

## CITY OF VENETA

### ORDINANCE NO. 569

#### **AN ORDINANCE AMENDING VENETA LAND DEVELOPMENT ORDINANCE NO. 493, ARTICLE 4, SECTION 4.15, SUBSECTION (7)(A) TO UPDATE THE SOUTHWEST AREA SPECIFIC DEVELOPMENT PLAN MAP**

**WHEREAS**, on March 14, 2016, an applicant submitted an application for a Minor Amendment to the Specific Development Plan Subzone (Southwest Area Specific Plan) to the City; and

**WHEREAS**, based upon all materials relevant to the proposal, staff report, and comments submitted, the Veneta Building and Planning Official approved the requested Minor Amendment on May 24, 2016 and adopted the findings of fact as set forth in the attached Exhibit A, in accordance with the provisions in Section 4.15(5)C; and

**WHEREAS**, on March 8, 2021, an applicant submitted an application for a Major Amendment Specific Development Plan Subzone (Southwest Area Specific Plan) to the City; and

**WHEREAS**, after notifying all interested agencies and parties, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed map amendment on May 3, 2021, before recommending Council approval of applicant's application with modifications (conditional of approval); and

**WHEREAS**, on June 14, 2021, the Veneta City Council conducted a properly advertised public hearing on the proposed Major Amendment, then approved the Major Amendment and adopted the findings of fact set forth in the attached Exhibit B; and

**WHEREAS**, on January 10, 2022, an applicant submitted an application for a Major Amendment to the Specific Development Plan Subzone (Southwest Area Specific Development Plan Map) to the City; and

**WHEREAS**, on February 23, 2022, the City notified the Department of Land Conservation and Development of the proposed Map amendment; and

**WHEREAS**, the Veneta City Planning Commission conducted a properly advertised public hearing on the proposed map amendment on May 3, 2022, before recommending Council approval of applicant's application with modifications (conditional of approval); and

**WHEREAS**, the Veneta City Council conducted a properly advertised public hearing on the proposed amendment on June 13, 2022; and

**WHEREAS**, the Council has considered all materials relevant to the proposal, including the staff report, and testimony and comments submitted at public hearing,

both orally and inwriting, including the findings of fact attached as Exhibit C.

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

**Section 1.** Findings. The City Council hereby adopts the above recitals, staff report, and Findings of Facts attached as Exhibits A, B, and C as support for the amendments to the Veneta Land Development Ordinance No. 493 adopted herein.

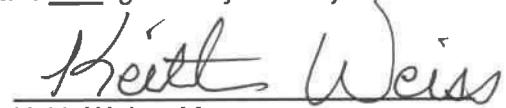
**Section 2.** Amendment. Veneta Land Development Ordinance No. 493 Article 4, Section 4.15, Specific Development Plan Subzone (/SDP), Subsection (7)(A), is hereby amended to reflect the date June 27<sup>th</sup>, 2022 and to adopt the updated Southwest Area Specific Development Plan Map attached as Exhibit D, and incorporated herein by this reference.

**Section 3.** Effective Date. This Ordinance will go into full force and effect on the 30<sup>th</sup> day after City Council enactment.

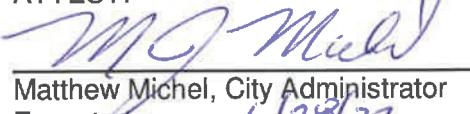
READ FOR A FIRST TIME, BY TITLE ONLY, this 13th day of June, 2022, no Council person in attendance having requested that it be read in full

READ FOR A SECOND TIME, BY TITLE ONLY, AND FOR FINAL ADOPTION, this 27<sup>th</sup> day of June 2022, no Council person in attendance having requested that it be read in full.

PASSED AND ADOPTED by 5 vote for and 0 against by the City of Veneta Council this 27<sup>th</sup>, day of June, 2022.

  
Keith Weiss, Mayor  
Executed on 06/27/22

ATTEST:

  
Matthew Michel, City Administrator  
Executed on 6/28/22

**VENETA BUILDING AND PLANNING OFFICIAL'S  
FINDINGS AND DECISION  
SOUTHWEST AREA SPECIFIC DEVELOPMENT PLAN (SWAP),  
MINOR AMENDMENT, SDP-1-16(A)**

Application received: March 14, 2016

Revised application received: April 6, 2016

Supplemental Information received: May 13, 2016

Application Complete: April 7, 2016

120 days from Completeness: August 5, 2016

Referrals: City Public Works Director  
City Engineer  
City Building Official  
Lane Fire Authority  
ODOT  
Lane Electric  
Emerald People's Utility District

Notice Mailed & Posted: April 11, 2016

Public Comment Period Closed: April 25, 2016

Findings and Decision prepared by: Lisa Garbett, Associate Planner

**BASIC DATA**

Owner: Hayden Homes, LLC  
2164 SW Glacier Place, Suite 110  
Redmond, Oregon 97756

Applicant: Olson & Morris  
386 Q Street  
Springfield, OR 97477

Location: The property is west of Territorial Highway and east of Bolton Hill Road, between the westerly extensions of Cheney Drive and Perkins Road.

Assessor's Map/ Tax Lots:  
(Undeveloped SWAP) 18-06-01-00-01600, 01607, 01612, 01611, 01610  
18-06-01-12-06400  
18-06-01-13-04700

Area: Approximately 128 acres

Plan Designation: Low Density Residential (L), Medium Density Residential (M), Commercial (C), Open Space/ Greenway (/OS),

Zone Designation: General Residential (GR), Single-Family Residential (SFR), Community Commercial (CC), Greenway Overlay Zone (/GW)

### **REQUEST**

The request before the Veneta Planning Official is for approval of a Minor Amendment of the Southwest Area Specific Plan (SWAP) for modification of row housing (elimination), modification of the street network and modification of the open space network (an increase in open space area).

### **BACKGROUND**

The SWAP was last amended in 2006 (City File # SDP-1-05).

### **PROPERTY CHARACTERISTICS AND SURROUNDING CONTEXT**

The site is located in the southwest area of the City of Veneta, abutting the south city limits and Urban Growth Boundary. Land to the north, east, and south is fairly level, but rises to the west at an approximate fifteen percent slope at the northwest corner where the site abuts Bolton Hill Road. The SWAP area is approximately 128 acres in size.

### **PUBLIC COMMENT (attached as Exhibit)**

1. Mollie Rogers, 87860 Territorial Rd. at Shalimar Mobile Home Park (Exhibit A)
2. Jacqueline Girard-Lewallen, 87854 Territorial Rd. (Exhibit B)

Ms. Rogers expressed concern with current cost of living and the affect new housing may have on future cost of living in Veneta.

Ms. Girard-Lewallen expressed concern with future street dedication at Cheney Road in relation to her property. This comment does not relate to the approval criteria of this SWAP amendment requested but future road dedication will be addressed with Tentative Subdivision review.

### **AGENCY COMMENT (attached as Exhibit)**

1. City Building Official (Exhibit C)
2. City Public Works Director (Exhibit D)

### **SUBMITLAL REQUIREMENTS**

Minor Amendment, Southwest Area Specific Plan (SWAP), SDP-1-16

The applicant has submitted the required information in accordance with Veneta Land Development Ordinance No. 493, Section 4.15 – Specific Development Plan Subzone.

### **APPROVAL CRITERIA**

Veneta Land Development Ordinance No. 493, Section 4.15(3) – Specific Development Plan Subzone.

## **DECISION**

The Veneta Building & Planning Official approves with conditions the Minor Amendment to the Southwest Area Specific Plan, City File# SDP-1-16. The applicant shall comply with the following conditions of approval:

## **CONDITIONS OF APPROVAL**

### **GENERAL CONDITIONS OF APPROVAL**

1. The applicant shall submit a revised SWAP Plan Diagram which replaces blue hatched areas with green (Open Space) area.
2. Prior to development of Phase 4 within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 and Assessor's Map No. 18-06-01-12, Tax Lot 06400 to ensure the seven (7) acres contiguous park land is exclusive of wetlands in accordance with the final order for Applegate Landing Phase 1 (City File #S-4-06).

### **Minor Amendment, Site Plan Required Findings**

The following are findings of fact for applicable Veneta Land Development Ordinance No. 493 provisions regarding the minor amendment to the Southwest Area Specific Plan. The findings are required by Veneta's Land Development Ordinance No. 493, Section 4.15 and are based on information provided by the applicant:

#### *Veneta Land Development Ordinance No. 493*

#### *Section 4.15(3) – Approval Criteria*

*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.*

The proposal is consistent with this standard. The proposal is for minor amendment to the SWAP including replacing row houses with single family detached homes on approximately +/-1.7 acres within the SWAP, modification of the street network and modification of the open space network. The proposal does not include a change to the Comprehensive Plan designation and all future development (by phase) will be required to comply with the adopted SWAP density requirements and SWAP Table 2, Development Standards per Veneta Land Development Ordinance No. 493, Section 4.15(7)(b).

