

# **VENETA LAND DIVISION ORDINANCE NO. 462**

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# **ARTICLE 1 - INTRODUCTORY PROVISIONS**

## **SECTION 1.01 TITLE**

This ordinance shall be known as the "Veneta Land Division Ordinance 462."

## **SECTION 1.02 PURPOSE**

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

## **SECTION 1.03 SCOPE OF REGULATIONS**

Subdivision plats and partition maps shall be approved in accordance with these regulations. A person desiring to subdivide land, desiring to partition land or desiring to sell any portion not the whole of a parcel of land within the City shall submit tentative plans and final documents for approval as provided in this ordinance and the State law.

## **SECTION 1.04 VALIDITY**

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

## **SECTION 1.05 COMPLIANCE WITH OTHER REGULATIONS**

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

- (1) Chapter 92 of the Oregon Revised Statutes (ORS 92).
- (2) The Comprehensive Plan adopted by the City Council, as permitted by Oregon law.
- (3) Official Maps or Development Plans as adopted by the City Council.
- (4) Land Development Ordinance as adopted by the City Council.
- (5) Recording requirements of Lane County.

- (6) Veneta Municipal Code
- (7) All other applicable regulations provided by law including but not limited to the Uniform Building Code (UBC) and Oregon Fire Code (OFC). Legal nonconforming uses and structures notwithstanding, the City may refuse to accept any application, or later may reject and deny any application submitted under this ordinance involving property where a violation of local, state, or federal law exists until the violation is remedied to the satisfaction of the agencies or jurisdiction(s) involved, or will be so remedied as part of the application approval.

[Article 1, Section 1.05, Subsection (7) amended by Ordinance 472 on February 12, 2007

## SECTION 1.06 ADDITIONAL REVIEW PROCESS AND STANDARDS FOR LAND DEVELOPMENTS AND LAND DIVISIONS ON LAND WITH SLOPES OF OR OVER FIFTEEN PERCENT

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

- (1) A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.
- (2) All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:
  - (a) Base Geology
  - (b) Slopes (steepness, orientation and aspect)
  - (c) Soils
  - (d) Stream and Drainage Patterns
  - (e) Housing Density Impact
- (3) All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).

- (4) The requirements of this section shall apply and be considered during any site review process required by the Land Development or Land Divisions Ordinances. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.
- (5) The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address problems called out in the geo-technical report.

## **ARTICLE 2 - APPLICATION AND VARIANCE PROCEDURES**

### **SECTION 2.01 LETTER OF INTENT**

Prior to submission of an application and a tentative plan for a subdivision or partition, a land divider or his agent shall submit a letter and a sketch drawing for the layout of property to be divided to the Building and Planning Official for preliminary review.

### **SECTION 2.02 LAND DIVISION CONFERENCE**

Within 14 days after receipt of the letter of intent and preliminary review, the Building and Planning Official may either recommend filing of an application and tentative plan for review and action or may notify the applicant that a pre-development land division conference with the land divider and representatives of the City and other affected public and private agencies is required to clarify the conditions and requirements necessary in the preparation of the application and tentative plan. If the Building and Planning Official determines that a conference is necessary, or the applicant requests a conference, the applicant shall pay a pre-development conference fee established by City resolution. The land divider may request additional meetings with affected agencies either jointly or individually as may be necessary to clarify policies which may affect the proposed land division.

### **SECTION 2.03 SUBMISSION PROCEDURE**

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

Incomplete applications will not be accepted. Applications that appear to be complete will be reviewed and, within 30 days of its receipt, the applicant will be notified as to the completeness. If the City determines that the application is complete, the City will process the application in accordance with the review procedures for the type of application that has been submitted. If the City determines that the application is incomplete, the City shall advise the applicant in writing of the necessary missing information. Within 180 days after initial application submittal, the applicant shall submit to the City a written statement indicating either an intent to submit the missing information or a refusal to submit the missing information. The City shall begin review of the application when deemed completed for purposes of ORS 127.178 upon receipt of:

- (a) All of the missing information;

- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from applicant that none of the missing information will be provided.

On the 181<sup>st</sup> day after the first being submitted, the application is void if the applicant has been notified of the missing information as required above and has not submitted:

- (a) All of the missing information;
- (b) Some of the missing information and written notice that no other information will be provided; or
- (c) Written notice that none of the missing information will be provided.

## SECTION 2.04 APPLICATION FEES

Application fees and deposits established by resolution of the City Council shall be paid to the City at the time of submitting the application and shall be in addition to other fees established by state or county regulations.

## SECTION 2.05 VARIANCE PETITION

- (1) Variations authorized. Variations and conditional variations to the requirements of this ordinance may be authorized by the Planning Commission.
- (2) Application. Petition for a variance shall be made on a form prescribed by the City and shall be submitted to the Building and Planning Official. The variance petition shall cite the ordinance provisions from which a variance is requested and shall state fully the basis and facts relied upon and other data pertinent to the requested variance. Each ordinance provision for which a variance is requested shall be deemed a separate application and shall require a separate petition and filing fee.
- (3) Review and Action Procedure.
  - (a) The Building and Planning Official shall review the variance petition with all affected public and private agencies and submit a findings report to the Planning Commission.
  - (b) The Planning Commission shall consider the variance petition. Refer to the *Notice of Public Hearing* in Article 2 of the Land Development Ordinance for notification requirements. A variance or conditional variance may be granted provided all the following circumstances exist:
    - 1. Special or unusual circumstances or conditions apply to the property that do not apply generally to other properties in the same zone or vicinity.

2. The granting of the variance shall not constitute a grant of special privilege not enjoyed by owners of other similarly zoned properties.
  3. The granting of a variance will not be materially detrimental to the public health, safety, and welfare or materially injurious to other property in the same zone or vicinity in which the property is located.
  4. The granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan, an adopted Specific Development Plan and or other related Veneta ordinances and will not otherwise conflict with the objectives of any City ordinance, plan, or policy.
  5. The unusual circumstance or condition described in Subsection (1) of Land Division Ordinance Section 2.05(3)(b) shall not be self-created, arise from a previous Code violation, or rely on loss of profit or financial need.
  6. The Variance requested is the minimum necessary to alleviate the unusual condition.
- (c) The Planning Commission may approve, conditionally approve or deny all or any part of a variance petition. A written record of the findings and action of the Planning Commission shall be attached and noted on two copies of the tentative plan as part of the conditions for approval of the proposed land division.
- (d) Authorization of a variance shall be void one (1) year after the date of approval of the variance application or such lesser time as the authorization may specify, unless a tentative plan has been approved within one (1) year from the date of the approval of the variance.

