

FILE COPY

ORDINANCE NO. 479

AN ORDINANCE AMENDING THE VENETA ZONING MAP AS ADOPTED BY THE VENETA LAND DEVELOPMENT ORDINANCE 417, ARTICLE 3, SECTION 3.03, AND DECLARING AN EMERGENCY

WHEREAS, the owner has proposed to change the zoning map designations for Assessors Map 18-06-01-00 tax lot 1702; and

WHEREAS, the Veneta Planning Commission conducted a properly advertised public hearing on the proposed amendments to the Veneta Zoning map on December 3, 2007 and on December 17, 2007 recommended that the City Council adopt the proposed amendments; and

WHEREAS, the Veneta City Council conducted a properly advertised public hearing on the proposed amendments to the Veneta Comprehensive Zoning map on January 14, 2008; 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.

The City does not have specific criteria related to zone changes either in adopted land use regulations or the comprehensive plan. The following Comprehensive Plan policies may apply to zone changes:

- VENETA COMPREHENSIVE PLAN
- I. BACKGROUND
- C. CITIZEN INVOLVEMENT

RESPONSIBILITIES RELATED TO CITIZEN INVOLVEMENT

1. *The City Council makes all major decisions related to land use planning and community development for the City of Veneta. Decisions requiring City Council action include but are not limited to the following:*
  - A. *Adoption of a Program for Citizen Involvement.*
  - B. *Amendment to the Veneta Comprehensive Land Use Plan.*

C. *Adoption of and amendment to ordinances implementing the Comprehensive Plan.*

2. *The City Council will provided a written record for public dissemination of the rationale used in all land use and other planning policy decisions.*

With approval of this ordinance, the City Council makes a final decision regarding the requested rezone. These findings constitute the required rational for this land use decision.

*Planning Commission*

1. *The Planning Commission is appointed by the City Council to review land use planning issues and to make recommendations to the City Council on these issues.*

2. *The Planning Commission makes recommendations to the City Council on such issues as:*

- A. *The Program for Citizen Involvement*
- B. *Updating or amending the Comprehensive Plan*
- C. *Updating or amending the zoning, subdivision, and other implementation ordinances.*

3. *The Planning Commission will provide a written record for public dissemination of the rationale used in recommending land use and other planning policy decisions.*

The Planning Commission has made a recommendation to the City Council regarding this matter. These findings constitute the required rational for this land use decision.

*III. PLAN ELEMENTS AND POLICIES*

*GROWTH MANAGEMENT ELEMENT*

4. *Designate the Urban Service Development Area as the primary development area within Veneta. When water and sewer services become available, facilitate an easy transition of plan designations from rural residential to residential, commercial, industrial, or public/semi-public.*

It is clear from this policy that even lands with a plan designation of Rural Residential are slated for eventual transition to other designations which allow development

within the UGB to occur at urban densities in conformance with statewide planning goals. The subject property currently has a plan designation of Low Density Residential (L) and therefore, does not require a "transition" from rural residential.

There seems to be confusion over what the terms "sewer service area" and "urban service area" mean. The Comprehensive plan uses these terms interchangeably throughout the document. The narrative statement for Element IV(A) provides guidance in interpreting what these terms collectively refer to.

*In Veneta, the urban service boundary is the priority development area (Phase I and Phase II) which can be served with public sewers. The urban service boundary encompasses all commercial and industrial properties in the city, with the exception of the Highway 126 east commercial area. The urban service area is less than the total city limits area and will change as the sewer system is expanded. Lands inside the urban service boundary are identified as the Phase I and II Development Area. Land in the Phase III Development area will essentially remain rural until such time when conversion to urban densities is feasible and needed.*

A map of Priority Development Areas is found in the Comprehensive Plan on page 19. This map clearly shows the Urban Service Boundary encompassing the subject property, which is designated a Phase II priority development area.

It is clear that the property is not required to have currently existing sewer service to be rezoned, only that it be capable of being serviced. Many properties in the City, including those already zoned SFR do not have existing sewer service. In order to subdivide, the applicant must bring sewer to the property in a method acceptable to the City. According to both the City Engineer and Veneta Public Works, the applicant has proposed three acceptable methods for providing sewer service to the property with the caveat that lift systems be privately maintained.

6. *Make the following findings of fact in order to permit conversion of rural residential lands to other plan designations:*

(1) *Water: The City water supply and distribution system are adequate to provide service to the property proposed for conversion to urban densities.*

(2) *Sewer: The City sewer treatment and collection system are adequate to provide service to the property for conversion to urban densities.*

(3) *Streets: The neighborhood streets and drainage system are adequate to handle additional traffic and storm drainage.*

These three criteria apply only to changes of plan designation, not to rezones such as is being requested here. Since the property currently has a plan designation of Low Density Residential (L), the required findings for adequacy of services under policy 6 above have already been made. However, the current zoning does not allow for development at the densities allowed by the (L) plan designation. The requested rezone simply makes the zoning consistent with the underlying plan designation, and allows for implementation of the Comprehensive Plan.