- (b) *The specific development plan will increase the efficiency of land use and provide for compact development.*

**The proposal is consistent with this standard. This minor amendment to the SWAP will enhance efficiencies in multiple ways including; one acre less of right-of-way (street) with a more efficient road network that adds to circulation within the SWAP, aligning open space with natural features and existing utility connections (open space areas align with wetlands and an existing sanitary sewer line which traverses through the site). The proposal to amend the existing SWAP provides efficiency of land use and compact development in that the development standards adopted with the SWAP still apply (allowing smaller lot sizes in the General Residential (GR) zone and an increase in density). As a note, detailed wetland delineations will be required with subsequent tentative and use approvals.**

*(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.*

**The proposal is consistent with this standard. This minor amendment to the specific development will maintain a mix of compatible land uses including multi-family housing, commercial and single family detached housing. The executive summary of the SWAP describes major plan elements to include; “flexibility for a wide variety of housing types that allow a mix of attached, detached, and multi-family housing, that meets the limitations of the Comprehensive Plan” and “This will allow maximum choice of housing types for potential homeowners and for the ability of home builders to quickly adapt to changing market conditions, to provide desired housing to the public quickly and efficiently”. The applicant contends that current market conditions do not facilitate a need for a row houses/townhome element to the SWAP in that current customers invest in a home in the SWAP because they are seeking a larger home and yard that may be out of reach in other markets. The applicant states that an increase in cost (+/-15%-20%) greater per square foot for attached dwelling units due to increased structural requirements and subsequent +/-20%-30% reduction in price needed in comparison to a detached dwelling does not make row houses/townhomes viable in today's market within the SWAP. Specifically, the applicant contends that land prices in Veneta are not cost prohibitive for single family detached homes and current customers are looking for single family detached residences with distinct ownership boundaries, private outside areas and separation and storage capabilities. Based on these findings, the proposal is consistent with this standard, particularly in response to current and future market conditions, which show that Veneta is a strong market for detached, single-family housing.**

*(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.*

**The proposal is consistent with this standard. The adopted SWAP already has created a pedestrian friendly environment that provides direct, safe and convenient access to public spaces and transit while maintaining access for automobiles and bicyclists. The proposed**

amendment to the SWAP enhances the plan in terms of a pedestrian friendly environment by providing additional open space (plus +/-2.64 acres) which provides additional pedestrian path connectivity and by creating a more connected street network within the SWAP boundary (extension of Strike Street further south). The City Engineer has not expressed concern with the proposed modification to the street network. The applicant procured David Dougherty, Landscape Architect to develop schematic concept perspectives of the open spaces which are included in the submittal (pg.8). The proposed open space network includes a trail network that meanders through the northeasterly SWAP area, representing a coordinated effort between open space, tree preservation, wetlands, storm detention features, and community park area. As a note, the applicant recorded an irrevocable development agreement on April 10, 2015 which requires dedication to the City of 7 acres of park land at Assessor's Map/ Tax Lot No.'s 18-06-00-10-001612 and 18-06-01-12-06400 and this open space area is conceptually included in the modified SWAP Plan Diagram.

*(e) The specific development plan provides adequate public spaces such as small parks, greenways, or plazas where people can meet or relax.*

The proposal is consistent with this standard. The proposed modifications will enhance the original open space by adding +/-2.64 acres of open space according to the applicant, as well as a potential community garden area. Exact open space areas and details for open space will be defined during a tentative subdivision process by phase. As a note, parkland dedication is intended to accommodate active park use facilities and will be evaluated on a phase by phase basis during development review. Wetlands and lands overlain by Greenway Subzone do not count towards the total lands required for park dedication per Veneta Land Development Ordinance No. 493, Section 5.26(3)(d).

*(f) The specific development plan incorporates natural features such as creeks, wetlands, and large trees into the plans for the site.*

As conditioned, the proposal is consistent with this standard. The current SWAP incorporates natural features throughout the SWAP area. The proposed modifications will utilize practically the identical footprint as the adopted 2006 SWAP, and will enhance the original diagram by adding +/-2.64 acres of open space and associated amenities as described in the applicant's proposal.

Large trees for preservation were identified in the adopted SWAP, Figure 10 (pg. 12) including two (2) 'heritage' trees of which will not be affected by the proposed amendment to the SWAP.

Three (3) of the four (4) 'significant' trees highlighted in Figure 10 (pg. 12) of the adopted SWAP would likely need to be removed in order to accommodate future street development with this amended SWAP. However, the adopted SWAP stated, "*Tree removal within the plan area shall be permitted concurrent with subdivision approval in accordance with Veneta Municipal Code Chapter 8.10. If subdivision plans include phased*

*development, tree removal shall occur on a phase-by-phase basis". Tentative Subdivision applications require Type C Tree Removal approval concurrently.*

**The Proposed SWAP Plan diagram indicates areas of blue without identification in the 'Legend' of the diagram. It is assumed the blue area represents potential stormwater ponds and it is not necessary to display that level of design detail in the conceptual land use diagram.**

**As a general condition of approval, the applicant shall submit a revised SWAP Plan Diagram which replaces all blue hatched areas with green (Open Space) area.**

**As a general condition of approval, prior to development of Phase 4 within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 and Assessor's Map No. 18-06-01-12, Tax Lot 06400 to ensure the seven (7) acres contiguous park land is exclusive of wetlands in accordance with the final order for Applegate Landing Phase 1 (City File #S-4-06).**

*(g) The specific development plan promotes building and site design that contributes positively to a sense of community and to the overall streetscape*

**The proposal is consistent with this standard. Staff concurs that the current SWAP meets the criteria for a plan that promotes building and site design that contributes to a sense of community and to the overall streetscape. The proposed amended SWAP creates a more efficient road network including the extension of Strike Street further south which allows for better traffic dispersal into and out of the neighborhood while utilizing a full 1.18 acres less of actual street. This fact in conjunction with additional open space contributes to more of a community feel that is less about motorized vehicles and more focused on walking paths, pedestrian amenities and increased opportunities for neighbors to get to know each other.**

*Veneta Land Development Ordinance No. 493*

*Section 4.15(5) – Amendments to the Specific Development Plan.*

*(c) The Building and Planning Official may approve a minor amendment to a specific development plan. The Building and Planning Official's decision shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or function of the specific development plan.*

**The proposal is consistent with this standard. Within this criterion there are three separate sets of findings that must be made: not adversely affecting the purpose of the plan; not adversely affecting the objectives of the plan; and not adversely affecting the function of the plan. Each of these sub-criteria are discussed below.**

**Purpose:**

The requested minor amendment to the SWAP will not adversely affect the purpose, objectives, or function of the specific development plan. There is no stated purpose for the SWAP in Land Development Ordinance No. 493, Section 4.15(7)(b), Southwest Neighborhood Center, or the adopted report, the Veneta Southwest Area Specific Plan. The proposal does not adversely affect the objectives of the SWAP with the modifications proposed in a way that adversely changes transportation, utilities, open space and land use as described below:

**Objectives:**

The 2006 SWAP narrative describes the plan objectives per 1-10 below. The proposed SWAP complies with these objectives (numbered for reference) as described below:

**Objective #1 - Neighborhoods.**

*Develop a neighborhood that includes a wide range of housing types and locations, commercial and employment opportunities, and passive and active recreational opportunities and a scale that is compatible with one another and adjacent development. Provide a full transportation network of streets and separated pedestrian paths. Allow development of commercial and employment areas that support the neighborhood and surrounding residential areas. Create a unique neighborhood character and identifiable boundaries.* The adopted SWAP lists a number of major plan elements including, *“Flexibility for a wide variety of housing types that allow a mix of attached, detached, and multifamily housing, that meets the density limitations of the Comprehensive Plan. This will allow maximum choice of housing type for potential homeowners, and for the ability of home builders to quickly adapt to changing market conditions, to provide desired housing to the public quickly and efficiently”.*

The applicant contends that current market conditions do not facilitate a need for row houses/townhomes in the SWAP area in that current customers come to the SWAP because they are seeking a larger home and yard that may be financially out of reach in other markets. The applicant states that an increase in cost (+/-15%-20%) greater per square foot for attached dwelling units due to increased structural requirements and subsequent +/-20%-30% reduction in price needed in comparison to a detached dwelling does not make row houses/townhomes viable in todays' market within the SWAP. Specifically, land prices in Veneta are not cost prohibitive for single family detached homes and current customers are looking for single family detached residences with distinct ownership boundaries, private outdoor areas, separation and storage capabilities.

**Objective #2 - Increase Efficiency of Land Use.**

*Provide for compact development, optimizing infrastructure investments, open space amenities and access to the multifamily and neighborhood commercial districts. Allow a variety of development densities and intensities within limits set by the Comprehensive Plan and that are compatible with topography, sensitive natural resources, transportation and utility infrastructure, and proximity to other uses.*

The proposal is consistent with this standard as described under Section 4.13(3)(b).

**Objective #3 - Multi-Modal/Pedestrian Friendly.**

*Create a pedestrian friendly environment that provides direct, safe, and convenient access from homes to commercial services, public spaces, and transit connections while also creating an efficient street pattern for automobiles and bicycles. Provide transportation connectivity to adjacent land to the greatest extent practicable, given natural and physical constraints.*

The proposal is consistent with this standard as described under Section 4.13(3)(d).

**Objective #4 - Provide Alternative Parallel Routes.**

*Provide collector roadway connections that lessen reliance on Territorial Highway as the sole accessway through Veneta, while retaining neighborhood character and values.*

The proposal is consistent with this standard. The proposed street network modification lessens reliance on Territorial Rd. by adding an additional street connection to Cheney Street via Strike Street extending south, while retaining neighborhood character.

Particularly, the proposal includes one acre less of right-of-way acreage (streets) within a more efficient road network.

**Objective #5 - Public and Open Spaces.**

*Provide public spaces such as neighborhood parks, common open areas, greenways, or plazas where residents and employees can meet or relax and that will counterbalance activity levels in more intense commercial and residential areas.*

The proposal is consistent with this standard as described under Section 4.13(3)(e).

**Objective #6 - Natural Features.**

*Incorporate natural features such as creeks, wetlands, and tree groves into neighborhood development. Provide for onsite stormwater detention, and maximize the opportunity to create a neighborhood amenity of drainage and wetland areas. Identify appropriate development for forested areas and steeper slopes.*

The proposal is consistent with this standard as described under Section 4.13(3)(f).

**Objective #7 - Building and Site Design.**

*Promote building and site design that creates a sense of neighborhood. Carefully relate building mass, frontages, entries, and yards to streets and adjacent properties in order to orient public activities toward public spaces and provide privacy between neighboring properties. The architecture and scale of commercial buildings should provide attractive street frontages and encourage placement of parking lots and loading docks away from public street frontages.*

The proposal is consistent with this standard as described under Section 4.13(3)(g).

**Objective #8 - Safe Environment.**

*Promote a safe environment for residents and visitors during all hours of the day and night. Encourage residential design that puts eyes on the street and other public or common open spaces. Design streets and public areas for the safety of all residents.*

The proposal is consistent with this standard. All new residential dwellings are subject to design standards of Veneta Land Development Ordinance No. 493, Section 5.29 – Residential Design Standards and SWAP development standards listed in Table 2 of the adopted SWAP.

**Objective #9 - Transition Between Uses.**

*Provide sensitive transitions between commercial, lower density residential and higher density residential development and minimize the impacts of development on wetlands and waterways.*

The proposal is consistent with this standard. The open space network is proposed to increase an approximate 2.66 acres, particularly along the eastern border of the SWAP. Impacts of development and waterways will be analyzed through the land division process on a case by case basis for compliance with city ordinances and the Oregon Department of State Lands applicable criteria. Also, the proposal does not include a change in land uses between commercial and residential land uses.

