

**Exhibit A**

**FINAL ORDER  
OF THE  
VENETA PLANNING COMMISSION**

**Trinity Meadows Tentative Subdivision & Variance  
(File Nos. S-25-1 & V-25-1)**

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

1. The Veneta Planning Commission has reviewed all material relevant to the request (File Nos. S-25-1 & V-25-1) which has been submitted by staff, the applicant, and the general public regarding this matter.
2. The Veneta Planning Commission held a public hearing on August 12, 2025 to discuss the Tentative Subdivision and Variance request (File Nos. S-25-1 & V-25-1) after providing the required public notice of the hearing in accordance with VZDC 11.07(2).
3. The City of Veneta followed the required procedure and standards for approving the Tentative Subdivision & Variance request in accordance with VZDC 11.07 & 11.03(2).

**B. The Veneta Planning Commission APPROVES with conditions the Trinity Meadows Tentative Subdivision & Variance Request (File Nos. S-25-1 & V-25-1) The applicant shall comply with the following conditions of approval:**

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

- 1) The Tentative Subdivision 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 lots.
- 3) Lots 2 & 3 shall be served by a shared driveway in accordance with Veneta Zoning and Development Code Section 5.24(2) & 5.24(4).

- 4) Setbacks for Lots 1 & 4 shall be a minimum of 10 feet from all lot lines. Any garage must be set back a minimum of 20 feet from the front lot line abutting the pole.
- 5) Per VZDC Section 13.10(6), buildings or structures on Lots 4 and 5 shall be located within the small parcel areas as shown on the proposed future development plan with minimum yards and setbacks as specified within the Veneta Zoning and Development Code, as though the development were occurring on the smaller parcel.
- 6) All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter 13.30 in addition to the standards of the Veneta Zoning and Development Code.

#### **PRIOR TO CONSTRUCTION**

- 7) Public improvements shall be installed per the following procedures:
  - a. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City.
  - b. Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
  - c. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- 8) Per VZDC Section 13.09(2)(E), after approval of public improvement plans, but prior to construction, the applicant shall post a performance bond, in favor of the City, and enter into an 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 bond shall be equal to the cost of public improvements and repairs, including related engineering and incidental expenses. The cost of public improvements shall be based on an estimate approved by the City Engineer. The 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 in accordance with Veneta Zoning and Development Code 13.11(6).

#### **PRIOR TO FINAL PLAT**

- 9) Prior to final plat, the applicant shall submit to and receive approval from the City of an off-site drainage report with details and recommendations for accommodating the existing runoff that is conveyed by the existing drainage channel. This report shall contain the minimum pipe size necessary to accommodate this runoff. Alternatively, in lieu of an off-site drainage report, the final plat shall contain a note stating that no pipe size under 18 inches shall be used to pipe the existing drainage channel.
- 10) The final plat shall include stormwater/drainage easements to provide Lots 2 & 5 access to the existing drainage channel. The width and location of these easements shall be subject to approval by the City.

- 11) The final plat shall include a 7-foot-wide public utility easement along the frontage of the lots.
- 12) The final plat shall include a stormwater easement conforming substantially with the lines of the drainage channel on the site.
- 13) Prior to final plat, the applicant shall submit to and receive approval from the City of a shared access and maintenance agreement between Lots 1 & 4 for the flag pole drive. This agreement shall be recorded along with the final plat.
- 14) Prior to final plat, as part of the public improvements, the applicant shall construct a 12-foot private flag lot driveway as far as the west end of the existing dwelling in accordance with Veneta Zoning and Development Code Section 13.10(3)(E)(3)(a).
- 15) Prior to final plat, 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 in accordance with VZDC Sections 13.11(3), 13.11(5), and 13.11(6). Public improvements shall include all improvements required by the Veneta Zoning and Development Code, the conditions of approval, and shall be installed in accordance with Public Improvement Plans approved by the City.
- 16) The final plat shall include clear vision easements on Lot 1 and at the flag lot intersection. These easements must be triangles with 20-foot sides on all corners adjacent to street intersections. The easements shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2.5 feet in height, measured from the top of the curb. Trees exceeding this height may be located in these easements, provided all branches or foliage are removed to a height of 8 feet above grade in accordance with Veneta Zoning and Development Code Section 5.03 – Clear Vision Areas.
- 17) Prior to final plat, the applicant shall pay the \$4,662 fee in lieu of parkland dedication per Veneta Zoning and Development Code Section 5.26(5) and Resolution No. 937.

