

**VENETA PLANNING COMMISSION
STAFF REPORT**

**Bolton Hill Ranch Subdivision (S-3-07)
& Associated Tree Removal Permit**

Application Received: October 10, 2007

Application Deemed Complete: November 6, 2007

Notice Mailed and Posted November 6, 2007

Planning Commission Meeting: December 17, 2007
January 7, 2008

Staff Report Date: December 31, 2007

Prepared by: Brian Issa, Community Services Director

Referrals: Veneta Public Works Superintendent
City Engineer
Lane County Fire District No. 1
EPUD
Lane Electric
Lane County Transportation
Lane County Public works
Qwest
LTD, CTR, ODOT

Timeline: The 120 day timeline ends March 5, 2008

BASIC DATA

Applicant: ATR Land LLC
P.O. Box 518
Cresswell, OR 97426

Property Owners: ATR Land LLC, City of Veneta (Tax lot 1901)

Assessor's map: 17-06-36-00 Taxlot 1300,1400
Assessor's map: 18-06-01-00 Taxlot 1700,1701,1800,1801,1803,1804,1805,1901,1902
Assessor's map: 18-06-02-00 Taxlot 100

Area: 60.3 acres

Plan Designation: Low Density Residential (L)

Zoning Designation: Single Family Residential (SFR 8000 sq. ft. minimum)

REQUEST

Tentative Plan

The request before the Planning Commission is for approval of a tentative plan to divide 60.3 acres into 105 residential lots (**EXHIBIT A**)

Tree Removal Permit

The applicant is requesting removal of trees in order to accommodate proposed improvements on the site. (**EXHIBIT A Sheets T-1 through T11**)

PROPERTY CHARACTERISTICS AND SURROUNDING CONTEXT

The subject property currently consists of 12 parcels. Tax lots 1705, 1800, and 1400 have existing single family homes.

Transportation Service

Access is available to the property from Bolton Hill Road which is a major collector and under Lane County jurisdiction.

Wastewater Service

Wastewater service is not currently available to the property. The applicant has proposed construction of a new sewer main in Bolton Hill Road which will connect to the 10th Street system terminating in Aspen Heights subdivision.

Stormwater

Stormwater currently flows both south and east from the site to existing drainages along Bolton Hill Road and south towards the SWAP. Most of the drainage is via sheet flow rather than defined drainage ways.

Water Service

Water service is not currently available to the majority of the property. There is an existing 8" water line that runs from the Dogwood reservoir to the Bolton Hill reservoir. This is only to feed the upper tank and is not a distribution line. The applicant has proposed to service the development from the upper reservoir, and will work with the City to relocate or abandon the feeder line.

Natural Resources

There is a small .075 acre wetland area on the site created by a natural springs. The applicant has provided both a wetland delineation (**EXHIBIT A3**) and a wetland assessment (**EXHIBIT A4**), and has concluded that the wetlands on site are not determine to be significant as defined by state statute. Therefore, Veneta's wetland protection ordinance VMC 18.10 does not apply to these areas, although permits from ACE and DSL may still be needed if construction in these areas is proposed.

A tree removal permit is required for the proposed removal of approximately 354 significant trees to accommodate proposed infrastructure. The applicant has not proposed clearing lots or home sites at this time.

SUBMITTAL REQUIREMENTS

Tentative Plan (S-3-07)

The applicant has submitted the application, plans, and other supplementary data as required by Section 4.01 of Veneta Land Division Ordinance No. 462.

Tree Removal Permit

The applicant has submitted the application, plans, and other supplementary data as required by Veneta Municipal Code 8.10.

AGENCY COMMENTS

Comments from agency referrals are found in **EXHIBIT C**.

PUBLIC COMMENTS

Public comments are found in **EXHIBIT D**. The following issues were raised in public comment.

Impacts on nearby wells

Neighbors voiced concerns that the development may impact their well production. Most residential wells in the area are well over 100ft deep. Although utility trenches and other construction activities may intercept shallow subsurface flows above the bedrock layer (located approximate 10 feet below surface grade) to some degree, it is unlikely that development of the proposed subdivision will impact nearby well which penetrate deep into the underlying strata.

Increased Traffic on Bolton Hill Road

Bolton Hill Road is a Lane County Facility. Comments from Shashi Bajracharya (**EXHIBIT C3**) of Lane County Transportation Planning state that, “[Transportation Planning] concurs with the analysis conclusion that there is no capacity issue on Lane County facilities...”