**Objective #10 - Housing Types.**

*Provide for a range of housing types (e.g. standard single-family, small lot single-family, attached townhomes, and multifamily dwellings). Create land use regulations that provide for flexibility of housing type within general areas, given overall density limits, services, transportation networks, proximity to commercial and employment areas, and physical constraints of the land. Maximize home ownership opportunities by allowing individual homes on separate lots of sizes in keeping with density ranges allowed by the Comprehensive Plan.*

The proposal is consistent with this standard as described under Section 4.13(3)(a) & (c).

**Function:**

The adopted SWAP's function of providing maximum opportunities for home ownership by creating regulations that allow a wide variety of dwellings at varying densities on individual lots, wherever possible is maintained with the proposed SWAP amendment.

**Coordination of Transportation**

The proposal does not adversely affect this purpose. The proposal includes a slightly modified street network layout which creates a more efficient road network. The street network modification includes extending Strike Street further to the south which will enhance traffic dispersal into and out of the SWAP. The proposal also eliminates approximately 1.18 acres less of street/ right-of-way area according to the applicant.

### **Coordination of Utilities**

The proposal does not adversely affect this purpose. The proposal still includes an innovative system of stormwater collection and disposal incorporating surface water features, cascading swales, and multi-purpose ponds. This minor amendment to the SWAP will enhance efficiencies in multiple ways including; aligning open space with natural features and existing utility connections (open space areas align with wetlands and an existing sanitary sewer line which traverses through the site).

### **Coordination of Open Space**

The proposal does not adversely affect this purpose. The proposed modifications to the SWAP retain all intent of the 2006 adopted version of the plan in respect to provision of open space that provides pedestrian and storm drainage linkages throughout the SWAP area. The areas set aside for open space, storm drainage and pedestrian connectivity are very similar. The proposal includes approximately 2.66 acres of additional open space than the 2006 plan. According to the applicant, over an acre of this additional open space was reclaimed from areas set aside in the original document for streets. The proposed open space is consistent with the adopted 2006 plan in that open space is a unifying element linked together with an innovative trail system, potential community garden, stormwater collection and multi-purpose ponds and protection of sensitive natural resources such as wetlands and tree groves.

### **Coordination of Land Use**

The proposal does not adversely affect this purpose. The proposal includes elimination of the row house/ townhome element of the conceptual land use diagram and replacing with single family detached dwellings. The current zoning district, General Residential (GR) allows for single family detached dwellings so no zone change is necessary. The adopted SWAP allows for modification to land uses based on market conditions. The applicant contends that current market conditions are not conducive to a row house/ townhome element in the location shown on the Conceptual SWAP diagram for the following reasons: accesses off local streets not collector streets and proximity to the central commercial areas, land prices in Veneta are not cost prohibitive for single family detached homes and most buyers desiring an affordable single family detached home. The modified plan still consists of one commercial and four residential land use districts with a variety of lot sizes between phases and multi-family dwelling opportunities.

### **Streamline the Land Use Review and Encouraging Appropriate Development that is Consistent with the Specific Development Plan**

The proposal does not adversely affect this purpose. Location and type of allowed housing is identified in the amended Plan. Within limitations imposed by the base zones, the Plan allows flexibility of housing types and density in order to respond to market force, and to offer potential homeowners the greatest range of housing opportunities.

### **Promoting Coordinated Planning and Pedestrian Oriented Mixed-Use Development**

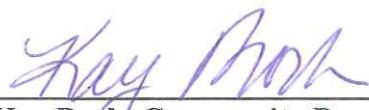
The proposal does not adversely affect this purpose. Mixed use development in the form of a variety of housing types including multi-family residential, single family residential, general residential and neighborhood commercial is provided. The pedestrian circulation

throughout the SWAP consists of sidewalks alongside roadways and a separated pedestrian path system within open space areas.

### **CONCLUSION**

Based on the findings and conditions of approval, the Veneta Planning Official grants conditional approval of the minor amendment to the Southwest Area Specific Plan (SDP-1-16). This conditional approval of the plans shall become final on the date this decision is signed, below. This approval does not relieve the applicant of complying with prior conditions of approval or applicable provisions of Veneta's Ordinances or the Oregon Revised Statutes, which may govern the development of this property. A Planning Officials decision may be appealed to the Planning Commission 15 days after the Planning Official decision is mailed.

Prepared by Lisa Garbett, Associate Planner



Kay Bork, Community Development Director  
Veneta Building & Planning Official



Date

**Lisa Garbett**

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**From:** Mollie Rogers <mollielr@gmail.com>  
**Sent:** Friday, April 15, 2016 5:00 PM  
**To:** Lisa Garbett  
**Subject:** SDP-1-16

to Ms Garbett,

I've received your mailed notice of April 11th re Limited Land Use Action. I have no idea where geographically the described area is.

My name is Mollie Rogers and I moved my 35 year old mobile home to Shalimar M H Park in Veneta 3 years ago from east Springfield.

It is possible that the Hayden Homes LLC building plan area is adjacent to Shalimar Park as partly described as Southwest Area. OR if the plan is within Veneta City Limits at all. ?

My 'bottom plan' thoughts are about the costs-of-living here, probably new housing will affect that. My Park rent has increased twice already and I find utility costs higher here than they were in Springfield. Not to mention - increase cost of transportation - driving between Eugene and Veneta.

Otherwise - Veneta is an attractive community and thank you for your contributions to that, Mollie

## **Lisa Garbett**

---

**From:** Girard-lewallen, Jacqueline <JACQUELINE.GIRARD@LibertyMutual.com>  
**Sent:** Friday, April 22, 2016 12:44 PM  
**To:** Lisa Garbett  
**Cc:** Scott Morris; Carl Lewallen  
**Subject:** FW: Cheney Street File No SDP-1-16  
**Attachments:** TERRITORIAL & CHENEY 1 2.pdf

Hi Lisa,

Here is the proposal from Scott. He has been very helpful in trying to lessen the impact to our property as well as meet the requests of the City and ODOT as well. As you know we were not even aware of this project and the impact to our property until recently. We are in favor of the first proposal, but not the second one which has much more impact to our property. As is Scott, we too are trying to work with both the City of Veneta and Hayden Homes to work out a plan that would somehow benefit us all. As you can see from the second drawing, it eats up our greenhouse and another apple and pear tree as well as disturbs the present garden itself and just eats right into our home space ☺. Just imagine working on your home and trying to preserve trees etc and making things all up to date and then wham...having an actual road put right thru your property... We have met with an attorney and know we do have some avenues if need be as we weren't made aware of the actual document of the Road dedication etc at the time of our closing.. Hopefully we can all work together to come to a compromise.

Please keep us apprised of everything in regard to decisions made on this. Thank you so much,

*Jacqueline C. Girard-Lewallen*  
Personal Sales Rep II, Licensed in OR & WA

**940 Willamette St Suite 450 Eugene OR 97401**  
**541-344-1836 Ext. 58609**  
**877-443-6060 Toll Free**

**866-893-6138 Personal Fax**



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**From:** Scott Morris [mailto:[scott@olsonmorris.com](mailto:scott@olsonmorris.com)]

**Sent:** Thursday, April 21, 2016 8:56 PM

**To:** Girard-lewallen, Jacqueline <[JACQUELINE.GIRARD@LibertyMutual.com](mailto:JACQUELINE.GIRARD@LibertyMutual.com)>

**Subject:** Cheney Street

Jacque,

Attached is a pdf with both roadway layouts, showing the impact on your property. We are submitting the tentative subdivision showing no sidewalk or PUE on the north side of the street, which as you can see has less impact.

--

**Scott Morris, PE**

**Olson & Morris**

Phone: (541) 302-9790

Web: [olsonmorris.com](http://olsonmorris.com)

