

**STAFF REPORT  
OF THE CITY OF VENETA  
TENTATIVE PARTITION  
(M-24-1)**

**Tentative Partition (City File No. M-24-1)**

**BASIC DATA**

Property Owner / Applicant:	Cherie Bray 25197 E Bolton Rd Veneta, OR 97487
Applicant's Representative:	Tolbert Associates, LLC PO Box 22603 Eugene, OR 97405
Assessor's Map/ Tax Lot #:	17-05-31-31-03800
Zoning:	Low-Density Residential Greenway – Open Space Subzone
Plan Designation:	Low-Density Residential Open Space / Greenway
Application Received:	September 10, 2024
Application Deemed Complete:	September 23, 2024
120 days from Completeness:	January 21, 2025
Notice Posted & Mailed:	September 24, 2024
Public Comment Period Closing:	October 8, 2024
Staff Report Date:	October 21, 2024
Prepared by:	Daniel Findlay, Associate Planner
Referrals:	Kyle Schauer, Public Works Director - City of Veneta Joshua Deaver, EIT, City Engineer – Civil West Engineering Brian Sayles – Lane Fire Authority Lane County Assessor Emerald People's Utility District Sanipac John Woods, Veneta Postmaster – U.S. Postal Service Charter Communications

## **REQUEST**

The request is for tentative partition approval to divide approximately 0.86 acres into two (2) parcels.

## **PROPERTY CHARACTERISTICS AND SURROUNDING CONTEXT**

The subject property is zoned Low-Density Residential. From the north property line, there is approximately 65 feet of wetlands on the site, and approximately 115 feet of Greenway. The subject property sits at the northwest corner of East Bolton Road and Pine Street. To the north, west, east, and south are all residential uses of primarily single-family homes. To the north, west, east, and south are all lots zoned Low-Density Residential.



The applicant is proposing to partition the parcel into two (2) separate parcels. Parcel 1 will contain the existing single-family dwelling used as an adult foster care home and will be 17,285 square feet in area. Parcel 2 will contain the existing shop and will be 20,480 square feet in area, with 13,903 square feet of area not including wetlands or Greenway. The new Parcel 2 has an existing water stub and sewer stub from the main lines in the Pine Street right-of-way. Parcel 2 has an existing driveway approach as well.

## **APPROVAL CRITERIA**

*Veneta Zoning and Development Code, Article 13, Section 13.09(3) – Tentative Plan Review Criteria*

### **PUBLIC NOTICE**

Public notice was mailed to property owners and occupants within 300 feet of the subject site on September 24, 2024. Public notice was posted on-site and on the City's website, and at City Hall on September 24, 2024. All public notice was done in accordance with VZDC Section 11.06.

### **PUBLIC COMMENTS**

1 public comment was received as of the date of the staff report (see Exhibit E). The commenter was opposed to the request because it would result in an additional home and increased density in Veneta. Both parcels in the partition are more than twice the minimum lot size of 6,000 square feet in the zone, and thus comply with the density standards of the Veneta Zoning and Development Code.

### **REFERRAL COMMENTS**

Comments were received and incorporated into this decision from the City Engineer and the U.S. Postal Service. Their comments are included as Exhibits C and D, respectively.

### **STAFF DECISION**

Based on the findings for the request stated in the Final Order, the Veneta Building and Planning Official **approves with conditions** the Tentative Partition (M-24-1). The conditions of approval are specified in the Final Order (Exhibit A).

### **EXHIBITS**

Exhibit A – Final Order

Exhibit B – Applicant's Submittal

Exhibit C – City Engineer Referral Comments

Exhibit D – U.S. Postal Service Referral Comments

Exhibit E – Public Comment from Jonathan Selzer

Exhibit F – Irrevocable Petition for Public Improvements Form

**Exhibit A**

**FINAL ORDER  
OF THE  
VENETA BUILDING AND PLANNING OFFICIAL**

**Bray Tentative Partition  
(File No. M-24-1)**

**A. The Veneta Building and Planning Official finds the following:**

1. The Veneta Building and Planning Official has reviewed all material relevant to the request (File No. M-24-1) which has been submitted by the applicant and the general public regarding this matter.
2. The Veneta Building and Planning Official provided proper notice of the limited land use decision in accordance with Section 11.06(2) of the Veneta Zoning and Development Code.
3. The Veneta Building and Planning Official followed the required procedure and standards for approving the Tentative Partition request as required by Section 13.08 of the Veneta Zoning and Development Code.

**B. The Veneta Building and Planning Official APPROVES with conditions the Bray Tentative Partition Request (File No. M-24-1) The applicant shall comply with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL / INFORMATIONAL ITEMS:**

- 1) The tentative partition approval shall remain effective for three (3) years from the date of the decision. Within that three (3) year period, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order. If the land divider is unable to proceed with the partition prior to the expiration of the three (3) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta.
- 2) Compliance with the City's stormwater management regulations in VZDC Section 5.16 will be reviewed as necessary via the building permit process at the time of future development or redevelopment of the parcels.
- 3) Compliance with the residential design standards of VZDC Section 5.29 will be assessed during building permit review for Parcel 2.

**PRIOR TO FINAL PLAT**

- 4) Prior to final plat, the applicant shall provide the City with recorded copies of all necessary easements.
- 5) Prior to final plat, the applicant shall record and provide the City with a recorded copy of an Irrevocable Petition for Public Improvements along East Bolton Road and Pine Street for Parcel 1.
- 6) The applicant shall show on the final plat a 5-foot right-of-way dedication where Parcel 1 abuts East Bolton Road.
- 7) Prior to final plat, the applicant shall pay the \$1,554 fee in lieu of parkland dedication per Veneta Zoning and Development Code Section 5.26(5).

**PRIOR TO CERTIFICATE OF OCCUPANCY FOR PARCEL 2:**

- 8) The applicant shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of new underground lines and facilities. All new electrical lines and other wires shall be placed underground.
- 9) Prior to certificate of occupancy for Parcel 2, the applicant shall install a mailbox for Parcel 2 at the same location as Parcel 1's mailbox.
- 10) Prior to issuance of a Certificate of Occupancy for Parcel 2, a 6-foot sidewalk and a 4-foot planter strip will be installed where the site abuts Pine Street, in accordance with VZDC Section 13.10(1)(B).
- 11) Prior to certificate of occupancy for Parcel 2, street trees shall be planted in the planter strip in accordance with VZDC Section 5.28.

C. **IT IS HEREBY ORDERED THAT the City of Veneta Building and Planning Official APPROVES WITH CONDITIONS the Tentative Partition request (File No. M-24-1) based on the information presented in the following findings of fact:**

Ordinance language is in *italics*. Staff findings are in plain text.

**Veneta Zoning and Development Code**

**Section 13.08 – Partitions**

**Section 13.08(2) – Tentative Plan Review and Action Procedures**

- E. *Failure to Complete Partition Requirements. Tentative plan approval shall remain effective for three (3) years from the date the Building and Planning Official or Planning Commission took action. Within that three (3) year period, the applicant must submit a complete Final Plat for review along with all supplementary data required to meet the conditions of approval listed in the Final Order issued either by the Building & Planning Official or the Veneta Planning Commission. If the land divider is unable to proceed with the partition prior to the expiration of the three (3) year period following the approval of the tentative plan, the*

*applicant must resubmit the tentative plan and make any revisions(s) necessary to meet changed conditions of modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta*

**Findings:** The tentative plan approval shall remain effective for three (3) years from the date of the approval. The following condition of approval has been added to ensure the applicant is aware of the requirements of this section.

**Condition of Approval:** The tentative partition approval shall remain effective for three (3) years from the date of the decision. Within that three (3) year period, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order. If the land divider is unable to proceed with the partition prior to the expiration of the three (3) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta.

### **Section 13.08(3) – Tentative Plan Review Criteria**

*A tentative plan partition application shall be approved, approved with conditions, or denied based on the standards found in the following sections of this ordinance and other sources specified in this Section:*

- A. 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 (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; the requirements of the zoning district; the Veneta Transportation System Plan; and the Paths and Trails Master Plan.*

**Findings:** There is no sidewalk where the site fronts East Bolton Road and Pine Street. Parcel 1 will have frontage on both East Bolton Road and Pine Street.

Due to the lack of sidewalk on East Bolton Road in general, the City does not need sidewalk where the site fronts East Bolton Road at this time. Additionally, due to the lack of development on Parcel 1, staff finds that in order to keep the city's conditions roughly proportional to the development, sidewalk will not be required where Parcel 1 fronts Pine Street.

Per VZDC Section 13.11, an irrevocable petition for public improvements will be required for the public improvements where Parcel 1 fronts East Bolton Road and Pine Street. See the findings under Section 13.11 for further discussion.

