

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

**CARSON'S TURN SUBDIVISION (S-2-07) and
ASSOCIATED TREE REMOVAL PERMIT**

A. The Planning Commission finds the following:

1. The applicant has submitted information for a tentative plan application required by Section 4.01 of the Veneta Land Division Ordinance No. 462.
2. The Veneta Planning Commission met on July 2, 2007 to review and discuss the tentative plan for assessors map 17-05-31-23 Taxlot 1900 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 Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in Section 4.02 of Veneta's Land Division Ordinance No. 462 and Section 8.10 of the Veneta Municipal Code.

B. The Veneta Planning Commission approves the Carson's Turn subdivision tentative plan (S-7-06) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

- 1) The applicant shall submit a revised plan which includes:
 - a) A continuous 10 ft PUE around the cul-de-sac
 - b) Dedication of an additional easement not to exceed 6 feet for the water lines on the west side of the property as determined by the Public Works Superintendent and the City Engineer.
- 2) In order to ensure the viability of preserved trees
 - a) No ground disturbing activities shall occur within 15ft of the trunks of trees to be preserved.
 - b) Tree protection zones shall be fenced and fencing shall be in place prior to construction on the site.
 - c) No construction or tree removal shall occur until improvement plans have been approved, tree protection zones have been inspected by the City, and notice to proceed has been issued.
- 3) Coordinate central mail box location with Veneta Post Master
- 4) If necessary, the applicant shall obtain building permits prior to demolition of structures

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- 5) Install tree protection fencing for all trees to be preserved. Fencing shall be placed at the dripline of the tree, or as otherwise approved by the City to accommodate proposed improvements, and shall remain in place throughout the construction process. Fencing shall be inspected by the City prior to construction and shall not be moved without City approval
- 6) Obtain approval for public improvement plans to include the items listed below.
 - a) STREET and ACCESS plans which include:
 - i) Curbs painted yellow 10 ft to each side of all hydrants to indicate “No Parking”
 - ii) Curbs at cul-de-sac bulbs and other “No Parking” areas painted yellow and signed accordingly
 - iii) A 1 ft access reserve strip along the entire southern frontage of lots 1 and 9. Lots 1 and 9 shall take access solely from Carson’s Turn Court
 - b) SANITARY SEWER improvement plans which include the following:
 - i) Size and location of all sanitary sewer lines
 - ii) If the existing house is to be connected to the new sewer main, the old connection shall be abandoned at the main to reduce the possibility of backflow.
 - c) WATER improvement plans which include the following:
 - i) Size and location of all water lines
 - ii) Water main extended to the northern property line and served by an approved blow off
 - iii) Fire hydrants located at the back of the sidewalk 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.
 - 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.

- 7) After approval of engineered plans for streets, sewer, water, storm drainage systems, and utilities the applicant shall post a performance bond, in favor of the City, to assure that the subdivision improvements are completed. The bond shall be between the property owner and the City. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and services, streets, which includes curbs, gutters and drainage, sidewalks, and all other public improvements and utilities. The cost of public improvements shall be based on an estimate prepared and/or approved by the City Engineer. Performance bond shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.
- 8) 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) Demolition permit for removal of existing structures on the property

PRIOR TO FINAL PLAT APPROVAL

- 9) The existing driveway shall be removed. The applicant shall relocate the driveway for the existing home to Carson's Turn Court Ct.. The relocated driveway shall have direct access to a carport or garage.
- 10) The applicant shall make a deposit with the City to cover the cost of future improvements to the north side of East Hunter Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. 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.
- 11) The applicant shall sign an Irrevocable Agreement for Installation of Public Improvements, held equally against all lots, to pay for any increase in the cost of improvements necessary to upgrade East Hunter Road along the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, over and above the deposit paid at the time of development.
- 12) Submit an Irrevocable Development Agreement stating that:
 - a) A triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas 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) That all lots shall meet the landscaping requirements of Veneta Land Development Ordinance Section 5.12(4) prior to occupancy including planting of at least 1 tree of at

least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. Trees shall be a minimum of 2 inch caliper.

- c) Trees identified for preservation during the tree permitting process shall not be removed without City approval.
 - d) Lots 1 and 9 shall take access from Carson's Turn Court Ct..
 - e) Fencing between lots 1-5 shall have removable sections or gates placed over the 14 ft PUE on the west side
- 13) The applicant shall pay cash in lieu of park dedication for 8 additional lots as required by Section 5.26 of the Veneta Land Development Ordinance 461.
- 14) 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) Dedication of an additional 10 ft of Right-of-way for Hunter Road as shown on the tentative plan.
 - b) Include plat notes as follows:
 - i) A triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas 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
- 15) The applicant shall install all required public improvements and 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.
- 16) 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.
- 17) The applicant shall provide the City with a one (1) year subdivision warranty bond for public improvements installed and approved by the City. The bond shall be in favor of the City and shall be between the developer and the City.

