

APPLICANT'S REQUEST FOR A TENTATIVE SUBDIVISION

I. GENERAL INFORMATION

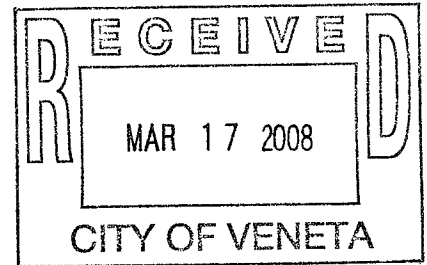
Owner/Applicant: Ben Bazer/ Gorilla Capital

Applicant's Representative: Karl Mueller,
Metro Planning
370 Q Street
Springfield, OR 97478
Tel: (541) 302-9830

**Assessor's Map
& Tax Lot Number(s):** 17-06-36-43-1212

Area of Request: 1.11 acres

Zoning: SFR 8



II. EXECUTIVE SUMMARY

A. Background

This application is for a tentative subdivision on Bolton Hill Road, located west of the intersection 8th Street and Bolton Hill Road in Veneta, Oregon. The subject property is within the Veneta urban growth boundary.

The purpose of this subdivision is to create five (5) parcels out of one (1) existing legal lot. Each proposed parcel will be for single-family residential uses. This written statement addresses the criteria for a tentative subdivision.

B. Approval Criteria

This application complies with all relevant approval criteria in the Land Development Ordinance and the Land Division Ordinance, specifically Article 4. The City of Veneta expressly permits panhandle lots though no code provision is specific to panhandle type lots. SECTION 5.02 of LDO 461 provides that while generally lots must have at least 50 feet of frontage exceptions may be made for approved panhandle lots. The applicant is seeking this exception subject to the approval of the Planning Commission.

The application meets the requirements of SECTION 6.04 of the LDO 462. This section provides the maximum depth to width ratio and also specifies that the lot area and dimensions must meet the requirements set forth for the applicable zoning district. The

applicant's proposed lot configuration meets the depth / width ratio requirement set forth in LDO 461 SECTION 4.02.

SECTION 4.01 of Ordinance 462 provides the requirements for materials and statements that must accompany a tentative plan. The applicant has submitted the required materials. SECTION 6.03 of the same ordinance has been adequately addressed by the applicant as has Section 7.09 of the same ordinance. The applicant has engineered a stormwater detention plan that will limit outfall to historic rates.

The applicant has also complied with all requirements of LDO 461 including the parkland dedication requirements. The remaining requirements involve improvements and general "housekeeping requirements." The applicant has adequately addressed all relevant criteria.

C. Conclusion

The proposed subdivision has been carefully designed to meet the requirements of the Veneta Code. The applicant has addressed all relevant approval criteria in this written statement. The proposal is for infill development and will result in the efficient utilization of land within Veneta's Urban Growth Boundary.

Currently, the lot is undeveloped. The applicant's proposal will result in infill development in an area already characterized by single family housing. This will help meet the demand for additional single family residences in Veneta by putting this parcel to its highest and best use.

For the reasons set forth herein, the applicant urges approval of this tentative subdivision.

II. APPLICATION REQUIREMENTS AND DECISION CRITERIA

It is the applicant's intention to subdivide this property utilizing a "panhandle" configuration. There is no ordinance specific to panhandle partitions in the Veneta Code; however, panhandle portions are contemplated and specifically allowed by the Code when approved by the Planning Commission.

Veneta Land Development Ordinance 461 Section 5.02 provides that:

SECTION 5.02 ACCESS

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

This section specifically allows exceptions to the minimum frontage requirements provided the Planning Commission approves panhandle lots. The applicant proposes four panhandle lots as part of this subdivision. The subdivision will also include one lot (the front lot) that meets the minimum frontage requirement by virtue of its frontage on 8th Street. The interior lots will have a 6.25' (foot) panhandle extending from 8th Street to the parcel. The total width of the panhandles combined is proposed as 25' (feet). Also encumbering the parcel will be a joint access and maintenance easement.

The applicant also points out that while the panhandles are narrow, the access will function exactly as it would if the panhandles were wider. The manner in which the applicant will provide access with a 25' panhandle and a 25' access easement will be visually and functionally indistinguishable from a more typical panhandle scenario. The access will be adequate in both in form and function. The applicant also notes that approval of this access is within the authority of the Planning Commission and that the Planning Commission may approve modifications to the frontage requirement for panhandle lots or where an easement is provided for access. The applicant respectfully submits that in these circumstances, it is appropriate to approve a modification to the frontage requirement.