C. **IT IS HEREBY ORDERED THAT the City of Veneta Planning Commission APPROVES WITH CONDITIONS the Tentative Subdivision and Variance request (File Nos. S-25-1 & V-25-1) 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 11.03 – Pre-Application Conference and Consolidation of Review**

*2) Consolidated Review Procedures. An applicant may apply at one time for all permits and approvals needed for a project proposal. When applicable, the consolidated procedure shall be*

*subject to the time limitations set out in ORS 227.178. To process consolidated applications, the City shall follow the highest review procedure required for any single application type submitted. For example, a consolidated application that includes a Type II and a Type III procedure would be subject to Type III review procedures.*

**Findings:** The applicant has elected to apply at one time for all permits and approvals needed for this project proposal. As such, the application is being processed as a Type III procedure per VZDC 11.07.

### **Section 13.09(2) – Tentative Plan Review and Action Procedures**

*D. Failure to Complete Subdivision Requirements. Tentative Plan approval shall remain effective for three (3) years from the date of Planning Commission 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. If the land divider is unable to proceed with the subdivision 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.*

**Findings:** The approval will remain effective for three (3) years from the date of Planning Commission action. This will be included as an informational condition of approval.

**Condition of Approval:** The Tentative Subdivision 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 13.09(3) – Tentative Plan Review Criteria**

*A tentative plan 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:** The Transportation System Plan (TSP) does not require a public street to continue or be extended through the subject site. The Paths and Trails Master Plan does not identify a path or trail extending through the subject property. All lots would take access off of Pine Street or Trinity Street. Both of these streets are fully improved to City standards and do not require further improvements. The transportation system as it relates to Section 13.10 will be discussed further under the findings for Section 13.10. As conditioned, this criterion is met.

- 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:** Lots 1, 2, and 3 are proposed to be served by sanitary sewer and water from the sewer and water mains along Trinity Street. Lot 4 is proposed to be served by the existing sanitary sewer and water mains along Pine Street. Lot 5 is already connected to City sanitary sewer and water. The utility plan as proposed and conditioned complies with all City requirements. 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:** There are no public stormwater lines running along the site's frontage. There is an existing drainage ditch which runs from the southwest corner before entering an existing 12-inch pipe at the center of the property. This pipe then outfalls to another ditch on the property, which continues until it leaves the property at the northeast. The applicant is proposing to direct stormwater runoff from future impervious surfaces on the lots to this existing ditch. A 7-foot easement along the north end of Lot 2 is proposed to allow Lot 3 to direct its stormwater runoff to this ditch. The applicant is proposing another easement on Lot 4 to allow stormwater runoff from Lot 5 to reach this ditch. These easements will be required to be shown on the final plat to ensure that all lots have access to the drainage channel.

**Condition of Approval:** The final plat shall include stormwater/drainage easements to provide Lots 2 & 5 access to the existing drainage channel. The width and location of these easements shall be subject to approval by the City.

The private drive for Lot 1 will necessitate the construction of a pipe/culvert in place of the drainage channel where the private drive will be. There is an existing 12-inch pipe on the subject property and at the curb inlet where the drainage channel begins, and there are no known drainage issues on the site or in the area. This suggests that a 12-inch pipe could be sufficient to convey off-site stormwater that flows through the drainage channel, but the City cannot verify this. Staff recommends requiring an off-site drainage report with details and recommendations for accommodating the existing runoff, or installing an oversized pipe to ensure that piping the drainage channel will not cause any drainage issues. Staff recommends including the following condition of approval to ensure that this criterion is met.

**Condition of Approval:** Prior to final plat, the applicant shall submit to and receive approval from the City of an off-site drainage report with details and recommendations for accommodating the existing runoff that is conveyed by the existing drainage channel. This report shall contain the minimum pipe size necessary to accommodate this runoff. Alternatively, in lieu of an off-site drainage report, the final plat shall contain a note stating that no pipe size under 18 inches shall be used to pipe the existing drainage channel.

The flag lot private drive will create greater than 1,000 square feet of new impervious surfaces and will thus require stormwater detention and treatment per VZDC 5.16, but the portion to be constructed prior to final plat will be under 1,000 square feet. Besides the flag lot driveway, no impervious surfaces will be created prior to building permits for homes on the new lots. Compliance with VZDC 5.16 will be assessed at the building permit process on an individual-lot-basis. This criterion is met with the following conditions of approval.