- 18) The applicant shall pay all outstanding engineering and application processing fees.
- 19) If any wells exist on the property, the applicant shall provide proof of inspection certifying that the well meets current standards of the Oregon Department of Water Resources, or provide proof that the well has been properly capped and abandoned.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 20) Provide the City with a recorded copy of the Final Plat
- 21) The applicant shall provide the City with recorded copies of all deeds, easements, development agreements, and Irrevocable Petitions for Public Improvements required as conditions of approval.

PRIOR TO OCCUPANCY

- 22) All lots shall meet the landscaping requirements of Veneta Land Development Ordinance Section 5.12(4) prior to occupancy including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. Trees shall be a minimum of 2 inch caliper.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Carson’s Turn Court subdivision tentative plan (S-2-07) and accompanying tree removal permit based on the information in the staff report and the following findings of fact:

C. APPLICABLE CRITERIA Ordinance language is in italics. Findings are in bold.

SECTION 4.03 TENTATIVE PLAN REVIEW CRITERIA

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.

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.

VENETA LAND DIVISION ORDINANCE 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:

(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.

The proposed street will have a 50ft ROW with a 32 ft paved width. This is consistent with past City decisions and has been deemed adequate for a local street.

(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 this requirement with the condition that the applicant dedicate a 1 ft access reserve strip along the entire southern frontage of lots 1 and 9.

(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.*

The proposal is consistent with this requirement. The proposed intersection is more than 200 feet from Ruby Jean to the West and 90 ft from Pine Street. Alignment of Carson's Turn Court with Pine street would result in a series of panhandle lots. Carson's Turn Court cannot be extended to the north because of the adjacent City park, therefore, the

limited amount of traffic generated on this street is unlikely to create traffic problems.

- (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.*

The proposal is consistent with this requirement. No future development is likely to occur to the north on the City parkland. Land to the west has access to Hunter Road.

- (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 proposal is consistent with this requirement. The property has frontage only on Hunter Road.

- (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 is consistent with this requirement. The intersection is a right angle.

- (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 this requirement because the applicant has proposed dedication of 10 ft for the widening of Hunter Road.

- (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.*

This requirement does not apply. No half-streets are proposed.

- (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.*

The proposal is consistent with this requirement. The proposed cul-de-sac has a circular turn-around

- (12) *Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission and Lane County.*

The proposal is consistent with this requirement street names are subject to approval by Lane County.

- (13) *Grades and curves. Grades shall not exceed six (6) percent on arterial, ten (10) per cent on collector streets or fifteen per cent on other streets. Center line radii of curves shall not be less than 300 feet on major arterial, 200 feet on secondary arterial or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.3 per cent.*

The proposal is consistent with this requirement. Street grades conform to the specified standards.

- (14) *Streets adjacent to railroad rights-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

The proposal is consistent with this requirement. No railroad ROW is located on or near the subject property.

- (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 is consistent with this requirement. None of the above conditions exist.

- (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.*

This provision is not applicable. The subject property is zoned for residential use.

- (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 standard with the condition of approval that the applicant dedicates an additional 10 ft of right-of-way for Hunter Road as proposed. Hunter Road is currently 40 ft in width, requiring an additional 10 ft on both sides to meet the above standard.

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.*

Veneta Land Development Ordinance Section 4.03(4):

- (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 this standard because the average minimum lot width of all lots is at least 60 feet.

- (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 because the depth of each lot is less than 2 ½ times the width.

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

Veneta Land Development Ordinance No. 417, Article 4 Use Zones, Section 4.02 Single Family Residential (SFR)

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

- (a) *The minimum lot area 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 provision. All lots exceed the 6000 sq ft minimum.

- (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 requirement because all lots have at least 50 ft of frontage on Carson's Turn Court.

- (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.*

A through lot is defined as having frontage on two streets that are roughly parallel. No through lots or parcels are proposed.

- (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 requirement because the lot lines run at right angles or parallel to all streets to the greatest degree possible.

Article 7-IMPROVEMENT REQUIREMENTS

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.
- (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.