[Article 2, Section 2.05, Subsection (3)(b) amended by Ordinance 472, February 12, 2007]

## SECTION 2.06 NOTICE OF LIMITED LAND USE ACTIONS

Tentative subdivision applications and tentative partition applications are limited land use decisions. Limited land use decisions do not require public hearings. Effective June 16, 2005, final plat approvals and property line adjustments are not limited land use decisions and do not require notice (HB 2356).

Limited land use decisions are subject to the following requirements:

- (1) The City shall follow the applicable procedures contained within the Land Development Ordinance, Land Division Ordinance, Transportation System Plan, Veneta Municipal Code and other applicable legal requirements.
- (2) Written notice shall be posted at City Hall and mailed to the property owner, applicant and all owners of property within 300 feet of the entire contiguous site for

which the application is made. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include the site, and to any public notice subscribers. Notice shall also be posted on the property for which the limited land use decision has been requested.

- (3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the decision.
- (4) The public notice shall provide a 14 day period for submission of written comments prior to the decision. The notice shall explain the nature of the application and the proposed use or uses which would be authorized; list the applicable criteria from the ordinances that apply to the application; cite the street address or some other easily understood geographical reference to the subject property; state the place, date and time that comments are due; include the name and telephone number of the City representative to contact for additional information; state that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. The notice shall state that issues which may provide the basis for an appeal to the Council shall be raised in writing prior to the expiration of the comment period and issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
- (5) The City shall provide notice of the decision to the applicant and any person who submits comments within the fourteen (14) day period provided. The notice of the decision must include an explanation of appeal rights and briefly summarize the local decision making process for the decision being made.

## SECTION 2.07 WETLAND DEVELOPMENT

- (1) Notification. The City shall provide notice to the DSL, the applicant, and the owner of record within five (5) working days of the acceptance of any complete application for subdivisions that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory. This provision does not apply if a permit from DSL has been issued for the proposed activity.
- (2) Approval. Approval of any activity described above shall include one of the following:
  - (a) issuance of a permit by DSL required for the project before any physical alteration takes place within the wetlands;
  - (b) notice from DSL that no permit is required; or
  - (c) notice from DSL that no permit is required until specific proposals to remove fill or alter the wetlands are submitted.

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

- (3) Significant Wetlands: Development within a significant wetlands is also subject to the provisions in the Veneta Wetland Protection Ordinance, Veneta Municipal Code Chapter 18.10.

## ARTICLE 3 - PROPERTY LINE ADJUSTMENTS

### SECTION 3.01 SUBMISSION REQUIREMENTS

A complete application includes a completed application form signed by all the property owners involved in the proposed adjustment and six (6) reproducible 11 X 17 copies of a map showing the details below.

- (1) The scale, northpoint, and date of the map.
- (2) The assessors tax map and lot numbers identifying each property involved in the adjustment.
- (3) The location, width, and purpose of any easements, private wells, septic systems, and driveway access to public rights-of-way, existing and proposed.
- (4) The area of each property, before and after the property line adjustment.
- (5) The proposed property lines and dimensions of each property.
- (6) Evidence that the existing properties are legal, buildable lots or parcels.
- (7) Existing structures, all utility lines, including septic systems and wells, with dimensions and distances from new property lines.
- (8) Current title reports for both parcels of land.

### SECTION 3.02 REVIEW CRITERIA

The tentative plan shall be clearly and legibly drawn to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof. The Building and Planning Official shall approve, approve with conditions, or deny the request based on the criteria below.

- (1) The property line adjustment does not create any new lots or parcels.
- (2) All properties involved continue to have adequate access to public streets.
- (3) The properties involved meet the minimum lot size and configuration requirements for the zoning district and do not otherwise violate city standards.
- (4) The properties involved comply with any previous requirements or conditions imposed by a review body.
- (5) There are no conflicts with existing private or public utilities and utility easements.

- (6) Setbacks and lot coverage shall not be reduced below the minimum for the zone in which the property is located.

### SECTION 3.03 RECORDING REQUIREMENTS

Property line adjustment maps must be approved and signed by the City Building and Planning Official prior to recording. Property line adjustments must meet the recording requirements of ORS 92.190 and be executed by deed.

## ARTICLE 4 - SUBDIVISIONS

### SECTION 4.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following preliminary consultation as required in Article 2, the applicant shall submit fifteen (15) copies of the tentative plan together with improvement plans and other supplementary data for review and action. The applicant shall also submit one reproducible 11" x 17" black and white copy of the tentative plan.

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.
- (2) General Information. The following general information must be presented as part of the application for a tentative subdivision:
  - (a) Name of subdivision which has been reserved by the County Surveyor. All plats must continue the block numbers of the plat of the same name last filed.
  - (b) Date, northpoint, scale of drawing.
  - (c) Appropriate identification clearly stating the plan is a tentative subdivision plan.
  - (d) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
  - (e) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (f) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the subdivision.
  - (g) Any other information as required to comply with all provisions of State Law Chapter ORS 92.
- (3) Information Concerning Existing Conditions. The following information is required to show the existing conditions of the proposed subdivision and surrounding area:
  - (a) A vicinity map clearly showing the relationship of the proposed land division to surrounding developments, streets, storm drainage, sewer, water and utility services.

- (b) The location, widths and names of streets within or adjacent to the land division, together with easements, other rights-of-way and other important features such as section lines, corners, city boundary lines and monuments.
  - (c) Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:
    - 1. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
    - 2. For slopes of five (5) percent to ten (10) percent: two (2) feet.
    - 3. For slopes over ten (10) percent: five (5) feet
  - (d) The location of at least one bench mark within the tract boundaries.
  - (e) The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain.
  - (f) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
  - (g) Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage or drainage lines or channels.
- (4) Proposed Tentative Plan. All tentative subdivision applications shall include the following information:
- (a) Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:
    - 1. The location, width, name and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed land division, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
    - 2. Proposed plan locations and size of water service facilities, including fire hydrants.

3. Connection points and size of sanitary sewer facilities.
  4. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details of all swales or other open features.
  5. Grading plans including existing and proposed grades, proposed finished elevations at all property lines, and elevations of neighboring properties at property lines.
  6. Street light locations, sizes, and specifications.
  7. The location, width, and purpose of proposed easements.
  8. The approximate width and location of all existing and proposed reserve strips.
- (b) The approximate dimensions and area in square feet of all proposed lots.
  - (c) Sites, if any, allocated for purposes other than single-family dwellings.
  - (d) The location, approximate acreage and approximate dimensions of areas proposed for public use.
  - (e) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
  - (f) An outline of the areas proposed for partial recording of a final plat or map if phased recording is proposed.
  - (g) Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.
  - (h) Traffic Impact Analysis (TIA) Review as required by Section 5.27 of the Land Development Ordinance.

