

**PROPOSED FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

BOOTH PARTITION (M-2-08)

A. The Planning Commission finds the following:

- 1) The applicant has submitted information for a tentative plan application required by Section 5.01 of the Veneta Land Division Ordinance No. 462.
- 2) The Veneta Planning Commission met on November 3, 2008 to review and discuss the tentative partition application for assessors map 17-06-36-24 Tax Lot 300. The Planning Commission reviewed all material relevant to the tentative land partition after providing proper notice of the limited land use action according to Section 2.06 of the Veneta Land Division Ordinance No. 462.
- 3) The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in Section 5.03 of Veneta's Land Division Ordinance No. 462.

B. The Veneta Planning Commission hereby approves the Boothe partition tentative plan (M-2-08) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

- (1) The shared driveway shall be signed "no parking" and accessible at all times. Any curbs placed in these areas shall be painted yellow and maintained in accordance with the current Oregon Fire Code, Table D103.4.
- (2) Coordinate central mailbox location with Veneta Post Master.

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- (3) Obtain approval for public improvement plans to include the items listed below.
 - (a) ACCESS plans which include:
 - i. The driveway and all culverts therein constructed to support loads of 56,000 lbs.
 - ii. Signage for the private driveway clearly indicating that no parking is allowed in these areas.

- iii. A 10-foot wide P.U.E. identified along the western edge of Dunham Loop for all proposed parcels.
 - iv. A 14-foot wide P.U.E. that follows the centerline of Dunham Avenue through parcel 1 and parcel 3 to the western boundary line of the proposed land division.
- (b) SANITARY SEWER improvement plans that include the following:
- i. Each lot having individual sewer pumps that pump into a public pressure line connected into the existing manhole located on the south end of Dunham Loop.
 - ii. Identify all sizing of pressure main approved by the City Engineer.
 - iii. Show the required pressure line located outside of the existing asphalt.
- (c) WATER improvement plans which include the following:
- i. Approved public improvement plans showing that water services for all parcels will be located within the ROW of Dunham Loop with individual connections to the main required for each parcel.
 - ii. Approved public improvement plans providing ten feet of separation between the water and sewer connections within the ROW.
- (d) DRAINAGE FACILITY improvement plans which include the following:
- i. The size and location of all proposed stormwater facilities
 - ii. 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. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.
 - iii. The existing drainages and drainage patterns as well as the direction of flow from the proposed swales.
 - iv. A landscaping plan for each grassy swale including:
 - 1. An explanation of what type of vegetation will be placed in areas of cuts and fills.
 - 2. A list of all parties responsible for the revegetation work on the development site.

3. A schedule, including timelines for construction, revegetation, monitoring, and reporting.
 4. Details on how the identified grassy swales will enhance the water quality, and aesthetic values of the Greenway.
- vi. A revised stormwater management plan that relocates the 80' long grassy swale in the northeast corner of the parcel to be no closer than 15 ft from the identified wetland.
- (e) EROSION CONTROL and GRADING plans which:
 - i) Address erosion and run-off during and after construction and include a 1200C permit as required by DEQ.
 - ii) 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.
 - (f) UNDERGROUND UTILITY PLANS including telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies.
- (4) The approved construction area and areas to remain undisturbed will be flagged, fenced or otherwise clearly marked in accordance with an approved erosion plan.
 - (5) Obtain all required permits and reimburse the City for all engineering inspection and plan review fees according to City Code. Permits include, but are not limited to the following:
 - (a) Obtain permits to work within the City right-of-way.
 - (b) Tree removal permit pursuant to VMC 8.10.030.

CONCURRENT WITH APPLICATION FOR FINAL PLAT

- (6) The application for final plat shall include the following documents:
 - (a) A fourteen (14) foot public utility easement that follows the centerline of Dunham Avenue through Parcel 1 and Parcel 3 to the western boundary line of the proposed land division.
 - (b) A ten (10) foot public utility easement that follows the eastern boundary of parcel 1, 2 & 3 of the proposed land division.
 - (c) A recorded joint access and maintenance agreement for all sewer, water, stormwater lines, and common detention facilities as well as the continued maintenance of the private driveway.

- (d) A DSL concurrence for the wetlands identified in the wetland delineation report shall be submitted to the City Veneta.
- (e) A recorded deed covenant that runs with property stating that the owner shall be responsible for the operation and maintenance of the private sanitary sewer system.
- (f) Include plat notes as follows:

All parcels are subject to the Development Agreements shall be recorded at Lane County Deeds and Records for the partition (place recording number here).

