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**FINAL ORDER OF THE  
VENETA PLANNING COMMISSION**

**LABRADOR PARTITION (M-1-07) and  
ASSOCIATED TREE REMOVAL PERMIT**

**A. The Planning Commission finds the following:**

- 1) The applicant has submitted information for a tentative plan application required by Section 5.01 of the Veneta Land Division Ordinance No. 462.
- 2) The Veneta Planning Commission met on February 4, 2008 to review and discuss the tentative partition application for assessors map 17-06-36 Tax Lot 2300. The Planning Commission reviewed all material relevant to the tentative land partition after providing proper notice of the limited land use decision according to Section 2.06 of the Veneta Land Division Ordinance No. 462.
- 3) The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in Section 5.03 of Veneta's Land Division Ordinance No. 462.

**B. The Veneta Planning Commission hereby approves the Labrador partition tentative plan (M-1-07) and accompanying tree permit with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- (1) No trees shall be removed until improvement plans have been approved and notice to proceed has been issued.
- (2) The access easement and approach to 8<sup>th</sup> Street shall be paved to a minimum width of 20 ft and constructed to support loads of 56,000 pounds or as otherwise required by Lane County Fire District #1.
- (3) A dedicated emergency vehicle turnaround between parcels 1 & 2 shall be signed "no parking" and shall be accessible at all times. Any curbs placed in these areas shall be painted yellow in accordance with the 2007 Oregon Fire Code, Table D103.4
- (4) Coordinate central mail box location with Veneta Post Master
- (5) The applicant shall dedicate 5 feet of additional right-of-way for 8<sup>th</sup> Street for a total width of 55 feet.

**PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:**

- (6) Install tree protection fencing for all trees to be preserved. Fencing shall be placed at the dripline of the tree, or as otherwise approved by the City to accommodate proposed improvements, and shall remain in place throughout the construction process. Fencing shall be inspected by the City prior to tree removal or construction and shall not be moved without City approval
- (7) Obtain approval for public improvement plans to include the items listed below.
  - (a) ACCESS plans which include:
    - i) The driveway and all culverts therein constructed to support loads of 56,000 lbs.
    - ii) Signage for the panhandle driveway and emergency turn-around clearly indicating that no parking is allowed in these areas.
    - iii) A 10-foot wide P.U.E. identified across the east side of Parcel 1 along 8<sup>th</sup> Street.
  - (b) SANITARY SEWER improvement plans which include the following:
    - i) Size and location of all sanitary sewer lines
    - ii) A new sewer connection is required to serve Parcel 2 and 3. A 6-inch connection from the main to the property line is acceptable.
  - (c) WATER improvement plans which include the following:
    - i) Water services relocated to the northern side of the property within the joint access/ utility easement
    - ii) Size and location of all water lines
  - (d) DRAINAGE FACILITY improvement plans which include the following:
    - i) The size and location of all proposed stormwater facilities
    - ii) A drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.

- iii) The existing drainage pattern shall be maintained to the maximum extent practicable.
  - iv) Due to variations at each site as well as variations that will occur during construction, calculations and a storm plan shall be submitted for each of these parcels and receive a review by the City Engineer prior to construction on each individual parcel.
- (e) EROSION CONTROL and GRADING plans which:
- i) Address erosion and run-off during and after construction and include a 1200C permit as required by DEQ.
  - ii) Show existing and proposed cut and fill slopes, type of fill materials, finish grade elevations at property boundaries, and existing elevations of neighboring parcels at the property lines.
- (f) UNDERGROUND UTILITY PLANS including telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies.
- (8) 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 partition 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.
- (9) Obtain all required permits and reimburse the City for all engineering inspection and plan review fees according to City Code. Permits include, but are not limited to the following:
- (a) Obtain permits to work within the City right-of-way.
  - (b) Demolition permit for removal of existing structures on the property

#### **PRIOR TO FINAL PLAT APPROVAL**

- (10)
- (a) To cover the cost of future improvements to 8<sup>th</sup> Street 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, storm water, lighting, and all necessary acquisition of easements or additional ROW.

