

ORDINANCE NO. 582

AN ORDINANCE ADOPTING AMENDMENTS
TO THE ACCESSORY DWELLING UNIT REGULATIONS
IN THE VENETA ZONING AND DEVELOPMENT CODE

WHEREAS, the City relies on the Veneta Zoning and Development Code (Ordinance No. 579) to regulate development within the City; and

WHEREAS, the City wishes to promote the development of Accessory Dwelling Units with standards that meet the City's vision for growth; and

WHEREAS, the City must also amend its land-use regulations to comply with state statute; and

WHEREAS, on November 13, 2023, the Department of Land Conservation and Development was notified of the proposed amendments; and

WHEREAS, on March 5, 2024, the Veneta Planning Commission conducted a properly advertised public hearing on the proposed amendments and recommended that the City Council adopt the proposed amendments; and

WHEREAS, on April 8, 2024, the Veneta City Council conducted a properly advertised public hearing and first reading on the proposed amendments; 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 public hearings, both orally and in writing, the Veneta City Council has made the findings of fact as set forth in Exhibit A.

NOW, THEREFORE, THE CITY OF VENETA ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts the Findings of Fact attached as Exhibit A as its basis for adopting amendments to the Veneta Zoning and Development Code (Ordinance No. 579).

Section 2. Amendments. Veneta Zoning and Development Code (Ordinance No. 579) is hereby amended as follows:

- a. Figure 4.5 of Section 4.01 is hereby amended as set forth on the attached Exhibit B-1.
- b. Table 5.20(a) of Section 5.20 is hereby amended as set forth on the attached Exhibit B-2.
- c. Section 5.31 is hereby amended as set forth on the attached Exhibit B-3.
- d. The definition of 'Dwelling, Accessory' found in Article 14, Section 14.02 is hereby amended as set forth on the attached Exhibit B-4.

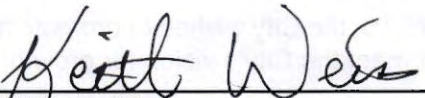
Section 3. All unamended provisions of Ordinance No. 579 shall remain in full force and effect.

Section 4. This Ordinance will go into full force and effect on the 30th day after City Council enactment.

READ FOR A FIRST TIME, BY TITLE ONLY, this 8th day of April, 2024, 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 13th day of May, 2024, no Council person in attendance having requested that it be read in full.

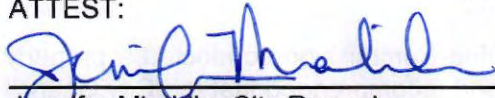
PASSED AND ADOPTED by a 5 vote for and 0 against by the City of Veneta Council this 13th day of May, 2024.



Keith Weiss, Mayor

Executed on 5/13/2024

ATTEST:



Jennifer Mirabile, City Recorder

Executed on 5/13/2024

EXHIBIT A

VENETA CITY COUNCIL FINDINGS OF FACT TO ORDINANCE NO. 582 File No. A-6-23

AN ORDINANCE ADOPTING AMENDMENTS TO THE ACCESSORY DWELLING UNIT REGULATIONS IN THE VENETA ZONING AND DEVELOPMENT CODE

A. General Findings. The Veneta City Council finds the following:

1. The City provided public notice to the Oregon Department of Land Conservation and Development (DLCD) on November 13, 2023, at least 35 days prior to the first public hearing, and provided notice in *The Register Guard* on February 16, 2024, at least 10 days prior to the first public hearing, per Veneta Zoning and Development Code, Section 11.09(3)(D). Because no properties or property uses were affected by the proposed amendments, mailed notices to property owners were not required.
2. The Planning Commission held a public hearing on March 5, 2024, on the proposed amendments to the Veneta Zoning and Development Code and recommended adoption to the City Council.
3. The Veneta City Council conducted a public hearing and first reading on April 8, 2024 on the proposed amendments to the Veneta Zoning and Development Code.
4. Based on the findings below, the City Council concluded that the proposed amendments are in conformance with the applicable Statewide Planning Goals, the Veneta Comprehensive Plan, and the Veneta Zoning and Development Code.

