

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

MADISON AVENUE SUBDIVISION (S-2-08)

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 7, 2008 to review and discuss the tentative plan for assessor's map 17-05-31-23 Tax Lot 2101, after providing proper notice of the limited land use action according to Section 2.06 of the Veneta Land Division Ordinance No. 462.
3. The Planning Commission followed the required procedure and standards for taking action on a tentative subdivision plan as set forth in Section 4.02 of Veneta's Land Division Ordinance No. 462.

B. The Veneta Planning Commission approves the Madison Avenue subdivision tentative plan (S-2-08) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

- 1) The applicant shall coordinate centralized mail box locations with Veneta Post Master
- 2) Tree removal shall not proceed until issuance of building permits for construction of the subdivision

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- 3) Obtain City approval for public/private improvement plans to include the items listed below.
 - a) STREET and ACCESS plans which include:
 - i) 10 foot Public Utility Easement, specific to each parcel within the development along the south side of Bolton Hill Road shall be granted to the City prior to Final Plat approval.
 - ii) Any necessary public access easements that may be required for public access to the approved private storm drain if approved plan receives water from the public system.

- iii) A shared access approved by the City Engineer having a minimum paved surface of 20 feet and be signed "No Parking" and approved by Lane County Fire District #1 to support emergency vehicle loads of 56,000 pounds. A minimum 20 foot clear area and approved turn-around shall be maintained along the length of the driveway.
 - iv) Any curbs installed within the driveway shall be painted red.
 - v) All lots shall share and take access from the private drive onto Bolton Hill Road.
- b) SANITARY SEWER improvement plans which include the following:
- i) Size and location of all sanitary sewer lines connected to the 8-inch lateral from Bolton Hill Road.
 - ii) Five (5) separate connections with clean-outs at the property line.
 - iii) Service lines and connections shall be covered by a joint private access and utility easement and shall be constructed within the shared access.
- c) WATER improvement plans which include the following:
- i) Separate 1-inch connections to the 6-inch water main on the south side of Bolton Hill Road for each lot shall be identified on the public improvement plans and shall be approved by the City Engineer and Public Works Superintendent.
 - ii) A Fire hydrant shall be located on the south side of Bolton Hill Road at the terminus of the new 6" water main adjacent to the property. All hydrant locations shall be subject to approval by Lane County Fire District #1.
- d) DRAINAGE FACILITY improvement plans which include the following:
- i) A revised drainage plan approved by the City Engineer which maintains the existing drainage pattern, and that includes adequate detail to allow the evaluation of the constructability, stability and durability of the storm drain facilities.
 - ii) Evidence that the proposed drainage facilities will not exceed pre-development peak flow rates for a 10 year storm or change the basin or direction that the natural drainage flows.

- e) EROSION CONTROL and GRADING plans which:
 - i) Address erosion and run-off during and after construction and include a 1200C permit if required by DEQ.
 - ii) Show any existing and proposed cut and fill slopes, type of fill materials, finish grade elevations at property boundaries, and existing elevations of neighboring parcels at the property lines.
 - f) UNDERGROUND UTILITY PLANS including telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies.
- 4) 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 public 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.
- 5) All tree removal shall be in conformance with the approved tree removal permit.
- 6) 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.

FINAL PLAT SUBMISSION REQUIREMENTS

- 7) The applicant shall submit a final plat application for approval within one year of tentative approval. The final plat shall be prepared in accordance with the Veneta Land Division Ordinance, Oregon Revised Statutes Chapter 92 and the Lane County Surveyor's Office. Applications that do not include the submittal requirements listed in the Veneta Land Division Ordinance, Section 4.05 will not be accepted:
- a) Ten (10) copies of the final plat with all required information required by Section 4.05 (2) of the Veneta Land Division Ordinance.
 - b) The applicant shall identify a 10 foot Public Utility Easement along the south side of Bolton Hill Road.

