

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

**APPLEGATE LANDING
PHASE II
Subdivision S-4-06
And Associated Tree Removal Permit**

A. The Planning Commission finds the following:

1. The applicant has submitted information for a tentative plan application required by Section 4.01 of the Veneta Land Division Ordinance No. 462.
2. The Veneta Planning Commission met on September 26, 2006 to review and discuss the tentative plan for assessors map 18-06-01 Tax Lot 1605,1606,1607 after providing proper notice of the limited land use decision according to Section 2.06 of the Veneta Land Division Ordinance No. 462. Deliberations were continued.
3. The Veneta Planning Commission met on March 5, 2007 to review and discuss the tentative plan for assessors map 18-06-01 Tax Lot 1605,1606,1607.
4. The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in Section 4.02 of Veneta's Land Division Ordinance No. 462.

B. The Veneta Planning Commission approves the Applegate Landing Phase II subdivision tentative plan (S-4-06) and the associated Tree Removal Permit with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL

- 1) The applicant shall continually comply with all conditions and restrictions of ACE/DSL wetland permit number 2005-00430.

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- 2) Clearly mark and fence all tree protection areas. At a minimum, trees to be protected shall have construction fencing placed as indicated in the "Tree Protection Detail" provided on the tentative plans. Protection fencing shall include trees shown with clouds on the tentative plans. These trees shall be clearly marked to identify them as discretionary removals. Approval of City staff is required on a case-by-case basis prior to removal of any discretionary tree. Staff approval shall be based solely on the need to remove these trees to construct the necessary site improvements taking into account the continued viability of the trees.

- 3) Obtain approval for public improvement plans to include the items listed below.
 - a) SANITARY SEWER improvement plans.
 - b) WATER improvement plans which include the following:
 - i) The hydrant at lot 82 moved to the corner of 8th and “A”. The hydrant between lots 66 and 67 moved to the corner of Cheney Drive and 8th street. All hydrant locations are subject to Fire District approval.
 - ii) All water services shall be 1 inch standard.
 - c) DRAINAGE FACILITY improvement plans which include the following:
 - i) A drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. The study must show that post-development flows shall not exceed pre-development flows for a 10 year storm.
 - d) EROSION CONTROL and GRADING plans which:
 - i) Address erosion and run-off during and after construction and include a 1200C permit as required by DEQ.
 - ii) Grading plans shall show existing and proposed cut and fill slopes, type of fill materials, finish grade elevations at property boundaries, and existing elevations of neighboring parcels at the property lines. Plans shall also include pad and driveway layouts for all lots.
 - e) STREET and ACCESS plans which include:
 - i) Unique street names for all streets
 - ii) 6th street renamed to Strike Street, and 9th Street renamed with a unique name
 - iii) 8th and “9th” streets shall have gravel or paved emergency vehicle turn-arounds constructed to support loads of at least 55,000 pounds. Turn-arounds shall not include driveways for single family residences.
 - iv) Curbs painted yellow 10 ft to each side of all hydrants to indicate “No Parking”
 - v) Curbs at cul-de-sac bulbs and other “No Parking” areas painted yellow
 - vi) Reserve strips at the terminus of all dead-end streets.
 - vii) Emergency vehicle turn-arounds at the southern termini of 9th and 8th Streets. Turn-arounds shall be exclusive of private driveways and shall be constructed to support loads of 55,000 pounds or as otherwise approved by Lane County Fire District #1.
 - viii) A secondary emergency vehicle access constructed from the south end of 8th to the western end of Perkins Road in Phase I. This access shall be a minimum of 20 ft wide and constructed of an all weather surface or as otherwise approved by Lane County Fire District #1.
 - ix) The applicant shall combine driveways on lots 58 & 59, as well as 60 & 61 to ensure protection of the large oak between lots 59 & 60.
 - f) LANSCAPING PLANS which include