- (7) The applicant shall submit a sign and record an Irrevocable Petition for Public Improvements approved by the City Attorney, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop adjacent the property to City standards including but not limited to utilities, bike lanes, street lighting and street surface upgrades.
- (8) Submit an Irrevocable Development Agreement stating that:
 - (a) A 15 ft clear vision area shall be maintained on Parcel 3 at the intersection of Dunham Avenue and the shared driveway as required by Veneta Land Development Ordinance Section 5.03 and 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.
 - (b) All parcels shall be landscaped as required by Veneta Land Development Ordinance No. 461, Section 5.12. No trees are proposed to be removed nor shall any be removed from parcels without an approved permit in accordance with VMC 8.10.
 - (c) Parcel 1 shall take access from the shared driveway, not from Dunham Loop.
 - (d) The paved area of the private drive shall be a minimum of 20 feet in width. No parking shall be allowed in the joint access/utility easement area and “No Parking” signage and a 20ft clear fire access aisle shall be permanently maintained. Any curbs placed in these areas shall be painted yellow in accordance with the Oregon Fire Code. Pavement surface of the shared driveway shall be permanently maintained in accordance with the recorded joint access and maintenance agreement share by parcel 1, 2, & 3.

- (e) No new development or expansion of existing development shall occur within any identified wetlands without first receiving authorization from DSL and the City of Veneta.
 - (f) No greenway area outside the approved drainage swale areas shall be disturbed and that all provisions of the Greenway Subzone (Veneta Land Development Ordinance, Section 4.11) shall be complied with.
 - (g) No development or substantial improvements within the identified floodplain shall occur without first submitting a Floodplain Review in accordance with the Veneta Land Development Ordinance, Article 4, Section 4.12 and any State or Federal regulations, including but not limited to any proposed development, substantial improvements or fill within the identified floodplain, the applicant shall provide evidence from a qualified engineer that the water surface elevation of the base flood will not increase by more than one foot at any point.
 - (h) If parcel 3 be developed with more than 1 unit, the required parkland dedication would increase based on the required dedication calculation for each additional unit.
- (9) Provide the City with a copy of the approved drainage plan.
- (10) The applicant shall pay cash in lieu of park dedication as required by Section 5.26 of the Veneta Land Development Ordinance 461.

PRIOR TO FINAL PLAT APPROVAL

- (11) The applicant shall 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 10 ft public utility easement along the eastern boundary of parcel 1, 2 & 3 bordering Dunham Loop.
 - (b) A fourteen (14) foot public utility easement that follows the centerline of Dunham Avenue through Parcel 1 and Parcel 3 to the western boundary line of the proposed land division.
 - (c) All private easements including drainage, utilities, shared access are to be shown on the plat and provided as separate documents. All easement documents shall contain provisions for shared maintenance. Access easement shall contain language with no parking provisions.
 - (d) A one foot reserve strip along the eastern boundary of parcel 1 that prohibits access directly onto Dunham Loop.

- (e) The floodplain boundary line shall be identified on the final plat and be consistent with FIRM panels and be certified by a qualified engineer.
- (12) The access easement and approach to Dunham Loop shall be constructed and paved to support loads of 56,000 pounds or as otherwise required by Lane County Fire District #1.
- (13) The applicant shall install all required public improvements. The applicant shall repair existing streets or other public facilities damaged in the development of the property OR execute and file with the City an agreement between the applicant and the City, specifying the period within which required improvements and repairs shall be completed and post a performance bond with the City. This shall be completed in accordance with the Veneta Land Division Ordinance 462, Article 7, Sections 7.05 and 7.06. Public improvements must include all improvements required by the Veneta Land Division Ordinance, the Planning Commission's conditions of approval, and must be installed in accordance with plans approved by the City.
- (14) The applicant shall obtain a "Letter of Substantial Completion" from the City of Veneta for improvements which have been installed and approved by the City and shall provide the City with a one (1) year warranty bond.
- (15) The applicant shall pay all outstanding engineering and consulting fees due to the city.
- (16) The applicant shall work with the property owner to the north on Tax Lot 200 to remove the portable carport on the boundary line of proposed parcel 3 and Tax Lot 200.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- (17) The applicant shall obtain a "Letter of Substantial Completion" from the City of Veneta for improvements which have been installed and approved by the City and shall provide the City with a one (1) year maintenance bond.
- (18) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- (19) Provide the City with a recorded copy of the Final Plat
- (20) The applicant shall provide the City with recorded copies of all deeds, easements and development agreements as required as conditions of approval.
- (21) Provide the City with As Built drawings for all public improvements in CAD, PDF and hardcopy form.
- (22) The applicant shall identify the floodplain boundary line in accordance with the final plat on the plot plan. A floodplain review that includes the base flood elevation shall be

submitted for each proposed development that is within the identified floodplain boundary.