- c) Supplemental data as required by Section 4.05 (3) of the Veneta Land Division Ordinance including but not limited to:
 - i. Current title report
 - ii. Any deed restrictions required as part of these final orders
 - iii. Dedication documents (such as reserve strips)
- d) Survey requirements as required by Section 4.05 (4) of the Veneta Land Division Ordinance.
- e) Certificates as required on final plat by Section 4.05 (6) of the Veneta Land Division Ordinance.
- f) A copy of the public/private improvement plans approved by the Public Works Superintendent and the City Engineer.
- g) A cost estimate for the public improvements based on the plans approved by the City Engineer.
- h) Any conditions required for the approval of final plat listed below.

PRIOR TO FINAL PLAT APPROVAL

- 8) The applicant shall provide the City with a Private Joint Access, Utility and maintenance Agreement in a form approved by the City Attorney and signed by the applicant to be recorded. . The agreement shall include but not be limited to:
 - a) Clearly detail the operation and maintenance responsibilities of the property owners with respect to storm drain facilities and shared access. All flow control shall be the sole responsibility of the property owners within the subdivision. Shared access shall be maintained to support 56,000 pounds.
- 9) The applicant shall make a cash payment with the City to cover the cost of the water line extension along Bolton Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the payment shall be based on the final costs for the necessary improvements including:
 - a) The full cost of approximately 375 feet of 6” ductile iron water main extension from Tax Lot 2200 to Tax Lot 1212.
 - b) A proportional cost (.42) of one 6” and one 8” valve
 - c) A proportional cost (.33) of mobilization and traffic direction
 - d) A proportional cost (.5) of the total trench resurfacing cost
 - e) A proportional cost (.5) of engineering and legal fees associated with the water line extension

The estimated cost of these improvements is included in EXHIBIT A to these final orders. The full amount of the assessment shall be determined based upon invoices for the actual cost of constructing the project.

- 10) The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all lots, ensuring that all lots in the subdivision shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade Bolton Hill Road adjacent the property to City standards. This includes but is not limited to sewer, water, bike lanes, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional right-of-way over and above the deposit paid at the time of development.
- 11) Submit a signed Irrevocable Development Agreement to be recorded with the Final Plat stating that:
 - a) A triangle with 15 ft sides shall be permanently maintained as a clear vision area on Lot 1, adjacent to the driveway and East Hunter Road intersection. 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) All lots within the subdivision shall access Bolton Hill Road only from the shared access.
 - c) Lot 1 shall be required to dedicate and record a 1 foot restriction strip across the northern boundary of the lot.
 - d) A private joint access, utility and maintenance agreement shall be maintained in accordance with the recorded maintenance agreement.
- 12) Any errors or deficiencies in the final plat application found by any agency or state law shall be addressed and corrected prior to approval.
- 13) The applicant shall pay cash in lieu of dedication prior to final plat, in an amount calculated as required per Veneta Land Development Ordinance 461. This amount is derived from the total acres of parkland dedication required (.13 acres) multiplied by the cost per acre (\$77,700 per acre) totaling \$10,101.
- 14) 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.

- 15) 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 or shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and service, streets, which includes curbs, gutters and sidewalks with the City of Veneta.
- 16) The applicant shall provide the City with a one (1) year subdivision warranty bond for all installed public improvements which has been approved by the City. The bond shall be in favor of the City and shall be between the developer and the City. If the developer has posted a performance bond and recorded the final plat prior to completion of improvements, this condition shall be met prior to issuance of building permits.
- 17) The applicant shall provide the City with proof that any septic systems on the property have been properly abandoned according to the standards of the Lane County Sanitarian.
- 18) The applicant shall provide the City with proof that any existing wells on the property have been properly abandoned according to the standards of the Oregon Department of Water Resources or used exclusively for irrigation. No connections shall be established between wells and the City water system. If wells shall be retained for irrigation purposes, the applicant shall provide the city with proof of recent inspection showing that the facilities meet current Department of Water Resource standards as well as a well log that identifies the location of the well. If no well log exists, the applicant must provide a written statement that no well log exists and identify the well on the final plat.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 19) All conditions required prior to recording of final plat must be completed.
- 20) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- 21) Provide the City with a recorded copy of the Final Plat
- 22) The applicant shall provide the City with the original recorded copies of all deeds, any public or private easements, development agreements, and Irrevocable Petitions for Public Improvements required as conditions of approval.