No development is proposed on Parcel 2 as part of this request. However, since Parcel 2 will likely be developed after the land division, staff finds it necessary to require Parcel 2's frontage be improved to full urban standards. Pine Street is designated as a minor collector street per the Veneta Transportation System Plan. VZDC Section 13.10(1)(B) requires a minimum 6-foot sidewalk and 4-foot planter strip along minor collector roads. These improvements to the

frontage of Parcel 2 will be required at the time of development on Parcel 2 as a condition of approval.

**City Engineer's Comments:** Based on [the applicant's] tentative plat, there is 25 feet of right-of-way to the Centerline along E Bolton Rd, which is classified as a major collector per the [Transportation System Plan]. The standard ROW width is 60 ft for major collectors (30 ft from Centerline). I would recommend the applicant dedicating this right-of-way with the land division.

**City Staff's Findings:** As conditioned, the transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot. This criterion is met with the imposition of the following conditions of approval.

**Condition of Approval:** Prior to final plat, the applicant shall record and provide the City with a recorded copy of an Irrevocable Petition for Public Improvements along East Bolton Road and Pine Street for Parcel 1.

**Condition of Approval:** Prior to issuance of a Certificate of Occupancy for Parcel 2, a 6-foot sidewalk and a 4-foot planter strip will be installed where the site abuts Pine Street, in accordance with VZDC Section 13.10(1)(B).

**Condition of Approval:** The applicant shall show on the final plat a 5-foot right-of-way dedication where Parcel 1 abuts East Bolton Road.

- B. 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 (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; the requirements of the zoning district; and City utility plans.*

**Findings:** Parcel 2 is not currently connected to water or sewer, but there is an existing water stub and sewer stub to Parcel 2. Parcel 1 is connected to City water and City sewer. This criterion is met.

- C. The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; Stormwater Detention and Treatment (Section 5.16); and the requirements of the zoning district.*

**Findings:** The proposed partition does not include the construction of any new impervious surfaces, and therefore will not result in any new stormwater runoff or surface drainage impacts. According to the Regional Land Information Database, the existing dwelling on Parcel 1 was built in 1974, which was before the City adopted its current stormwater management regulations. Compliance with the City's stormwater management regulations will be reviewed as necessary via the building permit process at the time of future development or redevelopment of the parcels. For these reasons, this criterion is met.

*D. Topography, floodplain, wetlands, and vegetation have been incorporated into the partition design in conformance with the applicable City requirements, including Design Standards (Section 13.10) and Improvement Requirements (Section 13.11) of this ordinance; and the requirements of the zoning district.*

**Findings:** The property contains approximately 6,577 square feet of wetlands and Greenway. The proposed Parcel 2 will contain the entirety of the wetlands and Greenway. This criterion is met because Parcel 2 contains 13,903 square feet of buildable area outside of the wetlands and the Greenway, no development or impacts to wetlands or Greenway are proposed as part of the request, the property is not located within the floodplain, and the applicant is not proposing to remove any significant trees per Veneta Municipal Code Section 8.10.

*E. Development of any remainder of property under the same ownership can be accomplished in accordance with city requirements.*

**Findings:** Parcel 1 will not be able to be further divided due to the lot size and the placement of the house. Parcel 2 contains 13,903 square feet of buildable area and could potentially be divided further. The applicant provided a shadow plat to show how this future division of Parcel 2 could occur. This criterion is met because the partition would not preclude the future division of Parcel 2.

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

**Findings:** No development can occur to the north because the properties to the north are a city-owned stormwater detention pond that serves the subdivision to the north and a city-owned sewer lift station. To the west are multiple +/- 1-acre properties with houses fronting East Bolton Road and mostly undeveloped backyards. These properties all could likely be further developed, but the presence of wetlands and Greenway on the subject property and on all the properties to the west precludes any kind of road extending through from Pine Street to the west. The properties to the west can still be developed through flag lot development. For these reasons, this criterion is met.

*G. The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Section 13.10), Improvement Requirements (Section 13.11), and the requirements of the zoning district.*

**Findings:** Staff finds that in addition to 13.10 and 13.11, Section 5.26 also applies since 5.26(2)(A)(1) states that parkland shall be dedicated as a condition of approval for a tentative plat for a subdivision or a partition, and this request is for a tentative partition. Section 5.28 also applies to this request, since Parcel 2 will be required to install a 4-foot planter strip where the site fronts Pine Street, which will require street trees. See the discussion under Section 13.10, Section 13.11, Section 4.02, Section 5.26, and Section 5.28 for more discussion. As conditioned, this criterion is met.



## **Section 13.10 – Design Standards**

### **12) Building Sites.**

A. **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:*

- 1. Width. Minimum lots widths shall be as specified in Article 4 of this ordinance.*
- 2. 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 and for lots that are currently non-conforming and will be brought closer to conformity.*
- 3. Area. Each lot or parcel shall comprise a minimum area as specified in Article 4 of this ordinance.*
- 4. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.*
- 5. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.*
- 6. The minimum lot size for flag lots shall be calculated for the area exclusive of the portion of the lot that provides access.*

**Findings:** Both proposed parcels meet the required minimum lot width of 60 feet in the Low-Density Residential zone. Both proposed parcels meet the minimum lot depth as specified in this criterion. Both proposed parcels meet the minimum area of 6,000 square feet for single-family homes in the Low-Density Residential zone. Section 13.10(3)(A)(4) is not applicable because Parcel 1 is currently served by City sewer and Parcel 2 has an existing sewer stub to the site. Section 13.10(3)(A)(5) is not applicable because the property is not zoned for business or industrial use. Section 13.10(3)(A)(6) is not applicable because the proposed parcels are not flag lots. For these reasons, these criteria are met.

B. **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. Flag lots shall be allowed in accordance with Section 13.10(3)(E) below. A shared access and maintenance agreement between all lots within a flag lot partition is required prior to the application for Final Plat.*

**Findings:** This criterion is met because each parcel is proposed to abut upon a street other than an alley for a width of at least 50 feet.

### **Section 13.11 – Improvement Requirements**

- 4) ***Improvements in Partitions.** The same improvements required to serve a subdivision shall be required to serve each building site of a partition. However, if the Planning Commission or Building and Planning Official finds that the nature of development in the vicinity of the partition makes installation of some improvements, such as street width expansions, sidewalks or storm drainage unreasonable, the Planning Commission or Building and Planning Official may except those improvements. Exceptions to these improvements may be made only if a street grade has not been established or if installing such improvements could make traveling or walking dangerous due to the intermittence of the improvements. A recorded irrevocable petition will be required for excepted improvements. In conjunction with the irrevocable petition, the developer may be required to deposit with the City a cash payment, surety bond, or letter of credit in an amount not to exceed the cost of improvement construction, as based upon an estimate approved by the City Engineer. The irrevocable petition shall reference the deposit and cover future improvement installation to the extent actual installation costs exceed the deposit amount. In lieu of excepting an improvement, the Planning Commission may recommend the installation of the improvements to the City Council under special assessment financing or other facility extension policies of the City.*

**Findings:** As discussed under the findings for Section 13.08(3)(A), the City does not need sidewalk along the frontage of Parcel 1 at this time. Per Section 13.011(4), a recorded irrevocable petition will be required for excepted improvements. A condition of approval has been added to ensure that the applicant records an irrevocable petition for improvements to Parcel 1. No other public improvements are proposed or required as part of the request.

Staff also received referral comments from the United States Postal Service regarding the request, recommending that the mailbox for Parcel 2 be located at the same location as the mailbox for Parcel 1. Staff has added this as a condition of approval.

**Condition of Approval:** Prior to final plat, the applicant shall record and provide the City with a recorded copy of an Irrevocable Petition for Public Improvements along East Bolton Road and Pine Street for Parcel 1.

**Condition of Approval:** Prior to certificate of occupancy, the applicant shall install a mailbox for Parcel 2 at the same location as Parcel 1's mailbox.

#### **13.11(3)**

***J. 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.*

**Findings:** The applicant is required to make the necessary arrangements with utility companies for the installation of any underground lines or facilities. Electrical lines are primarily overhead in the site's vicinity. All new electric lines and other wires will be required to be placed underground.

**Condition of Approval:** The applicant shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. All new electrical lines and other wires shall be placed underground.

**Section 4.02 – Low-Density Residential**

- 2) **Uses Permitted Outright.** *The following uses are permitted outright:*  
A. *All uses provided in Table 4.2 and similar uses as provided by Section 2.05*

**Findings:** The proposed parcel 1 contains an existing single-family home used as an adult foster care, which is a permitted outright use per Table 4.2. Parcel 2 only has an existing accessory structure. This criterion is met.

