



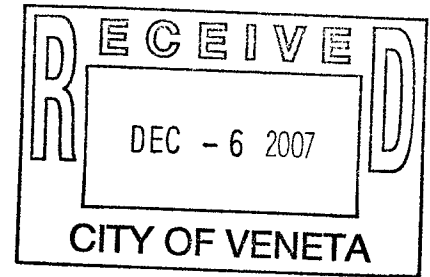
Goal One is Citizen Involvement

*Replaces Dec 3
comments
Mona OK*

Veneta, OR 97128

December 3, 2007

RE: ZC-2-07



Dear Members of the Commission:

The Goal One Coalition (Goal One) is a nonprofit organization whose mission is to provide assistance and support to Oregonians in matters affecting their communities. Goal One is appearing in these proceedings at the request of and on behalf of its membership residing in Lane County. This testimony is submitted by Goal One Coalition at the request of and on behalf of its membership residing in Lane County, and on behalf of Mona Linstromberg, 87140 Territorial Road, Veneta OR 97487, as an individual.

I. Introduction

This application requests a Zone change from Rural Residential (RR) to Single Family Residential (SFR). Approval of the application requires findings of consistency with the Comprehensive Plan and Land Development Ordinance 461.

The subject property is 24.11 acres in size and is identified as Map # 18-060-1-00, Taxlot 1702. The subject property is located on south of Bolton Hill Road near the southwest corner of the City limits. The plan designation of the subject property is currently Low Density Residential (L).

The subject parcel is planned to be developed as an addition to the proposed Bolton Hill Ranch Estates located to the north. The applicant indicates there is the potential to develop the subject property into 50-60 single family residential lots.

II. Criteria applicable to the request

The applicant cites LDO 461, Article 2.06, 2.08, 11.01, and article 12 as the applicable criteria. Article 2 at 2.06 refers to the application form, 2.08 refers to application fees, 11.01 refers to initiation of amendments, and article 12 refers to home occupations.

None of these provisions contains criteria for the review of a request for a zone change.

Neither the applicant nor the staff report addresses LDO ARTICLE 2 - ADMINISTRATIVE PROVISIONS, **SECTION 2.11** NOTICE OF PUBLIC HEARING. This article establishes, at (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."

Eugene office: 642 Charnelton Suite 100 · Eugene OR 97401 · 541-484-4448 · Fax 541-431-7078

Lebanon office: 39625 Almen Drive · Lebanon OR 97355 · 541-258-6074 · Fax 541-258-6810

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This provision mirrors the statutory provision found in ORS 197.610:

“197.610 Local government notice of proposed amendment or new regulation; exceptions; report to commission. (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing. The director shall notify persons who have requested notice that the proposal is pending.”

There is no evidence in the record that the city has complied with the provisions for notice found in ORS 197.610 and LDO Article 2.11. As such, it cannot be found that the city has complied with the statutory provisions requiring jurisdictions to send notice to the State at least 45 days prior to the first evidentiary hearing.

The applicant also cites the need for conformance with the comprehensive plan, but cites no provisions of the Plan to justify their statement of consistency. The applicant merely asserts that the zone change request is consistent with the Comprehensive Plan because: (1) the subject property has a plan designation of “L”, low density residential, (2) that the current zoning of RR “would correspond with the “R” plan designation”, and (3) that changing the zoning from RR to SFR will make the parcel consistent with the underlying comprehensive plan designation.

However, there is nothing in the comprehensive plan or the land development ordinance that establishes which plan designations are consistent with which zoning classification. The applicants' assertion that SFR zoning is consistent with the “L” plan designation, and the inference that RR zoning is inconsistent with the plan designation of “L” is not substantiated by any comprehensive plan policy, LDO provision, or any other evidence in the record.

The staff report cites Comprehensive Plan Policy A6 as being applicable to zone changes. This is incorrect. Plan Policy A6 addresses comprehensive plan amendments, not zone changes. The policy specifically states: “Make the following findings of fact in order to permit conversion of rural residential lands to other *plan designations*” (emphasis added).

