

ORDINANCE NO. 576

AN ORDINANCE ADOPTING AMENDMENTS TO
Article 4, Table 4.4 of
VENETA LAND DEVELOPMENT ORDINANCE NO. 493

WHEREAS, the City relies on the Veneta Land Development Ordinance (No. 493) for control of most land use actions; and

WHEREAS, when the City adopted amendments to Veneta Land Development Ordinance (No. 493), Article 4, Table 4.4, under Ordinance 571, a scrivener error occurred that changed Eating & Drinking Establishments, which had previously been permitted in the Broadway Commercial (BC) zone subject to approval of a Site Plan Review, to a prohibited use in the Broadway Commercial (BC) zone; and

WHEREAS, the City desires to be seen as development-friendly, and, absent any evidence that such a prohibition is necessary, the prohibition of Eating & Drinking Establishments in the Broadway Commercial (BC) zone does not further that goal; and

WHEREAS, allowing Eating & Drinking Establishments in the Broadway Commercial (BC) zone, subject to approval of a Site Plan Review does further that goal; and

WHEREAS, City staff engaged the Planning Commission in a discussion on permitting Eating & Drinking Establishments in the Broadway Commercial Zone subject to approval of a Site Plan Review at their June 6, 2023 meeting, at which the Commission recommended initiating a formal amendment; and

WHEREAS, on June 9, 2023, the Department of Land Conservation and Development was notified of the proposed amendments; and

WHEREAS, on July 11, 2023, the Veneta Planning Commission conducted a properly advertised public hearing on the proposed amendments to Veneta Land Development Ordinance No. 493 and recommended that the City Council adopt the proposed amendments; and

WHEREAS, on August 14, 2023, the Veneta City Council conducted a properly advertised public hearing and first reading on the proposed amendments to Veneta Land Development Ordinance No. 493; and

WHEREAS, based upon all materials relevant to the proposal, staff reports, findings made by the Veneta Planning Commission, and testimony and comments submitted at public hearings, both orally and in writing, the Veneta City Council has made the findings of fact as set forth in Exhibit A.

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

Section 1. The City Council hereby adopts the Findings of Fact attached as Exhibit A as its basis for adopting amendments to Land Development Ordinance No. 493.

Section 2. Table 4.4 of Veneta Land Development Ordinance No. 493 is hereby repealed and replaced with attached Exhibit B and incorporated herein by this reference.

Section 4. All unamended provisions of Ordinance No. 493 shall remain in full force and effect.

Section 5. Effective Date. This Ordinance will go into full force and effect on the 30th day after City Council enactment.

READ FOR A FIRST TIME, IN FULL, this 14th day of August, 2023, by unanimous Roll Call vote requesting the ordinance be introduced, read twice, and adopted in one meeting.

READ FOR A SECOND TIME, BY TITLE ONLY, AND FOR FINAL ADOPTION, this 14th day of August, 2023, no Council person in attendance having requested that it be read in full.

PASSED AND ADOPTED by a 5 vote for and 0 against by the City of Veneta Council this 14th day of August, 2023.


Keith Weiss
Keith Weiss, Mayor
Executed on 08/14/2023

ATTEST:


Matt Michel, City Administrator

Executed on 8/14/23

EXHIBIT A

**ORDINANCE No. 576
VENETA CITY COUNCIL
FINDINGS OF FACT
File No. A-2-23**

**ADOPTION OF AMENDMENT TO
THE VENETA LAND DEVELOPMENT ORDINANCE NO. 493**

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

1. The Veneta Land Development Ordinance No. 493 must be updated from time to time to account for adoption of or changes to other City documents and plans and in order to correct scrivener errors.
2. The City adopted amendments to Veneta Land Development Ordinance No. 493 in January 2021 via Ordinance 560. This new ordinance included consolidating the majority of uses allowed in the City's residential and commercial/industrial zones into use tables.
3. When the City adopted Ordinance No. 571, "Housekeeping Amendments to Veneta Land Development and Land Division Ordinances", on January 9, 2023 to address scrivener errors and inconsistencies between the two ordinances, a scrivener error occurred which changed Eating & Drinking Establishments in the Broadway Commercial (BC) zone, previously permitted subject to approval of a Site Plan Review, to a prohibited use.
4. The City provided public notice to the Oregon Department of Land Conservation and Development (DLCD) on June 9, at least 35 days prior to the first City Council meeting, and provided notice in the *Register Guard* on June 15, 2023, at least 10 days prior to the first public hearing, per Veneta Land Development Ordinance No. 493, Section 11.09(3)(D).
5. Notice was mailed to all property owners and property addresses in the Broadway Commercial (BC) zone, as this amendment involves a land use regulation change. Notice was also posted at City Hall, at Fern Ridge Library, and on the City website on June 14, 2023.
6. The Planning Commission held a public hearing on July 11, 2023 on the proposed amendment to Veneta Land Development Ordinance No. 493 and recommended adoption to the City Council.
7. The Veneta City Council conducted a public hearing and first reading on August 14, 2023 on the proposed amendment to Veneta Land Development Ordinance No. 493.
8. The proposed amendments are in conformance with the applicable Statewide Planning Goals, the Veneta Comprehensive Plan, and Veneta Land Development Ordinance No. 493, as described below.