- 5) **Lot Size and Width.** *Except as provided in Articles 5, 6 and 8, the minimum lot size and width shall be as follows:*
- A. *The minimum lot area is 6,000 square feet for single-family detached homes and duplexes, 3,000 square feet for single-family attached homes, 10,000 square feet for triplexes, 12,000 square feet for quadplexes, and 18,000 square feet for multi-family. An additional 2,000 square feet is required for all proposed lots with an average pre-development slope of 15% or greater (See Section 5.25). Smaller lots may be approved through a Specific Development Plan or Planned Unit Development.*
  - B. *The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.*
  - C. *The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:*
    - 1. *Protect natural drainage-ways.*
    - 2. *Provide drainage or utility easements.*
    - 3. *Protect future right-of-way.*
    - 4. *Protect un-buildable steep slope areas above the 450-foot elevation level.*
    - 5. *Protect flood plain hazard areas.*
  - D. *Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated or otherwise permanently preserved to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.*
    - 1. *In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone, irrespective of wetland or Greenway areas.*
    - 2. *In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.*
    - 3. *Developments seeking to qualify for such a density bonus may be required to relocate structures currently within the Greenway subzone to less sensitive areas.*

4. *Side yards shall be no less than 5 feet on a side.*
5. *Front yard setbacks shall be no less than ten (10) feet, except garage and carport openings shall be setback at least twenty (20) feet.*
6. *Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.*
- E. *When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.*

**Findings:** Parcel 1 contains 17,285 square feet. Parcel 2 contains 20,480 square feet. Both of these parcels exceed the minimum lot size of 6,000 square feet, therefore complying with the standard. Both parcels also exceed the minimum lot width of 60 feet.

The applicant has also submitted a shadow plat for Parcel 2, as it is twice the minimum lot size and also has potential for future division. Parcel 1 is twice the minimum lot size but does not have potential for future division due to the layout of the existing buildings on the site. For these reasons, these criteria are met.

- 6) *Yards. Except as provided in Articles 5, 6 and 8, or as otherwise allowed under Section 4.02(5)(D), yards shall be as follows:*
  - A. *See Table 4.1*
  - B. *Back and side yards shall be a minimum of 5 feet when the building elevation closest to the property line is 22 feet or less in building height, and a minimum of 10 feet when the building elevation closest to the property line is greater than 22 feet in building height.*
  - C. *Yards shall be landscaped as provided in Section 5.12.*
  - D. *See Section 5.09 for additional setbacks on designated streets, or construction of new streets. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.*
  - E. *See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.*

**Findings:** Parcel 1 contains an existing dwelling. All setbacks exceed the minimum except for the most northwest corner of the home, which is only 3.9 feet from the property line. This is an existing nonconformity, and no new development is proposed on Parcel 1, so the applicant will not be required to address this. The shop on Parcel 2 exceeds all setbacks.

- 7) *Lot Coverage. All buildings shall not occupy more than forty percent (40%) percent of the lot area. In the case that any portion of the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is thirty percent (30%). When lots smaller than 6,000 square feet are approved under subsection 4.02(5)(D), an additional ten percent (10%) of each such lot may be covered by buildings. See Table 4.1.*

**Findings:** Existing structures cover 0.25% of Parcel 1. The existing structure covers 0.04% of Parcel 2. This criterion is met because both parcels comply with the maximum lot coverage standard of the Low-Density Residential zone.

- 8) *Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.02, no building shall exceed the height limit in Table 4.1.*

**Findings:** This criterion is met because all structures on both parcels are below 35 feet.

- 9) *Residential Design Standards. All residential developments, including land divisions, individual dwelling units, and residential care homes, as applicable, and projects that are subject to Site Plan Review or Planned Unit Development review, shall conform to the design standards in Section 5.29*

**Findings:** Compliance with the residential design standards of Section 5.29 will be assessed during building permit review for Parcel 2.

#### **Section 5.26 – Parkland Dedication Requirements**

- 2) *MINIMUM PARKLAND DEDICATION REQUIREMENTS. New residential subdivisions, planned developments (including plans implementing the Specific Development Plan (SDP) subzone), multifamily or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multifamily developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multifamily developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from 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;*
  2. *Planned developments including those in the Planned Development (PD) and Specific Development Plan (SDP) subzones. For Specific Development Plans that have dedicated park space equal to or in excess of that required by this ordinance, no additional dedication is required at the time of subdivision.*
  3. *Site Plan Review for a multi-family development or manufactured home park; and*
  4. *Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.*

**Findings:** The proposal is for approval of a tentative partition plat, thus, the requirements of this section apply.

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 0.00645 (per person park land dedication factor)

1. *Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:*

<u>Type of Unit</u>	<u>Total Persons per Unit</u>
Single family residential	2.5
Standard multi-family unit	2.4
Manufactured dwelling park	2.06
Congregate multi-family unit	1.5

*Data source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Tables B25024 and B25033 (residents per dwelling unit)*

2. *Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.*

3. *Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.00645 based on the adopted standard of acres of land per thousand of ultimate population according to the Veneta Parks, Recreation, and Open-Space Master Plan. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.*

**Findings:** The tentative partition would create 2 parcels. One of these parcels already has a single-family dwelling on it. No development is proposed on Parcel 2 as part of this request, but Parcel 2 contains enough buildable area for a new dwelling. For the purposes of this section, staff finds that 1 new single-family dwelling will result from the land division. Per VZDC 5.26(2)(B), the required parkland is as follows:

1 proposed single-family unit x 2.5 persons per unit x 0.00645 = 0.02 acres (rounded to the nearest hundredth)

1) *CASH IN LIEU OF DEDICATION. At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated does not meet the standards stated above, or when a fee is determined to be in the best interest of the City as determined by the Planning Commission. A payment in lieu of land dedication is separate from Park Systems Development Charges (SDC), and is eligible for a credit only for that portion of the SDC attributable to land acquisition. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the average market value of undeveloped city lots of between 1 and 10 acres in size. The required fee-in-lieu-of shall be calculated by multiplying the acres required for dedication by the dollar/acre amount set by resolution.*

A. *The following factors shall be used in the choice of whether to accept land or cash in*

*lieu:*

- 1. The topography, geology, access, parcel size, and location of land in the development available for dedication;*
  - 2. Potential adverse/beneficial effects on environmentally sensitive areas;*
  - 3. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Veneta Capital Improvements Program in effect at the time of dedication;*
  - 4. The City's current park and open-space needs*
  - 5. The feasibility of dedication.*
- B. 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.*

**Findings:** The proposed site is only +/- 0.86 acres, and is located in the very southeast corner of the City. The Parks, Recreation, and Open Space Master Plan does identify a need for parkland on the east half of the City, where the subject property is located, but the required area of 0.02 acres (871 square feet) is too small a size to feasibly use as a park. Thus, the City is requiring a fee in lieu of parkland dedication.

Resolution No. 937 established a fee in lieu of parkland dedication rate of \$77,700 per acre. Per this resolution, the following fee applies:

$$0.02 \text{ acres} \times \$77,700 = \mathbf{\$1,554}$$

The fee in lieu of parkland dedication is \$1,554. This fee shall be required to be paid prior to final plat.

**Condition of Approval:** Prior to final plat, the applicant shall pay the \$1,554 fee in lieu of parkland dedication per Veneta Zoning and Development Code Section 5.26(5).

### **Section 5.28 – Street Trees**

*When street trees are proposed, their selection and installation shall be according to the following requirements. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction.*

- 3) Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40-foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements and clear vision areas*

**Findings:** Parcel 2 will be required to improve its frontage along Pine Street to full urban standards upon development of the parcel. Per VZDC Section 13.10(1), this includes a 4-foot wide planter strip. Street trees are required to be planted within the street right-of-way within proposed planting strips. Staff finds it necessary to defer tree planting until the final inspection of a completed dwelling on Parcel 2 to avoid damage to trees during construction.

**Condition of Approval:** Prior to certificate of occupancy for Parcel 2, street trees shall be planted in the planter strip in accordance with VZDC Section 5.28.