This request is for a zone change only. Comprehensive Plan Policy A6 does not apply to zone change requests.

Neither the applicant materials nor the staff report cite any other policies for review of the consistency of the proposal with city policies.

III. Comprehensive Plan Policies

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The Comprehensive Plan, at Chapter III. **PLAN ELEMENTS AND POLICIES**, states: “These statements provide a specific course of action moving the community towards attainment of its goals. All implementing ordinances and all actions taken within the city must comply with these policies.”

The following policies have not been reviewed in conjunction with the zone change proposal.

A. GROWTH MANAGEMENT ELEMENT

Policy A1 - Future Moratorium Policy: Enact a moratorium on development upon determining that any or all of the following conditions exist:

(b) Veneta's Water System Facilities are at capacity, or the Council determines that the facilities shall reach capacity and it is reasonable to place limitations on development.

The staff report states that the city's current water service capacity “for the wells currently online” . . . “would serve a population of 6,600” and that “adding wells 11 and 12 raises the serviceable population to approximately 9200 a population Veneta will reach in 2017 if the 7% average growth rate of the last five years continues.” This statement is inconsistent with the Comprehensive Plan “**Population Projections and Assumptions**” which establishes: at (1): “Veneta’s population is projected to increase to 4,800 - 5,760 people by the year 2020.”

There is no evidence in the record to substantiate staff claims that Veneta's water system facilities actually have capacity to serve more growth than is expected by the Comprehensive Plan. The Comprehensive Plan expects a 2020 population of between 4800 and 5760. The staff report states an expectation for a 2017 population of 9200.

C. RESIDENTIAL LAND AND HOUSING ELEMENT

Policy 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.

This proposal for a zone change from rural residential to single family residential w/minimum lot size of 8000 sq. ft. is inconsistent with Policy C2, cited above. Not only does the existing zone comply with the intent of this policy, but in addition, the zone change is for single family residential with 8000 sq. ft. lots. Policy C2 expects that traditional single-family subdivisions will have standard sized lots, rather than the large sized lots requested by this proposal.

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

The staff report establishes that sewer service is not currently available to the subject property. Additionally, staff has not established what would be an acceptable mechanism for provision of sewer services for the subject property considering that no city service is available. Approval of this proposal is inconsistent with policy C3, cited above.

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

The availability of water and sewer service to serve the subject property is not substantiated in the applicant materials. The city cannot increase residential densities in this area of the city until services can be provided economically. The current proposal does not address economically feasible alternatives to mitigate the lack of available city services to serve the subject property.

V. Analysis

Staff has relied on Comprehensive Plan Policy A6 for review of the zone change proposal. However, Policy A6 addresses comprehensive plan amendments. The current proposal is for a zone change.

Additionally, neither the applicant or staff materials addresses any of the other comprehensive plan policies applicable to this request.

There is no evidence in the record that the proposal complies with the notice requirements found in ORS 197.610.

VI. Conclusion

The required analysis has not been presented. The applicant has not met their burden of proof for establishing consistency with the Comprehensive Plan. The request must be denied.

Goal One and other parties whose addresses appear in the first paragraph of this letter request notice and a copy of any decision and findings regarding this matter.

Respectfully submitted,



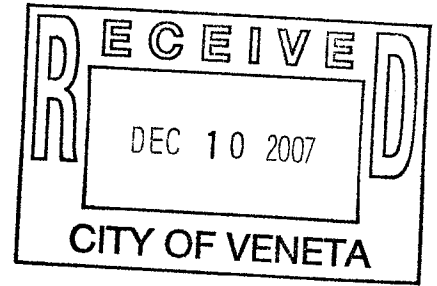
Lauri Segel
Community Planner

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December 7, 2007

Veneta Planning Commission

Re: ZC-2-07



The letter of transmittal sent by EGR & Associates has a typed date that has been crossed out and replaced by a handwritten earlier date that is not initialed nor explained. The letter itself is not signed.

