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**FINAL ORDER OF THE  
VENETA PLANNING COMMISSION**

**BOLTON HILL RANCH 1<sup>st</sup> ADDITION SUBDIVISION (S-1-08)**

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

1. The applicant has submitted information for a tentative plan application required by Section 4.01 of the Veneta Land Division Ordinance No. 462.
2. The Veneta Planning Commission met on May 5, 2008 to review and discuss the tentative plan for assessor's map 18-06-01 Tax Lot 1702, 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 subdivision plan and tree removal permit as set forth in Section 4.02 of Veneta's Land Division Ordinance No. 462.

**B. The Veneta Planning Commission approves the Bolton Hill Ranch 1<sup>st</sup> Addition subdivision tentative plan (S-1-08) with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- 1) The applicant shall coordinate centralized mail box locations with Veneta Post Master
- 2) All development on site, including foundation construction shall implement the recommendations of the Revised Foundation Investigation conducted by OGD Consulting and dated January 28, 2008, unless field conditions require otherwise as indicated by a qualified engineer.

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

- 3) Obtain City approval for public improvement plans to include the items listed below.
  - a) STREET and ACCESS plans which include:
    - i) A preliminary design for Bolton Hill Road sufficient to determine where slope easements or additional ROW may be necessary to construct this street to full City standards. The design is subject to approval by the City Engineer, and all additional ROW and/or slope easements determined to be necessary on the subject property shall be dedicated to the City prior to Final Plat approval.

- ii) A 10 foot planting screen and access control easement along the ROW of Bolton Hill Road adjacent to all lots not currently occupied by single family dwellings. Screening shall be maintained by the homeowner.
- iii) 1 ft access reserve strips at the end of all dead-end streets.
- iv) Ranch Road at the south end at Lot 124, Road "B" at the south end at Lot 130 and Perkins Road at the east end at Lot 122 shall have turnarounds constructed to accommodate emergency vehicles. Such areas shall be signed "No Parking" and shall not be used as driveways for residences.
- v) Driveways for homes. Driveways shall be clustered and placed opposite each other when possible to allow larger clear areas for emergency apparatus to operate.
- vi) A second fire apparatus access shall be identified for developments with more than 30 lots prior to the occupancy of the 31<sup>st</sup> dwelling.
- vii) Curbs painted yellow 10 ft to each side of all hydrants to indicate "No Parking".
- viii) Curbs at cul-de-sac bulbs and other "No Parking" areas painted yellow and signed accordingly.
- ix) Final design of improvements to Bolton Hill Road and intersections associated with the development of Bolton Hill Ranch 1<sup>st</sup> Addition Subdivision shall include the realignment of Road "A" and Road "B" with the intersection of Perkins Road so that Road "A" is perpendicular to Ranch Road and that Road "B" has 100 feet of tangent at the intersection of Perkins Road. These improvements shall be reviewed and approved by the City Engineer. If meeting the current Land Division Ordinance creates a conflict with accepted AASHTO standards, a variance shall be required.
- x) Public maintenance easements for repair and maintenance of all cut and fill areas adjacent to the ROW.
- xi) Street lighting based on an approved street lighting plan which complies with Veneta Municipal Code, Chapter 15.15.
- xii) Grading shall be the minimum possible to allow development of the site in accordance with generally accepted engineering practices as reviewed and approved by the City Engineer.

- b) SANITARY SEWER improvement plans which include the following:
  - i) Size and location of all sanitary sewer lines
  - ii) Sewer lines extended to the end each road as identified on the preliminary subdivision plat for future connectivity.
  - iii) Specifications for the proposed lift station and force main system.
  - iv) Preliminary plans for future connection to gravity sewer in Perkins Road and Road "A".
  
- c) WATER improvement plans which include the following:
  - i) Size and location of all water lines
  - ii) Fire hydrants located at the back of the sidewalk within the ROW. All hydrant locations shall be subject to approval by Lane County Fire District #1.
  - iii) All existing water services shall be abandoned and relocated to City approved locations.
  
- 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 applicant shall provide an analysis from a qualified engineer of the impacts the underdrains will have on downstream properties. The analysis shall identify where the water from the underdrains will flow. The underdrains are not to outlet to any detention facilities.
  - iv) Detention ponds shall provide overflow facilities designed to prevent pond wall erosion.
  - v) The applicant shall provide an analysis of the impact of a 100-year storm on proposed facilities and provide a post-development peak flow hydrology analysis for engineer's review.