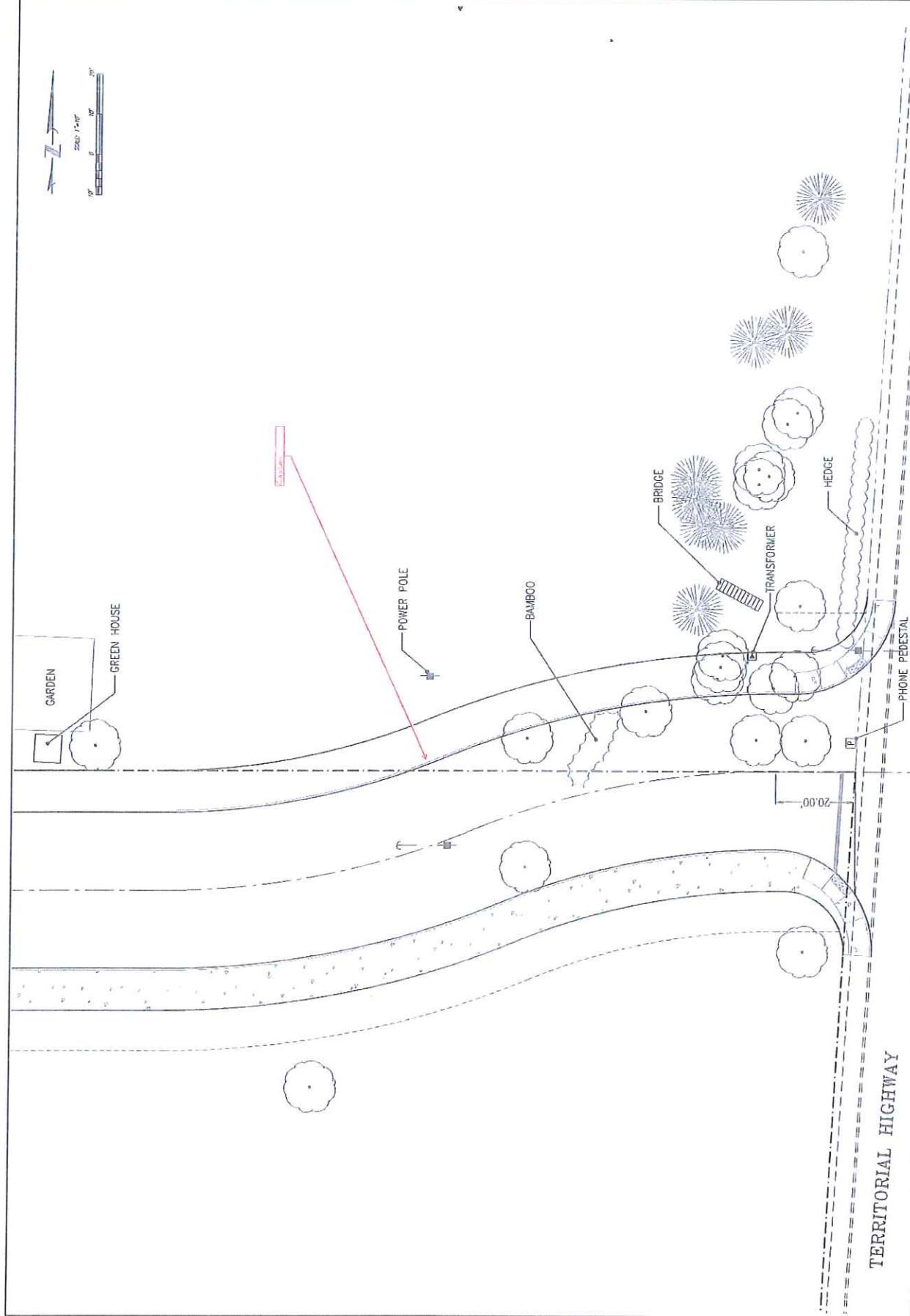
PRELIMINARY

Terriborah & Cheney  
Opton 2  
Veneeta Lane County Oregon

400  
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REVISIONS

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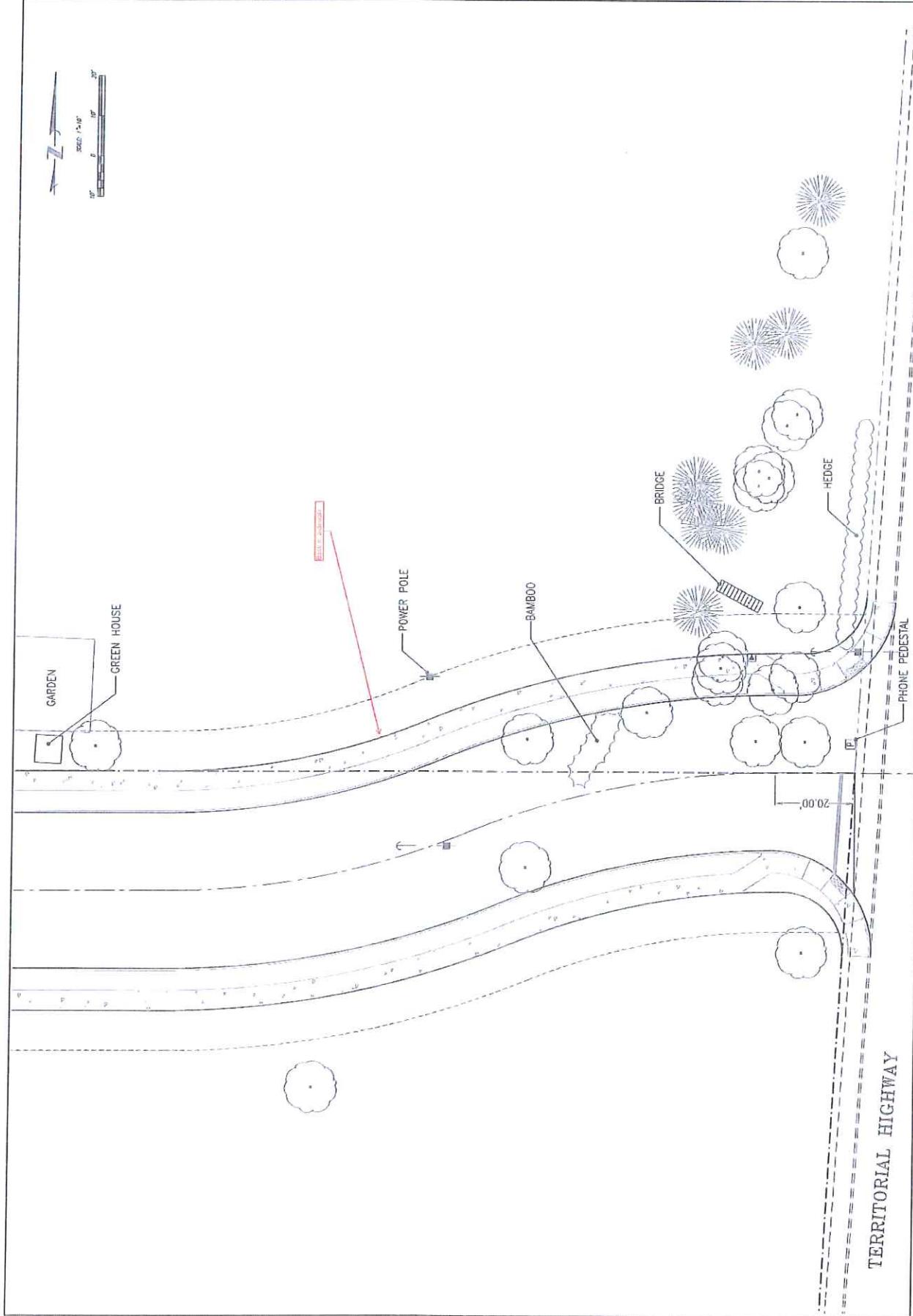
PRELIMINARY

Territorial & Cheney  
Option 1  
Verneta Lane County Oregon

ANSWER

REVISIONS

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City of Veneta  
MEMORANDUM

DATE: April 11, 2016

TO: Veneta Building Official

FROM: Lisa Garbett, City of Veneta

RE: Southwest Area Specific Plan (SWAP), Minor Amendment

The City has received a request for a Minor Amendment (Planning Official decision) to the Southwest Area Specific Plan (SWAP) for modification of row housing (eliminating), modification to the street network and modification to the open space network (an increase in open space area).

This request is being forwarded for your review, comment and conditioning. If you have conditions of approval you would like incorporated into the City's consideration of this request, please list them and return to Lisa Garbett ([lgarbett@ci.veneta.or.us](mailto:lgarbett@ci.veneta.or.us)) **no later than April 25, 2016**.

Please call me at 935-2191 ext. 304 if you are unable to return comments by this date.

Please reference file number SDP-1-16 in your reply.

We are not affected by the proposal.

- We have reviewed the proposal and have no comments.
- Our comments are attached.
- Our comments are:

City of Veneta - P.O. Box 458 - Veneta, Oregon 97487  
Phone (541) 935-2191 - Fax (541) 935-1838

**City of Veneta  
MEMORANDUM**

DATE: April 11, 2016

TO: Kyle Schauer, Public Works Director

FROM: Lisa Garbett, City of Veneta

RE: Southwest Area Specific Plan (SWAP), Minor Amendment

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This request is being forwarded for your review, comment and conditioning. If you have conditions of approval you would like incorporated into the City's consideration of this request, please list them and return to Lisa Garbett (lgarbett@ci.veneta.or.us) **no later than April 25, 2016.**

Please call me at 935-2191 ext. 304 if you are unable to return comments by this date.

Please reference file number SDP-1-16 in your reply.

- We are not affected by the proposal.
- We have reviewed the proposal and have no comments. 
- Our comments are attached.
- Our comments are:

**SOUTHWEST AREA SPECIFIC DEVELOPMENT PLAN (SWAP),  
MAJOR AMENDMENT, SDP-1-21(A)  
PROPOSED FINAL ORDER  
OF THE  
VENETA CITY COUNCIL**

**Major Amendment, Southwest Area Specific Plan (SDP-1-21(A))**

**A. The City Council finds the following:**

1. The applicant has submitted information for a Major Amendment to the Specific Development Plan (SWAP) by Section 4.15 of the Veneta Land Development Ordinance (VLDO) No. 493.
2. The Veneta City Council held a public hearing on June 14, 2021 to review and discuss the Tentative Plan for Assessors Map/Tax Lot No.'s 18-06-01-00-01611, 01612, 18-06-01-13-04700, 05200 after providing proper notice of quasi-judicial action according to Veneta Land Development Ordinance No. 493, Section 11.07(2) – Notice of Public Hearing.
3. The City Council followed the required procedure and standards for taking action on a major amendment to Specific Development Plan (SWAP) as set forth in Section 4.15 of the Veneta Land Development Ordinance No. 493.

**B. The Veneta City Council approves with conditions the Major Amendment to the Southwest Area Specific Plan (SWAP) #SDP-1-21(A) with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- 1) Prior to development of the next phase of development within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure dedication of seven (7) acres contiguous park land to the City is exclusive of wetlands and Greenway Open Space Overlay zone in accordance with the final order for Applegate Landing Phase 1 and 2016 amendment to the Southwest Area Specific Plan (City File #S-4-06 & SDP-1-16(A)).
- 2) As a general condition of approval, the applicant shall submit a revised Southwest Area Specific Plan conceptual diagram that shows a direct and contiguous multi-use path connection between the two open space areas that is consistent with the Southwest Area Specific Plan (SWAP) in accordance with Veneta Land Development Ordinance No. 493, Section 4.15(D) - Amendments to the Specific Development Plan.
- 3) All previous conditions of approval from initial approval and amendments thereto shall remain in effect unless modified herein.

**C. IT IS HEREBY ORDERED THAT the Veneta City Council approves with conditions the major amendment to the Southwest Area Specific Plan, SDP-1-21(A) based on the information in the staff report and the following findings of fact:**

**Major Amendment, applicable criteria. Ordinance language is in italics. Findings are in regular font.**

The request before the City Council is for major amendment to the Southwest Area Specific Plan (SWAP) for modification of the following:

1. Applicant is proposing to remove proposed right of way in order to get a more useful seven (7) acre upland park.
2. Applicant is proposing to move an area of north-south right of way to the west in conjunction with creating the park
3. Applicant is proposing to increase the area of overall park area from seven (7) acres total (including wetland, Greenway buffer and upland) to almost eleven acres (10.9 acres) which includes 7.66 acres of upland.

**Major Amendment Required Findings**

The following are findings of fact for applicable Veneta Land Development Ordinance No. 493 provisions regarding the major amendment to the Southwest Area Specific Plan. The findings are required by VLDO No. 493, Section 4.15 and are based on information provided by the applicant:

**VLDO Section 4.15 Amendments to the Specific Development Plan**

*B Major Amendments are those which result in any of the following:*

1. *a change in the development standards*
2. *changes in the circulation plan that result in a shift of a public street, easement or pathway by more than 100 feet, or result in the elimination of any public street.*
3. *a change in the land use plan that results in the elimination or reduction of a proposed land use or a shift in land uses (including park sites) by more than 100 feet in any direction.*

*D. A major amendment to a specific development plan shall be approved by the City Council following a public hearing. The Planning Commission shall make a recommendation to the Council following a public hearing based on findings demonstrating that the change will not adversely affect the purpose, objectives, or function of the specific area plan.*

**Applicant's statement:** The modifications proposed by Applicant to amend the Veneta Southwest Area Specific Plan (SWAP) meet the definition of modifications subject to a Major Amendment to the SWAP by virtue of movement of streets more than one hundred (100) feet and elimination of streets.