B. Statewide Planning Goals and Proposed Findings

1. *Citizen Involvement (Goal 1)*

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

Findings: The Planning Commission and City Council conducted public hearings on the proposal prior to adopting the proposed amendment. The proposal was submitted to the Department of Land Conservation and Development on June 9, 2023, at least 35 days in advance of the first City Council meeting. Notice of the proposal was published in the *Register Guard* on June 15, 2023. Notice of the proposal was mailed to property owners and property addresses in the Broadway Commercial (BC) zone on June 13, 2023. Notice was also posted at City Hall, Fern Ridge Library, and the City website on June 14, 2023.

Legislative decisions first require a Planning Commission public hearing, at which the Planning Commission makes a recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings were duly noticed and open to the public. Phone numbers were publicly advertised for citizens to call into the meetings if they were unable to attend in person. The Planning Commission public hearing was held on July 11, 2023. A City Council public hearing was held on August 14, 2023, followed by the first and second reading and adoption.

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

2. *Land Use Planning (Goal 2)*

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

Findings: The proposed amendment is intended to correct a scrivener error that occurred under Ordinance 560 and change Eating & Drinking Establishments in the Broadway Commercial (BC) zone to a permitted use subject to approval of a Site Plan Review. The result will be that the Veneta Land Development Ordinance No. 493 functions as intended before the scrivener error occurred.

Conclusion: The proposed amendment is consistent with Goal 2.

3. *Agricultural Lands (Goal 3)*

Objective: To preserve and maintain agricultural lands

Findings: There are no agricultural lands within city limits.

Conclusion: Goal 3 is not applicable.

4. Forest Lands (Goal 4)

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

Findings: There are no forest lands within city limits.

Conclusion: Goal 4 is not applicable.

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

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

Findings: There are no natural resources, scenic and historic areas or open spaces that would be affected by the proposed amendment.

Conclusion: Goal 5 is not applicable.

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

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

Findings: The proposed amendment would not have any significant effect on the quality of the air, water, and land resources of the state.

Conclusion: Goal 6 is not applicable.

7. Areas Subject to Natural Hazards (Goal 7)

Objective: To protect people and property from natural hazards.

Findings: The proposed amendment would not effect the protection of people and property from natural hazards.

Conclusion: Goal 7 is not applicable.

8. Recreational Needs (Goal 8)

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

Findings: The proposed amendment would have no effect on recreation.

Conclusion: Goal 8 is not applicable.

9. Economic Development (Goal 9)

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

Findings: Permitting Eating & Drinking Establishments subject to approval of a Site Plan Review in the Broadway Commercial (BC) zone will allow further economic development of the zone that the City has designated as its main commercial district. Eating & Drinking Establishments are permitted subject to approval of a Site Plan Review in every other commercial and industrial zone within the city, and amending the Veneta Land Development Ordinance No. 493 to permit Eating & Drinking Establishments in the Broadway Commercial (BC) zone will increase the opportunity for economic development of the City's commercial lands.

Conclusion: The proposed amendment is consistent with Goal 9.

10. Housing (Goal 10)

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

Findings: The proposed amendment would not have any effect on the housing supply of the city.

Conclusion: Goal 10 is not applicable.

11. Public Facilities and Services (Goal 11)

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

Findings: The proposed amendment is not expected to have any effect on public facilities and services.

Conclusion: Goal 11 is not applicable.

12. Transportation (Goal 12)

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

Findings: The proposed amendment is not expected to affect the city's transportation system.

Conclusion: Goal 12 is not applicable.

13. Energy Conservation (Goal 13)

Objective: To conserve energy.

Findings: The proposed amendment is not expected to have any effect on the conservation of energy.

Conclusion: Goal 13 is not applicable.

14. Urbanization (Goal 14)

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

Findings: Permitting Eating & Drinking Establishments in the Broadway Commercial (BC) zone, subject to approval of a Site Plan Review, would allow for the further development and urbanization of the City, specifically in the area that the City has designated as its downtown district. Eating & Drinking Establishments in the Broadway Commercial zone would provide residents of the City with more amenities and choice of amenities, providing for a more livable community.

Conclusion: The proposed amendment is consistent with Goal 14.

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

Findings: No part of the Willamette River Greenway is within city limits, and there are no coastal, ocean, estuarine, or beach and dune resources within city limits.

Conclusion: Goals are not applicable.

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

Statutory and Administrative Requirements

Findings: No statute directly applies to adoption of the proposed amendments. The Statewide Planning Goals are the only Oregon Administrative Rules that apply to proposed amendments to the City's Comprehensive Plan and some Development Code amendments. While not applicable to these proposed amendments, the City adopts the findings for the Statewide Planning Goals contained in Section 1 of this Exhibit to demonstrate that, if applicable, these proposed amendments do comply with the Oregon Administrative Rules implementing the statewide planning goals.

