

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

**HEATHER GLEN
Subdivision S-6-06**

A. The Planning Commission finds the following:

1. The applicant has submitted information for a tentative plan application required by Section 4.01 of the Veneta Land Division Ordinance No. 462.
2. The Veneta Planning Commission met on April 2, 2007 to review and discuss the tentative plan for assessors map 17-06-36-44 Tax Lot 300 after providing proper notice of the limited land use decision according to Section 2.06 of the Veneta Land Division Ordinance No. 462.
3. The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in Section 4.02 of Veneta's Land Division Ordinance No. 462.

B. The Veneta Planning Commission approves the Heather Glen subdivision tentative plan (S-6-06) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL

- 1) No more than three trees shall be removed without an approved Tree Removal Permit from the City.

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- 2) Obtain approval for public improvement plans to include the items listed below.
 - a) SANITARY SEWER improvement plans.
 - i) Sewer lines located at or near the centerline of streets.
 - ii) 10ft separation between sewer and water lines within the public ROW
 - b) WATER improvement plans which include the following:
 - i) Irrigation facilities
 - ii) Hydrant locations as approved by Lane County Fire District #1
 - iii) Lots 2-5 to be served by individual 1" water lines
 - c) DRAINAGE FACILITY improvement plans including:
 - i) Access easements encompassing all stormwater swales and wetland drainages
 - ii) A drainage study for all lots 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.
- d) EROSION CONTROL and GRADING plans which:
 - i) Address erosion and run-off during and after construction and include a 1200C permit as required by DEQ.
 - ii) Grading plans shall show existing and proposed cut and fill slopes, type of fill materials, finish grade elevations at property boundaries, and existing elevations of neighboring parcels at the property lines.
 - e) STREET and ACCESS plans which include:
 - i) Street lighting, striping, and signage plans
 - ii) Unique street names for all streets as approved by Lane County.
 - iii) Curbs painted yellow 10 ft to each side of all hydrants to indicate “No Parking”
 - iv) All street curbs, including the cul-de-sac shall be painted yellow and clearly signed “no parking”
 - f) LANDSCAPING PLANS which include
 - i) Lots 2-5 shall be planted with a minimum of four (4) trees and sixteen (16) shrubs per lot. Credit shall be given for preserved trees. Lot 1 shall be planted with a minimum of one(1) tree and four (4) shrubs per 1000 sq ft of open space.
 - ii) Detention facility planting details showing species mix and seeding rate
 - iii) All cut and fill slopes shall be vegetated with native plantings sufficient to control erosion and prevent establishment of invasive species.
 - iv) All lots shall comply and be coordinated with Tree Mitigation Plans required for Site Plan Review SR-6-06.
 - g) UNDERGROUND UTILITY PLANS including telephone, electric, and cable.
Installation of utilities must be coordinated with the appropriate regulatory agencies.
Plans shall include a 7’ min PUE along the entire frontage of lots 2-5.
- 3) After approval of engineered plans for streets, sewer, water, storm drainage systems, and utilities the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The bond shall be between the applicant 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.
 - 4) Obtain all required permits and reimburse the City for all engineering inspection and plan review fees according to Resolution No. 915. Permits include, but are not limited to the following:
 - a) Obtain permits if necessary for removal of existing wells and septic.
 - b) Obtain permits to work within the City right-of-way.

- c) Obtain approach and construction permits from ODOT
- 5) Submit an irrevocable development agreement stating that:
1. Clear vision areas including those shown on the tentative plans and a triangle with 25 ft sides on all corner lots shall be permanently maintained . 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.
 2. The applicant shall provide sidewalks along the entire frontage of lots 2-5 and connect the sidewalk from lot 5 to the southern end of the walkway on building #1. Sidewalks shall be located within the public ROW and installed prior to occupancy. All lots shall continue to meet the 6000 sq ft minimum.
 3. That all parcels shall meet the landscaping requirements of Veneta Land Development Ordinance Section 5.12(4) prior to occupancy and shall meet said requirements continually.
 4. All corner lots shall take access from the street with the lowest functional class.
 5. All cut and fill slopes shall be vegetated with native plantings sufficient to control erosion and prevent establishment of invasive species.
 6. All streets and access ways shall continually maintain a 20 ft clear width up to a height of 13.5 ft to accommodate fire apparatus
 7. Lot 2 shall take access solely from the cul-de-sac
 8. All owners, occupants, and guests of lots 2-5 shall continue to have access to all park facilities provided as part of the Site Plan improvements for the multi-family development on lot 1 in fulfillment of Parkland Dedication requirements.