**Condition of Approval:** 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 lots.

*D. Topography, floodplain, wetlands, and vegetation have been incorporated into the subdivision 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:** This criterion is met because the subject site is not located within the floodplain or the Greenway Open Space Subzone and does not contain any wetlands and no trees are proposed to be removed as part of this development.

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

**Findings:** Lots 1, 2, and 3 cannot be further divided, and all three lots meet the minimum lot size, width, and other design standards. These 3 lots would not be precluded from being developed in accordance with City requirements. Lots 4 and 5 are both over twice the minimum lot size of 6,000 square feet for single-family homes, as Lot 4 is 20,442 square feet and Lot 5 is 14,307 square feet. The applicant has provided a shadow plat to show how the lots could be further divided. This criterion is met.

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

**Findings:** This criterion is met because all properties that abut the subject site have adequate access to public streets and the proposed development will not preclude development on these adjacent properties. The property to the north has access off of Pine Street and the property to the east has access off of Trinity Street. The proposed development will not preclude the development or division of adjoining land in accordance with City requirements.

- 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 in which the property is located.*

**Findings:** This criterion is met because the proposed plan, as conditioned, complies with all applicable City requirements, including Sections 13.10 and 13.11 and the requirements of the zoning district in which the property is located. The applicable city requirements are discussed in further detail under the findings for Sections 13.10, 13.11, and 4.02.

There is an existing 35-foot-wide private access easement that runs along the south of the site. This easement was written to provide access to a property to the east prior to the construction of Trinity Street. Trinity Street has since been constructed and the lot benefitting from the easement has been subdivided into fifteen separate lots. None of these lots require this easement to access their property, none are adjacent to the subject property, and all have frontage along Trinity Street or Woodberry Lane. For these reasons, staff does not find it necessary for the City to enforce this private access easement.

#### **Section 5.24 – Access Management**

- 1) Residential driveways shall be located to optimize the 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.*

**Findings:** Lot 1 fronts Trinity Street and Pine Street and its access is proposed to be off of Pine Street. The proposed intersection is located over 100 feet from the intersection, which is a sufficient distance per the Transportation System Plan's access spacing standards for Minor Collector streets. This criterion is met.

- 2) Properties that only front on collector or arterial streets are encouraged to share an access with neighboring properties. The decision making body may require a combined access for two or more developments, and shared driveways between developments, including land divisions, where access spacing standards cannot otherwise be met.*

**Findings:** Per VZDC Section 13.10(3)(E)(3)(b), the access pole for flag lots shall be shared by all lots, including existing dwellings, unless the Planning Commission or Building and Planning Official find shared access impractical. Staff finds that shared access to Lot 3 is impractical, as the flag pole drive would not extend far enough to serve Lot 3. Staff finds that shared access to Lot 2 is impractical because Lot 2 can meet the access spacing standards of Trinity Street via a shared driveway with Lot 3. Staff finds that shared access to Lot 5 is also impractical, as Lot 5 has an existing driveway that serves the existing dwelling, and parking and turning movements would be awkward if this driveway were to be accessed by the flagpole.

There is no way for a drive approach onto Lot 1 to meet the access spacing standards of 100 feet for Minor Collectors, so staff finds that Lot 1 sharing an approach with Lot 4 is necessary.

Lots 2 & 3 both front Trinity Street. Trinity Street is a Major Collector, which has an access spacing standard of 200 feet. As measured from the centerline of Pine Street to the center of the proposed shared drive for Lots 2 & 3, the access spacing standard is met. As measured from the center of the proposed shared drive for Lots 2 & 3 and the center of the existing driveway on the property to the east, the access spacing standard is met. This shared drive will be required as a condition of approval to ensure that the access spacing standards are met.

**Condition of Approval:** Lots 2 & 3 shall be served by a shared driveway in accordance with Veneta Zoning and Development Code Sections 5.24(2) & 5.24(4).

*3) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway plan.*

**Findings:** This criterion is not applicable as the proposal does not include access off of a state highway.

*4) New access points shall meet or exceed the minimum spacing requirements listed in the adopted Transportation System Plan (TSP). However, where no reasonable alternatives exist or where strict application of the standards would create a safety hazard, the City may allow a variance per article 10 of this ordinance.*

**Findings:** The proposal is located at the northeast corner of Pine Street and Trinity Street. Pine Street is a Minor Collector and Trinity Street is a Major Collector.

The access spacing standard for Trinity Street, a Major Collector, is 200 feet from existing driveways or intersections. The applicant is proposing a shared driveway for Lots 2 & 3 to meet the access spacing standards, as this would be located far enough from both the centerline of the Pine Street & Trinity Street intersection, as well as the existing driveway to the east.

