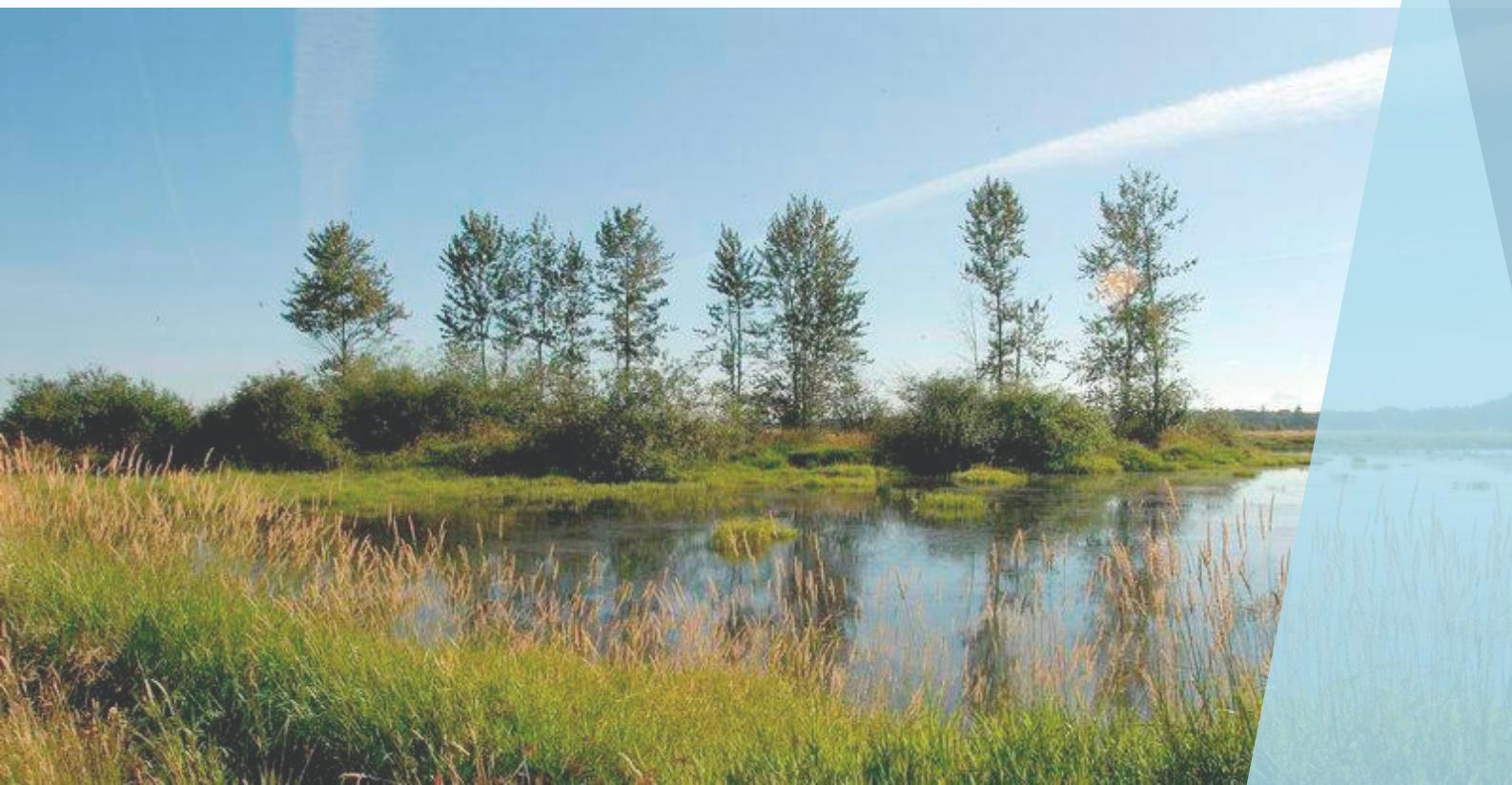




# **VENETA ZONING AND DEVELOPMENT CODE**

ADOPTED BY ORD NO. 579

**Adopted Date: 01/08/2024**



<b>AMENDED BY ORD#</b>	<b>AMENDED DATE:</b>
582	05/13/2024
583	05/13/2024
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588	8/12/2024
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## **Article 1 – Introductory Provisions**

### **1.01 Title**

This ordinance shall be known as the Veneta Zoning and Development Code.

### **1.02 Purpose**

The purpose of this ordinance is to establish standards and procedures for the orderly development and division of land within the City of Veneta; to assist in implementing the Veneta Comprehensive Plan and to promote the public health, safety and general welfare.

The provisions of this ordinance shall be deemed minimum requirements for the preservation of the public safety, health, convenience, comfort, prosperity and general welfare of the people of the City of Veneta.

### **1.03 Severability**

The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

### **1.04 Policy of Nondiscrimination**

Age, gender/race or physical disability shall not be an adverse consideration in making a land use decision as defined in Oregon Law.

### **1.05 Duty of Enforcement**

It shall be the duty of the City Administrator to see that this ordinance is enforced. No permit for the construction or alteration of any building or part thereof shall be issued unless the plans, specifications and intended use of such building conform in all respects with the provisions of this ordinance.

## Article 2 – Administrative Provisions

### 2.01 Compliance with Ordinance Provisions

- 1) Land Use Consistent with Ordinance.
  - A. Land may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this ordinance permits.
  - B. No lot area, yard, off-street parking area, off-street loading area or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
  - C. No lot area, yard, off-street parking area, off-street loading area or other open space shall be used as the required lot area, yard, off-street parking area, off-street loading area or other open space of another use, except as provided for in this ordinance.
  - D. Development shall not commence until the applicant has received all of the appropriate land use and development permits.

### 2.02 Interpretation

Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

### 2.03 Reserved

### 2.04 Certificate of Occupancy and Final Inspection

Building Inspector & Building and Planning Official Requirements.

- 1) The Building Inspector and Planning Official shall issue a Certificate of Occupancy for all Residential, Commercial and Industrial buildings. Certificates of Occupancy must meet the requirements in Veneta Municipal Code [15.05.210](#).
- 2) The Building Inspector shall conduct a final site inspection for all other construction.
- 3) The Building Inspector shall provide the City with copies of all Certificates of Occupancy and shall notify the City at the time any final inspection is completed and approved.
- 4) The Building and Planning Official shall conduct an on-site inspection of the building site, after receiving notification of final inspection, to ensure that all requirements of this ordinance and approved site plans have been complied with.
- 5) If the Building and Planning Official or Building Inspector determines that a violation of this ordinance or any other ordinance or law does exist, he shall immediately notify the property owner and follow procedures in accordance with Section 2.10, "Enforcement, Violations and Penalties" of this ordinance.

### 2.05 Authorization of Similar Uses

The Building and Planning Official may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion of a use in a zone, where it is specifically listed in another zone. The decision of the Building and Planning Official may be appealed to the Planning Commission using procedures as spelled out in Article 11 of this ordinance.

### 2.06 Reserved

## **2.07 Reserved**

## **2.08 Filing Fees**

Application, petition and appeal fees shall be paid to the City upon filing as authorized in Veneta Municipal Code Chapter [3.30](#). A separate application and fee is required for each decision being appealed. All fees shall be established by a separate resolution adopted by the Council.

## **2.09 Wetland Development**

Development within a wetland is subject to compliance with Veneta's Wetland Protection Ordinance, Veneta Municipal Code Chapter [18.10](#).

- 1) Notification. The City shall provide notice to the Department of State Lands ([DSL](#)) the applicant, and the owner of record within five working days of the acceptance of any complete application for subdivisions; building permits for new structures; other development permits and approvals that allow physical alteration of land involving excavation and grading, including permits for removal or fill, or both, or development in the floodplain; conditional uses and variances that involve physical alteration of land or construction of new structures; and planned unit development approvals that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.
- 2) Approval. Approval of any activity described above shall include one of the following:
  - A. Issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;
  - B. Notice from DSL that no permit is required; or
  - C. Notice from DSL that no permit is required until specific proposals to remove fill or alter the wetlands are submitted.

If DSL fails to respond within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits. The City may issue local approval for parcels identified as or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and owner of record a written notice of possible presence of wetlands and the potential need for state and federal permits and providing DSL with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

## **2.10 Enforcement, Violations and Penalties**

- 1) Unlawful Construction or Use. Any use or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to this ordinance is unlawful and a public nuisance, and may be abated as provided in Veneta Municipal Code Chapter 8.05. The City may, as an alternative or in addition to other remedies or penalties set forth herein, institute injunction, mandamus, or other appropriate proceedings to prevent, enjoin, abate or remove the violation.
- 2) Responsibility. In any enforcement action the person or persons owning or occupying the premises at the time of the violation shall be presumed to be the person or persons who constructed, moved, caused or maintained the unlawful activity, use, condition, or structure. This presumption may be rebutted by either the city or the defendant both of whom shall have the right to show that the offense was committed by someone other than, or in addition to, the person charged. This provision shall not be construed as relieving a person in possession and control of property from any duty imposed upon him or her by this ordinance.

Records of the Lane County assessor showing the person or persons to whom the taxes are assessed for the premises shall constitute *prima facie* evidence that the person or persons are in possession or control of the premises. Evidence of the name of a person or persons displayed on a sign or signs located

on premises which is zoned commercial or industrial shall constitute *prima facie* evidence that the person or persons whose name is displayed is in possession or control of the premises. This provision shall not be construed to relieve any agent, manager, employee or other person who actually committed a violation from responsibility.

- 3) Inspection and Right of Entry. When necessary to investigate a suspected violation of this ordinance, or an application for or revocation of any permit issued under this ordinance, the City Administrator and/or his designee may enter on any site or any structure open to the public for the purpose of investigation, provided entry is done in accordance with law. No site or structure that is closed to the public shall be entered without the written consent of the owner or the occupant unless a search warrant is obtained.
- 4) Enforcement Procedures.
  - A. Within a reasonable time after notification of a violation of this ordinance, the Building and Planning Official shall notify the property owner that such a violation exists.
  - B. Where the violation does not involve a structure, action to rectify such shall be made within 30 days. Where the violation involves a structure, action to rectify such shall be made within 60 days.
  - C. Where the violation, in the opinion of the City Administrator and/or his designee, may adversely affect the health, safety or welfare of an individual, group or the community as a whole if not corrected immediately, action to rectify the problem may be required immediately or within a reasonable time as established by the City Administrator and/or his designee.
  - D. The City Administrator and/or their designee has the discretion of referring the matter to the City Attorney to institute any necessary legal proceedings to enforce the provisions of this ordinance.
- 5) Penalty. A person violating a provision of this ordinance shall, upon conviction, be fined not less than \$105.00 nor more than \$500.00 for each violation. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

## Article 3 – Establishment of Zones

### 3.01 Classification of Basic Zones

For the purposes of this ordinance the following basic zones are hereby established:

<u>BASIC ZONES</u>	<u>ABBREVIATED DESIGNATION</u>
Rural Residential	RR
Low-Density Residential	LDR
General Residential	GR
Residential-Commercial	RC
Broadway Commercial	BC
Community Commercial	CC
Highway Commercial	HC
Industrial-Commercial	IC
Medium Industrial	MI
Public Facilities and Parks	PFP

### 3.02 Classification of Sub-Zones

- 1) A sub-zone may be established in combination with a basic zone. The sub-zone shall establish additional requirements, standards, and procedures for the use and development of property in the basic zone. In cases of conflict between the standards and requirements of the basic zone and the sub-zone, the standards and requirements of the sub-zone shall apply.
- 2) For the purposes of this ordinance the following sub-zones are hereby established:

<u>SUB-ZONES</u>	<u>ABBREVIATED DESIGNATION</u>
Greenway - Open Space	/GW
Floodplain	/FH
Planned Development	/PD
Specific Development Plan	/SDP

### 3.03 Location of Zones

The boundaries for all basic zones and sub-zones are indicated on the most recently amended Veneta Zoning Map, which is hereby adopted by reference and made a part of this ordinance. The Floodplain sub-zone is delineated from the Federal Emergency Management Agency's Lane County, Oregon and Incorporated Areas Flood Insurance Rate Map.

### 3.04 Zoning Maps

A zoning map adopted by section 3.03 of this ordinance or an amendment thereto shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

### **3.05 Zoning Boundaries**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot; then the boundary line shall be determined by use of the scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

### **3.06 Zoning of Annexed Areas**

All areas annexed to the City shall be placed in the Rural Residential (RR) zone unless specifically placed in another zone by the City Council at the time of annexation. The Council shall request a recommendation from the Planning Commission prior to zoning any annexed area other than RR.

## Article 4 – Use Zones

### 4.00 General Development Standards and Permitted Uses

- 1) Tables are used to present the most common development standards in the City. The tables are limited in their ability to convey each and every development standard and/or use, and therefore function as a general reference point for users. Specific allowances and limitations for each zone that cannot be easily reduced to table form are contained within the respective zone.
- 2) All numerical measurements in Tables 4.1 and 4.3 are in feet.
- 3) Key to uses in Tables 4.2 and 4.4:

**P      Permitted outright**

**SPR    Permitted with Site Plan Review**

**CUP    Conditional Use Permit**

- 4) Tables 4.2 and 4.4 cannot anticipate every possible use and/or development requirement. Uses not listed in tables or text shall be categorized according to the closest similar use. See Section 2.05 for Similar Use provisions. If a specific use is listed in one zone and not another zone, that use is only permitted in the zone(s) listed.
- 5) The development standards contained in Article 4 are not all-inclusive. Please refer to the Supplementary Provisions contained in Article 5, and the standards for specific Conditional Uses in Section 8.11. Additionally, please refer to Veneta Municipal Code (VMC) Chapter 8.10 for Tree regulations, Chapter 13.35 for Stormwater, Chapter 15.15 for Outdoor Lighting, and Chapter 18.10 for Wetland Protection.

**Table 4.1 General Development Standards in Residential Zones**

	RR	LDR	GR	RC	Notes
	4.01	4.02	4.03	4.04	See the Section noted at left for specifics.
<b>Minimum Lot Size (in square feet)</b>					
Single-Family Detached	1 acre*	6,000	6,000	5,000	See individual zones for specifics. *See Section 4.01(5)
Single-Family Attached	1 acre	3,000	3,000	3,000	
Duplex		6,000	6,000	5,000	
Triplex		10,000	8,000	5,000	
Quadplex		12,000	10,000	5,000	
Multi-Family (5 units and above)		18,000	10,000	5,000	
<b>Minimum Lot Width (in feet)</b>					
Single-Family Detached, Duplex, Triplex, Quadplex, and Multi-Family		60	60	50	
Single-Family Attached		30*	30*	30	*No more than four (4) single-family attached dwellings may be consecutively attached in the LDR and GR zones (See Sections 4.02(5) and 4.03(5))
<b>Minimum Setbacks – Primary Structure</b> All measurements are minimum feet from property line. See Figure 4.1					
Front	20	20	10*		(On corner lots, frontage property is addressed on) *May increase depending on building height
Side	10	5*	5	5	May increase depending on building height *For multi-family in the LDR zone, see Section 5.29(6)
Side – Single-Family Attached		0*	0*	0*	*See Figure 4.6
Side – Zero Lot Line	X	10 / 0	10 / 0	10 / 0	See Figure 4.2; new subdivisions only as of February 2021
Rear	10	5*	5	5	May increase depending on building height *For multi-family in the LDR zone, see Section 5.29(6)
<b>Minimum Setbacks – Accessory Structure</b>					
Front	20	20	20	15	(On corner properties, frontage property is addressed on)
Side	3	3	3	3	
Rear	3	3	3	3	
Garage/Carport facing public ROW	20	20	20	20	
Garage/Carport facing alley	5	5	5	5	With a minimum 20'-wide alley
<b>Lot Coverage</b>					
Maximum Lot Coverage, all structures	30%	40%	50%	50%	Subject to all other applicable standards
<b>Height</b>					
Maximum Height	35	35	35	35	

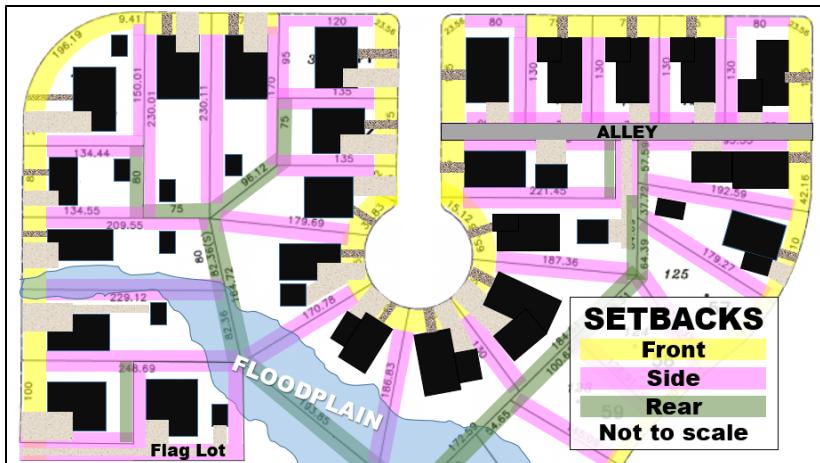
**P** Permitted outright

**SPR** Permitted with Site Plan Review

**CUP** Conditional Use Permit

**Table 4.2 Permitted and Conditional Uses in Residential Zones**

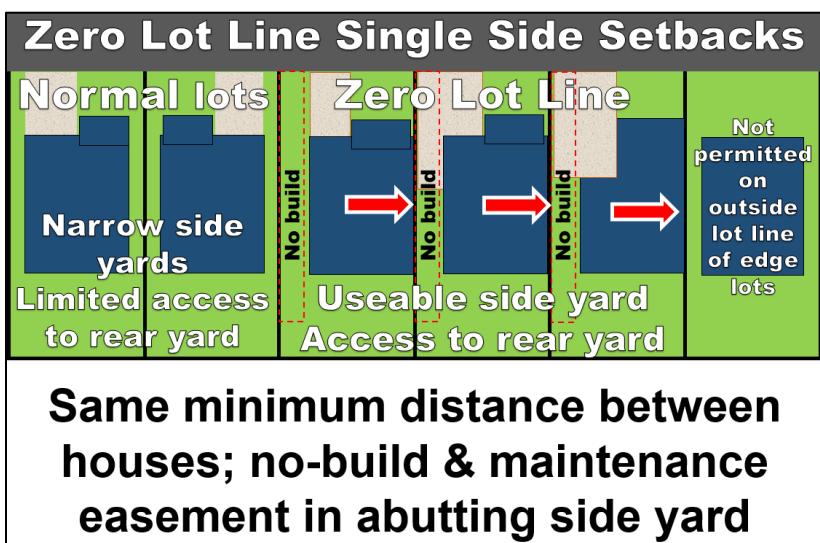
<b>Residential</b>	<b>RR</b>	<b>LDR</b>	<b>GR</b>	<b>R-C</b>	<b>Notes</b>
	4.01	4.02	4.03	4.04	See the Section noted at left for specifics.
Single Family Detached (SF-D)	P	P	P	P	See 5.04 General Standards for SF-D
Single Family Attached	P	P	SPR	SPR	
Manufactured Home (on individual lot)	P	P	P	P	See 5.29 Residential Design Standards
Manufactured Home Park			CUP	CUP	See 8.11 (3). See ORS Chapter 446
Duplex		P	P	P	See 5.29 Residential Design Standards
Triplex		SPR	SPR	SPR	See 5.29 Residential Design Standards
Quadplex		SPR	SPR	SPR	See 5.29 Residential Design Standards
Multifamily		SPR*	SPR	SPR	See 5.29 Residential Design Standards *See Section 5.29(6)
Single-Room Occupancy		SPR*	SPR	SPR	*Maximum of 6 units permitted in the LDR zone
Home Occupation – Minor	P	P	P	P	See Article 12
Home Occupation – Major	CUP	CUP	CUP	CUP	See Article 12
Residential Care Home (Adult Foster Care)	P	P	P	P	5 or fewer residents. See ORS 443
Residential Care Facility		SPR*	SPR	SPR	6+ residents. See ORS 443 *See Section 5.29(6)
<b>Non-Residential / Accessory</b>	<b>RR</b>	<b>LDR</b>	<b>GR</b>	<b>R-C</b>	
Accessory Dwelling Unit (ADU)	P	P	P	P	Accessory to SF-D only; max one. See 5.01 & 5.31
Accessory Dwelling – temp hardship	CUP	CUP	CUP		See 5.01. CUP – See Section 8.11 (3)
Accessory Structure <1000 sf	P	P	P	P	See 5.01
Accessory Structure >1000 sf	CUP	CUP	CUP	CUP	See 5.01. CUP – See Section 8.11 (8)
Agriculture/Horticulture – domestic	P	P	P	P	Non-commercial, incidental to primary residential use.
Agriculture/Horticulture – commercial	P			SPR	See 4.01
Animal Husbandry – Domestic	P	SPR	SPR	SPR	See 4.01. In LDR & GR, must be >1 acre.
Animal Husbandry – Commercial	CUP			SPR	See 8.11 (9)
Bed & Breakfast	CUP	CUP	CUP	CUP	See 8.11(22)
Chickens		P	P	P	See 5.30. Does not incl fowl allowed under ag uses.
Day Care – Family Child Care Home	P	P	P	P	See ORS 329A See Section 14.02
Day Care Facility	CUP	CUP	CUP	SPR	See ORS Chapter 329A CUP – See Section 8.11 (10) See Section 14.02
Dog Kennel	CUP				See 8.11 (7)
Neighborhood Commercial Center		CUP	CUP		See 8.11 (6)
Public & Semi-Public use or facility	CUP	CUP	CUP	SPR	See 8.11 (2)
Public Utility	CUP	CUP		CUP	Electric/Water/Sewer/Storm/Telecom & Transp not in the TSP



**Figure 4.1 Setbacks**

Visual representation of setbacks for common lot configurations.

On corner lots, the Front yard is the frontage that is addressed; the Front/Side yard is the other frontage that faces another street or public right of way. Alley frontages are not considered front/side yards for minimum setback purposes. When setbacks overlap (including the Vision Clearance Triangle, Floodplain, Wetland and Greenway areas), the more restrictive shall govern.



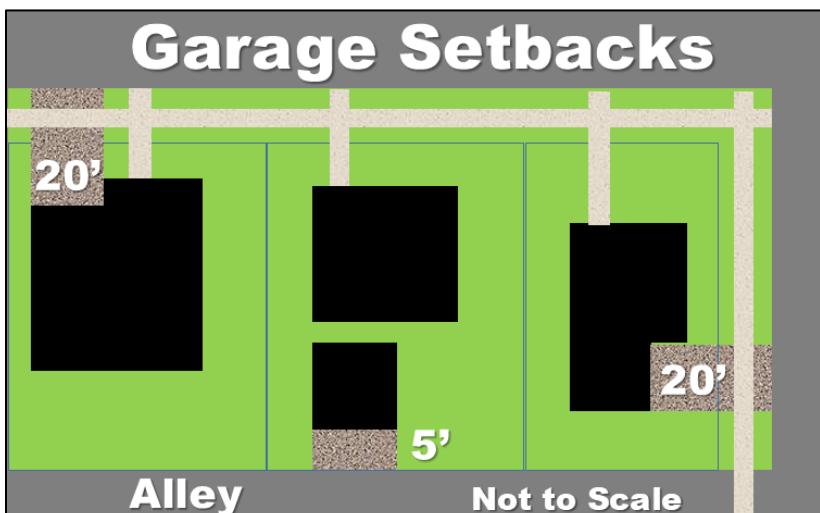
**Figure 4.2 Zero Lot Line Side Setbacks**

Provided the minimum combined setback distance between dwellings is maintained, side setbacks may be reduced or combined on one side on abutting lots in a new subdivision. An equivalent no-build easement shall be placed within the abutting lot side setback. If the reduced side setback is less than three feet, the neighboring easement shall include a maintenance access allowance for the abutting lot.

*LDR, GR and RC zones only.*

*No accessory structures may be placed within the minimum building separation area.*

*For abutting lots in new subdivisions approved after February 2021.*

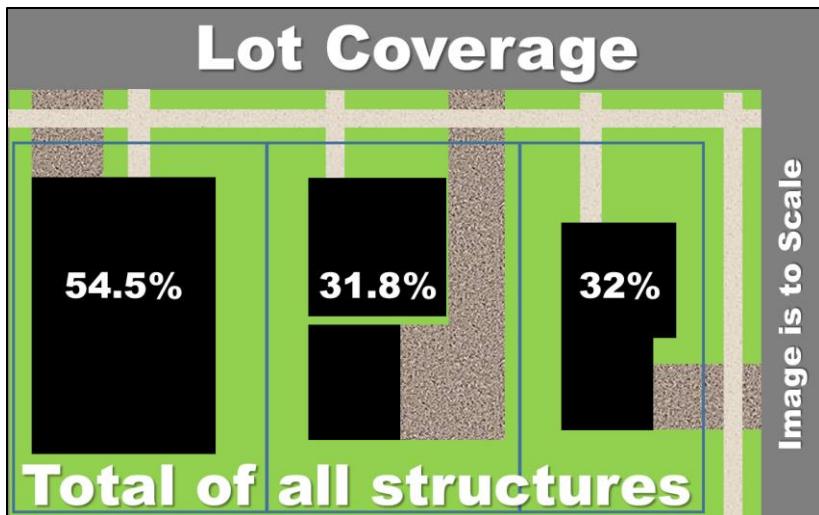


**Figure 4.3 Garage Setbacks**

Garage setbacks vary depending upon orientation. Any garage or carport facing public right-of-way must be a minimum of 20 feet from the property line at the garage face or equivalent for carports, even if the minimum building setback is less.

Garages and carports facing an alley with a minimum 20-foot width must be a minimum of five feet from the property line at the garage face or equivalent for carports.

A garage or carport not facing public right-of-way or an alley may be placed according to the standards for an accessory structure.

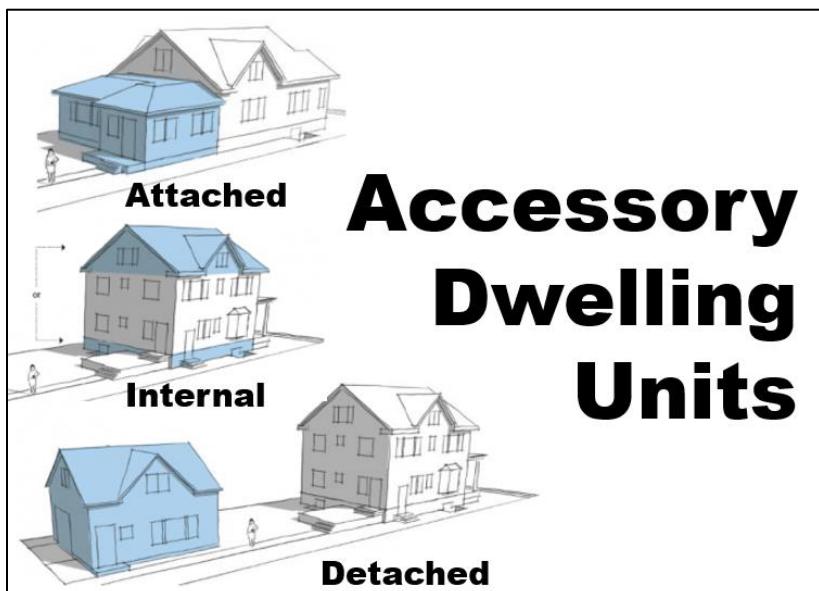


**Figure 4.4 Lot Coverage**

Lot coverage equals the total square footage of all structures on a site, divided by the lot or parcel area. For the purpose of calculating lot coverage, impervious surfaces such as driveways and sidewalks are not counted.

*Note that in the image to the left the corner lot is smaller than the two “interior” lots.*

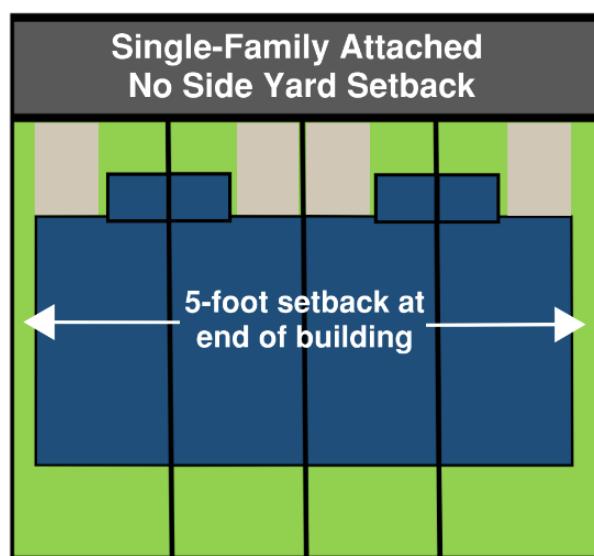
*Lot coverage is not to be confused with the total amount of impervious surface, which is counted for stormwater mitigation purposes.*



**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



**Figure 4.6 Side Setbacks for Single-Family Attached Dwellings**

There is no side setback required for single-family attached dwellings (townhomes). However, a 5-foot setback is required at the end of the building, or a minimum of 10 feet between the single-family attached building and any building on adjacent property.

**Table 4.3 General Development Standards in Commercial and Industrial Zones**

	R-C	B-C	C-C	H-C	I-C	M-I	Notes See VLDO Section
	<b>4.04</b>	<b>4.05</b>	<b>4.06</b>	<b>4.07</b>	<b>4.08</b>	<b>4.09</b>	
Min. Lot Size	3,000	3,000	3,000	None	None	None	Minimum lot size may increase depending on use
Min. Lot Width	30	20	20	None	None	None	Minimum lot width may increase depending on use
<b>Minimum Setbacks - All Structures*</b>							
Front	5 / 20	0	0	0	10	20	All side and rear yard minimums increase when abutting a residential zone; may be reduced with common wall agreement. See individual zones for specifics.
Side	0	0	0	0	5	10	
Rear	0	0	0	0	5	10	
Off-Street Parking	5	5	5	5	0	0	all sides, unless abutting a residential zone
Maximum Lot Coverage, all structures (%)	50	70*	70*	None**	80	None**	*May be increased for MU. **Subject to applicable standards
Maximum Height	35	45*	45*	None**	None**	None**	*May be increased for MU. **Subject to applicable standards

**Table 4.4 Permitted and Conditional Uses in Commercial and Industrial Zones**

Applicable Section	R-C	B-C	C-C	H-C	I-C	M-I	R-C zone allows all uses permitted outright and conditionally in G-R, B-C & C-C
	<b>4.04</b>	<b>4.05</b>	<b>4.06</b>	<b>4.07</b>	<b>4.08</b>	<b>4.09</b>	
2nd+ floor Residential above Commercial	SPR	SPR	SPR				Vertical Mixed Use (Residential above Commercial)
Residential & Commercial on ground floor	SPR	SPR	SPR				Horizontal M.U. (Residential behind Commercial)
Caretaker dwelling				CUP	CUP	CUP	See Section 8.11 (4)
Agricultural Cultivation					SPR	SPR	Interim use until development; no off-site impacts
Bed & Breakfast/Boarding/Lodging/Rooming	CUP	SPR	SPR	SPR			
Day Care - Family Child Care Home	P	SPR	SPR	SPR			See ORS 329A. See Section 14.02
Day Care Facility	SPR	SPR	SPR	SPR	SPR	SPR	See ORS 329A. See Section 14.02
Commercial Amusement/Recreation, Indoor	SPR	SPR	SPR	SPR			
Commercial Amusement/Rec, Outdoor				CUP	CUP		See 8.11 (15)
Community/Social Organizations	SPR	SPR					
Construction / Contractor businesses					SPR	SPR	
Dog Kennel				CUP	CUP	P	
Eating & Drinking Establishments	SPR	SPR	SPR	SPR	SPR	SPR	
Electric Vehicle Charging Station	P	P	P	P	P	P	
General Office and Services	SPP	SPR	SPR	SPR	SPR	SPR	
General Retail < 40,000 sf	SPR*	SPR*	SPR*	SPR	SPR	SPR	*Retail uses above 10,000 sf must be mixed-use
General Retail > 40,000 sf	CUP*	CUP*	CUP*	CUP			*Retail uses above 10,000 sf must be mixed-use
Laundromat or Cleaning Agency	SPR	SPR	SPR	SPR	SPR	SPR	
Low Impact Public Use	SPR	SPR	SPR	SPR	P	P	
Manufacturing - Artisan/Craft	SPR	SPR					<5,000sf, minimum 25% area dedicated to retail
Manufacturing - Light & Food Processing					SPR	SPR	Plant-based food processing only
Manufacturing / Wholesaling					SPR	SPR	Incl compounding, assembling, and processing
Material recycling and salvage yards				CUP*	CUP*	SPR	*Excluding metal salvage yards, automobile junkyards
Marijuana Facility					SPR	SPR	See Section 14.02
Marijuana Retail	SPR	SPR	SPR	SPR	SPR	SPR*	See ORS 475C.097. See Section 14.02 *See Section 4.09(2)(B)
Mortuary / Crematorium	SPR		SPR				
Motel / Hotel	SPR	SPR	SPR	SPR			
Museums, Art Galleries	SPR	P	SPR	SPR			
Nursery (plants), including outdoor sales	SPR		SPR	SPR	CUP		*Supersedes CUP requirement in 8.11
Outdoor Storage Yard					CUP	CUP	Incl storage of materials/vehicles/inventory. See 5.32
Recreational Vehicle (RV) Park				CUP			See 8.11 (14)
Repair & Maintenance	SPR		SPR	SPR		SPR	Including appliance & small engine repair
Repair & Maintenance - Vehicles					SPR	SPR	Including motor vehicles, RVs, boats, etc.
Storage & Warehousing, Mini Storage					SPR	SPR	
Auto/Vehicle Service stations				CUP	CUP	CUP	Including fuel sales. See 5.05, 8.11 (16) and 8.11 (17)
Car/Truck/Boat washes				CUP	CUP	CUP	CUP - see 8.11 (16) and 8.11 (17)
Drive-Through Facilities	CUP		CUP	CUP	CUP	CUP	Primary or accessory use. See 8.11 (16) and 8.11 (17)
Heavy Equipment/Truck Sales/Rental/Repair				CUP	CUP	SPR	See 5.05, 8.11 (16) and 8.11 (17)
Overnight Truck Facility/Parking				CUP	CUP	CUP	See 5.05, 8.11 (16) and 8.11 (17)
Parking Lots (stand-alone; not associated with a use)	CUP	CUP	CUP	SPR	SPR	SPR	See 5.12 for landscaping
Vehicle Sales/Rental/Repair				CUP	CUP	P	See 5.05, 8.11 (16) and 8.11 (17)
Transportation Facilities in TSP, incl. parking	SPR		P			SPR	
Transportation Improvements not in TSP	CUP	CUP	CUP	CUP	CUP	CUP	
"High Impact" Transp & Recreation Facilities					CUP		All high trip generators - CUP - See 8.11 (13)

Stables					CUP	See 8.11(18)	
<b>Permitted only as a Secondary Use</b>						See Article 14 - Definitions	
Outdoor Storage Area	CUP	CUP	CUP	P	P	P	See Section 5.32
Outdoor Sales and Display	P	P	P	P	P	P	See Section 5.33

## 4.01 Rural Residential (RR)

- 1) 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.
- 2) Uses Permitted Outright. The following uses and their accessory uses are permitted subject to compliance with state and local health and sanitation requirements. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05.
  - B. One (1) dwelling per buildable legal lot, provided adequate water and sewage disposal are available.
  - C. Non-commercial animal husbandry including the raising of fowl, bees and domestic farm animals, except pigs (including potbellied pigs), subject to the following provisions:
    1. The total number of animals allowed on a lot shall be limited to the square footage of the lot divided by the total minimum area required for each animal.
    2. Cows, horses, sheep or goats can be kept on lots having an area of 20,000 square feet per animal (other than their young under the age of six (6) months).
    3. The number of chickens, other fowl and/or rabbits (over the age of six (6) months) shall not exceed one for each 500 square feet of property, provided that no roosters over the age of six (6) months shall be kept. The number of young chickens, other fowl and/or rabbits (under the age of six (6) months) allowed on the property at any one time shall not exceed three (3) times the allowable number of chickens, other fowl and/or rabbits over the age of six (6) months. The number of colonies of bees allowed on a lot shall be limited to one colony for each 1,000 square feet of lot area.
    4. Animal runs or farm building for housing livestock or animals, chicken or other fowl pens and colonies of bees shall be located behind the house, not less than 100 feet from any residence, nor closer than twenty (20) feet to the interior property line of an abutting property.
    5. Animals, chickens and/or other fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent proof receptacles.
  - D. When a RR zone is reclassified to another zone, all those land uses granted under item (D) above shall be completely discontinued within a period of six (6) months from the date of reclassification except for properties one acre in size or larger and zoned LDR or GR.
- 3) Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to site plan review, as described in Section 6.01:
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05.
  - 4) Conditional Uses. The following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review. As described in Section 6.01, some development activities or changes in use may require Site Plan Review if the property is located within a subzone or has physical characteristics which may be affected by the development. All uses provided in Table 4.2 and similar uses as provided by Section 2.05
  - 5) Lot Size. Except as provided in Articles 5, 6, and 8, the minimum lot size shall be as follows:
    - A. The minimum legal lot size is one (1) acre, or larger as needed to permit compliance with the requirements of the Department of Environmental Quality for the location of on-site disposal systems

and domestic wells. Determination of minimum legal lot size and land division approval will be made on a case-by-case basis by the City based on the carrying capacity of the land, availability of sewage disposal systems and type of water supply.

- B. When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities, including minimum yard setbacks and future street extensions.
- 6) Yards. Except as provided elsewhere in this Article and in Articles 5, 6 and 8, yards shall be as follows:
  - A. See Table 4.1.
  - B. Yards shall be landscaped as provided in Section 5.12.
  - C. See Section 5.09 for additional setbacks on designated streets.
  - D. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
  - E. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.
- 7) Lot Coverage. See Table 4.1
- 8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.01, no building shall exceed the maximum height shown in Table 4.1.

## 4.02 Low-Density Residential (LDR)

- 1) Purpose. To provide areas suitable and desirable for primarily single-family and public service uses, with options and flexibility to provide a variety of housing through clustering and planned developments, including the provision of limited multi-family use subject to lot size and density standards. The net density in the LDR zone shall not exceed eight (8) dwelling units per acre. Lots in the LDR zone are subject to the minimum lot area and dimensional standards of the zone.
- 2) Uses Permitted Outright. The following uses are permitted outright:
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05
- 3) Uses Permitted Subject to Site Plan Review. The following uses are permitted subject to site plan review, as described in Section 6.01:
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05
  - B. One dwelling within a subdivision may be used as a temporary sales office. If the garage is used it shall be converted back to a garage before permanent occupancy.
  - C. Single-Room Occupancies with a maximum of six (6) units.
  - D. Residential Care Facilities (See Section 5.29(6)).
- 4) Conditional Uses. The following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Conditional Uses may also be subject to the provisions of Article 6, Site Plan Review.
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05.
- 5) Lot Size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width shall be as follows:
  - A. The minimum lot area is 6,000 square feet for single-family detached homes and duplexes, 3,000 square feet for single-family attached homes, 10,000 square feet for triplexes, 12,000 square feet for quadplexes, and 18,000 square feet for multi-family. An additional 2,000 square feet is required for all proposed lots with an average pre-development slope of 15% or greater (See Section 5.25). Smaller lots may be approved through a Specific Development Plan or Planned Unit Development.
  - B. The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.
  - C. The City may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:

1. Protect natural drainage-ways.
2. Provide drainage or utility easements.
3. Protect future right-of-way.
4. Protect un-buildable steep slope areas above the 450-foot elevation level.
5. Protect flood plain hazard areas.

D. Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated or otherwise permanently preserved to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.

1. In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone, irrespective of wetland or Greenway areas.
2. In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.
3. Developments seeking to qualify for such a density bonus may be required to relocate structures currently within the Greenway subzone to less sensitive areas.
4. Side yards shall be no less than 5 feet on a side.
5. Front yard setbacks shall be no less than ten (10) feet, except garage and carport openings shall be setback at least twenty (20) feet.
6. Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.

E. When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.

6) Yards. Except as provided in Articles 5, 6 and 8, or as otherwise allowed under Section 4.02(5)(D), yards shall be as follows:

- A. See Table 4.1
- B. Back and side yards shall be a minimum of 5 feet when the building elevation closest to the property line is 22 feet or less in building height, and a minimum of 10 feet when the building elevation closest to the property line is greater than 22 feet in building height.
- C. Yards shall be landscaped as provided in Section 5.12.
- D. See Section 5.09 for additional setbacks on designated streets, or construction of new streets. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
- E. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

7) Lot Coverage. All buildings shall not occupy more than forty percent (40%) percent of the lot area. In the case that any portion of the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is thirty percent (30%). When lots smaller than 6,000 square feet are approved under subsection 4.02(5)(D), an additional ten percent (10%) of each such lot may be covered by buildings. See Table 4.1.

8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.02, no building shall exceed the height limit in Table 4.1.

9) Residential Design Standards. All residential developments, including land divisions, individual dwelling units, and residential care homes, as applicable, and projects that are subject to Site Plan Review or Planned Unit Development review, shall conform to the design standards in Section 5.29.

## 4.03 General Residential (GR)

- 1) Purpose. To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses and open space, and allowing flexibility through planned developments and other options under controlled conditions. The net density in a GR zone shall not exceed fifteen (15) dwelling units per net acre and twenty (20) units in planned developments, and are subject to the minimum lot area and dimensional standards of the zone.
- 2) Uses Permitted Outright. The following uses are permitted outright:
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05.
- 3) Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to site plan review, as described in Section 6.01:
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05.
  - B. One dwelling within a subdivision may be used as a temporary sales office. If the garage is used it shall be converted back to a garage before permanent occupancy.
- 4) Conditional Uses. The following uses and their accessory uses may be permitted subject to the provisions of Article 8, Conditional Uses. Some Conditional Uses are also subject to the provisions of Article 6, Site Plan Review.
  - A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05.
- 5) Lot size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width shall be as follows:
  - A. The minimum lot size is 6,000 square feet for single-family homes and duplexes, 3,000 square feet for single-family attached homes, 8,000 square feet for triplexes, and 10,000 square feet for quadplexes and multi-family.
  - B. The minimum lot width is 60 feet.
  - C. The minimum lot width may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.
  - D. The City may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:
    1. Protect natural drainage-ways
    2. Provide drainage or utility easements.
    3. Protect future right-of-way.
    4. Protect unbuildable steep slope areas above the 450-foot elevation level.
    5. Protect flood plain hazard areas.
  - E. Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated or otherwise permanently preserved to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.
    1. In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone, irrespective of wetland or Greenway areas.
    2. In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.
    3. Developments seeking to qualify for such a density bonus may be required to relocate structures currently within the Greenway subzone to less sensitive areas.
    4. Side yards shall be no less than 5 feet on a side.
    5. Front yard setbacks shall be no less than ten (10) feet, except garage and carport openings shall be setback at least twenty (20) feet.
    6. Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.

- F. When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.
- 6) Yards. Except as provided in Articles 5 and 6, or as otherwise allowed under Section 4.03(5)(E), yards shall be as follows:
  - A. Front yards shall be a minimum of ten (10) feet when the building elevation closest to the property line is twenty-two (22) feet or less in building height, and a minimum of fifteen (15) feet when the building elevation closest to the property line is greater than twenty-two (22) feet in building height.
  - B. When a fifteen (15) foot front yard setback is required, an unenclosed front porch or patio may extend five (5) feet into the required front yard.
  - C. Back and side yards shall be a minimum of 5 feet when the building elevation closest to the property line is 22 feet or less in building height, and a minimum of 10 feet when the building elevation closest to the property line is greater than 22 feet in building height.
  - D. An unenclosed front porch or patio may extend eight (8) feet into a required street side setback.
  - E. Yards shall be landscaped as provided in Section 5.12.
  - F. See Section 5.09 for additional setbacks on designated streets. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
- 7) Lot Coverage. Where the primary dwelling is twenty-two (22) feet or less in height, the total area covered by all buildings shall not occupy more than fifty percent (50%) percent of the lot area; where the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is forty percent (40%). Where lots smaller than 6,000 square feet are approved under subsection 4.03(5)(E) an additional ten percent (10%) of each such lot may be covered by buildings.
- 8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.03, no building shall exceed the height limit in Table 4.1.
- 9) Residential Design Standards. All residential developments, including land divisions, individual dwelling units, residential care homes and care facilities, and projects that are subject to Site Plan Review or Planned Unit Development review, as applicable, shall conform to the design standards in Section 5.29.

#### 4.04 Residential-Commercial (RC)

- 1) Purpose. To provide areas suitable and desirable for a mixture of residential and commercial uses within walking distance of downtown Veneta with provisions for associated public service uses, and other uses, under specific standards that promote land use compatibility and transportation-efficient development.
- 2) Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.
  - A. All uses permitted outright in the GR, BC and CC zones.
  - B. All uses requiring Site Plan Review in the GR, BC and CC zones, shall require Site Plan Review.
- 3) Conditional Uses. The following uses and their accessory uses are permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses (except drive-thru facilities):
  - A. All conditional uses in the GR, BC and CC zones.
- 4) Lot Size and Width. Minimum lot sizes and widths shall be as follows:
  - A. Detached single-family residential uses, duplexes, triplexes, quadplexes, and multi-family uses shall have a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet wide. Attached single-family uses (townhomes) shall have a minimum lot size of 3,000 square feet and a minimum lot width of 30 feet wide.
  - B. Except as otherwise provided by Articles 5, 6 and 8, the minimum lot area for non-residential uses is 3,000 square feet.

