

FILE COPY

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

WENDY'S COURT SUBDIVISION (S-3-08)

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 June 2, 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 Wendy's Court subdivision tentative plan (S-3-08) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

- 1) The applicant shall coordinate centralized mail box locations with Veneta Post Master

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- 2) Obtain City approval for public/private improvement plans to include the items listed below.
 - a) STREET and ACCESS plans which include:
 - i) 10 feet of additional right-of-way on the northern side of East Hunter Road shall be dedicated to the City prior to Final Plat approval.
 - ii) A shared access having a minimum driving surface of 20 feet and be signed "No Parking" and engineered to hold 56,000 pounds to allow for emergency access.
 - iii) Any curbs installed within the driveway shall be painted red.

- b) SANITARY SEWER improvement plans which include the following:
 - i) Size and location of all sanitary sewer lines
 - ii) Four (4) 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 for each lot shall be identified on the public improvement plans and shall be consistent with the Tentative Plan.
 - ii) A Fire hydrant shall be located on East Hunter Road, across from the driveway. All hydrant locations shall be subject to approval by Lane County Fire District #1.
 - iii) All existing water services shall be abandoned and relocated to City approved locations and shall include any required easements.

- d) DRAINAGE FACILITY improvement plans which include the following:
 - i) An analysis of the drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.

- e) EROSION CONTROL and GRADING plans which:
 - i) Address erosion and run-off during and after construction and include a 1200C permit 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.

- g) The applicant shall submit approved public and private improvement plans with the final plat application.
- 3) After approval of engineered plans for streets, sewer, water, storm drainage systems, and utilities, the applicant shall post a performance bond, in favor of the City, to assure that the subdivision improvements are completed. The bond shall be between the property owner and the City. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and services, streets, which includes curbs, gutters and drainage, sidewalks, and all other public improvements and utilities. The cost of public improvements shall be based on an estimate prepared and/or approved by the City Engineer. Performance bond shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.
- 4) 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

- 5) 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 Surveyors 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 dedicate 10 feet of right-of-way along the northern boundary of East Hunter 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, right-of-way)
 - 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

- 6) The applicant shall provide the City with a signed copy of a Private Joint Access, Utility and Maintenance Agreement approved by the City Attorney to be recorded with the final plat. The agreement shall include but not be limited to:
 - a) Clearly detail the operation and maintenance responsibilities of the property owners with respect to drainage swales and shared access. All vegetation and flow control shall be the sole responsibility of all property owners. Shared access shall be maintained to support 56,000 pounds.
 - b) Include a financial plan outlining the funding mechanisms for operation, inspection, maintenance, repair and replacement of the stormwater systems including contingencies.
 - c) Failure to comply with the approved agreement may result in a lien on the property for any expenses incurred by the City to enforce the agreement.
- 7) The applicant shall make a cash deposit with the City to cover the cost of future improvements to East Hunter Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, bike lanes, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional right-of-way.
- 8) 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 East Hunter 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.
- 9) 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 Lots 1 & 2, 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) No structure, trees or other obstructions shall be placed within the right-of-way.
 - c) All lots within the subdivision shall access East Hunter Road only from the shared access.
 - d) Lot 1 & 2 shall be required to maintain a 1 foot restriction strip across the southern boundary of those lots.
 - e) A private joint access, utility and maintenance agreement shall be maintained in accordance with the recorded maintenance agreement.
- 10) Any errors or deficiencies in the final plat application found by any agency or state law shall be addressed and corrected prior to approval.
 - 11) 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 (.08 acres) multiplied by the cost per acre (\$77,700 per acre) totaling \$6,216.
 - 12) 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.
 - 13) 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.