- (b) The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade 8<sup>th</sup> Street adjacent the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.
- (11) Submit an Irrevocable Development Agreement stating that:
- (a) A 15 ft clear vision area shall be maintained on Parcel 1 at the intersection of 8th Street and the panhandle access easement for these parcels as required by Veneta Land Development Ordinance Section 5.03. This triangle having 15 ft shall be permanently maintained as a clear vision area and 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.
  - (b) All parcels shall be landscaped as required by City Code including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. No further trees shall be removed from parcels without an approved permit.
  - (c) The private drive shall be a minimum of 20 feet in width. The fire turn-around area shall be separate and exclusive of all driveways to private residences. No parking shall be allowed in the joint access/utility easement and fire turnaround area and “No Parking” signage and a 20ft clear fire access aisle shall be permanently maintained. Any curbs placed in these areas shall be painted yellow in accordance with the 2007 Oregon Fire Code, Table D103.4. Pavement surface of the shared driveway shall be permanently maintained.
- (12) The applicant shall pay cash in lieu of park dedication as required by Section 5.26 of the Veneta Land Development Ordinance 461.
- (13) 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) Joint access and maintenance agreement over panhandle partition of parcel 2 & 3 and the fire turn-around.

- (b) A 10 ft public utility easement along the eastern boundary of parcel 1 bordering 8<sup>th</sup> street
  - (c) Dedication of an additional 5 ft of Right-of-way for 8<sup>th</sup> Street.
  - (d) All private easements including the shared access/utility easement and fire turnaround area are to be shown on the plat and provided as separate documents.
  - (e) Include plat notes as follows:
    - i) The fire turn-around area shall be separate and exclusive of all driveways to private residences. No parking shall be allowed in the joint access/utility easement or fire turn-around areas and a 20ft wide clear fire lane with “No Parking” signage shall be maintained.
    - ii) A 15 ft clear vision area shall be maintained on parcel 1 at the intersection of 8<sup>th</sup> Street and the panhandle access easement as required by Veneta Land Development Ordinance Section 5.03. 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.
- (14) The applicant shall install all required public improvements and repair existing streets or other public facilities damaged in the development of the property OR execute and file with the City an agreement between the applicant and the City, specifying the period within which required improvements and repairs shall be completed and post a performance bond with the City. This shall be completed in accordance with the Veneta Land Division Ordinance 462, Article 7, Sections 7.05 and 7.06. Public improvements must include all improvements required by the Veneta Land Division Ordinance, the Planning Commission’s conditions of approval, and must be installed in accordance with plans approved by the City.
- (15) The applicant shall obtain a “Letter of Substantial Completion” from the City of Veneta for improvements which have been installed and approved by the City.
- (16) The applicant shall pay all outstanding engineering and consulting fees due to the city.

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

- (17) Provide the City with a recorded copy of the Final Plat
- (18) Obtain signed tree removal permits for individual parcels prior to issuance of building permits for dwellings on those parcels.

- (19) 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.

**C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Labrador partition tentative plan and accompanying tree removal permit (M-1-07) based on the information in the staff report and the following findings of fact:**

**Partition, applicable criteria.** Ordinance language is in italics. Findings are in bold.

*VENETA LAND DIVISION ORDINANCE NO. 462*

**ARTICLE 5-PARTITIONS**

*SECTION 5.03 TENTATIVE PLAN REVIEW CRITERIA*

*The Building and Planning Official or 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.*

*SECTION 5.04 CATAGORIES FOR REVIEW OF TENTATIVE PLAN APPLICATIONS*

**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.*

**The proposal is consistent with the applicable provisions of Article 6 & Article 7 of the Veneta Land Division Ordinance addressed below.**

***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).*

**The proposal is consistent with this provision with the conditions of approval that the applicant submit drainage plans following for approval by the City to include the following:**

- (a) **The size and location of all proposed stormwater facilities**
- (b) **A drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.**
- (c) **The existing drainage pattern shall be maintained to the maximum extent practicable.**

**As a condition of approval to the proposal, calculations and a storm drainage plan shall be submitted for each of these parcels and receive a review by the City Engineer prior to construction on each individual parcel.**