- vi) A revised Stormwater Management Plan, approved by the City Engineer to include additional catch basins below the proposed detention facilities as well as geotechnical recommendations to manage wet conditions above and below detention facilities and to manage areas of mass fill.
  - vii) A revised Stormwater Management Plan that limits the slopes of the detention facility to 3:1 as required by the City Engineer.
  - viii) All grading plans shall be reviewed and approved by a qualified geotechnical engineer at the applicant's expense.
- 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.
  - iii) Design and placement of all retaining walls for approval by the City and utility companies if necessary
- f) UNDERGROUND UTILITY PLANS including telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies.
- 4) After approval of engineered plans for streets, sewer, water, storm drainage systems, and utilities the applicant shall post a performance bond, in favor of the City, to assure that the subdivision improvements are completed. The bond shall be between the 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.
- 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.
  - b) Demolition permits for removal of existing structures on the property.
  - c) Facility permits from Lane County for construction within the ROW of Bolton Hill Road.

## **PRIOR TO FINAL PLAT APPROVAL**

- 6) The applicant shall provide the City with a signed copy of the Home Owner's Association or similar agreement as approved by the City. The agreement shall:
  - a) Clearly detail the operation and maintenance responsibilities of the HOA with respect to detention facilities. Vegetation control shall be the sole responsibility of the HOA.
  - b) Provide a maintenance schedule clearly detailing the scope and frequency of individual maintenance activities and shall provide the City with proof of such maintenance, if requested.
  - c) The operation and maintenance of all pressure sewer facilities (lift stations, etc.) shall be the sole responsibility of the HOA.
  - d) Include a financial plan outlining the funding mechanisms for operation, inspection, maintenance, repair and replacement of stormwater and sewer systems including contingencies.
  - e) Provide an Operations and Maintenance (O&M) Manual that outlines all maintenance tasks, operation and maintenance schedules, emergency plans outlining provisions for power outages, overflows, equipment failure and blocks in lines as well as emergency contact numbers.
- 7) The applicant shall make a cash deposit with the City to cover the cost of future improvements to Bolton Hill Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for necessary street improvements including, but not limited to, sewer, water, bike lanes, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional ROW.
- 8) The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all lots, ensuring that all lots in the subdivision shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade Bolton Hill Road adjacent the property to City standards including but not limited to sewer, water, bike lanes, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional ROW over and above the deposit paid at the time of development.
- 9) Submit an Irrevocable Development Agreement stating that:
  - a) A triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height,

measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.

- b) Lots 132 & 133 shall share a single driveway from the panhandle of lot 133 which shall have a minimum 12 foot wide paved surface engineered to support emergency vehicle loads of 55,000 pounds terminating in a hammerhead or other emergency vehicle turnaround approved by Lane County Fire District #1. The turn-around area shall not count towards required parking spaces. A minimum 20 foot clear area shall be maintained along the length of the driveway.
  - c) Lots that front Road "A", Road "B" or Ranch Road and Perkins Road are required to take access from the less functional class street, not Perkins Road.
  - d) Lots within the subdivision cannot be further divided.
  - e) The applicant shall abandon and remove the proposed lift station and force main system at the applicant's expense when the connection to the gravity sewer becomes available.
  - f) Prior to the Certificate of Occupancy for the 31<sup>st</sup> home, a secondary emergency access approved by Lane County Fire District #1 shall be constructed or each additional unit shall have and maintain individual fire suppression systems as required by LCFD#1.
  - g) The HOA shall maintain the required 10 foot planting screen along Bolton Hill Road.
  - h) Any parcels that fronts a street or driveway that has a slope of greater than 15% shall provide residential fire sprinklers in all structures
- 10) 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) Include plat notes as follows:
    - i) A triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.