- C. When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed in conformance with the minimum lot sizes, densities, and other applicable requirements of Articles 4 and 5, including but not limited to future streets, alleys and utility extensions, as applicable.
- 5) Yards.
  - A. Front yards for dwellings not contained in a mixed-use building shall be a minimum of fifteen (15) feet, except unenclosed front porches may extend eight (8) feet into required front yards.
  - B. Front yards for buildings containing commercial uses, including mixed-use buildings, shall be a minimum of five (5) feet and a maximum of twenty (20) feet; the maximum setback is met when at least fifty (50) percent of a building's front elevation is placed within 5-20 feet of the ultimate planned street right-of-way line. Additional setbacks may be required pursuant to Articles 5, 6, or 8. For the purpose of this subsection, buildings designated as containing commercial uses shall have a minimum floor-to-ceiling height on the ground floor of fourteen (14) feet and conform to the commercial design standards in Section 5.13.
  - C. Front yards abutting a residential zone (RR, LDR, GR) shall be twenty (20) feet, except unenclosed front porches may extend eight (8) feet into required front yards.
  - D. Back and side yards, abutting a residential zone (RR, LDR, and GR) shall be five (5).
  - E. Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.
  - F. Yards shall be landscaped pursuant to Section 5.12. Within the downtown area, up to eighty percent (80%) of required landscapes may be improved with hardscape features, subject to Site Plan Review.
  - G. See Section 5.09 for additional setbacks on designated streets, or construction of new streets.
  - H. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.
- 6) Lot Coverage. The maximum lot coverage is fifty percent (50%) percent; except sixty percent (60%) percent coverage is allowed on lots that receive vehicular access from and have off-street parking oriented to a dedicated alley (i.e., where access and egress is provided via a public access easement or public right-of-way). An additional ten percent (10%) lot coverage may be approved for mixed-use developments (residential above or on the same parcel with commercial space). See Table 4.1.
- 7) Building Height. Except as provided in Articles 5, 6 and 8, no building shall exceed the height limit in Table 4.1.
- 8) Building Orientation and Design. New residential developments, including land divisions, individual dwelling units and projects that are subject to Site Plan Review or Planned Unit Development review, shall conform to the design standards in Section 5.29. All other developments, including commercial, institutional, and vertical mixed-use (residential above commercial) projects, shall comply with the building design standards in Section 5.13.
- 9) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked with durable materials in a manner that calls attention to the sidewalk.

## 4.05 Broadway Commercial (BC)

- 1) Purpose. Create a pedestrian friendly environment within the downtown area with a mixture of land uses that provides direct, safe, and convenient access from residential areas to commercial services, public spaces, and transit connections while maintaining access for automobiles and bikes.
- 2) Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street parking,

recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities):

- A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
- B. Residential uses shall be contained in a mixed-use building (e.g., apartments or condominiums above commercial space, or residential use in a live-work building) where residential uses are located above commercial space.
- C. Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System Plan.
- D. Registered or certified family daycare in an existing structure currently used as a residence.
- E. Residential uses within a commercial structure, provided the residential use does not occupy more than 50 percent of the ground floor space in the structure if the any previous use of the structure has been commercial. Residential shall not occupy the front 25 feet of ground floor space abutting a principal commercial street (Broadway or Territorial), except that residential use may be accessed via a breezeway, lobby, or similar entrance.

3) **Conditional Uses.** Except as provided in Section 4.05 (5) below, the following uses and their accessory uses are permitted in the BC zone subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses:

- A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
- B. The requirement for Site Plan Review may be waived by the Director if there is a Change of Use in an existing building or development site with all improvements in place and similar or reduced on/off-site impacts and trip generation.

4) **Prohibited Uses.**

- A. Drive-thru facilities (e.g., banks, eating and drinking establishments, and others).

5) **Lot Size and Width.** In the BC zone, minimum lot sizes and widths shall be as established in Table 4.3.

6) **Yards.** Except as provided in Articles 5, 6 and 8, and as required below, there are no minimum yards:

- A. Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.
- B. Yards shall be landscaped pursuant to Section 5.12.
- C. See Section 5.09 for additional setbacks on designated streets.
- D. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

7) **Lot Coverage.** The maximum allowable lot coverage by buildings is seventy percent (70%). Up to eighty percent (80%) coverage may be approved for mixed-use developments incorporating residential and commercial uses. All lot areas not covered by buildings, parking lots, walkways etc. shall be landscaped pursuant to Section 5.12.

8) **Building Height.** Except as provided in Articles 5, 6 and 8, the maximum building height is forty-five (45) feet; up to fifty-five (55) feet in height is allowed for mixed-use buildings that contain dwellings at a minimum density of twenty (20) units per acre; dwellings must be located above a ground floor commercial space that has a floor-to-ceiling height of at least fourteen (14) feet.

9) **Building Orientation and Design.** All development, including new structures and exterior remodels to existing structures or developments, shall comply with the design standards in Section 5.13. Multi-family buildings and attached single-family buildings, where allowed, shall comply with the design standards in Section 5.29.

10) **Pedestrian Access.** A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.

11) **Parking Requirements.** The off-street parking standards of Section 5.20 are not required for development within the BC zone. Provision of off-street parking shall be at the discretion of the occupant, owner or

developer. If off-street parking is provided, ADA-compliant parking must be provided in accordance with the current edition of the Oregon Structural Specialty Code, Chapter 11, in conjunction with ADA Standards for Accessible Design, (A117.1 Standard for Accessible and Usable Buildings and Facilities). All bicycle parking requirements shall remain in effect regardless of the number of motor vehicle spaces provided.

## 4.06 Community Commercial (CC)

- 1) Purpose. To provide areas suitable and desirable for a wide range of small commercial and business facilities to serve the Fern Ridge community.
- 2) Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities):
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. Retail stores or shops exceeding 10,000 square feet when contained in a mixed-use building where residential uses are located above commercial space.
  - C. Residential uses contained in a mixed-use building (e.g., apartments or condominiums above commercial space, or residential use in a live-work building) where residential uses are located above commercial space.
  - D. Residential uses within commercial structures, provided the residential use does not occupy more than 50 percent of the structure and no dwelling unit occupies the front 25 feet of ground floor principal commercial street except that residential use may be allowed off the principal commercial street at the ground floor.
- 3) Conditional Uses. The following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses:
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. Uses listed in (2) above that exceed the thresholds (e.g., floor space) or other conditions provided in (2) above.
  - C. The requirement for Site Plan Review may be waived by the Director if there is a Change of Use in an existing building or development site with all improvements in place and similar or reduced on/off-site impacts and trip generation.
- 4) Lot Size and Width. In the CC zone, minimum lot sizes and widths shall be as established in Table 4.3.
- 5) Yards. Except as provided in Articles 5, 6 and 8, and as required below, there are no minimum yards:
  - A. Front yards abutting a residential zone (RR/LDR/GR) shall be a minimum of twenty (20) feet.
  - B. Back and side yards abutting a residential zone (RR/LDR/GR) shall be ten (10) feet.
  - C. Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.
  - D. Yards shall be landscaped pursuant to Section 5.12. Up to eighty percent (80%) of the required yard may consist of hardscape features, subject to Site Plan Review.
  - E. See Section 5.09 for additional setbacks on designated streets.
  - F. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
- 6) Lot Coverage. The maximum allowable lot coverage by buildings is seventy percent (70%). Up to eighty percent (80%) coverage may be approved for mixed-use developments incorporating residential and commercial uses. All lot areas not covered by development shall be landscaped pursuant to Section 5.12.
- 7) Building Height. Except as provided in Articles 5, 6 and 8, the maximum building height is forty-five (45)

feet; up to fifty-five (55) feet in height is allowed for mixed-use buildings that contain dwellings at a minimum density of twenty (20) units per acre; dwellings must be located above a ground floor commercial space that has a floor-to-ceiling height of at least fourteen (14) feet. See Table 4.3.

- 8) Building Orientation and Design. All development, including new structures and exterior remodels to existing structures or developments, shall comply with the design standards in Section 5.13.
- 9) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.

#### **4.07 Highway Commercial (HC)**

- 1) Purpose. To provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area.
- 2) Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to Site Plan Review under Article 6, provided all operations except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities).
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
- 3) Conditional Uses. The following uses and their accessory uses are permitted subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses.
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. The requirement for Site Plan Review may be waived by the Director if there is a Change of Use in an existing building or development site with all improvements in place and similar or reduced on/off-site impacts and trip generation.
- 4) Yards. Except as provided in Articles 5, 6 and 8, in an HC zone, no yards are required except as follows:
  - A. No front yards are required.
  - B. Back and side yards abutting a residential zone shall be ten (10) feet.
  - C. Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses and shall be landscaped in pursuant to Section 5.12.
  - D. See Section 5.09 for additional setbacks on designated streets. Yard areas may be required for planned road right-of-way widths in order to permit the eventual widening of streets.
- 5) Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.

#### **4.08 Industrial-Commercial (IC)**

- 1) Purpose. To provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.
- 2) Uses Permitted subject to Site Plan Review. The following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review. All operations except off-street parking and temporary activities associated with the established businesses shall be conducted entirely within an enclosed building:
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. Marijuana Facility, when not located within 1,000 feet of real property comprising a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Marijuana Facility.

- C. Interim agricultural cultivation on undeveloped land provided the spraying, dust, odors and other side effects such uses do not interfere with the successful operations of adjacent land uses.
- 3) Conditional Uses. The following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. The requirement for Site Plan Review may be waived by the Director if there is a Change of Use in an existing building or development site with all improvements in place and similar or reduced on/off-site impacts and trip generation.
- 4) Yards. Yards shall be as specified in Table 4.3 except as follows:
  - A. Front yards shall be a minimum of twenty (20) feet when a lot abuts a residential zone.
  - B. Back and side yards shall be a minimum of twenty (20) feet from property line when a lot abuts a residential zone.
  - C. Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.
  - D. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
  - E. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.
- 5) Lot Coverage. Lot coverage shall be as specified in Table 4.3, provided the requirements of Articles 5, 6, and 8, as applicable, are met.
- 6) Off-street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20.
- 7) Performance Standards.
  - A. Water Supply. All industrial uses must connect to the City of Veneta water system. Projected water use must be shown to be within Veneta's water system capabilities and approved by the City Engineer.
  - B. Waste Water Standards. All industrial uses must be connected to the City of Veneta sanitary sewerage system. Veneta's sanitary sewerage system must be shown to be capable of treating the projected amount and quality of waste water and approved by the City Engineer.
  - C. Stormwater Drainage. The development site, its operations and improvements thereon shall detain and treat all stormwater as required by Section 5.16 of this ordinance. There shall be no contamination of stormwater from solid or other wastes.
  - D. Solid Waste Containers. Garbage collection areas, service facilities and air conditioning facilities located outside the building shall be appropriately screened and landscaped to obscure view from beyond the boundary of the development site. No hazardous wastes may be collected or stored within the development site.
  - E. Odor Standards. No emission or odorous matter shall be produced in such a manner to cause a public nuisance or contribute to a condition of air pollution. An odor nuisance may be measured as an emission that occurs for sufficient duration or frequency so that two (2) measurements made within a period of one (1) hour, separated by not less than fifteen (15) minutes, are equal to or greater than a Centimeter No. O or equivalent dilution measured at the property line.
  - F. Noise Standards. Operations must demonstrate, by noise production methods, that it shall not exceed DEQ standards set forth in Oregon Administrative Rules, Chapter 340, Division 35: "Oregon State Noise Control Regulations for Industry and Commerce," and the Veneta Noise Ordinance No. 299.
  - G. Dust and Fugitive Emission Standards. Open operations on the development site require a paved dust-free and adequately drained durable surface of asphaltic concrete or Portland cement or other approved materials. Vegetative screens or buffers shall be required to minimize dust "drift" onto abutting properties. Buffers are to be installed as required under parking area standards, Section

5.20.

H. **Aesthetic Standards:** Landscaping shall be installed around building areas and outdoor uses as required by the approved site plan or conditional use permit. Natural landscaping shall positively project the identity and image of the firm and of the City. Landscaping shall meet the standards established in Section 5.12.

## 4.09 Medium Industrial (MI)

- 1) **Purpose.** To allow industrial uses which cater to the more traditional sectors. These include secondary work products manufacturing and processing, other durable manufacturing enterprises.
- 2) **Uses Permitted subject to Site Plan Review.** The following uses and accessory uses are permitted subject to Site Plan Review. All uses must meet and continually comply with the Performance Standards in 4.09 (8).
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. Retail sales in conjunction with manufacturing, provided the sales area is not greater than 25% of the total floor area.
  - C. Marijuana Facility, when not located within 1,000 feet of real property comprising a public park. For purposes of this subsection, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Marijuana Facility.
  - D. Interim agricultural cultivation on undeveloped land provided the spraying, dust, odors and other side effects of such uses do not interfere with the successful operations of adjacent land uses.
  - E. Manufacturing, assembling, and/or storage of:
    1. Chemicals and chemical products
    2. Lumber, wood, and paper products
    3. Metal and metal alloy products
    4. Paints, varnishes, lacquers, enamels and allied products
    5. Concrete blocks, cinder blocks
    6. Septic tanks
  - F. Animal-based food processing (slaughter houses not allowed).
- 3) **Conditional Uses Permitted.** The following conditional uses are permitted subject to the provisions of Article 8. All uses must meet and continually comply with the Performance Standards of Section 4.08 (4), unless specifically exempted. All conditional uses are subject to Site Plan Review provisions of Article 6.
  - A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
  - B. Any Permitted Use requiring relaxation of one or more of the performance standards.
- 4) **Prohibited Uses.** Heavy industrial uses are not allowed in the MI district, or anywhere in Veneta. The city does not have the utilities or services to support heavy industry, nor are there adequate locations to site these uses where they will not become a public nuisance or health and safety risk. Prohibited uses include but are not limited to:
  - A. Manufacturing, assembly, and/or distribution of explosives or fireworks.
  - B. Batch plants for asphaltic or Portland cement concrete.
  - C. Bulk plants or distribution facilities for refined flammable liquids.
  - D. Foundries and stamping plants.
  - E. Incineration or reduction of garbage, dead animals, offal and refuse.
  - F. Leather tanning and finishing.
  - G. Slaughter houses.
  - H. Wrecking yards, metal salvage yards and automobile junkyards.
- 5) **Yards.** Yards shall be as established in Table 4.3 except as follows:
  - A. Back and side yards shall be a minimum of twenty (20) feet when a lot abuts a residential zone.

- B. Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.
- C. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.
- D. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.
- 6) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided and all performance standards are met.
- 7) Off-street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.
- 8) Performance Standards.
  - A. Water Supply. All industrial uses must connect to the City of Veneta water system. Projected water use must be shown to be within Veneta's water system capabilities and approved by the City Engineer.
  - B. Waste Water Standards. All industrial uses must be connected to the City of Veneta sanitary sewerage system. Veneta's sanitary sewerage system must be shown to be capable of treating the projected amount and quality of waste water and approved by the City Engineer.
  - C. Stormwater Drainage. The development site, its operations and improvements thereon shall detain and treat all stormwater as required by Section 5.16 of this ordinance. There shall be no contamination of stormwater from solid or other wastes.
  - D. Solid Waste Containers. Garbage collection areas, service facilities and air conditioning facilities located outside the building shall be appropriately screened and landscaped to obscure view from beyond the boundary of the development site. No hazardous wastes may be collected or stored within the development site.
  - E. Odor Standards. No emission or odorous matter shall be produced in such a manner to cause a public nuisance or contribute to a condition of air pollution. An odor nuisance may be measured as an emission that occurs for sufficient duration or frequency so that two (2) measurements made within a period of one (1) hour, separated by not less than fifteen (15) minutes, are equal to or greater than a Centimeter No. O or equivalent dilution measured at the property line.
  - F. Noise Standards. Operation must demonstrate by noise production methods that it shall not exceed DEQ standards set forth in OAR 340-035: "Oregon State Noise Control Regulations for Industry and Commerce," and the Veneta Noise Ordinance No. 299.
  - G. Dust and Fugitive Emission Standards. Open operations on the development site require a paved dust-free and adequately drained durable surface of asphaltic concrete or Portland cement or other approved materials. Vegetative screens or buffers shall be required to minimize dust "drift" onto abutting properties. Buffers are to be installed as required under parking area standards, Section 5.20.
  - H. Aesthetic Standards: Landscaping shall be installed around building areas and outdoor uses as required by the approved site plan or conditional use permit. Natural landscaping shall positively project the identity and image of the firm and of the City. Landscaping shall meet the standards established in Section 5.12.

#### **4.10 Light Industrial (LI) *Repealed, Ordinance No. 552 - October 19, 2019***

#### 4.11 Public Facilities and Parks (PFP)

In a PFP zone, the following regulations shall apply:

- 1) Purpose. To provide for public facilities and parks, and allow for construction of new facilities as the community grows.
- 2) Uses Permitted Subject to Site Plan Review. In a PFP zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6:
  - A. Educational institutions.
  - B. Government buildings.
  - C. Parks.
  - D. Low impact recreation and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.
  - E. Nature preserves.
  - F. Cemeteries.
  - G. Community centers.
  - H. Museums and interpretive centers.
  - I. Commercial horticulture.
  - J. Public structures or uses of land for public utilities such as:
    1. Electric substations or transformers.
    2. Public or community sewage disposal plant or pumping station.
    3. Radio, television, or cell tower or transmitter.
    4. Telephone exchange.
    5. School bus garage.
    6. Shop or storage yard.
  - K. Low impact public and semi-public uses, including transit facilities and transportation improvements conforming to the City of Veneta Transportation System Plan
  - L. Uses similar to the above permitted uses as provided by Section 2.05.
- 3) Conditional Uses Permitted. In a PFP zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses:
  - A. High impact recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, and swimming pools.
  - B. High impact transportation facilities such as heliports, helistops and bus or train terminals.
  - C. Transportation improvements inconsistent with the City of Veneta Transportation System Plan.
  - D. Uses similar to the above conditional uses as provided by Section 2.05.
- 4) Lot Size and Width. There are no minimum lot sizes in the PFP zone.
- 5) Yards. Except as provided in Articles 5, 6, and 8, in a PFP zone, yards shall be as follows:
  - A. Front yards abutting a residential zone shall be a minimum of twenty (20) feet.
  - B. Back and side yards abutting a residential zone shall be a minimum of five (5) feet.
  - C. Yards shall be landscaped as provided in Section 5.12.
  - D. See Section 5.09 for additional setbacks on designated streets.
  - E. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.
  - F. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.
- 6) Pedestrian Access. If a building is open to the public, a sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.
- 7) For additional requirements, see Article 5 - Supplementary Provisions.

## 4.12 Greenway – Open Space Subzone (/GW)

In the GW subzone, the following regulations shall apply in addition to those of the basic zone. If the requirements of the subzone are stricter than the basic zone, the requirements of the subzone shall apply:

- 1) Purpose. To implement the Open Space - Greenway Overlay in the Veneta Comprehensive Plan.
- 2) Boundaries.
  - A. The boundaries of the GW subzone are shown on the Veneta Zoning Map, which is hereby adopted by reference. In instances where the Greenway boundary shown on the Veneta Zoning Map and the boundary as defined herein are different, the language of this section shall take precedence.
  - B. Upon receiving a new wetland delineation and concurrence from the Department of State Lands ([DSL](#)), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.
  - C. In cases where areas not associated with wetlands are necessary to provide for pedestrian/ bicycle connectivity, protection of other natural resources, or to provide a buffer between uses, the boundaries of the Greenway shall be as shown on the Veneta zoning map.
- 3) Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.12(6) of this ordinance.
  - A. Public accesses such as bicycle and walk ways, streets, lookout points, and access roads for maintenance of channels, wetlands, and other natural resource areas.
    1. A path, walkway or running trail shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.
    2. All paths shall be designed and constructed according to City standards.
    3. Streets shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.
  - B. Stormwater facilities.
    1. All stormwater facilities constructed in the Greenway must be designed according to City standards and shall be designed to enhance the water quality, habitat, and aesthetic values of the Greenway as determined by the City.
    2. Stormwater detention and pre-treatment facilities excluding piping and outfall structures may be located no closer than 15 feet from any significant wetland unless the facility will enhance wetland values as defined in VMC 18.10 as determined by the City.
  - C. Utility installations.
  - D. Mitigation of development activities.
  - E. Restoration of previously disturbed or degraded areas.
  - F. Removal of vegetation
    1. Vegetation removal is limited to the removal of:
      - a. Native vegetation for the purpose of facilitating or encouraging the growth of native vegetation, or enhancement of habitat values and/or other natural resource values.
      - b. Nonnative or invasive plant species
      - c. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the City.
      - d. Dead or dried native plants or grasses only when they constitute an imminent fire hazard as determined by the City.
  - G. Planting and Replanting
    1. Replanting of areas cleared of existing vegetation must be completed within 90 days unless otherwise approved by the City.
    2. Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the specific seed used requires otherwise, in which case germination shall be

accomplished at the earliest date practicable.

- H. Removal of fill and any refuse that is in violation of local, state, or federal regulations. Removal of fill must be consistent with state of Oregon removal- fill regulations.
- I. Channel maintenance to maintain storm water conveyance and flood control capacity, as required and/or allowed by local policies, state and federal regulations, or intergovernmental agreements.
- J. For lots with residential development existing prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:
  - 1. The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.
  - 2. No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.
- K. Structures or development granted a variance to Veneta's Wetland Protection Ordinance found in VMC Section 18.10. Impacts to the Greenway shall be the minimum necessary to construct those improvements for which the wetlands variance was granted.

4) Conditional Uses Permitted. Subject to the criteria found in Section 8.11(19) of this ordinance.

5) Prohibited Uses.

- A. Any new structures or development (including fences), other than those allowed as permitted uses or approved as conditional uses, construction or ground disturbing activities, gardens, lawns, dumping of materials of any kind, and operation of heavy machinery.
- B. Storage of hazardous materials as defined by the Department of Environmental Quality.
- C. Application of herbicides, pesticides, fertilizer or other chemical products without first contacting City Hall.
- D. Removal of existing vegetation except as specified in 3(F) of this Section.
- E. Planting or establishment of nonnative or invasive species.
- F. Removal of trees without an approved permit. Standards for granting a permit to remove trees within the Greenway shall be those found in Veneta Municipal Code 8.10.080. These standards shall apply to the removal of any tree within the boundaries of the Greenway. When practicable, trees removed under this section shall be replaced by planting an equal number of native trees within the remaining greenway.

6) Application and Construction Standards. No ground disturbing activities shall take place in the greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities,

- A. The applicant shall submit a revegetation plan containing the following information:
  1. A description of adverse impacts that will be caused as a result of development.
  2. An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.
  3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.
  4. An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.
- B. Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.
- C. To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.
- D. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by the City, and the vegetation shall be

established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare areas during revegetation.

7) Enforcement. No prohibited use, construction activity including grading and/or excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway-Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscape architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall include provisions for monitoring and reporting on a yearly basis until such time that full restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Article 2 of this ordinance.

#### **4.13 Floodplain Subzone (/FP)**

- 1) Statutory Authorization, Findings of Fact, Purpose, and Methods.
  - A. Statutory Authorization. The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Veneta does ordain as follows:
  - B. Findings of Fact
    1. The flood hazard areas of the City of Veneta are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
    2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.
  - C. Statement of Purpose. It is the purpose of the Floodplain Subzone (/FP) to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:
    1. Protect human life and health;
    2. Minimize expenditure of public money for costly flood control projects;
    3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
    4. Minimize prolonged business interruptions;
    5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
    6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
    7. Notify potential buyers that the property is in a special flood hazard area;
    8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions; and
    9. Participate in and maintain eligibility for flood insurance and disaster relief.
  - D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

2) **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

**Appeal.** A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding.** A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard.** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

**Base flood.** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE).** The elevation to which floodwater is anticipated to rise during the base flood.

**Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.

**Below-grade crawl space.** Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

**Building.** See "Structure."

**Critical facility.** Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Elevated building.** Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Flood or Flooding.**

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

**Flood elevation study.** See "Flood Insurance Study".

**Flood Insurance Rate Map (FIRM).** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS).** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Floodplain or flood prone area.** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Floodplain administrator.** The community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain management.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain management regulations.** Zoning codes, subdivision regulations, building codes, health regulations, special purpose codes (such as floodplain code, grading code and erosion control code) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood proofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

**Hazardous material.** The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- A. Hazardous waste as defined in ORS 466.005;
- B. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005;
- C. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- D. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;

- E. Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- F. Material regulated as a Chemical Agent under ORS 465.550;
- G. Material used as a weapon of mass destruction, or biological weapon;
- H. Pesticide residue;
- I. Dry cleaning solvent as defined by ORS 465.200(9).

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure.** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Change (LOMC).** Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- A. **Conditional Letter of Map Amendment (CLOMA).** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-cannual-chane) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- B. **Conditional Letter of Map Revision (CLOMR).** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- C. **Conditional Letter of Map Revision based on Fill (CLOMR-F).** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- D. **Letter of Map Amendment (LOMA).** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
- E. **Letter of Map Revision (LOMR).** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LMOR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

F. **Letter of Map Revision based on Fill (LOMR-F).** A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

G. **PMR.** A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

**Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured dwelling.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

**Manufactured dwelling park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

**Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**New construction.** For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Veneta and includes any subsequent improvements to such structures.

**Recreational vehicle.** A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory floodway.** See "Floodway".

**Sheet flow area.** See "Area of shallow flooding".

**Special flood hazard area.** See "Area of special flood hazard" for this definition.

**Start of construction.** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

**Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**Variance.** A grant of relief by the City of Veneta from the terms of a flood plain management regulation.

**Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Water dependent.** Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

**Water surface elevation.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3) General Provisions.

- A. Lands to Which This Ordinance Applies. This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Veneta.
- B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for "Lane County, Oregon and Incorporated Areas, Volumes 1-3", dated June 2, 1999, with accompanying Flood Insurance Rate Maps (FIRMs) 41039C1642F and 41039C1661F are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at Veneta City Hall, 88184 8<sup>th</sup> Street, Veneta, OR 97484.
- C. Coordination with the State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of Veneta administers and enforces the State of Oregon Specialty Codes, the City of Veneta does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.
- D. Compliance and Penalties for Noncompliance.
  1. Compliance. All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.
  2. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a public nuisance and shall be subject to Enforcement per Section 2.10 of this ordinance. Nothing contained herein shall prevent the City of Veneta from taking such other lawful action as is necessary to prevent or remedy any violation.
- E. Abrogation and Severability.

1. Abrogation. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
2. Severability. This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

1. Warning. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
2. Disclaimer of Liability. This ordinance shall not create liability on the part of the City of Veneta, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

4) Administration.

- A. Designation of the Floodplain Administrator. The City of Veneta Community Development Director and their designee is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator, or their designee, shall include, but not be limited to:
  1. Permit Review. Review all development permits to determine that:
    - a. The permit requirements of this ordinance have been satisfied;
    - b. All other required local, state, and federal permits have been obtained and approved.
    - c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in Section 4.13(5)(B)(4) are met; and
    - d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Section 4.13(5)(A)(7); and
    - e. Provide to building officials the Base Flood Elevation (BFE) and one (1) foot of freeboard applicable to any building requiring a development permit.
    - f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 4.13(2).
    - g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section 4.13(5)(A)(1).

- h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.
2. Information to be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed:
  - a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Section 4.13(5)(A)(7).
  - b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 4.13(5)(B)(4) and 4.13(4)(B)(1)(b) are adhered to.
  - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
  - d. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
  - e. Maintain all Elevation Certificates (EC) submitted to the City of Veneta;
  - f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Section 4.13(5)(A)(7).
  - g. Maintain all floodproofing certificates required under this ordinance;
  - h. Record and maintain all variance actions, including justification for their issuance;
  - i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 4.13(5)(B)(4).
  - j. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 4.13(4)(B)(4).
  - k. Maintain for public inspection all records pertaining to the provisions of this ordinance.
3. Requirement to Notify Other Entities and Submit New Technical Data.
  - a. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
  - b. Watercourse Alterations. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to

the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 4.13(4)(B)(4)(c). Ensure compliance with all applicable requirements in Sections 4.13(4)(B)(3)(c) and 4.13(5)(A)(1).

- c. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
- ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ordinance and all applicable state and federal permits.

4. Substantial Improvement and Substantial Damage Assessments and Determinations. Conduct Substantial Improvement (SI) (as defined in Section 4.13(2)) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 4.13(4)(B)(2). Conduct Substantial Damage (SD) (as defined in Section 4.13(2)) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Section 4.13(3)(B)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

C. Establishment of Development Permit.

1. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Section 4.13(3)(B). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 4.13(2), including fill and other development activities.
2. Application for Development Permit. Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in

duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 4.13(4)(B)(2).
- b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 4.13(5)(B)(3)(c).
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base Flood Elevation data for subdivision proposals or other development when required per Sections 4.13(4)(B)(1) and 4.13(5)(A)(6).
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

D. Variance. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. Conditions for Variances.

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Sections 4.13(4)(D)(1)(c) and 4.13(4)(D)(1)(f), and 4.13(4)(D)(2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- f. Variances may be issued by the City of Veneta for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 4.13(4)(D)(1)(b) – (e) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. **Variance Notification**. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 4.13(2)(B)(2).
- 5) **Provisions for Flood Hazard Reduction**.
  - A. **General Standards**. In all special flood hazard areas, the following standards shall be adhered to:
    1. **Alteration of Watercourses**. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Sections 4.13(4)(B)(3)(b) and 4.13(4)(B)(3)(c).
    2. **Anchoring**.
      - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
      - b. All manufactured dwellings shall be anchored per Section 4.13(5)(B)(3)(d).
    3. **Construction Materials and Methods**.
      - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
      - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    4. **Utilities and Equipment**.
      - a. **Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems**.
        - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
        - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
        - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
      - b. **Electrical, Mechanical, Plumbing, and Other Equipment**. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at least one (1) foot above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. If electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities are replaced as part of a substantial improvement, the equipment shall meet all the requirements of this section.
    5. **Tanks**.
      - a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
      - b. Above-ground tanks shall be installed at or at least one (1) foot above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. Subdivision Proposals & Other Proposed Developments.
  - a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
  - b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
    - i. Be consistent with the need to minimize flood damage.
    - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
    - iii. Have adequate drainage provided to reduce exposure to flood hazards.
7. Use of Other Base Flood Data. When Base Flood Elevation data has not been provided in accordance with Section 4.13(3)(B) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Section 4.13(5) All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 4.13(5)(A)(6).  
Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding where available. At a minimum, the elevation of residential structures and non-residential structures that are not dry floodproofed shall rest at least two (2) feet above highest adjacent grade. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.
8. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes:
  - a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
  - b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
9. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

B. Specific Standards for Riverine (Including All Non-Coastal) Flood Zones. These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section 4.13(5)(A) of this ordinance.

1. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.  
Enclosed areas below the Base Flood Elevation, including crawl spaces shall:
  - a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
  - b. Be used solely for parking, storage, or building access;

- c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
  - i. A minimum of two openings,
  - ii. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
  - iii. The bottom of all openings shall be no higher than one foot above grade.
  - iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
  - v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.
- 2. Garages.
  - a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
    - i. If located within a floodway the proposed garage must comply with the requirements of Section 4.13(5)(B)(4).
    - ii. The floors are at or above grade on not less than one side;
    - iii. The garage is used solely for parking, building access, and/or storage;
    - iv. The garage is constructed with flood openings in compliance with Section 4.13(5)(B)(1) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
    - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
    - vi. The garage is constructed in compliance with the standards in Section 4.13(5)(A); and
    - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
  - b. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 4.13(5)(B)(3)(f) or non-residential structures in Section 4.13(5)(B)(3)(c) depending on the square footage of the garage.
- 3. For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations. In addition to the general standards listed in Section 4.13(5)(A) the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.
  - a. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  - b. Residential Construction.
    - i. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one (1) foot above the Base Flood Elevation (BFE)

- ii. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 4.13(5)(B)(1).
- c. Non-Residential Construction.
  - i. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
    - (a) Have the lowest floor, including basement elevated at least one (1) foot above the Base Flood Elevation (BFE);

Or, together with attendant utility and sanitary facilities:

  - (b) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - (d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 4.13(4)(B)(2).
- ii. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 4.13(5)(B)(1).
- iii. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).
- iv. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
- v. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

- d. Manufactured Dwellings
- i. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with Section 4.13(5)(B)(1).
- ii. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- iii. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- iv. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).
- e. Recreational Vehicles. Recreational vehicles placed on sites are required:
- i. Be on the site for fewer than 180 consecutive days, and

- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- iii. Meet the requirements of Section 4.13(5)(B)(3)(d), including the anchoring and elevation requirements for manufactured dwellings.
- f. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:
  - i. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 4.13(5)(B)(4).
  - ii. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
  - iii. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
  - iv. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
  - v. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
  - vi. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 4.13(5)(B)(1).
  - vii. Appurtenant structures shall be located and constructed to have low damage potential;
  - viii. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 4.13(5)(A)(5).
  - ix. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- g. Below-Grade Crawl Spaces.
  - i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in Section 4.13(5)(B)(1). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
  - ii. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

- iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE
- iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- v. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- vi. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- viii. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

4. Floodways. Located within the special flood hazard areas established in Section 4.13(3)(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
  - i. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;  
Or,
  - ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- b. If the requirements of Section 4.13(5)(B)(4)(a) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 4.13(5).

5. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base

flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

- a. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 4.13(5)(A), 4.13(5)(B), and 4.13(5)(B)(5).
- b. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 4.13(5)(A) and 4.13(5)(B)(5).
  - i. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum of one (1) foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
  - ii. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
    - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at least one (1) foot above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
    - (b) Together with attendant utility and sanitary facilities, be completely floodproofed to at least one (1) foot above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 4.13(5)(B)(3)(c)(i)(d).
  - iii. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
    - (a) Be on the site for fewer than 180 consecutive days, and
    - (b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
    - (c) Meet the elevation requirements of Section 4.13(5)(B)(5)(b)(i) and the anchoring and other requirements for manufactured dwellings of Section 4.13(5)(B)(3)(d).
  - iv. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Sections 4.13(5)(B)(3)(f).
  - v. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 4.13(5)(B)(1).

## 4.14 Planned Development Subzone (/PD)

- 1) Purpose. The purpose of the /PD subzone is to provide opportunities to create more desirable environments such as co-housing through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The /PD subzone is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general well-being of the inhabitants and to acquire and protect solar access.
- 2) Establishment of a /PD Subzone in Combination with a Basic Zone. A /PD subzone may be established in combination with any basic zone. In cases of conflict between standards of the basic zone and the /PD subzone, the standards of the /PD subzone will apply.
- 3) Procedure for Preliminary Approval. The applicant shall submit at least fifteen (15) copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the Building and Planning Official at least 30 days prior to the Planning Commission meeting, at which time the proposal shall be first discussed. The proposal shall consist of a preliminary plan in schematic fashion and a written program with consideration given to the following elements:
  - A. Elements of the Plan.
    1. Vicinity map showing location of streets and lots in the area within 500 feet of the proposed development.
    2. Existing land uses and zoning of property and vicinity.
    3. Proposed land uses including housing unit densities (number of units per acre, type of residence and number of bedrooms by type of residence).
    4. Building types and approximate bulk.
    5. Vehicular and pedestrian access, circulation and parking pattern. Status of street ownership.
    6. Parks, playgrounds and open spaces.
    7. Existing natural features such as trees, streams and topography. If the plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.
    8. Landscaping, screening and fencing proposals.
    9. Proposed method of solid waste disposal.
    10. Proposed method for provisions of water supply and sewage disposal.
    11. Proposed method for the handling of surface water drainage.
    12. Proposed grading patterns.
    13. Street and open space lighting proposals.
  - B. Elements of the Program.
    1. Proposed ownership pattern; verification of ownership.
    2. Operation and maintenance proposal, such as condominium, co-op or Homeowner's Association.
    3. Commercial facilities such as shopping; community facilities such as schools or parks.
    4. Timetable of the development, to include expected starting dates, projection of completion time and project phasing, if anticipated. Method of public improvements financing, if any.
    5. The proposal shall be prepared by one or more persons with professional qualifications in such design-related fields as Architecture, Landscape Architecture, Urban Planning and Civil Engineering. Names(s) of professional persons should be provided.
  - C. Planning Commission Review of Preliminary Development Plan.
    1. The Planning Commission shall informally review the Preliminary Development Plan and Program and may recommend either preliminary approval in principal, with or without modifications or denial. Such action shall be based upon the City's Comprehensive Plan, the

standards of this ordinance and other regulations and the suitability of the proposed development in relation to the physical characteristics of the area and the development characteristics of the neighborhood.

2. Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location of uses nor engineering feasibility. The Planning Commission may require the submission of other information than that specified for submittal as part of the General Development Plan and Program.
3. Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting but does not require a public hearing.
4. The Planning Commission shall evaluate design team needs and may recommend additional members, depending upon the scope of the proposal, to facilitate preparation of the General Development Plan and Program.
5. The Planning Commission shall determine the extent of any environmental assessment to be included in the General Development Plan and Program.

- 4) General Development Plan and Program.
  - A. After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall submit a General Development Plan and Program to the Building and Planning Official at least 45 days prior to the date of public hearing.
  - B. The applicant shall petition for a Type IV amendment to the zoning map as specified in Article 11. Ten (10) copies of the General Development Plan and Program shall be submitted to the Building and Planning Official at least 45 days prior to the date of public hearing. The Building and Planning Official shall notify Lane County about applications that may have a potential impact or effect on lands, services or facilities outside the City limits.
  - C. Upon receipt of the re-zone petition accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing in accordance with the provisions of Article 11. At the public hearing the applicant shall present the General Development Plan and Program.
  - D. The General Development Plan and Program shall contain the following elements:
    1. Plan Elements.
      - a. General development plan in conformance with the approved preliminary plan, including a vicinity map showing the circulation pattern within and adjacent to the proposed development, integration of water, sewer and other underground utilities with existing utilities and the integration of proposed sites drainage with existing drainage systems.
      - b. Existing and proposed contour map of the site to a scale commensurate with the size of the development.
      - c. Location, widths and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces and land uses within 500 feet of the development.
      - d. Existing sewer, water and other underground utilities within and adjacent to the development and their certified capacities.
      - e. Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
      - f. Proposed system for the handling of storm drainage.
      - g. A preliminary subdivision plan if the property is proposed to be subdivided.
      - h. A land use plan indicating the uses planned for the development.
      - i. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, bikeways or other uses dedicated or reserved to the public, if any.
      - j. Open space that is to be maintained and controlled by the owners of the property and the proposed users thereof.

- k. A traffic flow map showing the circulation pattern within and adjacent to the proposed development, including fire equipment access and turnarounds.
- l. Location, and dimensions of bikeways, pedestrian walkways, malls and trails or easements.
- m. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
- n. Location, arrangement and dimensions of truck loading and unloading spaces, if any.
- o. Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units.
- p. A preliminary tree planting and landscaping plan. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.
- q. The approximate location, height, materials of all walls, fences and screen planting. Elevation drawings of typical walls and fences shall be included.
- r. Location, size, height and means of illumination of all proposed signs.
- s. The stages, if any, of development construction. Such stages shall be clearly marked on the General Development Plan.
- t. Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use, including approvals of all regulatory agencies having jurisdiction. Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a Certificate of Occupancy.
- u. Any such other data as may be necessary to permit the Planning Commission to make the required findings.

2. Program Elements.
  - a. Narrative statement of the basic purposes of the planned development.
  - b. A completed environmental assessment if required by the Planning Commission.
  - c. Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan.
  - d. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
  - e. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space or required dedications or reservations of public open spaces and of any dedications of development rights.
  - f. A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

5) Action and Findings by Planning Commission and Council.

- A. Planning Commission Action. The Planning Commission, after public hearing on an amendment to the zoning map in accordance with the provisions of Article 11, may recommend approval of the /PD subzone and the General Development Plan and Program, with or without modifications or may deny the application. A decision to recommend approval of a /PD subzone shall be based on the following findings:
  1. That the proposed development is in substantial conformance with the Veneta Comprehensive Plan.
  2. That exceptions from the standards of the underlying zone are warranted by the design and

amenities incorporated in the development plan and program.

3. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable to the proposed development, to the neighborhood and to the City as a whole as required in Section 4.15(7)(G) "Ownership and Maintenance of the Planned Development" and in accordance with restrictive covenants or improvement agreements approved by the City Attorney and Veneta Planning Commission.
4. That the proposed development or a unit thereof can be substantially completed within one year of final approval or completed in accordance with an approved development plan timetable.
5. That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the planned development area.
6. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residences either within or outside the planned area.
7. That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

B. City Council Action. After receiving the recommendation from the Planning Commission, the City Council shall hold a hearing on the proposal for a /PD subzone and the General Development Plan and Program, in accordance with the provisions of Article 11. The City Council shall either approve the application, with or without modifications, or deny it.

C. Conditions for Approval. The Planning Commission or City Council may require conditions for approval which may include but are not limited to the following:

1. Increasing the required setbacks.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicular access points.
4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
5. Requiring additional improvements for utilities or storm drainage facilities.
6. Increasing the number of parking spaces and improving design standards for parking areas.
7. Limiting the number, size, location and lighting of signs.
8. Designating sites for open space and recreation and, in general, improving landscaping requirements.
9. Requiring additional view-obscuring screening or fencing.
10. Establishing any special time limits for completion of all or any portion of the project, including, but not limited to, utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening, recreation areas or community buildings.
11. Requiring a special contractual agreement with the City to assure development of streets, sidewalks, drainage facilities, utilities and other improvements to standards which are acceptable to the City.

D. Any condition specified shall be placed on the official design plan and signed by the owners. Where applicable, the requirements may be made part of any existing or future deed as a covenant.

6) Final Plan and Program.

- A. Following approval of the /PD subzone by the City Council, the applicant shall prepare a Final Plan and Program and shall submit five (5) copies to the Building and Planning Official to check for compliance with the approved General Development Plan and Program.
- B. If the Final Plan and Program is found to be in compliance, it shall be so certified by the Planning Commission Chairman and recorded by the applicant in the office of the City Recorder as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions and associations which shall constitute the Final Program.

- C. The procedures set forth in Article 13 of this ordinance shall be followed if the property is to be divided or streets are to be dedicated unless exceptions have been formally granted by the Planning Commission and City Council.
- D. All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permits.
- E. Final copies of all approved articles governing operation and maintenance shall be placed on file with the City Recorder's office prior to the issuance of any building permit.
- F. After an area has been placed in the /PD subzone, all building permits shall only be issued on the basis of the Final Plan and Program as recorded in the office of the City Recorder. The area shall henceforth be shown on the official zoning map as a /PD subzone in addition to the basic zone.

7) Development Standards.

- A. Minimum Site Size. A /PD subzone shall not be established on less than two (2) acres unless the Planning Commission and City Council find less area suitable by virtue of its unique character.
- B. Compatibility with Neighborhood.
  - 1. The plans and programs shall present an organized arrangement of buildings, service facilities, open spaces and improvements such as recreation facilities and fencing to insure compatibility with the Veneta Comprehensive Plan and the character of the neighborhood.
  - 2. Periphery yards of a /PD subzone shall be at least as deep as those required by the yard regulations of the underlying zone unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.
- C. Lot Coverage and Building Height. Lot coverage and building height shall be no greater than for the underlying zone unless the Planning Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.
- D. Open Space. Open space in a /PD subzone means the land area to be used for scenic or open recreational purposes within the development.
  - 1. Open space does not include street right-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.
  - 2. Open space shall be adequate for the recreational and leisure use of the population occupying the planned unit development and designed to enhance the present and future value of the development.
  - 3. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
  - 4. In order to assure that open space will be permanent; dedication of development rights to the City for other than open space may be required.
  - 5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- E. Density. Greater overall density may be allowed under a /PD subzone but only by recommendation of the Planning Commission and approval of the City Council based on the entire development design. Areas dedicated to the public shall be excluded when determining the net density of the development. In any PUD subzone, established in an LDR basic zone, the net density shall not exceed 3,000 square feet of site area per dwelling unit. In any PUD subzone, established in a GR basic zone, the net density shall not exceed 2,200 square feet of site area per dwelling unit.
- F. Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a /PD subzone may be less than the minimum specified in the basic zone if in accordance with the approved General Development Plan and Program and the density standards of this section.
- G. Ownership and Maintenance of the Planned Development. Except as provided herein, the area in a proposed planned development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved. Dwelling units or individual portions of a planned development may be transferred to additional parties provided:

1. The Planning Commission finds that the purpose of the planned development regulations and the findings and conditions of approval at each step have been satisfied and approves of the transfer based thereon; and
2. Documents necessary to assure permanent maintenance of buildings, common use facilities, landscaping, open space and outdoor living areas at no expense to the City have been approved by the City Attorney.

8) Phased Development.

- A. The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.
- B. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

9) Permitted Uses in Residential Zones Combined with /PD Subzone. The following uses and their accessory uses are permitted in a /PD subzone which has been combined with a residential zone.

- A. Residential use of land.
- B. Related commercial uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council.
- C. Related community service uses which are designed to serve the development of which they are a part, when approved by the Planning Commission and City Council. Such community service uses may also be designed to serve the adjacent area if considered desirable upon review of the overall proposal.

10) Bonding.

- A. A developer may be required to post one of the following instruments, to assure full and faithful performance in completion of the approved plan:
  1. A surety bond executed by a surety company authorized to transact business in the State of Oregon. The bond shall be in a form approved by the City.
  2. In lieu of said bonds:
    - a. The developer may deposit with the City Recorder cash money in an amount fixed by the Building and Planning official and the City Engineer.
    - b. The developer may provide certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvement and that it will be released only upon authorization of the City Engineer.
- B. If the developer fails to carry out the project as approved and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

11) Proposed Changes in Approved Plans.