#### **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 wetlands, floodplains or significant vegetation on the site which require special consideration. There are no hillside slopes on the parcel that would require geotechnical engineering. The application is also in conformance with the provisions of Chapter 8.10 of the Veneta Municipal Code for tree cutting, destruction & removal. The findings are as follows:**

#### ***VENETA MUNICIPAL CODE (VMC)***

#### ***CHAPTER 8.10 TREE CUTTING, DESTRUCTION & REMOVAL***

#### ***8.10.030 Tree removal prohibited.***

- (1) *Except as provided in VMC 18.10.060, no person shall remove more than three trees per parcel within a single calendar year without first filing a tree removal plan and obtaining a tree removal permit.*

*8.10.060 Permits required with planned unit developments, subdivisions, and site plans.*

- (1) *Any application for any planned unit development, subdivision, site plan or other zoning permit or approval, the plans for which call for tree removal which would require a tree removal pursuant to VMC 18.10.030, shall be accompanied by an application for a tree removal permit, together with the required filing fee under VMC 8.10.050.*

**The proposal is consistent with these criteria. The applicant has applied for a tree removal permit. The permit is granted with approved of these Final Orders based on the findings addressing Chapter 8.10 of the Veneta Municipal Code (VMC) below.**

*8.10.080 Tree removal standards.*

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

**Based on past City procedures, tree removal permits submitted concurrent with development applications requiring Planning Commission review are subject to approval by the Commission. The Planning Commission hereby approves the tree removal permit based on its compliance with the criteria of VMC 8.10 as stated below.**

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

**The applicant has stated that the trees are healthy; therefore, the condition of the trees is not considered a reason for removal.**

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

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

**Protection of nearby trees and windbreaks:**

No concerns have been raised regarding this issue. Many of the remaining trees will be removed on a parcel by parcel basis to allow development of the homes. There are approximately 7 trees on the property to the south which are approximately 2-3 feet from the property line. Most of these trees are smaller, 8-15 inch diameter fir trees that are supported on the south side by additional trees. Trees to be preserved shall be protected with tree protection fencing provided by the developer.

**Air quality:**

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

**Impacts on fish and wildlife**

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

**Soil Retention and Stability**

Slopes in the areas where trees are to be removed are generally quite minimal. There are no perennial drainages running through the site that will remain open and the trees proposed for removal will not play a critical role in soil retention or stabilization as the parcels are to be landscaped

**Volume of surface runoff and water quality of streams:**

The proposed tree removal will have no significant impact on surface runoff in terms of either quantity or quality. There are no streams within or directly adjacent to the tree removal area. Volume of surface runoff will be accounted for in the stormwater management plan which utilizes bioswales and other detention options which provide some 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.

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

**The proposal is consistent with this criterion. It is necessary to remove the trees as indicated on the plan in order to construct the proposed utility and access improvements. The requirements that the applicant locate the water services on the north side of the property do not affect the density or serviceability of the development, and increase the likelihood that trees on and adjacent to the subject property will be successfully retained in compliance with this chapter.**

- (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 partition 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 drainageway and water areas shall be retained to preserve riparian habitat and to minimize erosion.*

**The proposal is consistent with this criterion. No defined waterways exist on the property. Some of the trees proposed for removal are located in a low lying area that does receive storm flows during winter months, but there is no defined channel or riparian area. No riparian habitat currently exists.**

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

**The proposal is consistent with this criterion with the conditions that the applicant locate the water lines on the north side of the property to increase the likelihood that trees on and adjacent to the subject property will be successfully retained.**

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

**The subject property is not on a ridge or hill.**

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

**The proposal is consistent with this criterion with the conditions that the applicant relocates the water lines to the north side of the property. This will minimize the likelihood of damage to trees currently serving as a buffer along the south property line.**

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

**Windthrow has not been raised as a significant concern on or adjacent to the site. Existing trees along the south property line are in small stands of less than a dozen trees each and improvements in this area will consist solely of a shallow swale designed to channel stormwater. The proposal is consistent with this criterion with the condition that the applicant locates the water lines on the north side of the property and locates the detention facilities no closer than 10 ft from the northern property line to minimize the likelihood of damage to trees on the adjacent property.**