[Article 4, Section 4.01, Subsection (4)(a)4.- 8. and Subsection (4)(h) amended and adopted by Ordinance 472, February 12, 2007]

- (5) Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters.
  - (a) Adequacy and source of water supply and compliance with the city's Water System Plan.
  - (b) A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the subdivision. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality)

from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the subdivision.

- (c) Proposed method of sanitary sewage disposal and compliance with the city's Wastewater Master Plan.
- (d) Protective covenants and deed restrictions to be recorded, if any.
- (e) The time the proposed improvements are to be made or installed.
- (f) A statement of how the traffic impacts to facilities as identified in the Traffic Impact Analysis (TIA) and supported by the City's Traffic Engineer, shall be mitigated by the developer as part of the improvements for the Site Plan, Subdivision, Planned Development (PD), or Specific Development Plan (SDP).

[Article 4, Section 4.01, Subsection (5)(f) adopted by Ordinance 472, February 12, 2007]

- (6) Tree Removal Plans: If development of the proposed plan will require removal of more than three(3) trees as defined by Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be in conformance with VMC 8.10.

[Article 4, Section 4.01, Subsection (6) adopted by Ordinance 472, February 12, 2007]

- (7) Supplementary Information. The following supplemental information may be required.
  - (a) If the proposed subdivision meets the 15% slope criteria defined in Section 1.06(1) of this ordinance, the applicant shall comply with Section 1.06.
  - (b) If the tentative plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted.
  - (c) The applicant is required to submit any additional information as may be required by the Planning Commission to assist in evaluating the request.

## SECTION 4.02 TENTATIVE PLAN REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the Building and Planning Official shall furnish one (1) copy of the tentative plan and supplementary material to the City Engineer and Public Works Superintendent. Public agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given fifteen (15) days to review the plan and to suggest revisions that appear to be in the public interest.

- (2) The Building and Planning Official shall review the tentative plan proposal and the reports of agencies and submit a Findings report to the Planning Commission.
- (3) Within 40 days from the first regular Planning Commission meeting following submission of a tentative plan of a land division, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan to ensure compliance with city regulations. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons therefore. The Planning Commission may continue the review for good cause.
- (4) The action of the Planning Commission shall be incorporated into a Final Order and a copy shall be mailed to the applicant within seven (7) days of the decision. The original copy of the Final Order shall be retained in the City planning files.
- (5) At tentative plat approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and service, streets, which includes curbs, gutters and sidewalks with the City of Veneta. The cost of public improvements shall be based on an estimate by the City Engineer. Performance bonds shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.
- (6) Tentative Plan approval shall remain effective for one (1) year from date of Planning Commission action. Within that one (1) year the applicant must submit a Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued by the Veneta Planning Commission. If the land divider wishes to proceed with the land division after the expiration of the one (1)-year period following the approval of the tentative plan, s/he must resubmit the tentative plan and make any revision necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta. The applicant may apply for extensions up to a maximum of one (1) year each based on compliance with the following criteria:
  - (a) The request for an extension is made in writing prior to expiration of the original approval.
  - (b) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new Land Division regulations have been adopted that affect the applicant's proposal.

## SECTION 4.03 CATEGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

The Planning Commission may approve, approve with conditions, or deny a tentative plan based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section:

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.
- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.
- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district in which the property is located (Land Development Ordinance).

## SECTION 4.04 AMENDMENTS

- (1) Minor Amendments. Minor amendments to any approved tentative subdivision plan may be approved, approved with conditions, or denied administratively by the Building and Planning Official after giving notice of a limited land use decision. Minor amendments must meet the following criteria:
  - (a) the amendments do not involve any interpretation of submission requirements or require findings that would set a precedent for other tentative subdivision plan amendments,
  - (b) the amendments will not impact utilities, the transportation system, drainage, or natural features of the site,
  - (c) the amendments fully comply with City ordinances and do not require a variance,
  - (d) there are no questions of adequacy of services raised by the Public Works Superintendent, City Engineer, or any affected public or private agency, and
  - (e) the amendments do not create more lots than the approved tentative subdivision plan. .
- (2) Major Amendments. Major amendments to an approved tentative subdivision plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original tentative subdivision plan. A new application and filing fee is required and the amendments must be approved by the Planning Commission.

## SECTION 4.05 FINAL PLAT SUBMISSION REQUIREMENTS

Within one (1) year after approval of the tentative plan, the land divider shall cause the land division or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved and shall complete all conditions listed in the Final Order for tentative plan approval.

- (1) Form and Scale. The final plat and ten (10) copies shall be submitted to the City in the form prescribed by ORS 92.
- (2) Information Required on Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
  - (a) The name of the land division, the date, scale, northpoint, and legend.
  - (b) Area and dimensions of each lot to the nearest square foot.

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

- (i) Land parcels to be dedicated for any purpose, such as parks and stormwater detention ponds, shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.
  - (j) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
  - (k) Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: "No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements".
  - (l) Normal high water lines for any creek or other body of water including the 100-year flood plain.
  - (m) Any other information required as a condition of approval.
- (3) Supplemental Information. The following data shall accompany the plat:
- (a) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - (b) Sheets and drawings showing the following:
    - 1. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
    - 2. The computation of distances, angles and courses shown on the plat or map.
    - 3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
  - (c) A copy of any deed restrictions applicable to the land division.
  - (d) A copy of any dedication or easement requiring separate documents.
  - (e) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
  - (f) A certificate by the City Engineer that the land divider has complied with one (1) of the following alternatives:
    - 1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.

2. An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.

(4) Survey Requirements.

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

(5) Dedication Requirements.

- (a) All land shown on the final plat intended for public use shall be dedicated at the time the plat is filed. Exception: Those lots which are intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those lots of land reserved for public purposes under the provisions of Section 6.08 of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
- (b) All rights of access to and from streets, lots of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
- (c) The land divider shall provide one (1)-foot reserve strips across the ends of stubbed streets adjoining undivided land, along half streets adjoining undivided land, and along lots with restricted access to public streets. Reserve strips shall have separate legal descriptions and documentation and be deeded to the City, and each reserve strip shall be separately identified on the plat.

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

- (a) A certificate, signed and acknowledged by the owners of record of the land to be subdivided, consenting to the following:
  1. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use; and
  2. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.