- A. Major Changes. Major changes in the General Development Plan and Program after it has been adopted shall be considered as a new petition and shall be made in accordance with the procedures specified above.
- B. Minor Changes. Minor changes in an approved General Development Plan and Program may be approved by the Building and Planning Official provided that such changes:
  1. Do not change the character of the development or the population density.
  2. Do not change the boundaries of the /PD subzone.
  3. Do not change any use, such as residential to commercial.
  4. Do not change the location or amount of land devoted to a specific land use.
  5. Do not relax dimensional standards or other specific requirements established by the Planning Commission or City Council as a condition of approval.

12) Reserved.

## 4.15 Specific Development Plan Subzone (/SDP)

- 1) **Purpose.** The purpose of the "/SDP" subzone is to allow the development and approval of specific development plans in the City of Veneta. A specific development plan is a master plan applied to one or more parcels to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the land use review process and encourage development that is consistent with the specific development plan. Specific development plans are intended to promote coordinated planning and pedestrian-oriented mixed-use development.
- 2) **Plan Development and Approval Process.**
  - A. **Initiation.** The process to establish a specific development plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific development plan process. If owners request initiation of a specific development plan process, the City Council may require an application fee to cover the cost of creating the plan.
  - B. **Steering Committee.** The City Council shall appoint a steering committee to guide development of the plan. The steering committee should include persons representing affected property owners, agencies, and the community at large.
  - C. **Draft Specific Development Plan.** The Steering Committee shall develop a draft plan to submit to the Planning Commission and City Council for review, modification, and approval.
  - D. **Specific Development Plan Components.** A specific development plan shall include text and a diagram or diagrams which specify all of the following in detail:
    1. **Plan Objectives.** The narrative shall set forth the goals and objectives of the plan.
    2. **Site and Context.** A map of the site and context shall indicate existing land use, slope, natural features and property ownership.
    3. **Land Use Plan.** The distribution, location and extent of the uses of land, including open space and parks, within the area covered by the specific development plan.
    4. **Circulation Plan.** The proposed street pattern, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included.
    5. **Development Standards.** Description and illustration of key development standards such as housing types, lot sizes, setbacks, building orientation, etc.
    6. **Infrastructure Plan.** The proposed location and extent of major components of sewage, water, drainage and other essential facilities needed to support the land uses described in the plan.
  - E. **Procedure.** Consideration and adoption of any /SDP subzone shall be processed according to the standards for a Type IV action contained in Section 11.08.
- 3) **Approval Criteria.** Adoption of the specific development plan and its related overlay district shall be based on compliance with the following approval criteria:
  - A. The specific development plan is consistent with the general land uses and potential gross density allowed by the Comprehensive Plan designation, or a plan amendment is approved in conjunction with the specific development plan.
  - B. The specific development plan will increase the efficiency of land use and provide for compact development.
  - C. The specific development plan will provide a mix of compatible land uses offering a variety of activities and destinations within the project area that respond to existing and future market conditions.
  - D. The specific development plan will create a pedestrian friendly environment that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The circulation plan includes connections to surrounding properties.
  - E. The specific development plan provides adequate public spaces such as small parks, greenways, or plazas where people can meet or relax.
  - F. The specific development plan incorporates natural features such as creeks, wetlands, and large trees into the plans for the site.

- G. The specific development plan promotes building and site design that contributes positively to a sense of community and to the overall streetscape.
- 4) Plan Implementation.
  - A. Subzone. The specific development plan shall be implemented as a subzone. The specific development plan (including the land use plan, circulation plan and illustrative plan) shall be adopted by reference as an exhibit to the /SDP subzone.
  - B. New Construction. New construction under Site Plan Review or building permit review shall meet the special development and design standards of the specific development plan.
  - C. Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific development plan subzone shall supplement and supersede the standards and procedures of this ordinance.
- 5) Amendments to the Specific Development Plan. Any amendment to an adopted /SDP subzone shall be processed according to the standards for a Type IV action contained in Section 11.08.
- 6) Interim Development. To encourage platting in conformance with the specific development plan, the Building and Planning Official may grant the following modifications to land division standards:
  - A. Temporary Dead-ends. The Building and Planning Official may authorize temporary cul-de-sacs or vehicle turn-around where a through street will eventually be provided. Due to their temporary nature, the dimensions and improvement requirements may vary from standards set forth in City-adopted standards.
  - B. Half-Street Improvements. Half-width streets may be provided temporarily to access lots where a full street will eventually be provided when all abutting lots are developed.
- 7) Specific Development Plan Standards. Standards for specific development plans are listed below. The standards shall be utilized in conjunction with the specific development plan adopted as an exhibit to the "/SDP" subzone. This section will be amended as new specific development plans are adopted.
  - A. Southwest Neighborhood Center Plan Adopted and amended on May 24, 2016 (City File No. SDP-1-16), June 14, 2021 (City File No. SDP-1-21A), June 27, 2022 (City File No. SDP-1-22), and November 14, 2022 (City File No. SDP-2-21).

## Article 5 – Supplementary Provisions

### 5.01 General Provisions Regarding Accessory Uses

An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation. Accessory uses shall comply with the following standards.

- 1) Fences, hedges and walls may be located within required yards but shall not exceed 48" (four (4) feet) in height in any required front yard which abuts a street other than an alley nor 2-1/2 feet in height in a vision clearance area. Elsewhere, fences, hedges and walls shall not exceed six (6) feet in height in residential and commercial zones and eight (8) feet in height in industrial zones. Swimming pools, tennis courts, and other accessory recreational structures may have fences that exceed six (6) feet, provided they are not located within the front yard, but may be allowed within the side and rear yards.
- 2) No sales shall be made from a greenhouse or hothouse maintained as an accessory to a dwelling in a residential zone unless the sales have been approved as a home occupation.
- 3) The highest point of the roof of an accessory or structure shall not exceed a building height of 24 feet in a residential zone.
- 4) A garage shall be located a minimum of twenty (20) feet from front lot line in a residential zone except in an RC zone and as specified in Section 5.09(1). Parking requirements as specified in Section 5.20 continue to apply to lots with reduced setbacks. Garages must also meet the requirements of Section 5.04(9) of this ordinance.
- 5) Except for garages and carports, accessory structures in the LDR, GR, and RC zones, including those not requiring a building permit, shall not be located between any front or side street and a principal building. Accessory structures not requiring a building permit are not required to have back or side yard setbacks provided that stormwater from the roof of the structure does not flow onto the neighboring property.
- 6) Vehicles, boats, trailers, recreational vehicles, vans, campers may be stored on a lot as an accessory use to a dwelling and in conformance with Veneta Municipal Code 10.05.130(1).
- 7) All buildings that are accessory structures shall have a minimum roof pitch of 2:12, except for Accessory Dwelling Units (ADUs).

### 5.02 Access

All lots shall be provided with access according to the standards of Section 13.10(3) of this ordinance.

### 5.03 Clear Vision Areas

In all zones except the BC zone a clear vision area shall be maintained on the corners of all property at the intersections of two (2) streets, a street-alley or street-railroad.

- 1) Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and flag lot-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 20 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and flag lot-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 20 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides. See Figure 5.03(a)

Figure 5.03(a)

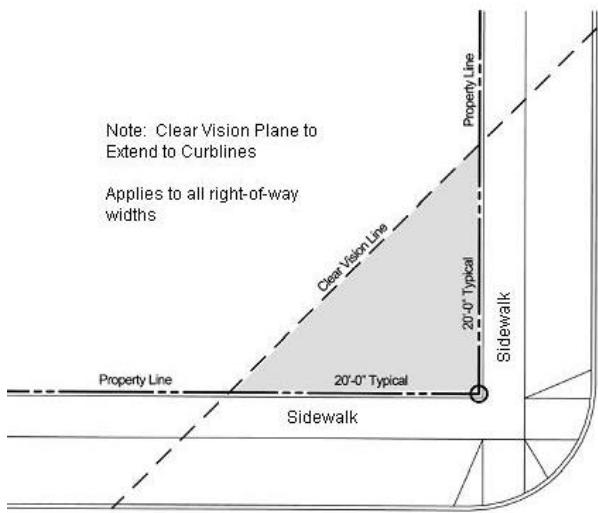
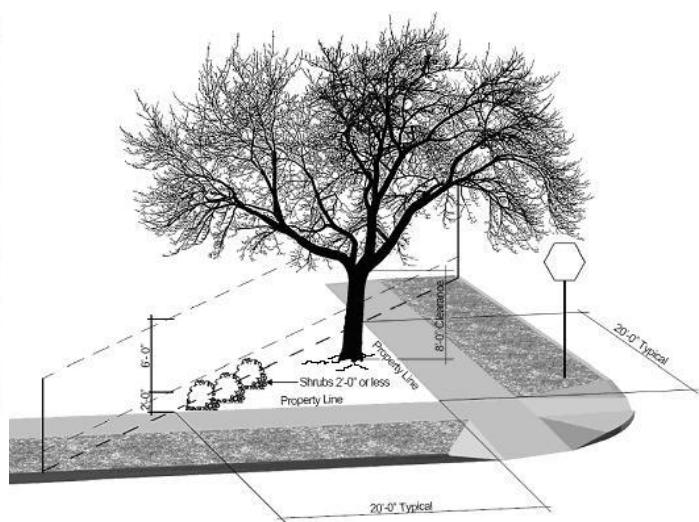


Figure 5.03(b)



2) A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2 ½ feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade. See Figure 5.03(b).

## 5.04 General Standards for Single Family Detached Dwellings

All new single family detached dwellings shall:

- 1) Meet current energy standards as adopted by the State of Oregon.
- 2) Be occupied only for residential purposes.
- 3) Conform to all residential use development standards for one-family dwellings.
- 4) Be constructed or installed in accordance with the Oregon Residential Specialty Code as adopted by the City or as defined within the statutes of the State of Oregon.
- 5) Be placed or constructed on foundations:
  - A. Stick-built homes shall have foundation systems in accordance with the Oregon Residential Specialty Code;
  - B. Manufactured dwellings shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with no more than sixteen (16) inches of enclosing material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation will not apply.
- 6) Have a minimum width of eighteen (18) feet as measured by the narrowest elevation.
- 7) Reserved.
- 8) Have a roof with eaves and gable overhangs of not less than six (6) inches measured from the vertical side of the structure and shall include gutters.
- 9) Have an enclosed garage or carport. The maximum size of the garage shall be three stalls, with a maximum floor area of 900 square feet. The garage may be attached to house or detached.
- 10) Have electrical meter base attached either to the garage or dwelling unit.
- 11) Have a roof with a nominal pitch of 3 feet in height for each twelve feet in width.

## **5.05 Setbacks for Automobile Service Stations**

In a zone where automobile service stations are permitted, freestanding gasoline pumps and pump stands may occupy a required front yard, provided they are a minimum of fifteen (15) feet from the property line.

## **5.06 Use of Residential Structures in Commercial Zone**

In commercial zones, pre-existing residential structures may be occupied by nonresidential uses permitted in the zone provided the structure meets minimum building and safety standards as outlined in the building code. Site Plan approval subject to Article 6 is required. If a residential structure is converted to a commercial use, further use of the structure shall conform to the zone in which the property is located.

## **5.07 Future Development Potential**

Buildings must be placed on a site to allow for future street extensions and appropriate setbacks. When a residential property is larger than twice the minimum lot size and has potential for division, the applicant must submit a shadow plat showing how that future land division could take place and site the residence(s) accordingly.

## **5.08 Exceptions to Lot Size Requirements**

- 1) If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the Lane County Assessor prior to 1989 has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot area per dwelling unit requirement of the zone.
- 2) The minimum lot size for flag lots shall be calculated in accordance with Section 13.10(3) of this ordinance.

## **5.09 Exceptions to Yard Requirements**

The following are authorized exceptions to yard requirements:

- 1) In the General Residential (GR) zone, the front yard setback of a building may be reduced to a minimum of ten (10) feet for any lot that is entirely within the following geographical area:
  - A. West of 3rd Street and
  - B. North of Hunter Avenue and
  - C. East of 8th Street and
  - D. South of Dunham Avenue.
- 2) In any residential zone, the minimum front yard set-back for a part of the building may be modified by not more than five (5) feet, provided the average front yard depth shall not be less than the standard of the zone. Garage and carport front yard set-backs shall not be reduced below twenty (20) feet, except when permitted under Section 5.09(1).
- 3) In order to permit the eventual widening of streets, every lot abutting a portion of a street hereinafter named shall have an additional setback over the required yard dimension specified in the zone so that the minimum distance from the center line of the street right-of-way to the front setback line shall be listed as below:

Street Name	Setback from Center Line of Right-of-Way
Highway 126	50 feet

Territorial Highway 40 feet - West side only

Bolton Hill Road 35 feet

Hunter Road 30 feet

The required front yards specified for each zone shall be in addition to the setbacks specified above.

## **5.10 Exceptions to Building Height Limitations**

Vertical projections, such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy shall not be subject to the building height limitations of this ordinance.

## **5.11 Short Term Rentals**

A Short Term Rental is any lodging arrangement on private property in a Residential zone (RR, LDR, GR, R-C) with a duration of 30 days or less, for which monetary or other compensation is received. To be approved as a Short Term Rental, the Owner or Occupant must satisfy the following requirements:

- 1) A Type I Short Term Rental (STR) Permit is required.
- 2) Each Short-Term Rental operation must provide the name of a designated Operator, who is a resident, person or entity that is designated by the property owner to manage the STR. The application shall include a name, local contact number and email for the Operator in the event that there are questions or complaints.
- 3) If the property is rented/leased, the Operator must supply a copy of a rental/lease agreement valid for at least six months from the date of application, plus an original, signed letter from the property owner indicating the tenant (Operator) has permission to use the property as a Short-Term Rental.
- 4) One guest room is permitted for every 400 square feet of gross finished floor living area. Total number of guest rooms may not exceed five. A structure with living area includes any structure on the lot lawfully used for residential purposes. The living area does not include: garages, utility shops, unfinished basements, storage sheds and other similar rooms/structures.
- 5) No more than two (2) non-resident employees are permitted on site. There is no limit on residential employees.
- 6) Food Service may be provided only to overnight guests.
- 7) Property shall have the address number clearly marked and visible to guests from the street at all hours.
- 8) One off-street parking space for each guest room is required, in addition to the off-street parking required for the primary use. If available, on-street parking along the subject property frontage may count toward the additional off-street parking requirements.
- 9) All signage must conform to the standards in Section 5.15 of this ordinance.
- 10) Non-residential structures, such as institutional buildings, warehouses, recreational vehicles, and churches are not eligible for an STR Permit.
- 11) Tents, RV/trailers, or other camping arrangements located outside a structure with living area are not eligible for an STR Permit.
- 12) The street serving the property must be improved to City standards.
- 13) An accurate and up-to-date guest register recording the name, address and dates of stay for each short-term lodging guest must be maintained and available for review within seven days of a written request by the City.
- 14) Operator shall maintain compliance with the Building Code, Fire Code and standards of the state and local health departments as amended, including installation of smoke and carbon monoxide detectors.
- 15) Operator will prominently post rental rules and regulations in the interior of the dwelling unit where they can be seen by guests.

- 16) Operator agrees to allow city staff to inspect the structure with living area upon receipt of a short-term rental application and prior to STR Permit issuance, and at any time after approval upon 24-hours written notice to the Operator.
- 17) Operator must obtain and maintain an annual City of Veneta Business Registration.
- 18) Operator, or hosting platform/booking agent/intermediary, will collect Transient Room Tax and remit to City as required by VMC Chapter 3.50.
- 19) Approval of a SRT Permit is specific to the Operator at the subject site. Approvals are not transferrable to another Operator or site. An STR Permit is void upon Operator relocation or sale of the property. A new owner/Operator must apply for and receive a new STR Permit to continue the use.
- 20) STR Permit issuance requires payment of all applicable fees, and review by the Community Development Department.
- 21) In the event a property operates in violation of this Article, the property owner shall be responsible for all applicable fines under the Veneta Municipal Code. Enforcement may include, but is not limited to, STR Permit revocation, an order for guests to vacate the premises and cancellation of current and future reservations.

## 5.12 Landscaping

All yards, required screening areas, and parking areas, and planter strips within the public right-of-way shall be landscaped in accordance with the following requirements:

- 1) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.
- 2) Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.
- 3) Minimum Landscaped Area. The minimum percentage of required landscaping is as follows:
  - A. Residential and Residential-Commercial Zones: 20% of each lot for residential developments, 10% for commercial or mixed use.
  - B. Community Commercial and Broadway Commercial Zones: 10% of the site.
  - C. Highway Commercial Zone: 10 % of the site.
  - D. Industrial Zones (IC, LI, MI): 5% of the site.
  - E. When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.
- 4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
  - A. One tree, minimum 2" caliper.
  - B. Four 5-gallon shrubs or accent plants.
- 5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (6)(F) & (G), below), shall have ground cover plants that are sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy.
- 6) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
  - A. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.
  - B. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.
  - C. Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all

new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.

D. Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.

E. “Invasive” plants, shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.

F. Hardscape features, May cover up to ten percent (10%) of the required landscape area; except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.

G. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

7) Parking lots shall be screened from abutting single-family land uses by a combination of sight-obscuring fences, walls and landscaping adequate to provide privacy and separation for the abutting land use.

8) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.

9) When a sight-obscuring fence, wall, or hedge is required under the provisions of this ordinance, it must meet the following provisions:

A. In order to be “sight-obscuring”, 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. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis as the sole discretion of the Planning Official.

B. Fences and walls must be maintained in a safe condition and opacity must be maintained. Wooden materials shall be protected from rot, decay and insect infestation. Plants forming hedges must be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.

10) When adjacent land uses are of a different type and the proposed use may impact the adjacent land uses, the Building and Planning Official or Planning Commission may require sight-obscuring fencing, walls, and/or landscaping. In order to provide appropriate buffering and screening, the Building and Planning Official or Planning Commission may increase the required yard dimension.

11) All stormwater detention facilities shall be landscaped according to City standards.

## 5.13 Commercial and Mixed-Use Design Standards

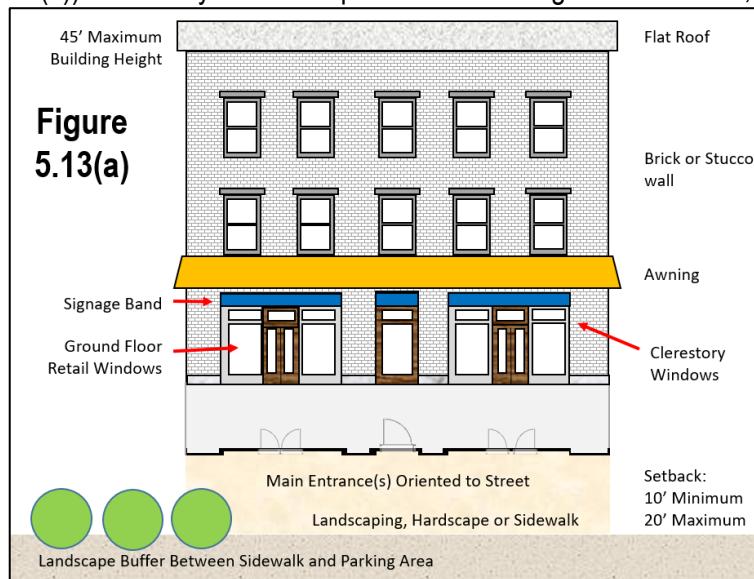
1) Purpose and Applicability. The following standards are minimum requirements for new developments that are subject to Site Plan Review or Planned Unit Development approval in the RC, BC and CC zones. The standards are intended to protect and enhance the appearance, safety, and economy of Veneta through appropriate building and site plan regulations. The standards may be adjusted by the City through the Site Plan Review process (see Section 6.05(2)).

2) Standards. This section provides minimum standards for site and building design in the RC, BC and CC zones. The standards are administered through Site Plan Review under Article 6. Graphics labeled “RC”, “BC”, and “CC” respectively, apply to the RC, BC, and CC zones. The graphics serve as references only; they are conceptual and are not intended to prescribe a particular architectural style.

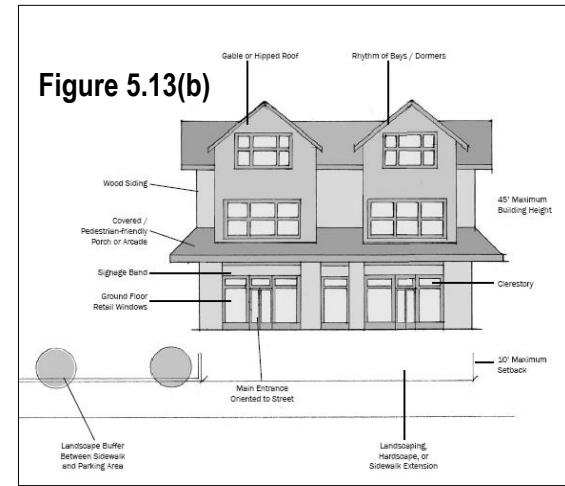
Examples of compliant development, and guidelines for adjustments, are contained in subsection 5.13(3).

- A. New commercial and mixed use buildings in the BC or RC zone shall have their primary entrances facing and within twenty (20) feet of a street right-of-way; except the standard does not apply to: individual residential units in a mixed-use building; buildings where the primary entrance orients to a pedestrian plaza between a building entrance and street right-of-way; or where additional setback is required under other code provisions (e.g., clear vision areas).
- B. Commercial, mixed-use, and public buildings on corner lots along West Broadway Avenue shall have their primary entrances oriented to the street corner; or where corner entrance placement is not practical due to internal building functions, existing conditions of the site, or other relevant circumstances unique to the proposed use, the decision making body may approve an alternative design without requiring approval of a separate adjustment. In such case, the building corner shall be chamfered or have other architectural detailing that appropriately emphasizes the corner location.
- C. Building entrances shall incorporate pedestrian shelters (e.g., recessed entrance, porch, stoop, eave overhang, or similar feature) that provide adequate weather protection (e.g., shelter from rain over a portion of the sidewalk); individual pedestrian shelters shall be at least forty-eight (48) inches in width and thirty-six (36) inches in depth.
- D. The design of multi-story commercial and mixed-use buildings shall clearly define the building's base, middle and top (see figure 5.13(a)). This may be accomplished with changes in materials, placement of windows, porches, canopies, dormers, eaves, bellyband, cornice, parapet or similar features, with appropriate detailing such as changes in patterns, and/or textures on exterior elevations. The design of single story buildings need not separately define the building base and middle but the top of the building shall be defined and distinguished from the rest of the building, for example, with eaves, parapet, cornice, or similar detailing.

- E. Designs for buildings longer than fifty (50) feet shall incorporate varying roof lines, such as gables, sheds or dormers on pitched roofs, and stepped parapets, cornices or similar features on flat roofs, to break down the elevation into smaller modules and to reduce the perceived scale of the building.
- F. Building height shall transition from taller buildings to adjacent shorter buildings. For buildings sharing a common wall, this standard is met when the height of the taller building does not exceed the height of the shorter building by more than ten feet (10 ft) within a horizontal distance of ten feet (10 ft) from where the two buildings share a common wall. Beyond the ten-foot area, the taller building may increase in height one foot (1 ft) for every one foot (1 ft) of additional distance separating the two buildings. For example, at a distance of twelve feet (12 ft) from the common wall, the taller building may be twelve feet (12 ft) taller than the abutting building.
- G. Roof-mounted equipment shall be screened so that it is not visible, or is visually subordinate to the primary roof form, as viewed from adjacent public ways. Solar panels and mini-wind turbines may project beyond roof elevations when approved through Site Plan Review. See also, Section 5.10 Exceptions to Building Height Limitations.



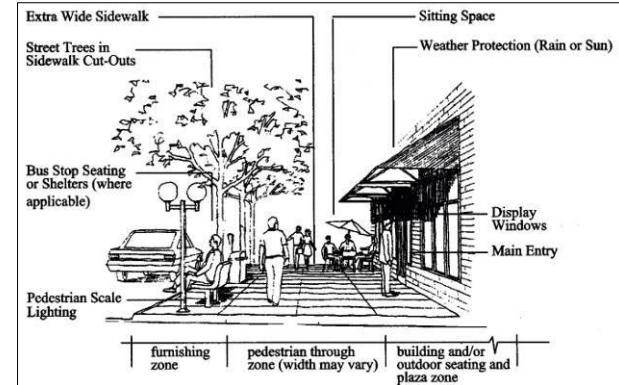
H. Building elevations facing a street, plaza, or similar public or quasi-public space shall be broken down into smaller planes to promote pedestrian scale and compatibility with adjacent uses. Building planes shall not exceed 500 square feet of uninterrupted surface area in the RC, CC, and/or BC zones. A break in plane is an offset, projection or recess of at least one (1) foot in depth over a width of at least four (4) feet of horizontal distance. Such breaks shall occur at least once every 30 lineal feet of a building's street-facing elevation(s). A break may occur in one or more of the following ways, as appropriate to the overall composition and design of the building: offsets, projections, overhangs; bays, arcades, alcoves; entries, balconies, porches, window reveals; dormers, towers, cupolas; pergolas, arbors or similar planter boxes integrated into a building elevation; belt course, eaves, pillars, posts, and base materials; or similar features and detailing that contribute to the building's overall composition (see figure 5.13(b)).



I. All commercial building elevations in the RC, BC, and CC zones facing a street, plaza, or other public or quasi-public space shall have openings (transparent windows, doors, balconies, etc.) covering not less than sixty percent (60%) percent of such elevations. Windows shall be sized/proportioned, shaped, placed/spaced, and trimmed consistent with the building's overall architecture; and meet the intent, which is to provide visual interest from the outside of a building and natural surveillance from the inside, at a pedestrian level. Exception: Where a building faces more than one street, as on a corner, the above standard applies only on the elevation facing the primary street (i.e., Broadway, Territorial, or an internal driveway designed to substitute for a street). The standard is reduced by one-half for an elevation facing a secondary street.

J. In the RC, BC and CC zones, a weather-protection canopy, awning, overhang, eave, or similar feature with a depth of not less than four (4) feet shall extend across at least seventy-five percent (75%) of all building elevations that are adjacent to a sidewalk, outdoor seating area, walkway, plaza or similar pedestrian space, as determined by the Building and Planning Official. The pedestrian shelter must be placed at a height that achieves the intended purpose of providing weather protection, summer shade and shelter from the rain (see figure 5.13(c)).

**Figure 5.13(c)**



K. Primary exterior materials shall be consistent with the overall design composition and intent of a building design. Materials shall consist of durable wood, composites (e.g., concrete fiber-board or similar materials that has a wood appearance), brick, split-face or rusticated concrete block (must be tinted), natural stone, or materials of similar appearance and durability. Vinyl or metal may be used on the exterior, but may not be used as the primary cladding material. Where metal is used, it shall be non-reflective split seam or similar metal. Metal may also be used for exterior detailing (e.g., wainscoting, flashing, brackets, etc.) and for renewable energy, energy efficiency, or water conservation systems (e.g., solar panels and cells, mini-wind turbines, rainwater harvesting, etc.), subject to Site Plan Review.

- L. Where new off-street parking is to be provided in the RC, BC, and CC zones, it shall not be located between a buildings' primary entrance and any street, except as approved through Site Plan Review. (See figure 5.13(d)).
- M. Where alleys exist or can reasonably be extended to serve development, parking areas shall be accessed from alleys. Where alley access is not feasible, access may be provided from a private driveway (see figure 5.13(d) above). Curb openings shall be minimized by combining and sharing driveways to the greatest extent practicable. See also, Section 5.24 Access Management.
- N. Drive-Up/Drive-In/Drive-Through Uses and Facilities, where permitted, shall conform to the provisions of Section 8.11 (16).

3) **Design Guidelines.** The following guidelines are to be applied by the Building and Planning Official in evaluating Site Plan Review applications for compliance with the design standards in subsection 5.13(2), and in evaluating adjustments through Site Plan Review for consistency with the intent of this section.

#### Guideline #1: Primary Entrances



Corner entrance



Entrances oriented to plaza

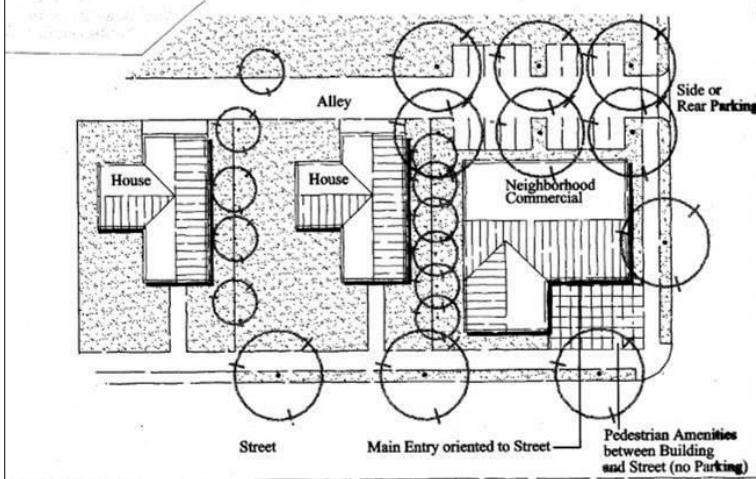


Typical entrance

**Orienting primary building entrances** close to the street, or adjacent to a pedestrian plaza that is connected to a street, creates a comfortable human scale at the street edge, encourages linked walking trips between multiple destinations and allows for natural surveillance of public spaces for security.

Adjustments to subsection 5.13(2)(A-B) should be allowed only where orienting primary entrances in this way would be detrimental to pedestrian comfort or safety. In such cases, the design must provide features that achieve the above purpose and compensate for any out-of-direction travel that pedestrians will experience.

Figure 5.13(d)



## Guideline #2: Covered Entrances



Upper story projection



Awnings



Recessed entry & canopy or eave overhang

**Covered building entrances** provide shade in summer months and shelter from the rain. Even small shelters can improve the walking environment, or provide a refuge from a downpour while drivers search for their car keys. Pedestrian shelters should be designed based on an understanding of prevailing winds, sun exposure, storm drainage, and building maintenance considerations.

Adjustments to subsection 5.13(2)(C) should be allowed only where adequate protection from the elements is provided by other means immediately adjacent to a building's primary entrance. Examples of such features may include bus waiting shelters, covered bicycle parking areas, and similar weather protection shelters.

## Guideline #3: Building Base/Middle/Top



Simple concrete base differentiated from brick veneer



Mid-section defined by storefronts, awning and building story divisions; cornice defines top



Example of potential Adjustment for lack of clearly defined base & top

**A clearly defined base, middle, and top to a building** creates a rhythm or coherence along the street and promotes a human scale by anchoring the building to its site. Alternatives to providing a distinct base, middle, and/or top treatment may be approved through an Adjustment to subsection 5.13(2)(d) where the design incorporates other elements that achieve the same purpose (e.g., large rollup windows and balconies pictured above achieve that purpose).

## Guideline #4: Varied Roof Lines and Building Height Transitions



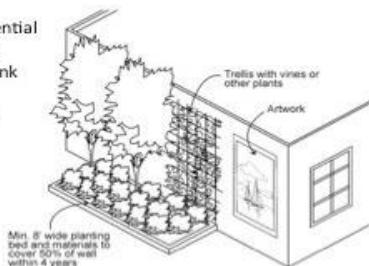
**Varying roof lines that provide transitions in building height and screen mechanical equipment** are important to creating an appropriate building scale and sense of place. Where abrupt changes in building height are unavoidable, and an Adjustment to one or more of the standards in subsection 5.13(2)(E-G) is sought, taller buildings should have features that draw attention down to the street level and reduce the perception of height, such as additional detailing around windows, strong base treatments, large storefront windows with awnings or canopies, and similar features. Where practical, the tallest feature on a building (e.g., tower or cupola) should be oriented toward a street corner or plaza and the design of the building should emphasize the importance of such public spaces.

## Guideline #5: Building Planes (Avoid Blank Walls)

Optimal compliance, with vertical & horizontal building plane divisions, per subsection 5.13(2)(h)



Example of potential Adjustment for unavoidable blank wall; see also examples under Guideline #6



**Large exterior building surfaces are to be broken down into smaller planes** to provide a human scale, and to create a sense of place that is different in downtown Veneta than in the city's industrial and highway commercial areas. In general, the larger a building, the more important it is that the design incorporates visual relieve by breaking up large building planes that are visible from adjacent streets, plazas and other public or quasi-public spaces. The code is intended to prevent designs with large, blank walls in those areas. Building planes should be divided vertically and horizontally to create a rhythm along the street.

Where an applicant requires an Adjustment to the window transparency standards in subsection 5.13(2)(H), the City is afforded wide latitude in interpreting this guidance and may require additional design features (e.g., windows, landscaping, artwork, applied roof forms, brackets or other ornamentation, changes in materials and/or textures, patterns or colors) to mitigate the aesthetic impacts of large uninterrupted wall planes. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

## Guideline #6: Wall Openings



Upper photo shows optimal compliance per subsection 5.13(2)(i). Lower photo shows potential Adjustment with display cases & trellises as mitigation for reduced window area on first floor



**Wall openings such as windows, doors, balconies** and similar features provide a human scale, create a sense of place that is welcoming to pedestrians, and promote visual surveillance of public spaces from inside buildings for security. In general, the more pedestrian traffic that is expected in the area, the more important it is that the design incorporates transparent windows and building entrances close to adjacent streets, walkways and plazas. The code is intended to prevent designs with large, blank walls in those areas.

Where an applicant requires an Adjustment to the window transparency standards in subsection 5.13(2)(i), the City is afforded wide latitude in interpreting this guidance and may require additional design features (e.g., display cases, artwork, landscaping, brackets or other ornamentation, changes in materials and/or textures, patterns or colors) to mitigate the aesthetic impacts of large uninterrupted wall planes and to ensure visual surveillance or to provide appropriate screening on the backs of buildings. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

## Guideline #7: Pedestrian Weather Protection



Acceptable  
adjustment

Lacks weather  
protection

Left photo: Optimal compliance per subsection 5.13(2)(j). Right photo: Non-compliant; however, Middle photo shows potential Adjustments where additional weather protection is provided on side of building with greatest pedestrian use

**Pedestrian weather protection** at building entries and along sidewalks and shopping center walkways helps to create environments that are safe and comfortable for walking, which promotes public health (physical exercise) and safety. In general, the more pedestrian traffic that is expected in the area, the more important it is that the design incorporates weather protection (summer shade and protection from downpours) in that area. The code is intended to provide the most weather protection in areas with the highest pedestrian use.

Where an applicant requests an Adjustment to the weather protection standards in subsection 5.13(2)(J), the City is afforded wide latitude in interpreting this guide and may require additional design features, such as additional trees, covered bus waiting areas, covered bicycle parking areas, or other structures; or the City may require larger weather protection features than required by the base code in areas where pedestrian activity is expected. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

## 5.14 Improvement Requirements

All applicants for land development shall comply with all public improvement requirements specified in Section 13.11 of this ordinance and shall install improvements in accordance with specifications approved by the City Engineer.

- 1) Water and Sewer connections. All developments requiring water within the LDR, GR, RC, BC, CC, IC, and MI zones shall be connected to City water and sanitary sewers. Developments in the RR zone and HC zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.
- 2) Agreement for Improvements.
  - A. Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities ("Improvements"), or execute and record against the property an agreement between the owner of land and the City specifying the period of time within which required Improvements and repairs shall be completed ("Improvement Agreement"). The Improvement Agreement shall provide that, if Improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.
  - B. In the City's sole discretion, the City Administrator may substitute an irrevocable petition to install one or more required Improvements for the Improvement Agreement referenced in (2)(A) of this Section 5.14 after determining that immediate Improvement construction is not in the City's best interest. Such a determination may, but need not, be based on circumstances where the proposed development is not adjacent to a paved street with curbs and gutters. In conjunction with the irrevocable petition, the developer may be required to deposit with the City a cash payment, surety bond, or letter of credit in an amount determined by the City Administrator not exceeding the cost of Improvement construction, as based upon an estimate approved by the City Engineer ("Deposit"). The irrevocable petition shall reference the deposit and cover future Improvement installation to the extent actual installation costs exceed the Deposit amount.
- 3) Specifications for Improvements. All improvements shall comply with the Public Improvement Specifications of Veneta Ordinances in addition to the standard of this ordinance. If the City does not have adopted standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval by the City Engineer.
- 4) Improvements within a Public Right-of-Way. A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.
- 5) Dedication of Street Right-of-Way. Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, this ordinance, and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.
- 6) Utility and Drainage Easements. Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width.

## 5.15 Signs

- 1) Purpose.
  - A. This section of the Veneta Zoning and Development Code will be referred to as the Veneta Sign Code.
  - B. The general purpose of signs is to communicate. The public benefits from this expression of speech, particularly in identifying businesses. This benefit supports the Comprehensive Plan Goal of establishing Veneta as a service and retail center for the Fern Ridge area and an attractive residential community.
  - C. The purpose of this section is to safeguard, preserve, and enhance economic, recreational, and aesthetic values through regulation of the size, number, location, illumination, construction and maintenance of signs; and thereby protect public health, safety and general welfare.
- 2) Definitions.

SIGN: Any identification, description, illustration, symbol or device which is placed, painted, or affixed directly or indirectly upon a building, structure, flag or land visible from a public right-of-way.

Alteration: Any change excluding content, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign, but excluding content.

Area: The area included within the outer dimensions of a sign. In the case of a multi-faced sign, the area of each face shall be included in determining sign area, except double-faced signs placed no more than 24 inches back-to-back. The area of odd-shaped signs made up of individual letters mounted to the wall of a building shall be the area enclosed within the outline or perimeter around the sign or letters.

Building Sign: A sign attached to, projecting from, erected against or painted on the building, or on the face of a marquee, awning, canopy or building fascia or to a wall or fence which is intended to be read from a public right-of-way.

Blade Sign: Blade signs may be hung below roof overhangs, canopies or awnings over public or private pedestrian ways in accordance with Section 5.15(10)(h). Such signs shall be uniform in size and placement in relationship to such signs on adjacent buildings, but in no case shall they be larger than 24 inches in height by three feet in length.

Business: A commercial or industrial enterprise

Construction Sign: A temporary, non-illuminated sign placed at a construction site which identifies the contractor, architect, lending institution and/or development project. The sign shall be removed once construction is complete.

Directional Sign: A permanent sign which is designated and erected solely for the purpose of directing traffic.

Election: The time designated by law for voters to cast ballots for candidates and measures.

Election Signs: A temporary, non-illuminated sign erected during the period beginning 90 days before a public election or the time the election is called, whichever is earlier, to 30 days after the public election. All election signs must be removed within 30 days following an election. A candidate who intends to run again in the following election must still comply with this 30-day requirement. Such a candidate shall not re-erect election signs until either (1) 30 days has elapsed since that candidate's election signs were removed, or (2) until the filing deadline for the upcoming election, whichever is a shorter period of time.

Flashing Sign: A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externality mounted intermittent light source."

Free-Standing Sign: A non-temporary sign erected on a free-standing frame, mast or pole and not attached to any building. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).

Garage, Yard or Estate Sale Sign: A temporary sign which advertises a public sale for the purpose of disposing of personal property.

Grand Opening: A 30-day period which encompasses the date a newly established business opens to

the public.

Human-scale: A scale appropriate, specific, or comprehensible to pedestrians, especially with reference to architecture or design.

Illegal Sign: A sign which is not authorized by or is erected in violation of the Veneta Sign Code.

Illuminated Sign: Any sign which has characters, letters, figures, or designs with the source of illumination being on the surface of the sign or from within the sign.

Indirectly Lighted Sign: A sign having a source of illumination directed toward the sign so that a beam of light falls upon the exterior surface of a sign.

Logo: Pictures, figures, symbols, letters, sign copy or similar graphic design which advertises or identifies a business, building or use.

Monument Sign: A low to the ground, free-standing sign mounted in a frame that is incorporated into the overall design of the sign. The total square footage of a monument sign shall include the supporting frame. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).

Murals: Mosaic, wall decoration or painted scene, graphic art technique or combination or grouping of mosaics, murals, paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence. With the exception of the artist's signature, the mural shall contain no printed text or logo and shall be intended as a decorative or ornamental feature or to highlight a building's architectural or structural features.

Non-conforming Sign: An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of the Veneta Sign Code.

On-Site Information Sign: A sign used for the purpose of communicating to persons on the development site. Such a sign may be visible but shall not convey a message to persons not on the site. A sign which conveys a message where any portion of the message is easily legible or discernible to a person of ordinary vision from any location off the site commonly visited by members of the public shall not qualify as an on-site information sign. On-site information signs may include but are not limited to menu boards and building directories.

Portable Sign: A single or double surface painted or poster type sign which is not permanently attached to a building, structure or the ground which is to be displayed for more than 30 days per calendar year. It shall be constructed of weather-resistant paper, cloth, wood, plastic, or metal, or other material with sufficient structural integrity to withstand wind and moisture, so as to maintain appearance and service for the term of use. The maximum dimensions for sandwich boards, sidewalk signs, and curb signs is 42 inches tall by 30 inches wide.

Public Sign: Any sign placed by a public officer or employee in the performance of a public duty, including but not limited to traffic signals and control signs, warning lights, street identification signs, directional signs, informational signs or legal notices.

Real Estate Signs: A temporary, non-illuminated sign advertising the prospective sale, rental or lease of the building(s) or property on which the sign is located. The sign shall be removed once the property is sold or leased.

Sign Band: A small rectangular space recessed into an exterior building wall that is designed for a building sign which may be engraved into the building façade or mounted onto the sign band. May have integrated lighting for the sign so that internal signage illumination is not necessary.

Sign Cabinet: A frame or external structure of a box-like sign that encloses the various functional elements of the design, whether electrical or structural components. Can be free-standing or wall-mounted.

Sign Copy: Any combination of letters or text which advertise or identify a business, building or use, including logos.

Sign Height: The vertical distance from grade to the highest point of a sign or a sign structure.

Temporary Sign: A sign which is not permanently affixed to a building, structure or the ground, including all devices such as banners, pennants, sandwich boards, sidewalk signs, curb signs and balloons which

will be displayed for 30 days or less per calendar year. The maximum dimensions for sandwich boards, sidewalk signs, and curb signs is 42 inches tall by 30 inches wide.

Unsafe Sign: Any sign or supporting structure which constitutes a hazard to the public health, safety or welfare by reason of structural design or construction, inadequate maintenance, lack of repair or dilapidation.

Vehicle Sign: Any sign permanently or temporarily placed on or attached to a motor vehicle, where the vehicle is used in the regular course of business for purposes other than the display of signs.

Wall Sign: See Building Sign.

Warning Signs: Signs which warn the public of the existence of danger, hazardous materials or relating to trespass and containing no advertising material.

Window Sign: Any sign attached to or painted on the inside surface of a window.

Roof Sign: A sign affixed to the roof of the building or structure, rising above the roof level at any point. Signs affixed to the roof edge and hanging below the roof are not classified as roof signs. False facades and architectural elements that also serve as signs do not count as roof signs, if the element would still exist if it were not a sign.

- 3) Designated Sign Districts. Four sign districts have been established to ensure that sign size and location will provide the most visibility for each business while protecting the aesthetic qualities of surrounding uses. The size, height and distance allowed between signs vary by district, taking into account traffic speeds and types of uses in each district. Refer to Table 5.15 for Permitted Signs to determine whether or not a sign is allowed in the following districts and what specific requirements may apply. In addition to specific requirements for each district, signs must comply with all other sections of the Veneta Sign Code.
  - A. Highway 126 Corridor District: All property zoned Highway Commercial, Community Commercial, Industrial-Commercial, Medium Industrial, Public Facilities and Parks, which abut Highway 126.
  - B. Business District(s): All property zoned Highway Commercial, Community Commercial, Industrial-Commercial, Medium Industrial, Public Facilities and Parks which do not abut Hwy 126.
  - C. Residential District: All property zoned Rural Residential, General Residential or Low-Density Residential. Also includes residential uses in the Residential-Commercial zone. The Residential District has two sub-districts: Single-Family Residential and Multi-Family Residential.
  - D. Downtown District: All property zoned Broadway Commercial and Residential-Commercial, except residential uses.
    - Signs in the Downtown District should be human-scale and directed primarily at people walking and biking, in addition to people driving.

If property is visible from a state highway, a permit from the Oregon Department of Transportation (ODOT) may be required in addition to any city permits.

- 4) Authorization of Similar Signs. The Building or Planning Official may permit in a particular sign district a type of sign not specifically listed in the Veneta Sign Code, provided the sign is of the same general type as the signs permitted there by code. The decision of the building and planning official may be appealed to the Planning Commission using procedures specified in Section 2.07 of this ordinance.
- 5) Prohibited Signs. Any sign not exempted or allowed pursuant to the Veneta Sign Code, except by approval of variance, is not permitted. The following signs are prohibited:
  - A. Signs or devices that move; appear to move; have moving parts or can move by wind or other means; or display flashing, intermittent, scintillating or varying degree of intensity lights including LCD and similar screen type displays (flags and time/temperature signs excepted).
  - B. Strings of lights and "neon type" tubing used to outline or border any feature of the building are not permissible. (Neon tubing is allowed in the actual composition of a sign.) This type of sign may be allowed by the Building and Planning Official if the applicant provides substantial proof that the sign will not provide a distraction to the operator of a motor vehicle.
  - C. Strings of pennants, tinsel and lights except for grand openings and holiday lights (from November 15 to January 15).
  - D. Building signs which project more than six (6) inches above the roof of a building.