Lot Drainage

According to the applicant preliminary stormwater design (**EXHIBIT A8**), runoff from most of the lots are routed to the street and into the proposed detention systems. There are instances where an uphill lot drains over a downhill lot before reaching this system. The applicant does not address this issue and it is assumed that runoff from home sites will travel via overland sheet flow. The City Engineer will review this issue upon submission of detailed stormwater plans as part of the public improvement plan review process.

Storm flows for more than the 10 year storm

The topography of the site requires special considerations for storm drainage and detention. At the request of the City Engineer, conditions of approval have been recommended to address these considerations including potential failure of proposed systems due to storm events larger than the 10 year storm.

Future division of lots

The applicant has stated that the lots will be undividable in the future due to restrictions imposed by CC&Rs. A condition of approval is proposed which requires such an agreement.

Presence of threatened or endangered species

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.

ISSUES

Tree Removal Permit

Because many aspects of the design are likely to change based on conditions of approval and the normal course of developing public improvement plans. Staff recommends approving tree removal of all trees within the ROW, utility & access easements, and those trees whose critical root zone (1 foot radius for each inch d.b.h) will be more than 30% impacted as shown on the approved public improvement plans. This is a little unorthodox, but these trees will need to be removed anyway, and it prevents needless removals where easement locations or street widths change based on City imposed conditions or refinement ROW and utility locations.

Park Dedication

At the request of the Commission, the applicant has provided several options intended to fulfill the parkland dedication requirement. These options are presented in **EXHIBIT E**. The total required dedication for both phases of this development is 4.0068 acres. Based on the land values set in Resolution 937 of \$77,700 per acre, the total fee in lieu of dedication would equal \$311,328 which could be used only for acquisition of parkland.

None of the options presented meets the standards of VLDO 416 Section 5.26. The Commission has several options.

Demonstrated Need

EXHIBIT G shows existing parks and their associated service areas which vary based on the size of the park. In general service areas are as follows:

- Pocket park (typically <1 acre) = ¼ mile or less
- Neighborhood park (3-5 acres) = ¼ to ½ mile
- Community park (5+ acres) = ½ mile or more

The service area for Veneta's two community parks (TSP and Broadway) are not shown clearly as they cover most of the City. Currently, the most underserved areas are south of Perkins Road, and the area west of and including Trinity Terrace subdivision. The proposed development will create a demand in the area west of Bolton Hill Road which is currently not served by existing parks. Therefore, the City should require dedication of parkland if suitable ground is available.