**Finding:** Applicant is proposing to either remove or relocate several streets that were part of the original SWAP. Because the proposed change will affect the circulation plan as detailed under subsection B. 2., the proposal constitutes a Major Amendment. The Planning Commission made a recommendation to the Council for conditional approval following a public hearing on May 4, 2021 based on findings that the proposed major amendment will not adversely affect the purpose, objectives, or function of the specific area plan. Specifically, the change will not adversely affect the purpose, objectives or function of the specific area plan, Southwest Area Specific Plan (SWAP) based on the findings below:

## I. No Adverse Affect on the purpose of the Specific Development Plan

The applicant is proposing the following modifications to the SWAP:

1. Removal and/or relocation of proposed streets in order to meet the requirement for a contiguous seven (7) acre upland park.
2. Increasing the overall park area from seven (7) acres total (including wetland, Greenway buffer and upland) to almost eleven acres (10.9 acres) which includes 7.66 acres of upland.

There is no stated purpose for the SWAP in either VLDO Section 4.14.(7)(b) or the adopted report plan. However, Section 4.14(1) provides a purpose statement for Specific Development Plan subzones:

*(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.*

The proposal does not adversely impact this purpose with the changes shown in the proposed SWAP plan diagram. The proposed plan will coordinate and direct development as follows:

### Coordination of Transportation

**Finding:** The proposed amendment removes right-of-way in an east-west direction south of Cheney Road and also moves some north-south right-of-way to the west in conjunction with accommodating the required seven (7) acre park land exclusive of wetlands and greenway. The exact configuration of the park will be dependent on the results of a wetland delineation and associated greenway buffer given the park land dedication cannot include wetlands or greenway and must be a minimum of seven (7) acres. Although one street will be removed, overall connectivity for all modes will be preserved. The City Engineer finds that the proposal does not appear to result in any additional traffic generated by the site or other identifiable traffic related impacts.

### Coordination of Utilities

**Finding:** The proposed amendment request does not trigger any requirement to amend the SWAP's utility plan per correspondence with the City Engineer and there is not a need to require amendments to the SWAP's traffic study, storm plan, or utility plans due to the request.

The proposed amendment does not adversely impact this purpose with the changes shown in the application.

### Coordination of Open Space

**Finding:** The proposed modification to the SWAP retains the intent of the 2006 adopted and 2016 amended versions of the plan in respect to provision of open space that provides pedestrian and storm drainage linkages throughout the SWAP area. The areas set aside for open space, storm drainage and pedestrian connectivity are similar. The proposal includes approximately 10.9 acres of open space/park land according to the applicant. The proposed open space is consistent with

the adopted 2006 plan and amended 2016 plan. However, the proposed plan eliminates a direct pedestrian connection from the park to the other open space area to the south of the park. The Planning Commission recommended the City Council require a general condition of approval that requires a more direct and contiguous multi-use path connection between the two open space areas that is consistent with the Southwest Area Specific Plan (SWAP).

In addition, the Applegate Phase IV & V final order requires compliance with the following conditions of approval related to park land dedication:

- #3 General Condition of approval: Park land dedicated to the City shall be contained as a contiguous unit and not separated into pieces or divided by roadways in accordance with VLDO No. 493, Section 5.26(3)(b) – Minimum Park Land Standards.
- #4 General condition of approval: 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 park dedication per VLDO No. 493, Section 5.26(3)(d) – Minimum Park Land Standards.
- #20 Prior to final plat approval, the applicant shall dedicate to the City seven (7) acres of contiguous park area, exclusive of delineated wetlands on Assessor's Map No. 18-06-01-00 Tax lot 01612 and Assessor's Map No. 18-06-01-12 Tax Lot 06400, as defined by VLDO No. 493, Section 5.26(3) – Minimum Park Land Standards and in accordance with Condition of Approval #2, SDP-1-16(A).

The proposal addresses the need for park land dedication as required by city file #S-1-16, which requires a minimum of seven (7) contiguous acres not including greenway or delineated wetlands.

#### Coordination of Land Use

**Finding:** The proposal does not adversely impact this function given there are no changes to proposed land use types with this amendment request.

#### Streamline the Land Use Review and Encouraging Appropriate Development that is Consistent with the Specific Development Plan

**Finding:** The proposal does not adversely impact this function per the following: Location and type of allowed housing is not being altered with this amendment request. The amended Plan will continue to allow flexibility of housing types and density in order to respond to market force, and to offer potential homeowners the greatest range of housing opportunities.

#### Promoting Coordinated Planning and Pedestrian Oriented Mixed-Use Development

**Finding:** The application proposes no changes to the type or tenure of new housing. The pedestrian circulation throughout the SWAP still consists of sidewalks alongside roadways and a separated pedestrian path system within open space areas.

#### 2. No Adverse Affect on the Objectives of the Specific Development Plan.

**Finding:** The 2006 SWAP narrative describes the plan objectives per 1-10 below. The proposed SWAP complies with these objectives (numbered for reference) as described below:

**Objective #1 - Neighborhoods.**

*Develop a neighborhood that includes a wide range of housing types and locations, commercial and employment opportunities, and passive and active recreational opportunities and a scale that is compatible with one another and adjacent development. Provide a full transportation network of streets and separated pedestrian paths. Allow development of commercial and employment areas that support the neighborhood and surrounding residential areas. Create a unique neighborhood character and identifiable boundaries.*

**Finding:** The proposed amendment removes one street in order to accommodate the park dedication requirements. Removal of one street will have a minor impact on overall connectivity for motor vehicles, but will still allow pedestrian passage across the new park area. The proposed amendment improves recreational opportunities by accommodating contiguous park land for passive and active recreation.

**Objective #2 - Increase Efficiency of Land Use.**

*Provide for compact development, optimizing infrastructure investments, open space amenities and access to the multifamily and neighborhood commercial districts. Allow a variety of development densities and intensities within limits set by the Comprehensive Plan and that are compatible with topography, sensitive natural resources, transportation and utility infrastructure, and proximity to other uses.*

**Finding:** The proposed amendment should have little to no negative impact on compact development and other outcomes desired under Objective 2. By consolidating park land, the proposed amendment improves open space opportunities for existing and future residential uses and also protects existing sensitive natural resources (wetlands).

**Objective #3 - Multi-Modal/Pedestrian Friendly.**

*Create a pedestrian friendly environment that provides direct, safe, and convenient access from homes to commercial services, public spaces, and transit connections while also creating an efficient street pattern for automobiles and bicycles. Provide transportation connectivity to adjacent land to the greatest extent practicable, given natural and physical constraints.*

**Finding:** The proposed amendment will still allow for direct, safe and convenient pedestrian access to local amenities through the park area for existing and future residents, with minimal impacts on motor vehicles.

**Objective #4 - Provide Alternative Parallel Routes.**

*Provide collector roadway connections that lessen reliance on Territorial Highway as the sole accessway through Veneta, while retaining neighborhood character and values.*

**Finding:** The proposed amendment does not impact any streets designated as Collectors or Arterials.

**Objective #5 - Public and Open Spaces.**

*Provide public spaces such as neighborhood parks, common open areas, greenways, or plazas where residents and employees can meet or relax and that will counterbalance activity levels in more intense commercial and residential areas.*

**Finding:** The proposed amendment increases the primary park area to seven (7) acres (exclusive of wetland/greenway) which increases the utility of the park area for all future active uses.

*Objective #6 - Natural Features.*

*Incorporate natural features such as creeks, wetlands, and tree groves into neighborhood development. Provide for onsite stormwater detention, and maximize the opportunity to create a neighborhood amenity of drainage and wetland areas. Identify appropriate development for forested areas and steeper slopes.*

**Finding:** The proposed amendment incorporates and preserves additional natural features (wetlands and greenway) within the larger park area.

*Objective #7 - Building and Site Design.*

*Promote building and site design that creates a sense of neighborhood. Carefully relate building mass, frontages, entries, and yards to streets and adjacent properties in order to orient public activities toward public spaces and provide privacy between neighboring properties. The architecture and scale of commercial buildings should provide attractive street frontages and encourage placement of parking lots and loading docks away from public street frontages.*

**Finding:** The proposed amendment does not include any proposed changes or exceptions to building or site design standards.

*Objective #8 - Safe Environment.*

*Promote a safe environment for residents and visitors during all hours of the day and night. Encourage residential design that puts eyes on the street and other public or common open spaces. Design streets and public areas for the safety of all residents.*

**Finding:** All new residential dwellings are subject to design standards of VLDO No. 493, Section 5.29 – Residential Design Standards and SWAP development standards listed in Table 2 of the adopted SWAP. The proposed amendment does not include any proposed changes or exceptions to these requirements.

*Objective #9 - Transition Between Uses.*

*Provide sensitive transitions between commercial, lower density residential and higher density residential development and minimize the impacts of development on wetlands and waterways.*

**Finding:** The proposal does not include a change in land uses. The proposal to increase the park area should result in fewer impacts to wetlands and waterways. Impacts of development and waterways will be analyzed through the land division process on a case by case basis for compliance with city ordinances, previous conditions of approval and the Oregon Department of State Lands applicable criteria.

**Objective #10 - Housing Types.**

*Provide for a range of housing types (e.g. standard single-family, small lot single-family, attached townhomes, and multifamily dwellings). Create land use regulations that provide for flexibility of housing type within general areas, given overall density limits, services, transportation networks, proximity to commercial and employment areas, and physical constraints of the land. Maximize home ownership opportunities by allowing individual homes on separate lots of sizes in keeping with density ranges allowed by the Comprehensive Plan.*

**Finding:** No changes to the type or tenure of dwellings within the SWAP are proposed; the proposed amendment should have minimal impact on the range of housing types that could be constructed within the SWAP.

**Summary Conclusions regarding the Objectives of the SWAP:** Criterion is not met.

As a general condition of approval, the applicant shall submit a revised Southwest Area Specific Plan conceptual diagram that shows a direct and contiguous multi-use path connection between the two open space areas that is consistent with the Southwest Area Specific Plan (SWAP) in accordance with Veneta Land Development Ordinance No. 493, Section 4.15(D) - Amendments to the Specific Development Plan.