- E. Signs that may be confused with public traffic signs or highway identification signs, or graphically appear similar to these types of signs. This includes, but is not limited to, signs which use the words "stop, slow, caution, look, danger" or any other word, phrase, symbol or character that may mislead or confuse vehicle operators.
- F. Any signs (except blade signs) located on or above public rights-of-way without written consent of the applicable jurisdiction.
- G. Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure which is inoperable or not registered, licensed and insured for use on public highways.
- H. Unsafe or illegal signs as defined by the Veneta Sign Code.
- I. Internally illuminated signs in the residential district, except address or name plates.
- J. Signs which exceed this Code's size, distance, or height restrictions, or conflict with any other provision of the Veneta Sign Code.
- K. Sign cabinets in the Downtown District.
- L. Roof signs.

6) Temporary Signs. There is no limit to the size or number of temporary signs allowed on a lot or parcel, except as indicated in Table 5.15 for specific types of temporary signs (such as election signs, real estate signs and garage sale signs). Unless otherwise specified, a temporary sign may only be displayed for up to 30 days per calendar year. Signs that will be displayed for more than 30 days per year are considered "portable signs" and require a permit (see Table 5.15). Although no permit is required for a temporary sign, the Building and Planning Official must be notified of any temporary signs not listed in Table 5.15, for tracking purposes. The placement of temporary signs must conform to the requirements listed in the Veneta Sign Code.

7) Permitted Signs. Table 5.15 below list the types of signs which are allowed within the designated sign districts. In addition to the conditions listed in these tables, all signs must comply with all other applicable sections of the Veneta Sign Code.

**TABLE 5.15 Permitted Signs**

Type of Sign	Highway 126 Corridor District		Business District		Downtown District		Residential District		Multi-Family residential	
	Permitted	Requires Permit	Permitted	Requires Permit	Permitted	Requires Permit	Permitted	Requires Permit	Permitted	Requires Permit
<b>Free-Standing or Monument Signs</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	1 per lot or parcel. Max height: 35 ft. Max size: 100 sq. ft.		1 per lot or parcel. Max height: 20 ft. Max size: 64 sq. ft.		1 per lot or parcel. No sign cabinets. Max height: 8 ft. Max size: 20 sq. ft.		1 per subdivision. Max height: 20 ft. Max size: 32 sq. ft.		1 per lot or parcel. Max height: 20 ft. Max size: 64 sq. ft.	
<b>Building Signs</b>	Y	Y	Y	Y	Y	Y	N	N/A	Y	Y
	Total area of all building signs shall not exceed 6% of building's footprint (sq. ft.)		Total area of all building signs shall not exceed 6% of building's footprint (sq. ft.)		Total area of all building signs shall not exceed 6% of building's footprint (sq. ft.) No sign cabinets.				Total area of all building signs shall not exceed 6% of building's footprint (sq. ft.)	
<b>Portable Signs</b>	Y	Y	Y	Y	Y	Y	N	N/A	Y	Y
	1 per street frontage. Max height: 42 inches Max width: 30 inches		1 per street frontage. Max height: 42 inches Max width: 30 inches		1 per street frontage. Max height: 42 inches Max width: 30 inches				1 per street frontage. Max height: 42 inches Max width: 30 inches	
<b>Temporary Signs</b>	Y	N/A	Y	N/A	Y	N/A	N	N/A	Y	N/A
	Time & size limits (see definition). 1 sandwich board, sidewalk sign, or curb sign per street frontage.		Time & size limits (see definition). 1 sandwich board, sidewalk sign, or curb sign per street frontage.		Time & size limits (see definition). 1 sandwich board, sidewalk sign, or curb sign per street frontage.				Time & size limits (see definition). 1 sandwich board, sidewalk sign, or curb sign per street frontage.	
<b>Flags (no height or size restrictions on the National or State flags)</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	Max height: 35 ft. Max size: 20 sq. ft.		Max height: 35 ft. Max size: 20 sq. ft.		Max height: 35 ft. Max size: 20 sq. ft.		Max height: 35 ft. Max size: 20 sq. ft.		Max height: 35 ft. Max size: 20 sq. ft.	
<b>Election Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	Time limit (see definition) Max size: 32 sq. ft.		Time limit (see definition) Max size: 12 sq. ft.		Time limit (see definition) Max size: 4 sq. ft.		Time limit (see definition) Max size: 4 sq. ft.		Time limit (see definition) Max size: 4 sq. ft.	
<b>Real Estate or Construction Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	Time limit (see definition). 1 per lot. Max size: 36 sq. ft.		Time limit (see definition). 1 per lot. Max size: 36 sq. ft.		Time limit (see definition). 1 per lot. Max size: 36 sq. ft.		Time limit (see definition). 1 per lot. Max size: 4 sq. ft.		Time limit (see definition). 1 per lot. Max size: 36 sq. ft.	
<b>Driveway Entrance/Exit Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	Max height: 2 ½ ft.		Max height: 2 ½ ft.		Max height: 2 ½ ft.		Max height: 2 ½ ft.		Max height: 2 ½ ft.	
<b>Address Plates</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	Max size: 1 sq. ft.		Max size: 1 sq. ft.		Max size: 1 sq. ft.		Max size: 1 sq. ft.		Max size: 1 sq. ft.	
<b>Directional Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	Max size: 2 sq. ft.		Max size: 2 sq. ft.		Max size: 2 sq. ft.		Max size: 2 sq. ft.		Max size: 2 sq. ft.	
<b>Blade Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
	1 per business entrance. Max size: 6 sq. ft.		1 per business entrance. Max size: 6 sq. ft.		1 per business entrance. Max 6 sq. ft.					
<b>Public Sign</b>	Y	N	Y	N	Y	N	Y	N	Y	N
<b>Window Signs</b>	Y	N	Y	N	Y	N	N	N/A	N	N/A
<b>Holiday Lights, Decorations, And Banners</b>	Y	N	Y	N	Y	N	Y	N	Y	N
<b>On-Site Information Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
<b>Murals</b>	Y	N	Y	N	Y	N	Y	N	Y	N
<b>Garage, Yard, &amp; Estate Sale Signs</b>	N	N/A	N	N/A	N	N/A	Y	N	Y	N
<b>Warning Signs</b>	Y	N	Y	N	Y	N	Y	N	Y	N
<b>Name Plates/Sign Bands</b>	N	N/A	N	N/A	N	N/A	Y	N	Y	N

8) **Sign Permits.**

A. A sign permit is required in each of the following instances:

1. Upon the erection of any new sign except signs specifically listed in Table 5.15 as signs not requiring a permit.
2. To make structural or electrical alteration to an existing sign, including a change in the size, shape, materials or location.
3. To replace a pre-existing sign.

B. Information required for a sign permit:

1. A drawing to scale shall be submitted which indicates fully the material, color, dimensions, size, shape and height above grade. The drawing shall show the structural elements of the proposed sign and supporting structure(s) and any other information needed to show that the sign will not interfere with traffic safety, public health, or general welfare.
2. Building Signs: The diagram shall show where the sign will be attached to the building, including the distance the sign will project from the wall to which it is attached and the height above the finished ground surface over which it is mounted.
3. Free-standing Signs: In addition to the diagram a site plan shall be submitted which shows the placement of the sign on the property with relation to property lines, driveways, sidewalks, parking areas and buildings.
4. The size and types of all other permitted signs located on the applicant's building or property.
5. For free-standing signs, the applicant shall show the distance, measured in feet, to free-standing signs on adjacent lots.

C. In addition to a sign permit, all illuminated signs require a City of Veneta electrical permit.

D. A permit shall expire if a sign is not installed, as approved, within 180 days from the date of approval. Reapplication shall include a new, fully completed application form and a new application fee.

9) **Permit Fees.** Sign permit fees which are due and payable upon receipt of a permit shall be set by separate resolution adopted by the council.

10) **Placement of Signs.** In addition to requirements of the sign district in which a sign is located, placement of signs must comply with the following:

- A. No signs in excess of 2½ feet in height shall be placed in the vision clearance area as described in Section 5.03 or within ten (10) feet of driveways. A portion of the sign area, excluding the base or supporting structure, may extend into the vision clearance area or within ten (10) feet of a driveway, provided it is at least eight (8) feet above grade.
- B. No sign or portion thereof shall be erected within a future street right-of-way unless and until an agreement is recorded stipulating that when street improvements are made the sign will be removed or relocated at no expense to the City.
- C. No sign or portion thereof shall be erected within public utility easements.
- D. No sign or portion thereof shall be placed where it obstructs ingress or egress through any door, window, fire escape, or like facility required or designated for safety or emergency use.
- E. No sign shall interfere with on-site traffic, bicycle or pedestrian circulation.
- F. No sign may be placed where it hides from view any official traffic sign or signal.
- G. No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
- H. No sign projecting from a building may be less than eight (8) feet above the ground over which it projects and may not interfere with traffic circulation or public safety.

11) **Calculating Sign and Wall Areas.** The total area for building signs shall not exceed the area permitted in this sign district in which the building is located. The area shall include all signs attached to, projecting from, erected against or painted on a wall or portion of a wall, including any fascia, awning, canopy or marquee attached to the wall, which is visible to the public. If any sign painted on a roof or attached to a fence is visible and intended to be read from a public right-of-way, the total area of the roof painting or fence sign shall be included in the total area permitted for building signs. The total area

permitted for building signs may be divided into multiple signs or used for one single sign and may also be used for portable signs.

- 12) Vehicle Signs. The City does not regulate signs placed on, affixed to, or painted on any operable motor vehicle, trailer or other mobile structure which is registered, licensed and insured for use on public highways.
- 13) Illuminated Signs. Illuminated signs, except those listed in as Prohibited Signs, are permitted in all sign districts. In addition to the requirements of the sign district in which the sign is located, illuminated signs must comply with the following:
  - A. No sign may be illuminated or use lighting where such lighting is directed at any portion of a traveled street or will otherwise cause glare or impair the vision of the driver of a motor vehicle or otherwise interfere with the operation thereof.
  - B. No sign may be illuminated or use lighting which causes a direct glare on adjacent properties.
  - C. External illumination shall be shielded so that the light source elements are not directly visible from a residential use which is adjacent to or across a street from the source of illumination.
- 14) Sign Maintenance. Signs and supporting structures shall be maintained to protect public safety and to prevent deterioration. Sign maintenance includes copy changes, painting, repainting, cleaning and normal maintenance and repair but does not include a structural or electrical change.
- 15) Unsafe or Illegal Signs. Any sign determined by the Building or Planning Official to be an unsafe or illegal sign is subject to the following:
  - A. If the Building or Planning Official finds that any sign is unsafe or illegal, enforcement action shall be taken as prescribed in Section 2.10. Failure to remove or alter said sign as directed shall subject the permittee or property owner to the penalties prescribed in Section 2.10.
  - B. The Building and Planning Official may remove or cause to be removed any sign which is so unsafe or insecure it constitutes a real and immediate danger to persons or property.
  - C. Any sign removed because it has been determined to be unsafe or illegal shall not be re-established until a valid permit has been issued.
- 16) Non-Conforming Signs.
  - A. A non-conforming sign may continue to be used until altered, replaced, modified or moved at which time the sign shall be brought into conformance with all provisions of the Veneta Sign Code.
  - B. General maintenance, repair and copy changes which do not add to the size or shape of the sign shall be permitted.
  - C. If a non-conforming sign is totally or substantially destroyed, a future sign on the site shall comply with the provisions of the sign district in which the property is located.
- 17) Variances. A request for a variance must comply with Article 10. Variances will not be granted where the following sign regulations are involved:
  - A. Prohibited Signs
  - B. Abatement of unsafe signs
  - C. Construction and Maintenance standards of the Uniform Sign Code
  - D. Placement of a sign in the Clear Vision Area
- 18) General Exemption. All public signs are exempt from the Veneta Sign Code.

## 5.16 Stormwater Detention and Treatment

As the City of Veneta develops, impervious surfaces create increased amounts of stormwater runoff, disrupting the natural hydrologic cycle. Without stormwater management, these conditions decrease groundwater recharge while increasing channel erosion and the potential for localized flooding. The City continues to use swales and other more natural methods to control and convey stormwater run-off, incorporating wetlands and other natural systems into stormwater drainage plans to the greatest extent possible rather than relying exclusively on pipes. Runoff from urban areas is a major source of pollution and watershed degradation. The City is currently a Designated Management Agency (DMA) under the Willamette Basin TMDL and as such, is responsible for reducing pollutant loads transported to surface waters from runoff. In order to protect and enhance watershed health and long-term livability, the City requires that development comply with the following stormwater management criteria.

- 1) For all projects that create greater than or equal to 1000 square feet of new impervious surface, stormwater detention and treatment facilities shall be provided. Detention and treatment facilities shall be designed and sized according to the City of Eugene Stormwater Management Manual (2014), which is adopted as the City's Stormwater Management Manual. Where the manual and this section conflict, this section shall prevail.
- 2) The intent of these requirements is as follows:
  - A. To maintain runoff peak flows at predevelopment levels
  - B. To provide treatment of runoff to limit the transport of pollutants to area waterways
  - C. To limit accumulation of ponded water by discouraging the use of detention ponds and other centralized stormwater facilities through the dispersal of small detention and treatment facilities throughout a development. Preference shall be given to detention and treatment systems designed to drain completely within 24 hours to limit standing water.
  - D. To encourage the use of vegetated treatment systems over structural pollution control devices.
- 3) Exceptions or alternatives to the requirements and standards of the Stormwater Management Manual may be allowed by the City Engineer based on specific site conditions provided that detention and treatment requirements are met in conformance with the intent as stated above. Applicants are encouraged to use either the Simplified Approach or Presumptive Approach to size facilities.
- 4) The following storm data (Eugene Airport) shall be used in sizing facilities.

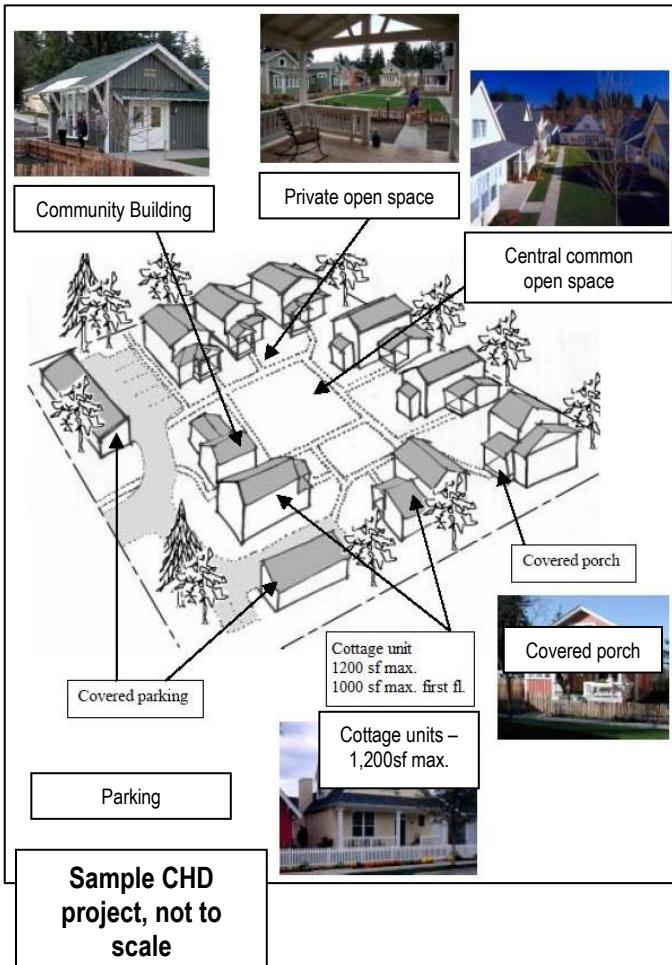
## 24-HOUR RAINFALL DEPTHS

Recurrence Interval, Years	2	5	10	25	100
Flood Control, Destination: 24-Hour Depths, Inches	3.12	3.6	4.46	5.18	6.48

Pollution Reduction: 24-Hour Depths, 1.4 Inches

## 5.17 Cottage Housing Development (CHD)

- 1) Purpose. The purpose of this section is to:
  - A. Provide housing that responds to differing household sizes, makeups, incomes, and ages;
  - B. Provide opportunities for a diverse variety of smaller, more affordable detached and attached dwellings;
  - C. Encourage creation of usable open space through flexibility in density and development standards;
  - D. Support growth management through efficient use of urban residential land; and
  - E. Provide development standards to ensure reasonable compatibility with surrounding uses.
- 2) Applicability.
  - A. CHDs are allowed in the LDR, GR, and RC zones.
  - B. All CHD proposals must show consistency with the requirements of this Section. Where the regulations of this Section are not specific, the standards of the base zone and other applicable Sections of this ordinance prevail.
  - C. CHD projects are exempt from the General Standards for Single Family Detached Homes contained in Section 5.04 (6) and (9), and the Residential Design Standards in Section 5.29.
  - D. All CHD proposals are subject to Site Plan Review.
  - E. If individual lots or unit ownership (condominiums) are proposed, the application will be reviewed through the procedure for a Subdivision concurrent with Site Plan Review.
- 3) Tenure. Ownership may be fee simple lots with a homeowner's association holding common areas, condominium ownership of the whole development, or a common lot with individual units and Private Open Space for rent or lease. Any development meeting the definition of a "Condominium" (ORS 100.005(11)) must comply with all applicable provisions of state law. If condominium ownership, common areas must be designated as 'general common elements' and private yard spaces must be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
- 4) Required Elements.
  - A. Frontage. The subject parcel must have frontage along a public right-of-way. Individual lots created within the development are not required to have frontage on a public street or ROW.
  - B. Access. All units must have pedestrian access to and from a public ROW, common open space and off-street parking area(s). Motor vehicle access to individual units is not required.



- C. Common Open Space(s). To balance the smaller private spaces for individual units in CHDs, a minimum of 400 square feet of common open space per unit must be provided. The Common Open Space in CHD projects is not for public use, and thus does not count toward Parkland dedication requirements contained in Section 5.26.
- D. Common Amenities. Projects must include amenities for the use of all residents such as a multipurpose building, communal tool shed, secure bicycle/kayak/outdoor gear storage and repair facility, barbecue, picnic shelter, playground, etc.
- E. Subordinate Parking. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of impervious surface, and allow more natural light into homes. Parking areas should not be directly adjacent to the street frontage and must be screened from adjacent parcels and adjoining public streets. Parking areas should prioritize pedestrian movement over motor vehicles.

5) Density.

- A. The minimum density for CHDs is as follows:
  - 1. LDR zone: eight dwelling units per gross acre.
  - 2. GR and RC zones: 12 dwelling units per gross acre.
- B. The maximum density must not exceed twice that of the applicable zoning district. Units below 600 square feet may be counted as one-half of a standard dwelling unit for density purposes.

6) Development Area. CHDs must contain a minimum of four and a maximum of 12 cottages arranged in a cluster; a development may contain multiple clusters.

7) Existing Uses. On a site to be used for a CHD, existing detached single-family dwellings, which may become nonconforming with respect to the standards of this section, may remain, but the extent of the nonconformity may not be increased. Any nonconforming dwelling units must be included in the minimum and maximum permitted density.

8) Permitted building Types.

- A. Any combination of detached, duplex and attached dwellings may be utilized.
- B. Community Buildings and facilities.
- C. Accessory Structures, common (garages, carports, individual or community storage).
- D. Accessory Structures, private (for individual dwelling units, if space is allocated on final site plans).

9) Lot Size, Lot Coverage and Floor Area.

- A. There is no minimum lot size, provided all other applicable standards are met.
- B. There is no maximum lot coverage, provided all other applicable standards are met.
- C. The maximum floor area per dwelling unit (defined as the area included within the surrounding walls of a building on all levels, excepting loft areas with ceilings less than seven (7) feet high) is 1,200 square feet. Garages and storage areas that may only be accessed from outside are not included in the calculation of the total floor area.

10) Setbacks and Building Separation. The exterior boundary of the CHD development site is the edge of the development area for the purposes of calculating perimeter setbacks from surrounding properties. For buildings on lots within the CHD, the separation between other on-site buildings is measured, not the distances to interior property lines, pursuant to applicable fire and life safety requirements.

- A. Perimeter Setbacks.
  - 1. The minimum setback is 20 feet along Arterial street frontages, 15 feet along Collector frontages, and 10 feet along Local frontages.



2. The minimum setback from all other exterior boundary property lines is ten feet.

3. Carports and garages facing an alley may have a setback of five feet if an adequate turning radius is available for entry and exit.

B. Interior Building Separation. There must be a minimum separation of six feet between the eaves of buildings. On building frontages with a primary entrance, the minimum separation is 10 feet. Accessory structures other than cottage dwellings must meet minimum Structural and/or Fire Code separation requirements.

C. Fences. Fences constructed in between individual units may be permitted consistent with side and rear yard allowances, up to six feet in height, unless other standards are adopted through Site Plan Review. No fence in excess of 36 inches in height may be constructed inside the front yard or equivalent of any unit. Perimeter fences along public right-of-way shall not exceed four feet.

11) Common Open Space. Common open space meeting the following standards must be provided for use by all residents of the CHD.

- Must be centrally located within each cluster and have cottages abutting at least two sides.
- Must include a minimum of 400 square feet per cottage.
- Must have a minimum average width of 20 feet.
- At least 50 percent of the units must be oriented around and have their main entrance facing a common open space.
- All buildings must be connected to the common open space by a pedestrian pathway.
- Areas such as utility vaults, perimeter setbacks and common parking areas and driveways do not count toward the common open space calculation.
- May contain a grassy stormwater detention area, provided the area is usable open space when dry. Wetland areas, protected greenways and inaccessible stormwater detention facilities do not count toward the common open space calculation.
- Must be constructed and landscaped prior to filing a final plat or, in the case of a site plan, construction and landscaping will be tied to final occupancy of the first cottage.
- Must be at ground level.
- A contiguous commonly owned tract must be designated by a recorded, open space easement for the benefit of all CHD residents.
- A common open space on a separate tract must be designated as perpetual open space for the benefit of all CHD residents on the recorded final plat or condominium plat, or recorded as a deed restriction.

12) Private Open Space. Each individual dwelling unit must include a total of 250 contiguous square feet of usable private open space intended for the exclusive use by the resident with no dimension less than 10 feet. Covered entries and uncovered patios and decks required in this section do not count toward the private open space calculation.

13) Development Standards.

- Units with frontage along a public right-of-way designated as a Local Street may have their primary entrance facing the public right-of-way. Individual units may not be oriented with their primary entrance facing a street designated as a Collector or Arterial.
- Developers are encouraged to orient buildings and roofs, including garages and carports, for



maximum active and passive solar accommodation, including power generation and shade.

C. Each unit must include a covered entry and a patio or deck. Units that abut the Common Open Space must orient a covered entry (may be either primary or secondary entrance) and/or patio/deck to the common open space. Conformance with these standards is achieved when each unit includes one of the following:

1. A covered entry of at least 80 square feet with a minimum dimension of six feet on any side;
2. An uncovered patio or deck of at least 80 square feet with a minimum dimension of six feet on any side. When the unit abuts a common open space, a landscape buffer no less than three feet in width must be provided between the uncovered patio or deck and the common open space. The buffer may include a fence, wall or similar structure not to exceed three and one-half feet in height, except decorative arbors, gates, and similar features which must not exceed six feet in length; or
3. A combination of the above requirements that is at least a dimension of six feet on any side of the covered entry and u



D. Pedestrian pathways in compliance with Section 5.22 must be included to provide for movement of residents, guests and deliveries from parking areas to homes and other amenities. These pathways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.

E. If private garages are provided for individual units, only one garage is allowed per cottage. Individual detached garages cannot exceed 450 square feet of floor area and 18 feet in height; when attached, garages are limited to a total of ten spaces per structure. To facilitate the use of garages for vehicles, and to maximize useable space inside homes, storage lofts above parking are encouraged.

F. Accessory dwelling units are not permitted.

G. Accessory structures for common usage are allowed in the Common Open Space areas. Private accessory structures are not allowed in the Common Open Space areas.

H. Mailboxes are to be grouped subject to post office requirements.

- I. Any areas where communal trash and recycling are stored must be reviewed for access and must be screened by a sight-obscuring fence and/or vegetation.

J. Streets. Right-of-way dedication and street improvements are required for all public ROW abutting CHDs, and any new public ROW dedicated within the project. Street improvements may include street widening, curb, gutters, and sidewalks consistent with the requirements in Sections 13.10, Design Standards, and 13.11, Improvement Requirements, of this ordinance.

14) **Parking.** Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:

- A. Parking may be located in common space or tracts if intended to be shared by the entire CHD in groups of not more than six adjoining spaces separated by at least four feet of landscaping.
- B. Parking must not be located in the perimeter setbacks and must be screened from public streets and adjacent residential uses.



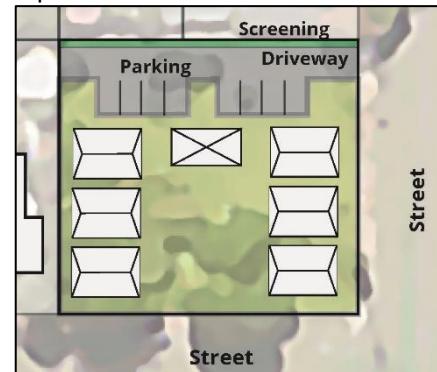
architectural screening. The width of the landscape buffer is the same width as the perimeter setbacks. Vegetated stormwater detention facilities may be integrated into landscaping buffers.

- C. No motor vehicle parking may be placed within Common Open Space areas.
- D. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
- E. Off-street parking requirements are calculated based on the number of bedrooms per cottage unit and shall be determined for the project in the aggregate:
  1. One or two bedrooms: Minimum one space.
  2. Three+ bedrooms: Minimum 1.5 spaces.
  3. Parking beyond the first space required per unit may be unbundled, with rental proceeds going to the HOA.
- F. Parking may be located within an enclosed garage, carport or unenclosed parking space.
- G. An enclosed garage or carport for use by multiple units must not exceed 1,200 square feet in size.
- H. All parking areas must provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas. A narrower drive aisle may be permitted for single-direction vehicle movements and/or angle parking.

15) Utilities. All lots must be served by individual services from a private or public distribution main. Any deviations from City standards require approval from the City Engineer. All individual service lines that cross the property must be identified in as-builts and placed in an easement.

- A. Water. An individual water meter servicing each unit is required unless there is an ownership association or the property is under a single ownership, in which case a single water meter servicing multiple units is allowed.
- B. Sewer. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units.
- C. Gas/Electric/Phone/Cable/Fiber Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or extended in a utility easement to individual lots.
- D. Public and/or private utilities may be extended across all common areas, but must not cross individual building lots unless within an easement.

16) Covenants, Conditions and Restrictions. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a CHD, all Conditions, Covenants and Restrictions (CC&Rs) for the CHD must be reviewed and, once approved by the City, recorded with Lane County. The CC&Rs run with the land and may be removed or modified only upon approval of the City. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas in the development. There is no requirement for CC&Rs if all units are to be rentals on a single lot/parcel, unless the project includes multiple clusters under different ownership.



## 5.18 Reserved

## 5.19 Reserved

## 5.20 Off-Street Parking Requirements

For each new structure or use, each structure or use increased in area and each change in the use of an existing structure, there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.

- 1) Design and improvement requirements for residential parking for single-family and multi-family dwellings.
  - A. Except where the City Engineer has approved a porous paving system to manage storm water runoff and water quality, all parking areas, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer. Paved driveways are not required in situations approved by the Planning Commission or Building and Planning Official in which the driveway will be used temporarily until further land divisions or development occur.
  - B. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.
  - C. Off-street parking areas shall not be located in a required front yard, except that driveways may be used for off-street parking.
  - D. A house with one street frontage and at least one hundred feet of width, or any house with two local street frontages may be served by a circular drive. Driveways shall not cover more than fifty percent (50%) of the required front yard area. Driveways shall not be constructed in required clear vision areas. All City standards including but not limited to those relating to storage of RVs, trailers, or inoperable vehicles, shall continue to apply.
- 2) Design and improvement requirements for parking lots (not including single-family or multi-family dwellings).
  - A. All required parking lots, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete, six (6) inches Portland Cement concrete over approved base, or other materials approved by the City Engineer which are designed to reduce or slow rates of stormwater runoff. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.
  - B. Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking spaces, except for handicap spaces, shall have a minimum dimension of eighteen (18)' X nine (9)' exclusive of maneuvering and access area. The dimension includes the area in front of the curb stop over which the front of a vehicle would extend. Handicap spaces shall be provided as required by the Oregon State Structural Specialty Code.
  - C. Parking lots shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Building and Planning Official. Two-way driveways shall have a minimum width of twenty (20) feet and a maximum width of 30 feet. One-way driveways shall have a minimum width of twelve (12) feet and a maximum width of sixteen (16) feet.
  - D. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.
  - E. Service driveways to off-street parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.
  - F. All off-street parking lots within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the Building and Planning Official to minimize disturbances to adjacent residents.
  - G. A grading structure and drainage plan shall be submitted to the City Building and Planning Official and approved by the City Engineer

- H. Parking lots shall be provided with landscaping as provided in Section 5.12 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot. A minimum of one shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.
  - I. Parking lot lighting must comply with Veneta Municipal Code Chapter 15.15
- 3) Location standards for parking lots.
  - A. Off-street parking shall be provided for development in all zones. Off street parking areas may be located no farther than 400 feet from the building or use they are required to serve, with the exception of uses within the Broadway Commercial (BC) zone which are subject to the requirements of Section 4.05(11).
  - B. Parking lots and loading docks for new public, and semi-public buildings shall be located to the side or rear of the building, except as approved through Site Plan Review.
  - C. Loading docks for new commercial, industrial, public, and semi-public buildings shall be located to the side or rear of the building.
- 4) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicles, materials, or for repair or servicing.
- 5) The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking area required by this ordinance.
- 6) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin to maintain such altered use until the required increase in off-street parking is provided. The Building and Planning Official or Planning Commission may require a Site Plan Review if the increase in parking significantly changes on-site circulation, creates additional impervious surface or requires additional landscaping.
- 7) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. Where the uses have the ability to share parking and a shared parking agreement is approved through Site Plan Review, the total requirements for all uses and locations shall be computed. The decision making body may reduce the sum requirement based on off-peak parking demands (shared parking) under subsection 5.20 (3) (a).
- 8) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office properties wherever feasible and shall incorporate the following:
  - A. A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
  - B. A unified access and circulation plan for coordinated or shared parking areas. Pursuant to this section, property owners shall:
    1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;
    2. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- 9) A plan, drawn to scale, indicating how the off-street parking requirements are to be fulfilled, shall accompany a request for a building permit.
- 10) The Building and Planning Official or the Planning Commission may approve the use of on-street parking spaces in lieu of required off-street parking spaces in the Broadway Commercial, Community Commercial, Residential-Commercial, Industrial-Commercial and Public Facilities & Park zones.
- 11) Space requirements for off-street parking shall be consistent with Table 5.20(a) below. Fractional

space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of all buildings but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces not to exceed (fifty) 50% of the required spaces may be permitted through Site Plan Review.—A reduction in excess of 50% may be permitted through Site Plan Review-if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with Lane Transit District to provide bus passes to employees or who offers van pools or other transportation demand management measures may need fewer parking spaces for employees.

**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
<b>Residential</b>			
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	
<b>Residential Commercial</b>			
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	
<b>Institutional</b>			
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	
<b>Entertainment/Recreational</b>			
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	
<b>Athletic/Sports Facility</b>			
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

12) Accessible Parking Spaces. Parking shall be provided for disabled persons, in accordance with the Americans with Disabilities Act. Accessible parking is included in the minimum number of required parking spaces listed in Table 5.20(b).

**Table 5.20(b) Minimum Accessible Parking Requirements**

Total Number of Parking Spaces Provided	Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60"wide access aisle
1 to 25	1	1	0
25 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of total Accessible Parking Spaces*	7/8 of total Accessible Parking Spaces**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of total Accessible Parking Spaces*	7/8 of total Accessible Parking Spaces**

- 13) Unspecified uses. Any use not specifically listed in this section shall have a parking requirement determined by the Building and Planning Official, based on the parking space requirements for comparable uses listed in this section. The decision of the Building and Planning Official may be appealed to the Planning Commission, using procedures as spelled out in this ordinance.
- 14) Off-Street Loading. Except as provided below, under subsection (b), in any zone, every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales or as a hotel, hospital, mortuary, laundry, dry cleaning establishment or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained at least 1 off-street loading space, plus 1 additional such loading space for each additional 20,000 square feet of gross floor area.
  - A. Said loading space shall be provided with access, driveways and surfacing in the same manner as for off street parking, except that each space shall be ten (10) feet wide and 25 feet long, with a height clearance of at least fourteen (14) feet. In the case where service vehicles of the truck and trailer category are utilized, the City may require additional length for required off-street loading spaces to accommodate up to a maximum overall length of 50 feet.
  - B. Uses located on lots with at least 25 feet of frontage onto Brooker Lane, West Broadway, or Second Street may utilize those rights-of-way for required loading space(s) if sufficient right-of-way is available, subject to Site Plan Review. The City may impose conditions of approval on such right-of-way use to mitigate adverse impacts on traffic circulation, including measures to protect the operational safety and level of service on adjacent streets, pedestrian safety, and compatibility with adjacent land uses.
- 15) Stacking and Queuing Areas. Apply to all developments that involve queuing of vehicles, loading and unloading of goods, materials, or people. All queuing areas are required to have an area for vehicle stacking to prevent or minimize congestion of public streets. Examples of uses include but are not limited to schools and drive- through services such as banks, car washes, and coffee stands.  
A stacking space shall be a minimum of nine feet (9') in width and 20' in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area. In all zoning districts where queuing of vehicles is necessary, vehicle stacking spaces shall be provided in the manner set forth in the following list of property uses:

**Table 5.20 (c) Vehicle Stacking and Queuing Requirements**

Use Category	Vehicle Stacking Requirements
Automated Teller Machine (ATM)	Three (3) stacking spaces.
Automobile Oil Change and Similar Establishments	Three (3) stacking spaces per bay.
Car Wash (Full Service)	Six (6) stacking spaces per bay.
Car Wash (Self-Service) - Open Bay	Two (2) stacking spaces per bay.
Car Wash (Self-Service) - Drying Areas/Vacuum Islands	Two (2) stacking spaces per drying/vacuum area.
Dry Cleaning, Pharmacy, or Other Retail Establishment with Drive-thru	Three (3) stacking space for first service window.
Financial Institution	Five (5) stacking spaces per window or service lane.
Elementary, Middle, Day Schools and Similar Child Training and Care Establishment	One (1) stacking space per 20 students provided on a through one-way drive.
Coffee Kiosk	Three (3) stacking spaces per window or service lane.
Food Service Kiosk	Five (5) stacking spaces for first window or other stopping point
General Kiosk (without Food Service)	Two (2) stacking spaces for first window other stopping point
Restaurant with Drive-thru	Five (5) stacking spaces for first window other stopping point

Other uses not specifically listed above shall furnish stacking and queuing spaces as required by the City. The City shall use the above list as a guide for determining requirements for such uses.

An alternate number of required stacking spaces can be approved by the City through Site Plan Review where the applicant demonstrates that the proposed plan meets applicable standards of the Veneta Zoning and Development Code for pedestrian circulation, safety, and traffic operations.

16) Parking of Boats, Trailers, and Recreational Vehicles on Private Property. Parking and storage of Boats, Trailers, and Recreational Vehicles must meet the standards found in Veneta Municipal Code 10.05.130(1) unless:

- A. It is parked or stored in a manufactured dwelling park or recreational vehicle park;
- B. It is located behind a fence in a side or rear yard area;
- C. It is located entirely within a legally constructed garage, shop, or other storage building;
- D. It has been approved as part of a temporary use permit;
- E. It is located within an approved commercial/industrial storage facility.

17) Bicycle Parking. Shall apply to all developments that require a Site Plan Review or Site Plan Amendment for new development, changes of use, and building expansions or remodels. Bicycle parking spaces are intended to provide a safe, convenient and attractive place for the circulation and parking of bicycles as well as encouraging the use of alternative modes of transportation. Long term bicycle parking requirements are intended to accommodate employees, students, residents, commuters and other persons who expect to leave their bicycles parked for more than 2 hours. Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within two (2) hours.

A. Bicycle Parking Space Requirements.

1. Multi-Family Residences. Every residential use of four or more multifamily dwelling units shall provide at least one sheltered long term bicycle parking space for each unit. A Residential Facility with more than fifteen (15) persons shall provide one sheltered long term bicycle parking space for every twenty (20) vehicle parking spaces, or two (2) spaces, whichever is greater. Sheltered Long term bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.

2. Non-Residential Parking. Required bicycle parking shall be provided by either short or long term parking, or both as outlined in Table 5.20(a) above for all commercial, mixed-use, and industrial zoned parcels. Short or long term parking requirements are as follows:

a. All required long term bicycle parking spaces shall be provided in a well-lit location within a convenient distance of a main entrance and shall be sheltered from weather elements such as rain and wind either within a building or bicycle locker, or under an eave,

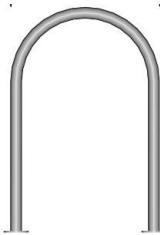
overhang, or similar structure. The minimum required width of long term bicycle parking may be reduced to 18" to accommodate parking in a more compact area.

- b. All required short term bicycle parking shall consist of a securely fixed structure that supports the bicycle frame in a stable position without damage to wheels that may be locked to the rack by the bicyclist's own locking device. Bicycle parking shall not be farther than the closest automobile parking space (except disabled parking).
- c. Direct access from the bicycle parking area to the public right-of-way shall be provided with access ramps when the elevations in access change (e.g. elevation change between a sidewalk and driveway).

B. Location & Design. All bike racks shall have the following design features:

1. Rounded or square style hoop racks or similar design as illustrated in figures 5.20(a) and 5.20(b) below.

**Figure 5.20(a)**



**Figure 5.20(b)**



2. Bicycle racks shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame.
3. The bike rack shall have rounded surfaces and corners;
4. The bike rack shall be coated in a material that is weather resistant and will not damage the bicycle's painted surfaces.
5. Bicycle parking shall be provided at ground level.
6. A bicycle parking space required by this ordinance shall be at least six (6) feet long, two (2) feet wide, and provide seven (7) feet of overhead clearance.
7. Bicycles may be tipped vertically for storage, but not hung above the ground.
8. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
9. Lighting. For security, bicycle parking shall be at least as well-lit as vehicle parking.
10. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Section 5.03).
11. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
12. Options for Storage. Long term bicycle parking requirements for can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

## 5.21 Reserved

## **5.22 Pedestrian and Bicycle Access and Circulation**

- 1) Internal pedestrian and bicycle circulation shall be provided within new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, multi-use paths for shared pedestrian and bicycle travel, landscaping, or similar techniques.
- 2) Pedestrian and bicycle access to transit facilities shall be provided from new commercial, employment, and multi-family residential developments and new activity centers shall be provided while existing developments shall provide safe and accessible pedestrian and bicycle access to transit facilities when a site changes uses or is retrofitted.
- 3) Internal pedestrian and bicycle systems shall connect with external existing or planned systems. Pedestrian access from public sidewalks to the main entrances of public, semi-public, commercial, and multi-family buildings shall not cross driveways or parking lots.
- 4) All streets shall have sidewalks except rural local streets and rural lanes unless there is compelling evidence that other pedestrian systems meet the needs of pedestrians.
- 5) Compliance with the commercial design standards for and mixed-use, residential and commercial development, respectively, in Chapters 5.13 and 5.29, is required.
- 6) When development is proposed where the Paths and Trails Master Plan identifies a shared-use path or trail, or where it is necessary for the continuation of a shared-use path or trail, the development shall provide the shared-use path or trail in compliance with the Paths and Trails Master Plan. The City may require the dedication of one or more shared-use paths or trails.
- 7) Safe, Direct, and Convenient. Walkways/paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets and existing or planned transit stops, based on the following criteria:
  - A. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - B. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - C. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
  - D. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multi-family buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

## **5.23 Transit Facilities**

Table 5.23(a) below shows the transit amenities that may be required. Determination of specific requirements will be made on a case by case basis for each development by weighing the following factors in consultation with the Lane Transit District:

- Expected transit ridership generated by development
- Level of existing or planned service adjacent to development (Planned service is defined as service which will be established within five years after the completion of the development.)
- Location of existing transit facilities
- Proximity to other transit ridership generators

**Table 5.23(a) Transit Facility Requirements**

Number of Average Peak Hour Traffic Trips	Amenities Which May Be Required
<b>Residential</b>	
Developments with less than 9 dwelling units per gross acre that generate 25 to 49 trips	Concrete boarding pad for bus stop, lighting, bench
Developments with 9 or more dwelling units per gross acre that generate 25 to 49 trips	Shelter, concrete boarding pad, lighting
Developments that generate 50 to 99 trips	Shelter, concrete boarding pad, lighting
100 - 199 trips	Shelter, concrete boarding pad, lighting, bus turnout
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout, on-site circulation
<b>Office Developments</b>	
50 to 199 trips	Shelter, concrete boarding pad, lighting
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout
<b>Retail/Industrial/Institutional/Public Facilities</b>	
100 to 249 trips	Shelter, concrete boarding pad, lighting
250 to 499 trips	Shelter, concrete boarding pad, lighting, bus turnout
500 or more trips	Transit transfer facility, park-and-ride lot, shelter, concrete boarding pad, lighting, bus turnout, on-site circulation

Amenities for phased developments shall be required to be built at the time the development will generate enough peak hour traffic trips to meet the requirements. Transit easements may be required for bus stops and shelters.

## 5.24 Access Management

- 1) Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.
- 2) Properties that only front on collector or arterial streets are encouraged to share an access with neighboring properties. The decision making body may require a combined access for two or more developments, and shared driveways between developments, including land divisions, where access spacing standards cannot otherwise be met.
- 3) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan.
- 4) New access points shall meet or exceed the minimum spacing requirements listed in the adopted Transportation System Plan (TSP). However, where no reasonable alternatives exist or where strict application of the standards would create a safety hazard, the City may allow a variance per article 10 of this ordinance.

## 5.25 Development on Slopes of Over 15%

In addition to other review processes and standards required in other sections of this ordinance, the following process and standards shall apply to all land developments and land divisions on land where the slope meets or exceeds fifteen percent:

- 1) A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.
- 2) All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and

stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:

- A. Base Geology
- B. Slopes (steepness, orientation and aspect)
- C. Soils
- D. Stream and Drainage Patterns
- E. Housing Density Impact

- 3) All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).
- 4) The requirements of this section shall apply and be considered during any site review process required by the Veneta Zoning and Development Code. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.
- 5) The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address technical concerns raised in the geo-technical report.

## **5.26 Parkland Dedication Requirements**

- 1) INTENT. The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Veneta. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Veneta. This chapter implements Goals and Policies of Chapter III(H) of the Comprehensive Plan and the Parks Master Plan by outlining requirements for dedication of parks and open space in the City of Veneta.
- 2) MINIMUM PARKLAND DEDICATION REQUIREMENTS. New residential subdivisions, planned developments (including plans implementing the Specific Development Plan (SDP) subzone), multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication requirements.
  - A. The required parkland shall be dedicated as a condition of approval for the following:
    1. Tentative plat for a subdivision or partition;
    2. Planned developments including those in the Planned Development (PD) and Specific Development Plan (SDP) subzones. For Specific Development Plans that have dedicated park space equal to or in excess of that required by this ordinance, no additional dedication is required at the time of subdivision.
    3. Site Plan Review for a triplex, quadplex, multi-family development or manufactured home park; and
    4. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development

involved will be increased.

B. Calculation of Required Dedication. The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre:

*Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.00645 (per person park land dedication factor)*

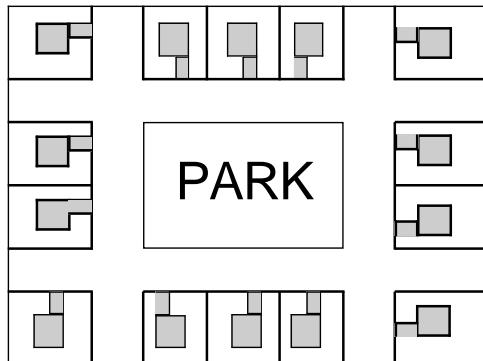
1. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons per Unit
Single family residential	2.5
Standard multi-family unit	2.4
Manufactured dwelling park	2.06
Congregate multi-family unit	1.5

Data source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Tables B25024 and B25033 (residents per dwelling unit)

2. Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.
3. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.00645 based on the adopted standard of acres of land per thousand of ultimate population according to the Veneta Parks, Recreation, and Open- Space Master Plan. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.
- 3) MINIMUM PARK LAND STANDARDS. Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park. Exceptions to any or all of the following standards may be allowed if the City determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the City.

A. Homes must front on the parkland as shown in the example below:



- The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways. This standard does not apply to shared-use paths or trails, although such paths and trails shall maintain contiguity with the parkland and with other paths and trails wherever possible.
- The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.
- Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.
- Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or alley shall not exceed 4 feet in height.
- Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

- G. Any shared-use path or trail, whether required by the Paths and Trails Master Plan or proposed by the applicant, may count towards the required area to be dedicated. If a shared-use path or trail is proposed by the applicant and not required by the Paths and Trails Master Plan, acceptance of the shared-use path or trail will be at the discretion of the City. Area for the shared-use path or trail may be dedicated following the procedures of Section 5.26(4) or contained within an easement, subject to approval by the City.