Hunter Road is not improved to City standards at this time. Because of the potential for future development along this collector, it is impractical to require the upgrades to the subject parcel's frontage at this time. Rather than requiring that the applicant improve the frontage on Hunter as part of this subdivision as would normally be the case, the Planning Commission finds that it is in the best interest of the City to require the following conditions of approval to ensure that the development is ultimately consistent with the above provisions:

- i. The applicant shall make a deposit with the City to cover the cost of future improvements to the north side of East Hunter Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. 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.

- ii. **The applicant shall sign an Irrevocable Agreement for Installation of Public Improvements, held equally against all lots, to pay for any increase in the cost of improvements necessary to upgrade East Hunter Road along the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, over and above the deposit paid at the time of development.**

- (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 condition of approval that the applicant submit an Irrevocable Development Agreement to install all necessary improvements to Hunter Road when the City deems it necessary. The cost is to be shared equally among all lots.

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.*

A triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas 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.

Veneta Land Development Ordinance No. 417

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 with the condition of approval that lots 1 and 9 take access from Carson’s Turn Court, not Hunter Road. Prior to final plat the applicant shall remove the existing driveway and relocate this access to Carson’s Turn Court. The relocated driveway shall have direct access to a garage or carport.

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

This standard is not applicable.

SANITARY SEWER, WATER, AND OTHER PUBLIC UTILITIES

- (2) *Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.*

Article 6-DESIGN STANDARDS

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 this standard because the length, width, and shape of blocks have already been largely determined by the surrounding developments and large areas of public land.

(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 criterion with the conditions that the applicant provide a revised plan showing a continuous 10 ft PUE around the cul-de-sac, and provide an additional 6 ft to create a 20' wide easement over the existing water lines.

- (c) Pedestrian and bicycle ways. When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.

The proposal is consistent with this requirement. The applicant has provided a 10ft section of ROW on the north end of the cul-de-sac to allow for pedestrian access to the park.

Article 7-IMPROVEMENT REQUIREMENTS

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.

- (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 this provision because the subdivision will be connected to the existing City sewer system in Hunter Road.

- (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 proposal is consistent with this provision with the condition that the applicant provide water plans that include

- i) Size and location of all water lines**
- ii) Water main extended to the northern property line and served by an approved blow off**
- iii) Fire hydrants located at the back of the sidewalk within the ROW**

- (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 requirement with the condition of approval that the developer must coordinate the installation of underground utilities with all utility companies and other affected persons or corporations.

Land Development Ordinance No. 417

Section 5.14 IMPROVEMENT REQUIREMENTS

All applicants for land development shall comply with all public improvement requirements specified in Article 7 of the Veneta Land Division Ordinance and shall install improvements in accordance with specifications approved by the City Engineer.

- (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. Developments in the RR zone and H.C. zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.*

The proposal is consistent with this provision because all lots will be served by City water and sanitary sewers.

- (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 this criterion with the conditions that the applicant provide a revised plan showing a continuous 10 ft PUE around the cul-de-sac, and provide an additional 6 ft to create a 20' wide easement over the existing water lines.

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).*

Article 7 – IMPROVEMENT REQUIREMENTS

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 provision with the conditions of approval that the applicant submit drainage plans for approval by the City to include the following:

- iv) The size and location of all proposed stormwater facilities**
- v) 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.**

Article 5 – SUPPLEMENTARY PROVISIONS

Section 5.14 IMPROVEMENT REQUIREMENTS

All applicants for land development shall comply with all public improvement requirements specified in Article 7 of the Veneta Land Division Ordinance and shall install improvements in accordance with specifications approved by the City Engineer.

- (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 this criterion with the conditions that the applicant provide a revised plan showing a continuous 10 ft PUE around the cul-de-sac, and provide an additional 6 ft to create a 20' wide easement over the existing water lines.

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 for 8 additional lots prior to final plat approval.

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 proposal meets this requirement with the condition of approval that the applicant pay cash in lieu of park dedication prior to final plat approval. The City's Parks and Recreation Master Plan does not indicate

the need for another park in this area. The immediate area is already directly adjacent to City Park.

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).

The proposal is consistent with this requirement with the conditions of approval related to stormwater as stated above and the tree removal criteria listed below. There are no wetlands or significant vegetation on the site which require special consideration.

Veneta Municipal Code (VMC) Chapter 8.10 Tree Cutting, Destruction and Removal

8.10.030 Tree removal prohibited.

- (1) Except as provided in VMC 18.10.060, 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 18.10.030, 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 these criteria. The applicant has applied for a tree removal permit and the permit is granted with approved of these Final Orders.