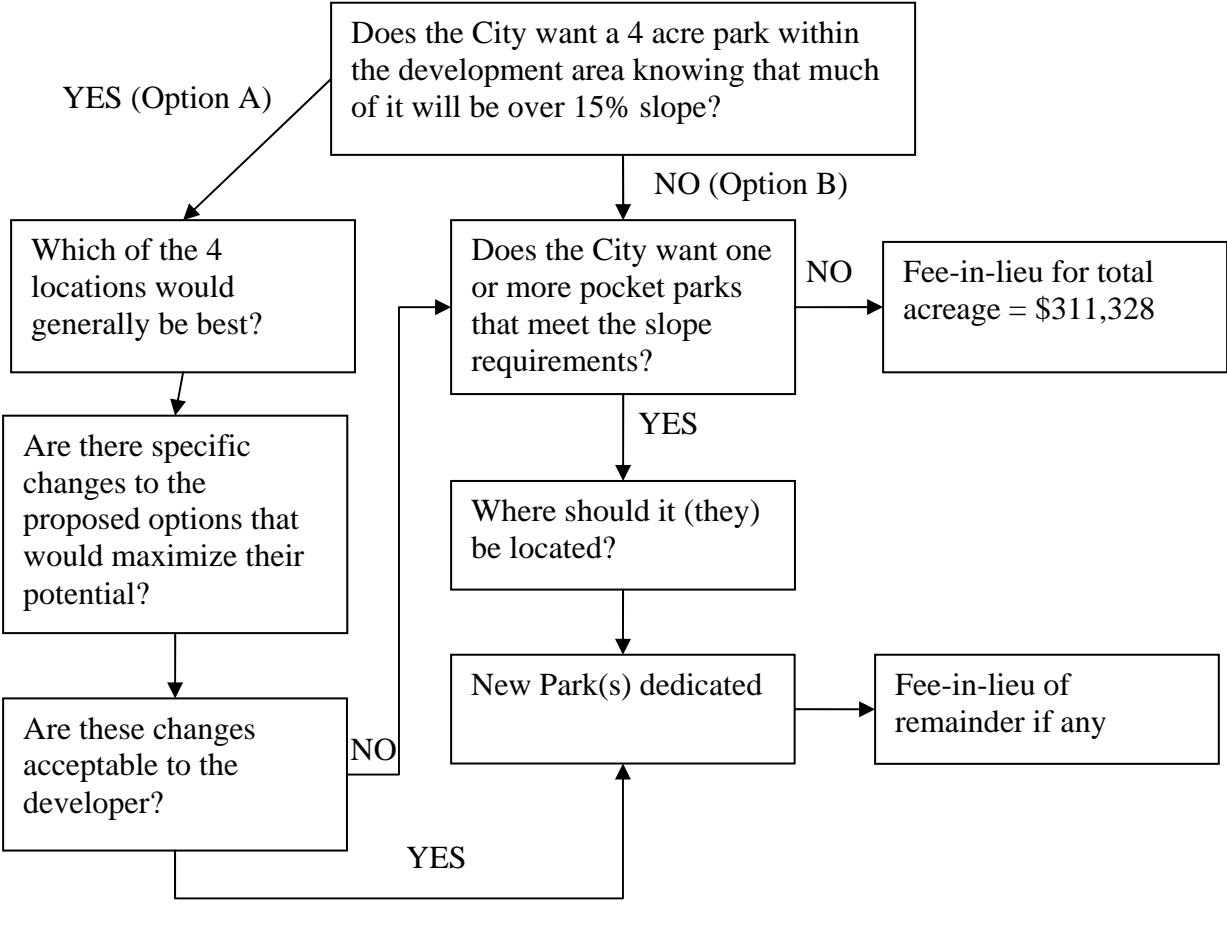
Park Acquisition Priority

Although the development will be in an area underserved by existing parks, however, this would not be the only underserved area in Veneta as mentioned above. Given that the City could either require dedication or a fee-in-lieu which could be used to acquire parkland in these other areas, some assessment needs to be made as to whether the City should require the full 4.0068 acres (for both phases) to be dedicated on site, or allow a smaller dedication in favor of using the

fee-in-lieu to purchase parkland in these other underserved areas. After the park dedication ordinance was passed, the Veneta Parks Board made an effort to assess potential acquisitions based on a number of factors. Staff has used these factors to assess the desirability of accepting parkland in any of the four options the applicant has presented. This assessment is found in **EXHIBIT H**. Based on this rather subjective assessment, Option 1 may provide the best parkland of the 4, but even this option is less than optimal due to grades, visibility, lack of views, and a service area which is limited both in terms of area and number of units served.

Recommendations

There is insufficient land of under 15% slopes within the development area to provide a contiguous 4-acre park (see **EXHIBIT I**). It would be difficult for the Commission to deny the development because they have no ability to meet the requirements if the City will not give them the out of paying a fee-in-lieu. Therefore, the Commission has several options. The following chart lays out the decision making process.



Option A
 Accept a dedication that only partially meets the slope requirement but has some additional benefit such as additional total area, or an additional commitment for

park development. These are essentially the options put forth by the developer as follows (**EXHIBIT E**):

<u>Option</u>	<u>Total Acres</u>	<u>Acres<15% slope</u>	<u>Add'l Commitment</u>
1	4.42	.83	\$25,000
2	4.01	1.40	None
3	4.22	2.00	None
4	4.01	2.96	None

Each of these options has pros and cons as discussed above and the analysis in **EXHIBIT H**, however only options 1 & 3 have anything extra to offer in terms of acreage or funds for development. Of these, Option 1 is the most attractive with .42 acres of additional (extremely steep) acreage and money for grading and landscaping. For comparison, the bill for grading and landscaping of a little over an acre of Territorial Park cost the City over \$36,000 including irrigation.

Pros:

- Results in large contiguous park area (Territorial Park is 2.5 acres for comparison) which may be suitable for multiple uses
- The Commission may be able to require parking or other improvements if needed

Cons:

- Much of the land may be too steep to use and may be hard to provide maintenance and security
- Creates a large park in an area with a low density service area (not much bang for the buck) and limited pedestrian and bicycle access due to steep slopes.