The applicant also respectfully asserts that there is no other feasible alternative for dividing the property given the current configuration of the parcel. The parcel immediately to the east of the subject property has already been divided. The property to the south of the subject property is owned by Hayden Homes, who expressed no interest in utilizing the subject property as part of their subdivision. The property to the west of the subject property is not in contiguous ownership and thus cannot be made of a part of a larger subdivision. In short, the proposal is the only feasible option for dividing the subject property allowing for infill development consistent with the applicable zoning district.

Veneta Land Division Ordinance 462 provides:

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 shall comply with the following standards:
 - (a) Width. Each lot or parcel shall have an average width between the lot side lines as specified in the Land Development Ordinance.

The applicant's proposed layout shall have an average width as specified in the Land Development Ordinance for SFR-8 zone. The average minimum lot width shall be greater than 60' (feet).

The proposed average lot widths exceed this standard

- (b) Depth. Each lot or parcel shall have an average depth between the front lot line and lot or parcel rear line of not less than 80 feet and not more than 2 ½ times the average width between the side lines. Exceptions are allowed for lots designed for single family detached dwellings and for lots that are currently non-conforming and will be brought closer to conformity. The lot depth and width ratio shall not apply to the portion of a panhandle lot that provides access.

The layout proposed by the applicant meets this approval criterion. Each proposed lot has a depth of not less than eighty (80) feet between the front lot line and rear lot line.

The subject parcel is located in the SFR 8 Zone. The Veneta Land Development Ordinance 461 provides the following standards for the applicable zoning district:

SECTION 4.02 SINGLE FAMILY RESIDENTIAL ZONE

- (4) Lot Size and Width. Except as provided in Articles 5, 6, and 8, the minimum lot size and width shall be as follows:
 - (a) The minimum lot area shall be . . . 8,000 square feet . . . and the average Minimum lot width shall be 60 feet.

As shown on the attached drawing, each of the proposed lots is in excess of the minimum required area.

The requirement that each lot have a minimum width of 60' (feet) has been addressed above. The proposal meets this criterion.

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. . . .

The applicant and/ or his successors shall connect to the existing water and sewer mains for the provision of water and sanitary sewer. These connections shall be in accordance with specifications approved by the City Engineer. The Bolton Hill improvement plans show plans to stub utilities to the subject property though their exact location has yet to be determined.

- (2) Agreements 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 of 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.

Before approval of a building permit, the applicant or his assigns shall install any improvements required by the City consistent with this subsection.

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

There are no improvements contemplated as part of this application for which the City does not have adopted design standards.

- (4) Improvements within a Public Right-of-Way. A construction permit shall be required for all improvements required 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 applicant or his assigns shall comply with this requirement.

- (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 required whenever the existing street width adjacent to or within a development is of inadequate width.

The planned right of way width for Bolton Hill Road has already been dedicated. The Veneta Code provides that Bolton Hill Road shall be 70 feet wide. As part of the Bowling Green Subdivision an additional 5' (feet) was dedicated meeting the full half width for Bolton Hill Road. The County has planned improvements for Bolton Hill Road in the vicinity of the subject property and the applicant has designed his subdivision to accommodate these improvements.

- (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 applicant or his successors or assigns will execute the required easement agreement(s) wherever necessary and comply with all other requirements of this ordinance. All improvements proposed are private.

- (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 recover 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 applicant respectfully requests the City waive this requirement as no city streets with curbs and gutters are adjacent to the proposed development. Because the subject property is located adjacent to a county right of way, the applicant requests waiver of the deposit and instead suggests that an irrevocable petition is sufficient to ensure the applicant provides his pro-rata share of the improvement costs.

SECTION 5.20 OFF-STREET PARKING REQUIREMENTS

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

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

The proposed driveway shall comply with these standards.

- (b) Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.

No such parking areas are proposed as part of this application.

- (c) Off-street parking areas shall not be located in a required front yard, except that driveways may be used for off-street parking.

The applicant's development plans shall comply with this ordinance.

- (11) Space requirements for off-street parking shall be listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building primary to the use

USE

SPACE REQUIREMENT

- (a) One- and two-family dwellings Two (2) spaces per dwelling unit

The applicant or his successors or assigns will comply with this requirement.

SECTION 6.01 SITE PLAN REVIEW PURPOSE AND APPLICABILITY

The purpose of the site plan review procedures is to correlate the general ordinance requirements with specific site conditions and proposed uses and changes of use through a comprehensive review process to assure that developments are in conformance with the applicable land use regulations of the Land Development Ordinance.