PRIOR TO FINAL PLAT APPROVAL

- 6) The applicant shall submit a final plat for approval within one year of tentative approval. The final plat shall be prepared in accordance with the Veneta Land Division Ordinance and Oregon Revised Statutes Chapter 92 and shall include the following:
 - a) Provide public utility easements along the front of each lot in the subdivision. The width and locations must meet City and utility company requirements. All easements are to be shown on the plat.
- 7) The applicant shall install all public improvements including stormwater detention systems.

- 8) The applicant shall provide the City with signed copies of all deeds, easements, development agreements, and Irrevocable Petitions for Public Improvements required as conditions of approval to be recorded with the final plat.
- 9) Include plat notes as follows:
 - b) 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.
 - c) If an improvement bond is posted in lieu of improvements being installed, include a plat note which states that building permits will not be issued until all public improvements are installed.
- 10) 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.
- 11) The applicant shall obtain a "Letter of Substantial Completion" from the City of Veneta for improvements which have been installed and approved by the City.
- 12) 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.

PRIOR TO ISSUANCE OF BUILDING PERMITS ON LOTS 2-5

- 13) 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.
- 14) 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.
- 15) Provide the City with a recorded copy of the Final Plat

- 16) Provide the City with recorded copies of all deeds, easements, development covenants, and Irrevocable Petitions for Public Improvements required as conditions of approval.
- 17) Prior to issuance of final building permits, the applicant shall pay all fees, review/inspection charges, etc.

PRIOR TO CERTIFICATE OF OCCUPANCY

- 18) Lots 2-5 shall be planted with a minimum of four(4) trees and sixteen(16) 1-gallon shrubs.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Heather Glen subdivision tentative plan (S-6-06) based on the information in the staff report and the following findings of fact:

Subdivision, 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

- (1) General. The function, location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. Where location is not shown on the street plan or in a development plan, the arrangement of streets shall either:*

(a) *Streets shall be interconnected and provide for continuation or appropriate extension to surrounding properties. Cul-de-sacs shall be allowed only when one or more of the following conditions exist:*

1. *Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.*
2. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*
3. *Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of October 1, 1998 which preclude a required street connection.*

Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.

The proposal meets this criterion. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future. The property is not deep enough to require a north-south connection and an existing mobile-home park precludes street extension to the west.

(b) *Conform to a plan for the development area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.*

The subject property is not part of any adopted refinement plan.

(2) Standard right-of way and street widths.

The width of streets shall be adequate to fulfill city specifications 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:

<u>Type of Street</u>	<u>Standard Right-of-Way</u>	<u>Standard Paved Width</u>	<u>Sidewalks</u>
<i>Local Street</i>	60'	36' (10' travel lanes, 8' parking on both sides)	yes

The proposal is consistent with this requirement with the approval of alternative ROW width as specified below.

- (3) *Alternatives to standard street design.*
The Planning Commission, in consultation with Lane County Fire District #1 and Lane Transit District may approve alternate street right-of-ways and paving widths when the benefits of standard right-of-way or paving width are outweighed by the benefits of feasible alternatives. Alternatives to street design may include things like narrower or varying street widths, medians, and bulb-outs at intersections. Considerations include:
- (a) *emergency vehicle access*
 - (b) *self-protection of structures using sprinkler systems or other fire prevention means*
 - (c) *curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)*
 - (d) *provision for generous parking on site that would eliminate need for on-street parking*
 - (e) *location of proposed street relative to other streets (block length and connectivity)*
 - (f) *provision of transit service through special agreements and facilities*
 - (g) *pedestrian safety, particularly at intersections*
 - (h) *adequate rights-of-way or easements for public utilities*
 - (i) *existing development that limits paving and right-of-way widths*
 - (j) *topography*
 - (k) *environmental impacts*