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

**The current tree permit is only approved for removal of trees to accommodate infrastructure improvements. Individual tree permits will be required for removal of trees on each parcel at the time of building permit. The City will require at least 1 tree and 4 shrubs for every 1000 sq ft of open space per parcel with credit given for preserved trees during the review of the individual permits.**

#### **REMAINDER OF PROPERTY**

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

**The proposal is consistent with this requirement. None of the proposed parcels can be further divided**

#### **ADJOINING LAND**

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

**The proposal is consistent with this criterion because adjoining land is already developed with single family residences. Tax lot 2100 has an existing panhandle access to 8<sup>th</sup> street.**

**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).*

**The proposal is consistent with the criterion as addressed in the findings listed below.**

**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:*

<u>Type of Street</u>	<u>Standard Right-of-Way</u>	<u>Standard Paved Width</u>	<u>Sidewalks</u>
Minor Collector	60'	38' (10' travel lanes, 5' bike lanes, 8' parking on one side)	yes

- (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. Considerations include:*

- (a) emergency vehicle access
- (b) self-protection of structures using sprinkler systems or other fire prevention means

- (c) curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)
- (d) provision for generous parking on site that would eliminate need for on-street parking
- (e) location of proposed street relative to other streets (block length and connectivity)
- (f) provision of transit service through special agreements and facilities
- (g) pedestrian safety, particularly at intersections
- (h) adequate rights-of-way or easements for public utilities
- (i) existing development that limits paving and right-of-way widths
- (j) topography
- (k) environmental impacts

**The proposal is consistent with the standard street design standards identified in Section 6.02 Street Design Standards and therefore no alternatives to standard street design are necessary.**

- (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.

**No reserve strips are required for development of these parcels; therefore the provisions of this section are not applicable.**

- (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.

**This proposal does not create a public 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 is consistent with this standard. Street extensions are not necessary to serve adjacent parcels.**

- (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 subject parcel does not have frontage onto two or more streets, therefore the provisions of this section are not applicable.**

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

**The proposed driveway intersects at a right angle to 8<sup>th</sup> street, therefore the proposal is consistent with this standards of Section 6.02 (8) 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.

**The proposal is consistent with provisions of this section with the condition of approval that the applicant dedicates an additional 5 ft of right-of-way for 8<sup>th</sup> Street. 8<sup>th</sup> street is currently 50ft in width, requiring an additional 5ft on both sides to meet the standards this section and Section 6.02 (2) above.**

- (10) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the

Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to the tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.

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

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

**No Cul-de-sacs are proposed; 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

**The proposal does not include a public or private street within the partition; 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 have grades or curves exceeding the requirements of this section. 8<sup>th</sup> Street is a minor collector and does not exceed the ten percent grade; therefore the proposal is consistent with the provisions of this section.**

- (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 not adjacent to railroad right-of-way; therefore the provisions of this section are not applicable.**

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

**The proposal does not contain any existing or proposed arterial streets; therefore the provisions of this section are not applicable.**

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

**The proposal does not contain any alleys; therefore the provisions of this section are not applicable.**

### *SECTION 6.03 BLOCKS*

- (1) *General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.*
- (2) *Size. In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.*

**The proposal is consistent with the standards in Section 6.03 (1) & (2) above because the length, width, and shape of blocks have already been largely determined by the surrounding developments.**

- (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 provisions of this section with the condition that the applicant provides a ten (10) foot public utility easement adjacent to the rights-of-way on parcel 1, and a joint access and maintenance agreement as required by the conditions of approval to this application (13a & 13b, Page 5). Private easements are necessary for sewer and water service and access and are required to be shown on the plat as conditions of approval.**

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

**The proposal is consistent with this requirement because the depth of each parcel is less than 2 ½ times the width and is comprised of a minimum area required by the Land Development Ordinance.**

- (2) Access. Each lot and parcel (except those in the GR and RC zone intended for attached housing) shall abut upon a street other than an alley for a width of at least 50 feet and 35 feet for a cul-de-sac. Panhandle or flag lots shall be allowed when other options for dividing the property are not available such as odd shaped lots, separate disparate uses exist on a single lot, or natural and pre-existing man-made barriers which may cause an undue hardship on the land owner.

**The proposal is consistent with this requirement because the long narrow shape of the existing parcel precludes development without the use of**

**panhandles. Surrounding developments prevent the use of a cul-de-sac, half-street or other public access.**

- (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.