B. Statewide Planning Goals and Proposed Findings

1. Citizen Involvement (Goal 1)

Objective: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Findings: The Planning Commission and City Council conducted public hearings on the proposal prior to adopting the proposed amendments. Notice of the proposal was submitted to the Department of Land Conservation and Development on November 13, 2023, at least 35 days in advance of the first public hearing. Notice of the proposal was published in the *Register Guard*

on February 16, 2024. Notice was also posted at City Hall, Fern Ridge Library, and on the City website on February 14, 2024.

Legislative decisions first require a Planning Commission public hearing, at which the Planning Commission makes a recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings were duly noticed and open to the public. Phone numbers were publicly advertised for citizens to call into the meetings if they were unable to attend in person. The Planning Commission public hearing was held on March 5, 2024. City Council held a public hearing and first reading on April 8, 2024.

Conclusion: The City ensured that members of the public had an opportunity to comment on the proposed amendments, which is consistent with Goal 1.

2. Land Use Planning (Goal 2)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Findings: The proposed amendments will amend the existing land use regulations regarding Accessory Dwelling Units, keeping with the goal of establishing a land use planning process as the basis for decision and actions related to the use of land, in this case, specifically, the use of land for Accessory Dwelling Units.

Conclusion: The proposed amendment is consistent with Goal 2.

3. Agricultural Lands (Goal 3)

Objective: To preserve and maintain agricultural lands

Findings: There are no agricultural lands within city limits. Goal 3 is not applicable.

4. Forest Lands (Goal 4)

Objective: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreation opportunities and agriculture.

Findings: There are no forest lands within city limits. Goal 4 is not applicable.

5. Natural Resources, Scenic and Historic Areas, and Open Spaces (Goal 5)

Objective: To protect natural resources and conserve scenic and historic areas and open spaces.

Findings: No natural resources, scenic or historic areas, or open spaces will be affected by the proposed amendments. Goal 5 is not applicable.

6. Air, Water and Land Resources Quality (Goal 6)

Objective: To maintain and improve the quality of the air, water and land resources of the state.

Findings: The quality of the air, water and land resources of the state will not be affected by the proposed amendments. Goal 6 is not applicable.

7. Areas Subject to Natural Hazards (Goal 7)

Objective: To protect people and property from natural hazards.

Findings: The proposed amendment would not have any effect on the protection of people and property from natural hazards. Goal 7 is not applicable.

8. Recreational Needs (Goal 8)

Objective: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Findings: The proposed amendment would not have any effect on the recreational system or needs of the City. Goal 8 is not applicable.

9. Economic Development (Goal 9)

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Findings: The proposed amendment would have no effect on the economic development of the City. Goal 9 is not applicable.

10. Housing (Goal 10)

Objective: To provide for the housing needs of citizens of the state.

Findings: The proposed amendments are intended to help encourage the development of Accessory Dwelling Units in the City of Veneta. The development of additional housing units on existing lots will help meet the housing needs of the residents of the City.

Conclusion: The proposed amendments are consistent with Goal 10.

11. Public Facilities and Services (Goal 11)

Objective: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Findings: The proposed amendment will not affect any public facilities and services. Goal 11 is not applicable.

12. Transportation (Goal 12)

Objective: To provide and encourage a safe, convenient and economic transportation system.

Findings: The proposed amendments are not expected to have any significant effect on the transportation system of Veneta. Goal 12 is not applicable.

13. Energy Conservation (Goal 13)

Objective: To conserve energy.

Findings: The proposed amendments are not expected to have any effect on the conservation of energy within Veneta. Goal 13 is not applicable.

14. Urbanization (Goal 14)

Objective: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: The proposed amendments are intended to encourage the development of Accessory Dwelling Units in the City. The development of additional housing on existing lots, in already-developed areas, will help accommodate the urban population of the City and ensure the efficient use of land.

Conclusion: The proposed amendments are consistent with Goal 14.

15. Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources (Goals 15-19)

Findings: No part of the Willamette River Greenway is within city limits, and there are no coastal, ocean, estuarine, or beach and dune resources within city limits. Goals 15-19 are not applicable.