- 14) The applicant shall provide the City with a one (1) year subdivision warranty bond for public improvements installed and approved by the City. The bond shall be in favor of the City and shall be between the developer and the City. 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.
- 15) 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.
- 16) 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

- 17) All conditions required prior to recording of final plat must be completed.
- 18) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- 19) Provide the City with a recorded copy of the Final Plat
- 20) The applicant shall provide the City with 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

- 21) 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 Wendy's Court subdivision tentative plan (S-3-08) 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 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 with the condition that an additional 10 feet of right-of-way is dedicated for future road expansion of East Hunter Road to a full 60 feet of right-of-way.

- (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 requirements with the condition that an additional 10 feet of right-of-way is dedicated for future road expansion.

- (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 Lot 1 and 2 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 proposal is consistent with this requirement. The proposed subdivision does not create any parcels that front two or more streets.

- (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 with the condition that prior to final plat, the applicant dedicate an additional 10 feet of Public right-of-way along the south boundary of the subject parcel for the future expansion of East Hunter Road to fulfill the right-of-way requirements of 60 feet as required by the City of Veneta Transportation System Plan. Currently, there is 40 feet of right-of-way, therefore an additional 10 feet of right-of-way will be required on both sides of East Hunter.

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

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

- (11) *Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.*

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.

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

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

The proposal is consistent with this requirement. There are no existing or proposed arterial streets.

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

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

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 proposed subdivision does not have any public streets accesses that require a PUE or additional public easements. The proposed subdivision does require the dedication of 10 feet of right-of-way for the future expansion of East Hunter Road. This extension of right-of-way is sufficient for the relocation or addition of any new utilities.

- (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.

East Hunter Road does not currently have any pedestrian or bicycle ways. Considering the size of the proposed development and lack of any close connection, a pedestrian or bicycle way is not required.

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 City Engineer to support emergency vehicle loads of 55,000 pounds. A minimum 20 foot clear area 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.*
- (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.*

East Hunter Road is adjacent to Wendy's Court Subdivision and is not improved to City standards at this time. It is impractical to require the upgrades to the subject parcel's frontage at this time due to the following constraints:

- 1. Currently East Hunter Road is not improved to the standards set forth in the City of Veneta Transportation System Plan. Any upgrade adjacent to the subdivision would create a piecemeal pattern of sidewalks and bicycle lanes that may be unsafe and not necessary.**
- 2. There is likely additional ROW which would be necessary to construct the street to City standards. The applicant has no ability to secure additional property or easement if the owners are ultimately unwilling to sell such interests.**
- 3. The construction of streets and sidewalks adjacent to the development at this time would result in intermittent improvements which do not provide safe pedestrian/bicycle access.**

Rather than requiring that the applicant improve the frontage as part of this subdivision as would normally be the case, the Planning Commission finds that it is in the best interest of the City to require the following conditions of approval to ensure that the development is ultimately consistent with the above provisions:

1. The applicant shall make a deposit with the City to cover the cost of future improvements to the East Hunter Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional ROW.
2. 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 any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade East Hunter Road to City standards. 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 Lots 1 & 2 at the intersection of East Hunter 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 East Hunter 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.*

There are 2 lots that front on East Hunter Road, a major collector and are required as a condition of approval to this application to share access with lots 3 and 4 within the development. As a condition of approval to the application, lots 1 & 2 shall be required to record a 1 foot access wide restriction strip across the southern boundary fronting East Hunter 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 dedicate an additional 10 feet of ROW as required by the City of Veneta Transportation System Plan to supply East Hunter Road (Major Collector) the necessary space to expand north. This ROW is sufficient to provide the required space for sewers, water mains, electric lines or other public utilities.

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

The proposed drainage plan directs stormwater along the south end of Lot 3 & 4 and along the driveway sides of Lot 1 & 2. A joint access, utility and stormwater drainage easement shall be recorded as a condition of approval to this application.

- (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. Additionally, there is no convenient connection to another established system or any existing sidewalks or streets with bike lanes. Once East Hunter Road improvements are completed, bicycle and pedestrian access will be improved and a direct connection to other facilities on Territorial Highway will be established.

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.

