

**FINAL ORDER OF THE  
VENETA PLANNING COMMISSION**

**JAKL PARTITION (M-1-09)**

**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 October 5, 2009 to review and discuss the tentative partition application for assessors map 18-05-06-23 Tax Lot 100. 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 JAKL partition tentative plan (M-1-09) with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- (1) The shared driveway shall be signed "no parking" and accessible at all times. Any curbs placed in these areas shall be painted yellow and maintained in accordance with the 2007 Oregon Fire Code, Table D103.4.
- (2) Coordinate central mail box location with Veneta Post Master.
- (3) A 10-foot wide P.U.E. shall be dedicated across the north side of Parcel 1 along Perkins Road.

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

- (4) Obtain City approval for 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 (if required by LCFD#1) clearly indicating that no parking is allowed in these areas.
- (b) SANITARY SEWER improvement plans which include the following:
    - i) Size and location of all sanitary sewer lines as required by the City of Veneta Public Works
    - ii) The lateral from the manhole to the property line shall be a 6-inch line to accommodate both proposed parcels. Individual 4-inch lines shall be required from the property line for each new parcel. Cleanouts at the property line on Irenic Avenue shall also be required.
  - (c) WATER improvement plans which include the following:
    - i) Size and location of all required water lines serving each parcel.
  - (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) 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.
  - (e) UNDERGROUND UTILITY PLANS including telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies.
- (5) 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.

**PRIOR TO FINAL PLAT APPROVAL**

- (6) 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 easement over the storm water facilities, utilities and driveway.

- (b) A ten (10) foot public utility easement adjacent to the right-of-way on parcel 1 along Perkins Road.
  - (c) A drainage easement across parcel 2 to accommodate stormwater runoff from parcel 3.
  - (d) A one foot reserve strip along the southern boundary of parcel 3 from the southwest corner of the property line to the east 82.04 feet.
  - (e) A shadow plat showing the potential of future land division on Parcel 1 & 3.
- (7) Submit a signed and recorded Irrevocable Development Agreement approved by the City Attorney stating that:
- (a) A 15 ft clear vision area shall be maintained on parcel 3 at the intersection of Irenic Avenue 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.
  - (b) Landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.
  - (c) Parcel 3 shall take access from the shared driveway.
  - (d) The paved area of the private drive shall be a minimum of 20 feet in width. If required, a fire turn-around shall be installed and be 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. Pavement surface of the shared driveway shall be permanently maintained through a shared access and maintenance agreement included as part of the irrevocable development agreement.
  - (e) If parcel 1 or 3 is developed with additional units, an additional fee in lieu of park dedication shall be paid prior to certificate of occupancy.
- (8) The applicant shall pay cash in lieu of park dedication as required by Section 5.26 of the Veneta Land Development Ordinance 461.
- (9) The applicant shall make a deposit with the City to cover the cost of future improvements to Perkins Road adjacent to the property in accordance with Veneta Land Division

Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, storm water, lighting, and all necessary acquisition of easements or additional ROW.

- (10) 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 Perkins Road 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) 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 and shall provide the City with a one (1) year warranty bond.
- (12) The applicant shall pay all outstanding engineering and consulting fees due to the city.

#### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

- (13) The applicant shall submit a revised drainage plan and drainage statement, approved by the City Engineer including:
  - (a) The size and location of all proposed stormwater facilities appropriate for the amount of impervious surface created.
  - (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 drainages and drainage patterns as well as the direction of flow from the proposed swales.
- (14) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- (15) Provide the City with a recorded copy of the Final Plat.
- (16) The applicant shall provide the City with recorded copies of all deeds, easements and development agreements as required as conditions of approval.
- (17) Provide the City with digital and paper copies of the as built drawings for all public improvements.

- (18) The applicant shall shadow plat Parcel 1 and 3.
- (19) Landscape improvements plans for the proposed bioswales shall be included with the plans submitted to the Building and Planning Official prior to the issuance of building permits.
- (20) The access easement and approach to Irenic Avenue shall be constructed and paved to support loads of 56,000 pounds or as otherwise required by Lane County Fire District #1. A dedicated emergency vehicle turnaround shall be constructed on parcel 2 and identified on the preliminary plat if required by Lane County Fire District #1.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

- (21) Parcel 2 shall have 3,020 square feet landscaped and parcel 3 shall have 2,400 square feet of landscaped area.
- (22) All parcels shall be landscaped as required by City Code including planting of 1 (one) tree of at 2” caliper and (6) six feet in height and four 5 gallon shrubs per 1000 sq ft of open space. No significant trees are proposed to be removed nor shall any be removed from parcels without an approved permit.