The access spacing standard for Pine Street, a Minor Collector, is 100 feet from existing driveways or intersections. The subject property fronts Pine Street for 229 feet and there is an existing drive approach 95 feet south from the north property line. There is a distance of approximately 150 feet between the existing drive approach and the next-closest drive approach to the north, which does not leave enough room for a new access point. There is a distance of approximately 170 feet from the centerline of the Pine Street & Trinity Street intersection to the existing driveway on Pine Street, which does not leave enough room for a new access point.

The applicant proposes locating a new access point over 100 feet away from the intersection, but only approximately 34 feet away from the existing driveway along Pine Street, which requires a variance to the City's access spacing standards.

#### **Section 10.03 – Circumstances for Granting a Variance**

*A variance may be granted only in the event that all of the following circumstances exist:*



- 1) *Special or unusual circumstances or conditions apply to the property or use which do not apply generally to other properties or uses in the same vicinity.*

**Findings:** The existing building on Lot 5 pre-dates the improvement of Pine Street to full City standards. A City-led project in 2007 improved Pine Street from a gravel street to a paved street with curb and sidewalk. It was during this project that the City installed a driveway approach to serve the existing building. This pre-dates the City's access spacing standards, which were adopted along with the current Transportation System Plan in 2019.

Other properties in the vicinity were able to be subdivided to have multiple small lots take access off of Pine Street, Trinity Street, and East Bolton Road, all of which are now Minor or Major Collectors. This was a right granted to these properties that the subject property does not enjoy. Very few existing driveways along Pine Street or Trinity Street meet the City's current access spacing standards. Granting this variance would allow the property owner to subdivide the property in an orderly fashion with driveways that allow for easy maneuvering to garages and parking areas.

- 2) *The granting of the variance shall not constitute a grant of special privilege not enjoyed by owners of other similarly zoned properties.*

**Findings:** VZDC 5.24(4) states that "where no reasonable alternatives exist or where strict application of the standards would create a safety hazard, the City may allow a variance per article 10 of [the Veneta Zoning and Development Code]." Owners of other similarly zoned properties will be subject to these access spacing standards, but in situations with no reasonable alternatives or potential safety hazards, Section 5.24(4) provides an alternative route of seeking a variance. Owners of other similarly zoned properties also have the ability to seek a variance if the circumstances justify it.

- 3) *The granting of the variance will not be materially detrimental to the public health, safety, and welfare or materially injurious to other property in the same zone or vicinity in which the property is located.*

**Findings:** The proposed driveway will be located at least 100 feet from the Pine Street and Trinity Street intersection in accordance with the TSP's access spacing standards. The only standard the proposed driveway does not meet is spacing from the existing driveway. This location is necessary to locate this driveway 100 feet from the intersection. For reasons discussed in the findings under Section 5.24(2), shared access is impractical due to potential impacts on the use of the existing driveway for parking and maneuvering. Very few driveways along Pine Street meet the City's current access spacing standards. One additional shared driveway is not expected to create a significant safety risk due to the low number of trips created by the 2 lots that will take access from the proposed driveway.

Furthermore, Pine Street has a speed limit of 25 miles per hour, and generally appears much like a local street. The subdivision to the north has access points consistent with a local street, with multiple single-family homes taking direct access off of this street. This means that drivers generally travel more slowly and cautiously along Pine Street than might be typical of a Minor

Collector. The addition of one additional access point that does not meet access spacing standards is not expected to be a safety issue for this reason as well.

For the reasons listed above, the granting of the variance is not expected to be materially detrimental to the public health, safety, and welfare, or materially injurious to other property in the same zone or vicinity in which the property is located.

- 4) *The granting of the variance is in accordance with the purposes and objectives of the Comprehensive Plan, an adopted Specific Development Plan, and or other related Veneta Ordinances and will not otherwise conflict with the objectives of any City ordinance, plan, or policy.*

**Findings:** The applicant states that “[a]pproval of this Variance would be consistent with fully developing out lands within the urban growth boundary intended for this level of residential use...therefore utilizing buildable lands identified in the City’s inventory in the most efficient manner.” Staff concurs with the applicant’s statement, and finds that the Transportation System Plan also states that the City may allow a variance where no reasonable alternatives exist or where strict application of the standards would create a safety hazard.