PRIOR TO OCCUPANCY

- 23) 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 planted shall be a minimum of 2 inch caliper.

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

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 4-SUBDIVISIONS

Section 4.01 TENTATIVE PLAN SUBMISSION REQUIREMENTS

- (4) *Proposed Tentative Plan. All tentative subdivision applications shall include the following information:*
 - (h) *Traffic Impact Analysis (TIA) Review as required by Section 5.27 of the Land Development Ordinance.*

Section 5.27 TRAFFIC IMPACT ANALYSIS AND MITIGATION

- (1) *A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:*
- (a) *The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.*
 - (b) *The increased traffic resulting from the development will significantly contribute to documented traffic problems in the area based on current accident rates, traffic volumes, or speeds.*
 - (c) *The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.*

The proposal is consistent with the provisions of this section. Evidence received indicate the increased traffic resulting from the development will not significantly contribute to documented traffic problems in the area based on current accident rates, traffic volumes or speeds. Based on the amount of single family dwellings being created, an estimated 47.85 average trips per day (ADT) will be created. The proposed development will not generate more than 100 vehicle trips per day. No Traffic Impact Analysis will be required by the state or county due to no significant increase in traffic on the county road within the City's urban growth boundary.

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:

The proposal is consistent with the requirements of the City of Veneta Transportation System Plan requirements for Bolton Hill Road. The required 70 feet of right-of-way has already been acquired.

- (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.

There are no alternatives to the standard street design or alternative street widths proposed. The proposal is consistent with the requirements of the City of Veneta Transportation System Plan. There are no public streets proposed with the development.

- (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 and record a 1 ft access reserve strip on the northern boundary of Lot 1 identified on the Tentative Subdivision Plat.

- (5) *Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.*

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

- (6) *Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.*

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

- (7) *Division of property. Property with frontage onto two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.*

The proposed subdivision does not create any parcels that front two or more streets; therefore the provisions of this section are not applicable.

- (8) *Intersection angles. Streets shall be laid out to intersect at right angles, and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.*

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

- (9) *Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.*

The proposal is consistent with this requirement for public right-of-way along the north boundary of the subject parcel. Currently, there is 70 feet of right-of-way; therefore no additional right-of-way dedication is required.

- (10) *Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to the tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.*

No half-streets are proposed; therefore the provisions of this section are not applicable.

- (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.*

There are no cul-de-sacs proposed for this subdivision, therefore the provisions of this section are not applicable.

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

There are no streets proposed for this subdivision, therefore the provisions of this section are not applicable.

- (13) *Grades and curves. Grades shall not exceed six (6) percent on arterial, ten (10) per cent on collector streets or fifteen per cent on other streets. Center line radii of curves shall not be less than 300 feet on major arterial, 200 feet on secondary arterial or 100 feet on*

other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.3 per cent.

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

- (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.*

No railroad ROW is located on or near the subject property; therefore the provisions of this section are not applicable.

- (15) *Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

The proposal is consistent with this requirement with the condition that a 1 foot reservation strip along the northern boundary of lot 1 fronting Bolton Hill Road.

- (16) *Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a visual clearance of not less than 45 degrees with fifteen (15) foot leg lengths.*

The subject property is zoned for residential use; therefore the provisions of this section are not applicable.

SECTION 6.03 BLOCKS

- (3) *Easements.*

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

The proposal is consistent with requirements of this section with the condition of approval that the applicant provide any necessary public access easement that may be required for access to the approved private storm drain if the approved plan receives water from the public system.