- (b) A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
- (c) A certificate for execution by the Building and Planning Official on behalf of the Planning Commission.
- (d) A certificate for execution by the Mayor on behalf of the City.
- (e) A certificate for execution by the City Engineer.
- (f) A certificate for execution by the Public Works Superintendent.
- (g) A certificate for execution by the County Surveyor.
- (h) A certificate for execution by the County Assessor.
- (i) A notarized declaration that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of ORS Chapter 92.
- (j) Other certifications now or hereafter required by law.

## SECTION 4.06 REVIEW AND ACTION PROCEDURES

- (1) Upon receipt, the plat and other required data shall be reviewed by the Building and Planning Official, City Engineer and Public Works Superintendent to determine that the land division as shown is substantially the same as it appeared on the approved tentative plan, meets any conditions of approval, and that there has been compliance with provisions of the law and of this ordinance.
- (2) The City may make such checks in the field as are desirable to verify that the plat is sufficiently correct on the ground and City representatives may enter the property for this purpose.
- (3) If it is determined that full conformity has not been made, the Building and Planning Official shall advise the land divider of the changes or additions that must be made and shall afford the land divider an opportunity to make the changes or additions. .

If after approval by the City Engineer and Public Works Superintendent the Building and Planning Official determines that the plat conforms to all requirements, it shall give approval, provided supplemental documents and provisions for required improvements are satisfactory. After acceptance, a recordable copy of the map shall be submitted to the City for signature. Final approval shall be indicated by the signature of the Building and Planning Official on the recordable copy of the plat. Acceptance by the public of the dedication of any street or other easements shown on the plat shall be indicated by the signature of the Mayor on behalf of the City

## SECTION 4.07 FILING & RECORDING OF PLAT

- (1) Filing for Final Plat shall extend the 1 year time limit on tentative approvals established in Section 4.02(6) of this ordinance by an additional 180 days. If the Final Plat has not been recorded within 180 days of the date of expiration of the tentative plan, both the tentative plan approval and the application for Final Plat shall be considered void. Extensions to the 180 day timeline may be granted by the Building and Planning official provided that:
  - (a) The request for an extension is made in writing prior to expiration of the 180 day Final Plat processing period
  - (b) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new land use regulations have been adopted that affect the applicant's proposal.
- (2) A land divider shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- (3) Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. Building permits shall not be issued by the City until an exact copy of the final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, are filed with the City of Veneta.
- (4) The applicant is responsible for all recording costs.

[Article 4, Section 4.07 amended by Ordinance 472, February 12, 2007]

# ARTICLE 5 - PARTITIONS

## SECTION 5.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

Following preliminary consultation as required in Article 2, the applicant shall submit ten (10) copies of the tentative plan together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) reproducible 11" x 17" black and white copy of the tentative plan.

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than (one (1)) inch equals 100 feet or multiples of ten (10) thereof.
- (2) General Information. The following general information must be presented as part of the application for a tentative partition:
  - (a) Date, northpoint, scale of drawing.
  - (b) Appropriate identification clearly stating the plan is a tentative partition plan.
  - (c) Location of the land division by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.
  - (d) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (e) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the partition.
  - (f) Any other information as required to comply with all provisions of State Law Chapter ORS 92.
- (3) Information Concerning Existing Conditions. The following information is required to show the existing conditions of the proposed subdivision and surrounding area:
  - (a) A vicinity map clearly showing the relationship of the proposed land division to surrounding developments, streets, storm drainage, sewer, water and utility services.
  - (b) The location, widths and names of streets within or adjacent to the land division, together with easements, other rights-of-way and other important features such as section lines, corners, city boundary lines and monuments.
  - (c) Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:

1. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
  2. For slopes of five (5) percent to ten (10) percent: two feet.
  3. For slopes over ten (10) percent: five (5) feet
- (d) The location and direction of all water courses and the location of all areas subject to inundation or 100 year floodplain.
- (e) Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
- (f) Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing public utilities, septic, sewage or drainage lines or channels.
- (4) Proposed Tentative Plan. All tentative partition applications shall include the following information:
- (a) Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:
    1. The location, width, name and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed land division, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.
    2. Proposed plan locations and size of water service facilities, including fire hydrants.
    3. Connection points and size of sanitary sewer facilities.
    4. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details of all swales or other open features.

5. Grading plans including existing and proposed grades, proposed finished elevations at all property lines, and elevations of neighboring properties at property lines.
  6. Street light locations, sizes, and specifications.
  7. The location, width, and purpose of proposed easements.
  8. The approximate width and location of all existing and proposed reserve strips.
- (b) The approximate dimensions and area in square feet of all proposed parcels.
  - (c) Sites, if any, allocated for purposes other than single-family dwellings.
  - (d) The location, approximate acreage and approximate dimensions of areas proposed for public use.

[Article 4, Section 5.01, Subsection (4)(a)4.-8. amended & adopted by Ordinance 472, February 12, 2007]

- (5) Statements to Accompany Tentative Plan. The tentative plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters.
  - (a) Adequacy and source of water supply and compliance with the city's Water System Plan.
  - (b) A statement detailing the storm water runoff and drainage impact the new development will have on areas beyond the land division and compliance with the city's Drainage Master Plan. The developer, city and impacted property owners shall work closely with each other so that adverse impacts of storm water runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm sewer and drainage facilities will be installed prior to or concurrent with the land division.
  - (c) Proposed method of sanitary sewage disposal and compliance with the city's Wastewater Master Plan.
  - (d) Protective covenants and deed restrictions to be recorded, if any.
  - (e) The time the proposed improvements are to be made or installed.
- (6) Tree Removal Plans: If development of the proposed plan will require a tree removal permit in accordance with Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be drafted in conformance with the requirements of VMC 8.10.

[Article 5, Section 5.01, Subsection (6) adopted by Ordinance 472, February 12, 2007]

- (7) Supplementary Information. The following supplemental information may be required.
- (a) If any portion of the proposed partition is located within the steep slope subzone, the applicant shall submit on-site and adjacent off-site data to insure that proposed developments are within the carrying capacity of the natural resources as required by the Land Development Ordinance.
  - (b) The applicant is required to submit any additional information as may be required by the Building and Planning Official or Planning Commission to assist in evaluating the request.

## SECTION 5.02 EXPEDITED LAND DIVISIONS

An expedited procedure is allowed for developments meeting certain criteria. The criteria, application and notice requirements and action and appeal procedures are detailed in ORS 197.360-197.380.