- C. Compliance with Statutory and Administrative Requirements and Veneta Comprehensive Plan Specific Findings.** VLDO 11.20(3) and (4) require legislative amendments to comply with applicable provisions of the Comprehensive Plan text and map, statutes, and administrative rules. The following findings demonstrate compliance with the approval criteria in VLDO 11.20(3) and (4):

Statutory and Administrative Requirements

Findings: ORS 197.312(5)(a) states that "A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design." The Veneta Zoning and Development Code currently permits one accessory dwelling unit for each detached single-family dwelling, and the proposed amendments will not change this, keeping the City in compliance with this state statute.

ORS 197.312(5)(b)(B) states that "Reasonable local regulations relating to siting and design' does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking." The proposed amendments will remove Section 5.31(F), which imposes an off-street parking requirement for ADUs, bringing the Veneta Zoning and Development Code into compliance with ORS 197.312(5)(b)(B).

ORS 197.307(4) states that "Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including needed housing..." The proposed amendments will adopt only clear and objective standards regulating the development of Accessory Dwelling Units in compliance with this statute.

Comprehensive Plan Provisions

Growth Management Element

Goal: Provide sufficient buildable lands and open space areas to allow Veneta to develop as the retail and service center for the Fern Ridge area and to develop a commercial and light industrial employment base.

Findings: This element is not applicable to the proposed amendment.

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.

Findings: This element is not applicable to the proposed amendments.

Residential Land and Housing Element

Goals:

- 1. Provide an adequate supply of residential land and encourage land use regulations that allow a variety of housing types that will be able to meet the housing needs of a range of age groups, income levels, and family types.*
- 2. Encourage efficient land development patterns that minimize service and infrastructure costs.*
- 3. Encourage land use patterns that provide livable neighborhoods; allow mixed uses, and allow a variety of housing types.*
- 4. Encourage land use patterns that protect and enhance Veneta's natural resources.*
- 5. Facilitate new housing starts to ensure there is adequate opportunity and choice to acquire safe, sanitary, and affordable housing.*
- 6. Maintain an attractive residential community in an appealing rural setting.*

Findings: The proposed amendments are intended to encourage the development of Accessory Dwelling Units within the City. The development of Accessory Dwelling Units would increase the City of Veneta Ordinance No. 582 Exhibit A – Findings

available housing stock within the City on existing lot which would minimize the service and infrastructure costs and would help provide a variety of housing types within the City. The development of Accessory Dwelling Units would also help encourage land use patterns that protect Veneta's natural resources by directing growth to existing, already-developed areas and out of greenfield areas. The development of Accessory Dwelling Units would also help maintain an attractive residential community in an appealing rural setting by directing growth to existing, already-developed areas and out of the rural parts of Veneta.

Conclusion: The proposed amendments are consistent with this element.

Economic Development Element

Goals: Pursue the economic interest of the City of Veneta by constructing and implementing policies and programs, including but not limited to the following functions:

- 1. Guide the responsible expansion and growth of business and industry in Veneta and the Fern Ridge area.*
- 2. Develop a working relationship with economic development-related public and private agencies, community groups, and business organizations.*
- 3. 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. Veneta Comprehensive Plan 28*
- 4. 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.*
- 5. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.*

Findings: This element is not applicable to the proposed amendments.

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.).

Findings: This element is not applicable to the proposed amendments.

Community Facilities and Services

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.

Findings: This element is not applicable to the proposed amendments.

Transportation

Mission: Veneta will support its residents' pursuit of healthy and prosperous lives through developing a transportation system that meets the needs of the present and anticipates the future.

Findings: This element is not applicable to the proposed amendments.

Parks and Open Space

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

Findings: This element is not applicable to the proposed amendments.

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.*

Findings: This element is not applicable to the proposed amendments.

Air, Water, and Land Resource Quality

Goal: Preserve the quality of Veneta's Air, Water, and Land Resources

Findings: This element is not applicable to the proposed amendments.

Areas Subject to Development Constraints

Goal: Protect life and property from natural hazards and disasters

Findings: This element is not applicable to the proposed amendments.

- D. Conclusion.** For all the reasons set forth above, the proposed amendment to Veneta Zoning and Development Code complies with the Oregon Statewide Planning Goals and the City of Veneta Comprehensive Plan.

