

**FINAL ORDER OF THE  
VENETA PLANNING COMMISSION**

**BOLTON HILL RANCH SUBDIVISION (S-3-07) and  
ASSOCIATED TREE REMOVAL PERMIT**

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

1. The applicant has submitted information for a tentative subdivision application as required by Section 4.01 of the Veneta Land Division Ordinance No. 462.
2. The Veneta Planning Commission met on December third and seventeenth of 2007 to review and discuss the tentative plan for assessor's map 17-06-36-00 Taxlot 1300,1400, assessor's map 18-06-01-00 Taxlot 700,1701,1800,1801,1803, 1804, 1805, 1901, 1902, assessor's map 18-06-02-00 Taxlot 100, and assessors map 17-05-31-23 Taxlot 1900 after providing proper notice of the limited land use decision according to Section 2.06 of the Veneta Land Division Ordinance No. 462. The Commission met again on January 7 and approved a motion for conditional approval.
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 and Section 8.10 of the Veneta Municipal Code.

**B. The Veneta Planning Commission approves the Bolton Hill Ranch subdivision tentative plan (S-3-07) and accompanying Tree Removal Permit with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- 1) The applicant shall dedicate parkland in the general area of lots 104 through 106. Only lands with an average finished grade of less than 15% shall count towards fulfillment the parkland dedication requirements. The applicant shall pay cash in lieu of the remainder of the parkland dedication required for this subdivision according to VLDO 416 Section 5.26.
- 2) The applicant shall coordinate centralized mail box locations with Veneta Post Master
- 3) Any land proposed for dedication as parkland shall be provided with water and sewer service to the property line at a location approved by the City.
- 4) All development on site, including foundation construction shall implement the recommendations of the Revised Foundation Investigation conducted by OGD Consulting and dated Oct 29, 2007, unless field conditions require otherwise as indicated by a qualified engineer.

- 5) Lot 82 and all lots fronting on the cul-de-sac near 10<sup>th</sup> street shall be configured to provide the required 35ft of frontage.
- 6) Because the location of easements and proposed construction is likely to change as the applicant develops detailed improvement plans in conformance with conditions of approval, final tree removal plans shall be submitted concurrent with City approval of Public Improvement Plans. All trees within proposed right-of-ways and access or utility easements as well as those trees whose critical root zone (defined as 1 foot radius for each inch d.b.h.) will be more than 30% impacted by trenching or other construction, are approved for removal.

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

- 7) Install tree protection fencing for all trees to be preserved. Fencing shall be placed at the dripline of the tree, or as otherwise approved by the City to accommodate proposed improvements, and shall remain in place throughout the construction process. Fencing shall be inspected by the City prior to construction and shall not be moved without City approval.
- 8) 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) Paved vehicular access shall be provided to the Bolton Hill water reservoir.
    - iv) 1 ft access reserve strips at the end of all dead-end streets.
    - v) Dead end streets longer than 150 ft shall have turnarounds constructed to accommodate emergency vehicles. Such areas shall be signed "No Parking" and shall not be used as driveways for residences.
    - vi) Driveways for homes. Driveways shall be clustered and placed opposite each other when possible to allow larger clear areas for emergency apparatus to operate.
    - vii) Curbs shall be rolled and and both curbs and sidewalks shall constructed to withstand loads of 55,000 pounds on the side opposite the parking lane throughout the development to provide sufficient space for operation of emergency vehicles within the proposed alternative street sections.
    - viii) Curbs painted yellow 10 ft to each side of all hydrants to indicate "No Parking"
    - ix) Curbs at cul-de-sac bulbs and other "No Parking" areas painted yellow and signed accordingly
    - x) All new residences shall take access from interior streets, not from Bolton Hill Road.

