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**FINAL ORDER OF THE
BUILDING & PLANNING OFFICIAL**

HAYDEN HOMES, LLC PARTITION (M-3-08)

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 Building & Planning Official provided proper notice of limited land use action according to Section 2.13 of the Veneta Land Development Ordinance No. 461.
- 3) The Veneta Building & Planning Official followed the required procedure and standards for approving site plans as required by Section 2.06 and 6.05 of Veneta's Land Development Ordinance No. 461.

B. The Veneta Building & Planning Official hereby approves the Hayden Homes, LLC partition tentative plan (M-3-08) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL

- 1) The applicant shall submit within 60 days of the recording of the final plat, a signed and recorded Irrevocable Petition approved by the City Attorney ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Cheney Drive (when necessary) adjacent to the property.
- 2) Within 60 days of the recording of the final plat the applicant shall submit a signed and recorded development agreement approved by the City Attorney which states:
 - (a) Upon development or transfer of ownership of any parcels within the partition, a ten (10) foot public utility easement that follows Cheney Drive from Strike Street to Territorial Highway shall be granted to the City.
 - (b) Upon development or transfer of ownership of any parcels within the partition, a 60' right-of-way for Cheney Drive shall be dedicated without cost to the City of Veneta.
 - (c) Upon development or transfer of ownership of any parcels within the partition, the property owner shall dedicate all required parkland consistent with the Southwest Area Specific Development Plan.

C. **IT IS HEREBY ORDERED THAT** the Veneta Building & Planning Official approves with conditions the Hayden Homes, LLC tentative partition plan (M-3-08) based on the information in 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 provisions of this section. The subject site is a portion of the Applegate Landing project. Full existing road improvement plans were submitted to the City of Veneta as part of the Southwest Area Specific Development Plan. Those plans provide for the future development of the site to provide the necessary street and other transportation system improvements to support planned housing. No improvements related to the street system plans of the Southwest Area Specific Development Plan will occur in response to the recording of the proposed partition. In the short term, each of the proposed parcels will have frontage on an improved public street. Proposed parcel 1 will have frontage along Strike Street. Proposed parcel 2 will have frontage on along Cheney Street and Territorial Highway. Proposed parcel 3 will have frontage along Cheney Street and 8th Street. Access to those streets should be adequate for the needs of the proposed parcels until such time as they are redeveloped consistent with the Southwest Area Specific Development Plan.

UTILITIES

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

The proposal is consistent with the provisions of this section. Any development on the parcels shall be consistent with the Southwest Area Specific Development Plan. None of the proposed parcels are intended to be developed for residential or commercial purposes without further subdivision or site plan review and development of adequate, full public utilities in accordance with the Southwest Area Specific Development Plan.

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. Any development on the parcels shall be consistent with the Southwest Area Specific Development Plan. None of the proposed parcels are intended to be developed for residential or commercial purposes without further subdivision or site plan review and development of adequate, full public utilities in accordance with the Southwest Area Specific Development Plan.

TOPOGRAPHY, FLOODPLAIN, WETLANDS, AND VEGETATION

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

The proposal is consistent with the provisions of this section. The subject site consists of Phases 5, 7 and 9 of Applegate Landing. Site development plans have been submitted as part of the Southwest Area Specific Development Plan application. The plan identifies trees and water resources on the site and the proposed land partition will not impact them. There is no mapped floodplain on the site. The Southwest Area Specific Development Plan will

further review the elements of the site when a subdivision application is prepared for each phase of the future development.

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 the provisions of this section. Creation of the proposed parcels will facilitate development of the future phases of Applegate Landing which are on land also owned by Hayden Development. The proposed partition should will have a negative impact upon Hayden Homes' ability to develop the remainder of their properties in Applegate Landing.

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. Adjoining land to the south and west is also owned by Hayden Homes and is either already developed as part of Applegate Landing or planned as part of future phases. Properties to the east of the subject site have frontage on Territorial Highway. Properties to the north are already developed. Therefore, the adjoining properties are either already provided with access which will allow their development or they are already developed or approved for development.

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 proposed partition is being completed to facilitate future development; therefore the provisions of this section are not applicable. Standards for the subdivision of these parcels will be demonstrated at the time of development. All three of the proposed parcels are required to be consistent with the access standards of Section 6.04(2) which requires that each parcel abut a local street for at least 50 feet. Proposed parcel 1 will have more than 250 feet of frontage on Strike Street. Proposed parcel 2 will have approximately 65 feet of frontage on Cheney Street and 210 feet of frontage on the Territorial Highway. Proposed parcel 3 will have 50 feet of frontage on 8th Street.

Due to the nature of the proposed partition being a predecessor to an actual subdivision application for the site, the public improvements for this partition shall be deferred until a subdivision application or application for development is received.

The property is zoned mostly General Residential (GR) with a small portion of the site in its northeastern corner zoned Community Commercial. There are currently no uses proposed for any of the three proposed parcels so there is no need to make findings with regard to the use provisions of these zones. Future development of the parcels shall be consistent with the use standards of the SWAP. All three proposed parcels are larger than the minimum parcel size of 6,000 sq. ft. for detached single family homes. All lots are substantially wider than the 60-foot minimum lot width standard. The shadow plat for Phase 2 of Applegate Landing which is included in this submittal shows how the proposed parcels can be subdivided into lots more consistent with the intended development of this area.

There is no minimum lot size in the Community Commercial zone which applies to the small portion on the northeastern section of proposed parcel 1.