The Planning Commission and Building and Planning Official may request either a full or partial Site Plan Review for any development not specifically required by this ordinance if the specific site or proposed new use or proposed change in use possesses any one of the following characteristics:

- (1) Site is traversed by a natural drainage way or has demonstrated drainage limitations as shown on the utility plans required in Section 6.03 of this ordinance. Demonstrated drainage limitations are site or development conditions that prevent the unrestricted flow from such areas draining through the site or that do not allow the extension of the system to serve such area as per the City's Drainage Master Plan, or that prevent stormwater from being directed to storm sewers in accordance with the Land Division and Land Development ordinances.

No such conditions exist on site requiring Site Plan Review. The applicant has proposed a system that will adequately address stormwater run-off from the proposed driveway and the contemplated (though not proposed) homes. The applicant has also designed the proposed stormwater system to accommodate the increase in run-off contemplated from Bolton Hill Road. Run-off from these sources will lead to a pipe that will release water from the site at predevelopment rates.

- (2) Site includes Open Space and/ or Greenway areas designated on the Veneta Zoning Map as a Greenway Subzone.

The site does not include any such areas.

- (3) Site is located in a Flood Hazard subzone.

The site is not located in a flood hazard subzone.

- (4) Site has slopes of or greater than fifteen percent (see Section 5.25 of this Ordinance)

The site is relatively flat and contains no steep slopes.

- (5) Site is located adjacent to Greenway subzone areas on the Veneta Zoning Map.

The site is not located next to the Greenway subzone.

- (6) Site is an undersized lot.

The site is not an undersized lot.

- (7) Site includes significant wetland resources, or is located within 50 feet of a wetland resource identified as locally significant in the Veneta Local Wetlands Inventory.

The site does not contain any wetlands nor is the site located within 50 feet of any wetland resource. In any event, the development will preserve pre-existing run-off rates and will preserve any nearby wetlands resources.

For the reasons set forth above, the applicant respectfully submits that no site review process is necessary on the subject parcel.

Section 4.01 of the Veneta Land Division ordinance requires certain statements to accompany the tentative partition.

SECTION 4.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

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

- (1) Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than (one (1) inch equals 100 feet or multiples of ten (10) thereof.

The applicant has submitted the required tentative plan.

(2) General Information. The following general information must be presented as part of the application for a tentative subdivision:

- (a) Name of the subdivision that has been reserved by the County surveyor. All plats must continue the block numbers of the plat of the same name last filed.

The applicant has named the subdivision Madison Avenue.

- (b) Date, northpoint, scale of drawing.

The tentative plan shows the date, northpoint and scale of the drawing.

- (c) Appropriate identification clearly stating the plan is a tentative subdivision plan.

The applicant has supplied the required identification.

- (d) Location of the land division by section, township, and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.

The applicant has provided the location of the proposed land division by section, township and range sufficient to define the location and boundaries of the subject property. The applicant has also provided a legal description of the subject property.

- (e) Names and addresses of owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.

The applicant has provided the names of everyone with an interest in the property by providing a title report. The applicant has provided the names and addresses of all parties involved in the preparation of the application.

- (f) The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the subdivision.

The applicant has provided the approximate (0.5 acres) acreage of land under single ownership involved in partition.

- (g) Any other information as required to comply with all provisions of State Law Chapter ORS 92.

The applicant has provided all information necessary to comply with ORS 92.

(3) Information Concerning Existing Conditions. The following information is required to show the existing conditions of the proposed subdivision and the surrounding area:

- (a) A vicinity map clearly showing the relationship of the proposed land division to surrounding developments, streets, storm drainage, sewer, water, and utility services.

The applicant has provided a vicinity map and a site plan. These are sufficient to clearly show the relationship of the proposed development to surrounding streets, developments, storm drainage, sewer, water and utility services.

- (b) The location, widths and names of streets within or adjacent to the land division, together with easements, other rights of way and other important features such as section lines, corners, city boundary lines and monuments.

The applicant has provided the location widths and names of all streets adjacent to the land division as well as all easements and other important features.

- (c) Contour lines related to an established benchmark or other datum approved by the City Engineer and having contour intervals as follows:

The applicant's site plan shows contours as required by the Veneta Development Ordinance.

