

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION
SPROAT PARTITION TENTATIVE PLAN
(M-6-06)**

A. The Planning Commission finds the following:

1. The applicant has submitted information required by Section 5.01 of Veneta's Land Division Ordinance No. 462.
2. The Veneta Planning Commission reviewed all material relevant to the tentative land partition after providing proper notice of the limited land use decision according to Section 2.06 of the Veneta Land Division Ordinance No. 462.
3. The Veneta Planning Commission followed the required procedure and standards as set forth in Section 5.03 and 5.04 of Veneta's Land Division Ordinance No. 462.

B. The Veneta Planning Commission approves the Sproat tentative plan for partition (M-6-06) with the following conditions:

GENERAL CONDITIONS

1. Prior to the removal of three or more trees of 6" diameter or greater within one calendar year, a tree removal plan shall be submitted to the City and tree removal permits approved.
2. Parcels 1 and 2 shall take access via the proposed easement, not directly from Jeans Road.
3. The access easement and approach to Jeans Road shall be paved to a minimum width of 12 ft and constructed to support loads of 55,000 pounds or as otherwise required by Lane County Fire District #1.

PRIOR TO FINAL PLAT APPROVAL:

4. The applicant shall submit a revised tentative plan showing the following:
 - a. The drainage channel located adjacent and parallel to the west property boundary of proposed parcel 1, and provide an access easement encompassing this drainage for the purposes of maintenance.
 - b. The line between parcels 1 and 2 moved east to allow both lots to meet the one acre minimum lot size.
 - c. The entire area outside of the City UGB platted as a single parcel.
5. The applicant shall obtain city approval of the following plans:
 - a. DRAINAGE FACILITY improvement plans including a drainage study defining the difference between the pre- and post-development runoff from the site with

calculations and a brief narrative that explains the analysis and conclusions of the drainage study. Improvement plans shall provide detention for a 10 year storm for all new impervious surfaces.

- b. EROSION CONTROL and GRADING plans which:
 - (1) Address erosion and run-off during and after construction including a 1200C permit from DEQ.
 - (2) Show existing and proposed cut and fill slopes, type of fill materials, finish grade elevations at property boundaries, and existing elevations of neighboring parcels at the property lines.
 - c. UNDERGROUND UTILITY PLANS including
 - (1) Telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies.
6. The applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineer's cost estimate for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, and lighting.
7. The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit.
8. The applicant shall pay cash in lieu of land dedication in accordance with Veneta Land Development Ordinance Section 5.26 Parkland Dedication.
9. The applicant shall sign an irrevocable development agreement stating that
- a. Parcels 1 and 2 shall take access via a shared easement and shall not take access directly from Jeans Road.
 - b. A triangle with 25 ft sides on the south-east corner of parcel 1, and the south-west corner of parcel 2 shall be permanently maintained as a clear vision area and shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.
 - c. A tree removal permit shall be obtained if more than three trees are to be removed within a single calendar year.
 - d. The access will be paved with at least (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer to a minimum width of 12 ft or as otherwise required by Lane County Fire District #1.
 - e. That all parcels shall meet the landscaping requirements of Veneta Land Development Ordinance Section 5.12(4) prior to occupancy.

- f. If sewer and/or water become reasonably available to parcels 1 and 2, those residences shall connect to City services.
10. Submit a final plat for approval within one year of tentative approval. The final plat shall be prepared in accordance with the Veneta Land Division Ordinance and Oregon Revised Statutes Chapter 92 and shall include the following:
- a. A triangle with 25 ft sides on the south-east corner of parcel 1, and the south-west corner of parcel 2 shall be permanently maintained as a clear vision area and shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.
 - b. All easements including those for utilities and access to storm water drainages shown with dashed lines.
 - c. Plat notes shall include language stating that no fences, trees, structures, or other obstructions shall be placed within the public drainage easement.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 11. Provide the City with a recorded copy of the Final Plat
- 12. Provide the City with recorded copies of all deeds, easements, development covenants, and Irrevocable Petitions for Public Improvements required as conditions of approval.
- 13. The applicant shall provide the City with proof of permit approval from Lane County for wells and septic systems. This condition must be met prior to issuance of building permits for residences on the proposed parcels.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the tentative plan for the Sproat Partition (M-6-06) based on the information presented in the staff report and the following findings of fact:

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

The Veneta Land Division Ordinance No. 418, Article 5-Partition

Section 5.04 Tentative Plan Review Criteria states:

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) TRANSPORTATION

The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with 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.