- ii) No structure, trees or other obstructions shall be placed within any public utility easement.
  - iii) No building permits shall be issued until public improvements have been completed and accepted by the City.
- b) Reconfigure the public easements on lot 123 to be adjacent to the property line if feasible according to the City Engineer.
  - c) Show required 10 foot planting screen and access control easements along the ROW of Bolton Hill Road adjacent to all lots not currently occupied by a single family dwelling.
  - d) Identify all maintenance easements for repair and maintenance of all cut and fill areas adjacent to the ROW.
  - e) Ranch Road at the south end at Lot 124, Road "B" at the south end at Lot 130 and Perkins Road at the east end at Lot 122 shall be signed "No Parking" and shall not be used as driveways for residences.
- 11) The applicant shall pay cash in lieu of park dedication as required by Section 5.26 of the Veneta Land Development Ordinance 461 for 54 lots. A binding financial instrument in the amount of \$150,672 is required. This calculation is derived from the total acres of parkland dedication (1.36) multiplied by the cost per acre (1.36 x \$77,700 per acre).
  - 12) The applicant shall provide a seven (7) foot public utility easement adjacent to the rights-of-way of all public streets and shall revise the preliminary plat to show the wastewater lines adjacent to property lines.
  - 13) 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.
  - 14) The applicant shall obtain a "Letter of Substantial Completion" from the City of Veneta for improvements which have been installed and approved by the City or shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and service, streets, which includes curbs, gutters and sidewalks with the City of Veneta.

- 15) The applicant shall provide the City with a one (1) year subdivision warranty bond for public improvements installed and approved by the City. The bond shall be in favor of the City and shall be between the developer and the City. If the developer has posted a performance bond and recorded the final plat prior to completion of improvements, this condition shall be met prior to issuance of building permits.
- 16) The applicant shall provide the City with proof that all septic systems on the property have been properly abandoned according to the standards of the Lane County Sanitarian.
- 17) Existing wells shall be properly abandoned according to the standards of the Oregon Department of Water Resources or used exclusively for irrigation. No connections shall be established between wells and the City water system. If wells shall be retained for irrigation purposes, the applicant shall provide the city with proof of recent inspection showing that the facilities meet current Department of Water Resource standards. If wells are to be abandoned, the applicant shall supply the City with proof that they have been abandoned according to Department of Water Resource standards.

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

- 18) All conditions required prior to recording of final plat must be completed.
- 19) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- 20) The applicant shall provide the City with a copy of an approved facility permits from Lane County to construct within the ROW of Bolton Hill Road.
- 21) Provide the City with a recorded copy of the Final Plat
- 22) The applicant shall provide the City with the original recorded copies of all deeds, public easements, development agreements, and Irrevocable Petitions for Public Improvements required as conditions of approval.
- 23) The applicant shall provide the City with copies of all private easements and agreements.

#### **PRIOR TO OCCUPANCY**

- 24) All lots shall meet the landscaping requirements of Veneta Land Development Ordinance Section 5.12(4) prior to occupancy including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. Trees planted shall be a minimum of 2 inch caliper.

- C. **IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Bolton Hill Ranch subdivision tentative plan (S-1-08) based on the information in the staff report and the following findings of fact:**

**APPLICABLE CRITERIA** Ordinance language is in italics. Findings are in bold.

*SECTION 4.03 TENTATIVE PLAN REVIEW CRITERIA*

*The Planning Commission may approve, approve with conditions, or deny a tentative plan based on the standards found in the following section of the Land Division Ordinance, Land Development Ordinance, and other sources specified in this section.*

**TRANSPORTATION**

- (1) *The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.*

*VENETA LAND DIVISION ORDINANCE 462*

*Article 6-DESIGN STANDARDS*

*Section 6.02 STREET DESIGN STANDARDS*

- (2) *Standard right-of-way and street widths.  
The width of streets shall be adequate to fulfill city specification as provided for in SECTION 7.02 of this Ordinance, and, unless otherwise indicated on a development plan or approved by the planning Commission, streets shall have:*
- (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.*

**The proposal is consistent with the provisions set forth in the Standard right-of-way and street widths and alternatives to standard street design sections of this ordinance. There are no alternatives to the standard street design and the street widths are consistent with the City of Veneta Transportation System Plan requirements for Right-of-Way.**

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

**The proposal is consistent with this requirement with the conditions that the applicant dedicate and record all 1 ft access reserve strips identified on the Tentative Subdivision Plat.**

- (5) *Alignment.* As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.