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:*

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

The proposal is consistent with the criteria with the condition of approval that the applicant submit within 60 days of the recording of the final plat, a signed and recorded Irrevocable Petition approved by the City Attorney ensuring that all parcels in the partition shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Cheney Drive (when necessary) adjacent to the property and dedicate without cost to the City, 60' of ROW for Cheney Drive.

The proposal is consistent with the provisions of this section. The Southwest Area Specific Development Plan application (SDP-1-05) includes existing

road improvement, street designs, utility, and grading plans submitted as part of that application. No improvements related to the SWAP shall occur in response to the recording of the proposed partition.

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.*

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

The proposal is consistent with the provisions of this section with the condition of approval that the applicant submit within 60 days of the recording of the final plat, a signed and recorded Irrevocable Development Agreement approved by the City Attorney ensuring that:

- (1) **Upon development or transfer of ownership of any parcels within the partition, a ten (10) foot public utility easement that follows Cheney Drive from Strike Street to Territorial Highway shall be granted to the City.**

The Southwest Area Specific Development Plan application (SDP-1-05) includes existing block designs submitted as part of that application. No improvements related to the SWAP shall occur in response to the recording of the proposed partition.

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.
- (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.
- (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.
- (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 the provisions of this section. The Southwest Area Specific Development Plan application (SDP-1-05) includes existing building site designs submitted as part of that application. No improvements related to the SWAP shall occur in response to the recording of the proposed partition.

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.

The proposal is consistent with the provisions of this section. The Southwest Area Specific Development Plan application (SDP-1-05) includes existing road improvement, utility, and grading plans submitted as part of that application. No improvements related to the subdivision plans shall occur in response to the recording of the proposed partition.

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 proposal is consistent with the provisions of this section. 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 and residential housing units.

- (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 not intended to create residential parcels; therefore the provisions of this section are not applicable.

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

The proposal is not intended to create residential parcels; therefore the provisions of this section are not applicable.

- (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 not intended to create residential parcels; therefore the provisions of this section are not applicable. The standards in the Southwest Area Specific Development Plan shall apply with future development.

SECTION 4.11 GREENWAY – OPEN SPACE SUBZONE (/GW)

In the GW subzone, the following regulations shall apply in addition to those of the basic zone. If the requirements of the subzone are stricter than the basic zone, the requirements of the subzone shall apply:

(2) Boundaries.

- (b) Upon receiving a new wetland delineation and concurrence from the Division of State Lands (DSL), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.*

The proposal is consistent with the provisions of this section. The Southwest Area Specific Development Plan application (SDP-1-05) includes existing greenway-open space requirements as part of that application. No improvements related to the subdivision plans shall occur in response to the recording of the proposed partition.

(3) Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.11(6) of this ordinance.

(b) Stormwater facilities.

- 1. All stormwater facilities constructed in the Greenway must be designed according to City standards and shall be designed to enhance the water quality, habitat, and aesthetic values of the Greenway as determined by the City.*
- 2. Stormwater detention and pre-treatment facilities excluding piping and outfall structures may be located no closer than 15 ft from any significant wetland unless the facility will enhance wetland values as defined in VMC 18.10 as determined by the City.*

(j) *For lots with residential development existing prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:*

1. *The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.*
2. *No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.*

The proposal is consistent with the provisions of this section. The Southwest Area Specific Development Plan application (SDP-1-05) includes existing stormwater facility requirements as part of that application. No improvements related to the subdivision plans shall occur in response to the recording of the proposed partition.

SECTION 4.13 PLANNED DEVELOPMENT SUBZONE (/PD)

(1) *Purpose. The purpose of the /PD subzone is to provide opportunities to create more desirable environments such as co-housing through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The /PD subzone is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general well-being of the inhabitants and to acquire and protect solar access.*

The proposal is consistent with the provisions of this section. The proposed partition is part of the Southwest Area Specific Development Plan (SDP-1-05).

ARTICLE 5- SUPPLEMENTARY PROVISIONS

SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL

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

The proposal is consistent with the provisions of this section. The proposal is within the Southwest Area Specific Development Plan.

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.*
- (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*

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.*
- (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.*
- (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.*

- (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.
- (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 the provisions of this section with the condition of approval that within 60 days of the recording of the final plat, the applicant shall submit a signed and recorded development agreement approved by the City Attorney which states:

- (a) **Upon development or transfer of ownership of any parcels within the partition, a 60' right-of-way for Cheney Drive shall be dedicated without cost to the City of Veneta.**
- (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 within 60 days from the date the final plat is recorded, the applicant sign and record either an irrevocable development agreement or an irrevocable petition approved by the City Attorney. The agreement shall require the subject parcel to dedicate without cost to the City, 60' of right-of-way for Cheney Drive from Strike Street to Territorial Hwy. The agreement shall also state that all parcels will be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade Dunham Loop (if necessary) adjacent to the property to City standards for local streets.

The Southwest Area Specific Development Plan application (SDP-1-05) identifies future utility and drainage easement requirements as part of that application. No utility or drainage easements related to the subdivision plans are required prior to recording the proposed partition.

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

The proposal is not intended to create residential parcels; therefore the provisions of this section are not applicable. The standards in the Southwest Area Specific Development Plan shall apply with future development.

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

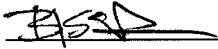
Parkland Dedication: New residential subdivisions, planned unit developments (including plans implementing the Specific Development Plan (SDP) subzone), multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments...

- (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. The Southwest Area Specific Development Plan application (SDP-1-05) identifies future parkland dedication requirements. No parkland dedication is required prior to recording the proposed partition.

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

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.

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**Brian Issa
Community Services Director**

1/14/09

Date