#### *C. RESIDENTIAL LAND AND HOUSING ELEMENT*

##### *POLICIES*

2. *Provide a variety of residential neighborhoods including rural residential with large lots, traditional single-family subdivisions with standard lots, areas with a mix of housing types, and mixed-use neighborhoods where commercial and residential are blended such as in the downtown area.*

The term "rural residential" as used in Policy C2 is not intended to identify a specific planning or zoning classification, but rather, is used to describe a general development pattern similar to the use of the term "traditional single family subdivisions". This is a policy statement which has been implemented through related policies such as not requiring minimum densities as many other cities do. Above the minimum for the zone, lot sizes are largely determined by the developer's needs and market forces.

The subdivision currently proposed for the subject parcel directly reflects the implementation of this policy by proposing lots which far exceed the minimum lot size for the SFR8000 zone. Such development is in contrast to the vast majority of housing developments in Veneta, and provides a greater variety of residential neighborhoods as stated in Policy C2.

3. *Encourage development of vacant lands within the sewer service area on the west side of Veneta as a first priority.*

A map of Priority Development Areas is found in the Comprehensive Plan on page 19. This map clearly shows the Urban Service Boundary encompassing the subject property, which is designated a Phase II priority development area. Approving the requested rezone encourages development of this property as required.

11. *Increase residential densities where water and sewer facilities are available so that services and utilities can be provided economically.*

Although water and sewer service are not currently available to the property, adjacent development are likely to extend services to the property in the near future. The pace and density of development along these new lines does not create an undue maintenance burden, but rather, allows logical extension of existing services to new areas. Extension of these services is preferable to developments with wells and septic systems as would be required under the current zoning. Additional wells and septic systems within the City increase the risk to the City's water supply according to the City's Drinking Water Protection Plan.

12. *Allow increased densities in the priority development areas (areas with city sewer service) through professionally prepared planned developments. Allow flexibility in lot size using the variance process.*

The proposed rezone allows for increased density in a Phase II Priority Development Area which is capable of being served with City sewer.

#### *E. UTILITIES*

2. *Protect groundwater from the potential of contamination through improperly abandoned wells and protect city water from contamination by private wells by requiring proof of proper abandonment/isolation of private wells at the time of any development action on property with one or more private wells.*

3. *Encourage use of city water and wastewater services by requiring all new development to connect to*

*the city water supply when practical.*

Extension of City services is preferable to developments with wells and septic systems as would be required under the current zoning. Additional wells and septic systems within the City increase the risk to the City's water supply according to the City's Drinking Water Protection Plan. Approving the requested rezone encouraged new development on City water and wastewater.

#### IV. COMPREHENSIVE PLAN MAP AND LAND USE DESIGNATIONS

##### NARRATIVE:

*The Comprehensive Plan map is a graphic designation of future land use in Veneta. Specific development decisions should be checked against the individual plan element. If a conflict appears between plan policies and the Comprehensive Plan map, the plan policies shall prevail. Land use designations in the Plan are the basis for the zoning map and shall be referred to in updating or revising the zoning map.*

*The Comprehensive Plan map depicts three boundaries which define the jurisdictional area and service boundaries of the plan:*

*Urban growth boundary (UGB);  
Urban service boundary;  
City limits.*

*A comprehensive plan's jurisdiction extends out to the UGB. In Veneta, the UGB is the same as the city limits. In Veneta, the urban service boundary is the priority development area (Phase I and Phase II) which can be served with public sewers. The urban service boundary encompasses all commercial and industrial properties in the city, with the exception of the Highway 126 east commercial area. The urban service area is less than the total city limits area and will change as the sewer system is expanded. Lands inside the urban service boundary are identified as the Phase I and II Development Area. Land in the Phase III Development area will essentially remain rural until such time when conversion to urban densities is feasible and needed.*

##### PLAN DESIGNATIONS:

##### LOW DENSITY RESIDENTIAL (L)

*Purpose of Plan Designation:*

*Provide areas suitable and desirable for primarily single-family uses with provisions for associated public service uses, planned developments, and limited multiple-family use under controlled conditions on lots incapable of division to city standards.*

*Ensure that residents are provided with a low density single-family residential area.*

*Allow up to seven (7) units per net acre. Planned Developments may qualify for a density bonus of up to fifteen (15) living units per net acre in the Single Family Residential (SFR) zone.*

*Require minimum lot sizes shall of 6,000 square feet and 8,000 square feet on steep slopes. Larger lots may be established by the Planning Commission if it determines that development hazards or constraints exist or if the Planning Commission finds larger lot sizes will be more compatible with surrounding residential areas.*

A map of Priority Development Areas is found in the Comprehensive Plan on page 19. This map clearly shows the Urban Service Boundary encompassing the subject property, which is designated a Phase II priority development area.