Comprehensive Plan Provisions

Community, Building, and Site Design Element

Policy 1: Provide a mix of compatible land uses offering a variety of activities and destinations.

Findings: According to Section 4.05(1) of the Veneta Land Development Ordinance No. 493, the purpose of the Broadway Commercial (BC) zone is to create a pedestrian-friendly environment within the downtown area with a mixture of land uses that provides direct, safe, and convenient access from residential areas to commercial services, public spaces, and transit connections while maintaining access for automobiles and bikes. Amending the code to allow Eating & Drinking

Establishments in the Broadway Commercial (BC) zone would help provide a mix of compatible land uses and increase the potential variety of activities and destinations.

Conclusion: The proposed amendment is consistent with the Community, Building, and Site Design Element.

Economic Development Element

The purpose of economic development is to help expand the local economy. This element addresses State Economic Development Goal 9, "To provide adequate opportunities throughout the state for a variety of economic activities to the health, welfare, and prosperity of Oregon's citizens."

Policy 8: Promote business development in the downtown area by:

- *Upgrading city streets to include on-street parking, curbs, gutters, and sidewalks*
- *Consolidating small parcels into larger parcels for commercial development*
- *Fully utilizing the land through redevelopment*
- *Promoting mixed-use commercial-residential development within and adjacent to the downtown.*

Findings: The proposed amendment would be consistent with the policy of promoting business development in the downtown area by increasing the number of permitted uses in the Broadway Commercial (BC) zone, providing another avenue for commercial development.

Conclusion: The proposed amendment is consistent with the Economic Development Element.

D. Conclusion. For all the reasons set forth above, the proposed amendment to Veneta Land Development Ordinance No. 493 complies with the Oregon Statewide Planning Goals and the City of Veneta Comprehensive Plan.

EXHIBIT B

ORDINANCE No. 576
VENETA CITY COUNCIL

Table 4.4

P Permitted outright	SPR Permitted with Site Plan Review	CUP Conditional Use Permit
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Table 4.4 Permitted and Conditional Uses in Commercial and Industrial Zones							
	R-C	B-C	C-C	H-C	I-C	M-I	R-C zone allows all uses permitted outright and conditionally in G-R, B-C & C-C
Applicable Section	4.04	4.05	4.06	4.07	4.08	4.09	
2nd+ floor Residential above Commercial	SPR	SPR	SPR				Vertical Mixed Use (Residential above Commercial)
Residential & Commercial on ground floor	SPR	SPR	SPR				Horizontal M.U. (Residential behind Commercial)
Caretaker dwelling				CUP	CUP	CUP	See Section 8.11 (4)
Agricultural Cultivation					SPR	SPR	Interim use until development; no off-site impacts
Bed & Breakfast/Boarding/Lodging/Rooming	SPR	SPR		SPR			See Section 8.11 (22)
Cannabis / Marijuana Facility	SPR	SPR		SPR		SPR	See zones for location requirements
Child and Family Daycare	P	SPR	SPR				See ORS 329A. See 8.11 (10)
Commercial Amusement/Recreation, Indoor	SPR	SPR	SPR	SPR			
Commercial Amusement/Rec, Outdoor				CUP	CUP		See 8.11 (15)
Community/Social Organizations	SPR	SPR					
Construction / Contractor businesses					SPR	SPR	
Dog Kennel				CUP	CUP	P	
Eating & Drinking Establishments	SPR	SPR	SPR	SPR	SPR	SPR	
General Office and Services	SPR	SPR	SPR	SPR	SPR	SPR	
General Retail <10,000sf	SPR	SPR	SPR	SPR			
General Retail >10,000sf	SPR	SPR	SPR*	SPR			*Mixed Use (Residential above Commercial)
General Retail <40,000sf					SPR	SPR	Incl multi-tenant buildings/developments
Laundromat or Cleaning Agency	SPR	SPR					
Low Impact Public Use	SPR	SPR	SPR	SPR	P	P	
Manufacturing - Artisan/Craft	SPR	SPR					<5,000sf, minimum 25% area dedicated to retail
Manufacturing - Light & Food Processing					SPR	SPR	Plant-based food processing only
Manufacturing / Wholesaling					SPR	SPR	Incl compounding, assembling, and processing
Material recycling and salvage yards				CUP*	CUP*	SPR	*Excluding metal salvage yards, automobile junkyards
Mortuary / Crematorium	SPR		SPR				
Motel / Hotel	SPR		SPR	SPR			
Museums, Art Galleries	SPR	P	SPR	SPR			
Nursery (plants), including outdoor sales	SPR		SPR	SPR	CUP		
Outdoor Sales/Storage/Display <180 days	CUP	P	CUP	P			Incl storage/display of materials/vehicles/inventory