The application does not have a date received nor an application number on it.

All of the information presented by Mr. Issa at the public hearing concerning the city's water supply, stormwater management and sewer indicated that the requirements for compliance with the Veneta Comprehensive Plan III.A.6.(1) and (2). cannot be met. One example is his statement that it is already harder to maintain water provision and that the city is getting closer to the point of not being able to maintain the reservoir buffer level required by the state. He also stated that the water was drawn down below the legally required buffer limit this year. His hope that wells 11 and 12 will provide enough flow is not an adequate basis upon which to approve changes that will lead to greater development/density, particularly as well 10 only produced 185 gpm instead of the hoped for 400 gpm and that the computer indicates that the city is already consuming more water than it is producing. Necessary updates to the sewer and water are to be based on LCOG's population numbers, which are not yet available.

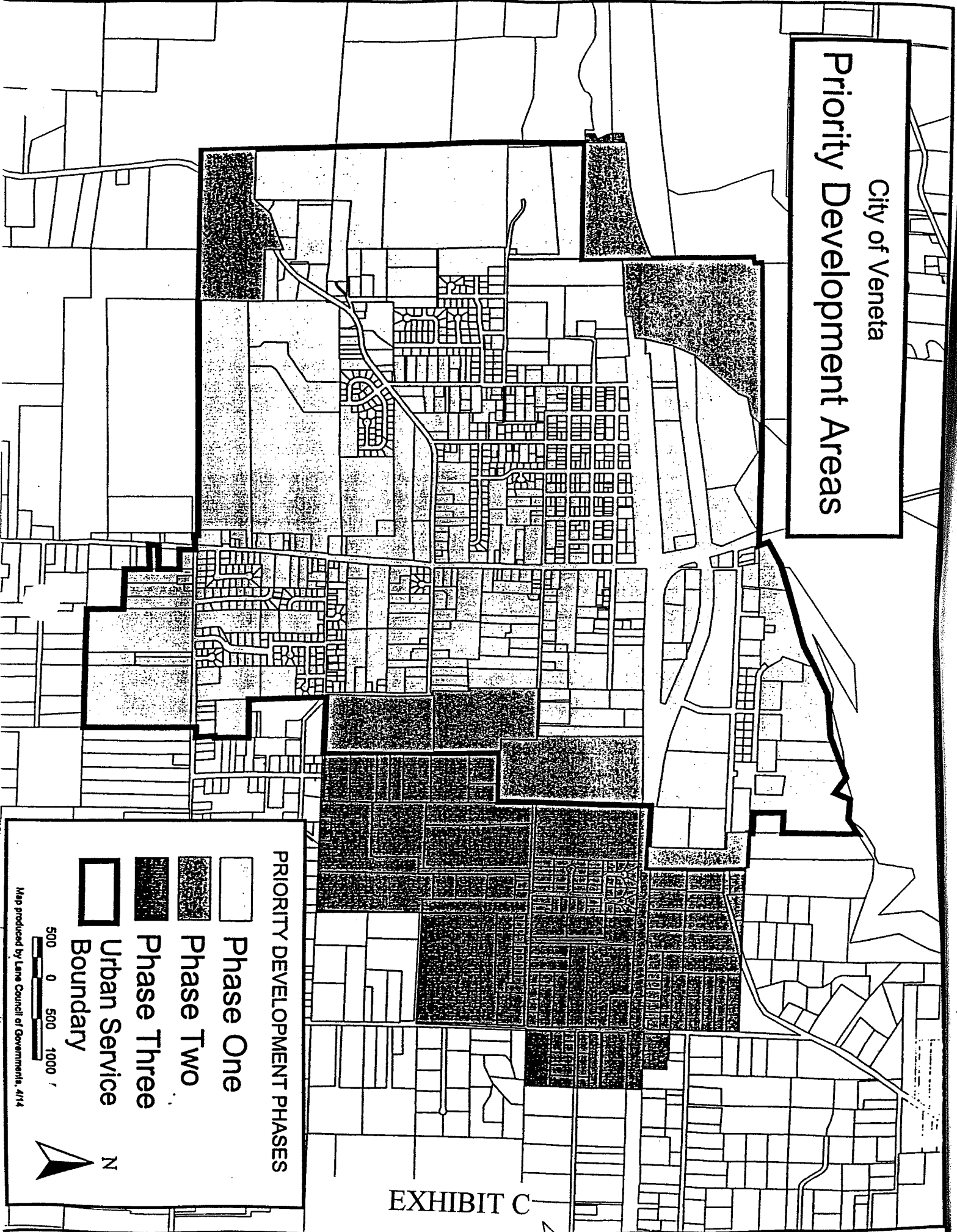
I ask again that the commission provide for it's current residents by considering Growth Management Policy A - 1, Future Moratorium Policy.