**The proposal is consistent with the alignment requirements as required in this section.**

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

**The proposal is consistent with this requirement with the condition of approval that Ranch Road at the south end at Lot 24, Road "B" at the south end at Lot 130 and Perkins Road at the east end at Lot 122 terminate in an emergency turnaround which shall be signed "No Parking" and shall not be used as driveways for residences, and that a 1 foot reserve strip is provided. The applicant has provided for future extension of streets to serve properties surrounding the project. Properties to the south are outside of the current UGB and unlikely to be developed in the near future.**

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

**The proposal is consistent with this requirement with the condition of approval that the lots that front Road "A", Road "B" or Ranch Road and Perkins Road are required to take access from the lesser functional class street, not Perkins Road.**

- (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 for alignment with the condition of approval that the applicant shall:**

**Realign Road "A" so that it is perpendicular to Perkins Road.**

**Realign Road "B" so that there is 100 feet of tangent at the intersection of Perkins Road.**

**If meeting the current Land Division Ordinance creates a conflict with accepted AASHTO standards, a variance shall be required.**

- (9) *Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.*

**The proposal is consistent with this requirement with the condition that the applicant provide a preliminary design for Bolton Hill Road sufficient to determine where slope easements and additional ROW may be necessary to construct this street to full City standards. The design is subject to approval by the City Engineer, and all additional ROW and/or slope easements determined to be necessary shall be dedicated to the City prior to Final Plat approval.**

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

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

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

**The proposal is consistent with this requirement. The proposed cul-de-sac has a circular turn-around and does not exceed 400 feet.**

- (12) *Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names*

*and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission and Lane County.*

**The proposal is consistent with this requirement. Street names are subject to approval by Lane County.**

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

**The proposal is not consistent with this requirement. The topography of the parcel and the current design of the subdivision does not provide enough road distance to achieve a 10 percent grade. As an alternative, the applicant has requested a grade of 15 percent. A grade of 15 percent is acceptable with Planning Commission approval and with the condition of approval that the applicant provide a revised grading plan approved by the City Engineer that clearly identifies that the slopes between contour lines along Perkins Road. If slopes along Perkins Road exceed 15% at any point, the applicant shall provide that slope and shall install residential sprinkler systems on dwellings that front that slope.**

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

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

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

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

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

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

### SECTION 6.03 BLOCKS

- (3) *Easements.*

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

**The Preliminary Plat (Sheet 2) displays a public utility easement for wastewater and storm drain systems which crosses the southern portion of lot 123 diagonal to the property line and is not therefore adjacent to lot or parcel lines. In addition, the applicant shall provide a seven (7) foot public utility easement adjacent to the rights-of-way of all public streets. As an additional condition of approval, the applicant shall revise the preliminary plat to show the wastewater line adjacent to a property line, if feasible according to the City Engineer.**

- (c) *Pedestrian and bicycle ways. When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.*

**The proposal is consistent with this criterion. Due to the topography, interconnection, and large lot sizes, additional, off-street, pedestrian or bicycle ways are not practical or necessary**

### SECTION 6.04 BUILDING SITES

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

The proposal is consistent with this requirement with the condition that a secondary fire access is identified and installed prior to the certificate of occupancy of the 31<sup>st</sup> home, in accordance with Lane County Fire District #1. All lots other than lot 133 abut a street for a width of at least 50 feet and 35 feet in the cul-de-sac. Lot 133 is the only panhandle lot within the proposed development and is approved with the condition that driveway shall have a minimum 12 foot wide paved surface engineered to support emergency vehicle loads of 55,000 pounds approved by Lane County Fire District #1. A minimum 20 foot clear area shall be maintained along the length of the driveway.

- (3) *Through lots and parcels.* Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across, to which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

A through lot is defined as having frontage on two streets that are roughly parallel. The subject property has “specific disadvantages of topography and orientation” namely, steep slopes. These slopes limit the options for street layouts and result in through lots along Bolton Hill Road. Allowing through lots in this area would be better than allowing all of the lots to front Bolton Hill Road, a Major Collector, because it limits the number of individual vehicle access points to this road and shift access to low volume streets internal to the development. A 10 foot planting screen easement with no rights of access has been proposed and is required as a condition of approval adjacent to all lots not currently occupied by dwellings. The screening shall be maintained by the home owner’s association.

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

The proposal is consistent with this requirement because the lot lines run at right angles or parallel to all streets to the greatest degree possible given the topographic constraints of the site.