**2. No Adverse Affect on the Function of the Specific Development Plan.**

The adopted SWAP's function includes creating a general neighborhood plan that includes a wide range of uses, including a full spectrum of housing types and neighborhood commercial uses, connected throughout by an open space network that offers passive and active recreational opportunities and protects significant natural resources. The SWAP also strives to provide a general street and circulation plan with connections to abutting land in a manner that will provide safe and efficient neighborhood access for motorists, bicyclists, and pedestrians while discouraging unwanted through traffic.

**Finding:** The proposal does not adversely impact the SWAP's function with the changes shown in the requests application and the proposal subsequently improves function in terms of increasing park land area.

**Conclusion:** Criterion is met.

**VLDO Section 4.15 (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.*

**Applicant statement:** The proposed modification will have minimal impact on density. The approved tentative plan for Applegate Phases 4 & 5 was for one hundred and three (103) lots. The redesigned subdivision (after the proposed street changes) currently has one hundred (100) lots

(see concept directly below). There are only changes to the street layout as discussed above and an increase in park area.

**Applicant Finding:** The proposed Amendment meets this criterion.

**Finding:** Applicant's statement is a finding; applicant finding is a conclusion. The subject site contains approximately thirty-four (34) acres. The proposed amendment will result in three fewer lots, which will reduce overall residential density from 3.029 DU/acre to 2.941 DU/acre, but will result in the creation of a park meeting the requirements of the SWAP and will also reduce the overall impervious surface through the elimination of a street.

**Conclusion:** Criterion is met.

*(b) 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.*

**Applicant statement:** The existing SWAP plan already provides for a mix of compatible land uses offering a variety of activities and destinations within the project area that are mostly responding to existing and future market conditions. The proposed changes to the street layout are very minor and will not impact that.

**Applicants Proposed Finding:** The proposed Amendment meets this criterion.

**Finding:** Applicant's statement is a finding; applicant finding is a conclusion. The application proposes no changes to the type or tenure of new housing.

**Conclusion:** Criterion is met.

*(c) 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.*

**Applicant statement:** The SWAP plan already has created a pedestrian friendly environment that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The proposed modifications enhance this in two ways:

1. Additional open space and pedestrian amenities. The modified SWAP area includes additional acreage for open space. More specifically, the approval of Applegate Phases 4 & 5 required a contiguous seven acres of upland for the park area. As detailed above, the additional open space provides more opportunities for open space (an additional 4 acres) and pedestrian amenities such as preserving significant trees and landscaped detention ponds adjacent to the park rather than across the street.
2. Reduction of impervious surfaces. The revised street layout will remove almost 750 linear feet of mostly redundant street, which will reduce runoff in an area that already has storm drainage issues and a high water table.

**Applicant Finding:** The proposed modifications to the existing SWAP enhance an already pedestrian friendly environment that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The proposed circulation plan includes improved connections to surrounding properties. The proposed Amendment meets this criterion.

**Finding:** Staff concurs with applicant's statement and finding. Emergency vehicle turn-arounds or cul-de-sacs will likely be necessary at the terminus of dead end roads per code; VLDO 6.02(11). Staff finds these standards would ultimately be reviewed with later land use applications as the current proposal for Southwest Area Specific Plan Amendment approves only a concept plan of how the property may be developed.

**Conclusion:** Criterion is met.

*(d) The specific development plan provides adequate public spaces such as small parks, greenways, or plazas where people can meet or relax.*

**Applicant statement:** The modified SWAP area includes additional acreage for open space. More specifically, the approval of Applegate Phases 4 & 5 required a contiguous seven acres of upland for the park area. As detailed above, the additional open space provides more opportunities for open space (an additional 4 acres) and pedestrian amenities such as preserving significant trees and landscaped detention ponds adjacent to the park rather than across the street.

**Applicant Finding:** The proposed modifications to the existing SWAP enhance an already public-friendly environment that provides more than sufficient spaces such as a park, greenways and locations where people can meet and relax. The proposed Amendment meets this criterion.

**Finding:** Applicant's statement is a finding; applicant finding is a conclusion. Staff concurs with applicant finding that the proposed amendment will enable Applegate Phases 4 & 5 to meet the public space requirements for the SWAP.

**Conclusion:** Criterion is met.

*(e) The specific development plan incorporates natural features such as creeks, wetlands, and large trees into the plans for the site.*

**Applicant statement:** The proposed SWAP amendment will save two significant oak trees and add those to the park area (see before and after exhibits below). The current version of the SWAP would likely cause those trees to be removed because of impact from future streets.

**Applicant Finding:** The proposed modifications to the existing SWAP enhance a plan that has already been developed to address and incorporate natural features such as creeks, wetlands, and large trees. It is important to condition the proposal to require that prior to development of the next phase of development within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure the seven (7) acres contiguous park land is exclusive of

wetlands in accordance with the final order for Applegate Landing Phase 4 & 5 (City file #S-1-16).

**Finding:** Approval must be conditioned to require the next phase of development within the Southwest Area Specific Plan to provide a wetland delineation and concurrence from the Oregon Department of State Lands regarding Assessor's Map No. 18-06-01-00, TL 1612 in order to ensure dedication of a minimum seven (7) acres of contiguous park land exclusive of wetlands in accordance with the final order for Applegate Landing Phase 1 (City File #S-4-06).

**Conclusion:** Criterion is NOT met but can be met through specific conditions of approval. As a general condition of approval, prior to development of the next phase of development within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure dedication of seven (7) acres contiguous park land to the City is exclusive of wetlands and Greenway Open Space Overlay zone in accordance with the final order for Applegate Landing Phase 1 and 2016 amendment to the Southwest Area Specific Plan (City File #S-4-06 & SDP-1-16(A)).

*(f) The specific development plan promotes building and site design that contributes positively to a sense of community and to the overall streetscape.*

**Applicant's statement:** The existing SWAP plan has already met the criteria for a plan that promotes building and site design that contributes to a sense of community and to the overall streetscape. The proposed expansion of the park area and reduction in redundant streets contributes to more of a community feel that is less about motorized vehicles and more about walking paths and pedestrian amenities and increased opportunities for neighbors to get to know each other.

**Applicant Finding:** The proposed modifications to the existing SWAP enhance a plan that has already been developed to promote building and site design and contribute to a sense of community. The proposed Amendment meets this criterion.

**Applicant Conclusion:** The proposed modifications to the Veneta Southwest Area Specific Plan (SWAP) will have positive impacts to the existing, adopted SWAP document and its intent. The SWAP has already fully complied with the approval criteria below, and the modifications the Applicant proposes for approval through this Amendment process will have no negative impacts and will improve on the intent of the SWAP document by providing for almost 4 additional acres of parkland, preserving and including more natural features into the park area and reducing the amount of runoff from future development.

**Request:** The Applicant respectfully requests that the City Planning Commission approve this request for a Minor Modification to the Veneta Southwest Area Specific Plan.

**Finding:** Applicant's statement is a finding; applicant finding is a conclusion. Staff concurs with applicant finding, noting specifically that the proposed amendment will help the project meet requirements for parkland dedication without any identified negative impacts to the SWAP specifically or the City generally.

**Conclusion:** Criterion is met.

C. This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the Veneta City Council, below. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

Keith Weiss  
Keith Weiss, Mayor  
Veneta City Council

06/14/21  
Date

**SOUTHWEST AREA SPECIFIC DEVELOPMENT PLAN (SWAP),  
MAJOR AMENDMENT, SDP-1-22  
FINAL ORDER  
OF THE  
VENETA CITY COUNCIL**

**Major Amendment, Southwest Area Specific Plan (SDP-1-22)**

**A. The Council finds the following:**

1. The applicant has submitted information for a Major Amendment to the Specific Development Plan (SWAP) by Section 4.15 of the Veneta Land Development Ordinance VLDO No. 493 (VLDO 493).
2. The Veneta Planning Commission held a public hearing on April 5, 2022 to review and discuss the tentative plan for Assessors Map/Tax Lot No.18-06-01-00-01612 after providing proper notice of quasi-judicial action according to Veneta Land Development Ordinance No. 493, Section 11.07(2) – Notice of Public Hearing.
3. The Planning Commission followed the required procedure and standards for taking action on a major amendment to Specific Development Plan (SWAP) as set forth in Section 4.15 of the VLDO 493.
4. The Veneta City Council held a public hearing on June 13, 2022 to review and discuss the tentative plan for Assessors Map/Tax Lot No.18-06-01-00-01612 after providing proper notice of quasi-judicial action according to Veneta Land Development Ordinance No. 493, Section 11.07(2) – Notice of Public Hearing.
5. The Veneta City Council followed the required procedure and standards for taking action on a major amendment to Specific Development Plan (SWAP) as set forth in Section 4.15 of the VLDO 493.

**B. The Veneta City Council approves with conditions the Major Amendment to the Southwest Area Specific Plan (SWAP) #SDP-1-22 with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- 1) Prior to development of the next phase of development within the SWAP, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure dedication of seven (7) acres contiguous park land to the City is exclusive of wetlands and Greenway Open Space Overlay zone in accordance with the final order for Applegate Landing Phase 1 and 2016 amendment to the Southwest Area Specific Plan (City File #S-4-06 & SDP-1-16(A) and VLDO 493 §4.15.D. - Amendments to the Specific Development Plan.
- 2) Park land dedicated to the City shall be contained as a contiguous unit and not separated into pieces or divided by roadways in accordance with VLDO 493 §5.26(3)(B) – Minimum Park Land Standards.

3) 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 park dedication per VLDO 493 §5.26(3)(D) – Minimum Park Land Standards.

**B. IT IS HEREBY ORDERED THAT the Veneta City Council approves the major amendment to the Southwest Area Specific Plan, SDP-1-22 based on the information in the staff report and the following findings of fact:**

**Major Amendment, applicable criteria. Ordinance language is in italics. Findings are in regular font.**

The request before the City Council is for major amendment to the Southwest Area Specific Plan (SWAP) for modification to the SWAP conceptual plan diagram regarding upland park area.