- i) Planting details for planter strips including street tree size, species, and location and irrigation. Tree locations shall not interfere with public utilities or sight distances (clear vision areas)
 - ii) Planting details for all open space tracts including tree, shrub, and grass planting rates and irrigation facilities
 - iii) Street-side detention planting details showing species mix and seeding rate
 - iv) The oak between lots 58 and 59 shall be protected from any and all ground disturbing activities within the dripline of the tree throughout the construction process.
- g) 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 subdivision improvements are completed. The bond shall be between the applicant 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) Obtain all required permits and reimburse the City for all engineering inspection and plan review fees according to Resolution No. 767. Permits include, but are not limited to the following:
- a) Obtain permits if necessary for removal of existing wells and septic.
 - b) Obtain permits to work within the City right-of-way.
- 6) Submit a development agreement stating that:
- 1. Clear vision areas including those shown on the tentative plans and a triangle with 25 ft sides on all corner lots shall be permanently maintained. 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.
 - 2. That all parcels shall meet the landscaping requirements of Veneta Land Development Ordinance Section 5.12(4) prior to occupancy.
 - 3. Where practicable, corner lots shall take access from the street with the lowest functional class.
 - 4. Any trees identified for preservation, and all newly planted trees used to meet the conditions of approval contained herein, shall not be removed without an approved Tree Removal Permit from the City.

PRIOR TO FINAL PLAT APPROVAL

- 7) The applicant shall provide the City with recorded copies of all deeds, easements, development agreements, and Irrevocable Petitions for Public Improvements required as conditions of approval.
- 8) The applicant shall submit a final plat for approval within one year of tentative approval. The final plat shall be prepared in accordance with the Veneta Land Division Ordinance and Oregon Revised Statutes Chapter 92 and shall include the following:
 - a) Provide public utility easements along the front of each lot in the subdivision. The width and locations must meet City and utility company requirements. All easements are to be shown on the plat.
- 9) Include plat notes as follows:
 - b) A triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas, and all vision clearance areas shown on the approved subdivision plan, 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.
 - c) If an improvement bond is posted in lieu of improvements being installed, include a plat note which states that building permits will not be issued until all public improvements are installed.
- 10) 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.
- 11) 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.
- 12) 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.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 13) Provide the City with a recorded copy of the Final Plat
- 14) Provide the City with recorded copies of all deeds, easements, development covenants, and Irrevocable Petitions for Public Improvements required as conditions of approval.

PRIOR TO CERTIFICATE OF OCCUPANCY

- 15) The applicant shall plant a minimum of 206 trees and 824 1 gallon shrubs . All lots shall be planted with a minimum of four(4) trees and 13 shrubs per lot on lots of 6000 sq ft or larger, and a minimum of three(3) trees and 8 shrubs per lot on lots smaller than 6000 sq ft.
- 16) The applicant shall construct the proposed emergency access prior to issuance of Building Permit for any unit in Phase II.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Applegate Landing Phase II subdivision tentative plan (S-4-06) and accompanying Tree Removal Permit based on the information in the staff report and the following findings of fact:

Subdivision, 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

- (1) General. The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate and*

safe traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. Where location is not shown on the street plan or in a development plan, the arrangement of streets shall either:

The proposal is consistent with these general requirements with the condition that the applicant shall construct the proposed emergency access prior to issuance of Certificate of Occupancy for any unit in Phase II. This is required in order to meet the requirements of the Oregon Fire Code as administered by Lane County Fire District #1, and to comply with the public safety provisions of this design standard.

(a) Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sacs shall be allowed only when one or more of the following conditions exist:

- 1. Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.*

This condition exists, making the western cul-de-sac necessary. There is a large wetland area and steep slopes that make the westward extension of Street H infeasible.

- 2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*

This condition exists, making the cul-de-sac on Street I necessary. The land to the north is already developed as Shalimar Mobile Home Park making the northern extension of Street I infeasible.

- 3. Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of October 1, 1998 which preclude a required street connection.*

Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.”

The application meets this requirement. A multi-use-path is proposed from the end of Street H to connect to the path network planned for the entire development. Existing

development preclude the extension of a path from the cul-de-sac on Street I.

(b) Conform to a plan for the development area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

The proposed street network, including cul-de-sacs was designed as part of the SWAP which was adopted by the City on April 10, 2006.

(2) *Standard right-of way and street widths.*

The proposed subdivision is part of the Southwest Area Plan (SWAP) Specific Development Plan area. Alternative street standards adopted for the plan area are as follows.