- (23) The applicant shall submit a drainage study approved by the City Engineer for each lot that identifies the exact impervious surfaces that will be built on each lot and where they will outlet. The drainage study shall define the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the conclusions of the study.

PRIOR TO CERTIFICATE OF OCCUPANCY

- (24) All parcels shall be landscaped as required by Veneta Land Development Ordinance No. 461, Section 5.12. No trees shall be removed from any parcels without an approved permit.
- (25) The existing well located within the ROW and septic shall be properly abandoned and certification from the Oregon Water Resources and DEQ submitted to the City.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Boothe partition tentative plan (M-2-08) based on the information in the staff report and the following findings of fact:

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

VENETA LAND DIVISION ORDINANCE NO. 462

ARTICLE 5-PARTITIONS

SECTION 5.03 TENTATIVE PLAN REVIEW CRITERIA

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 section of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section.

SECTION 5.04 CATAGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS

TRANSPORTATION

- (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.

The proposal is consistent with the provisions of Article 6 & Article 7 of the Veneta Land Division Ordinance addressed below.

SURFACE WATER DRAINAGE

- (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).*

The proposal is consistent with the provisions of this section with the conditions of approval that prior to construction, the applicant submit a revised drainage plan and drainage statement, approved by the City Engineer including:

- (a) **The size and location of all proposed stormwater facilities**
- (b) **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. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.**
- (c) **The existing drainages and drainage patterns as well as the direction of flow from the proposed swales.**

TOPOGRAPHY, FLOODPLAIN, WETLANDS, AND VEGETATION

- (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).*

There are wetlands, floodplains and significant vegetation on the site that require special consideration and conformance with Chapter 18.10 of the Veneta Municipal Code. There are no hillside slopes on the parcel that would require geotechnical engineering. The application is in conformance with the provisions of Chapter 8.10 of the Veneta Municipal Code for tree cutting, destruction & removal. The findings are as follows:

VENETA MUNICIPAL CODE (VMC)

CHAPTER 8.10 TREE CUTTING, DESTRUCTION & REMOVAL

8.10.030 *Tree removal prohibited.*

- (1) *Except as provided in VMC 8.10.060, no person shall remove more than three trees per parcel within a single calendar year without first filing a tree removal plan and obtaining a tree removal permit.*

8.10.060 *Permits required with planned unit developments, subdivisions, and site plans.*

- (1) *Any application for any planned unit development, subdivision, site plan or other zoning permit or approval, the plans for which call for tree removal which would require a tree removal pursuant to VMC 8.10.030, shall be accompanied by an application for a tree removal permit, together with the required filing fee under VMC 8.10.050.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of building permits, plans calling for tree removal that would require a tree removal permit pursuant to VMC 8.10.030, shall be submitted with a filing fee under VMC 8.10.050.

CHAPTER 18.10 WETLAND PROTECTION

18.10.040 *Land Use Permit Requirements*

- (3) *Prohibited Uses. Within locally significant wetlands, practices that are specifically not allowed and would adversely affect wetland function and values include, but are not limited to the following:*
 - (a) *New development or expansion of existing development;*
 - (b) *Storage or use of chemical pesticides, fertilizers, or other hazardous or toxic materials.*
 - (c) *Construction of new septic drainfields;*
 - (d) *Channelizing or straightening natural drainageways;*
 - (e) *Removal or destruction of rare, threatened or endangered plant species or valuable native plant species as found on a list determined by the Oregon Natural heritage Program and kept on file at Veneta City Hall.*

(f) *Filling, grading, and/or excavating wetland areas.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat approval, a DSL concurrence shall be submitted to the City. Additionally, an irrevocable development agreement approved by the City shall be submitted stating that no new development or expansion of existing development shall occur within identified wetlands without first receiving authorization from DSL and the City of Veneta.