**Through lots and parcels are defined as having frontage on two streets that are roughly parallel. No through parcels are proposed with this partition application; therefore the provisions 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 parcel lines run at right angles or parallel to all streets to the greatest degree possible.**

## **ARTICLE 7-IMPROVEMENT REQUIREMENTS**

### **SECTION 7.04 IMPROVEMENTS IN PARTITIONS**

*The same improvements may be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission or Building and Planning Official finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission may except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.*

**See below requirements for subdivision provisions**

*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.*

### **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 and Section 5.14(7) of the Veneta Land Development Ordinances No. 461.*

**The partition is consistent with the provisions of this section with the condition of approval that...**

- a) **The applicant shall make a deposit with the City to cover the cost of future improvements to 8<sup>th</sup> Street 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, storm water, lighting, and all necessary acquisition of easements or additional ROW.**
  - b) **The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade 8<sup>th</sup> Street adjacent the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.**
- (2) *Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan.*

**The proposal is consistent with this provision with the conditions of approval that the applicant submit drainage plans following for approval by the City to include the following:**

- (a) **The size and location of all proposed storm water facilities**

- (b) **A drainage study defining the difference between the pre- and post-development runoff from the site with calculations and a brief narrative that explains the analysis and conclusions of the drainage study. The study must show that post-development flows shall not exceed predevelopment peak flows for a 10 year storm.**
- (c) **The existing drainage pattern shall be maintained to the maximum extent practicable.**

- (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 partition will be connected to the existing City sewer system in 8th Street; therefore the proposal is consistent with this provision of this section.**

- (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 surrounding properties currently have access to City water and no extensions are required. All parcels shall connect to the City water system and therefore the proposal is consistent with the provisions of this section.**

- (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 portion of 8<sup>th</sup> Street fronting the proposed partition 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:

- (a) This road is currently identified as a Minor Collector and is not fully improved. Rather than partially construct the sidewalk in intermittent sections, the City would request to defer the project until a later time.
- (b) There are likely slope easements and/or additional ROW on adjacent parcels which would be necessary to construct the street to City standard.
- (c) 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 partition 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:

- (a) The applicant shall make a deposit with the City to cover the cost of future improvements to 8<sup>th</sup> Street 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, storm water, lighting, and all necessary acquisition of easements or additional ROW.
- (b) The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade 8<sup>th</sup> Street adjacent the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.

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

Currently, bicycle lanes are required along 8<sup>th</sup> Street due to its status as a minor collector as shown in the City's adopted Transportation System Plan Map 16, along 8<sup>th</sup> Street adjacent to the eastern side of property. The development provides adequate pedestrian and bicycle connectivity to surrounding areas including construction of 8<sup>th</sup> Street with bike lanes, the following conditions of approval are required:

- (a) The applicant shall make a deposit with the City to cover the cost of future improvements to the 8<sup>th</sup> Street 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, storm water, lighting, and all necessary acquisition of easements or additional ROW.
- (b) The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade 8<sup>th</sup> Street adjacent the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.

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

The proposal is consistent with this requirement with the condition of approval that the developer install street signs at all street intersections to approved City standards.

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

The proposal is consistent with this requirement with the condition of approval that the developer install street lights in conformance with Chapter 15.15 of the Veneta Municipal Code.

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

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

#### ***VENETA LAND DEVELOPMENT ORDINANCE NO. 461***

### ***ARTICLE 4- USE ZONES***

#### ***SECTION 4.02 SINGLE-FAMILY RESIDENTIAL ZONE (SFR)***

- (1) *Purpose.* To provide areas suitable and desirable for primarily single-family use with provisions for associated public service uses, planned developments and limited multiple family use under controlled conditions on lots incapable of division to city standards.