- D. This approval shall become final on the date this decision and supporting findings of fact are signed by a representative of the City of Veneta, below. A decision of the Veneta Building and Planning Official or their designee may be appealed to the Planning Commission within 12 days after the final order has been signed and mailed.**

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

**Tentative plan approval is effective for three (3) years from the date of final action. Within three (3) years, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order as described in Veneta Zoning and Development Code Section 13.08(2)(E) - Failure to Complete Partition Requirements.**

  
Daniel Findlay  
Associate Planner

10-21-2024  
Date





## Exhibit B

# Tentative Partition Application

PO Box 458 \* Veneta, OR 97487 \* 541-935-2191 \* Fax 541-935-1838 \* [www.venetaoregon.gov](http://www.venetaoregon.gov)

Planning File #: M-24-1  
Associated File #: NA  
Number of Lots/Parcels: 2

Date Received: 9-10-2024  
Letter of Intent Received: NA  
Receipt #: 1.036676 & 1.037124

☐ Technical Review/Public Notice Deposit (for ALL applications except Property Line Adjustments)..... \$350  
☒ Tentative Plan..... \$700  
Print Property Owner Name: Cherie Bray Email: countrycomfortafh@gmail.com  
Mailing Address: P.O. Box 755, Veneta, OR 97487 Phone: 541-600-7772  
Print Applicant (If not owner): Same as owner Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Print Agent: Lloyd L. Tolbert L.S. - Tolbert Associates LLC Email: lloyd@tolbertassociates.com  
Mailing Address: P.O. Bpx 22603, Eugene, OR 97202 Phone: 541-359-8426

Assessor's Map Number (Township, Range, Section, Quarter Section)	Tax Lot(s)	Acres	Zone
17-05-31-31	3800	37,765 Sq Ft	LDR

Subject property address(es): 25197 E Bolton Rd, Veneta, OR 97487

Subzone (if applicable): \_\_\_\_\_

### Required Submittals:

- ☒ Application Form (signed)
- ☒ Tentative Plat (10 copies) – Drawn to scale, including ALL applicable provisions of Section 13.08 of the Veneta Zoning and Development Code for Tentative Plan Submission Requirements provided in hardcopy and PDF format.
- ☒ One copy of plat reduced to 11 x 17 provided in hardcopy and PDF format.
- ☒ Applicant's Statement (10 copies) – Including ALL applicable provisions of Section 13.08 of the Veneta Zoning and Development Code provided in hardcopy and PDF format.
- ☐ Tree Removal Plan and Permit (if applicable).
- ☐ Supplementary Information as required in Section 13.08(1)(E) of the Veneta Zoning and Development Code.

**I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HEREWITH ARE TRUE, COMPLETE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

Property Owner Signature: 

Applicant Signature: \_\_\_\_\_

Agent Signature: 



OWNER

CHERIE LYN BRAY

ADDRESS

25197 E BOLTON RD, VENETA, OR 97487

ZONING

LDR (LOW DENSITY RESIDENTIAL)

ACERAGE

37,765 SQUARE FEET

PRELIMINARY PARTITION PLAN  
CHERIE LYN BRAY

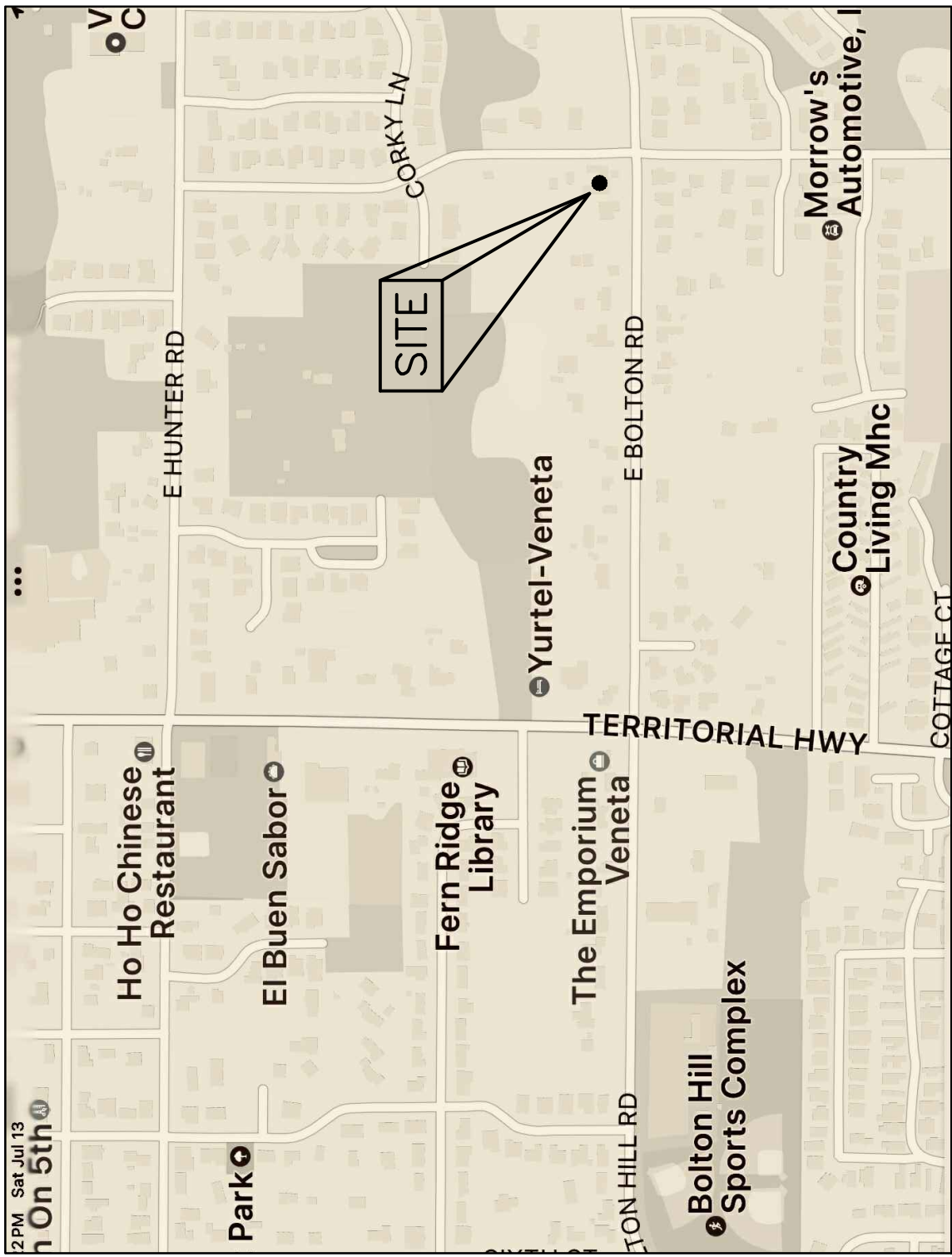
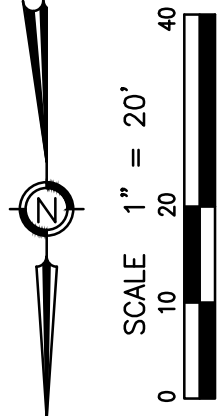
A REPLAT OF A PORTION OF LOT 11, DALTON'S POULTRY FARM OF VENETA

NE 1/4, SW 1/4, SECTION 31, T. 17 S., R. 5 W., W.M.

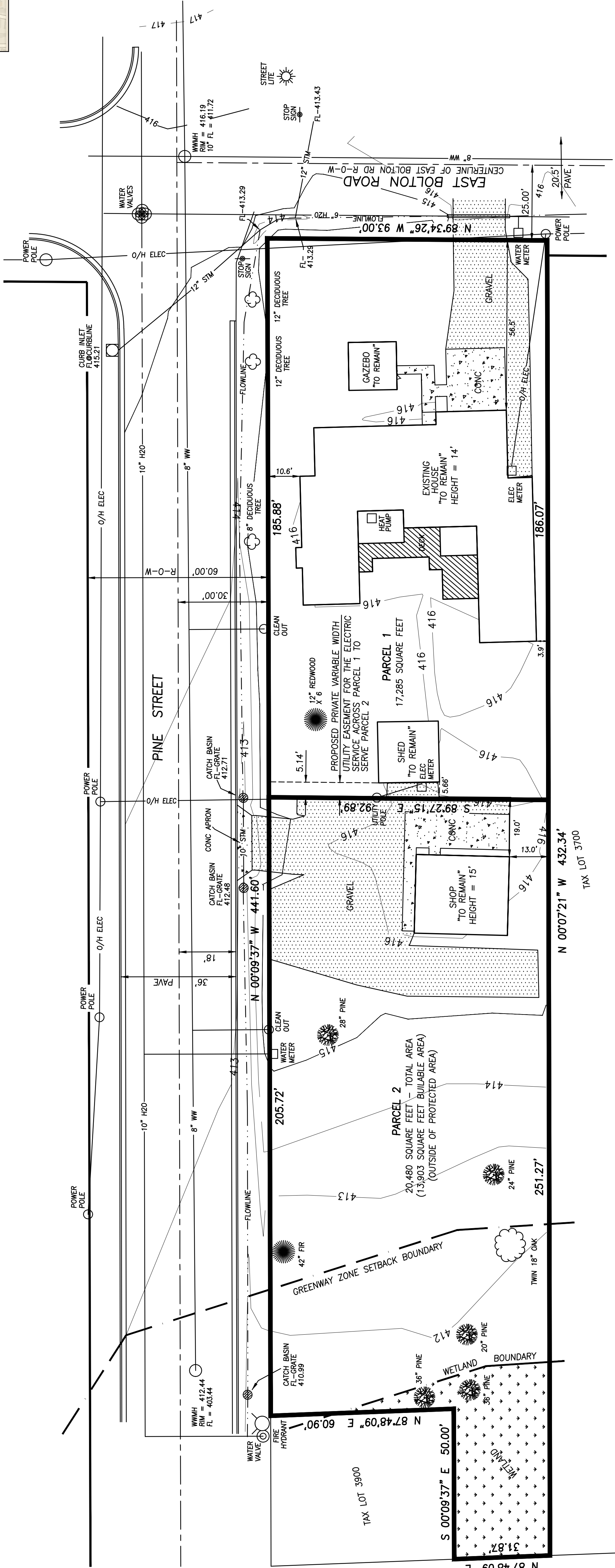
ASSESSOR'S MAP 17-05-31-31, TAX LOT 3800