(4) *DSL Notification and Approval Required. In addition to the restrictions and requirements of this section, all proposed development activities wholly or partially within areas identified as wetland are also subject to DSL standards and approval. Where there is a difference, the more restrictive regulation shall apply. The city shall be responsible for notifying DSL whenever any portion of any wetland is proposed for development, in accordance with ORS 227.350. No action can be taken on a proposed development until such notification is provided.*

The proposal is consistent with the provisions of this section with the condition that a DSL concurrence shall be submitted to the City with an application for final plat. In addition, an irrevocable development agreement approved by the City shall be submitted with an application for final plat stating that no new development or expansion of existing development shall occur within identified wetlands without first receiving authorization from DSL and the City of Veneta.

REMAINDER OF PROPERTY

(5) *Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.*

The proposal is consistent with the applicable provisions of this section and are addressed in the findings below.

VENETA LAND DEVELOPMENT ORDINANCE NO. 461

SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

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

The proposal is consistent with the provisions of this section. The proposal has a shadow plat showing possible future land divisions for parcel 3.

ADJOINING LAND

(6) *Adjoining land can be developed or is provided access that will allow its development in accordance with city requirements.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat approval, the applicant work with the property owner to the north on Tax Lot 200 to remove the portable carport on the property line boundary of proposed parcel 3 and Tax Lot 200. The adjoining land is already developed with a single family residence and does not encroach on any boundary line. All of the proposed parcels have the required frontage along Dunham Loop in accordance with City requirements.

ALL APPLICABLE 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).*

The proposal is consistent with the provisions of this section as addressed in the findings listed 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>Type of Street</u>	<u>Standard Right-of-Way</u>	<u>Standard Paved Width</u>	<u>Sidewalks</u>
<i>Local Street</i>	60'	36' (10' travel lanes, 8' parking on one side)	yes

The proposal is consistent with the criteria with the condition of approval that the applicant submit with an application for final plat, a signed and recorded Irrevocable Petition approved by the City Attorney ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop (if necessary) adjacent to the property to City standards for local streets. Dunham Loop is currently a half street that connects Dunham Avenue to Terra Lane and currently provides adequate width for two lanes of traffic. Dunham Loop currently has a 60' right-of-way and serves two lots within the Shadowridge Subdivision and two parcels on the west side of the street. Due to the limited amount of vehicle traffic and limited development potential of the parcels on the west side of Dunham Loop, the existing street is sufficient and does not need to be completed at this time.

- (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*

This proposal does not create a public street; therefore the provisions of this section are not applicable.

- (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.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat approval, parcel 1 dedicate a reserve strip along the entire eastern boundary of the parcel to prohibit access directly onto Dunham Loop.

- (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.

This proposal does not create a public street; therefore the provisions of this section are not applicable.

- (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.

This proposal does not create a public street or abut an existing dead-end street; therefore the provisions of this section are not applicable.

- (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.

The subject parcel has frontage onto two local streets with the same functional classification, Dunham Ave and Dunham Loop, therefore the provisions of this section are not applicable.

- (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.

The proposal does not contain any new streets; therefore the provisions of this section are not applicable.

- (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.

The proposal is consistent with provisions of this section. Dunham Loop currently has 60' of right-of-way; therefore no additional right-of-way is required as part of the proposed partition.

- (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.

No half streets are proposed, however, Dunham Loop is currently a half street that connects Dunham Avenue to Terra Lane and currently provides adequate width for two lanes of traffic. Dunham Loop currently has a 60' right-of-way and serves two lots within the Shadowridge Subdivision and two parcels on the west side of the street. Due to the limited amount of vehicle traffic and limited development potential of the parcels on the west side of Dunham Loop, the existing street is sufficient and does not need to be completed at this time.

- (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.

No Cul-de-sacs are proposed; therefore the provisions of this section are not applicable.

- (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

The proposal does not include a public street within the partition; therefore the provisions of this section are not applicable.

- (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.

The proposal does not have grades or curves exceeding the requirements of this section. Dunham Avenue and Dunham Loop are both local streets and do not exceed the fifteen percent grade; therefore the proposal is consistent with the provisions of this section.

- (14) *Streets adjacent to railroad right-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.

The proposal does not have any proposed streets adjacent to railroad right-of-way; therefore the provisions of this section are not applicable.