Please enter the preceding letter into the public record.

Devon Trottier vmb
24733 Dogwood Lane
Veneta, Oregon
Devon Trottier vmb

C. PERRY BURDON
24733 Dogwood Lane
Veneta, Oregon
C. Perry Burdon

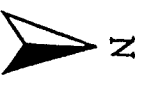
City of Veneta Priority Development Areas



PRIORITY DEVELOPMENT PHASES

- Phase One
- Phase Two
- Phase Three
- Urban Service Boundary

500 0 500 1000'



Map produced by Lane Council of Governments, 4/14

EXHIBIT C

3 DEC 2007: Venet. planning commission (A) > Veneta City Council ^{1/2}

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Good Evening. Thank you for taking time out of your lives to sit here in your capacity as members of the planning Commission.

The process of the system of government that you and city council act out is unconstitutional! These actions and inactions limit or eliminate citizen testimony of the demand that those who live here have a Constitutional right to have each & every item raised to be addressed in public and in writing showing why such items - claims do not apply. What does occur is that "staff" - whom ever that may be - merely says each item raised as an issue has been considered and does not apply. Where is the proof - verbal AND written? ~~The~~ "staff" decides whether the comment period is to be extended or not - even when staff has not provided ALL the documentation relevant to the issue to be considered or rejected by the Planning Commission or city council. The "staff" AND the planning commission are not elected - only the city council ^{is elected and} can - should - most - be the source of ANY final decision for or against a subdivision, zone change and Ordinance/code changes, etc. The "city," and applicant DO NOT WORK WITH ADJACENT PROPERTY OWNERS, contrary to what the legal documentation states. We - Devon Tro ~~and~~ and I have not been contacted to achieve this stated goal! What has occurred is that I went to city hall to see the documentation and found an enormous amount of paper to study. After 1 1/2 hrs I had not been able to go through more than a few items. Since city hall is open ONLY from 9am - 5pm Monday through Friday no one who works will be able to study - even in one sitting - all the documentation, thusly denying access to the process. Not everyone can go to the Fern Ridge library to view any of the documents - which are not there -

EXHIBIT B2

but the libra has hours slightly later during the week and only Saturday is then available. Apparently the city is making an effort to place such documents on the VENETA CITY COMPUTER WEB-SITE including "in house" documentation such as meeting minutes, staff reports - which continue to be written as if the issue is a done deal, which is also unconstitutional - memoranda, notices, etc. This website is an excellent idea, but it does not consider the facts that not everyone has a computer and that the documentation that is necessary is not sent to the city in electronic form. The staff in the person of Brian Issa was very helpful in that every ^{available} item of the documentation was put on the city's web site - except the Traffic Report allowing access when city hall or the library are closed.

he we hands study had only the numbered pages which printed out to Brian Issa. n zenov at 16:45 hrs - end of comment period