- 5) *The unusual circumstance or condition described in Subsection (1) of this section shall not be self-created, arise from a previous code violation, or rely on loss of profit or financial need.*

**Findings:** The existing building on Lot 5 pre-dates the improvement of Pine Street to full City standards. A City-led project in 2007 improved Pine Street from a gravel street to a paved street with curb and sidewalk. It was during this project that the City installed a driveway approach to serve the existing building. This pre-dates the City’s access spacing standards, which were adopted along with the current Transportation System Plan in 2019. The unusual circumstance was not caused by a code violation. The circumstance does not rely on a loss of profit or financial need, but rather, requiring a shared drive for Lot 5 would interfere with the ability of Lot 5 to adequately use the existing driveway, and locating an additional driveway within 100 feet of this driveway is necessary to provide an adequate separation from the Pine Street and Trinity Street intersection.

- 6) *The Variance requested in the minimum necessary to alleviate the unusual condition.*

**Findings:** If the variance were not granted, the City would require Lots 1, 4, & 5 to take access from a single drive approach. This would either mean that Lots 1 & 5 would take access from the existing drive approach, which would interfere with Lot 5’s use of the driveway for parking vehicles, or Lot 5 takes access from the proposed flag pole, which would create awkward turning movements to reach the garage and interfere with Lot 5’s use of the existing driveway. The unusual condition is that the existing driveway was installed prior to the City’s access spacing standards, which is situated in such a way that no new access points on Pine Street are available to the subject property. Granting this variance would alleviate this condition and allow the property to be subdivided similarly to other properties in the vicinity and in an orderly fashion.

#### **Section 4.02 – Low-Density Residential**

- 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 LDR zone shall not exceed eight (8) dwelling units per acre. Lots in the LDR zone are subject to the minimum lot area and dimensional standards of the zone.*

**Findings:** The proposed development complies with the maximum density of the zone because there are 5 lots proposed on a site that is 1.28 acres, which is below the maximum density of 8 units per acre. If, in the future, multiple-unit dwellings are proposed to be built on these lots, compliance with the density standards will be evaluated on a case-by-case basis.

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.*

**Findings:** The proposal meets this criterion because all proposed lots are greater than 6,000 square feet.

- 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.*

**Findings:** The proposal meets this criterion because all proposed lots meet the minimum lot width of 60 feet.

- 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.*

**Findings:** This criterion does not apply to this request because there is no required future right-of-way, no steep slope areas above the 450-foot elevation level, no floodplain hazard areas, and larger lot sizes are not needed to adequately protect natural drainage-ways or provide drainage or utility easements. The proposed drainage easements can fit within the existing design and do

not necessitate larger lot areas, as the drainage easement on Lot 4 is only 70 square feet and there is still a total of 6,142 square feet of buildable area on Lot 2.

*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.*

**Findings:** This criterion is not applicable because the applicant is not proposing any lots below the minimum lot size.

*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:** Lots 4 and 5 of the proposed development are over twice the minimum lot size and have potential for future division. The applicant has submitted a shadow plat to show how the lot could be further divided to urban densities. This criterion is 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:** This criterion is met because the existing dwelling on Lot 5 is less than 22 feet in height and the proposal will ensure that a 5-foot side yard setback is provided from the existing dwelling to the proposed south property line of Lot 5. All other setbacks from the existing structure to the property lines of Lot 5 comply with the standards of Section 4.02(6).

### **Section 13.10 – Design Standards**

*A land division whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.*

#### **1) Street Design Standards.**

- A. *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:*

1. *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:*

- a. *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.*
- b. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*
- c. *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.*

2. *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.*

**Findings:** The proposal does not include the extension of or creation of any public street. The subject site is located at the northeast corner of Pine Street and Trinity Street, and all lots can take access off of either of these existing streets. Figure 18 of the Veneta Transportation System Plan, which identifies opportunities for local street extensions, does not identify a street extension through the subject site.