**C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the JAKL partition tentative plan (M-1-09) 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 the provisions of this section with the conditions of approval that prior to the issuance of building permits, the applicant shall submit a revised drainage plan and drainage statement, approved by the City Engineer including:**

- (d) **The size and location of all proposed stormwater facilities appropriate for the amount of impervious surface created.**
- (e) **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.**
- (f) **The existing drainages and drainage patterns as well as the direction of flow from the proposed swales.**

### **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 delineated 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. There is a drainage that flows through the mid portion of the parcel from the northeast to southwest.**

The nearest delineated wetland to the parcel is to the northeast approximately 100 feet from the parcel boundary. Considering the proximity of delineated wetlands to the parcel, the applicant is encouraged, but not required to have a professional wetland delineation completed.

#### 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 with the condition of approval that prior to the issuance of building permits the applicant shadow plat Parcel 1 and 3.

#### 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 the provisions of this section. Parcels 1 & 3 each have access off of a City street. The adjacent parcel to the west has an access off of Perkins Road. All other adjoining parcels are part of the Perkins Country Estates subdivisions and have access from other City streets or private drives.

#### 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 provisions of the Veneta Land Development and Land Division Ordinances 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:*

***Perkins Road***

<u>Type of Street</u>	<u>Standard</u> <u>Right-of-Way</u>	<u>Standard</u> <u>Paved Width</u>	<u>Sidewalks</u>
<i>Major Collector</i>	60'	34' (11' travel lanes, 6' bike lanes)	yes

***Irenic Avenue***

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

Transportation System Plan

Chapter 4

(12) Bicycle Lanes and Sidewalks for Collector Streets

<i>Existing Collector Street</i>	<i>Right-of-Way Desired</i>	<i>Street Widening Needed</i>	<i>Cost Estimate</i>
Perkins Road	No	Yes	\$412,000

**The proposal is consistent with the provisions of this section. Perkins Road is a major collector and no additional right-of-way is needed as Perkins Road along the northern property line of the subject parcel already has a 60' right-of-way and is consistent with the City of Veneta Transportation System Plan, Chapter 4, Section 12 Bicycle Lanes and Sidewalks for Collector Streets. Irenic Avenue is a newly constructed street with all appropriate right-of-way, sidewalks and public utilities. No further improvements are needed at this time to Irenic Avenue.**

(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

**This proposal does not create a public street; therefore the provisions of this section are not applicable.**

- (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 the provisions of this section with the condition of approval that prior to final plat, the applicant dedicate an access reserve strip along the southern frontage of Parcel 3 to ensure parcel 3 takes access from the shared panhandle rather than directly from Irenic Street.**

- (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.*

**No future street extensions are necessary as part of this development; therefore the provisions of this section are not applicable.**

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

**The proposal is consistent with the provisions of this section. The subject parcel has frontage onto two streets; a major and a minor collector. The parcel is separated by a natural drainage making a single access difficult without impacting the drainage. The existing house on parcel 1 takes access from Perkins Road and parcel 2 & 3 have proposed access from Irenic Avenue.**

- (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 the provisions of this section. The proposed driveway intersects at a right angle to Irenic Avenue.**

- (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. No additional right-of-way is required for either Perkins Road or Irenic Avenue adjacent to the proposed partition.**

- (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 any public or private streets; therefore the provisions of this section are not applicable.**

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

**The proposal is 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. 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 of approval that prior to final plat the applicant provide a ten (10) foot public utility easement adjacent to the right-of-way on parcel 1 along Perkins Road. As an additional condition of approval, prior to final plat, the applicant shall identify a drainage easement across parcel 2 to accommodate stormwater runoff from parcel 3. Utility and sewer easements are identified on the east and west side of parcel 3 to provide services to parcel 2.

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 newly create parcel is less than 2 ½ times the width and is comprised of a minimum area required by the Land Development Ordinance. The partition of the subject parcel reduces the depth:width ratio, thereby reducing the degree on nonconformity.