## *ARTICLE 7-IMPROVEMENT REQUIREMENTS*

### *SECTION 7.03 IMPROVEMENTS IN SUBDIVISIONS*

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

- (1) Streets. *Public Streets, including alleys, within the subdivisions and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in ORS Chapter 92.*
- (5) Sidewalks. *Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except that in the case of arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acres, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets.*
- (6) Bicycle routes. *If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.*

**Bolton Hill Road is considered to be partially within the subdivision and is not improved to City standards at this time. It is impractical to require the upgrades to the subject parcel's frontage at this time due to the following constraints:**

1. **This road is currently under County jurisdiction and both the City and County desire to have this major collector fully improved rather than partially constructed in a piecemeal fashion as proposed.**
2. **There are likely slope easements and/or additional ROW which would be necessary to construct the street to City standard. The applicant has no ability to secure additional property or easement if the owners are ultimately unwilling to sell such interests.**
3. **The construction of streets and sidewalks adjacent to the development at this time would result in intermittent improvements which do not provide safe pedestrian/bicycle access.**

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

1. **The applicant shall make a deposit with the City to cover the cost of future improvements to the Bolton Hill Road adjacent to the property in accordance with Veneta Land Division Ordinance 7.05. The amount of the deposit shall be based on a cost estimate approved by the City Engineer for**

necessary street improvements including, but not limited to, sewer, water, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional ROW.

2. The applicant shall sign an Irrevocable Petition for Public Improvements, held equally against all lots, ensuring that all lots in the subdivision shall be included in any local improvement district formed to pay for any increase in the cost of improvements necessary to upgrade Bolton Hill 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.

*LAND DEVELOPMENT ORDINANCE No. 461*

*SECTION 5.03 CLEAR VISION AREAS*

*In all zones except the C zone a clear vision area shall be maintained on the corners of all property at the intersections of two (2) streets, a street-alley or street-railroad.*

- (1) *Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and panhandle-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 25 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and panhandle-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 25 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides.*
- (2) *A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.*

**The proposal is consistent with this requirement with the condition that the applicant submit an irrevocable development agreement and final plat notes stating that, a triangle with 25 ft sides shall be permanently maintained as a clear vision area on all corner lots. These areas shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2-1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade.**

Section 5.24 ACCESS MANAGEMENT

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

**The proposal is consistent with this provision with the condition that the applicant require lots that front Road “A”, Road “B” or Ranch Road and Perkins Road to take access from the less functional local street and provide a 10ft planting and access restriction strip along all lots adjacent to Bolton Hill Road which are not currently occupied by dwellings.**

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

**There are 8 lots that front on Perkins Road, a major collector and are encouraged to share access with neighboring properties. As a condition of approval to the application, lots 132 & 133 shall share access via the panhandle to lot 133.**

**SANITARY SEWER, WATER, AND OTHER PUBLIC UTILITIES**

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

**ARTICLE 6-DESIGN STANDARDS**

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

**The Preliminary Plat (Sheet 2) displays a public utility easement for wastewater and storm drain systems which crosses the southern portion of lot 123 diagonal to the property line and is not therefore adjacent to lot or parcel lines. As a condition of approval, the applicant shall revise the preliminary plat to show the wastewater line adjacent to a property line if feasible, according to the City Engineer.**

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

**The Revised Foundation Investigation did not identify any water courses on the subject parcel. There are stormwater easements identified on the Preliminary Plat and run off from storm water is addressed in the Preliminary Stormwater Management Plan.**

- (c) Pedestrian and bicycle ways. *When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.*

**No pedestrian or bicycle ways are required. There is only one cul-de-sac within the development that is not near any existing sidewalks or streets with bike lanes. Once Bolton Hill road improvements are completed, bicycle and pedestrian access will be improved and a direct connection to the facilities will be provided from Perkins Road.**

#### *Article 7-IMPROVEMENT REQUIREMENTS*

##### *Section 7.03 IMPROVEMENTS IN SUBDIVISIONS*

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

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

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

**There is not currently a gravity sewer system available to this site. Development of the SWAP property must occur before gravity sewer is available. As an alternative, a temporary lift station and force main system is being proposed. The proposed lift station and force main system will be the responsibility of the developer or homeowners association and shall be abandoned when the connection to the gravity sewer becomes available.**

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

**The proposal is consistent with this provision with the condition that the applicant provides water plans that include:**

- i) Size and location of all water lines**
- ii) Fire hydrants located at the back of the sidewalk within the ROW. All hydrant locations shall be subject to approval by Lane County Fire District #1.**
- iii) All existing water services shall be abandoned and relocated to City approved locations**

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

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

*Land Development Ordinance No. 461*

#### **SECTION 5.14 IMPROVEMENT REQUIREMENTS**

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

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

The proposal is consistent with this provision with the condition that the development be connected to City water and that the proposed lift station and force main system be installed until gravity sewer becomes available.