(4) Proposed Tentative Plan. All tentative subdivision plans shall include the following information:

- (a) Proposed improvements required in Articles 7 and 8 such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information to develop the property. These include:
 - 1. The location, width, name and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed land division, indicate approximate street grade and vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation Plan. The relationship of the proposed land division to future streets on adjacent land.

There are no public streets proposed as part of this tentative partition. Given the location of the subject property, it is unlikely that future streets are planned on adjacent land.

2. Proposed plan locations and size of water service facilities, including fire hydrants.

The applicant has provided the proposed plan location of water service facilities. No hydrants are planned or required as part of this application. The applicant has show the location of fire hydrants in the vicinity of the partition.

3. Connection points and size of sanitary sewer facilities.

The applicant's site plan shows the connection points and size of sanitary sewer facilities.

4. Street light locations, sizes and specifications.

The applicant has shown the locations, sizes and specifications of all existing and proposed street lights.

5. The location, width and purpose of proposed easements.

The applicant has shown the location, width and purpose of proposed easements.

6. The approximate width and location of all existing and proposed reserve strips.

No reserve strips are contemplated as part of this application.

- (b) The approximate dimensions and area in square feet of all proposed parcels.

The applicant has provided the approximate dimensions and area in square feet of all parcels proposed as part of this tentative partition.

- (c) Sites, if any, allocated for purposes other than single family dwellings.

No sites have been allocated for any purposes other than single family dwellings.

- (d) The location, approximate acreage and approximate dimensions of areas proposed for public use.

There are no areas proposed for public use as part of this tentative subdivision.

- (5) Statements to Accompany Tentative Plan. The tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters.

- (a) Adequacy of the source of water supply and compliance with the Water System Plan.

The water supply is adequate to serve the proposed partition and complies with the Water System Plan. As shown on the applicant's site plan, water service is available from the existing 6" (inch) pipe.

- (b) A statement detailing the stormwater runoff and drainage impact the new development will have on areas beyond the land division and compliance with the City's drainage Master Plan. The developer, City and impacted property owners shall work closely with each other so that adverse impacts of stormwater runoff (in terms of both quantity and quality) from the new development are alleviated or avoided and that all necessary storm and sewer and drainage facilities will be installed prior to or concurrent with the land division.

The applicant has provided a stormwater runoff system that is adequate to minimize any adverse impacts and complies with the City's drainage Master Plan. The stormwater system has been designed by licensed Civil Engineers, Olson and Morris. The proposal meets this criterion.

- (c) Proposed method of sanitary sewage disposal and compliance with the City's Wastewater Master Plan.

Public sanitary sewer exists in the area of the subdivision. The applicant proposes to connect to the existing sewer pipe. The applicant's proposal complies with the City's Wastewater Master Plan.

- (d) Protective covenants and deed restrictions to be recorded, if any.

The applicant will execute and record a joint access easement as part of the subdivision process. This will ensure that the interior lot have safe and usable ingress and egress. No persons shall be permitted to park in the joint access easement or to obstruct said easement in any fashion. The easement shall be maintained to the Fire District requirements for clear height and width.

- (e) The time the proposed improvements are to be made or installed.

The proposed improvements shall be made following final plat because the proposed improvements are all private.

SECTION 7.01 IMPROVEMENT PROCEDURES

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

- (1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of a tentative plan of a subdivision or partition.

To the extent necessary, all improvement plans have been provided as part of this subdivision application. Improvement work shall not begin until all plans have been approved by the City.

- (2) Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.

The applicant will comply with this requirement.

- (3) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

The applicant shall comply with this requirement.

- (4) Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

The applicant will comply with this requirement.

- (5) A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.

The applicant will comply with this requirement.

SECTION 7.02 SPECIFICATIONS FOR IMPROVEMENTS

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

All improvements installed by the applicant shall comply with Veneta Municipal Code 13.30 as well as the standards of this ordinance.

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 Comply with the construction permit requirements of Veneta Municipal Code Chapter 12.05.

- (1) Streets. Public Streets, including alleys, within the subdivision 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 reestablished and protected as provided in ORS Chapter 92.

No public streets are proposed as part of this subdivision. No public streets shall be located even partially in the subdivision. The applicant shall install catch basins connected to drainage tile leading to drainage ways.

- (2) Surface Drainage and Storm Water System. Drainage facilities shall be provided within the subdivision 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 applicant will provide drainage facilities that connect subdivision drainage to drainage ways outside the subdivision. As noted *supra*, the design of the drainage system has taken into account capacity and grade of the subdivision and areas outside the subdivision. The system has been designed with an oversized detention pipe that will limit outfall to historic rates and will not adversely affect areas outside of the subdivision.