VENETA, LANE COUNTY, OREGON

SEPTEMBER 10 2024



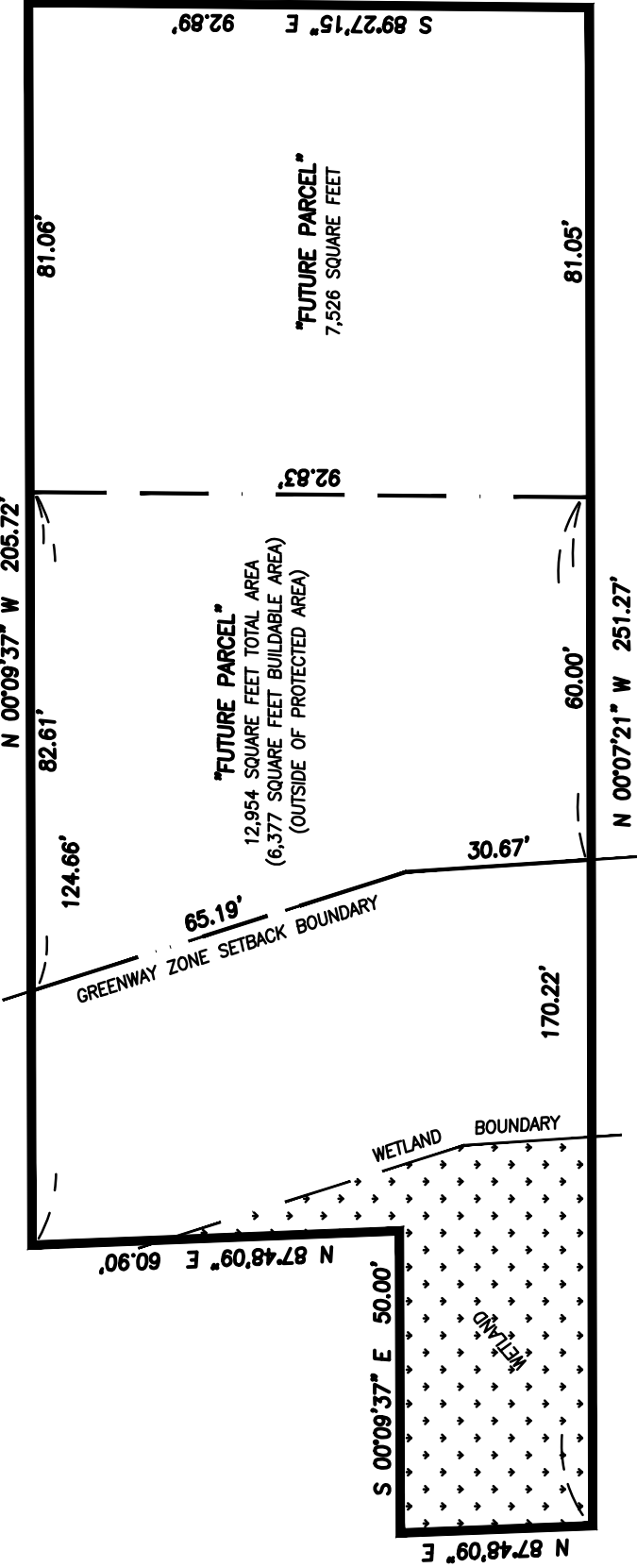
VICINITY MAP  
NOT TO SCALE



"SHADOW PLAT"

POSSIBLE FUTURE DIVISION OF PARCEL 2

SCALE: 1" = 30'



GENERAL NOTES

ELEVATIONS ARE BASED 5/8" REBAR WITH A 1-1/2" ALCAP STAMPED "EGR & ASSOC" LOCATED AT THE CENTERLINE INTERSECTION OF JAMESON WAY AND CHRISTOPHER LANE - ELEVATION 410.00 (NAVD 88).

THE SUBJECT PROPERTY LIES OUTSIDE OF A FLOOD HAZARD AREA.

THE ROOF DRAIN & INTERFUSION SURFACES FOR THE EXISTING AND PROPOSED RESIDENCES ON PARCELS 1 & 2 WILL CONTINUE TO DRAIN TO THE GROUND AND TO THE ADJACENT DRAINAGES WITHIN THE E BOLTON ROAD AND PINE STREET RIGHT-OF-WAYS.

PARCEL 1 IS CURRENTLY CONNECTED TO THE EXISTING 8" PUBLIC WASTEWATER LINE IN THE PINE STREET RIGHT-OF-WAY. PARCEL 2 WILL ALSO CONNECT TO SAID EXISTING 8" WASTEWATER LINE IN THE PINE STREET RIGHT-OF-WAY.

PARCEL 1 IS CURRENTLY CONNECTED TO THE EXISTING 8" WATER LINE IN THE E BOLTON ROAD RIGHT-OF-WAY. PARCEL 2 WILL CONNECT TO THE EXISTING 10" WATER LINE IN THE PINE STREET RIGHT-OF-WAY.

PARCEL 1 IS CURRENTLY SERVED BY THE OVERHEAD ELECTRIC LINE IN E BOLTON HILL ROAD RIGHT-OF-WAY. PARCEL 2 IS CURRENTLY SERVED BY THE OVERHEAD ELECTRIC LINE IN PINE STREET RIGHT-OF-WAY.

NO PUBLIC IMPROVEMENTS ARE PROPOSED AS A PART OF THIS TENTATIVE PARTITION PLAN.

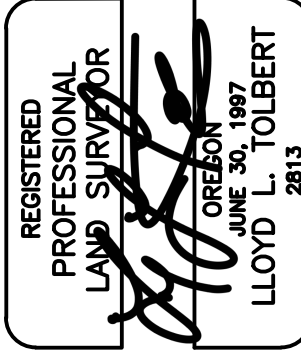
NO STREET LIGHTS ARE PROPOSED AS A PART OF THIS TENTATIVE PARTITION PLAN.

NO STREET TREES ARE PROPOSED AS A PART OF THIS TENTATIVE PARTITION PLAN.

AN EXISTING FIRE HYDRANT IS LOCATED AT THE NORTHEAST CORNER OF THE SUBJECT PROPERTY IN THE PINE STREET RIGHT-OF-WAY.

NO NEW UTILITIES ARE PROPOSED TO BE INSTALLED PER THIS APPLICATION.

UNDERGROUND UTILITIES ARE DERIVED FROM PHYSICAL FIELD OBSERVATIONS AND AS-CONSTRUCT DRAWINGS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PHYSICALLY LOCATE UNDERGROUND UTILITIES AT THE TIME OF CONSTRUCTION.



EXPIRES: JUNE 30, 2026

TOLBERT ASSOCIATES, LLC

LAND SURVEYING & LAND USE PLANNING

P.O. BOX 22603

EUGENE, OREGON 97405

(541) 359-8426

WWW.TOLBERTASSOCIATES.COM

CADD FILE-160310TENT.DWG DWN BY: LLT

**TENTATIVE PARTITION PLAN  
FOR  
CHERIE LYN BRAY  
ASSESSOR'S MAP 17-04-36-32, TAX LOT 5300**

**CRITERIA CONFORMANCE STATEMENT  
GENERAL CRITERIA  
September 10, 2024**

This criteria conformance statement was written to accompany the Tentative Partition Plan application for the Cherie Lyn Bray. The subject property contains 37,765 square feet and zoned SFR (Single Family Residential). The applicant is proposing to divide the property into 2 parcels as shown on the attached Tentative Plan. There is an existing single-family residence on Parcel 1 and Parcel 2 is vacant except for an existing shop which will remain. Parcel 1 takes vehicular access of E Bolton Rd. and Parcel 2 will take vehicular access of Pine Street.