There is currently City sewer available from East Hunter Road. The proposal indicates that a 6 inch sewer lateral already exists to the subject property, which can be used to serve all four lots. As a condition of approval, four 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 for each lot shall be identified on the public improvement plans and shall be consistent with the Tentative Plan.**
- b) **A Fire hydrant shall be located on East Hunter Road, across from the driveway. All hydrant locations shall be subject to approval by Lane County Fire District #1.**
- c) **All existing water services shall be abandoned and relocated to City approved locations.**
- d) **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.

- (9) *Other.* The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

The proposal is consistent with this requirement with the condition of approval that the developer must coordinate the installation of underground utilities with all utility companies and other affected persons or corporations.

Land Development Ordinance No. 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.*

The proposal is consistent with the provisions of this section. Water and Sewer connections are proposed and as a condition of approval the applicant will be required to submit approved public improvement plans with the final plat application.

- (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 because no public utility easements have been identified.

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 site has a slope of about 2% to the east with a proposed a system of drainage swales to control runoff. The following conditions of approval are necessary to mitigate potential risks to property from failure to the drainage swales.

The applicant shall submit revised drainage plans for approval by the City Engineer to include the following:

- a) **An analysis of the drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. The study must show that post-development flows do not exceed pre-development peak flows for a 10 year storm event.**

It is current City policy not to accept dedication of drainage swales 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.

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 operation and maintenance responsibilities of the property owners within the development with respect to the drainage swales and shared access. Vegetation and flow control shall be the sole responsibility of each property owner and the shared access shall be maintained to support 56,000 pounds.**

- (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.

There is currently City sewer available from East Hunter Road. The proposal indicates that a 6 inch sewer lateral already exists to the subject property, which can be used to serve all four lots, each with separate connections. As a condition of approval, four 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 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 provides an additional 10 feet of right-of-way along the north side of East Hunter Road for the future expansion or placement of utilities.

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;*

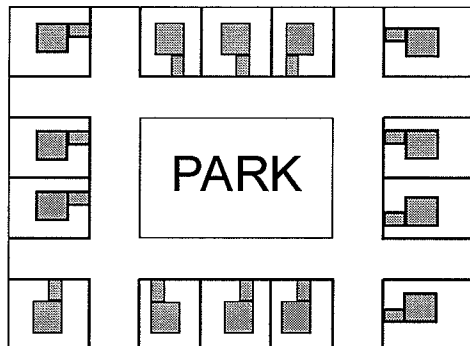
(b) *Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre: Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0084*

The proposal meets this requirement with the condition of approval that the applicant pay cash in lieu of a park dedication for all new lots 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 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 (.08 acres) multiplied by the cost per acre (\$77,700 per acre) totaling \$6,216.

TOPOGRAPHY, FLOODPLAIN, WETLANDS, AND VEGETATION

- (4) *Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision design in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).*

There are no topography, wetland or vegetation limitations that need to be incorporated into the site development.

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 Fern Ridge School District and to the east and west by parcels of the same size. East Hunter Road abuts the property to the south. Considering the lack of potential for 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 4.03 General Residential Zone (GR)

- (1) Purpose

To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses, planned developments and 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 General Residential (GR)

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

The proposal is consistent with this provision. All lots exceed the 6,000 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 proposed development does not have any existing trees.

(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:

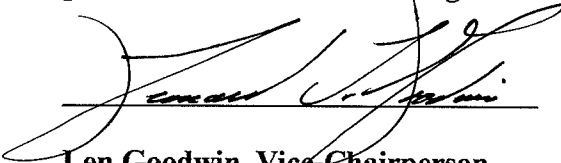
(a) One tree at least six (6) feet in height.

(b) Four 1-gallon shrubs or accent plants.

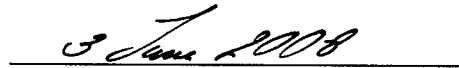
The proposal is consistent with this provision with the condition that the applicant sign a development agreement stating that prior to occupancy, lots shall be landscaped as required by City Code including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 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.



**Len Goodwin, Vice-Chairperson
Veneta Planning Commission**



Date