Standard	Street Classification				
	Local One-Way	Local Two-Way	Minor Collector	Major Collector	Alley
Right-of-Way Width	20 ft.	50 ft.	60 ft.	60 ft.	16 ft.
Roadway Paving Width*	16 ft.	32 ft.	39 ft.	39 ft.	
	(9 ft. travel lane, 7 ft. parking stalls)	(9 ft. travel lanes, 7 ft. parking stalls)	(11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)	(11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)	12 ft.
Motor Vehicle Parking Allowed	one side	both sides	one side	one side	no
Bicycle Lanes Required	no	no	yes	yes	no
Sidewalks Required	One side (can be integrated with roadway if delineated with contrasting surface material or texture)	One side if a stormwater swale is located in the right-of-way or if there is a park or common open space with a parallel pedestrian path. Both sides in all other situations.			no
Sidewalk Width	4 ft. min.	5 ft. min.			n.a.
Landscaping	The remainder of the right-of-way, including the stormwater swale, shall be landscaped. Street trees shall be planted at an average spacing of no greater than 40 feet.				no
Maximum Block Length	600 ft. Greater length is allowed in order to minimize wetland crossings.				n.a.
Maximum Cul-de-Sac Length	No maximum length. Maximum of 20 lots facing the cul-de-sac.				n.a.
Off-Street Bicycle/Pedestrian Paths					

Standard	Street Classification				
	Local One-Way	Local Two-Way	Minor Collector	Major Collector	Alley
Lighting	All parks, bicycle/pedestrian paths, and open spaces intended for public use shall be lighted as required by the City.				
Off-Street Bicycle/Pedestrian Paths	Paved bicycle/pedestrian paths shall be a minimum of 10 ft. wide or as otherwise approved by the City. Pathways required to serve as emergency access routes shall be a minimum of 14 ft. wide and engineered to support a load of 55,000 pounds. All paved paths shall be constructed of 5 in. of Portland Cement over approved base or as otherwise approved by the City. Soft surfaced paths shall be constructed with materials as required by the City.				

All of the proposed streets meet these standards. Cheney Drive and Eighth Street are classified as minor collectors and are proposed to have the required 60ft ROW. All other streets within the development are local streets and have a 50ft ROW as required.

- (4) *Reserve Strips. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission or Building and Planning Official. One foot reserve strips are used across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. Reserve strips may also be parallel to the right-of-way as a means of access control (prohibiting driveway access). The reserve strip shall have separate legal descriptions and shall be separately identified on the plat.*

The proposal is consistent with this requirement with the condition that the applicant dedicate a 1 ft reserve strip at the terminus of all dead end streets. These reserve strips shall be shown on the 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 is consistent with this requirement. Streets are aligned as approved in the adopted SWAP plan. All intersection distances are greater than 200 ft.

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

The proposal is consistent with this requirement with the condition that the applicant construct emergency vehicle turn-arounds at the end of 9th and 8th Streets. Turn-arounds shall be exclusive of private driveways and shall be constructed to support loads of 55,000 pounds or as otherwise approved by Lane County Fire District #1.

- (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. Streets are aligned as approved in the adopted SWAP plan.

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

The proposal is consistent with this requirement. Streets are aligned as approved in the adopted SWAP plan, therefore, no variance is required. Alternative street designs are necessary because of the presence of numerous wetland areas on the site. No concerns were raised by the City Engineer regarding the tangent lengths or intersection angles.

- (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.*

This requirement does not apply. There are no existing streets within the project area.

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

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

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

The proposal is consistent with this requirement. All cul-de-sacs are less than 400 ft in length.

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

The proposal is consistent with this requirement with the condition of approval that 6th street be renamed to Strike Street, and 9th Street renamed with a unique name.

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

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

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

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

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

The proposal is consistent with this requirement. None of the above conditions exist.

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

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

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 proposal is consistent with this requirement. All lots meet the minimum lot widths as specified in Section IV, Table 2 of the adopted SWAP which is incorporated herein by reference.

VENETA LAND DIVISION ORDINANCE 462

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.*

The proposal is consistent with this requirement with the condition of approval that 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.

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

The proposal is consistent with this requirement. Installation of sidewalks will be required as a condition of approval for each individual unit.

- (6) *Bicycle routes.* If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.

The proposal is consistent with this requirement. The proposal includes construction of multi-use and pedestrian paths in conformance with the adopted SWAP.

Veneta Land Development Ordinance No. 461

Section 5.24 ACCESS MANAGEMENT

- (1) *Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.*

The proposal is consistent with this provision with the condition of approval that where practicable, corner lots shall take access from the street with the lowest functional class.

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

The proposal is consistent with this standard. Driveways for individual lots will be examined at the time of building permit. Shared driveways will be encouraged whenever possible to reduce access points on collector streets.