With this partition the owner is fulfilling planning goals of infill and compact growth, while still meeting the minimum code requirements and applicable standards for parcel configuration as further described below:

**Tentative Plan Requirements** (Based on Application Check List)

- X   Application Form (signed)
- X   Tentative Plat (3 copies) – Drawn to scale, including ALL applicable provisions of Section 13.08 of the Veneta Zoning and Development Code for Tentative Plan Submission Requirements provided in hardcopy and PDF format.
- X   One copy of plat reduced to 11 x 17 provided in hardcopy and PDF format.
- X   Applicant's Statement (3 copies) – Including ALL applicable provisions of Section 13.08 of the Veneta Zoning and Development Code provided in hardcopy and PDF format.
- NA  Tree Removal Plan and Permit (if applicable).
- NA  Supplementary Information as required in Section 13.08(1)(E) of the Veneta Zoning and Development Code.

#### **4.01 General Development Standards in Residential Zones**

*Table 4.1 - General Development Standards in Residential Zones*

##### *Lot Size*

Parcel 1 contains 17,285 square feet. Parcel 2 contains 20,480 square feet. Both parcels exceed the minimum lot size of 6,000 square feet, therefore complying with the standard.

##### *Minimum Setbacks – Primary Structures*

Parcel 1 contains an existing primary structure. All setbacks from the corners exceed the minimum standard, except for the most northerly, northwest corner. This is an existing condition. The application requests an exception to the standard. Parcel 2 contains no primary structures.

##### *Minimum Setbacks – Accessory Structures*

Parcel 1 contains two existing accessory structures. All setbacks from the corners exceed the minimum standard. Parcel 2 contains one accessory structure. All setbacks from the corners exceed the minimum standard. Both parcels comply with the standard.

##### *Minimum Lot Width*

Both parcels exceed the minimum lot width, therefore complying with the standard.

##### *Maximum Lot Coverage, all structures*

Existing structures on cover 0.25% of the Parcel 1. The existing structure covers 0.04% of the Parcel 2. Both parcels comply with the standard.

##### *Maximum Height*

All structures are less 35 feet high, therefore complying with the standard.

*Table 4.1 Permitted and Conditional Uses in Residential Zones*

##### *Residential Care Home (Adult Foster Care)*

The existing structure on Parcel 1 is an Adult Foster Care Home which is a permitted use, therefore complying with the standard.

#### **4.02 Single Family Residential (SFR)**

*1) Purpose. To provide areas suitable and desirable for primarily single-family and public service uses, with options and flexibility to provide a variety of housing through clustering and planned developments, including the provision of limited multi-family use subject to lot size and density standards. The net density in the SFR zone shall not exceed eight (8) dwelling units per acre. Lots in the SFR zone are subject to the minimum lot area and dimensional standards of the zone.*

The maximum density for the R-1 zoning classification is 8 units per acre. This proposal is to create 2 parcels for single-family dwellings on 0.87 acres (37,765 Sq. Ft. The result is a net density of 6.94 units per acre thus complying with maximum density requirements of the Code.

*2) Uses Permitted Outright. The following uses are permitted outright:*

*A. All uses provided in Table 4.2 and similar uses as provided by Section 2.05*

The existing structure on Parcel 1 is an Adult Foster Care Home which is a permitted use, therefore complying with the standard.

*5) Lot Size and Width. Except as provided in Articles 5, 6 and 8, the minimum lot size and width shall be as follows:*

*A. The minimum lot area is 6,000 square feet, except 7,500 square feet is required for duplex lots and 18,000 square feet is required for multifamily lots; an additional 2,000 square feet is required for all proposed lots with an average pre-development slope of 15% or greater (See Section 5.25). Smaller lots may be approved through a Specific Development Plan or Planned Unit Development.*

Parcel 1 contains 17,285 square feet. Parcel 2 contains 20,480 square feet. Both parcels exceed the minimum lot size of 6,000 square feet, therefore complying with the standard.

*B. The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.*

Both parcels exceed the minimum lot width, therefore complying with the standard.

*E. When residential development is proposed for a lot that is twice the minimum lot size which also has potential for future division, the applicant must submit a shadow plat to show how the lot could be further developed to urban densities.*

*Parcel 1 is at full build-out and does not have potential for future division. A "Shadow Plat" depicting a possible future division of Parcel 2 is shown on the Tentative Plan.*

*7) Lot Coverage. All buildings shall not occupy more than forty percent (40%) percent of the lot area. In the case that any portion of the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is thirty percent (30%). When lots smaller than 6,000 square feet are approved under subsection 4.02(5)(D), an additional ten percent (10%) of each such lot may be covered by buildings. See Table 4.1.*



Existing structures on cover 0.25% of the Parcel 1. The existing structure covers 0.04% of the Parcel 2. Both parcels comply with the standard.

*8) Building Height. Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.02, no building shall exceed the height limit in Table 4.1.*

All structures are less 35 feet high, therefore complying with the standard.

### **13.08 Partitions**

*1) Tentative Plan Submission Requirements. The applicant shall submit ten (10) 24" x 36" copies of the tentative plan (map shall be folded to be 8.5 X 11 in size) together with improvement plans and other supplementary data for review and action. The applicant shall also submit one (1) electronic copy in PDF format and one (1) reproducible 11" x 17" black and white copy of the tentative plan.*

Requested copies are included with this packet

*All tentative plan maps shall include the following when applicable:*

*A. Form and Scale. The tentative plan shall be clearly and legibly drawn or printed in ink to a scale of not less than one (1) inch equals 100 feet or multiples of ten (10) thereof.*

The scale of the tentative plan is 1" = 20'

*B. General Information. The following general information must be presented as part of the application for a tentative partition:*

  X   1. Date, north arrow, scale of drawing.

  X   2. Appropriate identification clearly stating the plan is a tentative partition plan.

  X   3. Location of the partition by section, township and range sufficient to define the location and boundaries of the proposed subdivision and a legal description of record of the proposed site.

  X   4. Names and addresses of the owners and anyone who has an interest in the property, as verified by a title company, and the applicant, engineer or surveyor or other parties involved in preparation of the documents.

  X   5. The approximate acreage of land under single ownership or, if more than one ownership is involved, the total contiguous acreage of the owners directly involved in the partition.

  X   6. Any other information as required to comply with all provisions of ORS 92.

*C. Information required on the tentative plan maps. The tentative plan shall include the following information where applicable. At the discretion of the City the information listed below may be required to be on individual maps.*

*1. Existing Conditions.*

- X        *a. A scaled vicinity map clearly showing the relationship of the proposed partition to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and utility services.*
- X        *b. The location, widths and names of streets within or adjacent to the partition, together with easements, other right-of-way and other important features such as section lines, corners, city boundary lines and monuments.*
- X        *c. Existing uses on the property, including the location of all existing structures (with dimensions from the property lines) on the property and the access points of any existing Veneta Zoning and Development Code Page 149 public utilities, septic, sewage, wells or drainage lines or channels.*
- X        *d. The location of at least one bench mark within the tract boundaries.*

*Note: The benchmark is described in the Notes*

*2. Proposed Tentative Plan.*

*a. Proposed improvements required in Sections 13.10 and 13.11 of this ordinance such as pavement, curbs and gutters, sidewalks, grading and filling, utilities and other major improvements to develop the parcels. This requirement may be waived if the applicant will have to file a site plan including all of this information in order to further improve or develop the property. These include:*

- X        *i. The location, width, street name(s) and approximate grade and radii of street curves. If a significant grade change is anticipated beyond the limits of the proposed partition, indicate approximate street grade and anticipated vertical taper required to provide for street extension beyond the proposed land division. The relationship of streets to any existing or proposed streets as shown on the City's Transportation System Plan maps. The relationship of the proposed land division to future streets on adjacent land.*
- NA       *ii. The location, width, and purpose of proposed easements.*
- NA       *iii. The approximate width and location of all existing and proposed reserve strips.*
- X        *b. The approximate dimensions and area in square feet of all proposed parcels.*
- X        *c. Sites, if any, allocated for purposes other than single-family dwellings.*
- NA       *d. The location, approximate acreage and approximate dimensions of areas proposed for public use.*

- X   e. The location and approximate dimensions of proposed parcels and the proposed parcel numbers.
- NA  f. An outline of the area proposed for partial recording of a final plat or map if phased recording is proposed.
- NA  g. Traffic Impact Analysis (TIA) Review as required by Section 5.27 of this ordinance.