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

- 1. The applicant sign an irrevocable development agreement to provide sidewalks along the entire frontage of lots 2-5 and connect the sidewalk from lot 5 to the southern end of the walkway on building #1. Sidewalks shall be located within the public ROW. All lots shall continue to meet the 6000 sq ft minimum.**

2. All street curbs, including the cul-de-sac shall be painted yellow and clearly signed “no parking”
3. A minimum 7ft PUE shall be provided along the entire frontage of lots 2-5
4. The applicant sign an irrevocable development agreement stating that clear vision areas including those shown on the tentative plans and a triangle with 25 ft sides on all corner lots shall be permanently maintained. 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.
5. The applicant sign an irrevocable development agreement stating that streets shall continually maintain a 20 ft clear width up to a height of 13.5 ft to accommodate fire apparatus.

The proposed alternative ROW width is adequate to allow traffic flow. However, sidewalks must be provided for all single family units and must be accommodated within the ROW. Because of the reduced ROW width, no parking will be allowed on the street in order to maintain adequate width for vehicle travel lanes and curbs need to be painted accordingly. Additional findings for sidewalks and clear vision areas are presented elsewhere in this report.

- (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. No reserve strips are necessary.

- (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. The proposed street is aligned with Cottage Court.

- (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. No extension of streets is necessary to serve neighboring properties or to allow for future division. The proposal includes a secondary emergency access across the proposed basketball court which, along with the design of the parking area, allows emergency vehicles to turn around or continue through unimpeded.

- (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 as the property only fronts on a single street.

- (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 proposed street intersects with Territorial Highway at a right angle.

- (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. Territorial has already been upgraded and no additional ROW is required.

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

provided within such tract. Reserve strips may be required to preserve the objectives of half streets.

No half-streets are proposed.

- (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 length of the cul-de-sac is approximately 160ft.

- (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 with the condition of approval that public improvement plans include street names approved 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 conform to the specified standards. The proposed street is essentially a cul-de-sac with a curve radius that conforms to the 100ft minimum.

- (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. The proposed development provides internal circulation and only a single access point to Territorial Highway, a minor arterial. The proposal includes an aggressive landscaping plan that includes screening along Territorial Highway.

- (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 6.04 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. All lots meet the minimum frontage requirement.

VENETA LAND DIVISION ORDINANCE 462

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.

The proposal is consistent with this requirement with the condition of approval that 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.

- (5) *Sidewalks.* Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision at the time a building permit is issued, except that in the case of arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acres, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets.

The proposal is consistent with this requirement with the condition that the applicant sign an irrevocable development agreement to provide sidewalks along the entire frontage of lots 2-5 and connect the sidewalk from lot 5 to the southern end of the walkway on building #1. Sidewalks shall be located within the public ROW. All lots shall continue to meet the 6000 sq ft minimum.

- (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.

The proposal is consistent with this requirement. No bicycle routes are shown through the property in the adopted TSP. Territorial Highway has 5 ft bike lanes on both sides.

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 lot 2 take access solely from the cul-de-sac.

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

The proposal is consistent with this standard. No shared access was obtained.

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

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 these standards because existing development and wetlands constrain block divisions in the area of the subject property.

- (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 conditions of approval that the applicant provide a 7 ft min PUE along the entire frontage of lots 2-5, and stormwater easements encompassing all drainage swales and wetlands.

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 the existing City sewer system.

- (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 lots 2-5 shall be served by individual 1” water lines.

- (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 conditions of approval that the applicant provide a 7 ft min PUE along the entire frontage of lots 2-5, and stormwater easements encompassing all drainage swales and wetland drainages.

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.