- xi) Final design of improvements to Bolton Hill Road and intersections associated with the development of Bolton Hill Ranch Subdivision shall include analysis of stopping sight distance using appropriate AASHTO standards and design speeds as reviewed and approved by the City Engineer
  - xii) Public maintenance easements for repair and maintenance of all cut and fill areas adjacent to the ROW
  - xiii) A 10ft wide concrete pedestrian access constructed to City standards extending from the end of the cul-de-sac between lot 83 and tax lot 1300. The access shall be paved from the cul-de-sac to the future ROW of 10<sup>th</sup> Street and the applicant shall work closely with the City Engineer to ensure that the path matches future finish grade of 10<sup>th</sup> Street.
  - xiv) Street lighting based on an approved street lighting plan which complies with Veneta Municipal Code, Chapter 15.15.
  - xv) The applicant shall provide public pedestrian access to BLM taxlot 800 from the public ROW.
- 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 of Hillside Drive for future connectivity.
  - iii) Specifications for individual sewer pumps
- 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
  - iv) The developer shall work closely with the City to relocate the existing water main serving Bolton Hill Reservoir, and to avoid service interruptions to the greatest degree practicable.
- 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 peak 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 100year storm on proposed facilities and shall mitigate potential adverse effects of post-development peak flow increases on downstream properties to the greatest degree practicable.

- v) Drainage plans shall include the methods by which stormwater shall be conveyed from development on uphill lots across neighboring downhill lots
- 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.
- 9) 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.
- 10) Obtain all required permits and reimburse the City for all engineering inspection and plan review fees according to City Code. Permits include, but are not limited to the following:
  - a) Obtain permits to work within the City right-of-way.
  - b) Demolition permit for removal of existing structures on the property
  - c) Facility permits from Lane County for construction within the ROW of Bolton Hill Road

**PRIOR TO FINAL PLAT APPROVAL**

- 11) The applicant shall pay all required fees in lieu of parkland dedication.
- 12) The applicant shall provide the City with a signed copy of the 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 HOW with respect to detention facilities. Vegetation control shall be the sole responsibility of the HOA or other private entity.
  - b) Provide a maintenance schedule clearly detailing the scope and frequency of individual maintenance activities
  - c) Include a financial plan outlining the funding mechanisms for operation inspection maintenance repair and replacement of stormwater systems including contingencies
  - d) Include an Operations and Maintenance (O&M) Manual

- 13) The existing access to the garage on lot 83 shall be relocated to utilize the existing driveway on Bolton Hill Road, or the proposed cul-de-sac. No vehicular access shall be taken from the 20ft ROW extending from Dogwood Lane.
- 14) 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, bike lanes, paving improvements, sidewalks, stormwater, lighting, and all necessary acquisition of easements or additional ROW.
- 15) 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.
- 16) 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 9&10 shall share a single driveway 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 count towards required parking spaces. A minimum 20 foot clear area shall be maintained along the length of the driveway.
  - c) Lots within the subdivision cannot be further divided.
- 17) 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 78 to be adjacent to the property line if feasible according to the City Engineer.
- 18) 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.
- 19) 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.
- 20) 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.
- 21) The applicant shall pay all outstanding engineering and application processing fees on an ongoing basis through the one-year warranty period.
- 22) 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.
- 23) 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**

- 24) All conditions required prior to recording of final plat must be completed.

- 25) 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.
- 26) Provide the City with a recorded copy of the Final Plat
- 27) 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.
- 28) The applicant shall provide the City with copies of all private easements and agreements.

**PRIOR TO OCCUPANCY**

- 29) 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.

**IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Bolton Hill Ranch subdivision tentative plan (S-3-07) and accompanying tree removal permit based on the information in the staff report and the following findings of fact:**

**C. 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 Planning Commission has determined that the 40 foot alternative street section found in EXHIBIT F of the staff report dated 12/28/2007 has significant benefits over the standard profiles. These benefits include a reduction in the heights and footprints of cuts and fills throughout the development, thus reducing the area of disturbance resulting in less tree removal. The alternative profiles also reduce the amount of impervious surface and the overall impact of the development on water quality and stormwater runoff.**