Exhibit B-1

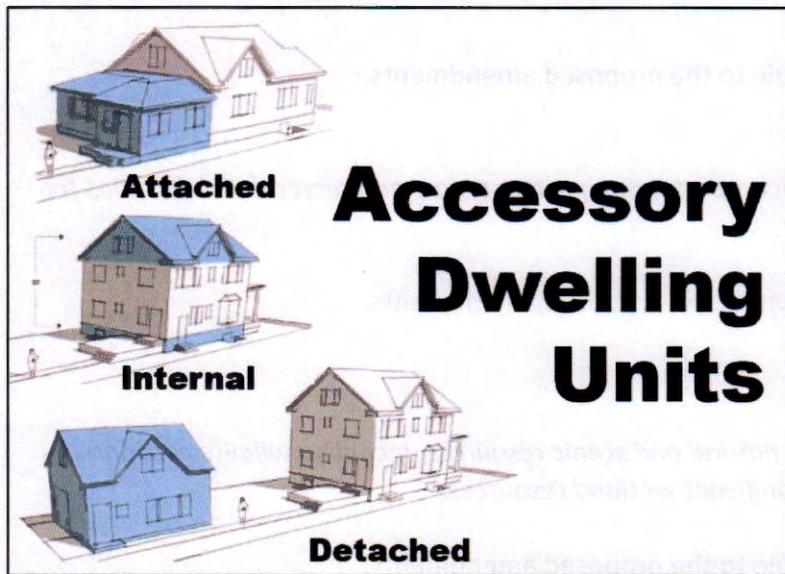


Figure 4.5 Accessory Dwelling Units

An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling, is on the same lot as the primary residence, and has independent cooking, living, sanitation, and sleeping facilities.

See Section 5.31

Table 5.20(a) Off-Street Parking Requirements

Note: sf/FA = per square foot of Floor Area. LT = Long-Term Bicycle Parking. ST = Short-Term Bicycle Parking

Use Categories	Motor Vehicle Parking Requirement	Bicycle Parking Requirement	Type and % Bicycle Parking
Residential			
One and two-family dwellings	Two (2) spaces per dwelling unit.	NA	NA
Multiple-family dwellings, spaces/units	Studio or 1 bedroom – One (1); 2 bedroom – One and one half (1 ½); 3 bedroom – Two (2)	1 per unit	100% LT
Rooming or Boarding House	Space equal to 80 percent of the number of guest accommodations, plus one (1) additional space for the owner or manager	1 per guest room	
Residential Facilities	One (1) space per two (2) beds or living units plus one (1) space for each employee during peak work shift	1 per ten (10) employees	
Residential Commercial			
Hotel/Motel	One (1) space per guest room, plus one (1) additional space for the owner or manager	1 per ten (10) guest rooms	100 % LT
Bed and Breakfast	One (1) space per guest room, plus one (1) additional space for the owner or manager	1 per ten (10) employees	
Institutional			
Welfare or correctional institution	One (1) space per six (6) beds for patients or inmates	1 per twenty (20) beds	25% LT / 75% ST
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged, which do not include retirement units where care is not provided	One (1) space per four (4) beds for patients and residents	1 per ten (10) beds	
Hospital	One (1) space per 200 square feet of floor area	1 per 3,000 sf/FA	
Entertainment/Recreational			
Stadium, arena, theater	One (1) space per four (4) seats or eight (8) feet of bench length	1 per 20 seats	25% LT / 75% ST
Bowling Alley	Three (3) spaces per alley, plus one (1) space per two (2) employees	1 per lane	
Dance hall, skating rink	One (1) space per 100 square feet of floor area, plus one (1) space per two (2) employees	1 per 400 sf/FA	
Athletic/Sports Facility			
Swimming Pools	One (1) space per 220 square feet of pool surface area	1 per 500 square feet of pool surface area	25% LT / 75% ST
Athletic Field	10 per each field	4 per each field	100% ST
Tennis, racquetball, basketball	Two (2) spaces per playing court	1 per playing court	25% LT / 75% ST
Commercial			
Retail or Grocery Stores	One (1) space per 400 square feet of floor area designated for retail	1 per 3,000 sf/FA	25% LT / 75% ST
Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture	One (1) space per 660 square feet of floor area designated for retail	1 per 5,000 sf/FA	
Bank, office, (except medical / dental)	One (1) space per 330 square feet of floor area	1 per 3,000 sf/FA	
Medical and dental clinic	One (1) space per 200 square feet of floor area	1 per 3,000 sf/FA	
Eating or drinking establishments	One (1) space per 200 square feet of floor area	1 per 600 sf/FA	
Mortuaries	One (1) space per six (6) seats or eight feet of bench length in chapels	1 per 280 square feet of auditorium floor area	100% ST