- (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 reconfigures the public easements on Lot 123 to be adjacent to the property line if feasible, according to the City Engineer.

## **SURFACE WATER DRAINAGE**

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

### *Article 7 – IMPROVEMENT REQUIREMENTS*

#### *SECTION 7.03 IMPROVEMENTS IN SUBDIVISIONS*

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

Most of the site has a slope between 15%-30% with many areas greater than 30%. These slopes present special problems in detaining runoff to predevelopment levels. The applicant has proposed a system of piped conveyance and detention ponds to control runoff. A storm larger than the 10-year frequency storm, or the obstruction of the detention pond outlets could cause the facility to be overtopped. Holding large amounts of water on a hillside may pose a significant risk to downstream properties should these structures fail or be overtopped. The following conditions of approval are necessary to mitigate potential risks to life and property from failure of hillside detention facilities.

**The applicant shall submit drainage plans for approval by the City to 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) Detention ponds shall provide overflow facilities designed to prevent pond wall erosion**
- iv) The applicant shall provide an analysis of the impact of a 100-year storm on proposed facilities.**
- v) The applicant shall provide a catch basin analysis approved by the City Engineer.**

**It is current City policy not to accept dedication of detention ponds and other stormwater facilities located outside of the ROW as these facilities create an undue maintenance burden upon the city. Because these areas are designed to serve only the proposed development, the following conditions of approval are necessary to clearly delineate public versus private responsibilities for these areas.**

**The applicant shall provide the City with an approved Home Owner's Association or similar agreement for maintenance of detention facilities. The agreement shall:**

- a) Clearly detail the operation and maintenance responsibilities of the HOA with respect to detention facilities. Vegetation control shall be the sole responsibility of the HOA.**
- b) Provide a maintenance schedule clearly detailing the scope and frequency of individual maintenance activities and shall provide the City with proof of such maintenance, if requested.**
- c) The operation and maintenance of all pressure sewer facilities (lift stations, etc.) shall be the sole responsibility of the HOA.**
- d) Include a financial plan outlining the funding mechanisms for operation, inspection, maintenance, repair and replacement of stormwater and sewer systems including contingencies.**
- e) Provide an Operations and Maintenance (O&M) Manual that outlines all maintenance tasks, operation and maintenance schedules, emergency plans outlining provisions for power outages, overflows,**

equipment failure and blocks in lines as well as emergency contact numbers.

The applicant shall provide the City with a revised Stormwater Management Plan, approved by the City Engineer to include additional catch basins below the proposed detention facilities as well as any geotechnical recommendations to manage wet conditions caused by the presence of springs. Because maintenance of detention pond slopes of over 3:1 is impractical, the revised SMP shall also limit slopes to a maximum of 3:1.

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

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

The proposal is consistent with the provisions of this section with the condition of approval that the applicant will as part of this project or as part of Bolton Hill Ranch Estates (first phase) extend the eight inch wastewater collector along the 10<sup>th</sup> street right-of-way and south along Bolton Hill Road to provide service in Bolton Hill Road. If the development proceeds prior to gravity wastewater service becoming available through the SWAP, the applicant shall install a temporary private wastewater pump station and force main that will discharge into the gravity system in Bolton Hill Road. The applicant shall sign an agreement stating that the lift station and force main construction and maintenance will be the responsibility of the development or Homeowner's Association affiliated with the site and that once a gravity sewer connection becomes available, all pressurized facilities will be abandoned at the applicant's expense.

LAND DEVELOPMENT ORDINANCE No. 461

Article 5 – SUPPLEMENTARY PROVISIONS

SECTION 5.14 IMPROVEMENT REQUIREMENTS

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

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

**The proposal is consistent with this criterion with the conditions that the applicant provides a preliminary design for Bolton Hill Road sufficient to determine where slope easements or additional ROW may be necessary to construct this street to full City standards. The design is subject to approval by the City Engineer, and all additional ROW and/or slope easements determined to be necessary shall be dedicated to the City prior to Final Plat approval.**

SECTION 5.26 PARKLAND DEDICATION REQUIREMENTS

(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

- (a) *The required parkland shall be dedicated as a condition of approval for the following:*