- (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.*

Bolton Hill Road does not currently have any pedestrian or bicycle ways. As part of the Bolton Hill Road improvements, sidewalks and bicycle lanes will be established. Considering the size of the proposed development, a pedestrian or bicycle way is not required within the development.

SECTION 6.04 BUILDING SITES

- (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 proposed panhandle lots are consistent with this requirement because the shape of the existing parcel precludes the complete development of the lot without the use of panhandles. Surrounding developments prevent the use of a cul-de-sac, half-street or other public access. The proposed development is approved with the condition that driveway shall have a minimum 20 foot wide paved surface approved by the Lane County Fire District #1 to support emergency vehicle loads of 56,000 pounds. A minimum 20 foot clear area and approved turn-around shall be maintained along the length of the driveway.

- (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. The subject parcel does not have frontage on two streets, therefore the provision of this section are not applicable.

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

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

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.*

A shared access is proposed as part of this subdivision. Catch basins are proposed and shall be installed based on approved drainage plans

- (5) Sidewalks. *Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except that in the case of arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acres, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets.*
- (6) Bicycle routes. *If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.*

Bolton Hill Road is adjacent to Madison Avenue Subdivision and is currently being improved to City standards. The improvements include the addition of sidewalks, bicycle lanes and the expansion of the road surface and are included in the Local Improvement District.

- 1. The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all lots. This ensures that all lots in the subdivision are**

included in the local improvement district formed to pay for any increase in the cost of the improvements along Bolton Hill Road. This includes but is not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.

LAND DEVELOPMENT ORDINANCE No. 461

SECTION 5.03 CLEAR VISION AREAS

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

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

The proposal is consistent with this requirement with the condition that the applicant submit an irrevocable development agreement stating that, a triangle with 15 ft sides shall be permanently maintained as a clear vision area on Lot 1 at the intersection of Bolton Hill Road and the driveway. 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.

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 the provisions of this section. All of the proposed lots will access Bolton Hill Road via the shared access drive.

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

Lot 1 fronts on Bolton Hill Road, a major collector. As a condition of approval to this application, all lots within the development shall share and take access on to Bolton Hill Road. As a condition of approval to the application, lot 1 shall be required to dedicate and record a 1 foot access wide restriction strip along Bolton Hill Road.

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

- (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 the provisions of this section. As a condition of approval the applicant shall identify on the Final Plat the required 10 foot Public Utility Easements specific to each parcel along south side of Bolton Hill Road, specific to each parcel.

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

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

Stormwater has run on to this site at the northwest corner from roadside ditch on the south side of Bolton Hill Road. This stormwater flows southeast across the property where the channel becomes indistinct. The design for the improvements of Bolton Hill Road are anticipated to discharge water in the same location on the parcel at pre-construction flows. The applicant proposes to route all of this water from the roadside ditch, directly back into the public storm drain line without detention or flow control. This proposal is inconsistent with the above requirement and past City policies. The proposal is consistent with this requirement with the condition of approval that the applicant submit a revised drainage plan approved by the City Engineer which maintains the existing drainage pattern, and that includes adequate detail to allow the evaluation of the constructability, stability and durability of the storm drain facilities.

- (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.*

There are no public roads within the development, therefore pedestrian and bicycle ways are not required.

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.

City sewer will be available from Bolton Hill Road upon completion of the Bolton Hill Road project. An 8-inch sewer lateral will serve the property from the Bolton Hill sewer main. The proposal indicates that a private 6-inch sewer lateral will serve all five lots. As a condition of approval, five separate connections with clean-outs at the property line will be required. Additionally, all service lines and connections shall be covered by a joint access, utility and stormwater drainage easement.