## SECTION 5.03 TENTATIVE PLAN REVIEW AND ACTION PROCEDURES

- (1) City Staff Review and Action. Upon receipt, the Building and Planning Official shall review the tentative plan and supplementary data with all affected public and private agencies and the City Engineer and Public Works Superintendent.

If it is determined that the proposed partition is consistent with the Veneta Land Division and Land Development Ordinances, Veneta Transportation System Plan, Veneta Municipal Code, and other related ordinances of the City and that adequate vehicular access and utilities can be provided, and there are no questions of adequacy of services raised by the Building and Planning Official, Public Works Superintendent, City Engineer or any affected public or private agency, the Building and Planning Official, may grant administrative approval without submitting it to the Planning Commission. The Planning Commission shall be advised of all administrative approvals of partitions at the following regular Planning Commission meeting.

- (2) Planning Commission Review. The Planning Commission shall have authority to set guidelines as to which partition requests come before the commission. If the proposed partition does not fully comply with City ordinances, requiring a variance, or if unusual circumstances exist relative to the proposed partition, the Building and Planning Official shall submit the proposal to the Planning Commission for review. Any other proposal may be submitted to the Commission for review at the discretion of the Building and Planning Official.
- (3) Dedications and Conditions of Approval. The Building and Planning Official or the Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event,

however, shall the Building and Planning Official or the Planning Commission require dedication or conditions in excess of those that could be required if the tract were subdivided.

- (4) Denial of Partition. If the City finds that the application does not meet all requirements of the City, then the city shall send the applicant with a findings report stating the reasons for denial. The applicant may modify the tentative plan and improve the parcels to meet the requirements, or may request an appeal within fifteen (15) days.
- (5) Tentative Plan Approval: The applicant shall be notified that a partition has received tentative approval by Final Order that lists all conditions of approval.
- (6) Failure to Complete Partition Requirements: Tentative plan approval shall remain effective for only one year. Within that one (1) year the applicant must submit a Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued either by the Building and Planning Official or the Planning Commission. The applicant may apply for extensions up to a maximum of one (1) year each based on compliance with the following criteria:
  - (a) The request for an extension is made in writing prior to expiration of the original approval.
  - (b) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new land use regulations have been adopted that affect the applicant's proposal.

[Article 5.03, Subsection (6) amended by Ordinance 472, February 12, 2007]

- (7) Appeal: Appeals must be filed according to Section 8.03 of this ordinance. Appeal of an administrative decision will be heard before the Planning Commission. An appeal of a Planning Commission decision will go to the City Council.

## SECTION 5.04 CATEGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

The Building and Planning Official or the Planning Commission may approve, approve with conditions, or deny a tentative plan based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section:

- (1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation

## System Plan.

- (2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.
- (3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (4) Topography, floodplain, wetlands, and vegetation have been incorporated into the partition design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).
- (5) Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.
- (6) Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.
- (7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district (Land Development Ordinance).

## SECTION 5.05 AMENDMENTS

- (1) Minor Amendments. Minor amendments to an approved tentative plan may be approved, approved with conditions, or denied administratively by the Building and Planning Official after giving notice of a limited land use decision. Minor amendments must meet the following criteria:
  - (a) the amendments do not involve any interpretation of submission requirements or require findings that would set a precedent for other tentative plan amendments,
  - (b) the amendments will not impact utilities, the transportation system, drainage, or natural features of the site,
  - (c) the amendments fully comply with City ordinances and do not require a variance,
  - (d) there are no questions of adequacy of services raised by the Public Works Superintendent, City Engineer, or any affected public or private agency, and

- (e) the amendments do not create more lots than the approved tentative plan.
- (2) Major Amendments. Major amendments to an approved tentative plan involve changes that do not meet the criteria listed under minor amendments. Major amendments to an approved tentative plan must be reviewed and processed in the same manner as required for the original partition plan. A new application and filing fee is required and the amendments must be approved by the Planning Commission.

## SECTION 5.06 FINAL PLAT SUBMISSION REQUIREMENTS

Within one (1) year after approval of the tentative plan, the land divider shall cause the land division or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved and shall complete all conditions listed in the Final Order for tentative plan approval

- (1) Form and Scale. The final plat and four (4) copies shall be submitted to the City in the form prescribed by ORS 92.
- (2) Information Required on Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:
  - (a) The date, scale, northpoint, and legend.
  - (b) Legal descriptions of each parcel and area and dimensions of each parcel to the nearest square foot.
  - (c) Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.
  - (d) The exact location and width of street rights-of-way and easements intercepting the boundary tract.
  - (e) The name and width of the portion of streets being dedicated, the width of any existing right-of-way and the width on each side of the center line. For streets or curvature, curve data shall be based on the street center line. In addition to the center-line dimensions, the radius and center angle shall be indicated.
  - (f) Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division, must be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
  - (g) Reserve strips shall have separate legal descriptions and documentation and be deeded to the City. Each reserve strip shall be identified on the Plat.

- (h) Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage.
  - (i) Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land.
  - (j) Notations indicating restrictions on use of easements as required as a condition of approval. All public utility easements shall include the following language: No building structure, trees, shrubs or other obstructions shall be placed or located in or on the public utility easements.
  - (k) Normal high water lines for any creek or other body of water including the 100-year flood plain.
  - (l) Any other information required as a condition of approval.
- (3) Supplemental Information. The following data shall accompany the plat:
- (a) A current title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - (b) Sheets and drawings showing the following:
    1. Traverse data including the coordinates of the boundary of the land division and ties to section corners and donation land claim corners, and showing the error of closure, if any.
    2. The computation of distances, angles and courses shown on the plat or map.
    3. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
  - (c) A copy of any deed restrictions applicable to the land division.
  - (d) A copy of any dedication requiring separate documents.
  - (e) Proof that all taxes and assessments on the tract have been paid as provided by ORS Chapter 92.
  - (f) A certificate by the City Engineer that the land divider has complied with one of the following alternatives:
    1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan.

2. An agreement has been executed as provided in Sections 7.05 and 7.06 to assure completion of required improvements.

(4) Dedication Requirements.

- (a) All land shown on the final plat intended for public use shall be dedicated at the time the plat is filed. Exception: Those lots which are intended for the exclusive use of lot owners, their licensees, visitors, tenants and servants; and also excepted are those lots of land reserved for public purposes under the provisions of Section 6.08 of this ordinance. Where applicable, easements or other documents shall also be prepared and filed.
- (b) All rights of access to and from streets, parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
- (c) The land divider shall provide one-foot reserve strips as directed by the city. The reserve strip shall have separate legal descriptions and documentation and be deeded to the City, and each reserve strip shall be separately identified on the plat.