8.10.080 Tree removal standards.

- (1) The city administrator, in consultation with the city engineer and the fire chief, shall approve, approve with conditions or deny the permit, as provided in VMC 8.10.090. However, the city administrator may, at his or her discretion, refer the permit to the city planning commission.*

Based on past City procedures tree removal permits submitted concurrent with development applications requiring Planning Commission review are subject to approval by the Commission. Approval shall be based on compliance with the criteria of VMC 8.10 as stated below.

- (2) The city's consideration of the permit shall be based on the following standards:*

(2)(a) *The conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety.*

The applicant has stated that the trees are healthy. Staff inspected the trees and found the largest tree, a 36 inch pine to be in a state of decline. Staff recommends removal of this tree due to its size and proximity to proposed development. For the other trees, health is not considered a reason for removal.

(2)(b) *The impact the trees' removal has on the environmental quality of the area, including but not limited to, the protection of nearby trees and windbreaks; air quality, fish and wildlife; erosion, soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.*

There is no evidence that the proposed tree removal will have any significant adverse impacts on the environmental quality of the area. Given the number trees being removed, it is unlikely that there will be substantial negative impacts.

Protection of nearby trees and windbreaks:

No concerns have been raised regarding this issue. The trees being removed are not part of or adjacent to any stands of trees which may be susceptible to increased windthrow because of the proposed removal.

Air quality:

There will be no appreciable effect on the air quality of the area due to the proposed tree removal.

Impacts on fish and wildlife

There are no fish bearing streams in close proximity to the site. There is no information available indicating that there is or may be threatened or endangered species on the site. Impacts on fish and wildlife will be minimal.

Soil Retention and Stability

The site is essentially flat. Slope stability is not an issue.

Volume of surface runoff and water quality of streams:

The proposed tree removal will have no significant impact on surface runoff in terms of either quantity or quality. There are no streams within or directly adjacent to the tree removal area. Volume of surface runoff

will be accounted for in the stormwater management plans which provide some treatment benefits.

Scenic Quality

There is no evidence in any adopted City planning document which indicates that the trees in question have any significant scenic value.

- (2)(c) *Whether it is necessary to remove trees in order to construct proposed improvements or to otherwise utilize the applicant's property in a reasonable manner.*

The proposal is consistent with this criterion. It is necessary to remove the trees as indicated on the plan in order to construct the proposed utility and access improvements and to provide buildable areas for home sites.

- (2)(d) *In the event that no Plot Plan has been approved by the City, removal of trees shall be permitted on a limited basis consistent with the following criteria:*

The subdivision plan represents the plot plan , therefore, no plot plan has been approved and the following criteria are applicable.

- (i) *Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion.*
The proposal is consistent with this criterion. No defined waterways exist on the property. No riparian habitat currently exists.
- (ii) *Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained.*
The proposal is consistent with this criterion . The trees are thinly scattered and do not constitute “wooded areas”.
- (iii) *Wooded areas along ridge lines and hilltops shall be retained for scenic and wildlife value.*
The subject property is not on a ridge or hill.
- (iv) *Wooded areas shall be retained to serve as buffers along property lines, streets, roadways, railroad right-of-ways and other thoroughfares.*
No trees are proposed for removal within close proximity to the property lines.
- (v) *Tress shall be retained in sufficient large areas and dense stands so as to ensure against windthrow.*

No concerns have been raised regarding this issue. The trees being removed are not part of or adjacent to any stands of trees which may be susceptible to increased windthrow because of the proposed removal.

- (vi) *Any proposed replanting of new trees or vegetation must be an adequate substitute for the trees removed.*

No replanting has been proposed. As a condition of approval, all lots shall be landscaped according to VLDO 5.12 with 1 tree and 4 shrubs per 1000 sq ft of yard prior to occupancy. This will yield approximately 3 trees per lot for a total of approximately 27 new trees replacing the 17 being removed.

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 this requirement. None of the proposed lots can be further divided without removing the existing home.

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 this criterion because adjoining land is already developed with single family residences to the west, the parcel to the north is a City park and the property to the east will take access from Hunter Road.

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).

Veneta Land Division Ordinance 461

Article 4 Use Zones, Section 4.02 Single Family Residential Zone (SFR 8000)

(1) Purpose

To provide areas suitable and desirable for primarily single-family use 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 this criterion because it meets the purpose of the land use designation identified in the Veneta Land Development Ordinance by providing suitable and desirable areas for nine single-family residential housing units.

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.*

This provision is fully implemented through VMC 8.10 as detailed above.

- (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 provision with the condition that the applicant sign a development agreement stating that prior to occupancy, all lots shall be landscaped as required by City Code including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. Trees shall be of a minimum 2 inch caliper.

- 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