**Major Amendment Required Findings**

The following are findings of fact for applicable Veneta Land Development Ordinance No. 493 provisions regarding the major amendment to the Southwest Area Specific Plan. The findings are required by VLDO 493 §4.15 and are based on information provided by the applicant:

**VLDO Section 4.15(5) Amendments to the Specific Development Plan**

*B Major Amendments are those which result in any of the following:*

- 1. A change in the development standards*
- 2. Changes in the circulation plan that results in a shift of a public street, easement, or pathway by more than 100 feet, or result in the elimination of any public street, easement, or pathway.*
- 3. A change in the land use plan that results in the elimination or reduction of a proposed land use or a shift in land uses (including park sites) by more than 100 feet in any direction.*

*D. A major amendment to a specific development plan shall be approved by the City Council following a public hearing. The Planning Commission shall make a recommendation to the Council following a public hearing based on findings demonstrating that the change will not adversely affect the purpose, objectives, or function of the specific development plan. (underline emphasis added)*

**Applicant's statement:** The modifications proposed by Applicant to amend the Veneta Southwest Area Specific Plan (SWAP) meet the definition of modifications subject to a Major Amendment to the SWAP by virtue of movement of a shift in land uses (park site) by more than one hundred (100) feet. More specifically, we are asking for an amendment under subsection 2 above that involves shifts in land uses (including parks) by more than 100 feet in any direction

**Finding:** The applicant initially proposed to reduce the park land shown on the SWAP Conceptual Diagram in order to gain additional residential development area. The applicant submitted new information on April 18, 2022 and April 20, 2022 indicating the proposal is to amend the SWAP conceptual diagram in order to add additional park area (open space) to the proposed “upland” park and to add one additional lot in an area that was formerly allocated to a stormwater detention pond and not part of the proposed park area. The applicant indicates intent for a net result of seven (7) acres of upland park that is exclusive of wetlands and Greenway. The change to the open space

(park) area is more than one hundred (100) feet in one direction which constitutes a Major Amendment. Council finds the change will not adversely affect the purpose, objectives or function of the SWAP specific development plan, based on the findings below: The Planning Commission held a public hearing on May 3, 2022 and made a recommendation to the Council to approve the request based on findings demonstrating that the change will not adversely affect the purpose, objectives, or function of the specific development plan.

**Conclusion:** Criterion is met.

*(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.*

**Finding:** The proposal does not adversely affect this purpose with the changes shown in the proposed SWAP plan diagram. The proposed plan will coordinate and direct development as follows:

#### Coordination of Transportation

**Finding:** The proposed amendment will add additional park area to the future upland park and add one additional lot in an area that was formerly allocated to a stormwater detention pond and not part of the proposed park area. The applicant intends on a net result of seven (7) acres of upland park that is not within wetlands or the Greenway setback area. The exact configuration of the park will be dependent on the results of a wetland delineation and associated greenway buffer given the park land dedication cannot include wetlands or greenway and must be a minimum of seven (7) acres. Overall connectivity for all modes will be preserved with the proposed amendment.

**Conclusion:** Criterion is met.

#### Coordination of Utilities

**Finding:** The proposed amendment request does not trigger any requirement to amend the SWAP's utility plan and there is not a need to require amendments to the SWAP's traffic study, storm plan, or utility plans due to the request. The Public Works Director and City Engineer reviewed the proposal and had no comment or concerns.

The proposed amendment does not adversely affect this purpose with the changes shown in the application.

**Conclusion:** Criterion is met.

### Coordination of Open Space

**Finding:** The proposed modification to the SWAP retains the intent of the 2006 adopted and 2016 amended versions of the plan in respect to provision of open space that provides pedestrian and storm drainage linkages throughout the SWAP area. The areas set aside for open space, storm drainage and pedestrian connectivity are similar. The proposal includes approximately 12.2 acres of open space/park land according to the applicant's revised diagram submitted April 18, 2022.

The Applegate Phase IV & V land use decision expired on January 9, 2022 after two land use extensions were granted. The original approval was in 2006. Therefore, the applicant will need to re-submit a new tentative subdivision plan to the City in order to move forward with residential development. It is important to note that the previous approval required compliance with the following conditions of approval related to park land dedication:

General Condition of approval: Park land dedicated to the City shall be contained as a contiguous unit and not separated into pieces or divided by roadways in accordance with VLDO 493 §5.26(3)(b) - Minimum Park Land Standards.

General condition of approval: 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 park dedication per VLDO 493 §5.26(3)(D) - Minimum Park Land Standards.

**Conclusion:** Criterion is **NOT** met.

Therefore, the Council imposes staff's recommended condition to require the following:

Prior to the next phase of development within the SWAP, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure dedication of seven (7) acres contiguous park land to the City is exclusive of wetlands and Greenway Open Space Overlay zone in accordance with the final order for Applegate Landing Phase 1 and 2016 amendment to the Southwest Area Specific Plan (City File #S-4-06 & SDP-1-16(A)) and VLDO 493 §4.15(5)D. - Amendments to the Specific Development Plan.

General Condition of approval: Park land dedicated to the City shall be contained as a contiguous unit and not separated into pieces or divided by roadways in accordance with VLDO 493 §5.26(3)(b) - Minimum Park Land Standards.

General condition of approval: 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 park dedication per VLDO 493 §5.26(3)(D) - Minimum Park Land Standards.

### Coordination of Land Use

**Finding:** The proposal does not adversely affect this function given there are minimal changes to the location of land use types with this amendment request in order to accommodate the needed additional open space (7 acre park) sans wetlands and greenway.

**Conclusion:** Criterion is met.

Streamline the Land Use Review and Encouraging Appropriate Development that is Consistent with the Specific Development Plan

**Finding:** The proposal does not adversely affect this function per the following: Location and type of allowed housing is not being altered with this amendment request. The amended Plan will continue to allow flexibility of housing types and density in order to respond to market force, and to offer potential homeowners the greatest range of housing opportunities.

**Conclusion:** Criterion is met.

Promoting Coordinated Planning and Pedestrian Oriented Mixed-Use Development

**Finding:** The application proposes no changes to the type of new housing. The pedestrian circulation throughout the SWAP still consists of sidewalks alongside roadways and a separated pedestrian path system within open space areas.

**Conclusion:** Criterion is met.

No Adverse Affect on the Objectives of the Specific Development Plan.

**Finding:** The 2006 SWAP narrative describes the plan objectives per 1-10 below. The proposed SWAP complies with these objectives (numbered for reference) as described below:

**Conclusion:** Criterion is met.

Objective #1 - Neighborhoods.

*Develop a neighborhood that includes a wide range of housing types and locations, commercial and employment opportunities, and passive and active recreational opportunities and a scale that is compatible with one another and adjacent development. Provide a full transportation network of streets and separated pedestrian paths. Allow development of commercial and employment areas that support the neighborhood and surrounding residential areas. Create a unique neighborhood character and identifiable boundaries.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendments do not include any adjustments which negatively impact opportunities for active recreation and limit the range of housing types. The provision of additional park area will enhance the neighborhood.

**Finding:** The Council concurs with applicant's revised (received April 20, 2022) statement.

**Conclusion:** Criterion is met.

Objective #2 - Increase Efficiency of Land Use.

*Provide for compact development, optimizing infrastructure investments, open space amenities and access to the multifamily and neighborhood commercial districts. Allow a variety of*

*development densities and intensities within limits set by the Comprehensive Plan and that are compatible with topography, sensitive natural resources, transportation and utility infrastructure, and proximity to other uses.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will not have an impact on the efficiency of land use.

**Finding:** The proposed amendment will have little to no negative impact on compact development and other outcomes desired under Objective 2.

**Conclusion:** Criterion is met.

*Objective #3 - Multi-Modal/Pedestrian Friendly.*

*Create a pedestrian friendly environment that provides direct, safe, and convenient access from homes to commercial services, public spaces, and transit connections while also creating an efficient street pattern for automobiles and bicycles. Provide transportation connectivity to adjacent land to the greatest extent practicable, given natural and physical constraints.*

**Applicant's revised statement (received April 20, 2022):** Development of the overall site will provide street and pedestrian connectivity to the proposed park area.

**Finding:** The proposed amendment will still allow for direct, safe and convenient pedestrian access to local amenities through the park area for existing and future residents, with minimal impacts on motor vehicles.

**Conclusion:** Criterion is met.

*Objective #4 - Provide Alternative Parallel Routes.*

*Provide collector roadway connections that lessen reliance on Territorial Highway as the sole accessway through Veneta, while retaining neighborhood character and values.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will have no impact on this objective.

**Finding:** The proposed amendment does not impact any streets designated as Collectors or Arterials.

**Conclusion:** Criterion is met.

*Objective #5 - Public and Open Spaces.*

*Provide public spaces such as neighborhood parks, common open areas, greenways, or plazas where residents and employees can meet or relax and that will counterbalance activity levels in more intense commercial and residential areas.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will add additional acreage to the proposed public park area.

**Finding:** Council concurs with applicant's statement. The applicant submitted additional information on April 18, 2022 and April 20, 2022 indicating the proposal is to add additional park area to the proposed "upland" park and to add one additional lot in an area that was formerly allocated to a stormwater detention pond and not part of the proposed park area. The applicant intends on a net result of seven (7) acres of upland park that is exclusive of wetlands or Greenway. Council finds the SWAP diagram to be conceptual in nature and recommends conditions of approval to ensure unencumbered park land (exclusive of greenway and wetlands) is dedicated prior to final plat approval of the next phase of development within the SWAP.

**Conclusion:** Criterion is **NOT** met but can meet this criterion as conditioned at VLDO 493 §4.15(5)D. - Amendments to the Specific Development Plan.

**Objective #6 - Natural Features.**

*Incorporate natural features such as creeks, wetlands, and tree groves into neighborhood development. Provide for onsite stormwater detention, and maximize the opportunity to create a neighborhood amenity of drainage and wetland areas. Identify appropriate development for forested areas and steeper slopes.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will add additional open space to the proposed public park area.

**Finding:** Council concurs with applicant statements.

**Conclusion:** Criterion is met.

**Objective #7 - Building and Site Design.**

*Promote building and site design that creates a sense of neighborhood. Carefully relate building mass, frontages, entries, and yards to streets and adjacent properties in order to orient public activities toward public spaces and provide privacy between neighboring properties. The architecture and scale of commercial buildings should provide attractive street frontages and encourage placement of parking lots and loading docks away from public street frontages.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will have no impact on this objective.

**Finding:** The proposed amendment does not include any proposed changes or exceptions to building or site design standards.