1. *Tentative plat for a subdivision or partition;*

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

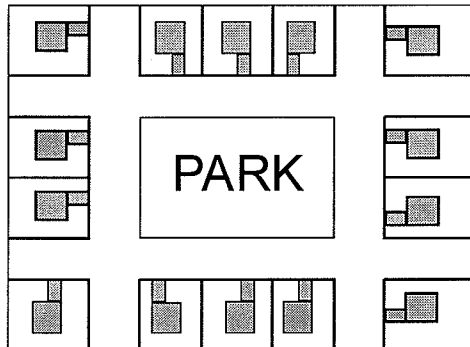
**The proposal meets this requirement with the condition of approval that the applicant pay cash in lieu of park dedication for all platted lots prior to final plat approval.**

(3) MINIMUM PARK LAND STANDARDS

*Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-*

*park. Exceptions to any or all of the following standards may be allowed if the Planning Commission determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the planning commission.*

(a) *Homes must front on the parkland as shown in the example below:*



- (b) *The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.*
- (c) *The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.*
- (d) *Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.*
- (e) *Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.*
- (f) *Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.*

**The City is requiring Cash In Lieu Of Dedication, the provisions of this section are not applicable.**

(5) **CASH IN LIEU OF DEDICATION**

- (a) *Cash in lieu of parkland dedication shall be paid prior to approval of the final plat unless the developer provides a binding financial instrument acceptable to the City.*

**The applicant shall pay cash in lieu of dedication, 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).**

## 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).*

**Topography, wetlands and vegetation have been incorporated as detailed below. No floodplain is present on the site.**

### SECTION 5.25 ADDITIONAL REVIEW PROCESS AND STANDARDS FOR LAND DEVELOPMENTS AND LAND DIVISIONS ON LAND WITH SLOPES OF OR OVER FIFTEEN PERCENT

*In addition to other review processes and standards required in other sections of this ordinance, the following process and standards shall apply to all land developments and land divisions on land where the slope meets or exceeds fifteen percent:*

- (1) *A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.*

**The site does meet the 15% slope criteria, therefore, the items below are applicable.**

- (2) *All land developments and land divisions shall be subject to review by the City Building and Planning Official and the City Engineer. The applicant shall submit a geo-technical report prepared and stamped by a professional engineer with specialty background in geotechnical engineering or a professional geologist with specialty certification in engineering geology who is registered through the State Board of Examiners for Engineering or the State Board of Geologist Examiners. The report shall contain and analyze on-site and adjacent off-site data on buildable and non-buildable areas and a statement of the expected impacts resulting from the proposed development. The required report shall demonstrate that the proposed developments are within the carrying capacity of the land based on the following on-site and adjacent off-site features and characteristics of the proposed development:*
- (a) *Base Geology*
  - (b) *Slopes (steepness, orientation and aspect)*
  - (c) *Soils*
  - (d) *Stream and Drainage Patterns*
  - (e) *Housing Density Impact*

The applicant has submitted a revised geotechnical report entitled "Revised Foundation Investigation" based on the comments supplied by a third party engineering firm (PBS) hired by the City to review the initial report. The proposal complies with this requirement with the condition that all development on site, including foundation construction shall implement the recommendations of the Revised Foundation Investigation conducted by OGD Consulting and dated January 28, 2008, unless field conditions require otherwise as indicated by a qualified engineer.

- (3) *All proposed developments, except those within the Rural Residential (RR) zone, shall be served by city water and wastewater service (sanitary sewer).*

The proposal is consistent with this requirement with the following conditions of approval:

The applicant shall provide the City with proof that all septic systems on the property have been properly abandoned according to the standards of the Lane County Sanitarian.

Existing wells shall be properly abandoned according to the standards of the Oregon Department of Water Resources or used exclusively for irrigation. No connections shall be established between wells and the City water system. If wells shall be retained for irrigation purposes, the applicant shall provide the city with proof of recent inspection showing that the facilities meet current Department of Water Resource standards. If wells are to be abandoned, the applicant shall supply the City with proof that they have been abandoned according to Department of Water Resource standards.