**The proposed partition meets the purpose of the land use designation identified in the Veneta Land Development Ordinance by providing suitable and desirable area for three single-family residential housing units; therefore the proposal is consistent with the provisions of this section.**

### ***ARTICLE 5- SUPPLEMENTARY PROVISIONS***

#### ***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 the provisions of Section 5.03 (1) & (2) above with the condition that a 15 ft clear vision area shall be maintained on parcel 1 and the panhandle of parcel 2 & 3 at the intersection of 8th Street. As a condition of approval, a description of the clear vision area must be included in both the development agreement and as a plat note on final plat to inform future owners of the restrictions in accordance with the Veneta Land Division Ordinance Section 5.06 (I).**

**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 provisions of this section are addressed through VMC 8.10 Tree Cutting, Destruction and Removal as detailed below.**

- (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 the provisions of this section with the condition that all parcels shall be landscaped as required by City Code including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. No trees other than those allowed by the approved tree removal permit shall be removed without the Planning Department's approval.

SECTION 5.14 IMPROVEMENT REQUIREMENTS

- (1) *Water and Sewer connections.* All developments requiring water within the SFR, GR, CR, CC, IC, and I zones shall be connected to City water and sanitary sewers.

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

- (2) *Agreement for Improvements.* Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities and shall repair existing streets and other public utilities damaged in the development or execute and file with the city an agreement between the owner of the land and the city specifying the period within which required improvements and repairs shall be completed. If the improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land developer.

The proposal is consistent with the provisions of this section with the condition that

- a) The applicant shall make a deposit with the City to cover the cost of future improvements to 8<sup>th</sup> Street 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, storm water, lighting, and all necessary acquisition of easements or additional ROW.

b) **The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade 8<sup>th</sup> Street adjacent the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.**

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

**The proposal is consistent with the provisions of this section because all of the provisions of the Land Division Ordinance and Land Development Ordinance have been met or can be met with conditions of approval.**

- (4) *Improvements within a Public Right-of-Way.* A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.

**The proposal is consistent with the provisions of this section with the condition of approval that the applicant shall obtain construction permits for any required improvements constructed within a public right-of-way. Construction permits shall be reviewed and signed off by the City Engineer.**

- (5) *Dedication of Street Right-of-Way.* Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, Land Division Ordinance and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.

**The proposal is consistent with this standard with the condition of approval that the applicant dedicates an additional 5 ft of right-of-way for 8<sup>th</sup> Street. 8<sup>th</sup> street is currently 50ft in width, requiring an additional 5ft on both sides to meet the above standard.**

- (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 the applicant show on the final plat a 10 ft PUE along the Eastern border of parcel 1 along 8<sup>th</sup> Street, and a joint access and maintenance easement over the storm water facilities, utilities and driveway.**

- (7) *Waiver. The City Administrator may waive improvement requirements for construction of sidewalk improvements when a paved street with curbs and gutters is not adjacent to the proposed development. If this requirement is waived, the developer may be required to deposit with the City the cash to cover the cost of improvements based on an estimate approved by the City Engineer or sign an Irrevocable Petition for the future installation of sidewalks.*

**The partition is consistent with the provisions of this section. As a condition of approval:**

- (a) **The applicant shall make a deposit with the City to cover the cost of future improvements to 8<sup>th</sup> Street 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, storm water, lighting, and all necessary acquisition of easements or additional ROW.**
- (b) **The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all parcels, ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade 8<sup>th</sup> Street adjacent the property to City standards including but not limited to utilities, bike lanes, street surface upgrades, and sidewalks, and acquisitions over and above the deposit paid at the time of development.**

#### **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. No corner parcels are proposed.**

- (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. Parcels 2 & 3 will share a private access with a fire turn-around which limits the number of driveways on 8<sup>th</sup> Street, a Minor Collector.**

#### SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(2) *MINIMUM PARKLAND DEDICATION REQUIREMENTS*

*Parkland Dedication: New residential subdivisions, planned unit developments (including plans implementing the Specific Development Plan (SDP) subzone), multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments...*

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

**The proposal meets this requirement with the condition of approval that the applicant pay cash in lieu of park dedication for 2 additional parcels prior to final plat approval. The total park dedication required is equal to .05 acres.**

(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.*

**If the applicant chooses cash in lieu of dedication, a binding financial instrument in the amount of \$3,885.05. This calculation is derived from the total acres of parkland dedication multiplied by the cost per acre (.05 x \$77,000 per acre).**

**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 I Eagle Eye

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

2-7-08

**Date**