Option B (Staff's Recommended Option)

The fee-in-lieu amount was set by resolution 937 at \$77,700. One option for the Commission is to require a contiguous parkland dedication which meets the slope requirement, and accept a fee-in-lieu for the remainder. This would result in one or more pocket parks which, while less than optimal, may be acceptable given the low density of development with the service area, and would provide money for acquisition of land in other underserved areas.

Pros:

- Creates parks in an underserved area
- Puts significant funds away to acquire parkland anywhere in the city
- Fee may free up grants or other funds that can be used for park improvements
- Can be located adjacent existing City property near the tank to create a larger park.
- Procedurally clean, does not set any future precedent

Cons:

- Creates small parks which are less useful than larger neighborhood parks

Alternative Street Designs

At the request of the Commission, the applicant has provided alternative street section options. Given the slopes across the site, staff recommends that the Commission accept the 40 foot ROW street section shown in **EXHIBIT F** for all streets within the subdivision. The Fire District has approved this option if the curb opposite the parking area is rolled and designed to support fire apparatus.

Staff recommends abandoning the off-street path shown in the TSP, the 8 ft sidewalk option presented previously, and bike lanes on Perkins. Based on the slopes present, it is unlikely that large numbers of cyclists would utilize such a facility and combining pedestrians and bicycles on a paved surface with a grade of up to 15% poses significant safety concerns. Generally, grades in excess of 5% should be avoided when constructing multi-use paths. Without a dedicated off-street facility, bicycles would share the roadways with vehicles. ODOT's facility design standards address shared roadways as follows:

There are no specific bicycle standards for most shared roadways; they are simply the roads as constructed. Shared roadways function well on local streets and minor collectors, and on low- volume rural roads and highways. Mile per mile, shared roadways are the most common bikeway type.

Shared roadways are suitable in urban areas on streets with low speeds - 40 km/h (25 MPH) or less - or low traffic volumes (3,000 ADT or less, depending on speed and land use).

Some early bikeways used sidewalks for both pedestrians and bicyclists. While in rare instances this type of facility may be necessary, or desirable for use by small children, in most cases it should be avoided. Sidewalks are not suited for cycling for several reasons:

Cyclists face conflicts with pedestrians;

- *There may be conflicts with utility poles, sign posts, benches, etc.;*

- *Bicyclists face conflicts at driveways, alleys and intersections: a cyclist on a sidewalk is generally not visible to motorists and*

emerges unexpectedly. This is especially true of cyclists who ride opposing adjacent motor vehicle traffic: drivers do not expect a vehicle coming from this direction; and

- *Bicyclists are put into awkward situations at intersections where they cannot safely act like a vehicle but are not in the pedestrian flow either, which creates confusion for other road users.*

Cyclists are safer when they are allowed to function as roadway vehicle operators, rather than as pedestrians.

Given the low traffic volume and speeds on streets within the subdivision, the roadways as proposed in **EXHIBIT F** should be adequate to handle both vehicles and cyclists. Sidewalks on both sides of the street should be provided to accommodate pedestrian traffic. To ensure adequate fire access, driveways should be clustered and placed opposite, and curbs rolled on the nonparking side of the street. These conditions are included in the Propose Final Orders.

Bolton Hill Road Improvements

Several factors conspire to prevent full improvement of Bolton Hill Road at this time. First, the applicant is generally only responsible for improving the section of road adjacent to the project. This would result in intermittent improvements and is no a feasible option from an infrastructure standpoint. The potential need to acquire additional ROW and/or slope easement also presents problems as the applicant does not have the same ability as a public entity to acquire private property. Given the current situation with county funding, it is unlikely that they could step forward to help complete street improvements at this time.

In order to ensure that the applicant pays there fair share for future street improvements, staff recommends conditions of approval requiring the applicant to pay the estimated cost of their proportional share of street improvements. Given that actual costs at the time of construction are likely to be much higher than current costs, staff also recommends a condition of approval requiring that all lots within the subdivision be held to an non-remonstrance agreement so that if/when an LID is formed to construct the street, all lots will be assesses for the difference due to inflation.