**The proposed street sections have been deemed acceptable to the City Engineer and Veneta Public Works. Lane County Fire District approves the proposed alternative sections with the conditions that driveways be clustered and placed opposite, and that the sidewalk and curb opposite the parking lane be rolled and designed to support loads of 55,000 to ensure that fire apparatus have sufficient working room within the ROW.**

(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 a 1 ft access reserve strips at the end of all dead-end streets.**

(5) *Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever*

*practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.*

**The proposal is consistent with this requirement. Intersections are aligned or have a minimum of 200ft between center lines as required.**

- (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 all dead-end streets shall terminate in an emergency turnaround which shall be marked as no parking, and that a 1 foot reserve strip be provided. The applicant has provided for future extension on streets to serve properties to the north. Steep grades prevent street extensions to the west. Properties to the west are outside of the current UGB and unlikely to be developed due to their grades and status as productive forest lands.**

- (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. The property currently only has frontage on Bolton Hill 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 this requirement. The intersections are at right angles. More than the required 100 feet of tangent is provided for the intersections with Bolton Hill Road.**

- (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 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.**

- (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-sacs have a circular turn-around and do 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 consistent with this requirement. Street grades and radii conform to the specified standards.**

- (14) *Streets adjacent to railroad rights-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such*

*right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.*

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

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

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

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

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

### SECTION 6.03 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 proposal is consistent with this criterion with the condition that the applicant provide public maintenance easements for repair and maintenance of all cut and fill areas adjacent to the ROW**

- (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 with the condition that the applicant provide a 10ft wide concrete pedestrian access constructed to City standards extending from the end of the cul-de-sac between lot 83 and tax lot 1300. The access shall be paved from the cul-de-sac to the future ROW of 10<sup>th</sup> Street and the applicant shall work closely with the City Engineer to ensure that the path matches future finish grade at 10<sup>th</sup> Street.**

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 lot 82 and all lots fronting on the cul-de-sac near 10<sup>th</sup> street shall be configured to provide the required 35ft of frontage. The proposed panhandle for lots 9 & 10 are approved with the condition that they shall share a single driveway 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 count towards required parking spaces. 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.**

- (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.*

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

**Currently, bicycle lanes are required along Bolton Hill Road due to its status as a major collector. Additionally, an off street bicycle/pedestrian path is shown in the City's adopted Transportation System Plan Map 16, extending from Bolton Hill Road through the property adjacent to the western edge of the UGB. This path was originally planned within an area of Greenway subzone which was removed in 2006. Due to the**

steepness of the terrain which would severely limit the usefulness of such a facility, and the lack of Greenway or other undeveloped corridor, the Commission finds that the path proposed in the TSP is no longer necessary. As a substitute, and to ensure that the development provides adequate pedestrian and bicycle connectivity to surrounding areas including construction of Bolton Hill Road with bike lanes, the following conditions of approval are required:

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.
3. A 10ft wide concrete pedestrian access constructed to City standards extending from the end of the cul-de-sac between lot 83 and tax lot 1300. The access shall be paved from the cul-de-sac to the future ROW of 10th Street and the applicant shall work closely with the City Engineer to ensure that the path matches future finish grade of 10th Street.

*LAND DEVELOPMENT ORDINANCE No. 417*

*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 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.*

**This standard is not applicable.**

#### **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 proposal is consistent with this criterion. A 7 foot PUE is shown along all streets within the development.**

- (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 requirement with the condition that the applicant provide a 10ft wide concrete pedestrian access constructed to City standards extending from the end of the cul-de-sac between lot 83 and tax lot 1300. The access shall be paved from the cul-de-sac to the future ROW of 10th Street and the applicant shall work closely with the City Engineer to ensure that the path matches future finish grade of 10th Street.**

#### Article 7-IMPROVEMENT REQUIREMENTS

##### Section 7.03 IMPROVEMENTS IN SUBDIVISIONS

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

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

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

**The proposal is consistent with this provision because the subdivision will be connected to City Sewer via an extension down Bolton Hill Road to 10<sup>th</sup> Street.**