The proposal is consistent with this criterion because the transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the Article 6, Design Standards, as stated in the detailed findings, below.

Veneta Land Division Ordinance No. 462

Article 6- DESIGN STANDARDS

Section 6.02 STREET DESIGN STANDARDS

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

The width of streets shall be adequate to fulfill city specification as provided for in SECTION 7.02 of this Ordinance, and, unless otherwise indicated on a development plan or approved by the planning Commission, streets shall have:

<u>Standard</u> <u>Type of Street</u>	<u>Standard</u> <u>Right-of-Way</u>	<u>Paved Width</u>	<u>Sidewalks</u>
Major Collector	60’*	34’ (11’ travel lanes, 6’ bike lanes, no parking)	yes
Local Street	60’	36’(10’ travel lanes, 8’ parking on both sides)	yes

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

(10) 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.

The proposal is consistent with this provision with the condition that the applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate

for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, and lighting. The applicant shall also sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit.

Jeans Road has a 60 ft ROW as required for a Major Collector. As the access within the partition will only serve two lots within the UGB, the City finds that dedication of ROW between parcels 1 & 2 is not necessary at this time.

Article 7-IMPROVEMENT REQUIREMENTS

Section 7.04 IMPROVEMENTS IN PARTITIONS

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

Section 7.03 IMPROVEMENTS IN SUBDIVISIONS

- (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.*

The City finds that the nature and extent of surrounding development (lack of curbs, street grade, etc.) do not make street upgrades on and adjacent to the site necessary at this time. The proposal is consistent with this requirement with the following conditions:

The applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate for

necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, and lighting.

The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit.

The access easement and approach to Jeans Road shall be paved to a minimum width of 20 ft and constructed to support loads of 55,000 pounds.

- (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.

The proposal is consistent with this requirement with the conditions that the applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate for necessary street improvements including, but not limited to, sewer, water, stormwater, paving improvements, sidewalks, and lighting.

The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit.

- (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.

The proposal is consistent with this requirement with the conditions that the applicant shall make a deposit with the City

to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, and lighting.

The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit.

- (7) *Street name signs.* Street name signs shall be installed at all street intersections to approved City standards.

The proposal is consistent with this requirement with the condition of approval that the applicant install a street sign at the intersection indicating that Sproat Ranch Road is private.

- (8) *Street lights.* Street lights shall be installed and shall be served from an underground source of supply.

The proposal is consistent with this requirement with the conditions that the applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, and lighting.

The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit.

- (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.

The proposal is consistent with this criterion with the condition that the applicant submit utility plans coordinated with the appropriate agency.

Article 5-SUPPLEMENTARY PROVISIONS

SECTION 5.02 ACCESS

Generally, every lot shall abut a street other than an alley for a minimum width of 50 feet and 35 feet for a cul-de-sac. Exceptions to the frontage requirement may be made where the Planning Commission has approved panhandle lots or an easement for access, where an easement existed prior to 1989, or the lot will be used for single-family attached housing.

The proposed partition meets the above requirement. Both proposed parcels have more than 50 ft of frontage on Jeans Road.

SECTION 5.03 CLEAR VISION AREAS

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

- (1) Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and panhandle-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 25 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and panhandle-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 25 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides.*
- (2) A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.*

The proposal is consistent with this requirement with the condition of approval that the applicant signs a development agreement to maintain a triangle with 25 ft sides on the south-east corner of parcel 1, and the south-west corner of

parcel 2 shall be permanently maintained as a clear vision area and shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.

SECTION 5.20 OFF-STREET PARKING REQUIREMENTS

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

(1) Design and improvement requirements for residential parking for single-family and two-family dwellings.

(a) All parking areas, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer. Paved driveways are not required in situations approved by the Planning Commission or Building and Planning Official in which the driveway will be used temporarily until further land divisions or development occur.

The proposal meets this requirement with the condition of approval that the applicant sign a development agreement stating that the access will be paved with at least (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer to a width of at least 12 ft or as otherwise required by Lane County Fire District #1.

Section 5.24 ACCESS MANAGEMENT

(1) Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

The proposal meets this requirement with the condition of approval that both lots shall take access via the proposed easement and not directly from Jeans Road.

