OVERLAY ZONES |
| | COMMUNITY COMMERCIAL | | IGW Greenway |
| | HIGHWAY COMMERCIAL | | SDP-Specific Development Plan |
| | | | 100 Year Floodplain |
| | | | City Limits / Urban Growth Boundary (UGB) |

City of Veneta
 Map Produced by City of Veneta
 Last Updated November 2010

0 500 1,000 2,000 Feet

NORTH