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

- (a) A certificate, signed and acknowledged by the owners of record of the land to be subdivided consenting to the following:
  1. Dedication of all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use; and
  2. Dedication of rights of access to and from prescribed streets, lots, and parcels of land.
- (b) A certificate together with the seal and signature of the licensed surveyor who prepared the survey and the final plat.
- (c) A certificate for execution by the Building and Planning Official.
- (d) If property is to be dedicated to the City, the final plat shall include a certificate for execution by the Mayor on Behalf of the City.
- (e) A certificate for execution by the City Engineer.
- (f) A certificate for execution by the Public Works Superintendent.
- (g) A certificate for execution by the County Surveyor.

- (h) A certificate for execution by the County Assessor.
- (i) A notarized declaration that the declarant has caused the partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of ORS Chapter 92.
- (j) Other certifications now or hereafter required by law.

## SECTION 5.07 REVIEW AND ACTION PROCEDURES

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

## SECTION 5.08 FILING & RECORDING OF PLAT

- (1) Filing for Final Plat shall extend the 1 year time limit on tentative approvals established in Section 5.03(6) of this ordinance by an additional 180 days. If the Final Plat has not been recorded within 180 days of the date of expiration of the tentative plan, both the tentative plan approval and the application for Final Plat shall be considered void. Extensions to the 180 day timeline may be granted by the building and planning official provided that:
  - (a) The request for an extension is made in writing prior to expiration of the 180 day Final Plat processing period
  - (b) There are special or unusual circumstances that exist which warrant an extension.

The City may deny a request for an extension if new Land Division regulations have been adopted that affect the applicant's proposal.

- (2) A land divider shall, at his/her own expense and without delay, submit the plat for signatures of all other public officials required by this ordinance or state law.
- (3) Approval of a final plat shall be null and void if it is not recorded within 90 days after approval by the City or within 90 days after the conclusion of any appeal. An exact copy of the final plat, and copies of all documents as recorded with the Lane County Department of Deeds and Records, including recording numbers on each document, shall be filed with the City of Veneta.
- (4) The applicant is responsible for all recording costs.

[Article 5, Section 5.08 amended by ordinance 472, February 12, 2007]

## ARTICLE 6 - DESIGN STANDARDS

### SECTION 6.01 PRINCIPLES OF ACCEPTABILITY

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

### SECTION 6.02 STREET DESIGN STANDARDS

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

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

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

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

(2) Standard right-of-way and street widths.

The width of streets shall be adequate to fulfill city specifications 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>
Major Collector	60' *	34' (11' travel lanes, 6' bike lanes, no parking)	yes
Minor Collector	60'	38' (10' travel lanes, 5' bike lanes, 8' parking on one side)	yes
Local Street	60'	36' (10' travel lanes, 8' parking on both sides)	yes
Cul-de-Sac	50'	36' (10' travel lanes, 8' parking on both sides)	yes
Radius for turn-around at end of cul-de-sac	50'	40' (No parking in cul-de-sac bulb)	yes
Alley	16'	12'	no

\* Bolton Hill Road requires 70' right-of-way to meet Lane County standards.

(3) Alternatives to standard street design.

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

- (a) emergency vehicle access
- (b) self-protection of structures using sprinkler systems or other fire prevention means
- (c) curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)
- (d) provision for generous parking on site that would eliminate need for on-street parking
- (e) location of proposed street relative to other streets (block length and connectivity)

- (f) provision of transit service through special agreements and facilities
  - (g) pedestrian safety, particularly at intersections
  - (h) adequate rights-of-way or easements for public utilities
  - (i) existing development that limits paving and right-of-way widths
  - (j) topography
  - (k) environmental impacts
- (4) Reserve Strips. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission or Building and Planning Official. One foot reserve strips are used across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. Reserve strips may also be parallel to the right-of-way as a means of access control (prohibiting driveway access). The reserve strip shall have separate legal descriptions and shall be separately identified on the plat.
- (5) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.
- (6) Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.
- (7) Division of property. Property with frontage onto two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.
- (8) Intersection angles. Streets shall be laid out to intersect at right angles, and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
- (9) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

- (10) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to the tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.
- (11) Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.
- (12) Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission and Lane County
- (13) Grades and curves. Grades shall not exceed six (6) percent on arterial, ten (10) per cent on collector streets or fifteen per cent on other streets. Center line radii of curves shall not be less than 300 feet on major arterial, 200 feet on secondary arterial or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.3 per cent.
- (14) Streets adjacent to railroad rights-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (15) Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (16) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a visual clearance of not less than 45 degrees with fifteen (15) foot leg lengths.

## 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.
  - (b) Water courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose in accordance with the adopted drainage plan. Streets or parkways parallel to the major water courses may be required.
  - (c) Pedestrian and bicycle ways. When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.

## 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 and for lots that are currently non-conforming and will be brought closer to conformity. The lot

depth and width ratio shall not apply to the portion of a panhandle lot that provides access.

- (c) Area. Each lot or parcel shall comprise a minimum area as specified in the Land Development Ordinance.
- (d) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.
- (e) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (f) The minimum lot size for panhandle lots shall be calculated for the area exclusive of the portion of the lot that provides access.

[Article 6, Subsection 6.04, Subsection (1)(f) adopted by Ordinance 472, February 12, 2007]

- (2) Access. Each lot and parcel (except those in the GR and RC zones intended for single-family attached housing) shall abut upon a street other than an alley for a width of at least 50 feet and 35 feet for a cul-de-sac. Panhandle or flag lots shall be allowed when other options for dividing the property are not available such as odd shaped lots, separate disparate uses exist on a single lot, or natural and pre-existing man-made barriers which may cause an undue hardship on the land owner. Exceptions to the frontage requirement may be made when the Planning Commission approves panhandle or flag lots.
- (3) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across, to which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.
- (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 and cul-de-sacs they shall be radial to the curve.

## SECTION 6.05 GRADING OF BUILDING SITES

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- (1) Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one foot vertically.
- (2) Fill slopes shall not exceed two feet horizontally to one foot vertically.
- (3) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
- (4) All sites shall be graded to direct stormwater to City storm sewers or to natural drainage ways as required by City Ordinances.

## SECTION 6.06 BUILDING LINES

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

## SECTION 6.07 LARGE BUILDING SITES

In dividing tracts into large lots or parcels which at some future time are likely to be re-divided into smaller parcels approaching the minimum standards of the Land Development Ordinance, the land divider shall show the small parcel division by means of dash lines indicating future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within the Land Development Ordinance as though the development were occurring on the smaller parcel. This will facilitate future land divisions and guarantee that existing buildings or structures will meet the locational requirements of the Land Development Ordinance.