- (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 provides water plans that include:

- a) Separate 1-inch connections to the 6-inch water main on the south side of Bolton Hill Road for each lot shall be identified on the public improvement plans and shall be approved by the City Engineer and Public Works Superintendent.**
- b) A Fire hydrant shall be located on Bolton Hill Road at the terminus of the new water main. All hydrant locations shall be subject to approval by Lane County Fire District #1.**
- c) Proof that existing wells (if any) on the property have been properly abandoned according to the standards of the Oregon Department of Water Resources or used exclusively for irrigation. No connections shall be established between wells and the City water system. If wells shall be retained for irrigation purposes, the applicant shall provide the city with proof of recent inspection showing that the facilities meet current Department of Water Resource standards as well as a well log that identifies the location of the well. If no well log exists, the applicant must provide a written statement that no well log exists and identify the well on the final plat.**

The applicant has requested that the City install water service to the property in conjunction with the Bolton Hill Road project. The City agreed and the improvements have been installed. Connecting to other water mains in the immediate vicinity would not provide adequate water pressure in accordance with City standards. The City finds that these improvements were made at the request of

the applicant, were not otherwise necessary, and represent the only method of providing water service to the property according to City standards. Therefore, that applicant is responsible for reimbursing the City for their share of the costs of the improvements. As a condition of approval, the applicant shall make a cash payment to the City to cover the cost of the water line extension along Bolton Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the payment shall be based on the final costs for the necessary improvements including:

- a) The full cost of approximately 375 feet of 6" ductile iron water main extension from Tax Lot 2200 to Tax Lot 1212.
- b) A proportional cost (.42) of one 6" and one 8" valve
- c) A proportional cost (.33) of mobilization and traffic direction
- d) A proportional cost (.5) of the total trench resurfacing cost
- e) A proportional cost (.5) of engineering and legal fees associated with the water line extension

The estimated cost of these improvements is included in EXHIBIT A to these final orders. The full amount of the assessment shall be determined based upon invoices for the actual cost of constructing the project.

- (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 coordinate the installation of underground utilities with all utility companies and other affected persons or corporations.

Land Development Ordinance No. 461

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.

As part of the Bolton Hill Road improvements, the City of Veneta has installed a 6-inch main that will deliver water from a higher pressure zone. This main will be

located on the south side of Bolton Hill Road and the applicant as a condition of approval shall connect to this main to provide adequate service pressure to the new lots. The applicant has requested that the City install water service to the property in conjunction with the Bolton Hill Road project. The City agreed and the improvements have been installed. Connecting to other water mains in the immediate vicinity would not provide adequate water pressure in accordance with City standards. The City finds that these improvements were made at the request of the applicant, were not otherwise necessary, and represent the only method of providing water service to the property according to City standards. Therefore, that applicant is responsible for reimbursing the City for their share of the costs of the improvements. As a condition of approval, the applicant shall make a cash payment to the City to cover the cost of the water line extension along Bolton Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the payment shall be based on the final costs for the necessary improvements including:

- a) The full cost of approximately 375 feet of 6" ductile iron water main extension from Tax Lot 2200 to Tax Lot 1212.
- b) A proportional cost (.42) of one 6" and one 8" valve
- c) A proportional cost (.33) of mobilization and traffic direction
- d) A proportional cost (.5) of the total trench resurfacing cost
- e) A proportional cost (.5) of engineering and legal fees associated with the water line extension

The estimated cost of these improvements is included in EXHIBIT A to these final orders. The full amount of the assessment shall be determined based upon invoices for the actual cost of constructing the project. Additionally, the maximum distance between fire hydrants shall be 500 feet. As a condition of approval, LCFD#1 requires an additional fire hydrant to be installed at the end of the system, below the service connections.

City sewer will be available from Bolton Hill upon the completion of the Bolton Hill Road project. An 8-inch sewer lateral will serve the property from the Bolton Hill sewer main. The applicant has proposed a private 6-inch sewer lateral will serve all five lots. As a condition of approval, separate clean outs for each property will be required and shall be covered by joint access and utility easement.

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

The proposal is consistent with the requirements of this section with the condition of approval that the applicant provide the city with a 10 foot Public Utility Easement,

specific to each parcel within the development along the south side of Bolton Hill Road shall be granted to the City prior to Final Plat approval.