4) DEDICATION PROCEDURES. Lands required for dedication by this section shall be dedicated at the time of Final Plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

- A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:
  - 1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and
- B. Additional Requirements
  - 1. In addition to a formal dedication on the plat to be recorded, the sub-divider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Planning Official, will interfere with the use of the land for park, open space or recreational purposes.
  - 2. The sub-divider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.
  - 3. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.
  - 4. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by Section 13.11 of this ordinance shall be made prior to approval of the final plat for the phase that includes the park land.

5) CASH IN LIEU OF DEDICATION. At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated does not meet the standards stated above, or when a fee is determined to be in the best interest of the City as determined by the City. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDC), and is eligible for a credit only for that portion of the SDC attributable to land acquisition. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the average market value of undeveloped city lots of between 1 and 10 acres in size. The required fee-in-lieu-of shall be calculated by multiplying the acres required for dedication by the dollar/acre amount set by resolution.

- A. The following factors shall be used in the choice of whether to accept land or cash in lieu:
  - 1. The topography, geology, access, parcel size, and location of land in the development available for dedication;
  - 2. Potential adverse/beneficial effects on environmentally sensitive areas;
  - 3. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Veneta Capital Improvements Program in effect at the time of dedication;
  - 4. The City's current park and open-space needs
  - 5. The feasibility of dedication.
- B. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat unless the developer provides a binding financial instrument acceptable to the City.

## 5.27 Traffic Impact Analysis and Mitigation

- 1) A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:
  - A. The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.
  - B. The proposal is immediately adjacent to an intersection that is functioning at a level of service below LOS D, the City's minimum acceptable operating condition during the weekday peak hour.
  - C. The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.
  - D. The proposed use is expected to generate or receive traffic by vehicles exceeding 26,000 pounds gross vehicle weight as part of daily operations. "Daily operations" includes, but is not limited to, delivery to or from the site of materials or products processed, sold, or distributed by the business occupying the site. Trips associated with routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service, are exempt from this provision.
  - E. An access driveway that does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard.
  - F. An access driveway that does not meet the access spacing standard of the roadway on which the driveway is located.
  - G. A change in internal traffic patterns that may cause safety problems, such as back-up onto public streets or traffic conflicts in the approach area.
- 2) Review Procedure. Any application for a planned development, subdivision, site plan, or specific development plan which shows that increased traffic meeting one of the applicability conditions a) through g) above shall be accompanied by a Traffic Impact Analysis. Traffic Impact Analysis shall be reviewed by the City Engineer, or a professional engineer chosen by the City, prior to approval of the site plan review, subdivision, PD, or SDP. This review is part of the "Technical Review" costs incurred by the developer.
- 3) Mitigation Required. Traffic impacts to facilities as identified in the TIA and supported by the City's Traffic Engineer shall be mitigated by the developer as part of the improvements for the Site Plan, Subdivision, Planned Development (PD), or Specific Development Plan (SDP). Mitigation measures shall be recommended where study intersections fail to meet minimum level of service standards provided in the Veneta Transportation System Plan. Mitigation measures may be a condition of approval.

## 5.28 Street Trees

When street trees are proposed, their selection and installation shall be according to the following requirements. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction.

- 1) Species selection. Trees shall be selected from the City's adopted tree list and shall be appropriate for the planning location based on the criteria found therein.
- 2) Caliper Size. All street trees shall be a minimum of 2 inch caliper at time of planting.
- 3) Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street

trees shall be placed outside utility easements and clear vision areas.

4) Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

- A. Provide a broad canopy where shade is desired, except where limited by available space.
- B. Use low-growing trees for spaces under low utility wires.
- C. Select trees which can be "limbed-up" to comply with vision clearance requirements.
- D. Use species with similar growth characteristics on the same block for design continuity.
- E. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

5) Replacement. Replacement of street trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

6) Maintenance. Maintenance of street trees shall be the responsibility of the adjacent property owner.

- A. Standards. All trees located within the public right-of-way must be pruned to National Arborist Association Pruning Standards for Shade Trees.
- B. Adjacent Property Owners to Maintain Trees. Every adjacent property owner of any tree overhanging any street or right-of-way within the city, including trees within the right-of-way, shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet, six inches (13'6") over the street, and/or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety.
- C. Adjacent Property Owners Liable. The owner of property abutting trees on a right-of-way shall be liable for injury, damage, or loss to persons or property caused by the property owner's negligent failure to comply with subsection (b) of this section.
- D. Notification. The City may serve notice on the adjoining property owner to prune, remove, or otherwise treat any tree on a right-of-way as conditions may require. Any such notice shall be governed by the standards below. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.
  1. Notice to Prune or Remove. Should any property owner fail to maintain adjacent trees as per Section 7 of this ordinance, the City shall order such person or persons, within ten days of mailing of such notice, to so prune or remove such trees.
  2. Notice Required. The notice required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.
  3. Failure to Comply. When a person to whom a notice is directed shall fail to comply within this specified time, it shall be lawful for the city to cause the trees in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.
- E. Debris Removal. The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.
- F. City Tree Maintenance. The city shall have the right to plant, prune, maintain, and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of such areas. The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, natural gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said tree is in accordance with this ordinance.

G. City Held Harmless. The city of Veneta shall not be liable for injury, damage, or loss to person or property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city from all claims for loss and damage arising from the owner's negligent failure to comply with Section 7 of this ordinance.

## 5.29 Residential Design Standards

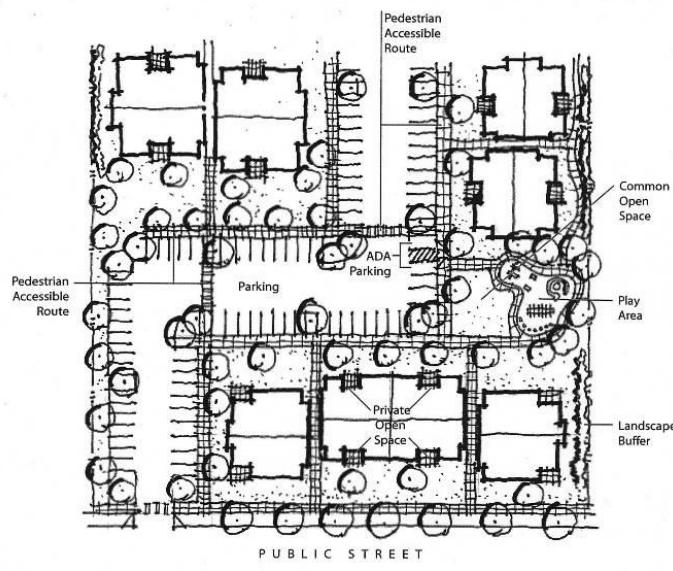
- 1) Purpose and Applicability. The following standards are minimum requirements for new residential developments (any zone). The standards apply to single-family dwellings, manufactured homes on individual lots, duplex dwellings, triplexes, quadplexes, single-room occupancies, and multi-family projects, except mixed-use buildings with dwellings in upper stories are subject to the provisions of Section 5.13. The standards are intended to protect and enhance the appearance, safety, and livability of Veneta through appropriate building and site design regulations. The standards may be adjusted by the City through Site Plan Review (see Section 6.05(2)(b)).
- 2) Standards. Section 5.29 provides minimum standards for residential development site and building design in all zones where residential development is permitted. The standards are administered through building plan review (no land use permit required) where Site Plan Review is not required and through Site Plan Review where such review is required in accordance with Article 6. The following graphics serve as examples of compliant development. The graphics are conceptual and do not prescribe a particular style.
- 3) Building Orientation Standards. The following standards are intended to support residential development designs where walking and crime prevention is encouraged through natural surveillance ("eyes-on-the-street").
  - A. Primary building entrances (i.e., dwelling entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units) shall be oriented to abutting streets; this provision is met where entrances are visible from the street right-of-way. The standard does not apply where primary entrances for a multiple-unit building are oriented to an interior courtyard or common areas, or where buildings abut Highway 126 or a non-residential zone. See Figure 5.29(a).
  - B. Off-street parking, driveways, and other vehicle areas.
    1. Parking for multi-family (except duplexes) developments shall not be placed between buildings and the street(s) to which building entrances are oriented, except vehicle drop-off and loading areas may be permitted through Site Plan Review, provided the vehicle circulation area is minimized and the building's primary entrance is connected to an improved street sidewalk by a pedestrian walkway and the driveway/parking area is crossed by a raised concrete walkway of not less than six (6) feet in width. See Figure 5.29(a).
    2. Parking for attached single family dwellings (townhomes) must meet the following criteria, as generally shown in Figure 5.29(b):
      - a. Except for allowed front driveway parking for single family and duplex dwellings, off-street parking areas shall be oriented to alleys, or rear or side yards, and not front or street-facing yards. Where parking in a front or street-facing yard is unavoidable, curb openings shall be minimized. This standard is intended to protect the pedestrian environment and maximize the potential for on-street parking. It is met when two street-facing garages share one driveway access that does not exceed sixteen (16) feet in width where it opens onto the street; such driveways may be wider (e.g., flare out) behind the sidewalk, between the sidewalk and garage opening(s). Where shared driveways are not feasible, the decision-making body may require a landscape strip or island be provided between adjacent driveways to break up large areas of paving and capture and slow the rate of storm water runoff; alternatively, the decision-making body may approve driveways with landscape strips between paved treads to capture and slow the rate of storm water runoff.

- b. Primary dwelling entrances shall be connected to adjacent streets by walkways; walkways serving individual townhome dwellings may be combined with driveways serving the same dwellings.
- c. The maximum number of consecutively attached townhome units with garages facing the same street is four (4) (two driveways). Buildings on corner lots may contain more than four (4) dwelling units with garages facing streets provided that not more than four (4) townhome units face the same street.
- d. Where a garage opening faces a street it must be setback at least twenty (20) feet from the street or otherwise oriented away from the street (e.g., side-loaded garage entry); where a building is placed less than twenty (20) feet from the street, the 20-foot garage setback may be accomplished by recessing the garage behind the front building elevation or turning the garage so that it is side-loaded. Side loaded garages within 50 feet of the front lot line shall have a minimum of 24 square feet of window area on the street facing side. These standards apply to both public street and private street or shared driveway frontages.

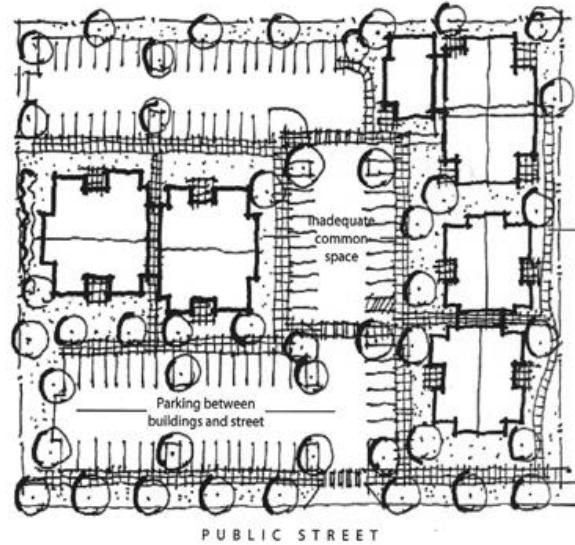
3. Where a lot contains multiple buildings or townhome units and there is insufficient street frontage to which all entrances can be oriented, primary building entrances may be oriented to common green, open space, plaza, or interior courtyard that is connected to the street sidewalk by a five (5) foot minimum width walkway. See Figures 5.29(a) and (c).

**Figure 5.29(a) – Building Orientation Examples**

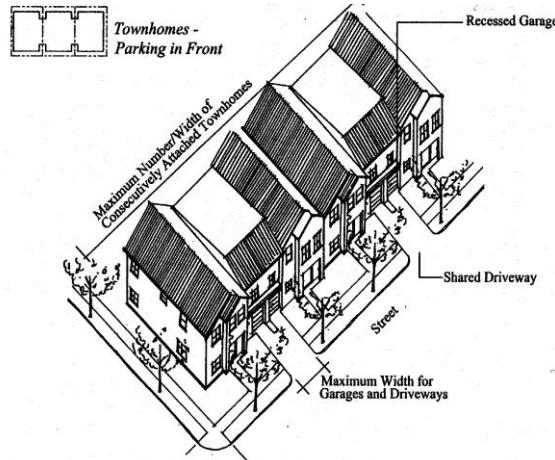
**Acceptable**



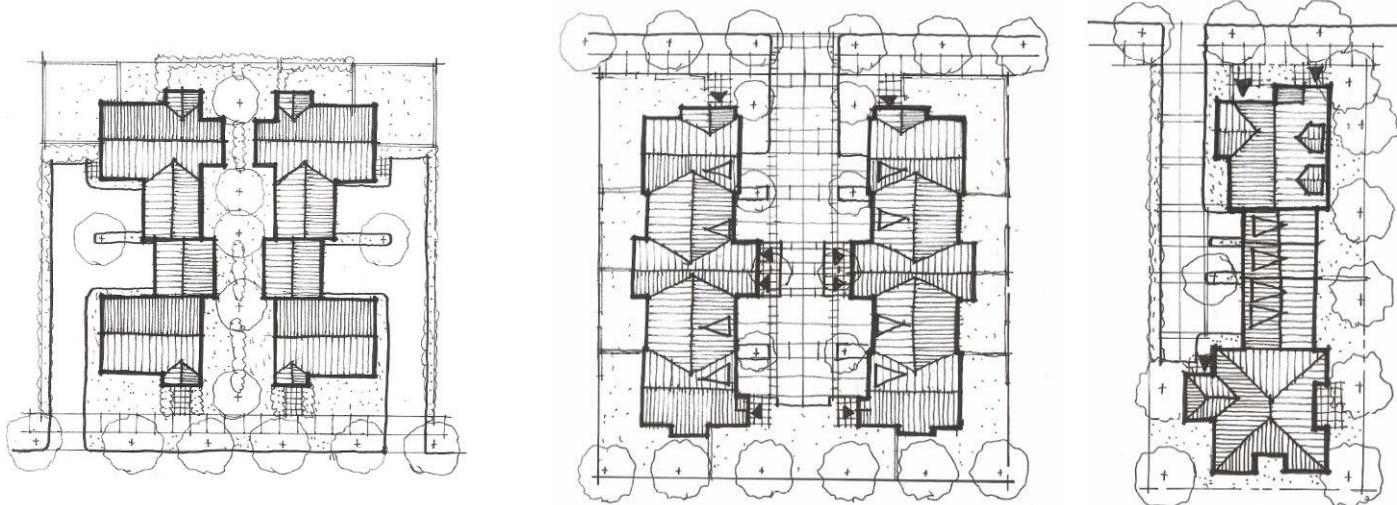
**Not Acceptable**



**Figure 5.29(b) – Townhome Building Orientation**



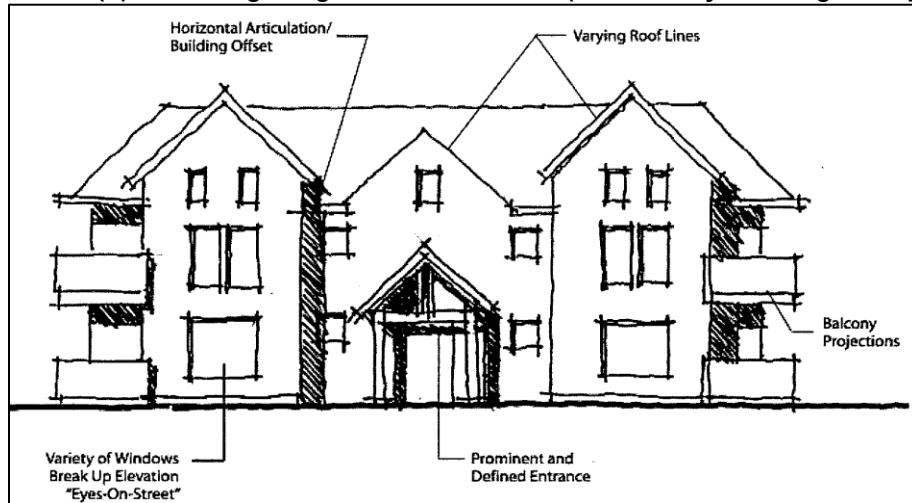
**Figure 5.29(c) – Building Orientation Options**



4) Building Design. The following standards are intended to promote neighborhood livability and compatibility between new and existing developments through architectural detailing, pedestrian-scale design, and street visibility.

- Building Length.** The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 160 feet.
- Articulation.** All primary buildings shall incorporate architectural elements that break up large expanses of uninterrupted building surfaces or blank walls, as generally shown by Figure 5.29(d). Along all street-facing elevations, such elements shall occur at a minimum of two (2) elements every 40 feet. For multi-family uses, this requirement shall apply to all building elevations. Such elements must meet the following criteria:
  1. Recess (e.g., entrance, porch, balcony or similar feature) with a minimum depth of 6 feet.
  2. Extension (e.g., living area, porch, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet from the building plane and runs horizontally for a minimum length of 4 feet.
  3. Offsets or breaks in roof elevation: (gable, dormer, secondary roof, covered entrance, or similar feature) 2 feet or greater elevation change.

Figure 5.29(d) – Building Length and Articulation (Multi-family Housing Example)

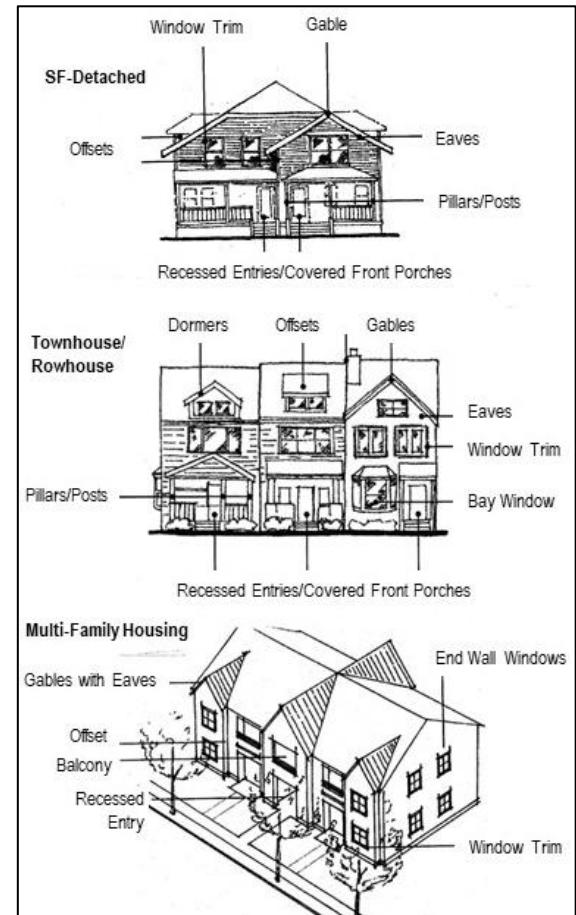


C. Glazing/Eyes on the Street. All primary dwellings shall provide windows on building elevations that meet the following standards: on front elevations, 40 percent of the first floor and 30 percent of any floor above that must meet this standard; on street-side elevations, 30 percent of the elevation of each floor shall meet this standard. "Percent of elevation" is measured as the percentage of the horizontal plane (lineal feet) containing windows. This standard does not apply to flag lots.

D. Detailed Design. All dwellings shall provide the following detailing on all street-facing elevations (i.e., where the axis of the structure oriented within 45 degrees from street lot line). This standard is met by using at least six (6) of the architectural features in items "a" through "n," below, consistent with the overall composition and design integrity of building. The applicant may select the elements, except that the decision-making body may specify elements or detailing when a project is subject to a Type III Site Plan Review, Planned Unit Development review, or Conditional Use Permit review; in such cases, the decision-making body may require specific design elements or changes, consistent with the purposes of Section 5.29. See Figure 5.29(e).

1. Dormers
2. Gables (two or more)
3. Recessed entries (recess by 4 feet or more)
4. Covered porch entries or portico (covered to at least a 4-foot depth)
5. Cupolas or towers
6. Pillars or posts (not less than 6"x6" post)
7. Eaves (minimum 12-inch projection)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 3 inches wide)
10. Bay windows
11. Balconies
12. Change in siding materials / decorative patterns: shingles, lap, tongue- in-groove, V-groove, paneling, board and batten, log construction, stone, brick, or split-face concrete block. Where different types of material are used (e.g., wood and

Figure 5.29(e) – Examples of Architectural Elements (illustrative only)



stone), heavier materials shall be used on the base of the building

13. Decorative cornice, parapet, or pediment (e.g., for flat roofs)
14. An alternative feature providing visual contrast and aesthetic interest, similar to options 1-14, as approved through Site Plan Review.

5) **Multifamily Housing – Open Space**. Multi-family housing developments (5 units or more) shall provide open space to serve the active and passive recreational needs of occupants, to reduce crowding of occupants, to reduce the apparent scale and density of development and to provide visual relief in higher density projects. The standards may be adjusted by the City where innovative techniques such as rooftop gardens, historic preservation, natural features protection, or other low-impact or green building practices are used to meet the above intent. Figure 5.29(f) provides a conceptual illustration of the following standards.

A. **Common open space**. A minimum of ten percent (10%) of the site area shall be designated and permanently reserved as common open space, in accordance with all of the following criteria:

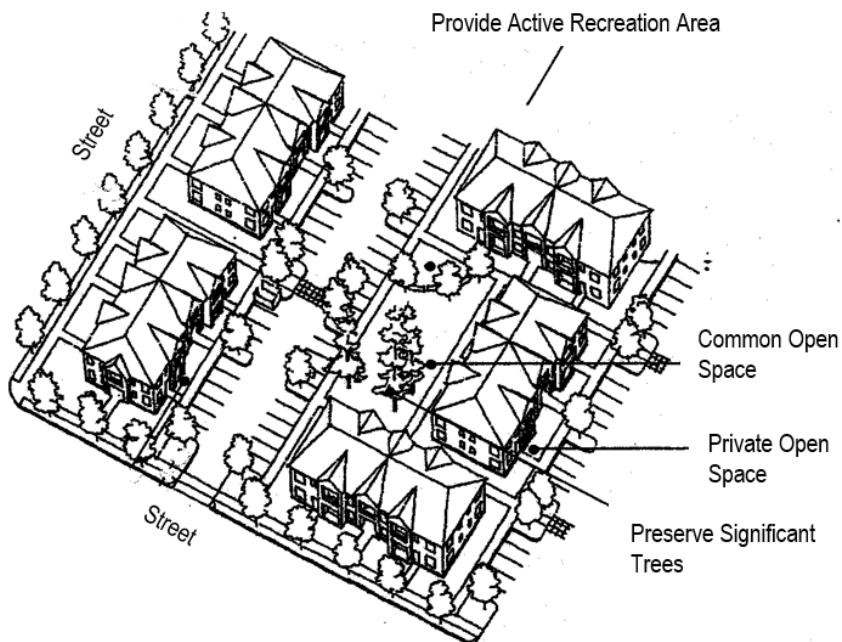
1. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);
2. One or more of the following shall be provided in meeting the common open space requirement: outdoor recreation area for all residents of the development, including play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities, or protection of sensitive lands (e.g., trees, wetlands, riparian areas preserved).
3. Historic buildings or landmarks that are open to the public may count toward meeting the open space requirements when approved by the City;
4. Where common open space is designated for active recreational use (e.g., playfields, sports courts, etc.) it must be suitable for the intended use in terms of slope, accessibility, area, and dimensions;
5. Designated open space areas shall have a minimum width that is not less than twenty (20) feet and a minimum length that is not less than twenty (20) feet;
6. Where a public space with pedestrian amenities is provided between primary building entrance(s) and adjoining street(s) (e.g., plaza, extended sidewalk area with seating, or similar area), the requirement to provide common open space as described above may be reduced proportionately but in total shall not be less than five percent (5%) of the site;
7. The City may waive the common open space requirement for a multiple family project of not more than twenty (20) dwelling units that is located within 1,200 feet (measured walking distance) of a public park, where there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the multiple family housing developer may improve parkland in an amount comparable to the common open space area that is waived or reduced (i.e., the area that would otherwise be required of the development) in meeting this provision.

B. **Private open space**. Private open space shall be provided for housing units based on all of the following criteria:

1. A minimum of fifty percent (50%) of all ground-floor housing units shall have private patios or decks containing at least forty-eight (48) square feet of usable surface. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);
2. A minimum of fifty percent (50%) of all upper-floor housing units shall have private patios or decks containing at least forty-eight (48) square feet of usable surface. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.
3. Where it is not practical to provide private open space as provided in subsections (1) and (2),

above, due to the existence of natural features or other physical site constraints, the private open space standard may be adjusted through ~~Type III~~ Site Plan Review, provided the development shall contain additional common open space to offset the reduction in private open space. At least forty-eight (48) square feet of additional common open space shall be provided for each housing unit lacking private open space. Open space required to offset the reduction of private open spaces shall not be counted towards the park dedication requirements in Section 5.26.

**Figure 5.29(f) – Examples of Multiple Family Open Space**



6) Multi-Family Uses and Residential Care Facilities in the Low-Density Residential (LDR) Zone. The following standards shall apply to all multi-family uses (5 units or more) and all residential care facilities in the Low-Density Residential Zone.

- Setbacks. The side and rear setbacks shall be ten (10) feet when the structure is twenty-two (22) feet or less in height, and fifteen (15) feet when the structure is greater than twenty-two (22) feet in height.
- Landscaping. A landscaped strip that is five (5) feet wide is required along all property lines whenever the multi-family use or residential care facility abuts a lot zoned Low-Density Residential. The landscaped strip counts toward the landscaping requirements of Section 5.12 of this ordinance.
  - The landscaped strip shall contain one (1) tree every twenty (20) feet.
  - Trees shall be selected from the City's adopted tree list and shall be appropriate for the location based on the criteria found therein.
  - The landscaped strip shall contain a minimum of six (6) five-gallon shrubs or accent plants per 1,000 square feet of landscaping.
- Screening. Multi-family uses and residential care facilities shall be screened from abutting lots zoned Low-Density Residential through sight-obscuring fences, walls, and landscaping in accordance with Section 5.12(9) of this ordinance.

## 5.30 Back Yard Chickens

- 1) The keeping of chickens on lots less than one (1) acre in size within the Low-Density Residential, General Residential, and Residential – Commercial Zoning Districts is subject to all of the following conditions:
  - A. No person shall keep chickens until a backyard chicken permit application has been approved by City Building and Planning Official. See Section 5.30(5) below.
  - B. One (1) chicken is allowed for each one thousand five hundred (1,500) square feet of lot area, up to a maximum of ten (10) chickens.
  - C. No chickens are allowed on properties occupied by multi-family housing, including duplexes.
  - D. Roosters are not allowed.
- 2) Chickens kept under this section shall be secured at all times:
  - A. During non-daylight hours, chickens must be confined within a secure chicken coop sufficient to protect chickens from predators;
  - B. During daylight hours, chickens shall be confined within a chicken coop or run meeting the requirements of Subsection 5.30(3), below, or within a securely fenced backyard.
- 3) Chicken coops and runs:
  - A. Shall be built in compliance with all applicable building and zoning codes;
  - B. Shall not be located in a required front yard;
  - C. Shall be set back at least 20 feet from dwellings on abutting property;
  - D. Shall be set back a minimum of 5 feet from abutting property;
  - E. Shall not exceed eight (8) feet in height;
  - F. Square footage combined shall not exceed one hundred (100) square feet in area, or ten (10) square feet per animal, whichever is greater.
- 4) To protect public health, the areas in which chickens are kept must be maintained in compliance with the following requirements:
  - A. All animal or poultry food shall be stored in metal or other rodent proof receptacles;
  - B. Chicken manure must be collected, stored, composted and/or removed from the property on a regular basis so as not to create a public health hazard or nuisance. All manure not used for composting or fertilizing shall be removed from the property;
  - C. Noise resulting from the keeping or maintaining of chickens must not exceed the limitations set forth in Veneta Municipal Code, Chapter 9.20.
- 5) Backyard Chicken Permit.
  - A. An application for a permit to keep chickens is required in the following instances:
    1. To keep chickens on a lot less than one acre in size, in the Low-Density Residential, General Residential, and Residential – Commercial Zoning Districts.
  - B. Information required for a permit to keep chickens shall include the following information:
    1. The name and mailing address of the person to whom the permit will be issued;
    2. The physical address where the chickens will be kept, if different from above;
    3. A sketch plan and affidavit that the chicken facility will meet the standards in this section.
    4. When the applicant is not the owner of the property where chickens will be located, the applicant will obtain signed consent from the property owner for the keeping of chickens on the property.
  - C. A permit fee may be established by Council resolution and, if so established, shall accompany a permit application.
  - D. The granting of a permit under this chapter shall be treated as an Administrative decision, and shall be administered by the Building and Planning Official. Applications will be processed in the following manner:
    1. The application will be reviewed for completeness and will not be acted upon until all required

information is received.

2. Within 10 days the application will be reviewed and a decision rendered.
3. Written notice of the decision will be mailed to the applicant.
4. A decision may be appealed to the Planning Commission. The appeal must be filed within 5 days of date of notice and be accompanied by a fee to be established by Council resolution.
- E. A backyard chicken permit will be revoked in the event the permit holder violates any provision of this Section or condition imposed within a permit issued.

### **5.31 Accessory Dwelling Unit (ADU) Standards**

- 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 1000 square feet.
    1. Accessory Dwelling floor area excludes up to 300 square feet of attached, unheated garage or storage space.
  - C. Accessory Dwellings shall comply with the 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 the conversion does not increase the non-conformity.

### **5.32 Outdoor Storage Standards**

All Outdoor Storage Yards and Outdoor Storage Areas shall comply with the following standards. These standards do not apply to the storage and display of vehicles for sale.

- 1) Storage areas shall be located behind buildings wherever possible to minimize the visibility of storage.
- 2) Stored materials shall be screened from view from any public street with a sight-obscuring wall or fence in accordance with Section 5.12(9) of this ordinance. Any sight-obscuring wall or fence shall be set back from the property line where it faces any public street in accordance with the setbacks of the zone.
- 3) Setbacks between outdoor storage areas and public streets shall be landscaped in accordance with Section 5.12 of this ordinance.
- 4) The stored materials shall not encroach on any required parking spaces or vehicular circulation areas.
- 5) Stored materials are subject to Veneta Municipal Code Chapter 8.05, including but not limited to 8.05.050, Attractive nuisances, and 8.05, Article II, Nuisances Affecting Public Health.

### **5.33 Outdoor Sales and Display Standards**

- 1) All Outdoor Sales or Display as a secondary use to an existing primary use shall comply with the following standards:
  - A. Adequate parking facilities are available. Outdoor Sales and Display shall not eliminate any ADA-accessible parking spaces or greater than 50% of the parking spaces required by Section 5.20 of this ordinance.
  - B. Adequate pedestrian and bicycle access is provided. Outdoor Sales and Displays shall not obstruct pedestrian access or circulation in accordance with Section 5.22 of this ordinance.
  - C. The use does not create adverse off-site impacts including but not limited to vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use.
- 2) The standards of Section 5.33(1) do not apply to temporary outdoor sales and display not associated with a primary use, which require a temporary use permit in accordance with Article 7 of this ordinance. These standards also do not apply to uses involving outdoor sales or display that are otherwise specified by Table 4.4 and otherwise regulated by this ordinance

## Article 6 – Site Plan Review

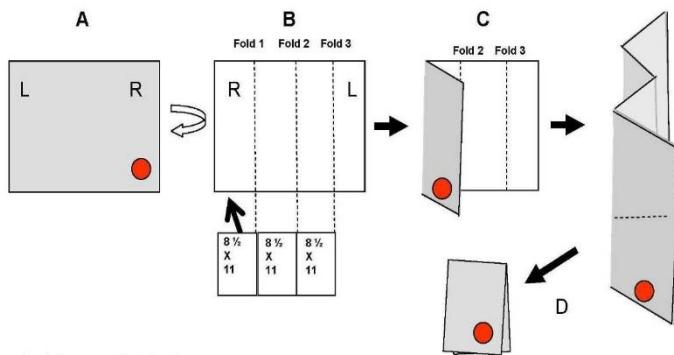
### 6.01 Site Plan Review Purpose and Applicability

- 1) Purpose. The purpose of the site plan review procedures is to correlate the general ordinance requirements with the specific site conditions and proposed uses and changes of use through a comprehensive review process to assure that developments are in conformance with the applicable land use regulations of this ordinance.
- 2) Applicability. Site Plan Review is required for all new construction or expansion of existing uses or structures exceeding 10% or 1,000 square feet, whichever is greater, of the original structure(s) on the site. Site Plan Review is not required for detached single-family dwellings on individual lots. Site Plan Review may be required where site or development characteristics, as determined by the Building and Planning Official, warrant a site plan review, including but are not limited to:
  - A. Site is traversed by a natural drainageway or has demonstrated drainage limitations as shown on the utility plans required in Section 6.03(1)B.4. of this ordinance. Demonstrated drainage limitations are site or development conditions that prevent the unrestricted flow from areas draining through the site or that do not allow the extension of the system to serve such area as per the City's Drainage Master Plan, or that prevent stormwater from being directed to storm sewers or to natural drainageways in accordance with this ordinance.
  - B. Site includes or is adjacent to Open Space and/or Greenway Areas designated on the Veneta Zoning Map as a Greenway subzone.
  - C. Site is located in a Flood Hazard subzone.
  - D. Site includes significant wetland resources, or is located within 50 feet of a wetland resource identified as locally significant in the Veneta Local Wetlands Inventory.
  - E. Site has slopes of (15) fifteen percent (or greater) (see Section 5.25 of this ordinance).
  - F. Site is an undersized lot.
  - G. Expansion of parking lots, relocation of parking spaces on a site, or other changes which affect circulation, landscaping or drainage.
- 3) Types of Review. Site Plan Review applications shall be submitted and processed pursuant to the Type II procedure set forth in Article 11 of this ordinance.

### 6.02 Filing Copies of Site Plan

- 1) Applications for site plan review or amendment shall include:
  - A. Fifteen (15) copies of the site plan, narrative, improvement plans and other supplementary data for review and action.
  - B. A reproducible 11" x 17" black and white copy of the proposed site plan map.
  - C. Electronic copies of all materials including maps in PDF format.
  - D. All maps shall be 18" x 24" folded to 8 1/2 x 11 in size as shown in Figure 6.02(a). The Building and Planning Official may allow submittal of 11x17 maps when the larger format is not necessary for clarity.

**Figure 6.02(a) – Folding Requirements**



### 6.03 Required Information on Site Plan

An application for a Site Plan Review or Amendment, as applicable, shall include the following information based on the size, scale and complexity of the development. The Building and Planning Official, at his or her discretion, may waive certain application submittal items where such items are not relevant to the review or the information is already available.

- 1) **Site Plan.** All maps must be drawn to scale and indicate clearly and with full dimensions, the following information:
  - A. **Vicinity Map.** A scaled vicinity map clearly showing the relationship of the proposed site to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and other required public facilities.
  - B. **Development Plans.** A development plan shall include the following items in accordance with Article 5:
    1. Building and Land Use Plans.
      - a. Location of all proposed buildings and existing buildings which will remain on the site.
      - b. Floor elevations.
      - c. Preliminary architectural plans showing one or all of the following for new buildings and major remodels in conformance with Section 5.13 or 5.29 of this ordinance:
        - i. Building elevations with building height and widths dimensioned, and materials labeled;
        - ii. Building materials, colors and type; a materials sample board may be required;
        - iii. The name of the architect or designer.
      - d. Existing land uses adjacent to the property.
      - e. The phases, if any, of development construction. Such phases shall be clearly marked on the plan.
    2. Parking and Traffic Flow Plans.
      - a. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
      - b. Location, arrangement and dimensions of truck loading and unloading spaces, if any.
      - c. Location of bikeways, pedestrian walkways, malls and trails.
      - d. Traffic flow pattern showing the circulation of vehicles within and adjacent to the site, including fire equipment access and turnarounds.
      - e. Stacking and queuing areas that involve queuing of vehicles, loading and unloading of goods, materials, or people shall provide an area for vehicle stacking in accordance with Section 5.20(15) of this ordinance.
      - f. Location of all existing and proposed streets, public ways, railroad and utility rights-of-way within and immediately adjacent to the development.
      - g. A Traffic Impact Analysis if required under Section 5.27 of this ordinance.
    3. Landscaping and Site Improvements.

- a. Location and type of all landscaping proposed for the development, including irrigation systems in conformance with Section 5.12 of this ordinance.
- b. Location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included.
- c. Location, size, height and means of illumination of all proposed signs and lighting.
- d. Open space to be maintained and controlled by the owners of the property but not included in the development.
- e. Areas proposed to be dedicated or reserved for public parks, playgrounds, school sites, public buildings and others to be reserved or dedicated to the public.

4. Utility Plans.

- a. Existing and proposed contour map of the site.
- b. Location, flow elevations and capacities of all existing and proposed storm drainage facilities designed and constructed in accordance with Section 5.16 of this ordinance
- c. Location of all existing and proposed water mains.
- d. Location, flow elevations and certified capacities of all existing and proposed sewer lines.
- e. Location of all other underground facilities, including phone, electricity, and cable television.

5. Emissions or Potential Hazards. Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use including approvals of all regulatory agencies having jurisdiction.

The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use including, but not limited to surface or groundwater pollution, noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference. Misrepresentations or omissions of required data shall be grounds for termination of a Certificate of Occupancy.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to construction, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

Any such other data as may be necessary to permit the City to make the required findings.

6. Tree Removal Plans. If development of the proposed plan will require removal of trees as defined by Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be in conformance with VMC 8.10.

2) Additional Information. Prior to the end of the completeness review period, the Building and Planning Official may require an applicant to submit studies, reports or exhibits prepared by qualified professionals to show compliance with applicable criteria addressing specific site features or impacts including but not limited to:

- A. Stormwater
- B. Steep Slopes
- C. Wetlands
- D. Flood Plains

3) Deed Restrictions and easements. The applicant shall submit copies of all existing and proposed restrictions or covenants and any proposed easements.

4) Building Orientation and Design. All new or remodeled commercial, mixed-use or residential buildings that require a site plan review or site plan amendment shall comply with the commercial or residential design standards in Article 5 of this ordinance.

5) Program Elements.

- A. Narrative statement documenting how each required criteria in this ordinance have been met, including those criteria that are required in accordance with Section 6.03(1) above.

- B. A completed environmental assessment may be required by the Planning Commission or Building and Planning Official if it finds that a potential hazard, nuisance or emissions exists, existed or will be created by the development and has not been adequately addressed in the development plans and program.
- C. A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.
- D. If the site plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.

## **6.04 Improvement Requirements**

This section promotes upgrades to features of nonconforming development that affect a site's appearance and functionality. Nonconforming developments may continue unless specifically limited by Section 6.04(1) below or by other provisions in this ordinance.

- 1) Development that does not comply with the following standards must be brought into compliance with current standards to an extent commensurate with the proposed changes.
  - A. Landscaped setbacks for surface parking and exterior development areas;
  - B. Interior parking lot landscaping;
  - C. Landscaping in existing building setbacks;
  - D. Minimum landscaped area (where land is not used for structures, parking, or exterior improvements);
  - E. Screening;
  - F. Paving of surface parking and exterior storage and display areas;
  - G. Commercial and residential design standards; and
  - H. Installation of public facilities.

## **6.05 Approval Criteria**

- 1) After an examination of the site and prior to approval of plans, the City must make the following findings:
  - A. That all provisions of city ordinances are complied with.
  - B. That the following transportation needs are met:
    - 1. Traffic impacts are minimal or will be mitigated, consistent with Section 5.27;
    - 2. Pedestrian, bicycle, and vehicular safety is protected and traffic congestion is avoided;
    - 3. Public right-of-way width of adjacent streets is consistent with the City's Transportation System Plan and future street right-of-way is protected;
    - 4. Pedestrian and bicycle access and circulation is provided for in accordance with Section 5.22; and
    - 5. Transit facility needs are provided for in accordance with Section 5.23.
  - C. That proposed signs or lighting will not, by size, location or color, interfere with traffic or limit visibility.
  - D. That adequate water, sewer, and other required facilities, for the proposed use are available.
  - E. That drainageways are protected, existing drainage patterns are maintained and drainage facilities are provided in accordance with Section 5.16 of this ordinance.
  - F. That the extent of emissions and potential nuisance characteristics are reasonably compatible with the land use district, adjacent land uses and the standards of all applicable regulatory agencies having jurisdiction.
  - G. Where the applicant has requested an adjustment to Site Plan Review criteria pursuant to the Veneta Zoning and Development Code, the applicant shall identify all applicable criteria in this ordinance and specifically address each adjustment.

- 2) Alternatives to the Commercial and Mixed Use Design Standards of Section 5.13, or Residential Design Standards of Section 5.29 or Off Street Parking Location Standards Section 5.20(3)(c) may be granted where the City finds that the alternative design:
  - A. Meets the purpose and intent of the applicable design standard being adjusted
  - B. Conforms with the design guidelines provided in Section 5.13 or 5.29 as applicable
  - C. Promotes pedestrian safety, convenience and comfort
  - D. Contains architectural features substituting for code required features which are consistent with the overall design intent and composition of the building.
  - E. Maintains or enhances compatibility between new development and existing uses, including aesthetics and privacy for residential uses.

## **6.06 Procedure for Reviewing Site Plans**

- 1) Prior to taking action on a site plan the City must provide notice of limited land use action in compliance with Article 11.
- 2) Approval of any Site Plan will be subject to compliance with the standards set forth in this ordinance and elsewhere by City ordinance or resolution. Type III Site Plan Review applications and major site plan amendments may be approved, approved with discretionary and non-discretionary conditions or denied. Type II Site Plan Review applications and Minor site plan amendments may be reviewed by the Building and Planning Official, and if approved, may include conditions as necessary to ensure compliance with applicable requirements if not shown on submitted plans.
- 3) As a result of an approved site plan, a final map shall be prepared and filed with the Community Development Department, including all required modifications and conditions. Once approved, the site plan submitted shall become the official plan. The applicant may be required to sign and record a Development Agreement in a form approved by the City Attorney against the property to assure compliance with ongoing conditions of approval. Building permits shall be issued only for plans which substantially conform to the official plan and all construction shall substantially conform to the official plan or a Certificate of Occupancy may be withheld until compliance.

## **6.07 Amendments**

Amendments are only permitted for developments for which the City has record of an approved Site Plan. A change to an existing development for which a previous site plan has never been approved requires a full site plan review. If the proposed use is more intensive than the existing use, additional Systems Development Charges shall be assessed at the time a building permit is issued.

Major amendments to an approved site plan shall follow the same procedure as for an approval of a site plan review. A new application and filing fee is required and the proposal must be approved by the Planning Commission. Major site plan amendments involve a change that does not meet the criteria listed under minor site plan amendments. Minor site plan amendments that may be approved - through a Type I application are those that meet the following criteria:

- 1) The site plan amendment does not involve any interpretation of submission requirements or required findings that would set a precedent for other site plans or site plan amendments.
- 2) The site plan amendment will not change the impacts (such as traffic generation, emissions or drainage) on surrounding properties.
- 3) The site plan amendment fully complies with City ordinances and does not require a variance.
- 4) There are no unusual circumstances relative to the site plan amendment.
- 5) There are no questions of adequacy of services raised by The Public Works Superintendent, City Engineer, or any affected public or private agency.

Any amendment that involves commercial or industrial development adjacent to Hwy 126 and involves a change in use that is more intensive than the current or previous use as determined by the Building and

Planning Official shall require a Type III application and review.

The Planning Commission shall be advised of all administrative approvals of site plan amendments at the following regular Planning Commission meeting.

## **6.08 Compliance with Site Plan Review**

All development must substantially comply with the approved site plan. Minor shifts in location of buildings, parking lots, or landscaping are allowed by the Building and Planning Official as long as the site plan continues to comply with city requirements. Continual compliance with the approved site plan and any conditions of approval is required. Any departure from the approved site plan or conditions of approval constitutes a violation of this ordinance and may be grounds for revocation of the site plan permit.

## **6.09 Time Limit on Approval**

Site plan or site plan amendments approvals shall be effective three (3) years from the date of final decision, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Within one (1) year from the final decision, a final map shall be prepared and filed with the Building and Planning Official, including all required modifications and conditions. Approved site plans or site plan amendments that do not have a final map submitted within one (1) year shall be void.

## Article 7 – Temporary Use Permits

### 7.01 Purpose

To allow the establishment of specified uses on a short-term basis in certain, specified land use zoning districts. No temporary use permit can be granted which would have the effect of permanently rezoning or granting privilege not shared by other property in the same zone.

### 7.02 Application

All temporary uses must comply with the provisions of this ordinance. Only temporary uses lasting more than two (2) days in a calendar year require a temporary use permit. Applications for the temporary use permit shall be filed with the Building and Planning Official and shall include:

- 1) Form prescribed by the City and signed by the property owner.
- 2) A statement explaining the request.
- 3) Site plan showing location of any proposed structures, activity areas, and parking with respect to property lines and existing buildings, parking areas, and landscaping.
- 4) Drawings or photos showing proposed structures.
- 5) Any other information needed to describe the proposed use in sufficient detail for the Building and Planning Official to determine how the proposed use meets the approval criteria.

### 7.03 Approval Criteria

A temporary use may be granted only if:

- 1) The temporary use is not inconsistent with the purpose of the zoning district in which it is placed.
- 2) The temporary use will not have a significant adverse impact on the surrounding uses.
- 3) The temporary use shall comply with the applicable criteria listed in Section 7.04.

