

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

YAMAZAKI PARTITION (M-1-10)

A. The Planning Commission finds the following:

- 1) The applicant has submitted information for a tentative plan application required by Section 5.01 of the Veneta Land Division Ordinance No. 494.
- 2) The Veneta Planning Commission provided proper notice of limited land use action according to Section 2.13 of the Veneta Land Development Ordinance No. 493.
- 3) The Veneta Planning Commission followed the required procedure and standards for approving site plans as required by Section 2.06 and 6.05 of Veneta's Land Development Ordinance No. 493.

B. The Veneta Planning Commission hereby approves the Yamazaki partition tentative plan (M-1-10) with the following conditions of approval:

PRIOR TO FINAL PLAT

- 1) The applicant shall dedicate a public utility easement ten (10) feet in width adjacent to the entire northern boundary of the subject parcel.
- 2) The proposed driveway shall be paved 12 feet in width from the existing paving on E. Hunter Rd to garage of the existing dwelling on parcel 3.
- 3) The applicant shall submit a recorded shared access and maintenance agreement approved by the City benefiting parcel 2 & 3.
- 4) The applicant shall submit a shadow plat demonstrating the future development potential of parcel 3.
- 5) The applicant shall submit a cost estimate approved by the City Engineer and pay for ½ street improvements along E. Hunter Road adjacent to the northern boundary of the subject parcel, including storm, sidewalks and paving.
- 6) The applicant shall submit a recorded irrevocable petition approved by the City Attorney requiring all parcels within the partition to cover the increase in future cost for public improvements along E. Hunter Road.
- 7) The applicant shall pay a cash in lieu of park dedication fee totaling \$3,885 (0.05 required dedication x \$77,700 per acre) for parcel 1 & 2.

- 8) The applicant shall submit a recorded private utility easement (12) feet in width located between parcel 1 & 2 and benefiting parcel 3.
- 9) The applicant shall submit a recorded development agreement approved by the City Attorney stating that:
 - a) Prior to the issuance of building permit on parcel 1 or 2, a revised stormwater management plan approved by the City Engineer including detailed drawings and sizing for all stormwater detention facilities shall be submitted.
 - b) Prior to the issuance of building permit on parcel 1 or 2, a recorded agreement for operations and maintenance of stormwater facilities approved by the City Engineer shall be submitted.
 - c) Prior to the issuance of building permit on parcel 1 or 2, a landscape plan approved by the City Engineer for all stormwater detention facilities shall be submitted.

PRIOR TO CERTIFICATE OF OCCUPANCY

- 10) The applicant shall landscape a minimum of 20 percent of the total area of parcel 1 and parcel 2.
- 11) The applicant shall provide a minimum of 2 (two) 2” caliper trees and 8 (eight) 5-gallon shrubs each on parcels 1 and 2.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Yamazaki tentative partition plan (M-1-10) based on the information in the following findings of fact:

Partition, applicable criteria. Ordinance language is in italics. Findings are in bold.

VENETA LAND DIVISION ORDINANCE NO. 494

ARTICLE 6- DESIGN STANDARDS

SECTION 6.02 STREET DESIGN STANDARDS

- (1) *Standard right-of way and street widths. The width of streets shall be adequate to fulfill city specification as provided for in SECTION 7.02 of this Ordinance, and, unless otherwise indicated on a development plan or approved by the planning Commission, streets shall have:*

<u>Type of Street</u>	<u>Standard Right-of-Way</u>	<u>Standard Paved Width</u>	<u>Sidewalks</u>
Minor Collector	60'	38' (10' travel lanes, 5' Bike lanes 8' parking on one side)	yes

The proposal is consistent with this requirement. As a minor collector, a 60 ft ROW is required and East Hunter has sufficient ROW adjacent to the subject property.

SECTION 6.03 BLOCKS

- (1) General. *The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.*
- (2) Size. *In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.*
- (3) Easements.
 - (a) Utility lines. *Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall dedicate a public utility easement ten (10) feet in width adjacent to the entire northern boundary of the subject parcel.

SECTION 6.04 BUILDING SITES

- (1) Size and shape. *The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with the following standards:*
 - (a) Width. *Each lot or parcel shall have an average width between the lot side lines as specified in the Land Development Ordinance.*
 - (b) Depth. *Each lot or parcel shall have an average depth between the front line and lot or parcel rear line of not less than 80 feet and not more than 2-1/2 times the average width between the side lines. Exceptions are allowed for lots designed for single-family attached dwellings.*

- (c) Area. Each lot or parcel shall comprise a minimum area as specified in the Land Development Ordinance.