3. Significant Natural Features.

- X   a. Slopes and topography. All areas with a slope equal to or greater than 15% clearly identified (shading, hatching, highlighting, etc.). Contour lines related to an established bench mark or other datum approved by the City Engineer and having contour intervals as follows:
- i. For slopes of less than five (5) percent: show the direction of slope by means of arrows or other suitable symbol together with not less than four (4) spot elevations per acre, evenly distributed.
- ii. For slopes of five (5) percent to ten (10) percent: two (2) feet.
- iii. For slopes over ten (10) percent: five (5) feet
- NA  b. The location and direction of all water courses and the location of all areas subject to inundation or 100-year floodplain including identification of the base flood elevation for development in floodplains. Evidence of contact with National Flood Insurance Program to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. Elevation certificates are required for all construction in floodplains prior to occupancy;
- X   c. Natural features such as rock outcroppings, wetlands, wooded areas and isolated preservable trees with a trunk diameter of 6 inches or greater.
- X   d. All areas located within the Greenway Open Space Subzone as defined by Section 4.12 of this ordinance.
- NA  e. Elevation, slope and view data for commercial, industrial and development sites with more than 4000 square feet of building space.

4. Utilities. Any proposed public and private utilities within the development, shall be shown on the tentative plan, including but not limited to:

- X   a. The location and size of water service facilities, including fire hydrants.  
Veneta Zoning and Development Code Page 150
- X   b. Connection points and size of sanitary sewer facilities.
- X   c. Street light locations, sizes, and specifications.



NA

*d. Location and preliminary design of all proposed stormwater facilities including sizing of pipes, inlet and outfall locations and elevations, and section details and planting plans for all swales or other open features.*

NA

*5. Tree Removal Plans. If development of the proposed plan will require tree removal permit in accordance with Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be drafted in conformance with the requirements of VMC 8.10.*



## STATUS OF RECORD TITLE REPORT

CHERIE BRAY  
25197 E BOLTON HILL ROAD  
VENETA, OR 97487

Date: JUNE 24, 2024  
Our No: CT-0344187  
Your No: --  
Charge: \$300.00

As requested, Cascade Title Co. has searched our tract indices as to the following described real property:

( A T T A C H E D )

and as of: JUNE 13, 2024 at 8:00 A.M., we find the following:

Vestee:

CHERIE LYN BRAY

Said property is subject to the following on record matters:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2024-2025.
2. City liens, if any, as levied by the City of Veneta for which no search was made.
3. Rights of the public in and to any portion lying within streets, roads and highways.
4. Deed of Trust, including the terms and provisions thereof, executed by Cherie Lyn Bray, Grantor, to Western Title & Escrow, Trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., (MERS) acting solely as a nominee for Umpqua Bank, Beneficiary, dated April 25, 2020, recorded April 30, 2020, Reception No. [2020-021185](#), Lane County Deeds and Records, to secure payment of a note in the amount of \$360,000.00.
5. Deed of Trust (Line of Credit), including the terms and provisions thereof, executed by Cherie Lyn Bray, Grantor, to First American Title Insurance Co., Trustee, for the benefit of Umpqua Bank, Beneficiary, dated April 21, 2023, recorded April 26, 2023, Reception No. [2023-011140](#), Lane County Deeds and Records, to secure payment of a note in the amount of \$60,000.00.
6. The rights of tenants holding under unrecorded leases.

### MAIN OFFICE

675 OAK STREET, SUITE 100  
EUGENE, OREGON 97401  
PH: (541) 687-2233 \* FAX: (541) 485-0307

### FLORENCE OFFICE

715 HWY 101 \* FLORENCE, OREGON 97439  
MAILING: PO BOX 508 \* FLORENCE, OREGON 97439  
PH: (541) 997-8417 \* FAX: (541) 997-8246

### VILLAGE PLAZA OFFICE

4750 VILLAGE PLAZA LOOP, SUITE 100  
EUGENE, OREGON 97401  
PH: (541) 653-8622 \* FAX: (541) 844-1626

NOTE: The property address as shown on the Assessor's Roll is:

25197 East Bolton Hill Road  
Veneta, OR 97487

NOTE: Taxes, Account No. 1664851, Assessor's Map No. [17 05 31 3 1, #3800](#), Code 28-07, 2023-2024, in the amount of \$5,809.43, PAID IN FULL.

This report is to be utilized for information only. This report is not to be used as a basis for transferring, encumbering or foreclosing the real property described.

The liability of Cascade Title Co. is limited to the addressee and shall not exceed the premium paid hereunder.

CASCADE TITLE CO., by:

ec/rh: Title Officer: KURT BEATY

PROPERTY DESCRIPTION

Beginning at the Southeast corner of Lot 11, DALTON'S POULTRY FARMS, as platted and recorded in Book 10, Page 26, Lane County Oregon Plat Records, in Lane County, Oregon; thence West 93.0 feet along the South line thereof; thence North 0° 15' East parallel with the East line of said Lot 11 to the North line thereof; thence North 87° 36' East along the North line of said Lot 11 to the Northeast corner thereof; thence South 0° 15' West 453.2 feet along the East line of said Lot 11 to the point of beginning, in Lane County, Oregon.

EXCEPTING THEREFROM: Beginning at a 5/8 inch iron rod set in County Survey File No. 19055, marking the Northeast corner of Lot 11, DALTON'S POULTRY FARMS, as platted and recorded in Book 10, Page 26, Lane County Oregon Plat Records; thence South 88° 07' 45" West, along the North line of said Lot 11, 60.90 feet; thence leaving the North line of said Lot 11, South 0° 12' 56" West, parallel with the East line of said Lot 11, 50.00 feet; thence North 88° 07' 45" East, parallel with the North line of said Lot 11, 60.90 feet to a point on the East line of said Lot 11; thence North 0° 12' 56" East, along the East line of said Lot 11, 50.00 feet to a 5/8 inch iron rod and the point of beginning, in Lane County, Oregon.



0.17 AC  
N 00°19'00" E 123.40'  
S 87°48'09" W 60.06'  
60.01'  
3300  
0.17 AC  
N 00°19'00" E 123.40'  
3400  
0.16 AC  
TRACT 'A'  
9600  
0.08 AC  
N 90°18'06" E 125.84'  
S 89°40'37" E 60.00'  
20.98'  
60.00'  
N 63°27'36" W 49.10'  
240.28'  
N 88°07'45" E 240.16'  
4200  
4101  
0.55 AC  
PCL. 1  
240.16'  
S 88°07'45" W  
4100  
4102  
0.54 AC  
PCL. 2  
240'  
N 89°35'00" W  
4103  
1.29 AC  
PCL. 3  
S. 45920  
EAST 240'  
PINE COUNTRY  
P3106  
2023  
S.36343  
3700  
1.38 AC  
3900  
0.07 AC  
3800  
0.87 AC  
N 00°15' E 437.33'  
N 00°12'56" E 437.33'  
N 89°14'25" W 93.00'  
S 00°07'21" E 167.00'  
S 00°07'21" E 167.16'  
S 89°34'18" E 116.80'  
S 00°07'21" E 167.00'  
N 89°52'39" E 17.00'  
444.90'  
453.40'  
264.20'  
17.00'  
116.80'  
116.80'  
93.00'  
11  
11  
1  
20'  
30'  
100.0'  
60.90'  
50.00'  
60.90'  
50.00'  
32.16'  
53.62'  
123.40'  
38.66'  
125.84'  
125.84'  
N 90°18'06" E 125.84'  
S 89°40'37" E 60.00'  
20.98'  
60.00'  
N 63°27'36" W 49.10'  
240.28'  
N 88°07'45" E 240.16'  
4200  
4101  
0.55 AC  
PCL. 1  
240.16'  
S 88°07'45" W  
4100  
4102  
0.54 AC  
PCL. 2  
240'  
N 89°35'00" W  
4103  
1.29 AC  
PCL. 3  
S. 45920  
EAST 240'  
PINE COUNTRY  
P3106  
2023  
S.36343  
3700  
1.38 AC  
3900  
0.07 AC  
3800  
0.87 AC  
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**THIS MAP/PLAT IS BEING FURNISHED AS AN AID IN LOCATING THE HEREIN DESCRIBED LAND IN RELATION TO ADJOINING STREETS, NATURAL BOUNDARIES AND OTHER LAND, AND IS NOT A SURVEY OF THE LAND DEPICTED. EXCEPT TO THE EXTENT A POLICY OF TITLE INSURANCE IS EXPRESSLY MODIFIED BY ENDORSEMENT, IF ANY, THE COMPANY DOES NOT INSURE DIMENSIONS, DISTANCES, LOCATION OF EASEMENTS, ACREAGE OR OTHER MATTERS SHOWN THEREON.**

## Exhibit C

**Daniel Findlay**

---

**From:** Joshua Deaver <jdeaver@civilwest.net>  
**Sent:** Tuesday, August 20, 2024 2:19 PM  
**To:** Daniel Findlay; Matt Wadlington  
**Subject:** RE: Veneta - Request for Comment (PRE-24-5)

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside the organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Daniel,

I've reviewed the submitted documents and have the following comments:

1. Based on their tentative plat, there is 25 ft of ROW to the Centerline along E Bolton Rd, which is classified as a major collector per the TSP. The standard ROW width is 60 ft for major collectors (30 ft from Centerline). I would recommend the applicant dedicating this ROW with the land division.
2. For public improvements along Pine St (minor collector), the standard street section is a 6 ft sidewalk at the back of the ROW with a 4 ft planter strip. It appears to me the drainage path could be maintained within the planter strip, although this would be more clear once the applicant came in with a development site plan. I would recommend making sure the applicant is aware they will need to maintain the existing drainage path (including any existing drainage paths within the wetland on the North side of the property), while meeting the City's street section standards.
3. It appears the water meter and sewer cleanout for parcel 2 are within 10 ft of each other. State law requires a minimum of 10 ft horizontal separation between water and sewer. I recommend the applicant separates them by greater than 10 ft.