It is clear that the property is not required to have currently existing sewer service to be rezoned, only that it "can be served with public sewers". Many properties in the City, including those already zoned SFR do not have existing sewer service. In order to subdivide, the applicant must bring sewer to the property in a method acceptable to the City. The findings clearly state that the applicant has proposed three acceptable methods for providing sewer service to the property with the caveat that any lift system be privately owned and maintained.

Since the plan designation is stated as the "basis of the zoning map", it is necessary for the zoning and plan maps to be consistent. In this case, the plan designation allows densities up to 7 units per net acre, and even up to 15 units per acre for planned developments, and states minimum lot sizes of 6000 and 8000 square feet on steep slope areas. The current zoning only allows for 1 unit per acre at 43,560 square feet and is therefore inconsistent with the (L) plan designation. The requested rezone will put in place a zone designation of SFR8000 which correctly implements the (L) plan designation.

Clearly, development of the property with 1 acre lots on septic systems which may be allowed under the current (RR) zoning does not meet the intent of allowing up to 7 units per net acre, or the stated minimum lot sizes of 6000-8000 square feet. VLDO Section 4.01(1) states the purpose of the current RR zone as:

*(2) Purpose. To maintain areas outside the City's service boundary for limited rural development within the carrying capacity of the natural resources until conversion to urban residential uses.*

This property is clearly within the urban service boundary, and therefore, should not be zoned RR as such zoning of is contrary to the purpose of the RR zone stated above. Even so, it is clear that the RR zone in general is considered temporary and that conversion to other, more intensely developable classifications is expected. To retain lands within the UGB in a rural residential status indefinitely is contrary to the goals and policies of the comprehensive plan.

THE CITY OF VENETA ORDAINS AS FOLLOWS:

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

SECTION 2. The zoning as shown on the Veneta Zoning map for Assessors map 18-06-01-00, tax lot 1702, as shown on Exhibit A, attached hereto and incorporated herein by this reference, is hereby changed from Rural Residential (RR) to Single Family Residential 8000 (SFR8000).

SECTION 3. Declaration of Emergency. 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 28<sup>th</sup> day of January, 2008, no Council person in attendance having requested that it be read in full.

READ FOR A SECOND TIME, BY TITLE ONLY, AND FOR FINAL ADOPTION, this 28<sup>th</sup> day of January, 2008, no


Council person in attendance having requested that it be read in full.



T. J. Brooker, Mayor

Executed on 1-28-18

ATTEST:

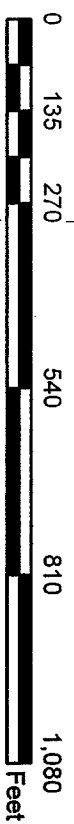
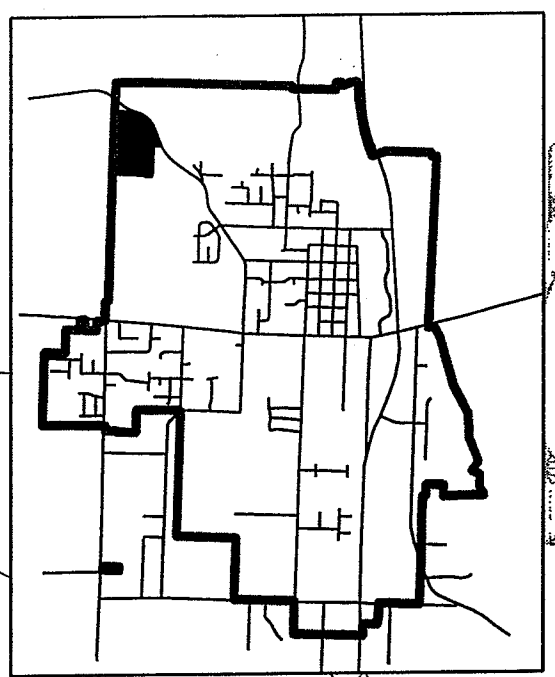


Darci Henneman,  
Assistant City Recorder,  
Executed on 1-24-08

BOLTON HILL

18-06-01-00 Tax lot 1702  
Existing zoning: Rural Residential (RR)  
Proposed Zoning: Single Family Residential (SFR8000)

EXHIBIT "A"



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