- B. **Standard right-of-way and street widths.** *The width of streets shall be adequate to fulfill City specifications as provided for in Section 13.11(2) of this ordinance, and, unless*

otherwise indicated on a development plan or approved by the Planning Commission, streets shall have:

Street Element	Minor Arterial		Major Collector		Minor Collector		Local		Neighborhood Local	
	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width	Standard Width	Alternative Minimum Width
ROW width	74	59	60	48	60	55	58	54	50	46
Paved Width (curb-to-curb)	52	41	38	30	40	37	36	36	28	28
Drive lanes	2 (12')	2 (11')	2 (11')	2 (10')	2 (10')	2 (10')	2 (10')	2 (10')	1 (14')	1 (14')
Center Turn Lane/ Median	1 lane (12')	1 lane (11')	X	X	X	X	X	X	X	X
Bicycle Facilities	2 bike lanes (6', 2' buffer)	2 bike lanes (5')	2 bike lanes (6', 2' buffer)	2 bike lanes (5')	2 bike lanes (6')	2 bike lanes (5')	Shared Street	Shared Street	Shared Street	Shared Street
On-street parking	No	No	No	No	One side (8')	One side (7')	Both sides (8' each)	Both sides (8' each)	Both sides (7' each)	Both sides (7' each)
Pedestrian Facilities	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')	2 sidewalks (6')	2 sidewalks (5')
Planter Strip	2 strips (5')	2 strips (4')	2 strips (5')	2 strips (4')	2 strips (4')	2 strips (4')	2 strips (5')	2 strips (4')	2 strips (5')	2 strips (4')

**Findings:** The subject site has frontage along Pine Street and Trinity Street. Per Figure 9 of the Veneta Transportation System Plan, Pine Street is a Minor Collector and Trinity Street is a Major Collector. Minor Collectors are required to have a standard right-of-way width of 60 feet with a paved width of 40 feet, or an alternative minimum paved width of 37 feet. Pine Street has a 60-foot right-of-way along the frontage of the subject site with a 38-foot paved width, which is above the alternative minimum paved width.

Major Collectors have a standard right-of-way width of 60 feet with a paved width of 38 feet and an alternative minimum right-of-way width of 48 feet, with an alternative paved width of 30 feet. Per the applicant's utility plan, the right-of-way of Trinity Street varies along the subject site's frontage from approximately 55 feet at the property's east terminus, to 63 feet as Trinity Street travels west, to 60 feet at the property's western terminus. The paved width is 38 feet. Both widths are above the alternative minimum width. For this reason, staff finds that no further street improvements are necessary as part of this request.

## 2) Blocks.

### A. Easements.

1. *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.*

**Findings:** Emerald People's Utility District requested a public utility easement with a minimum width of 7 feet along the property's frontage. Staff finds this easement necessary due to EPUD's request. This criterion shall be met with the following condition of approval.

**Condition of Approval:** The final plat shall include a 7-foot-wide public utility easement along the frontage of the lots.

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

**Findings:** The subject property is traversed by an existing drainage channel. Per this section, a stormwater easement shall be provided that conforms substantially with the lines of the water course. This criterion is met with the following condition of approval.

**Condition of Approval:** The final plat shall include a stormwater easement conforming substantially with the lines of the drainage channel on the site.

3) *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:** All lots meet the required minimum lot width of 60 feet in the Low-Density Residential zone. All lots meet the minimum lot depth as specified in Section 13.10(3)(A)(2). All lots 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 all lots can and will be served by City sewer. Section 13.10(3)(A)(5) is not applicable because the property is not zoned for business for industrial use. Section 13.10(4)(A)(6) applies to Lot 4 only, which still meets the minimum lot size

when excluding the portion of the lot that provides access, as the total lot size is 20,442 square feet and the flag pole is 3,120 square feet in area. 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 lot is proposed to abut upon a street other than an alley for a width of at least 50 feet, except for Lot 4, which is a proposed flag lot and has been designed in accordance with Section 13.10(3)(E).

- C. 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.*

**Findings:** This standard is not applicable because no through lots or parcels are proposed.

- D. 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 and cul-de-sacs they shall be radial to the curve.*

**Findings:** This standard is met because the lines of lots and parcels run at right angles to the street upon which they face.

*E. Flag Lots.*

- 2. A flag lot is allowed only when the following requirements are met:*
- a. A unit of land cannot otherwise be divided in accordance with the provisions of this ordinance.*
  - b. Only one flag pole is proposed.*
  - c. Minimum lot size and maximum lot coverage requirements of the zone can be met.*

**Findings:** This standard is met because a flag lot is the only way to further divide the subject property, as the parent parcel has a depth of 240 feet, only one flag pole is proposed, and minimum lot and size and maximum lot coverage requirements of the zone can be met. Lot 4 is proposed to be 17,280 square feet in area excluding the flag pole, well above the minimum lot size of 6,000 square feet for single-family homes in the LDR zone. The maximum lot coverage in the LDR zone is 30% if the primary dwelling is taller than 22 feet, and 40% if the primary dwelling is 22 feet or less in height. This means that the maximum lot coverage will either be 5,184 or 6,912 square feet, both of which are well above the size of a typical single-family home.