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 provides for storm drainage of driveways and roofs to a storm drain planned for the Bolton Hill Road. The applicant estimates that when the site is fully developed, the parcel will have a properly developed system and drain in a manner that does not exceed pre-development flows. The applicant has not provided evidence that the storm water will drain to the pre-development drainages or provided evidence that maintaining pre-development flow patterns will preclude development of the parcel. In fact, the proposed plan deliberately reroutes existing storm flows, which currently cross the property in a southeasterly direction, back into the Bolton Hill system. This system may not have excess capacity to accommodate these flows even if this deliberate rerouting was allowed.

Because the plan as proposed does not “maintain unrestricted flow from areas draining through the subdivision” the applicant shall submit a revised drainage plan for approval by the City Engineer which maintains the existing drainage pattern and includes adequate detail to allow the evaluation of the constructability, stability and durability of these facilities as a condition of approval.

The proposed system to collect the stormwater from the driveway and lots allows for detention within the 48 inch detention pipe. However, this detention pipe is located on a steep slope and does not appear that adequate cover over the pipe has been proposed creating concerns of stability during a 10-year event.

It is current City policy not to accept dedication of private drainage systems and other stormwater facilities located outside of the ROW as these facilities create an undue maintenance burden upon the city. Because these areas are designed to serve only the proposed development, the following conditions of approval are necessary to clearly delineate public versus private responsibilities for these areas.

As a condition of approval, the applicant shall provide the City with approved Joint Access and Maintenance Agreement or similar agreement recorded against each lot within the development for maintenance of drainage facilities. The agreement shall:

a) Clearly detail the maintenance responsibilities of the property owners within the development with respect to the drainage system and shared access.

(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.

City sewer will be available via an 8-inch lateral from Bolton Hill Road upon the completion of the Bolton Hill Road improvements. The proposal indicates that a 6 inch sewer lateral will serve all five lots. As a condition of approval, a separate connection with clean-outs at each property line will be required. Additionally, all service lines and connections shall be covered by a joint access, utility and stormwater drainage easement within the shared access.

LAND DEVELOPMENT ORDINANCE No. 461

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 the provisions of this section with the condition that the applicant provide a 10 foot of Public Utility Easement along the south side of Bolton Hill Road and provide any necessary public access easements that may be required for public access to the approved private storm drain if approved plan receives water from the public system.

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(2) MINIMUM 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*

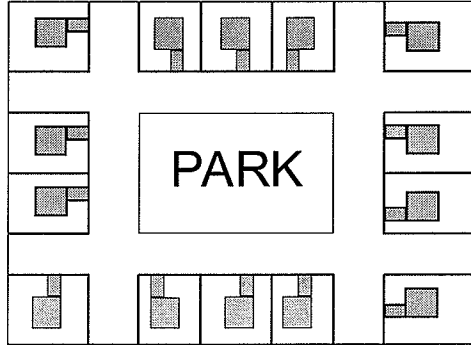
The surrounding area is served by 5th Street Park, Territorial Park and Fern Park. In addition, as the Southwest Plan continues to develop, more park land will be created. The proposal meets this requirement with the condition of approval that the applicant pay cash in lieu of a park dedication for all new units prior to final plat approval.

(3) MINIMUM PARK LAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park. Exceptions to any or all of the following standards may be allowed if the Planning

Commission determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the planning commission.

(a) Homes must front on the parkland as shown in the example below:



- (b) The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.
- (c) The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.
- (d) Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.
- (e) Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.
- (f) Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

The City is requiring Cash In Lieu of Dedication, the provisions of this section are not applicable.

(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 City finds that no additional parkland is required in this area due to the existence of several nearby parks. Therefore, the applicant shall pay cash in lieu of dedication prior to final plat, in an amount calculated as required per Veneta Land Development Ordinance 461. This amount is derived from the total acres of parkland dedication required (.13 acres) multiplied by the cost per acre (\$77,700 per acre) totaling \$10,101.