Given that Bolton Hill Road may not be improved for some time, staff recommends that the Commission require a 10ft paved pedestrian/bicycle path from the end of the cul-de-sac near the Dogwood tank to the future ROW of 10th street in this area. City ROW is already available for this connection and doing so provides pedestrian and bicycle connectivity for residents of Bolton Hill Ranch without the need to travel along unimproved sections of the Road. The terminus near the dogwood tank will provide direct access to the County improved section of the road, as well as the future multi-use path planned for the SWAP which directly across Bolton Hill Road from the water tank.

Detention Pond Ownership

Based on discussions during the SWAP approval process, it is current City policy not to accept dedication of detention ponds as a City facility due to the high cost of maintenance associated with such facilities. Staff recommends that all detention facilities located outside of the ROW be privately owned and maintained by a Home Owners Association or similar entity. Staff has proposed conditions of approval requiring that the applicant submit a signed HOA agreement prior to plat which clearly details the responsibilities of the HOA, provides an operations and maintenance manual, maintenance schedule, and financial plan to cover all operation, maintenance, and replacements costs for these facilities.

Many other Cities, handle detention facilities in this manner. Although the City of Veneta has not yet approved such an agreement, we are currently reviewing the one submitted by Hayden Homes for the SWAP. As we work through that agreement with the City Attorney, we should have a better idea of what needs to be included.

County Transportation Comments

At the direction of the Commission, the City Engineer has provided additional comments regarding site distances on Bolton Hill Road (**EXHIBIT J**).

STAFF RECOMMENDATION & POSSIBLE ACTIONS

Depending on the decision regarding park dedication, it may be possible to accomplish the Commission's desires with a condition of approval such as:

The applicant shall provide park area that meets the following requirements

- *The area of no less than one acre*
- *The area adjacent and contiguous to City taxlot 1901*
- *The area shall meeting the slope requirements (<15%)*
- *A minimum of a 20ft wide access to the adjacent BLM property shall be provided*

If the Commission is comfortable with such a condition, or if no such condition is needed (ie the Commission simply wants a fee in lieu) then staff recommends conditional approval of subdivision S-3-07 and the associated Tree Removal Permit based on the information presented here and the findings of fact presented in the Proposed Final Order as amended by the Commission.

If such conditions are necessary and the Commission is not comfortable with approving the plans without actually seeing the design, then staff recommends that the Commission direct the applicant to submit plans which meet the necessary conditions (these should be spelled out for the applicant), and call a special meeting on January 15 to make a final decision.

EXHIBITS

(*Part of prior packets and not included with this staff report. All materials including color maps are available on the website at www.ci.veneta.or.us)

A. Application Materials*

1. Applicant's Narrative Statement
2. Tree list
3. Wetland Delineation
4. Wetland Assessment
5. Alternative Road Sections from EGR dated November 5 (also see comments from Lane County Fire District & Jerry Elliott)
6. Perkins Extension Feasibility (EGR)
7. Transportation Impact Analysis (Access Engineering)
8. Preliminary Stormwater Management Plan (EGR)
9. Cul-de-sac option for 10th street connector

B. Geotechnical Materials*

1. PBS Review of previous geotechnical report
2. Revised Foundation Investigation from OGD dated 10/29/2007

C. Referral Comments*

1. Kyle Schauer, Veneta Public Works Superintendent
2. Jerry Elliott, City Engineer
3. Shashi Bajracharya, Lane County Transportation Planning
4. Heather Hill, Lane County Fire District # 1
5. Ed Moore, ODOT
6. Tom Jeffries, EPUD
7. Jody Ogle, Lane Electric

D. Public Comment*

1. Neighbors for Responsible Growth. Nov 16, 2007
 2. Mona Linstromberg. November 20, 2007
 3. Devon Trottier et al. November 20,2007
 4. Don Orton et al. November 20, 2007
 5. Devon Trottier et al. November 28, 2007
 6. Alan Guess, November 30, 2007
- E. Park Dedication Options submitted December 28, 2007
1. Narrative on park options
 2. Option 1 map
 3. Option 2 map
 4. Option 3 map
 5. Option 4 map
- F. Alternative street sections submitted December 28, 2007
- G. Service area map of current City parks
- H. Park dedication assessment
- I. Color map of slopes within the development area (Commissioner's packets only)
- J. Additional comments from Jerry Elliott regarding County transportation comments