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

The proposal meets this requirement with the condition of approval that both lots shall take access via the proposed easement and not directly from Jeans Road.

(2) *SANITARY SEWER, WATER, and OTHER PUBLIC UTILITIES*

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; and the requirements of the zoning district (Land Development Ordinance); and City utility plans.

Veneta Land Division Ordinance No. 462

Article 6-DESIGN STANDARDS

Section 6.03 BLOCKS

(3) *Easements.*

- (a) *Utility lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width.*

The proposal is consistent with this requirement. No sewer or water easements are necessary at this time.

Article 7-IMPROVEMENT REQUIREMENTS

Section 7.04 IMPROVEMENTS IN PARTITIONS

The same improvements may be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission or Building and Planning Official finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission may except those

improvements. In lieu of accepting 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 7.03 IMPROVEMENTS IN SUBDIVISIONS

- (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.

Sanitary sewer is currently unavailable to serve the subject property. The City finds that both connecting to the nearest gravity sewer, and utilizing pressure lines to convey wastewater are impractical due to the distances involved. The Planning Commission hereby authorizes the use of septic systems on the property pending approval from Lane County. The proposal is consistent with this requirement with the conditions that the applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, and lighting.

The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit. The applicant shall provide proof of septic approval from Lane County prior to issuance of building permits for residences.

- (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.

The nearest waterline is a 10 inch main on the opposite side of Jeans Road over 500ft away. The City finds that is

impractical and unreasonable to require extension of the water main to serve two units. The proposal is consistent with this requirement with the conditions that the applicant shall make a deposit with the City to cover the cost of future improvements to the north side of Jeans Road adjacent to the property. The amount of the deposit shall be based on the City Engineers cost estimate for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, and lighting. The applicant shall sign and record an Irrevocable Petition for Public Improvements to be held against parcels 1 and 2 for any improvement costs above and beyond those covered by the deposit. The applicant shall provide proof of septic approval from Lane County prior to issuance of building permits for residences.

(3) SURFACE WATER DRAINAGE

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.

The proposal is consistent with this requirement with the condition of approval that the applicant submit drainage facility improvement plans including a drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. Improvement plans shall provide detention for a 10 year storm for all new impervious surfaces.

Land Division Ordinance No. 418

Article 6-DESIGN STANDARDS

Section 6.03 BLOCKS

- (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.*

The proposal is consistent with this requirement with the condition of approval that the applicant submit a revised tentative plan showing the drainage channel located adjacent

and parallel to the west property boundary of proposed parcel 1, that that the applicant provide a drainage easement encompassing this drainage.

Section 6.05 GRADING OF BUILDING SITES

- (4) *All sites shall be graded to direct stormwater to City storm sewers or to natural drainage ways as required by City Ordinances.*

The proposal is consistent with this requirement with the condition of approval that the applicant submit detention system designs and grading plans for review and approval by the City.

Article 7-IMPROVEMENT REQUIREMENTS

Section 7.04 IMPROVEMENTS IN PARTITIONS

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

Section 7.03 IMPROVEMENTS IN SUBDIVISIONS

- (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.*

The proposal is consistent with this criterion with the condition of approval that the applicant shall obtain city approval of a drainage facility improvement plan including a drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the

drainage study. Improvement plans shall provide detention for a 10 year storm for all new impervious surfaces.

(4) TOPOGRAPHY, FLOODPLAIN, WETLANDS, and VEGETATION

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.

The proposal is consistent with this requirement with the condition of approval that the applicant sign development agreement stating that a tree removal permit shall be obtained if more than three trees are to be removed from a single parcel within a single calendar year. The City’s Local Wetland Inventory indicates the presence of a non-significant wetland on the site. A wetland that has been deemed nonsignificant is not covered by 18.10.030 Procedures for identifying significant wetlands which states that “The wetland regulations contained in this chapter apply to those areas identified as significant wetlands on the comprehensive plan wetlands map exhibit, and wetland sites meeting Division of State Lands criteria.” This site did not meet the state criteria for significance and therefore is not protected by VMC 18.10.

(5) REMAINDER OF PROPERTY

Development of any remainder of property under the same ownership can be accomplished in accordance with City requirements.