- (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.

The proposal does not contain any existing or proposed arterial streets; therefore the provisions of this section are not applicable.

- (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.

The proposal is not in a commercial or industrial zone; therefore the provisions of this section are not applicable.

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.*

The proposal is consistent with the standards in Section 6.03 (1) & (2) above because the length, width, and shape of blocks have already been largely determined by the surrounding developments.

- (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 provisions of this section with the condition of approval that all public and private easements and right-of-ways are included on the final plat and that the applicant shall submit the following documents with a final plat application:

- (1) **A fourteen (14) foot public utility easement for future expansion of the public sewer line that follows the centerline of Dunham Avenue through Parcel 1 and Parcel 3 to the western boundary line of the proposed land division.**

- (2) **A ten (10) foot public utility easement that follows the eastern boundary of parcel 1, 2 & 3 of the proposed land division.**

- (3) **A recorded joint access and maintenance agreement for all sewer, water, stormwater lines as well as the continued maintenance of the private driveway.**

SECTION 6.04 BUILDING SITES

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

The proposal is consistent with the provisions of this section. The depth of each parcel is less than 2 ½ times the width and is comprised of a minimum area required by the Land Development Ordinance.

- (2) Access. *Each lot and parcel (except those in the GR and RC zone intended for 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 the provisions of this section. The long narrow shape of the existing parcel precludes future development of proposed parcel 3 without the use of a panhandle. Surrounding developments and the location of wetlands and floodplain on the western boundary of the parcel prevent the use of a cul-de-sac, half-street or other public access.

- (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.*

Through lots and parcels are defined as having frontage on two streets that are roughly parallel. No through parcels are proposed with this partition application; therefore the provisions of this section are not applicable.

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

The proposal is consistent with the provisions of this section. The parcel lines run at right angles and parallel to all streets to the greatest degree possible.

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.

See below requirements for subdivision provisions

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 Ordinance No. 149.

- (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 and Section 5.14(7) of the Veneta Land Development Ordinances No. 461.

Dunham Loop is currently a constructed half street that provides adequate width for two lanes of traffic. Due to the limited amount of vehicle access and the limited development potential of the parcels on the west side of the street, the existing street is sufficient and does not need to be completed at this time. The partition is consistent with the provisions of this section with the condition of approval that the applicant submit with an application for final plat:

- (a) **A signed and recorded Irrevocable Petition approved by the City Attorney for Public Improvements, held equally against all parcels,**

ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop (if necessary) adjacent to the property to City standards for local streets.

- (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 the provisions of this section with the condition of approval that prior to construction, the applicant submit a revised drainage plan and drainage statement, approved by the City Engineer including:

- (a) **The size and location of all proposed stormwater facilities**
- (b) **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. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.**
- (c) **The existing drainages and drainage patterns as well as the direction of flow from the proposed swales.**

Prior to the issuance of building permits, the applicant shall submit a final drainage study approved by the City Engineer that identifies the exact impervious surfaces that will be built on each lot and where they will outlet.

- (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.

The proposal is consistent with the provisions of this section with the condition of approval that:

- (1) Prior to construction the applicant shall submit approved public improvement plans showing each lot having individual sewer pumps that pump into a public pressure line connected into the existing manhole located on the south end of Dunham Loop.**
 - (2) Prior to construction the applicant submit approved public improvement plans identifying all sizing of pressure main approved by the City Engineer.**
 - (3) Prior to construction the applicant submit approved public improvement plans clearly showing that the required pressure line will be located outside the existing asphalt.**
- (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.*

Water is available from the 8-inch water main located on the eastern half of Dunham Loop. The proposal is consistent with the provisions of this section with the condition of approval that:

- (1) Prior to construction the applicant submit public improvement plans showing that water services for all parcels will be located within the ROW of Dunham Loop with individual connections to the main required for each parcel.**
 - (2) Prior to construction the applicant submit public improvement plans providing ten feet of separation between the water and sewer connections within the ROW.**
 - (3) Prior to issuance of a certificate of occupancy the existing well located within the ROW and septic shall be properly abandoned and certification from the Oregon Water Resources and DEQ submitted to the City.**
- (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 the provisions of this section with the condition of approval that the applicant submit with an application for final plat, a signed and recorded Irrevocable Petition for public improvements approved by the City Attorney, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop (if necessary) adjacent to the property to City standards for local streets.