- (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 provide 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**
- iv) The developer shall work closely with the City to relocate the existing water main serving Bolton Hill Reservoir, and to avoid service interruptions to the greatest degree practicable.**

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

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

*Land Development Ordinance No. 417*

*Section 5.14 IMPROVEMENT REQUIREMENTS*

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

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

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

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

**The proposal is consistent with this criterion with the condition that the applicant reconfigure the public easements on lot 78 to be adjacent to the property line if feasible.**

## **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 an average slope over 15% 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. Holding large amounts of water on a hillside poses a significant danger to downstream properties should these structures fail or be overtopped. City standards require**

detention to be designed to handle a 10 year storm event. 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 100year storm on proposed facilities and shall mitigate potential adverse effects on downstream properties to the greatest degree practicable.
- v) Drainage plans shall include the methods by which stormwater shall be conveyed from development on uphill lots across neighboring downhill lots

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:

- Clearly detail the operation and maintenance responsibilities of the HOW with respect to detention facilities. Vegetation control shall be the sole responsibility of the HOA or other private entity.
- Provide a maintenance schedule clearly detailing the scope and frequency of individual maintenance activities
- Include a financial plan outlining the funding mechanisms for operation inspection maintenance repair and replacement of stormwater systems including contingencies
- Include an Operations and Maintenance (O&M) Manual

*LAND DEVELOPMENT ORDINANCE No. 417*

*Article 5 – SUPPLEMENTARY PROVISIONS*

Section 5.14 IMPROVEMENT REQUIREMENTS

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

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

**The proposal is consistent with this criterion with the conditions that the applicant provide 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

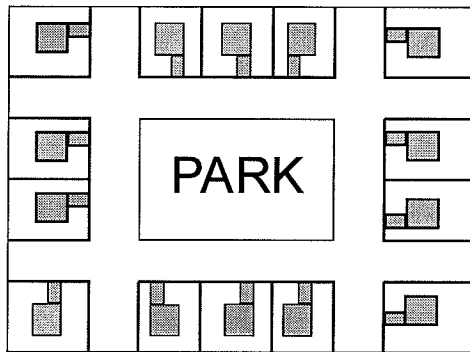
(2) MINIMUM PARKLAND DEDICATION REQUIREMENTS

- (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*

(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.

##### 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 has proposed several options intended to fulfill the park dedication requirement. Because very little of the site meets the 15% slope restriction, the applicant is unable to provide the required parkland in conformance with standard (c) above. Because the Commission can allow exceptions to any or all of the standards above, the applicant has presented several options intended to provide the City with park land which fulfills the intent, if not the letter of the code. The Commission finds that located a 4 acre park within the development area is not feasible. The Commission finds that the application is consistent with the dedication standards with the following condition:**

- **The applicant shall dedicate parkland in the general area of lots 104 through 106. Only lands with an average finished grade of less than 15% shall count towards fulfillment the parkland dedication**

requirements. The applicant shall pay cash in lieu of the remainder of the parkland dedication required for this subdivision according to VLDO 416 Section 5.26

- The applicant shall provide public pedestrian access to BLM taxlot 800 from the public ROW.

## **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 both an initial geotechnical investigation, and a revised 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 Oct 29, 2007, 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, Bradshaw’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.**

**Vegetation is considered in the criteria for the Tree Removal Permit discussed below.**

- (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 sqft.**

*Veneta Municipal Code (VMC) Chapter 8.10 Tree Cutting, Destruction and Removal*

*8.10.030 Tree removal prohibited.*

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

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

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

**The proposal is consistent with these criteria. The applicant has applied for a tree removal permit and the permit is granted with approval of these Final Orders.**

*8.10.080 Tree removal standards.*

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

**Based on past City procedures tree removal permits submitted concurrent with development applications requiring Planning Commission review are subject to approval by the Commission. Approval shall be based on compliance with the criteria of VMC 8.10 as stated below.**

- (2) *The city's consideration of the permit shall be based on the following standards:*

- (2)(a) *The conditions of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety.*