Place of Public Assembly			
Church	One (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium or one (1) space for each 35 square feet of floor area of main auditorium not containing fixed seats	1 per 20 fixed seats or 40 feet of bench length or every 200 square feet in main auditorium where no permanent seats or benches are maintained	100 % LT
Library, reading room	One (1) space per 400 square feet of floor area of main auditorium not containing fixed seats	1 per 500 sf/FA	25% LT / 75% ST
Day care facility	One (1) space per staff person, based on the maximum staff at the facility during peak time	1 per ten (10) employees	100% LT
Elementary or Junior High School	One (1) space per classroom, plus one (1) space per administrative employee or one (1) space per four (4) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater	1 per eight (8) students	25% LT / 75% ST
High school, college, commercial school for adults	One (1) space per classroom, plus one (1) space per administrative employee plus one (1) space per six (6) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater	1 per eight (8) students	25% LT / 75% ST
Other public assembly	One (1) space per six (6) seats or eight feet of bench length, or one (1) space for each 35 square feet of floor area for assembly room not containing fixed seats	1 per 20 fixed seats or 40 feet of bench length or every 200 square feet in main auditorium where no permanent seats or benches are maintained	100% ST
Industrial			
Industrial uses including manufacturing, research, processing	One (1) space per 600 square feet of gross floor area	1 per 5,000 sf/FA	25% LT / 75% ST
Industrial uses which are primarily warehousing and distribution	One (1) space per 800 square feet of gross floor area	1 per 5,000 sf/FA	
Storage facilities	One (1) space per 300 square feet of gross floor area of the office area or three (3) spaces, whichever is greater	NA	NA
Industrial uses shall provide space for patron and visitor use	Minimum of three (3) parking spaces in addition to the requirements listed	NA	NA
Other			
Transit transfer stations	NA	1 per ten (10) parking spaces or five (5) spaces, whichever is greater	50% LT / 50% ST
Park-and-ride-lots	NA	1 per ten (10) parking spaces or five (5) spaces, whichever is greater	

Sf/FA = per square foot of Floor Area LT = Long-term bicycle parking ST = Short-term bicycle parking

Exhibit B-3

Section 5.31

- 1) Purpose: Accessory Dwelling Unit standards are intended to encourage a variety of housing options, maintain consistency with the purpose of the residential zones, and address compatibility between accessory dwellings and single-family dwellings on abutting lots:
 - A. Accessory Dwelling Units are a permitted outright use in all residential zones. A maximum of one Accessory Dwelling Unit is allowed per one legal single-family dwelling.
 - B. Accessory dwellings shall not exceed 1000 square feet of floor area, with the exception of Accessory Dwelling Units resulting from the conversion of any primary dwelling floor area that exceeds 1,000 square feet.
 - a. Accessory Dwelling floor area excludes up to 300 square feet of attached, unheated garage or storage space.
 - C. Accessory dwellings shall comply with Yard and Lot Coverage standards of the applicable zoning district.
 - D. The building height of any detached accessory dwelling unit shall not exceed the height of the primary dwelling.
 - E. Screening. Accessory Dwelling Units shall be screened with sight obscuring landscaping, fence or wall, where an ADU borders an existing single family detached residential dwelling on an abutting lot. Fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges shall be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.
 - F. Accessory Dwelling Units shall be connected to and receive water and sanitary sewer from the same systems as the primary dwelling.
 - G. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.

Exhibit B-4

Section 14.02

Dwelling, Accessory. Accessory Dwelling Unit means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling, is on the same lot as the primary residence, and has independent cooking, living, sanitation, and sleeping facilities.