### 7.04 Allowable Temporary Uses

- 1) Temporary displays, sales, and events. Temporary displays, sales and events may be permitted in all industrial, commercial and public facilities and parks zones. They are also allowed in the rural residential zone for horticultural-related activities. All activities must meet the following criteria:
  - A. The temporary activity is located on the same lot for no more than forty-five (45) cumulative days in any calendar year.
  - B. Adequate parking facilities are available. The temporary activity does not eliminate any ADA-accessible parking spaces or greater than 50% of the parking spaces required by Section 5.20 of this ordinance.
  - C. The temporary activity shall not obstruct pedestrian access on public streets and adequate pedestrian and bicycle access is provided.
  - D. The temporary activity does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use.
  - E. Annual events require a renewal permit each year.
- 2) Temporary mobile vending. Temporary mobile vending units may be permitted in all commercial and industrial zones and the permit shall be renewed on an annual basis. Mobile Vending Units must meet the following criteria:
  - A. The temporary Mobile Vending Unit is located on the same lot for no more than one (1) year.
  - B. Standards for Mobile Vending Unit. The following standards apply to each mobile vending unit on the site.
    1. Attachments. Attachments to the mobile vending unit, such as awnings or canopies, are

permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the mobile vending unit shall lean against or hang from any structure or utility pole.

2. Accessory Storage. Items relating to the Mobile Vending Unit shall be stored in, on, or under the Mobile Vending Unit.
3. Skirting. The use shall provide screening for all conduit, tanks and storage areas from all public areas and streets by temporary landscaping and/or skirting.
4. Drive-Thru service. A Mobile Vending Unit may not include drive-thru service.
5. The applicant has written permission from the property owner to utilize the subject property for the proposal.
6. Off-street parking that is required of an existing/permanent land use, in order to meet minimum parking requirements, shall not be utilized by customers or employees of the temporary use.
7. The use, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways or drive aisles of any off-street parking area and shall not be located in any sight distance triangle as defined in Section 5.03 or so as to create a traffic or safety hazard.
8. The Mobile Vending Unit may not be a permanent structure and must remain capable of being moved, with wheels attached.
9. Suitable receptacles for disposal of trash must be provided and maintained by the vendor, in order to accommodate all trash generated by the temporary use. The permittee shall be responsible for disposal of accumulated trash and for clean-up of trash generated by the temporary use on and before the close of each business day.
10. Signs. Signs are restricted to sandwich board signs only, with a maximum dimension of 42 inches tall by 30 inches wide. Each mobile vending unit is permitted to display one (1) portable sign (as defined in Section 5.15(2)) with sign permit approval.
11. The use must not connect to City water or sewer and must identify the method of grey water disposal.
12. Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a temporary mobile vending unit permit.
13. Prior to the issuance of any permit or a business registration, the Fire Marshal shall inspect and approve any mobile vendor to determine compliance with all applicable Fire Code.
14. The Mobile Vending Unit is prohibited from operating in the City right-of-way.
15. Merchandise display areas outside the Mobile Vending Unit are prohibited.
16. A permit fee may be established by Council resolution and, if so established, shall accompany a permit application.

C. Mobile Vending Site Standards. The following standards apply to a Mobile Vending Site.

1. Signs. Signs are restricted to sandwich board signs only, with a maximum dimension of 42 inches tall by 30 inches wide. Each mobile vending unit is permitted to display one (1) portable sign (as defined in Section 5.15(2)W.) with sign permit approval. More than one (1) portable sign per lot is permitted for mobile vending sites.
2. Minimum Setbacks and Separation Distance. All mobile vending units on the site shall be located a minimum of:
  - a. Ten (10) feet from any structure or other mobile vending unit.
  - b. Five (5) feet from any front lot line, except when adjoining lot is in common ownership; and
  - c. Five (5) feet from any side or rear lot line, except if such lot line abuts a residential zoning district, then the minimum setback shall be twenty (20) feet.
3. Driveway Access. No new or modified driveway access is permitted.
4. Setback from Vehicular and Pedestrian Use Areas. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, on-site circulation drives, and parking lot aisles, and a minimum of five (5) feet from bicycle parking spaces and walkways.

5. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile vending unit or associated element, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas or walkways. Mobile vending units shall not occupy landscaping areas approved as a part of a prior approval or other land use application. However, occupying existing on-site vehicular parking spaces is permitted, provided that such spaces are not simultaneously used for parking or required to meet minimum parking requirements on the site.
6. Sight Distance. The mobile vending site shall comply with the clear vision area standards of Section 5.03.
7. Lighting. Pedestrian scale lighting (maximum 12-16 feet in height) is required at dusk.
8. Utilities. The applicant is responsible for coordination with the applicable electrical provider.
9. Sanitation Facilities. Sanitation facilities shall be provided when required by the Oregon Health Authority and Lane County Public Health Department.
10. Sewage Disposal. Subsurface sewage disposal is prohibited.

D. Exemptions. Mobile Vending Units that are operated as part of an approved Farmer's Market or other city event are exempt from the requirements of this Section 7.04(2)."

- 3) Second Dwelling on Property During Construction or Demolition of Dwelling. A manufactured home or RV may be used temporarily during construction of a permanent residence. Or, a building permit may be issued for a new residence while an existing home remains occupied to allow for the residents to remain on their lot until the new dwelling is ready to occupy. The temporary use, including demolition of building, shall be limited to a maximum of one year (including the 60 day time limit on a temporary certificate of occupancy) unless an extension is approved by the Building and Planning Official. The following standards must be met for either of these temporary uses:
  - A. The applicant shall provide evidence of an approved water supply and sewage disposal system.
  - B. The certificate of occupancy for the new residence shall not be issued until the original dwelling has been demolished and the site cleaned up, or until the manufactured home being used temporarily is removed from the site. The time limit for a temporary certificate of occupancy shall be 60 days.
  - C. If a manufactured home is to be used as a temporary residence, a building permit for the siting and anchoring of the manufactured home shall be submitted and approved by the building inspector prior to occupancy. Upon expiration of the temporary use, the manufactured home shall not be converted to an accessory use.
  - D. RV use shall be limited to not more than 90 days.
- 4) Reserved.
- 5) Standards for a manufactured dwelling as a temporary office in the commercial or industrial zone during construction of a permanent structure.
  - A. Approval by the Planning Commission shall be subject to a finding that such a use will be reasonably compatible with and have minimal impact on abutting property and surrounding neighborhoods.
  - B. Within six (6) months from the date the approval is granted, an application for a building permit for a permanent structure or modification of an existing structure on the premises must be filed. Failure to submit the application within the specified time will terminate the approval.
  - C. The temporary permit shall be for a period not to exceed eighteen (18) months.
  - D. All owners of the lot agree in writing to remove the manufactured dwelling from the lot not later than eighteen (18) months from the date on which the building permit is issued or not later than two (2) months following the completion of the office, whichever shall occur first.
  - E. All owners of the lot agree in writing to remove all evidence that the manufactured dwelling has been on the lot within 30 days after the removal of the manufactured dwelling and that the manufactured dwelling shall not be converted to an accessory building.
  - F. Any electric, water and sewer connections which are necessary must be made according to City specification.
  - G. A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and

approved by the building inspector prior to occupancy.

## **7.05 Procedure for Review**

- 1) Prior to taking action on a temporary use permit, the City must provide notice of a Limited Land Use Decision, except for Mobile Vending Units which will be processed as follows:
  - A. A mobile Vending Unit will be processed pursuant to the Type I procedure.
  - B. A mobile Vending Site will be processed pursuant to the Type II procedure.
- 2) The building and Planning Official may approve, disapprove, or conditionally approve the Temporary Use Permit. If the application is for a highly visible location or potentially controversial use, the Building and Planning Official may forward the application to the Planning Commission for decision. Approval of the Temporary Use Permit will be subject to compliance with the standards as set forth in this ordinance and standards established elsewhere by City ordinance or resolution.
- 3) The Building and Planning Official or the Planning Commission may attach appropriate and reasonable conditions to the permit that are necessary to secure the public health, safety, and welfare and to maintain compliance with city codes and ordinances. Such clear and objective standards may include but are not limited to:
  - A. Setback requirements
  - B. Screening
  - C. Control of points of ingress and egress
  - D. Special provisions for signs
  - E. Landscaping and maintenance of landscaping
  - F. Maintenance of grounds
  - G. Control of noise, vibration, and odors
  - H. Limitation of hours for certain activities
  - I. Limitation of duration of temporary use
  - J. Once approved, the site plan for the temporary use as modified with conditions shall become the official plan.
  - K. If written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order is signed and mailed, the decision becomes final.
  - L. Compliance with conditions imposed in the temporary use permit and adherence to the approved plans is required. The Building and Planning Official may revoke the temporary use permit with any departure from the approved plans or conditions or approval.
  - M. All temporary uses involving a business must comply with Veneta Municipal Code Chapter 5.05, Business Registration.

## **7.06 Renewing Temporary Use Permits**

- 1) Temporary Use Permit shall be subject to review and approval by the Building and Planning Official on an annual basis.
- 2) Public Notice requirements may be waived for renewal of Temporary Use Permits at the discretion of the Building and Planning Official provided that:
  - A. No formal complaints have been filed regarding the temporary use.
  - B. There have been no changes made to the site plan or activities from the time of initial approval as verified by the Building and Planning Official.

## Article 8 – Conditional Uses

### 8.01 Purpose

A conditional use is a use, which, due to the nature of potential impacts on surrounding land uses and public facilities, requires a case-by-case review and analysis. It is the intent of this article to provide standards and procedures so that uses which are classified as conditional may be permitted, enlarged or altered if the site is appropriate and if conditions of approval intended to protect the best interests of the property, the neighborhood and the City can be met.

### 8.02 Authorization to Grant or Deny

Conditional uses listed in this ordinance may be permitted, altered or enlarged upon authorization of the Planning Commission in accordance with the standards and procedures set forth in this article and shall be subject to Site Plan Review unless the requirement for Site Plan Review is waived by the Building and Planning Official pursuant to Section 6.01(1). Relaxation of any of these standards requires a variance in accordance with Article 10.

- 1) In taking action on a conditional use permit application, the Planning Commission may either approve or deny the application.
- 2) If an application is denied, the action must be based on reasons related to noncompliance with the Comprehensive Plan, incompatibility of the proposed use within the zone or to adjacent land uses, or inappropriate site location or failure to meet all applicable standards listed in Sections 8.10 and 8.20 for the proposed use.
- 3) In approving a conditional use permit application, the Planning Commission shall impose any conditions which are necessary to ensure compliance with the standards of this ordinance or other appropriate State, County and City standards, rules, regulations and laws and standards established by any other City resolution.
- 4) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in use or in lot area or an alteration or enlargement of a structure shall conform to the requirements for conditional use.
- 5) The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond or similar contractual arrangement of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.
- 6) The Planning Commission may require that an applicant for a conditional use enter into a contractual agreement with the City to assure that the applicant will provide his or her share of the development costs for streets; curbs; gutters; sidewalks and water, sewer and drainage facilities to City standards.
- 7) The applicant shall sign and record a Development Agreement in a form approved by the City Attorney against the property to assure that all conditions of approval are met by the applicant and future property owners.

### 8.03 Procedure for Review

Conditional Use applications shall be processed pursuant to the standards for a Type III application contained in Article 11.

- 1) Lane County shall be notified of any conditional use permits that will have a potential impact or effect on lands, services or facilities outside the city limits.

### 8.04 Building Permits for an Approved Conditional Use

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan for the conditional use as approved by the Planning Commission. Any proposed change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use. Building permits involving an approved conditional use shall not be issued until the appeal period as specified under Section 2.07 has passed.

## **8.05 Reserved**

## **8.06 Termination**

A conditional use may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

- 1) Approval of the conditional use was obtained by fraud or misrepresentation.
- 2) The use for which approval was granted has ceased to exist.
- 3) The use does not meet the conditions specifically established for it at the time of the approval of the application.
- 4) The use is in violation of any provision of this ordinance or of any other applicable statute, ordinance or regulation.

## **8.07 Limitation**

No request for a conditional use shall be considered by the Planning Commission within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

## **8.08 Transferring a Conditional Use Permit**

A Conditional Use Permit may not be transferred from one parcel to another parcel.

A Conditional Use Permit may be transferred from one owner to a new owner for the same parcel and the same use when the new owner submits an affidavit to the City of Veneta certifying that the new owner understands the conditions of the Conditional Use Permit and that the continued use shall comply wholly with the conditions stated in the permit as well as all applicable laws, rules and regulations.

## **8.09 Reserved**

## **8.10 General Standards of Approval**

A conditional use may be granted only if:

- 1) The proposed use is consistent with the Veneta Comprehensive Plan.
- 2) The proposed use is consistent with the purpose of the zoning district.
- 3) The potential negative impacts of the proposed use on adjacent properties and on the public will be mitigated through the application of existing requirements and conditions of approval.
- 4) All required public facilities have adequate capacity to serve the proposal. Systems Development Charges will be assessed at the time a building permit is issued. Additional SDC's will be assessed for changes in use that are more intense than a pre-existing use.
- 5) The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.

## 8.11 Special Standards Governing Certain Conditional Uses

Certain conditional uses shall meet the following standards:

- 1) Requirements for front, back or side yards for conditional uses may be increased by one (1) foot for each foot by which the building height exceeds that specified for the district.
- 2) Standards for public structures or uses of land for public utility facilities such as electric substation or transformer, public or community sewage disposal plant or pumping station, municipal well or water storage, radio or television tower or transmitter, telephone exchange, shop and storage yard or similar governmental or utility structure or use of land;
  - A. Public utility facilities and storage areas shall be screened and provided with landscaping.
  - B. The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.
- 3) Standards for a manufactured dwelling park. A manufactured dwelling park may be permitted as a conditional use subject to site plan approval. In addition, a manufactured dwelling park must meet current state requirements and the following minimum standards:
  - A. Screening shall be provided on each side of a manufactured dwelling park which is adjacent to a property line or an alley. The screening shall consist of a continuous fence or wall, supplemented with landscape planting, evergreen hedge or combination thereof so as to effectively screen the manufactured dwelling park from view. All screening shall be maintained in good condition.
  - B. The applicant must provide sufficient information to show that the proposed manufactured dwelling park shall not have an adverse impact upon the over-all future program for the development and improvement of the City as related to but not limited to the following areas of public service.
    1. Domestic water supply.
    2. Sewage disposal system.
    3. Adequacy of drainage facilities.
    4. Traffic problems and proposed streets in the Veneta Transportation System Plan
    5. Fire protection and police protection.
    6. Preservation of property values of surrounding areas.
- 4) Caretaker or watch person dwelling on the premises of a non-residential use.
  - A. Only one (1) dwelling may be situated upon a particular piece of property unless approved by the Planning Commission.
  - B. The dwelling shall be separated by at least ten (10) feet from all other buildings on the property.
  - C. Setbacks of the dwelling from all property lines shall be the same as for the zone in which the dwelling is located or ten (10) feet whichever is greater.
  - D. If the home is a manufactured dwelling, it shall be constructed to the State of Oregon Manufactured Dwelling Standards enacted on June 15, 1976 or any subsequent amendments thereto and have the Oregon Insignia of Compliance. It shall be a minimum of twelve (12) feet in width and 40 feet in length. It shall be provided with a kitchen having a sink with hot and cold running water and at least one bathroom equipped with a water closet, lavatory and bathtub and/or shower. A building permit must be submitted and approved by the building inspector to ensure that the manufactured dwelling has been properly placed on and securely anchored to state approved foundation and stabilizing devices.
  - E. All plumbing fixtures shall be connected to a public water supply system and to a public sewerage disposal system and be equipped with running water. All water and sewer lines connecting the dwelling with public water and sewer lines shall comply with the standards of the City.
  - F. If a manufactured dwelling is used, the wheels and tongue or hitch shall be removed within 60 days unless a temporary use permit provides for an extended date.
  - G. Unless placed upon a continuous permanent foundation, the manufactured dwelling shall be completely enclosed with a continuous concrete wall or skirting which shall consist of non-

decaying, non-corroding material extending to the ground or to an impervious surface.

H. Skirting and foundation enclosing walls shall have provisions for ventilation and access to the space under the units as follows:

1. The walls or skirting shall have a net ventilation area of not less than 1-1/2 square feet for each 25 linear feet of exterior wall.
2. Openings shall be arranged to provide cross ventilation on opposing sides and shall be protected with corrosion-resistant wire mesh.
3. All foundation areas shall be provided with a 16x24 inch access way and shall be secured against entry.

I. No additional or accessory buildings shall be permitted in conjunction with a dwelling except as follows:

1. One carport or garage not to exceed 500 square feet in area.
2. One covered or uncovered patio not to exceed 300 square feet in area.
3. One storage building not to exceed 100 square feet in area and which shall be attached to and made a part of a carport or garage and which shall be included as a part of the maximum area provided for the carport or garage.

J. A caretaker residence may be accessory to an existing commercial or industrial use that is in need of protection. The duration of the conditional use may be for the life of the commercial or industrial use and temporary vacancy periods for up to two (2) years. If at the end of the conditional use, the manufactured dwelling is removed from its permanent foundation, the owner of the property shall sign and record a development agreement approved by the City Attorney to remove the foundation and all additions to the manufactured dwelling and permanently disconnect and secure all utilities. The development agreement authorizes the City to perform the work and place a lien against the property for the cost within 30 days from the date on which the manufactured dwelling is moved from its foundation. This condition shall not apply in the event that another approved manufactured dwelling is placed within 30 days of the original unit's removal.

K. Two (2) off-street parking spaces for the dwelling shall be provided.

5) Accessory dwelling to relieve a temporary medical hardship. A manufactured dwelling used as an accessory dwelling to a permanent residence for a designated member of the immediate family may be granted by the Planning Commission when a medical hardship exists in the family.

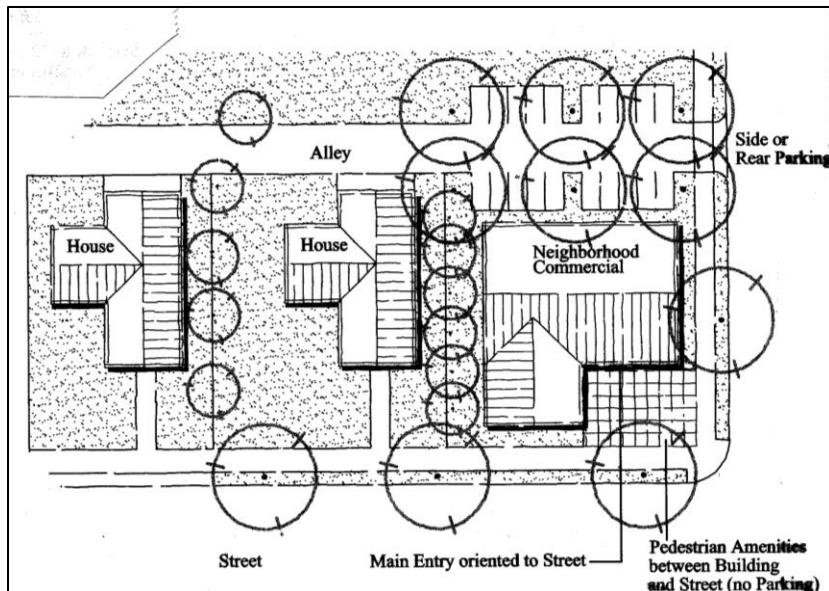
- A. The minimum lot size shall be 20,000 square feet.
- B. The medical hardship is verified by a licensed physician.
- C. There is insufficient space in the permanent residence to accommodate the additional family member(s).
- D. The family lacks the resources for alternative off-site care.
- E. The temporary use shall be limited to a maximum of one year unless re-submitted for an extension and approved by the Planning Commission.
- F. The manufactured dwelling shall be provided with an approved water supply and sewage disposal system.
- G. A building permit for the siting and anchoring of the manufactured dwelling shall be submitted and approved by the building inspector prior to occupancy. The building permit must be accompanied by a plot plan showing that the temporary home complies with the minimum required yard setbacks for the zone in which it is located.
- H. The manufactured dwelling and all accessory elements shall be removed within 60 days of vacation by the family member(s) and may not be converted to an accessory use.

6) Standards for neighborhood commercial.

- A. Permitted Uses. Uses shall be limited to small-scale establishments that serve the neighborhood or the community that do not exceed 2,000 square feet of floor area and are located at the intersection of a designated arterial and/or collector street. Allowable uses include those allowed in the Community and Broadway Commercial Zoning Districts.

- B. Outdoor Activities Prohibited. All business operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building.
- C. Automobile-Oriented Uses Prohibited. Prohibited automobile-oriented uses include:
  - 1. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment.
  - 2. Drive-up, drive-in, and drive-through facilities.
- D. Maximum Size. The maximum commercial floor area shall not exceed 2,000 square feet per neighborhood commercial site. There may be up to four neighborhood commercial sites at one intersection (one on each corner).
- E. Minimum Yard Requirements.
  - 1. Front yards abutting residential zone shall be twenty (20) feet.
  - 2. Back and side yards abutting residential zone shall be ten (10) feet.
  - 3. Yards shall be landscaped as provided in Section 5.120.
  - 4. See Section 5.090 for additional setbacks on designated streets.
- F. Maximum Building Height. No building shall exceed 35 feet.
- G. Building Orientation. All new or remodeled commercial buildings shall have their main entrance facing the street, pursuant to Section 5.13. Off-street parking shall be located behind or to the side of the primary building entrance and shall be screened from abutting residential lots, as generally shown in Figure 8.1.

**Figure 8.1 – Neighborhood Commercial Building Orientation**



- H. Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.
- I. Signs. One sign for each facing street per business or use conducted within the building, not to exceed twenty (20) square feet in area. Signs attached flat against the building shall not project more than twelve (12) inches from the wall nor project above the roof or parapet wall. Freestanding signs shall be located on the property and shall not project beyond the property line.
- J. Additional Standards. The Planning Commission may limit the type, extent, and hours of operation of a proposed use and may require additional standards to protect adjacent property owners based upon evidence submitted at the public hearing.

7) Commercial Dog Kennels.

- A. Minimum size of lots upon which commercial dog kennels are located is one acre.
- B. Commercial dog kennels shall be located behind the residence if one exists, not less than 100 feet from any residence, nor closer than twenty (20) feet to any property lines.
- C. Dogs shall be properly caged or housed and proper sanitation shall be maintained at all times. All food shall be stored in metal or other rodent- proof receptacles.
- D. When a property with a commercial dog kennel is rezoned to a zoning district that does not allow commercial dog kennels, the commercial kennel use on that property shall be completely discontinued within a period of six (6) months from the date of reclassification.
- E. Kennels must be operated in accordance with Veneta Municipal Code Regulations.

8) Accessory Structures Larger than 1,000 Square Feet in LDR, GR, RC, and RR Zone.

- A. Shall require a building permit.
- B. Shall not interfere with preservation of significant natural resources.
- C. Shall be located so that grading and filling are kept to a minimum and natural feature such as drainage swales, rock outcroppings, and slopes are retained.
- D. Shall minimize detrimental impacts on neighboring properties (such as obstruction of views, limiting solar access, and intrusion on privacy). Planning Commission may impose conditions such as maximum height of structure, minimum setbacks, and required buffering in order to limit detrimental impacts.

9) Commercial animal husbandry.

- A. The farm or parcel shall be located in the Rural Residential zone and shall have a minimum area of five (5) acres, with the exception of goat or cattle dairies which require a minimum area of twenty (20) acres.
- B. The keeping of no more than five (5) swine over the age of three (3) months.
- C. No killing or dressing of fowl or animals for public use.
- D. Animal runs, kennels, or farm buildings for housing livestock or animals, chicken or other fowl pens and colonies of bees shall be located on the rear half of the property, not less than 100 feet from any residence, nor closer than twenty (20) feet to the interior property line of an abutting property.
- E. Animals, chickens and/or other fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent proof receptacles.
- F. When an RR zone is reclassified to another zone, all those land uses granted under item (b) above shall be completely discontinued within a period of six (6) months from the date of reclassification.

10) Day care facilities.

- A. At least 75 square feet of outdoor play and socializing area per child or adult shall be provided, but in no case shall the total area be less than 500 square feet.
- B. If planned for children, the outdoor plan shall be adequately fenced in order to provide for their safety.
- C. If the day care facility is not a residential use as provided in ORS 657A.440, the day care facility shall not be located in a single-family residence.
- D. The facility shall be readily accessible for fire and other emergency vehicles.
- E. The facility shall meet all applicable state licensing requirements. Proof that these requirements are met shall be provided.
- F. Adequate space must be provided on-site to allow for drop-off of the children or adults, preferably a circular drive. L-shaped drives and alley drop-offs may also be approved.
- G. Parking areas and ingress-egress points are designed so as to facilitate traffic, bicycle, and pedestrian safety; to avoid congestion; and to minimize curb cuts on arterial and collector streets.

11) Reserved.

12) Reserved.

13) Standards for high impact transportation and recreation facilities such as sports complexes, stadiums,

equestrian arenas, golf courses, swimming pools, heli-ports, heli-stops, and bus or train terminals.

- A. Major noise generators shall be located a minimum of 30 feet from residential property lines and shall be screened by a noise attenuating barrier.
- B. Transportation facilities must be consistent with or incorporated into the Transportation System Plan (TSP).
- C. Major public recreation facilities must be consistent with or incorporated into the Parks, Recreation, and Open Space Plan.
- D. A Traffic Impact Analysis (TIA) and parking study may be required by the Planning Official or the City Engineer in accordance with Section 5.27 of this ordinance. The development project must include mitigation for any decrease in level of service or operational safety of the transportation system.

14) Standards for an RV park. The Planning Commission may allow parks for recreation vehicles if the following standards are met:

- A. The park shall consist of a minimum of one acre.
- B. There shall be a minimum of a twenty (20) foot landscaped buffer on all sides.
- C. The public transportation system must be able to support large trucks and trailers.

15) Standards for outdoor commercial amusement and recreation establishments.

- A. These uses may not abut any residential uses or districts.
- B. Screening and setbacks in addition to those normally associated with the district must be increased to minimize the auditory and visual impacts of the proposed establishment on adjacent uses.

16) Standards for drive-thru eating and drinking establishments, banks, and similar drive-thru establishments. Drive-thru includes "drive-up", "drive-in", and "drive-through" facilities. These are permitted only when they conform to the following standards which are intended to calm traffic and protect pedestrian safety:

- A. The drive-thru portion is accessory to the primary commercial "walk-in" use.
- B. The drive-thru window or kiosk, as applicable, is located at least twenty (20) feet from any front or street property line. The setback area shall be landscaped as required under Section 5.12. Walk-up only teller machines and kiosks may be oriented to a street sidewalk or walkway.
- C. The drive-thru facility is not oriented to a street corner.
- D. No more than one drive-thru facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.
- E. All vehicle queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.
- F. Comply with access management provisions under Section 5.24, and other applicable requirements of Articles 5, 6, and 8.
- G. Adjustments to the standards in a-f may be approved by the Planning Commission if the commission finds that potential adverse impacts on traffic circulation, pedestrian safety, and aesthetics are mitigated by alternative design features that are equal or superior to those that are required by the base code.

17) Standards for automobile service and repair stations, truck stops, car and truck washes, and heavy equipment/truck rentals, sales and repair. Automobile service stations, including maintenance and repair; truck fuel sales, servicing stations, and overnight trucking facilities; car or truck washes; and heavy equipment and truck rental sales/ and repair may be allowed by the Planning Commission if the following standards are met:

- A. All activities associated with automotive, truck and heavy equipment repair and service, with the exception of maintenance activities such as pumping gas or changing tires, shall take place within a building constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring uses.
- B. Storage of vehicles to be repaired shall be screened by a sight-obscuring fence, wall, or hedge.
- C. There shall be a minimum of a five foot front yard setback that is landscaped.
- D. There shall be a physical barrier between the driving surfaces and pedestrian areas.

- E. All areas of the site where vehicles or equipment will be stored, repaired, or displayed must be paved.
- F. The areas around fuel pumps and over underground storage tanks must be paved with concrete.
- G. Public restroom facilities must be available within the building.
- H. All stormwater runoff must be pretreated with pollution control devices before entering into the public stormwater system.

18) Stables. Interim uses of stables are allowed provided:

- A. Buildings used for the overnight accommodation of animals, and structures that enclose animals outside of the buildings, shall be constructed to ensure that noise or odor do not disturb the normal operation or tranquility of neighboring land uses.
- B. The dust and other side effects of the use do not interfere with the successful operations of adjacent land uses.
- C. Bulk storage or sales of fertilizer, feed, or plant materials is prohibited.

19) Standards for development in the GW subzone. The development must comply with all standards listed below. If the proposed development cannot comply with all the standards, the Planning Commission must determine what balance is needed between the public benefits provided by standards (A) through (E) and the private benefits provided by standards (F) and (G).

- A. Fish and wildlife habitats and wildlife movement corridors will be protected.
- B. Scenic qualities and viewpoints will be preserved.
- C. Natural drainageways are protected and the stormwater plans comply with an approved stormwater drainage management plan. Erosion will be prevented or controlled.
- D. Significant trees and other site vegetation will be preserved.
- E. Stream corridors and wetland will be protected and provided with buffers.
- F. The practical needs of construction activity are provided for in terms of ingress and egress.
- G. Exceptional and undue hardship upon property owner or developer is avoided. For purposes of this subsection, hardship means the subject property will have no economically viable use without the Conditional Use Permit. The hardship must arise from conditions inherent in the land which distinguish it from other land in the neighborhood.

20) Reserved.

21) Standards for rebuilding or continuation of a non-conforming use that is totally or substantially destroyed. Rebuilding of a non-conforming structure shall meet the following minimum standards:

- A. The building may be placed on the original foundation.
- B. If a new foundation or location is proposed, the building shall meet the setback requirements for the zone.
- C. The use of the building shall not be more intensive than the original non-conforming use.
- D. The building shall meet all current building and fire codes.
- E. No additional dwelling units may be added.

## **8.12 Conditions of Approval**

The Planning Commission may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

- 1) Limiting the hours, days, place and/or manner of operation;
- 2) Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
- 3) Designing the project to compliment the visual context. Utilizing techniques such as architectural design, site design, use of native landscaping, and choice of colors and building materials in such manner that facilities are screened from off-site observers and blend with the natural visual character of the area;
- 4) Requiring larger setback areas, lot area, and/or lot depth or width;

- 5) Limiting the building height, size or lot coverage and/or location on the site;
- 6) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
- 7) Designating the size, number, location and/or design of vehicle access points or parking areas;
- 8) Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
- 9) Limiting the number, size, location, height and/or lighting of signs;
- 10) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- 11) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- 12) Requiring and designating the size, height, location, and/or materials for fences;
- 13) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, and cultural resources;
- 14) Protecting public safety, especially from vandalism and trespass;
- 15) Timing construction to minimize disturbances;
- 16) Limiting land disturbance and grading
- 17) Minimizing impervious surfaces;
- 18) Designating special areas of concern such as the GW subzone, wetlands, or other significant features on final development plans; and
- 19) Marking with fencing or other methods special areas of concern such as the GW subzone, wetlands, or other significant features on the site prior to commencement of excavation, grading, or construction.
- 20) Mitigation measures for impacts to the transportation system as documented in a Traffic Impact Analysis. These measures may be off-site and may include multi-modal transportation improvements which would help protect the function and operation of the planned transportation system, provided that the measures are proportionate to the impact of the proposed development.

## **Article 9 – Non-Conforming Uses**

### **9.01 Intent**

It is the intent of the nonconforming uses sections of this ordinance to permit pre-existing uses and structures which do not conform to the use or standards of this ordinance to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures, thereby creating potentially adverse effects in the immediate neighborhood or in the City as a whole, are subject to Sections 9.01 to 9.08 of this ordinance.

### **9.02 Continuation of a Nonconforming Use**

- 1) Subject to the provisions of Sections 9.01 to 9.08, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.
- 2) The extension of a nonconforming use which was approved prior to passage of this ordinance is not an extension of a nonconforming use.
- 3) Except as stated in Section 9.04(1), in any industrial or commercial zone, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements of the GR zone.

### **9.03 Nonconforming Structure**

A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standard, may be altered or extended if the alteration or extension does not cause the structure to otherwise deviate from the standards of this ordinance.

### **9.04 Discontinuance of a Nonconforming Use**

- 1) If a nonconforming use involving a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.
- 2) If a nonconforming use not involving a structure is discontinued from active use for a period of six (6) months, further use of the property shall be for a conforming use.

### **9.05 Change of a Nonconforming Use**

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.

### **9.06 Destruction of a Nonconforming Use or Structure**

If a nonconforming structure or a structure containing a nonconforming use is totally or substantially destroyed, a future structure or use on the site shall be replaced within 6 (six) months, in accordance with the provisions of the zone in which the property is located or the property owner may apply for a conditional use permit to continue with the existing use or to replace the structure in its present location. This provision does not apply to voluntary destruction. If the nonconforming structure is voluntarily destroyed, then future use shall be in accordance with the provisions of the zone in which the property is located.

## **9.07 Repairs and Maintenance**

Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring or plumbing, provided the building is not increased in cubic content or floor area.

## **9.08 Completion of Structure**

Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued

## **Article 10 - Variances**

### **10.01 Purpose**

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may affect individual properties or uses, the variance provision is created, thus making it possible to adjust the provisions of this ordinance to special and unusual cases without defeating the general purposes and intent of the ordinance.

### **10.02 Authorization to Grant or Deny Variances**

The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific property or use, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

### **10.03 Circumstances for Granting a Variance**

A variance may be granted only in the event that all of the following circumstances exist:

- 1) Special or unusual circumstances or conditions apply to the property or use which do not apply generally to other properties or uses in the same zone or vicinity.
- 2) The granting of the variance shall not constitute a grant of special privilege not enjoyed by owners of other similarly zoned properties.
- 3) The granting of the variance will not be materially detrimental to the public health, safety, and welfare or materially injurious to other property in the same zone or vicinity in which the property is located.
- 4) The granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan, an adopted Specific Development Plan, and or other related Veneta Ordinances and will not otherwise conflict with the objectives of any City ordinance, plan, or policy.
- 5) The unusual circumstance or condition described in Subsection (1) of this Section shall not be self-created, arise from a previous Code violation, or rely on loss of profit or financial need.
- 6) The Variance requested is the minimum necessary to alleviate the unusual condition.

### **10.04 Procedure for Review**

Variance applications shall be processed pursuant to the standards for a Type III application contained in Article 11.

- 1) The Planning Commission may prescribe the terms and conditions upon which a variance may be granted and set a time limit for the duration of such variance and may require guarantees in such form as deemed proper under the circumstances to ensure that the purpose for which said variance is granted will be fulfilled and that the conditions of the variance will be met.

### **10.05 Building Permits for an Approved Variance**

Building permits for all or any portion of an application involving an approved variance shall be issued only on the basis of the plan for the variance as approved by the Building and Planning Official. Any proposed change in the approved plan shall be submitted to the Building and Planning Official as a new application for a variance. Building permits involving an approved variance shall not be issued until the appeal period

as specified under Section 2.07 has passed.

#### **10.06 Reserved**

#### **10.07 Termination**

A variance may be revoked or modified by the Planning Commission, after public hearing, on any one or more of the following grounds:

- 1) Approval of the variance was obtained by fraud or misrepresentation.
- 2) The use for which approval was granted has ceased to exist.
- 3) The variance is in violation of any other applicable statute, ordinance or regulation.

A variance may be revoked by the Planning Commission without public hearing when the use does not meet the conditions specifically established for it at the time of approval of the application.

#### **10.08 Limitation**

No request for a variance shall be considered within the one year period immediately following a denial of such request, except the Planning Commission may consent to a new hearing if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.

## Article 11 – Procedural Standards

### 11.01 Purpose and Applicability

- 1) **Purpose.** This Article establishes procedures to initiate and make final decisions on planning actions under the Veneta Zoning and Development Code (“this ordinance” or “this code”), pursuant to City policy and state law.
- 2) **Applicability of Review Procedures.** All planning actions shall be subject to processing by one of the following procedures summarized in subsections 1 - 4, below, and as designated in Table 11.01. Building permits and other approvals, including approvals from state or federal agencies, may be required. Failure of the applicant to receive notice of any such requirement does not waive that requirement or invalidate any planning action under this ordinance.
  - A. Type I Action (Ministerial Decision). The Director makes Type I decisions by applying clear and objective standards and criteria that do not require the use of discretion in their application. A public notice and public hearing are not required for Type I decisions. Type I decisions are not land use decisions subject to appeal to LUBA. Procedures for Type I actions are contained in section 11.05.
  - B. Type II Procedure (Administrative Decision). Type II decisions are usually made by the Director and require the use of a limited amount of discretion. Type II decisions require public notice and allow for submission of written comment from the public, but a public hearing is not required. Director decisions are appealed to the Planning Commission. Procedures for Type II actions are contained in Section 11.06.
  - C. Type III Procedure (Quasi-Judicial Decision). Type III decisions involve standards and criteria that require the use of discretion. Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Quasi-judicial decisions involve discretion and implement policy. Procedures for Type III actions are contained in section 11.07.
  - D. Type IV Procedure (Legislative Decision). Type IV decisions are legislative decisions, such as the adoption and amendment of land use regulations and the Comprehensive Plan to implement public policy. Type IV matters are initially considered by the Planning Commission, which makes a recommendation to City Council. The Council makes the final decision on a legislative proposal through ordinance enactment. Public notice and hearings in front of the Planning Commission and City Council are required prior to the final decision. The City Council’s decision is the final local decision. Procedures for Type IV actions are contained in section 11.08.

**Table 11.01 Summary of Applications by Type of Review Procedure**

Action	Procedure
Amendments	
- Comprehensive Plan text	Type V
- Comprehensive Plan map	Type V
- Zoning Map (may be quasi-judicial or Legislative)	Type IV / V
- Ordinance Text	Type V
Annexation	See <a href="#">ORS 222</a>
Conditional Use Permit	Type III
Extension of Time	Type I or III
Floodplain Development	Type I
Home Occupation (Minor or Major)	Type I or III
Interpretation of Ordinance	Type II or III

Action	Procedure
Mobile Vending	Type I
Modification to Approval	
- Minor Modification	Type I
- Major Modification	Per original review
Sign Permit	Type I
Site Plan Review	Type II
Temporary Use	Type I or II
Tree Removal	Type I
Variance	Type III

## 11.02 Determination of Review Procedure

Where Table 11.01 designates more than one possible review procedure, the applicable review procedure shall be determined based on the specifics of the application(s) and criteria applied.

## 11.03 Pre-application Conference and Consolidation of Review

- 1) **Pre-Application Conference.** All applicants for Type II-V actions must complete a pre-application conference for the proposal within six months prior to filing the application. The Director may waive this requirement if, in the Director's opinion, the information to be gathered in a pre-application conference already exists in the complete application. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this ordinance, provide for an exchange of information regarding applicable elements of the comprehensive plan and development requirements, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director is authorized to create procedures allowing for electronic or other alternative forms of conferences.
- 2) **Consolidated Review Procedures.** An applicant may apply at one time for all permits and approvals needed for a project proposal. When applicable, the consolidated procedure shall be subject to the time limitations set out in ORS [227.178](#). To process consolidated applications, the City shall follow the highest review procedure required for any single application type submitted. For example, a consolidated application that includes a Type II and a Type III procedure would be subject to Type III review procedures. Limited Land Use Decisions shall not be reviewed according to a higher review procedure unless an applicant elects to have the Limited Land Use Decision reviewed according to a higher review procedure as part of a consolidated application.

## 11.04 Burden of Proof

The burden of producing substantial evidence to support the requisite findings is on the applicant. If no supporting evidence is produced by the applicant, the City may deny the application.

- 1) The applicant has the burden of proof regarding all requests affecting a subject property, and the applicant recognizes that it bears the sole obligation to substantiate all requests.
- 2) If an applicant wishes to file a local appeal of any decision made under this ordinance, the applicant shall pay an appeal fee (subject to limitations of ORS [227.175](#)(10) and 227.180(1)(c) for certain actions).

## 11.05 Type I Procedure (Ministerial Decision)

Type I decisions are made by the Director. A public notice and public hearing are not required for Type I decisions. Type I decisions involve clear and objective standards and criteria that do not require the exercise of discretion.

- 1) **Application Requirements and Review.**
  - A. Application Form and Fee. Applications subject to Type I review shall be submitted on forms provided by the Director. All property owners of the subject parcel or their authorized agents, as applicable, must sign the application. The application shall not be considered complete unless it includes all information required by this ordinance and the appropriate application fee.
  - B. Decision. Within 21 days after accepting a complete application for a Type I review, the Director shall approve, approve with conditions or deny the application based upon applicable criteria, unless such time limitation is extended by applicant. Conditions of approval may specify other required permits and/or approvals.
  - C. Notice. Within 5 days after the Director renders a decision, the applicant and property owner shall be notified in writing of the decision.
- 2) **Building Permits.** The City shall not issue a building permit for a project subject to review under this section until the Director has approved the Type I application.
- 3) **Criteria and Decision.** The Director, in approving a Type I application, may find that other City permits or approvals are required prior to issuance of construction or building permits.
- 4) **Effective Date.** A Type I decision is final on the date it is signed by the Director, with no right to a local appeal.

## **11.06 Type II Procedure (Administrative Decision)**

Type II decisions are made by the Director with limited discretion, following public notice and a public written comment period. Type II decisions provide an opportunity for appeal to the Planning Commission.

- 1) **Application Requirements.**
  - A. Application Form and Fee. Applications subject to Type II review shall be submitted on forms provided by the Director. All property owners of the subject parcel or their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless it includes all information required by this ordinance and the appropriate application fee.
  - B. Submittal Information. The application shall include all of the following information.
    1. The information requested on the application form.
    2. Plans and exhibits required for the specific approval(s) sought.
    3. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
    4. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
    5. The required fee.
- 2) **Notice of Application.**
  - A. Mailing of Notice of Application. The purpose of the notice of application is to give nearby property owners and other interested people the opportunity to review and submit written comments on the application before the City issues a decision. Within ten days of deeming a Type II application complete, the City shall mail a notice of a pending Type II application to the following:
    1. Owners of properties located within 100 feet of the perimeter of the subject site.
    2. Neighborhood groups or community organizations officially recognized by the City that include the area of the subject property.
  - B. Content of Notice of Application. The notice of application shall include all of the following:
    1. The street address or other easily understandable reference to the location of the proposed use or development.
    2. A summary of the proposal.
    3. The applicable criteria for the decision, listed by commonly used citation.
    4. Date and time that written comments are due, and the physical address where comments must be mailed or delivered.

5. An explanation of the 14-day period for the submission of written comments, starting from the date of mailing.
6. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards are available for review and that copies will be provided at a reasonable cost.
7. A statement that issues that may provide the basis for appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the decision-maker to respond to the issue (See ORS [197.195\(3\)\(c\)\(B\)](#)).
8. The name and telephone number of a City contact person.
9. A brief summary of the Type II review and decision-making process.

C. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

3) **Decision.**

- A. At the conclusion of the comment period, the Director shall review the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable ordinance criteria. The Director shall prepare a decision within 60 days of the City's determination that an application is complete, unless the applicant agrees to a longer time period.

4) **Notice of Decision.**

- A. Mailing of Notice of Decision. Within five days after the Director renders a decision, the City shall mail notice of the decision to the following:
  1. Applicant.
  2. Any group or individual who submitted written comments during the comment period.
- B. Content of Notice of Decision. The notice shall include all of the following:
  1. A description of the nature of the decision.
  2. An explanation of the nature of the application and the proposed use or uses, which could be authorized.
  3. The street address or other easily understandable reference to the location of the proposed use or development.
  4. The name and telephone number of a City contact person.
  5. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and applicable criteria and standards are available for review and that copies will be provided at reasonable cost.
  6. A statement that any person who is adversely affected or aggrieved or was mailed a written notice of the decision may request appeal as provided in subsection F, below.
  7. A statement that the decision becomes final when the period for filing a local appeal has expired.

C. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

5) **Effective Date of Decision.** Unless the conditions of approval specify otherwise or the decision is appealed, a Type II decision becomes effective 12 days after the City mails the notice of decision.

6) **Appeal of Type II Decision.** A Type II decision made by the Director may be appealed to the Planning Commission, pursuant to the following:

- A. Who May Appeal. The following persons have standing to appeal a Type II decision.
  1. The applicant or owner of the subject property.
  2. Any person entitled to written notice, pursuant to subsection 11.06(4).
- B. Appeal Filing Procedure.
  1. Notice of Appeal. Any person with standing to appeal, as provided in subsection 11.06(6)(A) above, may appeal a Type II decision by filing a notice of appeal and paying the required appeal fee. An appeal fee shall not be required of neighborhood or community organizations recognized by the City and whose boundaries include the site. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded.

2. Time for Filing. A notice of appeal shall be filed with the Director within 12 days of the date the notice of decision is mailed.
3. Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:
  - a. An identification of the decision being appealed, including the date of the decision.
  - b. A statement demonstrating the person filing the notice of appeal has standing to appeal.
  - c. A statement explaining the specific issues being raised on appeal.
  - d. A statement demonstrating that the appeal issues were raised during the public comment period.

The requirements of this section are jurisdictional and required for City acceptance.

- C. Scope of Appeal. Appeal hearings on Type II decisions made by the Director shall be *de novo* hearings before the Planning Commission. Appeals shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Type II decision, but may include other relevant evidence and arguments. The Planning Commission may allow additional evidence, testimony, or argument concerning any relevant ordinance provision.
- D. Appeal Hearing Procedure. Hearings on appeals of Type II decisions follow the Type III public notice and hearing procedures, pursuant to Section 11.07.

## **11.07 Type III Procedure (Quasi-Judicial Decision)**

Type III quasi-judicial decisions are made after a public hearing before the Planning Commission.