The proposal is consistent with the provisions of this section. All proposed lots meet the width, depth and area requirements for the Single Family Residential zoning district.

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

The proposal is consistent with the provisions of this section. All proposed lot lines run at right angle to the street upon which they face.

- (5) Flag lots.

(b) A flag lot is allowed only when the following requirements are met:

1. A unit of land cannot otherwise be divided in accordance with the provisions of the Land Development Ordinance and this ordinance.
2. Only one flag pole is proposed.
3. Minimum lot size and maximum lot coverage requirements of the zone can be met.

The proposal is consistent with the provisions of this section. The proposed development only proposes one flag pole.

- (c) Flag lot access pole. The pole portion of the lot must meet the following standards:

1. The pole providing access to:
 - a. A unit of land creating three (3) or less lots shall connect to a street and must be at least 20 feet wide for its entire length and have a paved surface of 12 feet, or 25 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat, the proposed driveway shall be paved 12 feet in width from the existing paving on E. Hunter Rd to garage of the existing dwelling on parcel 3.

2. *The access pole shall be shared by all lots, including existing dwellings, unless the Planning Commission or Building and Planning Official find shared access impractical.*

The proposal is consistent with the provisions of this section. The Planning Commission finds that it is impractical to require all accesses to share the existing driveway due to lot configuration. As proposed, parcel 1 takes access from E. Hunter Road and parcel 2 & 3 take access from the shared driveway.

3. *A shared access and maintenance agreement between all lots shall be in a form approved by the City Engineer and City Attorney and that protects interests of property owners and the city. The agreement shall be recorded prior to final plat.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat, the applicant shall submit a recorded shared access and maintenance agreement approved by the City benefiting parcel 2 & 3.

ARTICLE 7-IMPROVEMENT REQUIREMENTS

SECTION 7.04 IMPROVEMENTS IN PARTITIONS

The same improvements may be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission or Building and Planning Official finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission may except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall submit a cost estimate approved by the City Engineer and pay for ½ street improvements along E. Hunter Road adjacent to the northern boundary of the subject parcel, including storm, sidewalks and paving.

SECTION 7.05 AGREEMENT FOR IMPROVEMENTS

Before final approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period

specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City in accordance with Section 7.06.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall submit a recorded irrevocable petition approved by the City Attorney requiring all parcels within the partition to cover the increase in future cost for public improvements along E. Hunter Road.

VENETA LAND DEVELOPMENT ORDINANCE NO. 493

ARTICLE 4- USE ZONES

SECTION 4.02 *Single Family Residential (SFR)*

- (1) *Purpose. To provide areas suitable and desirable for primarily single-family and public service uses, with options and flexibility to provide a variety of housing through clustering and planned developments, including the provision of limited multi-family use subject to lot size and density standards. The net density in the SFR zone shall not exceed eight (8) dwelling units per acre. Lots in the SFR zone are subject to the minimum lot area and dimensional standards of the zone.*

The proposal is consistent with the provisions of this section. The proposed partition meets the purpose of the land use designation identified in the Veneta Land Development Ordinance by providing suitable and desirable areas for single-family housing units.

- (5) *Lot Size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width in an SFR zone shall be as follows:*

- (a) *The minimum lot area is 6,000 square feet, except 7,500 square feet is required for duplex lots and 18,000 square feet is required for multifamily lots; an additional 2,000 square feet is required for all proposed lots with an average pre-development slope of 15% or greater (See Section 5.25). Smaller lots may be approved through a Specific Development Plan or Planned Unit Development.*

The proposal is consistent with the provisions of this section. All proposed lots are greater than 6,000 square feet.

- (b) *The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.*

The proposal is consistent with the provisions of this section. All proposed lots have widths of greater than (60) feet with exception of parcel 3 which is a flag lot and is sized consistent with Section 6.04 (5) of the Veneta Land Division Ordinance.

(c) *The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:*

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

The proposal is consistent with the provisions of this section. The Planning Commission has determined that none of the above circumstances are applicable to the proposed partition. The provisions of this section are not applicable.

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

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat, the applicant shall submit a shadow plat demonstrating the future development potential of parcel 3.

ARTICLE 5- SUPPLEMENTARY PROVISIONS

SECTION 5.02 ACCESS

All lots shall be provided with access according to the standards of Article 6, Section 6.04 of the Veneta Land Division Ordinance.

The proposal is consistent with the provisions of this section with the condition of approval that prior to submittal of a final plat application, the applicant shall submit a recorded private utility easement (12) feet in width located between parcel 1 & 2 and benefiting parcel 3.

SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

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

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat, the applicant shall submit a shadow plat demonstrating the future development potential of parcel 3.