SANITARY SEWER, WATER, AND OTHER PUBLIC UTILITIES

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

Article 6-DESIGN STANDARDS

Section 6.03 BLOCKS

- (1) *General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.*

The proposal is consistent with this standard because the length, width, and shape of blocks have already been determined by the approved SWAP which takes into account the topography, wetlands, and other considerations in configuring street layouts and block shape.

- (2) *Size. In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.*

The proposal is consistent with this standard because the length, width, and shape of blocks have already been determined by the approved SWAP which takes into account the topography, wetlands, and other considerations in configuring street layouts and block shape.

- (3) *Easements.*

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

The proposal is consistent with this criterion because no special public utility easements are necessary. A ten (10) foot public

utility easement, for sewers, water mains, electric lines and other public utilities is provided adjacent to the rights-of-way.

Article 7-IMPROVEMENT REQUIREMENTS

Section 7.03 IMPROVEMENTS IN SUBDIVISIONS

The following improvements shall be installed at the expense of the sub-divider at the time of subdivision or as agreed upon as provided in Section 7.05. All improvements shall comply with the construction permit requirements of Ordinance No. 149.

- (3) *Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains and shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. In the event it is impractical to connect the subdivision to the City sewer system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area.*

If sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the City Council may construct as an assessment project with such arrangements as are desirable with the sub-divider to assure financing his share of the construction. If the City Council chooses not to construct the project as an assessment project the sub-divider shall be solely responsible for the cost of improvements in accordance with City approved plans.

The proposal is consistent with this provision because the subdivision will be connected to the existing City sewer system.

- (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 because all lots will connect to the City water system.

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

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

Land Development Ordinance No. 417

Section 5.14 IMPROVEMENT REQUIREMENTS

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

- (1) *Water and Sewer connections. All developments requiring water within the SFR, GR, CR, CC, IC, and I zones shall be connected to City water and sanitary sewers. Developments in the RR zone and H.C. zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.*

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

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

The proposal is consistent with this criterion with the condition that recorded copies of all necessary utility and access easements be provided prior to building permit. All necessary public utility and drainage easements are shown on the proposed plans.

SURFACE WATER DRAINAGE

- (3) *The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).*

Article 7 – IMPROVEMENT REQUIREMENTS

Section 7.03 IMPROVEMENTS IN SUBDIVISIONS

- (2) *Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining*

through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan.

The proposal is consistent with this requirement. A detailed Stormwater Analysis has been submitted and reviewed by the City Engineer. The Engineer recommended approval of the drainage plan in a letter dated December 6, 2006. The City hereby finds that the revised stormwater plan submitted on November 10, 2006 meets the requirements of condition #4 of the adopted SWAP, and the proposed improvements comply with this requirement.

Land Development Ordinance 417

Article 5 – SUPPLEMENTARY PROVISIONS

Section 5.14 IMPROVEMENT REQUIREMENTS

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

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

The proposal is consistent with this criterion with the condition that recorded copies of all necessary utility and access easements be provided prior to building permit. All necessary public utility and drainage easements are shown on the proposed plans.

Section 5.26 PARKLAND DEDICATION REQUIREMENTS

- (a) *The required parkland shall be dedicated as a condition of approval for the following:*
1. *Tentative plat for a subdivision or partition;*
- (b) *Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre: Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0084*

The proposal is consistent with this requirement. Although not adopted at the time, the impact of the park dedication regulation was considered during the review process for the SWAP. Staff performed an analysis of how much parkland would be required to be dedicated across the entire site at full build out.

HOUSING TYPE	PROPOSED UNITS (not max)	Total Persons Per Unit	REQUIRED DEDICATION(acres)**	TOTAL PARKS PROPOSED FOR DEDICATION
Single family residential	457	3	11.5164	
Standard multi-family unit (townhouse)	18	2	0.3024	
Congregate multi-family unit	60	1.5	0.756	
TOTAL	535	1497	12.5748	18.8

Based on this analysis, a total of approximately 12.57 acres would need to be dedicated site-wide based on the projected build out. A total of approximately 18.8 acres are proposed for dedication in the adopted plan. This number was arrived at using the criteria for “usable” park space according to Section 5.26. The total does not include wetland areas, and is composed of a large 7+ acre park area, and several other smaller pocket parks, and open spaces which are integrated into the resource protection and bicycle/pedestrian plan for the area. Based on this analysis, the SWAP as adopted will meet the park dedication requirement and no additional dedication is necessary on a subdivision by subdivision basis.