- 1) **Application Requirements.**
  - A. Application Form and Fee. Applications subject to Type III review shall be submitted on forms provided by the Director. All property owners of the subject parcel or their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless it includes all information required by this ordinance and the appropriate application fee.
  - B. Submittal Information. Type III applications shall include all of the following information.
    1. The information requested on the application form.
    2. Plans and exhibits required for the specific approvals sought.
    3. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
    4. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
    5. The required fee.
- 2) **Notice of Public Hearing.**
  - A. Mailing of Notice of Public Hearing.
    1. The City shall mail notice of public hearing not less than 20 days before the hearing if only one hearing is scheduled; when more than one hearing will be held, notice shall be mailed a minimum of ten (10) days before the hearing. Such notice shall be mailed to all individuals and organizations listed below:
      - a. Applicant.
      - b. Owners and applicants of the subject property.
      - c. Owners and occupants for properties located within 300 feet of the perimeter of the subject site.
      - d. Neighborhood group or community organization officially recognized by the City that includes the area of the subject property.
      - e. Any person or organization that has submitted a written request for notice.
  - B. Content of Notice of Public Hearing. Notices mailed and posted pursuant to this section shall contain all of the following information:
    1. The street address or other easily understandable reference to the location of the proposed use or development.

2. The nature of the application and the proposed use or uses which could be authorized.
3. The applicable criteria for the decision, listed by commonly used citations.
4. The date, time and location of the scheduled hearing.
5. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards are available for review and that copies will be provided at a reasonable cost.
6. The name and telephone number of a City contact person.
7. A statement that a copy of the City's staff report and recommendation to the hearings body will be available for review at no cost at least seven days before the hearing, and that a copy will be provided on request at a reasonable cost.
8. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.
9. A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide statements or evidence with sufficient specificity to enable the decision-maker to respond to the issue precludes an appeal based on that issue.

C. Posted Notice. The City shall post the notice of public hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the Director. Posting shall occur not later than the date of the mailing of the notice.

D. Certification of Notices. The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

E. Newspaper Notice. The City shall publish a notice in a newspaper of general circulation in the City at least ten days prior the date of the public hearing.

3) **Conduct of the Public Hearing.**

A. Announcements. At the commencement of the hearing, the Chairperson, or the Chair's designee, shall state to those in attendance all of the following information and instructions.

1. Commence the hearing by announcing the nature and purpose of the hearing and summarizing the rules for its conduct.
2. Call for statements of conflicts of interest, ex parte contacts, and bias or challenges to impartiality on these bases.
3. Identify the applicable approval criteria by commonly used citations. (The Chair may reference the written and oral staff report).
4. Testimony, arguments and evidence must be directed toward the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision.
5. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the state Land Use Board of Appeals on that issue.
6. Prior to the end of the hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. If prior to the end of the initial evidentiary hearing, the hearings body shall grant such request by continuing the public hearing as provided in subsections 5 and 6, below, or leaving the record open for additional written evidence, arguments or testimony, as provided in subsection 11.07.C.7, below. If not the initial evidentiary hearing, the hearings body has discretion to grant any such request.
7. At the conclusion of the hearing, the hearings body shall deliberate and make a decision based on the facts and arguments in the record, or may set deliberation and decision making over to a future meeting date within applicable timelines.

B. Ex Parte Contacts, Conflicts of Interest and Bias.

1. Actual Conflicts of Interest/Bias. A member of the hearings body should voluntarily recuse him- or herself from vote on a matter when:
  - a. Any of the following has a direct or substantial pecuniary interest in the matter: the member

or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any organization or business in which the member is then serving as an officer or director or employee or has so served within the previous 2 years; or any business with which the member is negotiating for or has an arrangement or understanding concerning a prospective partnership, employment or other business affiliation.

- b. The member owns all or a portion of the property that is the subject of the matter before the hearings body or owns abutting or adjacent property.
- c. The member has a direct personal interest in the matter or for any other reason cannot participate in the hearing and decision impartially.
- d. Any member of the hearings body who has an actual conflict of interest in the matter shall disclose the nature of the actual conflict, on the record. Following disclosure of the reason for abstention, the member shall leave the table during hearing, deliberation, discussion, and voting on the matter.

2. **Potential Conflicts of Interest or Bias.** Any member of the hearings body who has a potential conflict of interest or perceived bias in the matter shall disclose the nature of the potential conflict or bias on the record. Following disclosure, the member may proceed in the same manner as described in 11.07 (3)(B)(3), below.
3. **Ex Parte Contacts.** Ex parte contacts must be announced on the record as called for under 11.07 (3)(A). Ex parte contacts are all reports or other materials outside the record, including communications directly or indirectly with any applicant, appellant, other party to the proceedings or party representative about any issue involved in the hearing or in connection with the particular application. Ex parte contacts invalidate the hearings body's decision unless placed on the record and all parties are provided a right to rebut the substance of the communication at the first hearing following the communication. A communication between a hearings body member and City staff is not an ex parte contact for purposes of this section.
4. The applicant and interested parties have the right to challenge the qualifications of any hearings body member and to rebut the substance of any disclosed ex parte contact, conflict of interest or bias declaration on the record.
5. If an identified potential conflict, contact, or bias has not impaired the member's impartiality and ability to decide the matter on the record, the member shall so state on the record and may then participate in the hearing and decision.

- C. Presenting and Receiving Evidence.
  1. The hearings body may set reasonable time limits for oral presentations and may limit or consolidate cumulative, repetitious, or irrelevant testimony, argument or evidence.
  2. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received until the record is closed.
- D. The hearings body, in making its decision, shall consider the facts and arguments in the record, except that the hearings body may take notice of local, state, or federal regulations, previous City decisions, case law and similar evidence if entered into the record prior to the final decision.
- E. If the hearings body grants a continuance, the hearing shall be continued to a date time and place certain, announced into the record, that is at least seven (7) days after the date of the first evidentiary hearing. When announced in this manner, no additional notice is required. An opportunity shall be provided at the continued hearing for persons to present and respond to new evidence, argument or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to conclusion of the continued hearing that the record be left open for at least seven days to submit additional written evidence, arguments or testimony in response to the new written evidence. In the interest of time, the hearing body may close the hearing and limit additional testimony to arguments and not accept additional evidence.
- F. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may file a written request with the City

for an opportunity to respond to new evidence submitted while the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

1. When the record is reopened to admit new evidence, arguments or testimony, any person may raise new issues that relate to that new evidence, argument, testimony or applicable criteria.
2. An extension of the hearing or record granted pursuant to this section is subject to the limitations of section 11.18.
3. Unless waived by the applicant, the hearings body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not new evidence. Applicant's additional 7 days is excluded from and not subject to any applicable 120 day limit of ORS [227.178](#).

4) **Notice of Decision.**

A. Mailing of Notice of Decision. The City shall mail notice of the decision to the following:

1. Applicant or authorized agent.
2. Owners and occupants of the subject property.
3. Parties of record, including any group or individual who submitted written comments during the comment period.
4. Those groups or individuals who requested notice of the decision.
5. The Department of Land Conservation and Development, if required.

B. Content of Notice of Decision. The notice shall include all of the following:

1. The date notice was mailed.
2. The decision.
3. A statement that the decision will not become final until the period for filing a local appeal has expired.
4. An explanation of the appeal rights, including any right of appeal to LUBA.

5) **Certification of Notices.** The City shall prepare an affidavit or other certification stating the date(s) the notices were mailed and posted, which shall be made a part of the file.

6) **Effective Date of Decision.** Unless a condition of approval specifies otherwise or the decision is appealed, a Type III decision becomes effective 12 days after the City mails the notice of decision.

7) **Appeal of Type III Decision.** A Type III decision may also be appealed to the Council as follows:

A. Who May Appeal. Appeals may only be filed by the following parties:

1. Applicant
2. Owner of the subject property.
3. Neighborhood group officially recognized by the City that includes the area of the subject property.
4. Any person who submitted written comments or provided oral testimony at the public hearing.

B. Appeal Filing Procedure.

1. Notice of Appeal. An appeal of a Planning Commission Type III decision requires submittal in accordance with this subsection of a notice of appeal and the appeal fee.
2. Time for Filing. The notice of appeal shall be filed with the City Administrator within 12 days of the date the notice of decision is mailed.
3. Content of Notice of Appeal. The notice shall include the appellant's name, address, identification and date of the appealed decision, an explanation of appellant's standing, and a clear and distinct explanation of how the decision-maker failed to properly evaluate the application procedurally or make a decision consistent with applicable criteria. The basis of the appeal is limited to the issues raised during review of the original application.
4. The requirements of this section for submittal of an appeal are jurisdictional and required for City acceptance.

C. Mailed Notice. The City shall mail the notice of appeal together with a notice of the date, time, and place of the City Council appeal hearing to all Interested Parties, as defined in 11.07 (2), at least 20 days prior to the meeting. The notice shall contain all information required for the original notice, as

specified in 11.07 (2).

D. Scope of Appeal. The review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Commission. The record shall consist of the appealed decision, the original application and all materials submitted prior to the close of the record, including minutes and recorded testimony of prior hearings.

E. Appeal Hearing Procedure. The decision of the City Council is the final decision of the City on an appeal of a Type III decision, unless the decision is remanded to the Planning Commission.

1. Oral Argument. Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten minutes for the applicant, ten for the appellant, if different, and three minutes for any other party. Written arguments shall be submitted to the City Recorder prior to the commencement of oral testimony.
2. Council Decision. The Council may affirm, reverse, modify, or remand the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all parties participating in the appeal.

F. Record of the Public Hearing. For purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding. The public hearing record shall include the following information:

1. The notice of appeal and the written arguments submitted by the parties to the appeal.
2. Copies of all notices given as required by this Article, and correspondence regarding the application that the City mailed or received.
3. All materials considered by the hearings body including the application and all materials submitted with it.
4. Documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open.
5. Recorded testimony (including DVDs when available).
6. All materials submitted by the Director to the hearings body regarding the application;
7. The minutes of the hearing.
8. The final written decision of the Commission including findings and conclusions.

G. Effective Date and Appeals to State Land Use Board of Appeals. City Council decisions on Type III applications are final the date the City mails the notice of decision. Appeals of Council decisions on Type III applications must be filed with the State Land Use Board of Appeals, pursuant to ORS [197.805 - 197.860](#).

## **11.08 Type IV Procedure (Quasi-Judicial Zoning Map Amendment)**

Certain zoning map amendments are discretionary in nature, and require the exercise of judgment in applying the policies of the Comprehensive Plan and its implementing ordinances. These actions fall under the quasi-judicial standards established under Section 11.07, but also require review and approval by the City Council and adoption by ordinance.

- 1) **Determination.** A request will generally be considered a quasi-judicial process if it involves the following factors:
  - A. The process is bound to result in a decision;
  - B. The decision-maker is bound to apply preexisting criteria to concrete facts; and
  - C. The action is customarily directed at a closely circumscribed factual situation or small number of persons.Although no factor is considered determinative and each must be weighed, the more definitively these factors are answered affirmatively, the more it will be considered a quasi-judicial decision.
- 2) **Procedure.** Type IV decisions require a recommendation made by the Planning Commission after a public hearing following the Type III quasi-judicial hearings procedures of Section 11.07, except the City

Council is the sole review authority for annexations. The City Council reviews the recommendation of the Planning Commission at a public hearing and is the final decision-maker in Type IV development applications, which, if approved, shall occur through adoption of an ordinance.

- 3) **Notice of Public Hearing.** Notification procedure for Type IV actions shall follow the same procedures as that for Type III actions, but shall also include notification to State agencies such as DLCD, ODOT, etc. as applicable.
- 4) **Final Decision, Effective Date, and Notice of Decision.** A Type IV action, if approved, becomes final and takes effect as specified in the enacting ordinance. A notice of decision shall be mailed to all parties as specified for a Type III decision, and DLCD.

## **11.09 Type V Procedure (Legislative Decision)**

Type V actions are reviewed by the Planning Commission, which makes a recommendation to the City Council. The Council makes final decisions on legislative proposals by enacting an ordinance.

- 1) **Initiation of Requests.** The City Council or Planning Commission may initiate an action for a legislative decision.
- 2) **Procedure.** Type V decisions require a recommendation made by the Planning Commission after a public hearing. The City Council reviews the recommendation of the Planning Commission at a public hearing and is the final decision-maker. Approved legislative amendments shall be effected through Council ordinance adoption. Approval criteria includes applicable provisions of the City's Comprehensive Plan.
- 3) **Notice of Public Hearing.** Notification procedure for Type V actions.
  - A. The Director shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments to the Comprehensive Plan, Zoning Map, or this ordinance at least 35 days before the first public hearing at which public testimony or new evidence will be received.
  - B. At least 20 days but not more than 40 days before the date of the first hearing on an application to legislatively amend the Comprehensive Plan, Zoning Map, or this ordinance, the Director shall mail notice of such hearing to:
    1. Each owner whose property is rezoned in accordance with ORS 227.186; and
    2. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175; and
    3. Neighborhood groups and community organizations that have submitted written requests for notification.
  - C. At least ten days before the scheduled Planning Commission and City Council public hearing dates, public notice shall be published in a newspaper of general circulation in the City. The notice shall include the time and place of the public hearing, and a brief description of the proposed amendment.
- 4) **Final Decision, Effective Date, and Notice of Decision.** If a legislative proposal is approved pursuant to this ordinance, it becomes final and takes effect as specified in the enacting ordinance. A notice of a legislative land use decision shall be mailed to all parties of record, those groups or individuals who requested notice of the decision, and DLCD.

## **11.10 Application Submittal Requirements**

The Director is authorized to set standards and procedures for application submittal requirements, including the number and type of applications required (e.g., hard copies, electronic copies), size and format of applications (e.g., paper size, electronic format), and dates when applications can be received. The Director shall make the requirements for application submittals readily available to the public.

## **11.11 Complete Application and Time Limits**

- 1) **Complete Applications.** The Director shall determine within 30 days of receiving an application for Type I-IV review whether the application is complete, and shall advise the applicant accordingly in writing.

Where an application is deemed incomplete, the Director shall inform the applicant that the applicant must respond pursuant to subsection 1, 2, or 3, below, within 180 days from the date of application submittal. The 120-day clock under subsection B below does not begin until the applicant:

- A. Submits all of the missing information; or
- B. Submits some of the missing information and written notice that no other information will be provided; or
- C. Submits written notice that none of the missing information will be provided.

- 2) **Time Limit - 120-day Rule.** If required by statute, the City shall take final action on Type I-IV land use applications pursuant to this Article, including resolution of all local appeals, within 120 days from the date the Director deems the application complete for purposes of processing, unless the applicant requests an extension in writing. If the City of Veneta surpasses a population of 5,000, certain multifamily projects may be subject to a reduced time limit of 100 days pursuant to [SB 1051](#).
- 3) **Time Periods.** In computing time periods prescribed or allowed by this Article, the designated period of time does not include the date of the action or event cited. For example, where this ordinance provides for an appeal period ending ten days after the City mails a decision, the ten-day period does not include the day the decision is mailed. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

## **11.12 City Council or Planning Commission May Initiate Procedures**

The City Council or Planning Commission may initiate any Type I, Type II, Type III, or Type IV planning action by motion duly adopted by the respective body designating the appropriate City department to complete and file the application.

## **11.13 Failure to Receive Notice**

The failure of a property owner to receive notice shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was mailed.

## **11.14 Resubmittal of Applications**

A Type II-IV application that is denied by the City shall not be eligible for resubmittal for one year from the date of the denial, unless evidence is submitted that conditions, the application, or the project design have changed to an extent that further consideration is warranted.

## **11.15 Fees**

Fees authorized by this ordinance shall be set by Council resolution.

## **11.16 Withdrawal of an Application**

- 1) An application may be withdrawn if the City receives consent in writing to withdraw the application from the owner(s) of the property or their authorized representative(s) under the following circumstances:
  - A. An applicant may withdraw an application at any time before the application is deemed complete.
  - B. An applicant may withdraw an application previously deemed complete at any time prior to adoption of a final City decision.
  - C. The City Administrator or designee may withdraw any City-initiated application at any time.
  - D. Notwithstanding any preexisting, nonconforming use that remains consistent with the allowances of Article 9, a violation of a City ordinance has been identified on the subject property and processing of the application would not correct the identified violation.
- 2) If an application is withdrawn after public notice has been mailed, any noticed hearing will be cancelled.
- 3) Once an application has been withdrawn, the application fees shall be refunded by the following formula:
  - A. Application withdrawn prior to being deemed complete: 85%.
  - B. Application withdrawn prior to publication or distribution of public notice: 75%.

- C. Application withdrawn after publication or distribution of public notice: 50%.
- D. Application withdrawn after issuance of a decision or public hearing: no refund.

### 11.17 Expiration of Decision

- 1) Unless a different period of time is established within a decision issued pursuant to this ordinance, decisions issued pursuant to a Type I-IV process shall expire and become void automatically after the number of years specified in Table 11.16 unless one of the following circumstances has occurred:
  - A. Actual construction or alteration has begun under a required permit, or in the case of a permit not involving construction or alteration, actual commencement of the authorized activity has begun;
  - B. The approved land use has begun and is continuing operation in compliance with any applicable conditions of approval; or
  - C. An extension has been granted pursuant to section 11.17.
- 2) If a final local decision is on appeal, the effective date of the decision and corresponding valid period before expiration shall begin when the final decision is issued on the appeal.
- 3) Type IV actions are not subject to expiration or extension.

Table 11.17 Expiration and Extension of Decisions			
Procedure	Valid Period	Extension 1	Additional Extensions
Type I	1	0	0
Type II	3	1	0
Type III	3	1	1
Type IV	N/A	N/A	N/A

### 11.18 Extension of Decision

- 1) Written Request for Extension Required. A written request to extend the expiration date of a decision made pursuant to this ordinance must be filed with the Director by the applicant before the decision expires.
- 2) No modifications. The previous land use decision will not be modified in any way.
- 3) First Extension. A first extension may be granted for the applicable period of time as specified in Table 11.17 pursuant to subsection A above. A first extension shall be approved through a Type I permit.
- 4) Second or Longer Extension. A request for a second extension of a Type III decision or an extension longer than specified in Table 11.16 may be considered subject to the following criteria:
  - A. The extension is necessary because it is not possible to begin development within the allowed time for reasons beyond the control of the applicant;
  - B. The previous land use decision will not be modified in design, use, or conditions of approval; and
  - C. There have been no changes in circumstances, applicable regulations, or statutes likely to require modification of the previous land use decision or conditions of approval since the effective date of the previous land use decision.
  - D. Second extensions shall be considered through the Type III Conditional Use procedure and shall not be used to extend an entitlement that would have been rendered noncompliant by a change in local code; or State, Federal or case law.
- 5) Extensions for Multi-phase Projects. Phasing schedules are required as part of the initial decision for multi-phase projects. Longer approval periods for multi-phase projects may be authorized if approved by the decision-maker under one of the following circumstances:
  - A. Completion of a phase may extend the approval period of remaining phases only if specifically granted in the original approval; or
  - B. Post-approval phasing extensions shall be considered through the Type III Conditional Use procedure and shall not be used to extend an entitlement that would have been rendered noncompliant by a change in local code; or State, Federal or case law.

## **11.19 Expedited Land Divisions**

In conformance with ORS [197.360](#), applications for an Expedited Land Division (“ELD”) may be submitted subject to the following:

- 1) **Application Form and Fee.** Applications for an ELD shall be submitted on forms provided by the Director. All property owners of the subject parcel or their authorized agent, as applicable, must sign the application. The application shall not be considered complete unless it includes all information required by this ordinance.
- 2) **Submittal Information.** The application shall include all of the following information:
  - A. The information requested on the application form.
  - B. Plans and exhibits required for the ELD sought.
  - C. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail.
  - D. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, as applicable.
  - E. The required fee.
- 3) **Decision.** The Director shall approve or deny an ELD application after conducting the review procedures required by ORS 197.365;
- 4) **Appeal procedure.** The Director’s decision may only be appealed in accordance with ORS 197.375.

## **11.20 Amendments to the Comprehensive Plan and Implementing Ordinances**

- 1) **Purpose.** Amendments may be necessary from time to time to reflect changing community conditions, needs and desires; to correct mistakes; or to address changes in the law.
- 2) **Authorization to Initiate Amendments.** An amendment to the Comprehensive Plan text or map, this ordinance, or amendments to the zoning map that do not fall under the Type IV procedure may only be initiated by the City Council, the Planning Commission or by application of the property owner by filing an application with the City Administrator using forms prescribed pursuant to this ordinance.
- 3) **Compliance with Comprehensive Plan.** Any Type V amendments shall comply with the provisions of the City of Veneta Comprehensive Plan text and map, excepting amendments to the Comprehensive Plan Text or map.
- 4) **Compliance with Statute and Rule.** Certain Sections of this ordinance are pre-empted by Oregon Revised Statutes ([ORS](#)) and Oregon Administrative Rules ([OAR](#)). Any amendments to local ordinances shall comply with applicable Statute and Rule. If an amendment to the ORS or OAR is adopted at the State level, the City shall observe those standards even if not formally incorporated into this ordinance through the procedure for an amendment.
- 5) **Review Procedure.** Applications shall be processed using the Type V procedure set forth in Section 11.09.
- 6) **Adoption by Ordinance.** All decisions to amend this ordinance or the Comprehensive Plan text or maps require adoption by City Council ordinance. After a Planning Commission public hearing, the Commission shall recommend to the City Council approval, approval with modifications, or denial of the amendment, based upon applicable approval criteria. The Council shall consider the recommendation of the Planning Commission and at a duly noticed meeting act to reject or adopt the Planning Commission’s recommendation. Approval shall be effected by ordinance adoption.

## Article 12 – Home Occupations

### 12.01 Purpose

To allow for home occupations that are compatible with the neighborhood in which they are located. Home occupation permits are designed for those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Some home occupations are permitted by right and only require a business license. Other home occupations which may have some impact on the neighborhood require a conditional use permit in addition to the business license.

### 12.02 Standards for all Home Occupations

- 1) The home occupation shall be secondary to the use of the dwelling as a residence.
- 2) There shall be no external structural alterations or construction that causes the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or design.
- 3) No storage or display of goods shall be visible from the public street.
- 4) Mechanical equipment, except that which is compatible with residential purposes, shall be prohibited.
- 5) The use or storage of heavy equipment or heavy vehicles shall not be permitted. Heavy equipment and heavy vehicles shall include, but not be limited to the use of: semi-trucks, trucks and tractors, back hoes, bob cats, refrigerator trucks, livestock trucks, commercial buses, farm tractors, garbage trucks and log trucks.
- 6) No home occupation shall cause an increase in the use of water or sewer, so that the combined total use for dwelling and home occupation purposes exceeds the average water use for one ERU (equivalent residential unit) or (9,142 gallons/month). Additional SDC's may be assessed for home kitchens or other uses requiring more water and sewer use than one ERU.

### 12.03 Minor Home Occupations

Home occupations in compliance with the standards for all home occupations and the standards listed below are permitted as accessory uses. - An annual business registration is required as well as a signed agreement acknowledging compliance with the relevant home occupations standards, which shall be processed as a Type I permit.

- 1) All aspects of the home occupation, including storage of materials and equipment, shall be contained and conducted within a completely enclosed, lawfully-built structure and be conducted in such a manner as not to give an outward appearance of a business.
- 2) The home occupation shall use no more than 25 percent of the floor area used for human occupancy, or no more than 500 square feet in an accessory structure or attached garage.
- 3) On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) is prohibited.
- 4) The use shall involve no more than an average of five customers/clients per week.
- 5) No one from outside the resident household shall work at the home occupation site. The home occupation site shall not be used as a gathering or meeting place for people employed by or associated with the home occupation. A "home occupation site" means the property on which the home occupation is conducted.
- 6) There shall be no more than an average of one commercial delivery or pickup per week to or from the home occupation site.
- 7) No additional on-site parking will be needed. Residential off-street parking requirements as specified in 5.20 (1) still apply.
- 8) No written complaints have been received regarding the home occupation. If a written complaint is

submitted to city staff, the city shall not renew the business license until the Planning Commission has approved the home occupation as a conditional use.

## **12.04 Major Home Occupations**

Home occupations which do not comply with the standards set forth for Minor Home Occupations but do comply with the standards below may be permitted subject to Planning Commission approval of a conditional use permit. A property owner may initiate a request for a conditional use permit by filing an application, plans, and supplementary data with the City, using forms prescribed pursuant to Section 11.10. A filing fee in accordance with the provisions of Section 11.15 shall accompany the application for a conditional use permit. The Planning Commission will take action on the conditional use application after holding a public hearing in accordance with the provisions of Section 11.07. If approved, the resident may then apply for an annual business license.

- 1) All outdoor storage of materials or equipment is not visible from any public right-of-way or adjacent property. The Planning Commission may require additional plantings or screening. The only external evidence of an occupation shall be one name plate as allowed by the Veneta Sign Code.
- 2) The home occupation shall use no more than 25 percent of the floor area used for human occupancy and or no more than 1000 square feet in an accessory structure.
- 3) Only hazardous materials (including toxic, explosive, noxious, combustible, or flammable) normally incidental to residential use are allowed.
- 4) Other than the household members residing within the dwelling, there shall be no more than two (2) people engaged in on-site aspects of the home occupation. The Planning Commission may further restrict the number of people involved in the business and set hours of allowable operation.
- 5) There shall be a maximum of three vehicle deliveries to or from the home occupation site each week. Deliveries shall not be made by trucks with six (6) wheels or more. Deliveries shall not restrict traffic circulation. The Planning Commission may further restrict the number and times of the allowed deliveries.
- 6) There shall be a maximum of two (2) business-related vehicles parked on-site or on the street at any one time.
- 7) There shall be no more than an average of ten (10) customers/client per day. The Planning Commission may restrict the number and times of the allowed visits to prevent inconvenience to nearby residents based on timing of visits, available parking, and types of vehicles used. Any additional parking created for the purpose of the home occupation shall be screened from view by any adjacent residences or public streets.

## **12.05 Prohibited Home Occupation Uses**

- 1) Any activities which are detrimental to the residential use of nearby dwellings, such as radio or TV interference, noise, dust, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line. Activities which involve hazardous materials are also prohibited. Such prohibited uses include:
  - A. Ambulance service;
  - B. Animal hospital, veterinary services, kennels or animal boarding;
  - C. Auto or other vehicle repair, including but not limited to painting, tune-ups, alignments, body-fender work, detailing, and upholstering;
  - D. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;
  - E. Restaurant;
  - F. Medical and dental offices;
  - G. Mortician, hearse services;

- H. Tow truck services;
- I. Gun dealerships involving any storage of guns.

2) Any activity involving on-site retail sales except the sale of items that are incidental to the permitted home occupation. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home businesses are allowed subject to relevant requirements for minor or major home occupations.

## **12.06 Termination**

The Building and Planning Official or his/her designee may visit and inspect the site of home occupations to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice.

- 1) A home occupation which has been approved by staff may be revoked by staff if the home occupation is found to be in violation of the provisions of this ordinance. Enforcement procedures and penalties shall comply with Section 2.10. The revocation decision may be appealed to the Planning Commission.
- 2) A home occupation which has been approved as a conditional use by the Planning Commission may be revoked by the Planning Commission if the home occupation is found to be in violation of this ordinance or the conditions under which the permit was approved. Enforcement procedures and penalties shall comply with Section 2.10. The revocation decision may be appealed to the City Council.

## Article 13 – Land Divisions and Adjustments

### 13.01 Purpose

The purpose of this article is to establish standards and procedures for the division of land within the jurisdiction of the City of Veneta. These regulations are necessary in order to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any overall plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; and in general to protect the public health, safety and welfare.

### 13.02 Scope of Regulations

All land divisions and boundary adjustments shall be approved in accordance with the regulations in this article and all other applicable regulations of this ordinance. A person desiring to subdivide land, desiring to partition land or desiring to sell any portion not the whole of a parcel of land within the City shall submit tentative plans and final documents for approval as provided in this ordinance and applicable State law.

### 13.03 Compliance with Other Regulations

In addition to the regulations contained herein, all land divisions within the City shall comply with the following regulations:

- 1) Chapter 92 of the Oregon Revised Statutes
- 2) The Comprehensive Plan adopted by the City Council, as permitted by Oregon law.
- 3) Official Maps or Development Plans as adopted by the City Council.
- 4) Recording Requirements of Lane County.
- 5) Veneta Municipal Code (VMC).
- 6) All other applicable regulations provided by law including but not limited to the Uniform Building Code (UBC) and Oregon Fire Code (OFC). Legal nonconforming uses and structures notwithstanding, the City may refuse to accept any application, or later may reject and deny any application submitted under this ordinance involving property where a violation of local, state, or federal law exists until the violation is remedied to the satisfaction of the agencies or jurisdiction(s) involved, or will be so remedied as part of the application approval.

### 13.04 Wetland Protections

Land division within significant wetlands is subject to Section 2.09 of this ordinance and Veneta Municipal Code Chapter [18.10](#).

### 13.05 Submission Procedure

Land division applications are subject to the pre-application conference requirements of Section 11.03 of this ordinance. Following preliminary review and the pre-development land division conference, where applicable, the land divider shall prepare an application and a tentative plan with other supplementary data required to indicate the general program and objectives of the proposed land division. The form of application shall be as prescribed by the City and shall be submitted to the Building and Planning Official who shall coordinate the process of review and action. The submission and informational requirements and review procedures shall be as specified for each land division classification contained in this ordinance.

Applications that are accompanied by the required application fee will be reviewed and, within 30 days of its

receipt, the applicant will be notified as to the completeness. If the City determines that the application is complete, the City will process the application in accordance with the review procedures for the type of application that has been submitted.

Applications shall be processed in the following manner, consistent with the procedural standards in Article 11 of this ordinance:

Action	Procedure
Lot Line Adjustment/Consolidation	Type I
<b>Partition, Replat, or Vacation of 2-3 lots</b>	
Preliminary Plat	Type II
Final Plat	Type I
Minor Amendment	Type I
Major Amendment	Type II
<b>Subdivision, Replat or Vacation of &gt; 3 lots</b>	
Preliminary Plat	Type II
Final Plat	Type I
Minor Amendment	Type I
Major Amendment	Type II

Any Type I or II application made concurrently with a Type III application (such as those requiring approval of a Variance) shall be noticed and considered by the Planning Commission with the other application(s) at the higher review level. Limited Land Use Decisions shall not be reviewed according to a higher review procedure unless an applicant elects to have the Limited Land Use Decision reviewed according to a higher review procedure as part of a consolidated application.

An expedited procedure is allowed for developments meeting certain criteria. The criteria, application and notice requirements and action and appeal procedures are detailed in [ORS 197.360-197.380](#) and Section 11.19 of this ordinance.

## 13.06 Property Line Adjustments

- 1) **Submission Requirements.** A complete application includes a completed application form signed by all the property owners involved in the proposed adjustment, one (1) 24" X 36" and (1) one 11" X 17" reproducible copy of a map showing the details below.
  - A. The scale, north arrow, and date of the map.
  - B. The Assessor's tax map and lot numbers identifying each property involved in the adjustment.
  - C. The location, width, and purpose of any easements, private wells, septic systems, and driveway access to public rights-of-way, existing and proposed.
  - D. The area of each property, before and after the property line adjustment.
  - E. The proposed property lines and dimensions of each property.
  - F. Evidence that the existing properties are legal, buildable lots or parcels.
  - G. Existing structures, all utility lines, including septic systems and wells, with dimensions and distances from new property lines.
  - H. Current title reports for both parcels of land.
- 2) **Review Criteria.** The tentative plan shall be clearly and legibly drawn to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof. The Building and Planning Official shall approve, approve with conditions, or deny the request based on the criteria below.
  - A. The property line adjustment is a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

- B. All properties involved continue to have adequate access to public streets.
- C. The properties involved meet the minimum lot size and configuration requirements for the zoning district and do not otherwise violate city standards.
- D. The properties involved comply with any previous requirements or conditions imposed by a review body.
- E. There are no conflicts with existing private or public utilities and utility easements.
- F. Setbacks and lot coverage shall not be reduced below the minimum for the zone in which the property is located.

3) **Recording Requirements.** Property line adjustment maps must be approved and signed by the Building and Planning Official prior to recording. Property line adjustments must meet the recording requirements of [ORS 92.060](#).

## 13.07 Replots

- 1) **Replotting.** Any plat or portion thereof may be replatted upon receiving an application signed by all of the owners as appearing on a current title report.
- 2) **Approval Criteria** All applications for a replat shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat the plat). A replat application may be denied if it reduces or eliminates any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria, including but not limited to setbacks and conflicts with existing easements. All replats shall show compliance with [ORS 92.185](#).
- 3) **Recording Requirements.** All approved replats shall be recorded in accordance with Sections 13.08(7) and 13.09(7) of this ordinance—Filing and Recording of Plat, and the following procedures:
  - A. Once recorded, a replat shall operate to eliminate the force and effect of the plat prior to replat; and
  - B. Replots shall also divest all public rights in the streets, alleys and public grounds, and all dedications identified or described on the plat.

## 13.08 Partitions

- 1) **Tentative Plan Submission Requirements.** The applicant shall submit ten (10) 24" x 36" copies of the tentative plan (map shall be folded to be 8.5 X 11 in size) together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) electronic copy in PDF format and one (1) reproducible 11" x 17" black and white copy of the tentative plan.  
All tentative plan maps shall include the following when applicable:
  - A. **Form and Scale.** The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.
  - B. **General Information.** The following general information must be presented as part of the application for a tentative partition:
    1. Date, north arrow, scale of drawing.
    2. Appropriate identification clearly stating the plan is a tentative partition plan.
    3. Location of the partition by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
    4. Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
    5. The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the partition.
    6. Any other information as required to comply with all provisions of [ORS 92](#).
  - C. Information required on the tentative plan maps. The tentative plan shall include the following

information where applicable. At the discretion of the City the information listed below may be required to be on individual maps.

1. Existing Conditions.

- a. A scaled vicinity map clearly showing the relationship of the proposed partition to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and utility services.
- b. The location, widths and names of streets within or adjacent to the partition, together with easements, other right-of-way and other important features such as section lines, corners, city boundary lines and monuments.
- c. Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage, wells or drainage lines or channels.
- d. The location of at least one bench mark within the tract boundaries.

2. Proposed Tentative Plan.

- a. Proposed improvements required in Sections 13.10 and 13.11 of this ordinance such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:
  - i. The location, width, street name(s) and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed partition, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
  - ii. The location, width, and purpose of proposed easements.
  - iii. The approximate width and location of all existing and proposed reserve strips.
  - iv. The location, width, and surface type of proposed shared-use paths or trails; the relationship of shared-use paths or trails to any existing or proposed shared-use paths or trails shown on the City's Paths and Trails Master Plan; the relationship of the proposed land division to future shared-use paths or trails on adjacent land.
- b. The approximate dimensions and area in square feet of all proposed parcels.
- c. Sites, if any, allocated for purposes other than single-family dwellings.
- d. The location, approximate acreage and approximate dimensions of areas proposed for public use.
- e. The location and approximate dimensions of proposed parcels and the proposed parcel numbers.
- f. An outline of the area proposed for partial recording of a final plat or map if phased recording is proposed.
- g. Traffic Impact Analysis (TIA) Review as required by Section 5.27 of this ordinance.

3. Significant Natural Features.

- a. Slopes and topography. All areas with a slope equal to or greater than 15% clearly identified (shading, hatching, highlighting, etc.). Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:
  - i. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
  - ii. For slopes of five (5) percent to ten (10) percent: two (2) feet.
  - iii. For slopes over ten (10) percent: five (5) feet

- b. The location and direction of all water courses and the location of all areas subject to inundation or 100-year floodplain including identification of the base flood elevation for development in floodplains. Evidence of contact with National Flood Insurance Program to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. Elevation certificates are required for all construction in floodplains prior to occupancy;
- c. Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
- d. All areas located within the Greenway Open Space Subzone as defined by Section 4.12 of this ordinance.
- e. Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.

4. **Utilities.** Any proposed public and private utilities within the development, shall be shown on the tentative plan, including but not limited to:
  - a. The location and size of water service facilities, including fire hydrants.
  - b. Connection points and size of sanitary sewer facilities.
  - c. Street light locations, sizes, and specifications.
  - d. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details and planting plans for all swales or other open features.
5. **Tree Removal Plans.** If development of the proposed plan will require tree removal permit in accordance with Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be drafted in conformance with the requirements of [VMC 8.10](#).

D. **Statements to Accompany Tentative Plan.** The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

1. Adequacy and source of water supply and compliance with the City of Veneta Water Master Plan.
2. A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the land division and compliance with the City's Stormwater Master Plan and Section 5.16 of this ordinance. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the land division.
3. Proposed method of sanitary sewage disposal and compliance with the City of Veneta Wastewater Master Plan.
4. Protective covenants and deed restrictions to be recorded, if any.
5. The time the proposed improvements are to be made or installed.
6. A statement of how the traffic impacts to facilities as identified in the Traffic Impact Analysis (TIA) and supported by the City's Traffic Engineer, shall be mitigated by the developer as part of the improvements for the Site Plan, Partition, Planned Development (PD) or Specific Development Plan (SDP).
7. A statement of how the lot or parcel was created and proof that the parcel is a legal lot created with City approval. Recorded deeds after July 8, 1969 without proper city approval will not be accepted as proof that the lot(s) or parcel(s) were legally created.

E. **Supplementary Information.**

1. If any portion of the proposed partition meets the 15% slope criteria defined in Section 5.25 of this ordinance, the applicant shall submit all supplementary information required by Section 5.25.
2. A completed environmental assessment or environmental impact statement may be required by the City if it finds that a potential hazard, nuisance, or emissions exists, existed or will be created by the development and has not been adequately addressed in the development plans and

program.

3. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute must comply with all applicable provisions of state law. If condominium ownership is proposed, common areas must be designated as 'general common elements' and private yard spaces must be designated as 'limited common elements' for the purposes of ORS Chapter 100 – Condominiums.
4. The applicant is required to submit any additional information as may be required by the City to assist in evaluating the request.

2) **Tentative Plan Review and Action Procedures.**

- A. Partition Tentative Plan Procedure. Tentative Plan applications require a Type II application and associated procedures, as set forth in Article 11 of this ordinance.
- B. Reserved.
- C. Dedications and Conditions of Approval. The City may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary.
- D. Tentative Plan Approval. The action of the City shall be incorporated into a Final Order with all conditions of approval and a copy sent by mail to the applicant within seven (7) days of the decision. The original copy of the Final Order shall be retained in the City Planning files.
- E. Failure to Complete Partition Requirements. Tentative plan approval shall remain effective for three (3) years from the date the City took action. Within that three (3) year period, the applicant must submit a complete Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued by the City. If the land divider is unable to proceed with the partition prior to the expiration of the three (3) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revisions(s) necessary to meet changed conditions of modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta

3) **Tentative Plan Review Criteria.** A tentative plan partition application shall be approved, approved with conditions, or denied based on the standards found in the following sections of this ordinance and other sources specified in this Section:

- A. The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; the requirements of the zoning district; the Veneta Transportation System Plan; and the Paths and Trails Master Plan.
- B. Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; the requirements of the zoning district; and City utility plans.
- C. The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; Stormwater Detention and Treatment (Section 5.16); and the requirements of the zoning district.
- D. Topography, floodplain, wetlands, and vegetation have been incorporated into the partition design in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; and the requirements of the zoning district.
- E. Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- F. Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- G. The proposed preliminary plat complies with all of the applicable city requirements, including Design

Standards (Section 13.10), Improvement Requirements (Section 13.11), and the requirements of the zoning district.

4) **Amendments.**

- A. **Minor Amendments.** Minor amendments to an approved tentative plan may be approved or approved with conditions through a Type I review by the Building and Planning Official as long as the amendments substantially comply with the tentative plan, fully complies with all City ordinances and does not:
  1. Involve any interpretation of submission requirements or require findings that would set a precedent for other tentative plan amendments,
  2. Impact utilities, the transportation system, drainage, or natural features of the site,
  3. Require a variance,
  4. Raise questions of adequacy of services by the Public Works Superintendent, City Engineer, or any affected public or private agency, and
  5. Create more lots than the approved tentative plan.
- B. **Major Amendments.** Major amendments to an approved tentative plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original partition plan and a new application and filing fee is required.

5) **Final Plat Submission Requirements.** Within three (3) years after approval of the tentative plan, the land divider shall cause the partitioner or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved and shall complete all conditions listed in the Final Order for tentative plan approval.

- A. **Form and Scale.** The final plat and seven (7) copies shall be submitted to the City in the form prescribed by [ORS 92](#).
- B. **Information Required on Plat.** In addition to that otherwise specified by law, the following information shall be shown on the final plat:
  1. The date, scale, north arrow, and legend.
  2. Area and dimensions of each parcel to the nearest square foot.
  3. Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  4. The exact location and width of street rights-of-way and easements intercepting the boundary tract.
  5. The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets or curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and center angle shall be indicated.
  6. Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
  7. Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Dedication of reserve strips shall be identified on the Plat.
  8. Land to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage.
  9. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
  10. Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements.

11. Normal high-water lines for any creek or other body of water including the 100-year flood plain.
12. Any other information required as a condition of approval.

C. Supplemental Information. The following data shall accompany the plat:

1. A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
2. Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - b. The computation of distances, angles and courses shown on the plat or map.
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
3. A copy of any deed restrictions applicable to the land division.
4. A copy of any dedication requiring separate documents.
5. Proof that all taxes and assessments on the tract have been paid as provided by [ORS 92](#).
6. A certificate by the City Engineer that the partitioner has complied with one of the following alternatives:
  - a. All improvements have been installed in accordance with the requirements of these regulations and with the action of the City giving conditional approval of the tentative plan.
  - b. An agreement has been executed as provided in Sections 13.11(5) and 13.11(6) to assure completion of required improvements.

D. Survey Requirements.

1. A complete and accurate survey of the land to be divided shall be made by a Surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as required by state law.
2. A 2 x 4 wood utility marker shall be provided for all underground water, sewer, and utility stubs within the prepared land division as approved by the City Engineer. Markers shall be painted white and be maintained until all work has been accepted by the City.

E. Dedication Requirements.

1. All land shown on the final plat intended for public use shall be dedicated at the time the plat is filed. Exception: Those parcels which are intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those lots of land reserved for public purposes under the provisions of Section 13.10(7) of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
2. All rights of access to and from streets, parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
3. The land divider shall provide one (1) foot reserve strips as directed by the city. The reserve strip shall have separate legal descriptions and documentation and be deeded to the City. Dedication of reserve strips shall be identified on the plat.

F. Certificates of Final Plat. The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat. Such certificates may be combined where appropriate.

1. A certificate signed and acknowledged by the owners of record of the land to be subdivided consenting to the following:
  - a. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other right-of-way intended for public use; and
  - b. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
2. A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
3. A certificate for execution by the Building and Planning Official.
4. If property is to be dedicated to the City, the final plat shall include a certificate of acceptance

for execution by the Mayor or the Mayor's designee on Behalf of the City.

5. A certificate for execution by the City Engineer.
6. A certificate for execution by the Public Works Superintendent.
7. A certificate for execution by the County Surveyor.
8. A certificate for execution by the County Assessor.
9. A notarized declaration that the declarant has caused the partition plat to be prepared and the property partitioned in accordance with the provisions of [ORS 92](#).
10. Other certifications now or hereafter required by law.

**6) Review and Action Procedures**

- A. Upon receipt, the plat and other required data shall be reviewed by the Building and Planning Official, City Engineer and Public Works Superintendent to determine that the land division as shown is substantially the same as it appeared on the approved tentative plan, meets any conditions of approval, and that there has been compliance with provisions of the law and of this ordinance.
- B. The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and City representatives may enter the property for this purpose.
- C. If it is determined that full conformity has not been made, the Building and Planning Official shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make the changes or additions. If the Building and Planning Official determines that the plat conforms to all requirements, it shall give approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the Building and Planning Official on a recordable copy of the plat. The approval of the plat by the Building and Planning Official does not constitute or affect an acceptance by the public of the dedication of any street or other easements shown on the plat. If property is to be dedicated to the public, the final plat must be accompanied by copies of all documents to be recorded with the plat and the plat. Acceptance by the public of the dedication of any street or other easements on the plat shall be indicated by the signature of the Mayor on behalf of the City.

**7) Filing & Recording of Plat**

- A. Filing for Final Plat shall extend the 3 year time limit on tentative approvals established in Section 13.08(2)(E) of this ordinance by an additional 180 days. If the Final Plat has not been recorded within 180 days of the date of expiration of the tentative plan, both the tentative plan approval and the application for Final Plat shall be void. Extensions to the 180 day timeline may be granted by the building and planning official provided that:
  1. The request for an extension is made in writing prior to but no earlier than 90 days from the date of the 180 day Final Plat processing period.
  2. There are special or unusual circumstances that exist which warrant an extension.
  3. The City may deny a request for an extension if new Land Use Ordinance requirements applicable to the development changed since the original approval.
- B. A partitioner shall, at their own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- C. Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. An exact copy of the final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, shall be filed with the City of Veneta. In addition, the applicant shall at his/her own expense provide the City with one (1) laminated copy of the recorded plat at least 18 x 24 in size.
- D. The applicant is responsible for all recording costs.