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).*

Topography, wetlands and vegetation have been incorporated as detailed below. No floodplain is present on the site.

SECTION 5.25 ADDITIONAL REVIEW PROCESS AND STANDARDS FOR LAND DEVELOPMENTS AND LAND DIVISIONS ON LAND WITH SLOPES OF OR OVER FIFTEEN PERCENT

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

- (1) *A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.*

The site does meet the 15% slope criteria; therefore, the items below are applicable.

- (2) *All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:*

- (a) *Base Geology*
- (b) *Slopes (steepness, orientation and aspect)*
- (c) *Soils*
- (d) *Stream and Drainage Patterns*
- (e) *Housing Density Impact*

The applicant shall show any 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.

- (3) *All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).*

The proposal is consistent with this requirement with the following conditions of approval:

The applicant shall provide the City with proof that all septic systems (if any) on the property have been properly abandoned according to the standards of the Lane County Sanitarian.

Existing wells (if any) shall be properly abandoned and identified on the final plat according to the standards of the Oregon Department of Water Resources or used exclusively for irrigation. No connections shall be established between wells and the City water system. If wells shall be retained for irrigation purposes, the applicant shall provide the city with proof of recent inspection showing that the facilities meet current Department of Water Resource standards. If wells are to be abandoned, the applicant shall supply the City with proof that they have been abandoned according to Department of Water Resource standards.

As part of the Bolton Hill Road improvements, the City of Veneta has installed a 6-inch main that will deliver water from a higher pressure zone will be constructed. This main will be located on the south side of Bolton Hill Road and the applicant as a condition of approval shall connect to this main to provide adequate service pressure to the new lots. The applicant has requested that the City install water service to the property in conjunction with the Bolton Hill Road project. The City agreed and the improvements have been installed. Connecting to other water mains in the immediate vicinity would not provide adequate water pressure in accordance with City standards. The City finds that these improvements were made at the request of the applicant, were not otherwise necessary, and represent the only method of providing water service to the property according to City standards. Therefore, that applicant is responsible for reimbursing the City for their share of the costs of the improvements. As a condition of approval, the applicant shall make a cash payment to the City to cover the cost of the water line extension along Bolton Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the payment shall be based on the final costs for the necessary improvements including:

- a) **The full cost of approximately 375 feet of 6" ductile iron water main extension from Tax Lot 2200 to Tax Lot 1212.**
- b) **A proportional cost (.42) of one 6" and one 8" valve**
- c) **A proportional cost (.33) of mobilization and traffic direction**

- d) A proportional cost (.5) of the total trench resurfacing cost
- e) A proportional cost (.5) of engineering and legal fees associated with the water line extension

The estimated cost of these improvements is included in EXHIBIT A to these final orders. The full amount of the assessment shall be determined based upon invoices for the actual cost of constructing the project.

- (4) *The requirements of this section shall apply and be considered during any site review process required by the Land Development or Land Divisions Ordinances. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.*

Although a comprehensive survey has not been conducted, no substantial evidence has been presented to suggest that the site is habitat to any sensitive species.

Vegetation is considered in the criteria for the Tree Removal Permit discussed below.

- (5) *The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address technical concerns raised in the geo-technical report.*

The proposal meets this requirement. All proposed lots are in excess of 8000 sq. ft.

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 which has been granted with approval 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.*

Tree removal permits submitted concurrent with development applications require Planning Commission review and 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:*
- (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 health of the trees is not considered a reason for removal in this case. The applicant has requested to remove trees within the proposed driveway and along the property lines.

- (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.

Protection of nearby trees and windbreaks:

Some concerns have been raised regarding the protection of trees within the development. The applicant has identified 21 trees on the tree removal permit. Of the 21 trees, only 9 of the proposed trees are of substantial size. The applicant is not proposing to remove trees other than to allow construction of the subdivision. The removal sought at this time are generally in the middle of the parcel and are unlikely to result in windthrow on adjacent properties which are already developed and not densely populated with firs, the trees most susceptible to windthrow. Additionally, each newly created parcel will require the property owner to plant 1 tree per 1,000 square feet of open space, which could result in the planting of at least 10 new trees.