**Generally, the health of the trees is not considered a reason for removal in this case. The applicant has requested to remove trees within the proposed ROW and utility easements. Any trees retained in these areas are likely to be severely impacted by construction and unlikely to survive the development process and should be removed.**

**Because the location of easements and proposed construction is likely to change as the applicant develops detailed improvement plans in conformance with conditions of approval, final tree removal plans shall be submitted concurrent with City approval of Public Improvement Plans. All trees within proposed right-of-ways and access or utility easements as well as those trees whose critical root zone (defined as 1 foot radius for each inch d.b.h.) will be more than 30% impacted by trenching or other construction are approved for removal.**

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

**There is no evidence that the proposed tree removal will have any significant adverse impacts on the environmental quality of the area.**

**Protection of nearby trees and windbreaks:**

**No concerns have been raised regarding this issue. The applicant is not proposing to clear cut or otherwise remove trees other than to allow construction of the subdivision. Home builders will need to obtain individual tree permits for removals on individual lots at the time they submit building permits. The limited removal sought at this time are not generally adjacent to lot lines and are unlikely to result in windthrow on adjacent properties**

**Air quality:**

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

**Impacts on fish and wildlife**

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

**Soil Retention and Stability**

**The areas proposed for removal are mainly located within ROWs and will therefore be covered with pavement. As a condition of approval the**

applicant is required to submit erosion control and grading plans for approval by the City Engineer. The applicant will also secure a 1200C permit from DEQ prior to starting construction. These plans and permits together lay out the best management practices necessary to control erosion during the construction phase of the project.

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

The proposed tree removal will have no significant impact on surface runoff in terms of either quantity or quality. There are no streams within or directly adjacent to the tree removal area. Volume of surface runoff will be accounted for in the stormwater management plans which provide some treatment benefits. The use of best management practices required as part of the erosion control plans and 1200C permit are intended to protect water quality and prevent sediment loaded runoff from the site.

**Scenic Quality**

There is no evidence in any adopted City planning document which indicates that the trees in question have any significant scenic value.

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

**The proposal is consistent with this criterion. It is necessary to remove trees in order to construct the proposed utility and access improvements.**

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

**The subdivision plan represents the plot plan, therefore, no plot plan has been approved and the following criteria are applicable.**

- (i) *Wooded areas associated with natural drainageways and water areas shall be retained to preserve riparian habitat and to minimize erosion.*

**The proposal is consistent with this criterion. No defined waterways exist on the property. Stormwater primarily leaves the site by sheet flow and undefined drainages which do not have riparian habitat. No riparian habitat currently exists on the property according to the Riparian Inventory conducted as part of the City's wetland inventory process in 1998.**

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

**The proposal is consistent with this criterion. The applicant has proposed to remove trees only when necessary to allow construction of the subdivision. No clearing on individual lots is proposed at this time. This allows homebuilders to take views and other aesthetic qualities provided by trees into account when siting the home.**

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

**The proposal is consistent with this criterion. The applicant has proposed to remove trees only when necessary to allow construction of the subdivision. No clearing on individual lots is proposed at this time.**

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

**No trees are proposed for removal within close proximity to the property lines, existing roadways or other right of ways. Approval is only sought for removal of those trees necessary for construction of proposed improvements.**

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

**The proposal is consistent with this criterion. The applicant has proposed to remove trees only when necessary to allow construction of the subdivision. No clearing on individual lots is proposed at this time and lot sizes are generally quite large which leaves large areas of trees retained.**

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

**No replanting has been proposed. As a condition of approval, all lots shall be landscaped according to VLDO 461 Section 5.12 with 1 tree and 4 shrubs per 1000 sq ft of yard prior to occupancy with credit given for preserved trees.**

## **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 plats.**

**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.**

**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 longer block lengths are required by the steep slopes of the development area.**

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.**

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

*Veneta Land Development Ordinance No. 417, 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. 417

SECTION 5.12 LANDSCAPING

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

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

**This provision is fully implemented through VMC 8.10 as detailed above.**

(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, all 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 D Eagle Eye

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

1-11-08

**Date**