The proposal is consistent with this requirement with the condition that the applicant submit 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. The applicant must also provide grading plans which 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.

Land Development Ordinance 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 of approval that the applicant provides a 7 ft min PUE along the entire frontage of lots 2-5, and access easements encompassing all drainage swales and wetlands.

Section 5.26 PARKLAND DEDICATION REQUIREMENTS

(1) INTENT

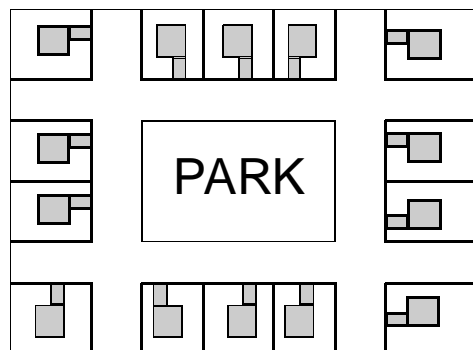
The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Veneta. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Veneta. This chapter implements Goals and Policies of Chapter III(H) of the Comprehensive Plan and the Parks Master Plan by outlining requirements for dedication of parks and open space in the City of Veneta.

- (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*

(2) MINIMUM PARK LAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park. Exceptions to any or all of the following standards may be allowed if the Planning Commission determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the planning commission.

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



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

The proposal is consistent with this requirement with the condition that all owners, occupants, and guests of lots 2-5 shall continue to have access to all facilities provided in fulfillment of Parkland Dedication. 24,150 sq ft of parkland are required. Based on information provided by the applicant, recreation facilities, including the community room and basketball court, along with open spaces on the site, total at least 25,135 sq ft. There are additional open space areas in the northwest and northeast corners of the site which could be included in the calculation as well. The City finds that the proposed dedication fulfills the intent of section 5.26 by meeting “the active and passive recreational needs of the population of Veneta” The requirement is designed to provide a specific amount of parkland to serve the residents of the proposed development. In this case, the facilities are being provided on site within the context of an affordable housing project, and dedication to the City is not required to fulfill the needs of these residents. Housing will front on the recreation spaces as required. Exceptions are specifically granted to requirements b and f above.

1. 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.*

This requirement does not apply, no cash in lieu of fee is required for this development.

TOPOGRAPHY, FLOODPLAIN, WETLANDS, AND VEGETATION

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

The proposal is consistent with this requirement. There is no floodplain on the subject property. The applicant is not proposing any alteration or impacts to wetlands on the site.

Because of the need to concentrate density within certain areas of the site in order to avoid wetlands, there is little opportunity to protect trees within the development area. The applicant is deemed to have met this requirement with the condition that they obtain a tree removal permit prior to removing trees on the site.

REMAINDER OF PROPERTY

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

The proposal is consistent with this requirement. The entire area is planned for development.

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. All surrounding lands are provided with access irrespective of the proposed development.

ALL APPLICABLE CITY REQUIREMENTS

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

LAND DIVISION ORDINANCE 462

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.*

The proposal is consistent with this criterion. All lots exceed the 60 ft average min width as required.

- (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.

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

The proposal is consistent with this standard all lots meet the 6000 sq ft min.

- (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. No through lots or parcels are proposed.

- (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.

LAND DEVELOPEMNT ORDINANCE 461

SECTION 5.12 Landscaping

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

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

This criterion is fully implemented through VMC 8.10. The proposal is consistent with this requirement with the condition that the applicant

obtain a tree removal permit and ensure that all lots comply with the Tree Mitigation plans required as part of the approval of SR-6-06 and the accompanying tree removal permit.

- (4) *All required yards including 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 all lots shall be planted with a minimum of four(4) trees and sixteen (16) shrubs per lot. Lot 1 shall be planted with a minimum of one(1) tree and four (4) shrubs per 1000 sq ft of open space. Credit shall be given for preserved trees. The applicant shall also sign an irrevocable development agreement stating that all lots shall meet these landscaping standards prior to occupancy and shall meet these standards continually.

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

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

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

Date