1. 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.

This requirement does not apply, no cash in lieu of fee is required for developments within the SWAP area.

TOPOGRAPHY, FLOODPLAIN, WETLANDS, AND VEGETATION

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

The proposal is consistent with this requirement. There is no floodplain on the subject property. Planning around wetlands was one of the primary reasons the applicant undertook an update of the SWAP. Since the adoption of the initial plan in 2000, several large areas of wetland were delineated on the site. The revised plan adopted in 2006 takes these areas into account, and a wetland variance (V-12-05) has been granted for limited impacts to wetlands necessary to construct essential infrastructure on the site. The findings for variance V-12-05 detail the reasons for the impacts and are incorporated herein by reference.

Vegetation has been incorporated into the site design through the large amount of parks and open space provided. Riparian vegetation directly adjacent to wetland areas has been protected through incorporation into the open space plan for the site. Because of the need to concentrate density within certain areas of the site in order to avoid wetlands, there is little opportunity to protect trees within the lot areas of the individual subdivisions. The applicant is deemed to have met this requirement by obtaining a tree removal permit as discussed below.

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.*

The applicant has filed a tree removal plan and shall obtain a permit through approval of these findings by the Planning Commission. The subdivision as submitted eliminates more than three trees. It therefore, requires a tree removal permit, making the criteria of VMC 8.10 mandatory approval criteria for this application.

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 this criterion. The applicant has submitted the required plans and information, and has paid the applicable fees.

- (2) *Compliance with this chapter shall be a supplemental condition of approval for all site plans, PUDs, and subdivisions. (Ord. 399 § 6, 1998)*

For VMC 8.10 to function as intended, compliance with the criteria found in that chapter must be applied directly as mandatory approval criteria for subdivisions and other land use actions. This allows full analysis of the proposal's compliance with the criteria of VMC 8.10.080, and affords the City the opportunity to alter the proposal with conditions, or to deny a plan when it is clear that the applicant has not met the criteria. This interpretation was made after an in-depth examination of the intent and the express language of the code, including that of 8.10.060(1) which indicates, if not requires, that tree permits and land use applications be processed simultaneously, and that of VMC 8.10.100 which states that, "The city may place conditions on the applicant's plot plan in order to meet the standards in VMC 8.10.080." 8.10.070 Procedure for Filing Tree Removal Plan.

- (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.*

The City administrator has deferred this tree permit as submitted in conjunction with site plan review application to the Planning Commission for consideration and final decision concurrent with the subdivision application.

8.10.080 Tree Removal Standards.

- (2) *The city's consideration of the permit shall be based on the following standards:*
(2)(a) *The conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety.*

The applicant has stated that trees in the wetland area are unhealthy due to the presence of saturated soil conditions. These trees are clustered in a grove and are small firs less than 12 inches in diameter. Most of the trees on the west side will be removed for the extension of 8th street. According to the applicant's narrative, an arborist has raised concerns about the safety risks associated with allowing trees within the wetland to remain, especially if many of the trees will be removed to allow for infrastructure improvements.

There is also a 17 inch oak that will be severely impacted by the proposed improvements. The nature of the site improvements, including grading, in

the area of this tree makes preservation impractical. Two oak trees are being included in the permit that the applicant intends to preserve. Because of the proximity to proposed construction, these trees may not survive. As a condition of approval, these two trees shall be protected during construction by fencing placed at the drip-line. Removal of these trees shall require the verification by City staff that such removal is necessary.

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

Protection of nearby trees and windbreaks:

The trees proposed for removal are not near any other existing trees, therefore, there is no potential for windthrow due to the proposed tree removal.

Air quality:

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

Impacts on fish and wildlife

There are no fishbearing streams in close proximity to the site. There is no information available indicating that there is or may be threatened or endangered species on the site. The grove of fir trees is an isolated stand that were planted as part of a Christmas tree farming project and do not represent native or critical habitat for wildlife.

Soil Retention and Stability

Slopes in the areas where trees are to be removed are generally quite minimal. There are no drainages running through the tree grove and the trees proposed for removal do not play a critical role in soil retention or stabilization.

Protection of nearby trees and windbreaks:

There are no other trees in the area of the proposed removal.