Alternative pedestrian routes are available on the east side of Dunham Loop and provide sufficient pedestrian connection between Dunham Ave and Terra Lane. Due to limited vehicle access, a minimal number of dwellings being served, and the limited development potential along Dunham Loop, improvements will not likely be necessary in the near future.

- (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 the provisions of this section. Currently, bicycle lanes are not required along local streets as shown in the City's adopted Transportation System Plan and Map 16.

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

No public streets are being created; therefore the provisions of this section are not applicable.

- (8) *Street lights.* *Street lights shall be installed in conformance with Veneta Municipal Chapter 15.15 and shall be served from and underground source of supply.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant submit with an application for final plat, a signed and recorded Irrevocable Petition for public improvements approved by the City Attorney, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham

Loop (if necessary) adjacent to the property to City standards for local streets including street lighting.

- (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 the provisions of this section with the condition of approval that prior to construction, the applicant or developer of the parcels shall coordinate the installation of underground utilities with all utility companies and other affected persons or corporations.

VENETA LAND DEVELOPMENT ORDINANCE NO. 461

ARTICLE 4- USE ZONES

SECTION 4.03 General Residential Zone (GR)

- (1) *Purpose.* To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses, planned developments and limited multiple family use under controlled conditions on lots incapable of division to city standards.

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

- (4) *Lot size and Width.*

- (a) *For any housing type, the maximum density allowed per legal lot is one dwelling per 6,000 square feet (5,400 in the downtown area on the Comprehensive Plan map), two (2) dwellings per 7,500 square feet, plus 2,000 square feet for each additional dwelling unit.*

The proposal is consistent with the provisions of this section. Parcel 1 has a proposed size of 18,082 square feet including the identified greenway and Parcel 2 has a total area of approximately 23,488 square feet with approximately 14,900 square feet of buildable area. Parcel 3 has a proposed size of 171,350 sq ft including the panhandle and approximately 165,550 excluding the panhandle.

- (c) *The average minimum lot width shall be 60 feet, except in the downtown area where it shall be 50 feet.*

The proposal is consistent with the provisions of this zoning district. The smallest property line, excluding the panhandles within this development will be approximately 65 feet, exceeding the minimum.

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

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

The proposal is consistent with the provisions of this section. The larger parcel area protects drainageways, allows necessary easements, allows for required right-of-way and protects floodplain hazard areas. The proposed partition has identified drainages and wetlands and is within the 100-year floodplain. Parcel 1 has an existing home that meets are required setbacks, including setbacks from the greenway. Parcel 2 has greenway along the western boundary of the property line, but still has approximately 14,900 square feet of buildable area. Parcel 3 has wetlands and greenways and is located within the 100-year floodplain, but has sufficient area for multiple dwellings.

SECTION 4.11 GREENWAY – OPEN SPACE SUBZONE (/GW)

In the GW subzone, the following regulations shall apply in addition to those of the basic zone. If the requirements of the subzone are stricter than the basic zone, the requirements of the subzone shall apply:

- (2) *Boundaries.*

- (b) *Upon receiving a new wetland delineation and concurrence from the Division of State Lands (DSL), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.*

The proposal is consistent with the provisions of this section. Upon receiving an approved concurrence from the Division of State Lands (DSL), the GW

boundary will be located within 50 linear feet from the edge of the delineated wetlands.

- (3) *Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.11(6) of this ordinance.*

(b) *Stormwater facilities.*

1. *All stormwater facilities constructed in the Greenway must be designed according to City standards and shall be designed to enhance the water quality, habitat, and aesthetic values of the Greenway as determined by the City.*

The proposal is consistent with the provisions of this section with the condition of approval that that prior to construction the applicant submit a revised stormwater management plan approved by the City Engineer that includes a landscaping plan for each swale and identifies how the proposed grassy swales will enhance the water quality, and aesthetic values of the Greenway.

2. *Stormwater detention and pre-treatment facilities excluding piping and outfall structures may be located no closer than 15 ft from any significant wetland unless the facility will enhance wetland values as defined in VMC 18.10 as determined by the City.*

The proposal is consistent with the provisions of this section with the condition of approval that the prior to construction the applicant submit a revised stormwater management plan that relocates the 80' long grassy swale in the northeast corner of the parcel to be no closer than 15 ft from the identified wetland.