## SECTION 6.08 LAND FOR PUBLIC PURPOSES.

Land for parks and open space shall be dedicated for all land divisions according to Section 5.26 of the Land Development Ordinance.

If the City has an interest in acquiring a portion of a proposed land division in excess of that required for dedication by Section 5.26 of the Land Development Ordinance for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

## SECTION 6.09 STORMWATER FACILITIES

All new development and redevelopment shall be designed and constructed such that the system(s) peak discharge for a 10-year frequency storm of the fully developed site shall not exceed the peak storm discharge of the pre-developed site, as determined and approved by the sole discretion of the City Engineer or his/her designee.

# ARTICLE 7 - IMPROVEMENT REQUIREMENTS

## SECTION 7.01 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his/her own option shall conform to the requirements of this ordinance and all improvement standards and specifications of the City, and shall be installed in accordance with the following procedure:

- (1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.
- (2) Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
- (3) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- (4) Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
- (5) A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.

## SECTION 7.02 SPECIFICATIONS FOR IMPROVEMENTS

All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter 13.30 in addition to the standards of this ordinance. If the City does not have adopted design standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval.

## SECTION 7.03 IMPROVEMENTS IN SUBDIVISIONS

The following improvements shall be installed at the expense of the sub-divider at the time of subdivision or as agreed upon as provided in Section 7.05. All improvements shall comply with the construction permit requirements of Veneta Municipal Code Chapter 12.05

- (1) Streets. Public Streets, including alleys, within the subdivisions and public streets

adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in ORS Chapter 92. Traffic impacts to facilities as identified in the TIA and supported by the City's consulting engineer, shall be mitigated by the developer as part of the public improvements of the Site Plan, Subdivision or PUD.

[Article 7, Subsection 7.03, Subsection (1) amended by Ordinance 472, February 12, 2007]

- (2) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan.
- (3) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains and shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. In the event it is impractical to connect the subdivision to the City sewer system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area.

If sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the City Council may construct as an assessment project with such arrangements as are desirable with the sub-divider to assure financing his share of the construction. If the City Council chooses not to construct the project as an assessment project the sub-divider shall be solely responsible for the cost of improvements in accordance with City approved plans.

- (4) Water system. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed to the standards of the City, taking into account provisions for extension beyond the subdivision.
- (5) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except that in the case of arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acres, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets.
- (6) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing

or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.

- (7) Street name signs. Street name signs shall be installed at all street intersections to approved City standards.
- (8) Street lights. Street lights shall be installed in conformance with Veneta Municipal Chapter 15.15 and shall be served from an underground source of supply.
- (9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

#### 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.

#### 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.

#### SECTION 7.06 BOND

- (1) If required by the Planning Commission or Building and Planning Official, the land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:
  - (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  - (b) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in

accordance with the agreement.

- (c) Cash.
- (2) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.
- (3) If the land divider fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference.

## SECTION 7.07 SPECIAL ASSESSMENT FINANCING OF PUBLIC IMPROVEMENTS

- (1) Public improvement within a subdivision may be installed under special assessment financing, in accordance with Veneta Municipal Code Chapter 3.10, if the Planning Commission and Council find:
  - (a) The public improvements necessary to serve the land division will specially benefit other properties in addition to the land division; or
  - (b) The City is able to obtain necessary financing to guarantee the completion of the public improvements within (1) year from the date of the approval of the final plat and the City has adequate bonding capacity within its debt limit, as allowed under ORS 223.295 and ORS 287.004.
  - (c) The City shall review the planned financial pay-back of any bonds and find that the developer has adequate financial resources to assure repayment of the bonds in accordance with the schedules to be set forth in any ordinance approving the sale of such bonds.
- (2) The land divider shall file the following items, on forms approved by the City Attorney, prior to Council passage of a resolution authorizing the special assessment project:
  - (a) Petition for Local Improvement Project including approval by all underlying finance holders;
  - (b) Waiver authorizing the City to waive the Engineer's Report, public hearings and notices of assessment normally required.
  - (c) An agreement for public improvements and a security, approved by the Council, in a sufficient amount to insure full and faithful performance and completion of the public improvements in a specified time period, or a

petition including the following items:

1. A petition that the City obtain interim financing for the improvement or sell Bancroft bonds prior to construction of the improvements; and
  2. An agreement authorizing the City to assess property within the land division for all administrative, legal, engineering and interest expenses incurred by the City, in the event the City is unable to secure financing for the public improvements and abandons the project.
- (3) If the City is unable to obtain interim financing for the improvements or sell Bancroft bonds prior to construction, then the land divider will be required to submit a security as required by Sections 7.05 and 7.06.

## ARTICLE 8 - GENERAL PROVISIONS

### SECTION 8.01 INTERPRETATION

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

### SECTION 8.02 SEVERABILITY

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

### SECTION 8.03 ENFORCEMENT AND APPEAL PROVISIONS

- (1) The Building and Planning Official shall have authority to enforce the provisions of this ordinance. In case a structure is located, constructed, maintained, repaired, altered or used, or land is used in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance. The City may, as an alternative or in addition to other remedies or penalties set forth herein or above, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.
  - (a) Within a reasonable time after notification of a violation of this ordinance, the Building and Planning Official shall notify the property owner that such a violation exists.
  - (b) Where the violation does not involve a structure, action to rectify such shall be made within 30 days. Where the violation involves a structure, action to rectify such shall be made within 60 days.
  - (c) If no action has been taken to rectify the violation within the specified time, the Building and Planning Official shall refer it to the City Attorney.
- (2) An action or ruling of the Building and Planning Official pursuant to this ordinance may be appealed to the Veneta Planning Commission within fifteen (15) days after the Building and Planning Official has rendered its decision. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision and the final order has been signed. Written notice of appeal from a decision of either the Building and Planning Official or the Planning Commission shall be filed with the City within fifteen (15) days of the date the final order has been signed.