**Conclusion:** Criterion is met.

**Objective #8 - Safe Environment.**

*Promote a safe environment for residents and visitors during all hours of the day and night. Encourage residential design that puts eyes on the street and other public or common open spaces. Design streets and public areas for the safety of all residents.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will have no impact on this objective.

**Finding:** All new residential dwellings are subject to design standards of VLDO 493 §5.29 - Residential Design Standards and SWAP development standards listed in Table 2 of the adopted SWAP. The proposed amendment does not include any proposed changes or exceptions to these requirements.

**Conclusion:** Criterion is met.

*Objective #9 - Transition Between Uses.*

*Provide sensitive transitions between commercial, lower density residential and higher density residential development and minimize the impacts of development on wetlands and waterways.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will have no impact on this objective.

**Finding:** Council finds the SWAP diagram and configuration is conceptual in nature and exact actual development of the property will require further documentation (i.e. wetland delineation and concurrence from the Oregon Department of State Lands) in order to minimize impacts of development on wetlands, a change in land uses, and ensure unencumbered park land is provided. In summary, impacts of development and waterways will be analyzed through the land division process on a case by case basis for compliance with city ordinances, previous conditions of approval and the Oregon Department of State Lands applicable criteria.

**Conclusion:** Criterion is met.

*Objective #10 - Housing Types.*

*Provide for a range of housing types (e.g. standard single-family, small lot single-family, attached townhomes, and multifamily dwellings). Create land use regulations that provide for flexibility of housing type within general areas, given overall density limits, services, transportation networks, proximity to commercial and employment areas, and physical constraints of the land. Maximize home ownership opportunities by allowing individual homes on separate lots of sizes in keeping with density ranges allowed by the Comprehensive Plan.*

**Applicant's revised statement (received April 20, 2022):** The proposed amendment will have no impact on this objective.

**Finding:** No changes to the type dwellings within the SWAP are proposed; the proposed amendment should have minimal impact on the range of housing types that could be constructed within the SWAP.

**Conclusion:** Criterion is met.

2. No Adverse Effect on the Function of the Specific Development Plan.

The adopted SWAP's function includes creating a general neighborhood plan that includes a wide range of uses, including a full spectrum of housing types and neighborhood commercial uses, connected throughout by an open space network that offers passive and active recreational opportunities and protects significant natural resources.

**Finding:** The proposal does not adversely affect the SWAP's function as the request will not alter the range of uses or connection of land uses by an open space network.

**Conclusion:** Criterion is met.

**VLDO 493 §4.15 (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.*

**Applicant's revised statement (received April 20, 2022):** The concept behind this proposed Amendment is straightforward. The applicant is adding additional park area to the proposed upland park to account for upland areas that are within the Greenway boundary that can't be counted as upland. The applicant is also requesting a single lot to be carved out of an area that was formerly allocated to a stormwater detention pond and not part of the proposed park area. The net result will be 7 acres of upland park that is not within wetlands or the Greenway setback area.

**Applicant Proposed Finding:** The proposed Amendment meets this criterion.

**Finding:** Council concurs with applicant's revised statement (received April 20, 2022) and finding.

**Conclusion:** Criterion is met.

*(B) The specific development plan will increase the efficiency of land use and provide for compact development.*

**Finding:** The proposed Amendment includes a shift in land use in order to expand open space area and allow for future development of a 7 acre unencumbered park. Council notes, future lot potential and exact configuration of park land will ultimately be determined by a latter land division request. This request only amends the concept diagram to allow the open space land use to be amended on the conceptual plan diagram of the SWAP. The proposed Amendment will increase the efficiency of land use and provide for compact development in that the applicant's intent is to increase contiguous park land area which was previously open space area.

**Conclusion:** Criterion is met.

*(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.*

**Applicant statement:** The existing SWAP plan already provides for a mix of compatible land uses offering a variety of activities and destinations within the project area that are mostly responding to existing and future market conditions. The proposed changes to modify existing park parameters are very minor and will not impact that.

**Applicant Proposed Finding:** The proposed Amendment meets this criterion.

**Finding:** The application proposes no changes to the type of new housing.

**Conclusion:** Criterion is met.

*(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.*

**Applicant's revised statement (received April 20, 2022):** The SWAP plan already has created a pedestrian friendly environment that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The proposed modification enhances this by adding additional park area for walking.

**Applicant's revised Proposed Finding (received April 20, 2022):** The proposed modification to the existing SWAP enhances an already pedestrian friendly environment that provides direct, safe, and convenient access to public spaces and transit while maintaining access for automobiles and bikes. The proposed reallocation includes improved connection to the park area for surrounding properties. The proposed Amendment meets this criterion.

**Finding:** Council concurs with applicant's statement and finding. Emergency vehicle turn-arounds or cul-de-sacs will likely be necessary at the terminus of dead end roads per code; VLDO 494 §6.02(1)A & (11). Council finds these standards would ultimately be reviewed with latter land use applications as the current proposal for Southwest Area Specific Plan Amendment approves only a concept plan of how the property may be developed.

**Conclusion:** Criterion is met.

*(E) The specific development plan provides adequate public spaces such as small parks, greenways, or plazas where people can meet or relax.*

**Applicant's revised statement (received April 20, 2022):** The modified SWAP area does not negatively impact acreage for open space it actually increases the open space acreage. As detailed above, modifying the existing open space provides more interconnectivity through a centralized public space and improves the natural environment such as further minimizing the impact to heritage trees.

The modified SWAP area includes the reallocating of land to continue to meet the requirements of the Veneta Land Ordinance Section. The altering of these land uses allows for the continued existence of a 10.9-acre park that includes 7 acres of upland.

**Applicant's revised Proposed Finding (received April 20, 2022):** The proposed modification to the existing SWAP enhances an already public-friendly environment that provides more than sufficient spaces such as a park, greenways and locations where people can meet and relax by further opening up the middle section of Applegate Phases 4 & 5 to the park area. The proposed Amendment meets this criterion. (See below map 2.A).

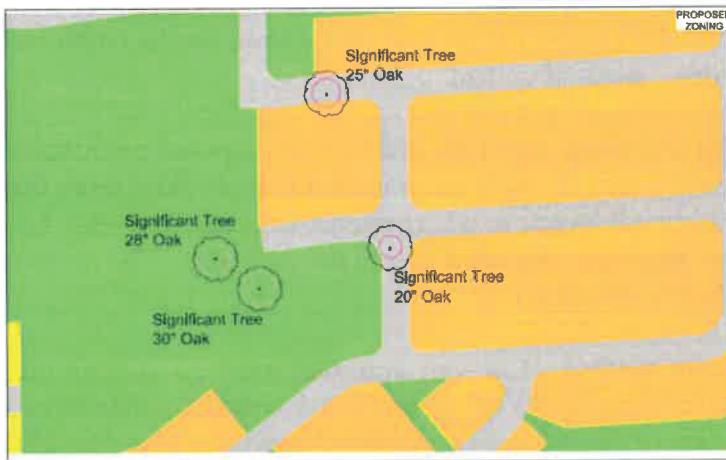
**Finding:** Council concurs with applicant finding. However, approval must be conditioned to require the next phase of development within the SWAP to provide a wetland delineation and concurrence from the Oregon Department of State Lands regarding Assessor's Map No. 18-06-01-00, TL 1612 in order to ensure dedication of a minimum seven (7) acres of contiguous park land exclusive of wetlands in accordance with the final order for Applegate Landing Phase 1 (City File #S-4-06) and SWAP Amendment SDP-1-16(A).

**Conclusion:** Criterion is NOT met but can be met through specific conditions of approval.

As conditioned above, prior to development of the next phase of development within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure dedication of seven (7) acres contiguous park land to the City is exclusive of wetlands and Greenway Open Space Overlay zone in accordance with the final order for Applegate Landing Phase 1 and 2016 amendment to the Southwest Area Specific Plan (City File #S-4-06 & SDP-1-16(A)).

*(F) The specific development plan incorporates natural features such as creeks, wetlands, and large trees into the plans for the site.*

**Applicant statement:** The proposed SWAP amendment will support in providing further protection for two significant (heritage) oak trees by modifying the area to the west to be designated for the purposed parks boundaries (See Map 2.A below). The re-allocation of previously undesignated open space (map shows this area as open space not defined in the boundaries of the proposed park and previously planned for a detention pond) will enhance natural features.



Impacted Significant Trees Under the Current SWAP 2.A

**Applicant Proposed Finding:** The proposed modification to the existing SWAP enhances a plan that has already been developed to address and incorporate natural features such as creeks, wetlands, and large trees. The proposed Amendment meets this criterion.

**Finding:** Council concurs with the applicant's statement. In addition, Council finds it is necessary to condition the proposal to require the next phase of development within the SWAP to provide a wetland delineation and concurrence from the Oregon Department of State Lands regarding Assessor's Map No. 18-06-01-00, TL 1612 in order to ensure dedication of a minimum seven (7) acres of contiguous park land exclusive of wetlands in accordance with the final order for Applegate Landing Phase 1 (City File #S-4-06) and SWAP Amendment SDP-1-16(A).

**Conclusion:** Criterion is **NOT** met but can be met through specific conditions of approval.

As a general condition of approval, prior to development of the next phase of development within the Southwest Area Specific Plan, a wetland delineation and concurrence from the Oregon Department of State Lands will be required for Assessor's Map No. 18-06-01-00, Tax Lot 1612 to ensure dedication of seven (7) acres contiguous park land to the City is exclusive of wetlands and Greenway Open Space Overlay zone in accordance with the final order for Applegate Landing Phase 1 and 2016 amendment to the Southwest Area Specific Plan (City File #S-4-06 & SDP-1-16(A)).

*(G) The specific development plan promotes building and site design that contributes positively to a sense of community and to the overall streetscape.*

**Applicant's statement:** The existing SWAP plan has already met the criteria for a plan that promotes building and site design that contributes to a sense of community and to the overall streetscape.

**Applicant Proposed Finding:** The proposed modification to the existing SWAP enhances a plan that has already been developed to promote building and site design and contribute to a sense of community. The proposed Amendment meets this criterion.

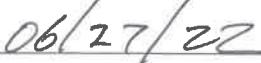
**Finding:** Council concurs with the applicant's statement.

**Conclusion:** Criterion is met.

C. This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the Veneta City Council, below. The City Council's decision may be appealed to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

  
\_\_\_\_\_  
Keith Weiss, Mayor  
Veneta City Council

  
\_\_\_\_\_  
Date