SECTION 5.12 LANDSCAPING

All yards, required screening areas, and parking areas shall be landscaped in accordance with the following requirements:

(3) *Minimum Landscaped Area. The minimum percentage of required landscaping is as follows:*

(a) *Residential and Residential-Commercial Zones. 20 percent of each lot for residential developments, 10 percent for commercial or mixed use.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to issuance of a certificate of occupancy the applicant shall landscape a minimum of 20 percent of the total area for parcel 1 and parcel 2.

(4) *Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*

(a) *One tree, minimum 2" caliper.*

(b) *Four 5-gallon shrubs or accent plants.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy the applicant shall provide a minimum of 2 (two) 2" caliper trees and 8 (eight) 5-gallon shrubs each on parcels 1 and 2.

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

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat, the applicant shall submit a recorded development agreement approved by the City Attorney stating that:

Prior to the issuance of building permit on parcel 1 or 2, a landscape plan approved by the City Engineer for all stormwater detention facilities shall be submitted.

SECTION 5.14 IMPROVEMENT REQUIREMENTS

- (1) *Water and Sewer connections. All developments requiring water within the SFR, GR, CR, CC, IC, and I zones shall be connected to City water and sanitary sewers.*

The proposal is consistent with the provisions of this section. Water and sanitary services are available to all proposed parcels.

- (2) *Agreement for Improvements. Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities and shall repair existing streets and other public utilities damaged in the development or execute and file with the city an agreement between the owner of the land and the city specifying the period within which required improvements and repairs shall be completed. If the improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land developer.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall submit a recorded irrevocable petition approved by the City Attorney requiring all parcels within the partition to cover the increase in future cost for public improvements along E. Hunter Road.

- (5) *Dedication of Street Right-of-Way. Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, Land Division Ordinance and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.*

The proposal is consistent with the provisions of this section. The right-of-way adjacent to the proposed development meets the standards for a major collector. No additional right-of-way dedication is necessary.

- (6) *Utility and Drainage Easements. Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen*

(14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall dedicate a public utility easement ten (10) feet in width adjacent to the entire northern boundary of the subject parcel.

SECTION 5.16 STORMWATER DETENTION AND TREATMENT

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

- (1) For all projects that create greater than or equal to 1000 square feet of new impervious surface, stormwater detention and treatment facilities shall be provided. Detention and treatment facilities shall be designed and sized according to the City of Portland Stormwater Management Manual, Revision #4, August 1, 2008 which is adopted as the City's Stormwater Management Manual. Where the manual and this section conflict, this section shall prevail.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat, the applicant shall submit a recorded development agreement approved by the City Attorney stating that:

Prior to the issuance of building permit on parcel 1 or 2, a revised stormwater management plan approved by the City Engineer including detailed drawings and sizing for all stormwater detention facilities shall be submitted.

Prior to the issuance of building permit on parcel 1 or 2, a recorded operations and maintenance plan and agreement approved by the City Engineer shall be submitted.

SECTION 5.24 ACCESS MANAGEMENT

- (1) Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor*

collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

- (2) *Properties that only front on collector or arterial streets are encouraged to share an access with neighboring properties.*

The proposal is consistent with the provisions of this section. Parcel 2 & 3 share access via a flag lot driveway.

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned unit developments (including plans implementing the Specific Development Plan (SDP) subzone), multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments...

- (a) *The required parkland shall be dedicated as a condition of approval for the following:*

1. *Tentative plat for a subdivision or partition;*

- (b) *Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre: Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0084*

The required parkland dedication is equal to 0.05 acres. However, considering the required dedication size and location, the Planning Commission has determined that cash in lieu of park dedication in accordance with Section 5.26 (4) below is appropriate for this partition.

(4) CASH IN LIEU OF DEDICATION

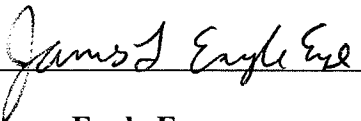
At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated does not meet the standards stated above, or when a fee is determined to be in the best interest of the City as determined by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

size. The required fee-in-lieu-of shall be calculated by multiplying the acres required for dedication by the dollar/acre amount set by resolution.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall pay a cash in lieu of park dedication fee totaling \$3,885 (0.05 required dedication x \$77,700 per acre) for parcel 1 & 2.

- D. This approval shall become final on the date this decision and supporting findings of fact are signed by the Veneta Planning Commission, below. A Planning Commission decision may be appealed to the Veneta City Council within 15 days after the final order has been signed and mailed.**

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.



**James Eagle Eye
Planning Commission - Chair**



Date