Please let me know if you have any questions!

Thanks,

**Joshua Deaver, EIT**  
Staff Engineer  
d 541.930.3196



**Civil West Engineering Services, Inc.**

## Exhibit D

### Daniel Findlay

---

**From:** Wood, John - Veneta, OR <John.E.Wood2@usps.gov>  
**Sent:** Tuesday, September 24, 2024 9:07 AM  
**To:** Daniel Findlay; Briansayles@lanefire.org; Kyle Schauer; TOMJ@epud.org; JohnN@epud.org; Caitlin@epud.org; Mark.Stanfield@charter.com; ckjar@wcnx.org; trevor.ross@lanecountyor.gov; smlbiz@centurylink.com  
**Cc:** Wood, John - Veneta, OR; Burbaugh Sr, Justin D - Veneta, OR  
**Subject:** RE: [EXTERNAL] City of Veneta Referral Request - Bray Tentative Partition (File No. M-24-1)  
  
**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside the organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Morning Daniel,

The post office has no objection to the split, the route carrier suggest placement of the mailbox for the new parcel/address be right next to the existing mailbox.

Respectfully,

*John Wood*

Postmaster  
25042 Dunham Ave  
Veneta, OR 97487  
541-935-2541 office  
458-209-0664 cell

---

**From:** Daniel Findlay <dfindlay@ci.veneta.or.us>  
**Sent:** Monday, September 23, 2024 2:21 PM  
**To:** Briansayles@lanefire.org; Kyle Schauer <kschauer@ci.veneta.or.us>; TOMJ@epud.org; JohnN@epud.org; Caitlin@epud.org; Mark.Stanfield@charter.com; ckjar@wcnx.org; trevor.ross@lanecountyor.gov; Wood, John - Veneta, OR <John.E.Wood2@usps.gov>; smlbiz@centurylink.com  
**Subject:** [EXTERNAL] City of Veneta Referral Request - Bray Tentative Partition (File No. M-24-1)

**CAUTION:** This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hello all,

The City of Veneta has received a request for a tentative partition to create two parcels at 25197 East Bolton Road, Veneta, OR 97487. Attached to this email are the application materials.

If you have any comments on the proposal, please return them to me by **October 7, 2024**.

Thank you,

**Daniel Findlay**

Associate Planner

City of Veneta

P.O. Box 458

Veneta, OR 97487

(541) 935-2191

[dfindlay@ci.veneta.or.us](mailto:dfindlay@ci.veneta.or.us)



**Public Records Law Disclosure:** This e-mail may be considered public record and subject to public disclosure.

**Confidentiality Notice:** This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you are not the intended recipient, any use or disclosure of this e-mail is strictly prohibited. Please notify me immediately and delete this e-mail.



## Exhibit E

**Daniel Findlay**

---

**From:** Jonathan Selzer <jonathanselzer@ymail.com>  
**Sent:** Monday, October 7, 2024 5:30 PM  
**To:** Daniel Findlay  
**Subject:** Notice of a limited land use action

CAUTION: This email originated from outside the organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Daniel,

I am the property owner of 88005 Pine St, Veneta OR, my house and property is directly across from the 25197 East Bolton Rd property that is requesting the creation of 2 parcels for that property. I am against this request due to the fact that what makes Veneta so appealing to live their for many residents is the scarcity and space of land one can find and have in Veneta. This splitting of land on the East Bolton Rd for another building structure is more of the type thing that people who want to live in Veneta do not want, that's to say, more building on land equals more density and slowly and surely Veneta could become more dense which is the exact opposite of how it is now and what makes it so special. I am strongly opposed to the proposal of splitting into two parcels on that property, because the last thing we need is more houses. Is the proposal to split their parcel so another house can be built on it? More houses equals more density and over time density is what Eugene looks like, Veneta is for spaciousness and for people who want land privacy.

Thank you  
Jonathan Selzer  
(858) 735-6428

**After recording return to:**

City of Veneta  
P.O. Box 458  
Veneta, OR 97478

**IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS AND  
WAIVER OF REMONSTRANCE**

PETITIONER: (insert name)

PETITIONER IS THE OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY located in the City of Veneta (City) and hereinafter referred to as Benefitted Property or Property:

**INSERT LEGAL DESCRIPTION HERE**

On \_\_\_\_\_, 20\_\_\_\_, the City of Veneta approved\_\_\_\_\_. In consideration of not being required by City to construct the public improvements described below as a condition of approval, Petitioner irrevocably petitions the City to initiate local improvements to benefit the above-described Property, as follows:

[Check appropriate boxes]

- ☒ Install streets to standard City street specifications
  - ☒ Install storm drainage, curbs, gutters and sidewalks to City standards
  - ☒ Install bike lanes
  - ☐ Install sanitary sewers to City standards
  - ☐ Install water mains to City standards
  - ☒ Install street lights to City standards
  - ☒ Install all other required utilities including electricity, telephone, cable and broadband fiber conduit
  - ☒ Construct driveway approach to City standards
- (Improvements)

It is understood and agreed by Petitioner that:

1. The cost of the Improvements shall be borne by the Benefitted Property in accordance with state law, the Charter of the City, and its municipal code.
2. The City, in its sole discretion, may initiate the construction of all or part of the Improvements requested or may join all or part of Property with other property when creating a local improvement assessment district.
3. The Improvements contemplated by this petition touch and concern Property and are not just personal to Petitioner. The rights and obligations of this petition shall run with the land and shall be binding upon Petitioner and Petitioner's assigns and successors in interest.

4. This petition shall be recorded by Petitioner in the Deed Records of Lane County, Oregon. This petition shall not be deemed finally accepted by the City until a copy of the recorded petition with its recording information is returned to the City.
5. Petitioner declares that the Improvements herein sought will directly benefit Property and will directly benefit the City through improvements to the public way and utilities serving Property and other properties in the vicinity.
6. Petitioner agrees not to challenge or remonstrate against the formation of a local improvement district by the City for the purpose of making Improvements and assessing the cost to Benefited Property and other properties in the district. In any proceedings to establish such a district, Petitioner will acknowledge this petition if requested to do so. Petitioner may speak against a proposed LID, but acknowledges that his or her remonstrance will be not be counted in determining whether the requisite number of remonstrations were received to derail or postpone the proposed improvements.
7. This petition is irrevocable and will remain in full force and effect in perpetuity from the date of the petition, until released by recorded instrument by City.
8. If the City is required to file any action in any court of competent jurisdiction to enforce this petition or to prohibit the violation of any of the covenants contained herein, the prevailing party shall be entitled to recover reasonable attorney fees and costs and disbursements of litigation at trial or on appeal.
9. In construing this petition, singular words include the plural.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PETITIONER: \_\_\_\_\_

Name \_\_\_\_\_

By: \_\_\_\_\_

STATE OF OREGON            )  
  ) ss.  
County of Lane            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared the above-named and acknowledged the foregoing instrument to his voluntary act and deed.

\_\_\_\_\_  
NOTARY PUBLIC for Oregon

My Commission Expires: \_\_\_\_\_

**ACCEPTANCE OF  
IRREVOCABLE PETITION FOR PUBLIC IMPROVEMENTS AND  
WAIVER OF REMONSTRANCE**

The City of Veneta, Oregon, does hereby accept the Irrevocable Petition for Public Improvements and Waiver of Remonstrance of certain local improvements benefitting Property, as described in the attached Petition this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Matthew Michel, City Administrator

STATE OF OREGON            )  
  ) ss.  
County of Lane             )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ this instrument was acknowledged before me by Matthew Michel as City Administrator of the City of Veneta.

\_\_\_\_\_  
NOTARY PUBLIC for Oregon  
My Commission Expires:\_\_\_\_\_