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. No information is 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

Slopes within the parcel are minimal, except on the east side of the parcel where the slopes drop by a minimum of 12%. The areas proposed for removal are mainly located within the proposed driveway or building sites and will therefore be covered with pavement or regarded to provide a buildable site. Considering that no trees will be removed on the east side of the parcel, and that where trees are removed will be developed, soil retention and stability should not be a concern.

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 revised stormwater management plan. The use of best management practices required as part of the erosion control plans and 1200C permit are intended to protect water quality and prevent sediment loaded runoff from the site.

Scenic Quality

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

- (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.*

Most of the trees are located within the driveway, or in the central part of the property with is likely to be used for building pads, driveways and other improvements. This fact makes preservation of existing trees very difficult. Considering that trees generally have at least 1ft of canopy for each inch of tree diameter, the root zones of these trees are likely to be severely impacted even if the trunks are preserved.

The proposal is consistent with this criterion. It is necessary to remove trees in order to construct the proposed access improvements. In order to ensure that tree removal only proceeds pursuant to the approved plans, tree removal shall not proceed until building permits have been issued for construction of the subdivision.

- (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. According to the Riparian Inventory conducted as part of the City's wetland inventory in 1998, no defined waterways or riparian habitats exist on the property. Stormwater primarily leaves the site by sheet flow into their respective drainages.

- (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 applicant has proposed to remove trees only when necessary to allow construction of the subdivision.

- (iii) *Wooded areas along ridge lines and hilltops shall be retained for scenic and wildlife value.*

The proposal is consistent with this criterion. The applicant has proposed to remove the identified trees only when necessary to allow construction of the subdivision.

- (iv) *Wooded areas shall be retained to serve as buffers along property lines, streets, roadways, railroad right-of-ways and other thoroughfares.*

Only two trees are proposed for removal within close proximity to the property lines. Approval is only sought for removal of those trees necessary for construction of proposed improvements and the future development of each individual lot. Trees not identified on the tree removal permit plan shall be required to obtain an individual tree removal permit.

- (v) *Tress shall be retained in sufficient large areas and dense stands so as to ensure against windthrow.*

The proposal is consistent with this criterion. The applicant has proposed to remove trees only when necessary to allow construction of the subdivision. There are no dense tree stands within the proposed development.

- (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 461 Section 5.12 with 1 tree and 4 shrubs per 1000 sq ft of yard prior to occupancy with credit given for preserved trees.

REMAINDER OF PROPERTY

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

Veneta Land Division Ordinance 461

SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

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

All of the proposed lots are at the minimum size possible for the zoning district. Considering the lots do not have the potential for future division, the applicant will not be required to submit a shadow plat.

ADJOINING LAND

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

The subject parcel is surrounded to the north by Bolton Hill Road and to the east by parcels of the same size. Applegate Landing abuts the property to the south. Considering the lack of potential street connection or any large developments adjacent to the subject parcel, additional access to connect future developments is not required.

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)

- (1) Purpose

To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses, planned developments and other uses under controlled conditions.

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 single-family residential housing units.

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.*

There are no public streets proposed, therefore the provisions of this section are not applicable.

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 and is comprised of a minimum area required by the Land Development Ordinance.

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

Veneta Land Development Ordinance No. 461, Article 4 Use Zones, Section 4.03 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 8,000 sq ft minimum.

LAND DEVELOPMENT ORDINANCE No. 461

SECTION 5.12 LANDSCAPING

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

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

The proposal has trees which are proposed to be removed. As a condition of approval, all tree removal shall be in conformance with the approved tree removal permit.

- (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, 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 calculated once building permits have been submitted. 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 L Eagle Eye

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

7-7-08

Date