## 13.09 Subdivisions

- 1) **Tentative Plan Submission Requirements.** The applicant shall submit ten (10) 24" x 36" copies of the tentative plan (map shall be folded to be 8.5 X 11 in size) together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) electronic copy in PDF format and one (1) reproducible 11" x 17" black and white copy of the tentative plan. All tentative plan maps shall include the following when applicable:
  - A. **Form and Scale.** The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.
  - B. **General Information.** The following general information must be presented as part of the application for a tentative subdivision:
    1. Name of subdivision which has been reserved by the County Surveyor. All plats must continue the block numbers of the plat of the same name last filed.
    2. Date, north arrow, scale of drawing.
    3. Appropriate identification clearly stating the plan is a tentative subdivision plan.
    4. Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
    5. Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
    6. The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the subdivision.
    7. Any other information as required to comply with all provisions of ORS [Chapter 92](#).
  - C. Information required on the tentative plan maps. The tentative plan shall include the following information where applicable. At the discretion of the City the information listed below may be required to be on individual maps.
    1. **Existing Conditions.**
      - a. A scaled vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and utility services.
      - b. The location, widths and names of streets within or adjacent to the subdivision, together with easements, other rights-of-ways and other important features such as section lines, corners, city boundary lines and monuments.
      - c. Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage, wells or drainage lines or channels.
      - d. The location of at least one bench mark within the tract boundaries.
    2. **Proposed Tentative Plan.**
      - a. Proposed improvements required in Sections 13.10 and 13.11 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the lot(s). This requirement may be waived if the applicant will have to file a site plan review application including all of this information in order to further improve or develop the property. These include:
        - i. The location, width, street name(s) and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed subdivision, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed subdivision. The relationship of streets to any existing or proposed streets shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.

- ii. The location, width, and purpose of proposed easements.
- iii. The approximate width and location of all existing and proposed reserve strips.
- iv. The location, width, and surface type of proposed shared-use paths or trails; the relationship of shared-use paths or trails to any existing or proposed shared-use paths or trails shown on the City's Paths and Trails Master Plan; the relationship of the proposed land division to future shared-use paths or trails on adjacent land.
- b. The approximate dimensions and area in square feet of all proposed lots.
- c. Sites, if any, allocated for purposes other than single-family dwellings.
- d. The location, approximate acreage and approximate dimensions of areas proposed for public use.
- e. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
- f. An outline of the areas proposed for partial recording of a final plat or map if phased recording is proposed.
- g. Elevation, slope for commercial, industrial and development sites with more than 4000 square feet of building space.
- h. Traffic Impact Analysis (TIA) Review as required by Section 5.27 of this ordinance.

3. Significant Natural Features.
  - a. Slopes and topography. All areas with a slope equal to or greater than 15% clearly identified (i.e. shading, hatching, highlighting, etc.). Contour lines related to an established bench mark or NAU88 datum approved by the City Engineer and having contour intervals as follows:
    - i. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
    - ii. For slopes of five (5) percent to ten (10) percent: two (2) feet.
    - iii. For slopes over ten (10) percent: five (5) feet
  - b. The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain. Identification of the base flood elevation for development in floodplains. Evidence of contact with National Flood Insurance Program to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. Elevation certificates are required for all construction in floodplains prior to occupancy;
  - c. Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
  - d. All areas located within the Greenway Open Space Subzone as defined by Section 4.12 of this ordinance.
  - e. Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.
4. Utilities. Any proposed public and private utilities within the development, shall be shown on the tentative plan, including but not limited to:
  - a. The location and size of water service facilities, including fire hydrants.
  - b. Connection points and size of sanitary sewer facilities.
  - c. Street light locations, sizes, and specifications.
  - d. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details and planting plans for all swales or other open features.
5. Tree Removal & Mitigation Plans. If development of the proposed plan will require removal of significant trees as defined by Veneta Municipal Code 8.10, detailed tree removal and mitigation plans are required. Plans shall be in conformance with [VMC 8.10](#).

- D. Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by a written

statement from the applicant giving essential information regarding the following matters:

1. Adequacy and source of water supply and compliance with the City of Veneta Water Master Plan.
2. A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the subdivision and in compliance with the City's Stormwater Master Plan and Section 5.16 of this ordinance. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the subdivision.
3. Proposed method of sanitary sewage disposal and compliance with the City of Veneta Wastewater Master Plan.
4. Protective covenants and deed restrictions to be recorded, if any.
5. The time the proposed improvements are to be made or installed.
6. A statement of how the traffic impacts to facilities as identified in the Traffic Impact Analysis (TIA) and supported by the City's Traffic Engineer, shall be mitigated by the developer as part of the improvements for the Site Plan, Subdivision, Planned Development (PD), or Specific Development Plan (SDP).
7. A statement of how the lot or parcel was created and proof that the parcel is a legal lot created with City approval. Recorded deeds after July 8, 1969 without proper city approval will not be accepted as proof that the lot(s) or parcel(s) were legally created.

E. Supplementary Information. The following supplemental information may be required.

1. If any portion of the proposed partition meets the 15% slope criteria defined in Section 5.25 of this ordinance, the applicant shall submit all supplementary information required by Section 5.25.
2. A completed environmental assessment or environmental impact statement may be required by the City if it finds that a potential hazard, nuisance, or emissions exists, existed or will be created by the development and has not been adequately addressed in the development plans and program.
3. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute must comply with all applicable provisions of state law. If condominium ownership is proposed, common areas must be designated as 'general common elements' and private yard spaces must be designated as 'limited common elements' for the purposes of ORS Chapter 100 – Condominiums.
4. The applicant is required to submit any additional information as may be required by the City to assist in evaluating the request.

2) **Tentative Plan Review and Action Procedures.**

- A. City Staff Review and Action. Upon deeming an application complete, the CDD shall furnish one (1) copy of the tentative plan and supplementary material to the City Engineer and Public Works Superintendent. Public agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given fifteen (15) days to review the plan and to suggest revisions that appear to be in the public interest.
- B. Subdivision Tentative Plan Procedure. Tentative Plan applications require a Type II application and associated procedures, as set forth in Article 11 of this ordinance.
- C. Dedications and Conditions of Approval. The City may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary to ensure compliance with city regulations.
- D. Failure to Complete Subdivision Requirements. Tentative Plan approval shall remain effective for three (3) years from the date of approval. Within three (3) years, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order. If the land divider is unable to proceed with the subdivision prior to the expiration of the three (3) year period following the approval of the tentative

plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta.

E. Performance Bonds and Irrevocable Agreements. At tentative plan approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements including city water and sewer main extension and service and streets, which includes curbs, gutters and sidewalks with the City of Veneta. The cost of public improvements shall be based on an estimate by the City Engineer. Performance bonds shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.

3) **Tentative Plan Review Criteria.** A tentative plan application shall be approved, approved with conditions, or denied based on the standards found in the following sections of this ordinance and other sources specified in this Section:

- A. The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; the requirements of the zoning district; the Veneta Transportation System Plan; and the Paths and Trails Master Plan.
- B. Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; the requirements of the zoning district; and City utility plans.
- C. The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; Stormwater Detention and Treatment (Section 5.16); and the requirements of the zoning district.
- D. Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision design in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; and the requirements of the zoning district;
- E. Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- F. Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- G. The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Section 13.10), Improvement Requirements (Section 13.11), and the requirements of the zoning district in which the property is located.

4) **Amendments.**

- A. **Minor Amendments.** Minor amendments to any approved tentative subdivision plan may be approved, approved with conditions, or denied by staff through a Type I application as long as the amendments substantially comply with the tentative plan, fully comply with all City ordinances and do not:
  1. Involve any interpretation of submission requirements or require findings that would set a precedent for other tentative subdivision plan amendments;
  2. Impact utilities, the transportation system, drainage, or natural features of the site;
  3. Require a variance;
  4. Raise questions of adequacy of services by the Public Works Superintendent, City Engineer, or any affected public or private agency; and
  5. Create more lots than the approved tentative subdivision plan.

B. **Major Amendments.** Major amendments to an approved tentative subdivision plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original tentative subdivision plan. A new application and filing fee are required.

5) **Final Plat Submission Requirements.** Within three (3) years after approval of the tentative plan, the land divider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved and shall complete all conditions listed in the Final Order for tentative plan approval.

A. **Form and Scale.** The final plat and ten (10) copies shall be submitted to the City in the form prescribed by [ORS 92](#).

B. **Information Required on Plat.** In addition to that otherwise specified by law, the following information shall be shown on the final plat:

1. The name of the land division, the date, scale, north arrow, and legend.
2. Area and dimensions of each lot to the nearest square foot.
3. Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
4. The exact location and width of street rights-of-way and easements intercepting the boundary tract.
5. The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets or curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and center angle shall be indicated.
6. Easements denoted by fine dotted or dashed lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
7. Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Each reserve strip shall be identified on the Plat as a Tract identified by alphabetic symbols. Reserve strips and tracts shall be dedicated to the City on the final plat. A notation shall be included on the plat that states "Reserve strips on adjacent properties that abut streets being dedicated on the plat are hereby released for public right-of-way purposes".
8. Numbering of lots and blocks as follows:
  - a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence shall generally follow the same system as sections are numbered in a township.
  - b. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout a subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision. Block numbering sequence shall be the same system as for lots.
  - c. Block numbers may be omitted where the blocks are of irregular shape. When block numbers are omitted, the lots shall be numbered consecutively throughout the subdivision and lots in an addition to the subdivision of the same name shall be a continuation of the numbering in the original subdivision.
9. Land parcels to be dedicated for any purpose, such as parks and stormwater detention ponds, shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
10. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.

11. Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: "No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements".
12. Normal high water lines for any creek or other body of water including the 100-year flood plain.
13. Any other information required as a condition of tentative plan approval.

C. Supplemental Information. The following data shall accompany the plat:

1. A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
2. Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - b. The computation of distances, angles and courses shown on the plat or map.
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
3. A copy of any deed restrictions applicable to the subdivision.
4. A copy of any dedication or easement requiring separate documents.
5. As applicable, copies of Covenants, Conditions, and Restrictions (CC&R's) and Homeowners Associations Agreements, Articles, and By-Laws.
6. Proof that all taxes and assessments on the tract have been paid as provided by [ORS 92](#).
7. A certificate by the City Engineer that the sub-divider has complied with one (1) of the following alternatives:
  - a. All improvements have been installed in accordance with the requirements of these regulations and with the action of the City giving conditional approval of the tentative plan.
  - b. An agreement has been executed as provided in Sections 13.11(5) and 13.11(6) to assure completion of required improvements.

D. Survey Requirements.

1. A complete and accurate survey of the land to be divided shall be made by a Surveyor licensed to practice in the State of Oregon in accordance with standard practices and principles of land surveying and as required by state law.
2. A 2 x 4 wood utility marker shall be provided for all underground water, sewer and utility stubs within the prepared land division as approved by the City Engineer. Markers shall be painted white and be maintained until all work has been accepted by the City.

E. Dedication Requirements.

1. All land shown on the final plat intended for public use shall be dedicated at the time the plat is filed. Exception: Those lots which are intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those lots of land reserved for public purposes under the provisions of Section 13.10(7) of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
2. All rights of access to and from streets, lots of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
3. The land divider shall provide one (1) foot reserve strips across the ends of stubbed streets adjoining undivided land, along half streets adjoining undivided land, and along lots with restricted access to public streets. Reserve strips shall have separate legal descriptions and documentation and be deeded to the City, and each reserve strip shall be separately identified on the plat.

F. Certificates on Final Plat. The following certificates, acknowledgments and other requirements established by state law shall appear on the final plat. Such certificates may be combined where appropriate.

1. A certificate signed and acknowledged by the owners of record of the land to be subdivided, consenting to the following:

- a. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other right-of-way intended for public use; and
- b. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
2. A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
3. A certificate for execution by the Building and Planning Official.
4. If a property is to be dedicated to the City, the final plat shall include a certificate of acceptance for execution by the Mayor or the Mayor's designee on behalf of the City.
5. A certificate for execution by the City Engineer.
6. A certificate for execution by the Public Works Director.
7. A certificate for execution by the County Surveyor.
8. A certificate for execution by the County Assessor.
9. A notarized declaration that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of ORS [Chapter 92](#).
10. Other certifications now or hereafter required by law.

6) **Review and Action Procedures**

- A. Upon receipt, the plat and other required data shall be reviewed by the Building and Planning Official, City Engineer and Public Works Superintendent to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, meets any conditions of approval, and that there has been compliance with provisions of the law and of this ordinance.
- B. The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and City representatives may enter the property for this purpose.
- C. If it is determined that full conformity has not been made, the Building and Planning Official shall advise the subdivider of the changes or additions that must be made and shall afford the land divider an opportunity to make the changes or additions.
- D. If after approval by the City Engineer and Public Works Superintendent the Building and Planning Official determines that the plat conforms to all requirements, it shall give approval, provided supplemental documents and provisions for required improvements are satisfactory. After acceptance, a recordable copy of the map shall be submitted to the City for signature. Final approval shall be indicated by the signature of the Building and Planning Official on the recordable copy of the plat. Acceptance by the public of the dedication of any street or other easements shown on the plat shall be indicated by the signature of the Mayor on behalf of the City.

7) **Filing and Recording of Plat**

- A. Filing for Final Plat shall extend the 3-year time limit on tentative approvals established in Section 13.09(2)(D) of this ordinance by an additional 180 days. If the Final Plat has not been recorded within 180 days of the date of expiration of the tentative plan, both the tentative plan approval and the application for Final Plat shall be void. Extensions to the 180-day timeline may be granted by the Building and Planning official provided that:
  1. The request for an extension is made in writing prior to, but within 90 days of the expiration of the 180-day Final Plat processing period.
  2. There are special or unusual circumstances that exist which warrant an extension.The City may deny a request for an extension if new land use regulations have been adopted that affect the applicant's proposal.
- B. A sub-divider shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- C. Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. Building permits shall not be issued by the City until an exact copy of the recorded final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document,

are filed with the City of Veneta. In addition, the applicant shall at his/her own expense provide the City with one (1) laminated copy of the recorded plat at least 18 x 24 in size.

D. The applicant is responsible for all recording costs.

## **13.10 Design Standards**

A land division whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

### **1) Street Design Standards.**

A. General. The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. Where location is not shown on the street plan or in a development plan, the arrangement of streets shall either:

1. Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sacs shall be allowed only when one or more of the following conditions exist:
  - a. Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
  - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
  - c. Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of October 1, 1998 which preclude a required street connection.

Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

2. Conform to a plan for the development area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

B. Standard right-of-way and street widths. The width of streets shall be adequate to fulfill city specifications as provided for in Section 13.11(2) of this ordinance, and, unless otherwise indicated on a development plan or approved by the City, streets shall have:

Street Element	Minor Arterial		Major Collector		Minor Collector		Local		Neighborhood Local	
	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width
ROW width	74	59	60	48	60	55	58	54	50	46
Paved Width (curb-to-curb)	52	41	38	30	40	37	36	36	28	28
Drive lanes	2 (12')	2 (11')	2 (11')	2 (10')	2 (10')	2 (10')	2 (10')	2 (10')	1 (14')	1 (14')
Center Turn Lane/Median	1 lane (12')	1 lane (11')	X	X	X	X	X	X	X	X
Bicycle Facilities	2 bike lanes (6', 2' buffer)	2 bike lanes (5')	2 bike lanes (6', 2' buffer)	2 bike lanes (5')	2 bike lanes (6')	2 bike lanes (5')	Shared Street	Shared Street	Shared Street	Shared Street
On-street parking	No	No	No	No	One side (8')	One side (7')	Both sides (8' each)	Both sides (8' each)	Both sides (7' each)	Both sides (7' each)
Pedestrian Facilities	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')
Planter Strip	2 strips (5')	2 strips (4')	2 strips (5')	2 strips (4')	2 strips (4')	2 strips (4')	2 strips (5')	2 strips (4')	2 strips (5')	2 strips (4')

C. Alternatives to Standard Street design. The City, in consultation with Lane County Fire District #1 and Lane Transit District may approve alternate street right-of-ways and paving widths when the benefits of standard right-of-way or paving width are outweighed by the benefits of feasible alternatives. Alternatives to street design may include things like narrower or varying street widths, medians, and bulb-outs at intersections. Considerations include:

1. Emergency vehicle access
2. Self-protection of structures using sprinkler systems or other fire prevention means
3. Curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)
4. Provision for generous parking on site that would eliminate need for on-street parking
5. Location of proposed street relative to other streets (block length and connectivity)
6. Provision of transit service through special agreements and facilities
7. Pedestrian safety, particularly at intersections
8. Adequate rights-of-way or easements for public utilities
9. Existing development that limits paving and right-of-way widths
10. Topography
11. Environmental impacts

D. Reserve Strips. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Building and Planning Official. One-foot reserve strips are used across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. Reserve strips may also be parallel to the right-of-way as a means of access control (prohibiting driveway access). Reserve strips shall have separate legal descriptions and documentation, and dedication shall be identified on the plat.

E. Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.

F. Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.

G. Division of property. Property with frontage onto two or more streets shall not be divided in a manner

that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.

- H. Intersection angles. Streets shall be laid out to intersect at right angles, and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
- I. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided in accordance with the Veneta Transportation System Plan at the time of the land division.
- J. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the City finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to the tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.
- K. Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.
- L. Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City and Lane County.
- M. Grades and curves. Grades shall not exceed six (6) percent on arterial, ten (10) per cent on collector streets or fifteen per cent on other streets. Center line radii of curves shall not be less than 300 feet on major arterial, 200 feet on secondary arterial or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the City may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.3 per cent.
- N. Streets adjacent to railroad rights-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- O. Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- P. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the City. The corners of alley intersections shall have a visual clearance of not less than 45 degrees with fifteen (15) foot leg lengths.
- Q. Access Management. New streets shall meet or exceed the minimum spacing requirements listed in the adopted Transportation System Plan (TSP). However, where no reasonable alternatives exist or where strict application of the standards would create a safety hazard, the City may allow a variance per Article 11 of this ordinance.

2) **Blocks.**

- A. General. The length, width and shape of blocks shall take into account the need for adequate building site, size, and street width and shall recognize the limitations of the topography.
- B. Size. In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates

conditions requiring longer blocks.

C. **Easements.**

1. **Utility lines.** Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width.
2. **Water courses.** If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose in accordance with the adopted drainage plan. Streets or parkways parallel to the major water courses may be required.
3. **Pedestrian and bicycle ways.** When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.
4. **Shared-use paths or trails.** When a shared-use path or trail is proposed or required by the Paths and Trails Master Plan, the City may require an easement for the shared-use path or trail. The standard width for the easement shall be thirty (30) feet wide and may be reduced to a minimum of 14 feet wide where constrained, subject to approval by the City (see Figure 21 of the Paths and Trails Master Plan).

3) **Building Sites.**

- A. **Size and shape.** The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with the following standards:
  1. **Width.** Minimum lots widths shall be as specified in Article 4 of this ordinance.
  2. **Depth.** Each lot or parcel shall have an average depth between the front line and lot or parcel rear line of not less than 80 feet and not more than 2-1/2 times the average width between the side lines. Exceptions are allowed for lots designed for single-family attached dwellings and for lots that are currently non-conforming and will be brought closer to conformity.
  3. **Area.** Each lot or parcel shall comprise a minimum area as specified in Article 4 of this ordinance.
  4. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
  5. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the City. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
  6. The minimum lot size for flag lots shall be calculated for the area exclusive of the portion of the lot that provides access.
- B. **Access.** Each lot and parcel (except those in the LDR, GR and RC zones intended for single-family attached housing) shall abut upon a street other than an alley for a width of at least 50 feet and 35 feet for a cul-de-sac. Flag lots shall be allowed in accordance with Section 13.10(3)(E) below. A shared access and maintenance agreement between all lots within a flag lot partition is required prior to the application for Final Plat.
- C. **Through lots and parcels.** Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across, to which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

D. Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets and cul-de-sacs they shall be radial to the curve.

E. Flag Lots.

1. A flag lot is allowed only when the following requirements are met:
  - a. A unit of land cannot otherwise be divided in accordance with the provisions of this ordinance.
  - b. Only one flag pole is proposed.
  - c. Minimum lot size and maximum lot coverage requirements of the zone can be met.
2. Flag lot access pole. The pole portion of the lot must meet the following standards:
  - a. The pole providing access to:
    - i. A unit of land creating three (3) or less lots shall connect to a street and must be at least 20 feet wide for its entire length and have a paved surface of 12 feet, or 25 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet.
    - ii. A parent parcel with the potential area to create more than three (3) lots shall connect to a street and must be at least 25 feet wide for its entire length with a paved surface of at least 18 feet.
  - b. The access pole shall be shared by all lots, including existing dwellings, unless the City finds shared access impractical.
  - c. A shared access and maintenance agreement between all lots shall be in a form approved by the City Engineer and City Attorney and that protects interests of property owners and the city. The agreement shall be recorded prior to final plat.
3. Minimum lot dimensions. No dimension of a flag lot may be less than the requirements of the zone, excepting the pole portion. All other lot dimension standards shall be met.
4. Flag lot development standards. The following standards apply to development on flag lots:
  - a. Setbacks for panhandle lots shall be a minimum of 10 feet from all lot lines. Garages shall be set back a minimum of 20 feet from the front lot line abutting the pole.

4) **Grading of Building Sites.** Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- A. Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one foot vertically.
- B. Fill slopes shall not exceed two feet horizontally to one foot vertically.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- D. All sites shall be graded to maintain the existing drainage pattern and to mitigate increased runoff in conformance with Section 5.16 of this ordinance.

5) **Building Lines.** If special building setback lines are to be established in a land division, they shall be shown on the subdivision plat or partition map or, if temporary in nature, they shall be included in the deed restrictions.

6) **Large Building Sites.** In dividing tracts into large lots or parcels which at some future time are likely to be re-divided into smaller parcels approaching the minimum standards of this ordinance, the land divider shall show the small parcel division by means of dash lines indicating future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within this ordinance as though the development were occurring on the smaller parcel. This will facilitate future land divisions and guarantee that existing buildings or structures will meet the locational requirements of this ordinance.

7) **Land for Public Purposes.** Land for parks and open space shall be dedicated for all land divisions according to Section 5.26 of this ordinance. If the City has an interest in acquiring a portion of a proposed land division in excess of that required for dedication by Section 5.26 of this ordinance for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and

there is reasonable assurance that steps will be taken to acquire the land, then the City may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

- 8) **Stormwater Facilities.** For all projects that create greater than or equal to 1,000 square feet of new impervious surface, stormwater detention and treatment facilities shall be provided according to Section 5.16 of this ordinance.

### 13.11 Improvement Requirements

- 1) **Improvement Procedures.** In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his/her own option shall conform to the requirements of this ordinance and all improvement standards and specifications of the City, and shall be installed in accordance with the following procedure:
  - A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.
  - B. Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
  - C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
  - D. Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
  - E. A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.
- 2) **Specifications for Improvements.** All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter [13.30](#) in addition to the standards of this ordinance. If the City does not have adopted design standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval.
- 3) **Improvements in Subdivisions.** The following improvements shall be installed at the expense of the sub-divider at the time of subdivision or as agreed upon as provided in Section 13.11(5). All improvements shall comply with the construction permit requirements of Veneta Municipal Code Chapter [12.05](#).
  - A. Streets. Public Streets, including alleys, within the subdivisions and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in [ORS Chapter 92](#). Traffic impacts to facilities as identified in the TIA and supported by the City's consulting engineer, shall be mitigated by the developer as part of the public improvements of the Site Plan, Subdivision or PUD.
  - B. Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Detention and treatment within the subdivision shall be designed and sized according to the adopted City of Eugene Stormwater Management Manual (2014) and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan. This plan shall be approved by the City Engineer,
  - C. Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the

subdivision to existing mains and shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. In the event it is impractical to connect the subdivision to the City sewer system, the City may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area.

If sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the City Council may construct as an assessment project with such arrangements as are desirable with the subdivider to assure financing his share of the construction. If the City Council chooses not to construct the project as an assessment project the subdivider shall be solely responsible for the cost of improvements in accordance with City approved plans.

- D. Water system. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed to the standards of the City, taking into account provisions for extension beyond the subdivision.
- E. Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except that in the case of arterials, or special type industrial districts, the City may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single family dwellings located on lots equivalent to two and one half or less dwellings per gross acres, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets.
- F. Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the City may require the installation of separate bicycle lanes within streets or separate bicycle paths.
- G. Paths and Trails. If required by the Paths and Trails Master Plan or appropriate to the extension of the City's paths and trails network, the City may require one or more shared-use paths or trails. Shared-use paths or trails shall be a minimum of 10 feet wide or as otherwise approved by the City. Shared-use paths or trails shall be constructed of 5 in. of Portland Cement over approved base or as otherwise approved by the City.
- H. Street name signs. Street name signs shall be installed at all street intersections to approved City standards.
- I. Street lights. Street lights shall be installed in conformance with Veneta Municipal Code Chapter [15.15](#) and shall be served from an underground source of supply.
- J. Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

4) **Improvements in Partitions.** The same improvements required to serve a subdivision shall be required to serve each building site of a partition. However, if the City finds that the nature of development in the vicinity of the partition makes installation of some improvements, such as street width expansions, sidewalks or storm drainage unreasonable, City may except those improvements. Exceptions to these improvements may be made only if a street grade has not been established or if installing such improvements could make traveling or walking dangerous due to the intermittence of the improvements. A recorded irrevocable petition will be required for excepted improvements. In conjunction with the irrevocable petition, the developer may be required to deposit with the City a cash payment, surety bond, or letter of credit in an amount not to exceed the cost of improvement construction, as based upon an estimate approved by the City Engineer. The irrevocable petition shall reference the deposit and cover future improvement installation to the extent actual installation costs exceed the deposit amount. In lieu of excepting an improvement, the Building and Planning Official may recommend the installation of the improvements to the City Council under special assessment financing or other facility extension policies of the City.

5) **Agreement for Improvements.** Before final approval of a subdivision plat or, unless excepted under Section 13.11(4), a partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City in accordance with Section 13.11(6).

6) **Bond.**

- A. If required by the City, the land divider shall provide one of the following to assure full and faithful performance of all required improvements:
  1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  2. Cash.
- B. Such assurance of full and faithful performance shall be for a sum detailed in a cost estimate approved by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
- C. If the land divider fails to carry out provisions of the agreement and the City has un reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

7) **Special Assessment Financing of Public Improvements.**

- A. Public improvement within a subdivision may be installed under special assessment financing, in accordance with Veneta Municipal Code Chapter [3.10](#), if the Planning Commission and Council find:
  1. The public improvements necessary to serve the land division will specially benefit other properties in addition to the land division; or
  2. The City is able to obtain necessary financing to guarantee the completion of the public improvements within (1) year from the date of the approval of the final plat and the City has adequate bonding capacity within its debt limit, as allowed under [ORS 223.295](#) and [ORS 287.004](#).
  3. The City shall review the planned financial pay-back of any bonds and find that the developer has adequate financial resources to assure repayment of the bonds in accordance with the schedules to be set forth in any ordinance approving the sale of such bonds.
- B. The land divider shall file the following items, on forms approved by the City Attorney, prior to Council passage of a resolution authorizing the special assessment project:
  1. Petition for Local Improvement Project including approval by all underlying finance holders;
  2. Waiver authorizing the City to waive the Engineer's Report, public hearings and notices of assessment normally required.
  3. An agreement for public improvements and a security, approved by the Council, in a sufficient amount to insure full and faithful performance and completion of the public improvements in a specified time period, or a petition including the following items:
    - a. A petition that the City obtain interim financing for the improvement or sell Bancroft bonds prior to construction of the improvements; and
    - b. An agreement authorizing the City to assess property within the land division for all administrative, legal, engineering and interest expenses incurred by the City, in the event the City is unable to secure financing for the public improvements and abandons the project.
- C. If the City is unable to obtain interim financing for the improvements or sell Bancroft bonds prior to construction, then the land divider will be required to submit a security as required by Sections 13.11(5) and 13.11(6).

## Article 14 - Definitions

### 14.01 Rules of Construction

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance:

TENSE Words used in the present tense include the future tense.

NUMBER Words used in the singular include the plural and words used in the plural include the singular.

SHALL AND MAY The word "shall" is mandatory; the word "may" is permissive.

GENDER The masculine shall include the feminine and neuter.

HEADINGS If there is any conflict or inconsistency between the headings of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

### 14.02 Definitions

As used in this ordinance the following words and phrases shall mean:

**Abut.** Contiguous to or immediately join. For example, two (2) lots with a common property line are considered to be abutting.

**Access.** The way or means by which pedestrians and vehicles enter and leave property.

**Accessory Structure.** A structure incidental, appropriate and subordinate to the main use of property and located on the same lot as the main use. Accessory structures are not permitted on vacant parcels of land. Accessory structures (including those originally designed for human habitation such as mobile homes) shall not be used for human habitation.

**Activity Center.** Uses or buildings that are open to the public, have a civic or community function, and/or attract visitors. Uses include public parks, public buildings (e.g., post office, library, city offices, schools), elder care facilities, and shopping centers.

**Alley.** A street that is more than ten (10) feet and less than sixteen (16) feet in width which affords primarily a secondary means of access to property.

**Alter.** Any change, addition or modification in construction or occupancy.

**Applicant.** The person making application to the City for any action as the owner or representative of the owner of the property that is subject of the action. The applicant shall provide proof of permission for the requested action from all owners or other persons having an interest in the property subject to the action.

**Barn.** A farm building for housing livestock or animals.

**Basement.** A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

**Block.** An area bounded on 4 sides by streets not including cul-de-sacs. In residential zones, block lengths do not exceed 600 feet and block perimeters do not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Height.** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. The average maximum vertical height of a building or structure measured at a minimum of three points from finished grade along each building elevation. Architectural elements that do not add floor area to a building or structure, such

as chimneys, vents, antennae and towers are not considered part of the height of a building or structure.

**Building Inspector.** The Division Director of the Lane County Department of Environmental Management, Construction Permits Division, his authorized representative or any other authorized building inspector appointed by the Veneta City Council.

**Building Line.** A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Buildings shall not overhang over an easement or dedicated right-of-way.

**Building & Planning Official.** An employee of the City appointed by the City Council with duties and authority as designated by the Council, including the duties and authority as designated by the Council, including the enforcement of the provisions.

**Chicken Run.** An enclosed area in which chickens are allowed to walk and run about and that is attached to a chicken coop.

**City.** The City of Veneta, Oregon. The term 'City' may also refer to the officer or other designated authority charged with the administration and enforcement of the Veneta Zoning and Development Code, including, but not limited to, the Planning Commission or the Building and Planning Official.

**City Council.** The Council of the City of Veneta, Oregon, which is the governing body of said City.

**Co-Housing.** Private dwelling units with shared spaces such as community dining, cooking, and recreation rooms for adults and children. Individual units may be rented or owner-occupied. Due to the shared facilities, the lot configuration may deviate from standard requirements such as street frontage and parking spaces.

**Comprehensive Plan.** A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.

**Congregate Housing.** A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located, shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.

**Clinic.** Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts, including a dispensary in each such building to handle only merchandise of a nature customarily prescribed by occupants in connection with their practices.

**Day Care Facility.** Any facility that provides child care to children that is not a Family Child Care Home, including a day nursery, nursery school, child care center or similar unit operating under any name.

**Day Care - Family Child Care Home.** A child care facility in a dwelling that is certified under ORS 329A.280 and serves sixteen (16) or fewer children or registered under ORS 329A.330 and serves ten (10) or fewer children. This term does not include activities exempt from the definition of "child care" found in ORS 329A.250.

**Declarant.** A person who files a declaration under ORS 92.075.

**Declaration.** The instrument described in ORS 92.075 by which the subdivision or partition plat was created.

**Density, Gross.** The number of dwelling units per acre of land, including areas devoted to dedicated streets, sidewalks, other public rights-of-way, parks, and non-residential uses allowed in residential areas.

**Density, Net.** The number of dwelling units per acre of land in planned or actual use -- excluding from the acreage dedicated streets, sidewalks, other public rights-of-way, parks, and non-residential uses allowed in residential areas.

**Designated Arterials and Connectors.** Streets identified in the Veneta Comprehensive Plan Functional Class map as Principal or Minor Arterials or Major or Minor Collectors.

**Development.** A building or mining operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, including partitions and subdivisions as provided in ORS 92.010 to 92.285, and creating or terminating a right of access.

**Dog Kennel.** A place of business for the care of dogs, including but not limited to the boarding, grooming, breeding, training, or selling of dogs, but not including an animal hospital.

**Driveway.** An area on private property where automobiles and other vehicles are operated or allowed to stand.

**Driveway Approach.** An area within the Right-of-Way, between the roadway of a public street and private

property line, intended to provide access for vehicles from the roadway to a definite area of the private property, such as a driveway or parking area intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or curb return, and the sidewalk section.

**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.

**Dwelling, Accessory.** A second subordinate dwelling unit on the same lot and under the same ownership as the primary residence, with independent cooking, living, sanitation, and sleeping facilities.

**Dwelling, Multi-family.** Attached housing where each dwelling unit is not located on a separate lot.

**Dwelling, single family attached.** A dwelling unit constructed in a row of two (2) or more attached units, where each dwelling unit is located on a separate lot.

**Dwelling, single family detached.** One dwelling unit on its own lot or parcel that does not share a wall with any other dwelling unit, other than an accessory dwelling unit. **Dwelling Unit.** A single unit providing complete independent living facilities, designed for occupancy by one (1) family and including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Eating and Drinking Establishment.** Preparing and serving food and drinks for public consumption, which may occur on the premise or as "take-out." Includes artisanal manufacturing of food, beverages and associated ingredients when a minimum of 25% of the square footage of the improved area is dedicated to retail sales and/or public consumption (bakery, brewpub, winery, distillery, etc.).

**Facilities.** For the purposes of this Code, facilities are water, sewer, stormwater, telephone, cable, natural gas, electric, telecommunication facilities and broadband fiber conduit.

**Family.** An individual or two (2) or more persons related by blood, marriage, legal adoption or legal guardianship living together in one dwelling unit using one kitchen and providing meals or lodging to not more than two (2) additional persons excluding servants; or a group of not more than five (5) unrelated persons living together in one dwelling unit using one kitchen.

**Fence, sight-obscuring.** A continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to provide a specified percentage of view-obscuring screens.

**Final Action / Decision / Approval.** - Any legislative, administrative, or quasi-judicial action that establishes the final determination of the City on any land use action by reducing said decision in writing.

**Findings of fact.** The conclusions of a judge, jury, or administrative tribunal regarding the underlying facts of the case under consideration.

**Floor Area.** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls, shall be the usable area under the vertical projection of the roof or floor above.

**General Office and Services.** A room, set of rooms, or building, used as a general place of business for commercial, professional, financial, research and development, technical, outpatient medical, administrative, professional/personal services or similar work conducted wholly within an enclosed facility.

**Grade (Ground) Level.** The average elevation of the finished ground level at the exterior of all walls of a building, except that if a wall is parallel to and within five (5) feet of a sidewalk, the sidewalk elevation nearest the wall shall constitute ground level.

**Hardscape.** Permanent improvements to a site other than a building, including but not limited to, plazas, concrete planters, decks, sitting areas and other similar architectural features that include small unit pavers or concrete.

**High Impact Recreation Facilities.** Facilities which have the potential for creating significant impacts through traffic generation, noise, dust, chemical use, lighting, or other nuisance characteristics. High impact recreation facilities include, but are not limited to, sport complexes, stadiums, equestrian arenas, golf course and driving ranges, and swimming pools.

**Home Occupation.** A lawful business carried on by a resident of a dwelling where the business is secondary to the residential use of the property. See Veneta Municipal Code 5.05 for definitions and licensing requirements for businesses.

**Horticulture.** The cultivation of crops, orchards, or gardens. Domestic horticulture involves plants grown for

the people living on the property. Commercial horticulture involves plants that will be sold; either on-site or delivered to a buyer off-site. Farm stands and u-pick sales are temporary uses that may require a permit.

**Junkyard.** Any property used by a business that deals in buying, selling, trading, and storing, old motor vehicles, old motor vehicle parts, abandoned autos, or machinery or parts thereof, or appliances or parts thereof.

**Kennel.** Any lot or premises on which three (3) or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six (6) months.

**Legal Lot.** A lot or parcel created pursuant to ORS 92.010 to 92.190, a unit of land created in compliance with all applicable city land division regulations, or a unit of land created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinance or regulations in effect at the time of the deed or land sales contract.

**Limited Land Use Decision.** Means a final decision or determination made by the City of Veneta pertaining to a site within an urban growth boundary that concerns:

- A. The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040;
- B. The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

A Limited Land Use Decision does not mean a final decision made by the City of Veneta pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

**Loading Space.** An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

**Lot.** A single unit of land that is created by a subdivision of land.

**Lot Area.** The total land area, commonly measured in square feet, within the boundaries of a legal lot, exclusive of any street or alley rights-of-way.

**Lot, Corner.** A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

**Lot, Through.** A lot having frontage on two parallel or approximately parallel streets other than alleys.

**Line, Property.** The division line between two units of land.

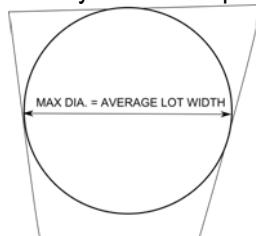
**Lot Line, Front.** The lot line separating the lot from a street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley. For flag lots, the lot line abutting the pole portion of the lot. See also YARD, Front

**Lot Line, Rear.** The lot line which is opposite and most distant from the front lot line.

**Lot Line, Side.** Any lot line not a front or rear lot line. See also YARD, Side

**Lot, Flag.** A lot or parcel that has the bulk of its area set back some distance from a road or street and that is connected to the road or street via a thin strip of land (i.e., the flagpole).

**Lot Width.** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. For irregular shaped lot, lot width shall be determined by measuring the maximum diameter of a circle that fits entirely within the property lines as shown below:



**Manufactured Dwelling.** Residential trailers constructed before January 1, 1962; mobile homes constructed between January 1, 1962 and June 15, 1976, which met Oregon construction standards then in effect; and

manufactured homes constructed to federal standards. (Refer to definition of "dwelling, single- family" for siting and construction requirements.)

**Manufactured Dwelling Park.** Any place where two (2) or more manufactured dwellings are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A manufactured dwelling park has the same definition as a mobile home park. Manufactured dwelling parks within Veneta are required to register as a business each year.

**Manufacturing – Light.** Processing, fabricating, assembling, or disassembling of items that takes place wholly within an enclosed building and results in negligible offsite impacts, including noise, odor, vibration and/or environmental contamination. For the purposes of this ordinance, plant-based food processing (including brewing and distilling) is included but animal-based processing (slaughter houses) is not.

**Map.** A final diagram, drawing or other writing concerning a partition.

**Marijuana Retail.** The retail sale of marijuana items as defined in ORS 475C, operated by a marijuana retailer licensed in accordance with ORS 475C.

**Marijuana Facility.** The production, processing, or wholesaling of marijuana items as defined in ORS 475C, operated by a marijuana producer, processor, or wholesaler licensed in accordance with ORS 475C; or a laboratory that conducts testing of marijuana items or industrial hemp-derived vapor items accredited in accordance with Oregon Revised Statutes.

**Medical marijuana Facility.** A facility registered with the Oregon Health Authority under ORS 475.314 and OAR 333-008-1050 to:

1. Accept the transfer of usable marijuana and immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or
2. Transfer usable marijuana and immature marijuana plants to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

**Mobile Vending Unit.** Any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway intended for retail, food, or drink sales.

**Mobile Vending Site.** One (1) site with multiple (three or more) mobile vendors.

**Nonconforming Structure, Lot or Use.** A lawful existing structure, lot or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the dimensional or similar standards of the zone in which it is located.

**Open Space.** Land area to be used for scenic or open recreational purposes within the development. Open space does not include street right-of-way, driveways, parking areas, required setbacks or public service easements unless these areas have some special recreational design or purpose.

**Outdoor Storage Yard.** A primary use that occurs on property for the purpose of outdoor storage of vehicles, equipment, or materials, including, but not limited to, commercial storage lots and lumber, gardening, fuel and other similar building material yards.

**Outdoor Storage Area.** A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

**Owner.** An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.

**Parcel.** A unit of land that is created by a partitioning of land.

**Parking Space.** An off-street enclosed or unenclosed surfaced area with minimum dimensions of eighteen (18) feet by nine (9) feet, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

**Partition.** Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

**Partition Land.** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of

such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.

**Person.** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**Planning Commission.** The Planning Commission of the City of Veneta, Oregon.

**Professional Office.** An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers or surveyors or persons engaged in similar occupations.

**Property Line Adjustment.** The Property line adjustment is a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel. An adjusted property line shall be surveyed and monumented in accordance with ORS 92.065(3); a survey, complying with ORS 209.250, shall be filed with the county surveyor; and the property line adjustment shall be recorded with the Lane County Department of Deeds and Records.

**Public and Semi-Public Building or Use.** A building or use owned or operated by a religious, charitable or other non-profit organization; a public utility or any social agency such as a church, school, auditorium, meeting hall, hospital, club, nursing or care home, stadium, library, art gallery, museum, fire station, utility substation, cemetery, park, playground, sports field, bicycle or pedestrian way or community center.

**Quadplex.** Any configuration of four attached or detached dwelling units on a Lot or Parcel. Also referred to as a Fourplex.

**Quasi-Judicial.** Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code. Quasi-judicial land use decisions involve a public hearing.

**Recreational Vehicle.** A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes. It shall also include a camper placed on a pickup truck.

**Reduction.** A lessening in value, quantity, size, or the like.

**Remodel.** The addition to, removal of or from, or physical modification or repair of an exterior part or portion of a building.

**Replat.** The act of plating the lots, parcels and easements in a recorded subdivision or partition plat to achieve a re-configuration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**Residential Facility.** Residential Facility with six (6) or more persons as defined by ORS 197.660.

**Residential Home.** A residential treatment or training or adult foster home that provides residential care alone or in conjunction with treatment or training or a combination thereof as defined by ORS 197.660 for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

**Right-of-Way (ROW).** The right of passage or of way, which is a servitude imposed by law or convention, and by virtue of which one has the right to pass over or through the property of another as is set forth by its terms.

**Secondary Use.** A use of land or a structure that is incidental and subordinate to the primary use, and located in the same building or in the same development area as the primary use. No secondary use can occupy more than 50% of the gross floor area of a building or more than 50% of a development area occupied by the primary use. Secondary uses are not accessory uses. Secondary uses are not permitted in the absence of a primary use.

**Service Station, Automobile.** A place or station designed and used primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles but excluding major repair and overhauling.

**Shadow Plat.** A future subdivision or partition concept plan approved by the city in conjunction with a request

for interim development (often a single-family residence or partition). The shadow plat is not binding on either the property owner or the city; that is, the property owner would have to apply for tentative plat approval for future development proposals. Shadow plats are designed to ensure that an urban level of development will be possible when urban services become available.

**Shared-Use Path or Trail.** A hard-surface (concrete, asphalt, gravel, etc.) or soft-surface (bark dust, dirt, etc.) facility intended to be used for transportation and/or recreation by pedestrians, skaters, and bicyclists. The shared-use path or trail is generally designed to accommodate two-way travel and minimize cross-flow by motor vehicles. The shared-use path or trail may be aligned with the public right-of-way or separated from the public right-of-way and located within an easement.

**Sign.** Any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.

**Sight-Obscuring.** To impede the visibility of an area by more than 75 percent through the use of fences, vegetation or other means.

**Single-Room Occupancy.** A residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

**Site.** Site means a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.

**Street.** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term, "road," "highway," "lane," "avenue," "alley" or similar designations.

- (a) **Alley.** A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (b) **Arterial (Principal) Roadways** in urbanized areas which serve the major centers of activity, the highest traffic volume corridors, the longest trip desires, and a high proportion of the total urban area travel (even though it may only constitute a relatively small percentage of the total roadway network).
  - Provides significant intra-area travel
  - Because of the nature of the travel served by the major arterial system, almost all are fully and partially controlled access facilities.
  - For major arterials, service to abutting land is subordinate to travel service to major traffic movements.
- (c) **Arterial (Minor)** Interconnects with and augments the principal arterial system.
  - Accommodates trips of moderate length at a somewhat lower level of travel mobility than major arterials.
  - Distributes travel to geographic areas smaller than the higher system does and offers lower traffic mobility.
  - May carry local bus routes and provide intracommunity continuity. Ideally, does not penetrate identifiable neighborhoods.
- (d) **Collector** provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas.
  - Differs from Arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destination.
  - Conversely, they collect traffic from the local streets in neighborhoods and channel it into the arterial system.
- (e) **Cul-de-Sac (dead end Street).** A local street, usually only a few hundred feet in length and closed at one end, designed to serve the interior of a subdivision or large tract of land.
- (f) **Half Street.** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (g) **Limited Access Street.** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(h) **Local Street** Streets that serve primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes.

**Structural Alteration.** Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or structural change in the roof or in the exterior walls.

**Structure Use.** That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. The purpose for which land or a structure is designed, arranged or intended or for which it is occupied and maintained.

**Subdivision.** Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

**Subdivide Land.** To divide land to create four or more lots within a calendar year.

**Tentative Plan.** A tentative plan is the plan of a subdivision or partition submitted to the City for approval under the provision of ORS 92 and Section 13.08 and Section 13.09 of this ordinance.

**Transportation Facility, High Impact.** Transportation facility with significant external impacts, such as heliports, helistops, bus terminals, and train terminals.

**Transportation Facility, Minor.** Transportation facility with minor external impacts, such as a multi-use pathway.

**Triplex.** Any configuration of three attached or detached dwelling units on a Lot or Parcel.

**Veterinary Hospital.** A building, together with animal runs, in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.

**Wetland.** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

**Yard, Back (Rear).** A yard adjacent to a property line. See also LOT LINE, REAR

**Yard, Front.** A yard adjacent to a street and to the front entrance of a building. See also LOT LINE, FRONT.

**Yard, Side.** A yard adjacent to a property line. For a corner lot, the Side Yard (located at the side of a residence or structure) can also be adjacent to a street. See also LOT LINE, SIDE.