- (4) *The requirements of this section shall apply and be considered during any site review process required by the Land Development or Land Divisions Ordinances. As part of the site review process, vegetation and animal patterns, including endangered and threatened plant and animal species known to be in the area, shall be considered.*

The proposal has met this requirement. The applicant's wetland expert has submitted a detailed OFWAM assessment of the wetlands on the property including a search of the Natural Heritage Information center database records of threatened and endangered species in the area. Although there are records within 2 miles of the site, these are for Purple Martins, Bradsahw's Lomatium, Western Pond Turtles, and other species whose habitat does not generally overlap with habitat found on the site. Although a comprehensive survey has not been conducted, no substantial evidence has been presented to suggest that the site is habitat to any sensitive species.

- (5) *The minimum lot size is 8,000 square feet. Larger lot sizes may be required to address technical concerns raised in the geo-technical report.*

**The proposal meets this requirement. All proposed lots are in excess of 8000 square feet.**

#### **REMAINDER OF PROPERTY**

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

*Veneta Land Division Ordinance 461*

#### **SECTION 5.07 FUTURE DEVELOPMENT POTENTIAL**

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

**Many of the proposed lots within the subdivision are more than twice the minimum lot size. The applicant has proposed CC&Rs which preclude further division. The proposal is consistent with this requirement with the condition that the applicant provide an irrevocable development agreement stating that lots cannot be further divided in lieu of a shadow plat.**

#### **ADJOINING LAND**

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

**The proposal is consistent with this criterion because the applicant has proposed road extensions to serve the property to the north, south and east.**

#### **ALL APPLICABLE CITY REQUIREMENTS**

- (7) *The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district (Land Development Ordinance).*

*Veneta Land Division Ordinance 461*

*Article 4 Use Zones, Section 4.02 Single Family Residential Zone (SFR 8000)*

- (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 proposal is consistent with this criterion because it meets the purpose of the land use designation identified in the Veneta Land Development Ordinance by providing suitable and desirable areas single-family residential housing units.**

**SECTION 6.03 BLOCKS**

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

**The proposal is consistent with this standard because block lengths do not exceed 600 feet and block perimeters do not exceed 1800 feet.**

**SECTION 6.04 BUILDING SITES**

- (1) *Size and shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with the following standards:*
  - (a) *Width. Each lot or parcel shall have an average width between the lot side lines as specified in the Land Development Ordinance.*

*Veneta Land Development Ordinance Section 4.03(4):*

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

**The proposal is consistent with this standard because the average minimum lot width of all lots is at least 60 feet.**

- (b) *Depth. Each lot or parcel shall have an average depth between the front line and lot or parcel rear line of not less than 80 feet and not more than 2-1/2 times the average width between the side lines. Exceptions are allowed for lots designed for single-family attached dwellings.*

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

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

*Veneta Land Development Ordinance No. 461, Article 4 Use Zones, Section 4.02 Single Family Residential (SFR)*

- (4) Lot Size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width in an SFR zone shall be as follows:

- (a) The minimum lot area shall be 6,000 square feet east of Territorial Road and the minimum lot area shall be 8,000 square feet west of Territorial Road and the average minimum lot width shall be 60 feet.

**The proposal is consistent with this provision. All lots exceed the 8000 sq ft minimum.**

#### *LAND DEVELOPMENT ORDINANCE No. 461*

#### *SECTION 5.12 LANDSCAPING*

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

- (3) Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible. Particular attention shall be focused on preserving native and heritage trees.

**The proposed development has been recently logged. No heritage trees exist on the subject parcel.**

- (4) All required yards and the entire open space of all multiple-family dwelling sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences and similar elements may be placed within the area.

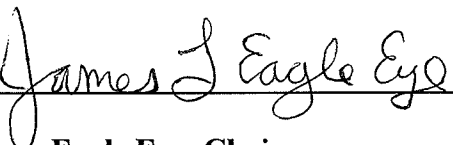
*Minimum number of trees and shrubs acceptable per 1,000 square feet of yard and open-space area is as follows:*

- (a) One tree at least six (6) feet in height.  
(b) Four 1-gallon shrubs or accent plants.

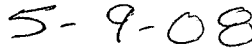
The proposal is consistent with this provision with the condition that the applicant sign a development agreement stating that prior to occupancy, lots shall be landscaped as required by City Code including planting of at least 1 tree of at least 6 ft in height and 4 one gallon shrubs planted per 1000 sq ft of open space, with credit given on a 1:1 basis for preserved trees. Trees shall be of a minimum 2 inch caliper.

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

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



James Eagle Eye, Chairperson  
Veneta Planning Commission



Date