- (3) The written notice of appeal shall: (a) be made on the appeal form provided by the City and include applicant's valid signature' (b) be filed with the appropriate fee; and (c) include all matters specifically appealed, including a brief summary of the material presented to the Building and Planning Official or the Planning Commission upon which the decision which is being appealed was based. Specific statutory citations supporting the appeal shall also be included. Failure to comply with one or more of these appeal requirements constitutes a jurisdiction defect which precludes the Planning Commission or City Council from considering the appeal. Any issue not specifically raised in the written appeal shall be deemed waived and will not be heard by the Planning Commission or the City Council as part of the appeal. If the appeal is filed, the Planning Commission or City Council shall receive a report and recommendation thereon from the Building and Planning Official or the Planning Commission and shall hold a public hearing on the appeal. Review is de novo by both the Planning Commission and City Council. The Planning Commission or City Council may continue the hearing for good cause. Following the hearing, the Planning Commission or City Council may sustain, reject, or overrule any recommendations or rulings of the Building and Planning Official or Planning Commission, provided such action complies with the provisions of this ordinance.
- (4) Appeal fees shall be paid to the City Recorder upon filing as authorized by the Veneta Municipal Code chapter 3.30. A separate application and fee is required for each decision being appealed.

## SECTION 8.04 PENALTIES

Violation of any provision of this ordinance or any amendment thereto is punishable, upon conviction, by a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars.

A violation of this ordinance shall be considered a separate offense for each day the violation continues.

## SECTION 8.05 AMENDMENTS

- (1) An amendment to the text of this ordinance may be initiated by the City Council, the City Planning Commission or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Building and Planning Official using forms provided by the City.
- (2) The Planning Commission shall conduct a public hearing on the proposed amendment after notifying Lane County and publishing notice of the hearing once a week for two (2) successive weeks prior to the hearing in a newspaper of general circulation within the City. The notice shall specify the time, place and purpose of the hearing. The Division of State Lands shall be notified of the amendment 45 days prior to the final hearing.

- (3) Within ten (10) days after such hearing, the Planning Commission shall recommend to the City Council approval, disapproval, or modified approval of the proposed amendment.

Upon receiving a recommendation of approval from the Planning Commission, the City Council shall hold a public hearing on the proposed amendment following the same procedures as prescribed for the Planning Commission.

- (4) No application of a property owner for an amendment to the text of this ordinance shall be considered by the Planning Commission within the one (1) year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.
- (5) Any such amendments are subject to any required reviews or approvals, including notifications to DLCD.

## SECTION 8.06 DEFINITIONS

As used in this ordinance, the following words and phrases shall mean:

- (1) BUILDING LINE A line on a plat or map indicating the limit beyond which buildings or structures may not be erected. Buildings shall not overhang over an easement or dedicated right-of-way.
- (2) BUILDING AND PLANNING OFFICIAL The City Administrator of Veneta and his/her designee.
- (3) CITY The City of Veneta, Oregon
- (4) COMMON COUNCIL The Common Council of the City of Veneta, Oregon, which is the governing body of said City.
- (5) COMPREHENSIVE PLAN A city plan for the guidance of growth and improvement of the City, including modifications or refinements which may be made from time to time.
- (6) DECLARANT A person who files a declaration under ORS 92.075.
- (7) DECLARATION The instrument described in ORS 92.075 by which the subdivision or partition plat was created.
- (8) EASEMENT A grant of the right to use a strip of land for specific purposes.
- (9) LEGAL LOT A legal lot is a unit of land that meets the requirements of State, County, and City laws that were in effect at the time it was first created. The lot must have been formed by identifying, combining, or dividing land in accordance

with these laws. A tax lot is not necessarily a legal lot. A unit of land conveyed by deed or contract is not necessarily a legal lot. A lot from a land division which has not received final city and county approval is not a legal lot.

- (10) LOT A unit of land that is created by a subdivision of land.
  - (a) Corner Lot A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
  - (b) Through Lot A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (11) MAP A final diagram, drawing or other writing concerning a partition.
- (12) OWNER An individual, association, partnership, or corporation having legal or equitable title to land, other than legal title held for purpose of security only.
- (13) PARCEL A unit of land that is created by a partitioning of land.
- (14) PARTITION Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
- (15) PARTITION LAND To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
- (16) PEDESTRIAN WAY A right-of-way for pedestrian traffic.
- (17) PERSON A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- (18) PLANNING COMMISSION The Planning Commission of the City.
- (19) PLAT The final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (20) PROPERTY LINE ADJUSTMENT The relocations of a common property line between two abutting properties. An adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS

92.065(3); a survey, complying with ORS 209.250, shall be filed with the county surveyor; and the property line adjustment shall be recorded with the Lane County Department of Deeds and Records.

- (21) REPLAT The act of plating the lots, parcels and easements in a recorded subdivision or partition plat to achieve a re-configuration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
- (22) RIGHT-OF-WAY The right of passage or of way, which is a servitude imposed by law or convention, and by virtue of which one has the right to pass over or through the property of another as is set forth by its terms.
- (23) ROADWAY The portion of a street right-of-way developed for vehicular and bicycle traffic.
- (24) SIDEWALK A pedestrian walkway with permanent surfacing.
- (25) STREET A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term, "road," "highway," "lane," "avenue," "alley" or similar designations.
- (a) Alley A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (b) Arterial (Principal) Roadways in urbanized areas which serve the major centers of activity, the highest traffic volume corridors, the longest trip desires, and a high proportion of the total urban area travel (even though it may only constitute a relatively small percentage of the total roadway network).
- Provides significant intra-area travel
  - Because of the nature of the travel served by the major arterial system, almost all are fully and partially controlled access facilities.
  - For major arterials, service to abutting land is subordinate to travel service to major traffic movements.
- (c) Arterial (Minor) Interconnects with and augments the principal arterial system.
- Accommodates trips of moderate length at a somewhat lower level of travel mobility than major arterials.
  - Distributes travel to geographic areas smaller than the higher system does and offers lower traffic mobility.
  - May carry local bus routes and provide intracommunity continuity. Ideally, does not penetrate identifiable neighborhoods.
- (d) Collector Provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas.
- Differs from Arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destination.
  - Conversely, they collect traffic from the local streets in neighborhoods and channel it into the arterial system.

- (e) Cul-de-Sac (dead-end Street) A local street, usually only a few hundred feet in length and closed at one end, designed to serve the interior of a subdivision or large tract of land.
  - (f) Half Street A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
  - (g) Limited Access Street A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
  - (h) Local Street Streets that serve primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes.
- (26) SUBDIVIDE LAND To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- (27) SUBDIVISION Either an act of subdividing land or an area or tract of land subdivided as defined in this section.
- (28) TENTATIVE PLAN A tentative plan is the plan of a subdivision or partition submitted to the City for approval under the provision of ORS 92 and Article 3 and Article 5 of the Land Division Ordinance. No final subdivision plat or partition map shall be approved unless it is in substantial conformity with the provisions of the approved tentative plan.
- (29) WETLANDS Areas that are inundated or saturated by surface of groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.