- (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 the provisions of this section. 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.*

**No through lots are created; 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 the provisions of this section. 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 prior to final plat:**

- (a) The applicant shall make a deposit with the City to cover the cost of future improvements to Perkins Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, 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. The irrevocable petition is required cover the cost of improvements over the required pre-development costs necessary to upgrade Perkins Road to City standards including but not limited to utilities, bike lanes and street surface upgrades.**
- (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 the provisions of this section with the condition of approval that prior to the issuance of building permits, the applicant submit a revised drainage plan and drainage statement, approved by the City Engineer including:**

- (a) The size and location of all proposed stormwater facilities appropriate for the amount of impervious surface created.**
- (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 drainages and drainage patterns as well as the direction of flow from the proposed swales.**

- (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.*

**Sewer connection is proposed via connection into an existing manhole on Irenic Avenue. The lateral from the manhole to the property line can be a 6-inch line to accommodate both proposed parcels. The proposal is consistent with the provisions of this section with the condition of approval that prior to construction, public improvement plans showing individual 4-inch lines from the lateral for each new parcel shall be submitted and approved by the City Engineer. Cleanouts at the property line on Irenic Avenue shall also be required.**

- (4) *Water system.* Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed to the standards of the City, taking into account provisions for extension beyond the subdivision.

**Water is available from the 8-inch water main located on Irenic Avenue. Water services for the two new lots are proposed to be located within the ROW of Irenic Avenue with independent service lines serving each lot.**

- (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 Perkins Road 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 Major 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 standards.**
- (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 prior to final plat 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 Perkins Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, 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 Perkins Road 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 major collector streets as shown in the City's adopted Transportation System Plan and Map 16, shows bicycle lanes along Perkins Road adjacent to the northern side of property. The proper has a right-of-way width of 60'. The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant shall:

- (a) The applicant shall make a deposit with the City to cover the cost of future improvements to Perkins Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, 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 Perkins Road 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 does not contain any streets; therefore the provisions of this section are not applicable.

- (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 the provisions of this section with the condition of approval that prior to final plat the applicant shall:

- (a) The applicant shall make a deposit with the City to cover the cost of future improvements to Perkins Road adjacent to the property in accordance with Veneta Land Division Ordinance

7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, 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 Perkins Road 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.

(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 the provisions of this section with the condition of approval that prior to construction the applicant 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 4.03 General Residential Zone (GR)

(1) *Purpose.* To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses, planned developments and 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 single-family residential housing units; therefore the proposal is consistent with the provisions of this section.

(4) *Lot size and Width.*

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

**The proposal is consistent with the provisions of section. Parcel 1 has a proposed size of 1.06 acres and parcels 2 & 3 are each over 11,000 square feet.**

- (c) *The average minimum lot width shall be 60 feet, except in the downtown area where it shall be 50 feet.*

**The proposal is consistent with the provisions of this zoning district. The smallest property line, excluding the panhandles within this development will be approximately 82 feet, exceeding the minimum.**

- (e) *The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:*

- 1. Protect natural drainage-ways.*
- 2. Provide drainage or utility easements.*
- 3. Protect future right-of-way.*
- 4. Protect unbuildable steep slopes area above the 450-foot elevation level.*
- 5. Protect flood plain hazard area.*

**The proposal is consistent with the provisions of this section. The proposed partition does not create a parcel smaller than 11,000 square feet. The proposed lots are nearly two times as large as the required 6,000 square foot minimum providing adequate protection of the natural drainage-ways.**

## **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 of approval that prior to final plat, the applicant shall sign and record an irrevocable development agreement approved by the City attorney stating that:**

- (a) **A 15 ft clear vision area shall be maintained on parcel 3 at the intersection of Irenic Avenue and the shared driveway in accordance with Section 5.03 of the Veneta Land Development Ordinance.**

**SECTION 5.12 LANDSCAPING**

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

- (1) *Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.*

**The proposal is consistent with the provisions this section with the condition of approval that prior to final plat, the applicant shall sign and record an irrevocable development agreement approved by the City attorney stating that:**

- (a) **Landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.**
- (2) *Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.*

**Landscape improvements plans for the proposed bioswales shall be included with the plans submitted to the Building and Planning Official prior to the issuance of building permits.**

(3) *Minimum Landscaped Area. The minimum percentage of required landscaping is as follows:*

(a) *Residential and Residential-Commercial Zones. 20 percent of each lot for residential developments, 10 percent for commercial or mixed use.*