- (j) *For lots with residential development existing prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:*

1. *The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.*

There are no existing structures located within the Greenway; therefore no new residential development may be constructed within the Greenway unless otherwise authorized by an approved variance in

accordance with Article 10 of the Veneta Land Development Ordinance.

2. *No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the applicant submit a revised stormwater management plan that relocates the 80' long grassy swale in the northeast corner of the parcel to be no closer than 15 ft from the identified wetland. Any other grassy swales within the Greenway shall not be any closer than 15 feet of significant wetlands.

(6) *Application and Construction Standards*

No ground disturbing activities shall take place in the greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities,

- (a) *The applicant shall submit a revegetation plan containing the following information:*
 1. *A description of adverse impacts that will be caused as a result of development.*
 2. *An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.*
 3. *A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.*
 4. *An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the applicant submit a revegetation plan for the proposed grassy swales including:

1. **An explanation of what type of vegetation will be placed in areas of cuts and fills and the degree necessary to control erosion.**

2. **A list of all parties responsible for the revegetation work on the development site.**
3. **A schedule, including timelines for construction, revegetation, monitoring, and reporting.**

(b) *Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the approved construction area and areas to remain undisturbed will be flagged, fenced or otherwise clearly marked in accordance with the approved erosion prevention notes and details. All flagging, fencing or other markers shall be maintained until the construction of the wetland and drainage is complete.

(c) *To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant submit with an application for final plat, a signed development agreement stating that no greenway area outside the approved drainage swale areas shall be disturbed and that all provisions of the Greenway Subzone (Veneta Land Development Ordinance, Section 4.11) shall be complied with.

(d) *Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by the City, and the vegetation shall be established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare area during revegetation.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the applicant will provide a revegetation plan for the areas where the grassy swales will be constructed within the Greenway.

(7) *Enforcement. No prohibited use, construction activity including grading and/or excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway –Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscaping architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall include provisions for monitoring and reporting on a yearly basis until such time the full*

restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Section 2.10 of this ordinance.

The proposal is consistent with the provisions of this section with the condition of approval that the applicant submit with an application for final plat, a signed development agreement stating that any unauthorized disturbance(s) within the Greenway – Open Space overlay zone shall be revegetated, monitored and reported in accordance with a plan developed by a qualified biologist, landscape architect, or engineer and submitted to the City as an amendment to the approved site plan and receive City approval.

SECTION 4.12 FLOOD PLAIN SUBZONE (/FP)

- (1) *Purpose. The purpose of the Flood Plain Subzone is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas through provisions designed to:*
- (a) *Protect human life and health;*
 - (b) *Minimize the expenditure of public money on costly flood control projects;*
 - (c) *Minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;*
 - (d) *Minimize prolonged business interruptions;*
 - (e) *Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;*
 - (f) *Ensure that potential buyers are aware, if property is within an area of special flood hazard; and*
 - (g) *Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.*

The Flood Plain Subzone shall be applied in any zone hereinafter set forth where the area is subject to inundation by flooding or surface water. The area subject to flooding shall be shown on the Lane County, Oregon and Incorporated Areas Flood Insurance Rate Map, which designate regulated floodways and areas subject to a 1% or 100-year flood.

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat approval, the floodplain boundary line, consistent with FIRM panels and certified by a qualified engineer, is identified on the final

plat. Prior to issuance of a building permit for construction on parcel 2 & 3, the applicant shall identify the floodplain boundary line in accordance with the final plat on the plot plan. A floodplain review that includes the base flood elevation shall be submitted for each proposed development that is within the identified floodplain boundary.

(2) *Methods. In order to accomplish such purposes, this subzone includes methods and provisions for:*

- (a) *Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;*
- (b) *Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- (c) *Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;*
- (d) *Controlling filling, grading, dredging, and other development which may increase flood damage;*
- (e) *Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;*
- (f) *Establishing requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water;*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant submit with the application for final plat, a signed development agreement stating that an application for a floodplain review in accordance with the Veneta Land Development & Land Division Ordinances, Veneta Municipal Code and State and Federal regulations including but not limited development or substantial improvements within the floodplain boundary as identified on the final plat.

(8) *Encroachments.*

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

The proposal is consistent with the provisions of this section with the condition of approval that the applicant submit with an application for final plat, a signed development agreement stating that prior to construction in the identified

floodplain, the applicant provide evidence from a qualified engineer that any proposed development, substantial improvements or fill within the identified floodplain will not increase the water surface elevation of the base flood more than one foot at any point.