3. *Flag lot access pole. The pole portion of the lot must meet the following standards:*
  - a. *The pole providing access to:*
    - i. *A unit of land creating three (3) or less lots shall connect to a street and must be at least 20 feet wide for its entire length and have a paved surface of 12 feet, or 25 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet.*
    - ii. *A parent parcel with the potential area to create more than three (3) lots shall connect to a street and must be at least 25 feet wide for its entire length with a paved surface of at least 18 feet.*

**Findings:** Two lots, Lot 1 and Lot 4, will take access from the flag lot access pole. Lot 4 could potentially be further divided to create 1 additional lot. The lots taking access from the flag pole do not have the ability to create more than 3 lots, so the flag lot access pole must be at least 20 feet wide with a paved width of 12 feet. The proposal includes a flag lot access pole width of 26 feet with a paved width of 12 feet. The Planning Commission finds it only necessary to construct the flag lot drive as far as the west end of the existing dwelling to serve Lot 1, and allow the rest of the paved width to be constructed when Lot 4 develops. This criterion is met with the following condition of approval.

**Condition of Approval:** Prior to final plat, as part of the public improvements, the applicant shall construct a 12-foot private flag lot driveway as far as the west end of the existing dwelling in accordance with Veneta Zoning and Development Code Section 13.10(3)(E)(3)(a).

- b. *The access pole shall be shared by all lots, including existing dwellings, unless the Planning Commission or Building and Planning Official find shared access impractical.*

**Findings:** Shared access with Lot 3 would be impractical, as it would necessitate the extension of the paved driveway past the east end of the flagpole. Shared access to Lot 2 would be impractical because Lot 2 can meet the access spacing standards of Trinity Street via a shared driveway with Lot 3. Staff finds that shared access to Lot 5 is also impractical, as Lot 5 has an existing driveway that serves the existing dwelling, and parking and turning movements would be awkward if this driveway were to be accessed by the flagpole.

There is no way for a drive approach onto Lot 1 to meet the access spacing standards of 100 feet for Minor Collectors, so staff finds that Lot 1 sharing an approach with Lot 4 is necessary.

- c. *A shared access and maintenance agreement between all lots shall be in a form approved by the City Engineer and City Attorney and that protects interests of property owners and the city. The agreement shall be recorded prior to final plat.*

**Findings:** A shared access and maintenance agreement between Lots 1 & 4 will be required to protect the interests of property owners and the City. This criterion shall be met with the following condition of approval.

**Condition of Approval:** Prior to final plat, the applicant shall submit to and receive approval from the City of a shared access and maintenance agreement between Lots 1 & 4 for the flag pole drive. This agreement shall be recorded along with the final plat.

4. *Minimum lot dimensions. No dimension of a flag lot may be less than the requirements of the zone, excepting the pole portion. All other lot dimension standards shall be met.*

**Findings:** This criterion is met because Lot 4, excepting the pole portion, has an area of 17,280 square feet, which is above the minimum lot dimension requirements.

5. *Flag lot development standards. The following standards apply to development on flag lots:*
  - a. *Setbacks for panhandle lots shall be a minimum of 10 feet from all lot lines. Garages shall be set back a minimum of 20 feet from the front lot line abutting the pole.*

**Findings:** Setbacks for Lots 1 & 4 shall be a minimum of 10 feet from all lot lines. Garages shall be set back a minimum of 20 feet from the front lot line abutting the pole.

**Condition of Approval:** Setbacks for Lots 1 & 4 shall be a minimum of 10 feet from all lot lines. Any garage must be set back a minimum of 20 feet from the front lot line abutting the pole.

- 4) *Grading of Building Sites. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.*
  - A. *Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one foot vertically.*
  - B. *Fill slopes shall not exceed two feet horizontally to one foot vertically.*
  - C. *The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.*
  - D. *All sites shall be graded to maintain the existing drainage pattern and to mitigate increased runoff in conformance with Section 5.16 of this ordinance.*

**Findings:** The proposal does not include grading of building sites, so these criteria are not applicable. Compliance with Section 5.16 will be assessed at the time of building permits for the individual lots.