**The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy each newly created lot shall have at least 20 percent of the total square footage of the lot landscaped. Parcel 2 shall have 3,020 square feet landscaped and parcel 3 shall have 2,400 square feet landscaped.**

(4) *Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*

(a) *One tree, minimum 2" caliper.*

(b) *Four 5-gallon shrubs or accent plants.*

**The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy, each lot shall be landscaped as follows:**

**Parcel 2 - Minimum 3 - 2" caliper trees, Minimum 12 – 5 gallon shrubs.**

**Parcel 3 – Minimum 3 - 2" caliper trees, Minimum 12 – 5 gallon shrubs.**

(5) *Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (4)(f) & (g), below), shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.*

**The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy the developed lots shall have ground cover planted that is sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.**

(11) *All detention ponds shall be landscaped according to guidelines adopted by resolution of the City Council. Deviations from the guidelines may be allowed at the discretion of the City when the applicant has shown that the alternative will provide increased aesthetic, pollution reduction and/or flow control benefits over those provided by adhering to the adopted guidelines.*

**The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy of each lot, the**

bioswales shall be landscaped in accordance with the approved landscaping plans.

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 conditions of approval that prior to final plat, the applicant shall:**

- (a) **Make a deposit with the City to cover the cost of future improvements to Perkins Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, storm water, lighting, and all necessary acquisition of easements or additional ROW.**
- (b) **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 Perkins Road 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. 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 prior to construction the applicant shall have public improvement plans approved by the City Engineer and 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 proposed partition does not require any additional right-of-way to expand Irenic Avenue or Perkins Road; therefore the provisions of this section are not applicable.**

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

**The proposal is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant provide a 10 ft PUE along the Northern border of parcel 3 along Perkins Road, and a joint access and maintenance easement over the storm water facilities, utilities and driveway as identified on the tentative plan. An additional easement for drainage from parcel 3 across parcel 2 is required.**

- (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 with the condition of approval that prior to final plat the applicant:**

- (a) Make a deposit with the City to cover the cost of future improvements to Perkins Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, storm water, lighting, and all necessary acquisition of easements or additional ROW.**
- (b) 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 Perkins Road 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 standard with the condition of approval that prior to final plat the applicant dedicate a 1 foot reserve strip along the southern property line of parcel 3. Parcel 2 & 3 shall share access from the panhandle of parcel 2. The shared access shall be a minimum of 20 feet including signage indicating no parking is allowed as required by Lane County Fire District #1. Prior to final plat the applicant shall identify a fire turn-around within parcel 2 approved by the Fire Marshall.**

- (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 with the condition of approval that prior to final plat the applicant dedicate a 1 foot reserve strip along the southern property line of parcel 3. Parcel 2 & 3 shall share access from the panhandle of parcel 2. The shared access shall be a minimum of 20 feet including signage indicating no parking is allowed as required by Lane County Fire District #1. Prior to final plat the applicant shall identify a fire turn-around within parcel 2 approved by the Fire Marshall.**

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 is consistent with the provisions of this section with the condition of approval that prior to final plat the applicant pay cash in lieu of park dedication for 2 additional units prior to final plat approval. The total park dedication required is equal to .05 acres.**

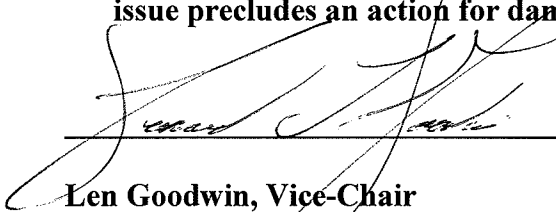
(5) *CASH IN LIEU OF DEDICATION*

(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.*

**The proposal is consistent with the provisions of this section with the condition of approval that the applicant pay cash in lieu of dedication, a binding financial instrument in an amount to be calculated as required by Section 5.26(2). This amount is derived from the total acres of parkland dedication required multiplied by the cost per acre (\$77,700 per acre).**

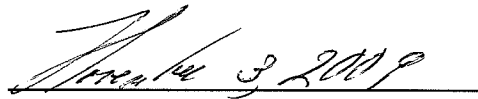
**D. This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the Veneta Planning Commission, below. A Planning Commission decision may be appealed to the City Council within 15 days after the final order has been signed and mailed. 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.**



\_\_\_\_\_

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



\_\_\_\_\_

**Date**