- (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 the lots 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 applicant or his heirs and assigns will install sewer facilities adequate to serve the subdivision and connect these facilities to the City sewer system.

- (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 lines serving each building site connecting to existing mains shall be installed by the applicant. No fire hydrants are required as part of this subdivision.

- (5) Sidewalks. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except in the case of arterials, or special 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 acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along streets.

There are no public streets planned as part of this subdivision; hence, this criterion does not apply.

- (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 applicant has provided a public easement leading to wetlands and planned or existing bicycle paths.

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

There are no public streets planned as part of this subdivision, access to the interior lots is provided by a joint access easement.

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

Any street lights required by the City shall be installed in conformance with the Veneta Code and will be served by an underground source.

- (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.

All electrical, communication, cable and any other wires shall be placed underground.

ORDINANCE 461 SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(1) INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Veneta. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open Space, together with support facilities, also help meet the active and passive recreational needs of the population of Veneta. This Chapter implements Goals and Policies of Chapter III(H) of the Comprehensive Plan and the Parks Master Plan by outlining requirements for the dedication of parks and open space in the City of Veneta.

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned 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. Multi-family developments which provide some “congregate” services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from Parkland dedication requirements.

- (a) The required parkland shall be dedicated as a condition of approval of the following:
1. Tentative plat for a subdivision or partition;

The applicant is required to dedicate Parkland as part of this tentative subdivision.

- (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/units) x 0.0084 (per person parkland dedication factor)

1. Population Formula: The following formula shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

2.

Type of Unit	Total Persons Per Unit
Single Family Residential	3.0

3. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0084 of an acre per person based on the adopted standard of acres of land per one thousand of ultimate population according to the Veneta Parks, Recreation, and Open-Space Master Plan. This standard represents the Citywide land to population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

Using the formula provided *supra*, the applicant is required to provide .126 acres of parkland as part of this tentative subdivision ((5 x 3) x 0.0084). The applicant requests payment of a fee in lieu of dedication as permissible under this ordinance.

(5) CASH IN LIEU OF DEDICATION

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

(a) The following factors shall be used in the choice of whether to accept land or cash in lieu:

1. The topography, geology, access, parcel size, and location of land in the development available for dedication;
2. Potential adverse/beneficial effects on environmentally sensitive areas;

3. Compatibility with the Parks Master Plan , Public Facilities element of the Comprehensive Plan, and the City of Veneta Capital Improvements Program in effect at the time of dedication.
4. The City's current park and open space needs;
5. The feasibility of dedication.

The applicant respectfully requests that in its discretion the City accept payment in lieu of dedication of parkland. Using the formula required for the dedication of parkland, the applicant has arrived at a 0.126 acre dedication requirement. A physical dedication of such a small amount of land is of limited (if any utility) for the residents of Veneta. The City's Parks needs will be better served accepting payment in lieu of dedication; the City will be able to compile the necessary funds to provide meaningful and useful open space for its residents by accepting cash in lieu of dedication where the required dedication is too small to be of utility. Additionally, the area is already served by a park in the immediate vicinity. Finally, dedication of such a small portion of land is not feasible for the purpose of providing open space for the residents of Veneta.

- (b) Cash in lieu of 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 make payment in lieu of dedication prior to the final plat consistent with this ordinance.

Land Division Ordinance 462 provides:

SECTION 6.03 BLOCKS

(3) Easements.

- (a) Utility Lines. Easements for sewers, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least fourteen (14) feet wide and be 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.

All improvements will be private. The applicant will execute private access and utility easements. The applicant shall record and execute public utility easements where the City deems necessary.

- (b) Water Courses. If a tract is traversed by a water course, such as a drainage way, channel or stream there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as shall be adequate for the purpose in

accordance with the adopted drainage plan. Streets or parkways parallel to the major water courses may be required.

The applicant has provided a drainage plan that will allow runoff to continue to flow across the property at rates consistent with historic flow rates. The development will not interfere with the City of Veneta's drainage of the adjacent park onto the subject property. If deemed necessary, the applicant will execute a drainage easement as part of this development.

SECTION 7.09 STORMWATER FACILITIES

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

The developments stormwater system will be designed constructed in such a manner that the system's peak discharge during a 10-year storm event shall not exceed the peak storm discharge of the pre-development site. Please see the attached stormwater report.

III. CONCLUSION

For the reasons set forth *supra*, the applicant respectfully requests approval of this subdivision request.