SECTION 4.01 RURAL RESIDENTIAL ZONE (RR)

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

(a) *The minimum legal lot size is one (1) acre, or larger as needed to permit compliance with the requirements of the Department of Environmental Quality for the location of on-site disposal systems and domestic wells. Determination of minimum legal lot size and land division approval will be made on a case-by-case basis by the Planning Commission based on the carrying capacity of the land, availability of sewage disposal systems and type of water supply.*

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

The proposal is consistent with this requirement. The proposed lots are not more than twice the minimum lot size for the zone, shadow plats are not required.

(6) ADJOINING LAND

Adjoining land can be developed or is provided access that will allow its development in accordance with City requirements.

The proposal is consistent with this requirement. Properties to the east and west are already developed, and property to the north is Federal land.

(7) ALL APPLICABLE CITY REQUIREMENTS

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).

Veneta Land Division Ordinance No. 462

Article 6-DESIGN STANDARDS

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.*

The proposal is consistent with this requirement because Section 4.01 of the Veneta Land Development Ordinance No. 461 does not have a minimum lot width in the RR zone.

(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.*

The proposal is consistent with this requirement. The width and depth of the proposed lots are roughly equal.

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

The proposal is consistent with this criterion with the condition of approval that the applicant submit a revised tentative plan showing the line between parcels 1 and 2 moved east to allow both lots to meet the one acre minimum lot size

- (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.*

The proposal is consistent with this criterion because both parcels have more than 200 feet of frontage on Jeans Road.

- (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.*

The proposal is consistent with this requirement. The parcels will have frontage on only one street, Jeans Road. Forest Meadows Lane, to the west, is a series of easements and is not considered a street.

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

The proposal is consistent with this criterion because all lot lines run parallel or at right angles to the street.

Veneta Land Development Ordinance No. 417

Article 4 USE ZONE,

SECTION 4.01

RURAL RESIDENTIAL (RR)

In a RR zone, the following regulations shall apply:

(4) Lot size and Width. *Except as provided in Articles 5, 6 and 8, the minimum lot size and width in a GR zone shall be as follows:*

(a) *The minimum lot area shall be 6,000 square feet east of Territorial Road and the minimum lot area shall be 8,000 square feet west of Territorial Road and the average minimum lot width shall be 60 feet.*

The proposal is consistent with this criterion as discussed above.

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

The proposal is consistent with this criterion as discussed above.

SECTION 5.12 **LANDSCAPING**

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

(3) *Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible. Particular attention shall be focused on preserving native and heritage trees.*

The proposal is consistent with this requirement with the condition of approval that the applicant enter into a development agreement to obtain a tree removal permit if more than three trees are to be removed in a calendar year.

(4) *All required yards and the entire open space of all multiple- family dwelling sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools,*

benches, sculptures, planters, fences and similar elements may be placed within the area.

Minimum number of trees and shrubs acceptable per 1,000 square feet of yard and open-space area is as follows:

- (a) One tree at least six (6) feet in height.*
- (b) Four 1-gallon shrubs or accent plants.*

The proposal is consistent with this requirement. Landscaping requirement shall be determined as building and tree removal permits are issued for individual lots.

Section 5.26

PARKLAND DEDICATION REQUIREMENTS

- (a) The required parkland shall be dedicated as a condition of approval for the following:
 - 1. Tentative plat for a subdivision or partition;**
- (b) Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre: Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0084*

The proposal meets this requirement with the condition of approval that the applicant pay cash in lieu of park dedication prior to final plat approval in accordance with the provisions of this section.

5. CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated does not meet the standards stated above, or when a fee is determined to be in the best interest of the City as determined by the Planning Commission. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDC), and is eligible for a credit only for that portion of the SDC attributable to land acquisition. The amount of the fee in lieu of land dedication (in dollars per acre) shall be determined based on an appraisal performed by an individual selected and paid for by the City and acceptable to the developer. Appraisers must be certified to perform real estate appraisals in the state of Oregon. A date within 60 days of the date of approval of the application shall be used for fixing the market value of the proposed dedication.

- (a) Cash in lieu of parkland dedication shall be paid prior to approval of the final plat unless the developer*

provides a binding financial instrument acceptable to the City.

Due to the small number of lots in this land division, the City does not find that parkland is required on the subject property. The applicant shall pay cash in lieu of dedication according to the requirements of this section.

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

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

Signature: _____
James Eagle Eye, Veneta Planning Commission Chair

Approval Date: _____