ARTICLE 5- SUPPLEMENTARY PROVISIONS

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 the provisions of Section 5.03 (1) & (2) above with the condition that the applicant submit with an application for final plat, a signed development agreement stating that a 15 ft clear vision area shall be maintained on parcel 3 at the intersection of Dunham Ave and the shared driveway and a description of the clear vision area shall be included in the development agreement to inform future owners of the restrictions in accordance with the Veneta Land Division Ordinance Section 5.06 (1).

SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

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

The proposal is consistent with the provisions of this section. The proposal has a shadow plat showing possible future land divisions for parcel 3.

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 the provisions of this section with the condition of approval that prior to the issuance of building permits, all parcels shall be landscaped as required by Veneta Land Development Ordinance No. 461, Section 5.12. No trees are proposed to be removed nor shall any be removed from parcels without an approved permit in accordance with VMC 8.10.

- (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 the provisions of this section with the condition that the applicant submit with the application for final plat, a signed development agreement that identifies the landscaping provisions of this section.

SECTION 5.14 IMPROVEMENT REQUIREMENTS

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

The proposal is consistent with the provisions of this section. All parcels will be served by City water and sanitary sewers.

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

The proposal is consistent with the provisions of this section with the condition approval that the applicant submit with an application for final plat, a recorded copy of an irrevocable petition approved by the City Attorney ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop (if necessary) adjacent to the property to City standards for local streets.

- (3) Specifications for Improvements. All improvements shall comply with the Public Improvement Specifications of Veneta Ordinances in addition to the standard of this ordinance. If the City does not have adopted standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval by the City Engineer.

The proposal is consistent with the provisions of this section. All of the provisions of the Land Division Ordinance and Land Development Ordinance have been met or can be met with conditions of approval.

- (4) Improvements within a Public Right-of-Way. A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction, the applicant shall obtain construction permits for any required improvements constructed within a public right-of-way. Construction permits shall be reviewed and signed off by the City Engineer.

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

The proposed partition does not require any additional right-of-way acquisition to expand Dunham Loop. The provisions of this section are not applicable.

- (6) *Utility and Drainage Easements.* Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction, the applicant provides a fourteen (14) foot public utility easement for the future expansion of a public sewer line that follows the centerline of Dunham Avenue through Parcel 1 and Parcel 3 to the western boundary line of the proposed land division. The applicant shall also provide a ten (10) foot public utility easement across the western side of Dunham Loop for each proposed parcel. In addition, a joint access and maintenance easement covering the storm water facilities, utilities and driveway shall be provided with the application for final plat.

- (7) *Waiver.* The City Administrator may waive improvement requirements for construction of sidewalk improvements when a paved street with curbs and gutters is not adjacent to the proposed development. If this requirement is waived, the developer may be required to deposit with the City the cash to cover the cost of improvements based on an estimate approved by the City Engineer or sign an Irrevocable Petition for the future installation of sidewalks.

The partition is consistent with the provisions of this section with the condition of approval that the applicant submit with an application for final plat, a signed and recorded Irrevocable Petition approved by the City Attorney ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop (if necessary) adjacent to the property to City standards for local streets.

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 is consistent with this provision. Both Dunham Loop and Dunham Ave are local streets and have the same function classification.

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

The proposal is consistent with the provisions of this section with the condition of approval that the development agreement states that Parcel 1 & 2 will share a private access, limiting the number of driveways on Dunham Loop. A reserve strip shall be required on the eastern boundary line of Parcel 1, to prohibit an additional access directly to Dunham Loop.

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

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

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

1. Tentative plat for a subdivision or partition;

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

The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat approval, the applicant pay cash in lieu of park dedication for 2 additional units prior to final plat approval. The total park dedication required is equal to .05 acres. A signed and recorded development agreement approved by the City shall state:

(1) If parcel 3 be developed with more than 1 unit, the required parkland dedication would increase based on the required dedication calculation for each additional unit.

(5) CASH IN LIEU OF 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.

The applicant shall pay cash in lieu of dedication, a binding financial instrument in an amount to be calculated as required by Section 5.26(2). This amount is derived from the total acres of parkland dedication required multiplied by the cost per acre (\$77,700 per acre) and shall be \$3,885.00.

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. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

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

**James Eagle Eye, Chairperson
Veneta Planning Commission**

Date