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 for the entire Southwest Area has been accounted for in the approved stormwater management plan which utilizes bioswales and other novel

detention options which provide significant treatment benefits over conventional systems.

Scenic Quality

There is no evidence in any adopted City planning document which indicates that the trees in question have any significant scenic value. The trees are located in the center of the site and do not serve as buffers or visual barriers to surrounding developments.

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

It is necessary to remove at least some of the trees to construct proposed improvements. Removal of these trees is necessary for the proper extension of 8th street and accompanying City services. Although it may not be necessary to remove these trees to utilize the property in a reasonable manner, it is necessary to construct the subdivision in accordance with the adopted SWAP.

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

The subdivision plan represents the plot plan for each phase, 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 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 for the entire Southwest Area has been accounted for in the approved stormwater management plan which utilizes bioswales and other novel detention options which provide significant treatment benefits over conventional systems. Slopes in the areas where trees are to be removed are generally quite minimal. There are no drainages running through the tree grove and the trees proposed for removal do not play a critical role in soil retention or stabilization.

- (ii) *Wooded areas that will likely provide attractive on-site views to occupants of future developments shall be retained.*

The only “wooded area” present on the site is a stand of small diameter fir trees left over from a Christmas tree operation. These

trees are generally tall, spindly, sparsely foliated trees which will be in danger of windthrow due to saturated soils and wind exposure due to the removal of trees for the extension of 8th street. These trees are not viable in an urban environment and will not provide attractive views.

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

This criterion is not applicable. The trees proposed for removal are not located on a hilltop or ridgeline.

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

All of the trees proposed for removal are located within an area proposed for dedication to the City, and are not located on property lines. Retention of the fir trees along the roadway is not advisable because these trees are not healthy and are not likely to survive after a majority of the grove is removed to allow extension of 8th street.

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

Because of saturated soil conditions, removal of a large portion of the grove for 8th street, makes retention of the remainder of the grove highly susceptible to windthrow. The remaining portion of the grove is not sufficiently large to ensure against windthrow and therefore, should be removed.

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

Because the trees to be removed are not heritage trees, have no stated values for scenery or as windbreaks or other qualities which make them unique, the proposed landscaping of the open space areas, including the planting of native trees as proposed, along with trees planted to conform to the landscaping standards of VLDO 5.12 provide an adequate substitute for the trees being removed.

REMAINDER OF PROPERTY

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

The proposal is consistent with this requirement. The entire area is planned for in the adopted SWAP and is planned to be developed in a phased, coordinated basis.

ADJOINING LAND

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

The proposal is consistent with this criterion. Adjoining lands to the north are already developed. Future development of lands to the south and west are provided for by extending roads and other services to the property lines to allow future development to City standards.

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).

LAND DIVISION ORDINANCE 462

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.*

Alternate minimum lot widths were adopted as part of the SWAP. The proposal is consistent with the standards of the SWAP because each lot will have a minimum width of either 40 or 50 ft depending on whether it is in the Standard Residential, (a division of the General Residential zone) or Single Family Residential zone.

(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 are greater than 80 ft.

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

The proposal is consistent with this standard. All lot areas are consistent with the standards adopted in the SWAP. Lots within the SFR and GR zones are required to have minimum areas of 6000 and 3600 sq ft respectively.

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

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

The proposal is consistent with this requirement because the lot lines run at right angles or parallel to all streets to the greatest degree possible while following the layout specified in the adopted SWAP.

LAND DEVELOPEMNT ORDINANCE 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.*

This criterion is fully implemented through VMC 8.10. The proposal is consistent with this requirement with the granting of an approved tree removal permit.

- (4) *All required yards including 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.

According to the applicant's narrative (page 2) indicates a total of 413,169 sq ft of lot space. Assuming lot coverage of 50% (maximum for the GR zone), this equals approximately 206,000 sq ft of yard space.

The proposal is consistent with this provision with the condition that the applicant shall plant a minimum of 206 trees and 824 1 gallon shrubs . All lots shall be planted with a minimum of four(4) trees and 13 shrubs per lot on lots of 6000 sq ft or larger, and a minimum of three(3) trees and 8 shrubs per lot on lots smaller than 6000 sq ft.

D. This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the Veneta Planning Commission, below. A Planning Commission decision may be appealed to the City Council within 15 days after the final order has been signed and mailed. An appeal of the City Council's decision must be submitted to the Land Use Board of Appeals within 21 days of the Council's decision becoming final.

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

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

Date