The process of "notification" to citizens is intentionally limited so that citizen participation is limited AND the time period is much too short, thusly these projects, issues are shoved-pushed-ramed quickly through the stages of these projects issues for the benefit of the applicants and not for the benefit of the citizens. The mailings to adjacent property owners limits citizen involvement. Any subdivision (3 lots or more) must be brought to the attention of ALL the citizens. The operation of any level of government to limit citizen input or awareness is unconstitutional? The size-scope-effect of all such projects is severe and must be brought to the citizens of Veneta for their approval or disapproval. The city of Veneta can not now provide for - and in most cases will not enforce the laws/ordinances through the questionable behavior of the contracted sheriff's Deputies. - quiet, safety, clean air, earth & water, Also there is no scientific data to support more people & construction relative to the Fern Ridge Aquifer and it's unknown size, recharge rate, etc, yet the process rolls on including threats of water rationing which has occurred in the past.

The format of planning commission and city council

meetings further limits citizen input to NO discussion with the members of either the planning commission, the city council or the city administrator in a public setting, and sets 3 minutes for public comment (which in itself denotes indifference to dialog, allowing only for a citizen to make a statement and sit down) but allows 20-30 or more minutes to the applicant. This behavior is not democratic and is unconstitutional: As with what I have noted above and here with this statement, the right of citizens to have their grievances addressed is denied AND the equal treatment under the law is denied! By following a system of laws enacted via monarcal interests - and corporations for their benefit and not for the citizens violates your oath of office - to provide for the health & well-being of all citizens, and clearly shows your embrace of the fascist-police state we live in. Until this city government rejects, as it has the idea that a Person is Property (slavery), the law and idea that Property is a Person, the rape and plunder of the environment and the increasing health issues associated with this will continue as you worship the god of money and ^{REPEAT} the mantra of sustained economic development. A corporation is not a person and has no constitutional right to exist except at the discretion of the citizens & speech is not money!

Use the ^{water bill} water bill to notify ~~most~~ citizens of pending actions & ^{Tell} of the availability of documentation on the city's web site. This will greatly expand city wide awareness of city actions that are to begin and can be studied by many - not all, however - citizens.

There is a serious error on 3 maps relating to the Bolton Hill Ranch subdivision showing the taking and altering of our property, Tax Lot 1300: EGR & Associates: Tentative Grading Plan C-3, Proposed contour - is on our property; EGR & Associates: Tree Preservation, T-10: ... line fill is on our property; OGD Consulting, PC: Figure 2: Site Plan Exploration locations: Blue

lines - are on - or property. We request now re by tomorrow, since the appeal period is 2 weeks and at present it appears that the final decision is by the planning commission - not the city council (see above), that the city give us ~~in~~ writing a statement that the maps are incorrect and no delineation on them is to take or modify our property, Tax lot 1300. We do not accept and will not accept a verbal "assurance" that such action by the city for applicant will not occur, is "trust us." In addition the maps must be corrected and not be permitted to become "legal documents until the corrections are made.

The Re-Zoning ^{ZC 207} should not be granted. The reason to re zone is money based, is to allow the applicant to further destroy the environment to make money, and pack more people on the land like rats in a cage. Who will be able to buy AND pay the sub-prime mortgages for the cheap houses? What will the city do for those who are here - nothing except increase its tax base to support administration of the same. destructive capitalism and the indifference to wild life. Where is the scientific proof that the Fern Ridge Aquifer can sustain the consumption of its water. This and all other development purposely ignore the loss of water in wells of dwellings outside the urban growth boundary. The designation of Rural-Residential should mean rural i.e lots of 3-5 acre sizes not a few thousand square feet - this also applies to the Bolton Hill Ranch project. Ranch? That means 3-5 acres!

We do not live in a "democracy". We are subjected to the operations of a business. Public meetings with or without public input (not ^{constitutional} democratic) can not be limited because it is cost effective and that members of planning or council have to go home early. Other aspects of city government should be cost-effective re administration - not including public notifications. Please enter this into the record. Perry Burdon