- 5) *Building Lines. If special building setback lines are to be established in a land division, they shall be shown on the subdivision plat or partition map or, if temporary in nature, they shall be included in the deed restrictions.*

**Findings:** No special building setback lines are to be established in this land division.

- 6) *Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be re-divided into smaller parcels approaching the minimum standards of this ordinance, the land divider shall show the small parcel division by means of dash lines indicating future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within this ordinance as*

*though the development were occurring on the smaller parcel. This will facilitate future land divisions and guarantee that existing buildings or structures will meet the locational requirements of this ordinance.*

**Findings:** Lots 4 and 5 both have the potential for future division because Lot 4 has an area of 20,442 square feet and Lot 5 has an area of 14,307 square feet. The applicant has provided a shadow plat to show how the lots could be further divided. Per this section, buildings or structures must be located within the small parcel areas with minimum yards or setbacks as though the development were occurring on the smaller parcel. This criterion is met with the following condition of approval.

**Condition of Approval:** Per VZDC Section 13.10(6), buildings or structures on Lots 4 and 5 shall be located within the small parcel areas as shown on the proposed future development plan with minimum yards and setbacks as specified within the Veneta Zoning and Development Code, as though the development were occurring on the smaller parcel.

- 7) *Land for Public Purposes.* *Land for parks and open space shall be dedicated for all land divisions according to Section 5.26 of this ordinance. If the City has an interest in acquiring a portion of a proposed land division in excess of that required for dedication by Section 5.26 of this ordinance for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.*

**Findings:** The City does not have an interest in acquiring a portion of this proposed land division in excess of that required by Section 5.26, and the City has not been advised of such interest by a school district or other public agency.

- 8) *Stormwater Facilities.* *For all projects that create greater than or equal to 1,000 square feet of new impervious surface, stormwater detention and treatment facilities shall be provided according to Section 5.16 of this ordinance.*

**Findings:** The proposed flag pole would create greater than 1,000 square feet of new impervious surface, which would require stormwater detention and treatment facilities in accordance with Section 5.16 of the Veneta Zoning and Development Code. The paved drive will be required to be constructed prior to the final plat, so stormwater detention and treatment will be required prior to final plat as well. Compliance with Section 5.16 for the future dwellings will be assessed at the time of building permits for structures on the lots. This criterion shall be met with the following conditions of approval.

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

- 1) *In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at his/her own option shall conform to the*

*requirements of this ordinance and all improvement standards and specifications of the City, and shall be installed in accordance with the following procedure:*

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.*
- B. Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.*
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.*
- D. Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.*
- E. A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.*

**Findings:** These procedures will be required as conditions of approval to ensure that the applicant proceeds with public improvements as required by this section.

**Condition of Approval:** Public improvements shall be installed per the following procedures:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City.
- B. Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

- 2) *Specifications for Improvements.* *All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter 13.30 in addition to the standards of this ordinance. If the City does not have adopted design standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval.*

**Findings:** All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter 13.30 in addition to the standards of this ordinance. This shall be required as a condition of approval.

**Condition of Approval:** All improvements shall comply with the Public Improvement Specifications of Veneta Municipal Code Chapter 13.30 in addition to the standards of the Veneta Zoning and Development Code.

3) 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 13.11(5). All improvements shall comply with the construction permit requirements of Veneta Municipal Code Chapter 12.05.*

A. *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. Traffic impacts to facilities as identified in the TIA and supported by the City's consulting engineer, shall be mitigated by the developer as part of the public improvements of the Site Plan, Subdivision or PUD.*

**Findings:** This standard is not applicable because no public streets are proposed or required as part of this development.

B. *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. Detention and treatment within the subdivision shall be designed and sized according to the adopted City of Eugene Stormwater Management Manual (2014) and 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. This plan shall be approved by the City Engineer.*

**Findings:** As conditioned under the findings for Section 13.09(3)(C) and Section 5.16, the proposal is consistent with this standard.

C. *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.*

**Findings:** The proposal is consistent with this standard. The proposed subdivision will be connected to the City sewer system as depicted on the tentative subdivision utility plan. The existing single-family dwelling located on proposed Lot 5 is currently connected to City services per the tentative utility plan.

- D. 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.*

**Findings:** The proposal is consistent with this standard. The proposed subdivision will be connected to the City water system as depicted on the tentative subdivision utility plan. The existing single-family dwelling located on proposed Lot 5 is currently connected to City water, as shown on the tentative utility plan.

- E. 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.*

**Findings:** This standard is not applicable because Trinity Street and Pine Street have both been developed to full City standards, including sidewalk.

- F. 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.*

**Findings:** This standard is not applicable because no extension of a system of bicycle routes is proposed or required as part of this development.

- G. Paths and Trails. If required by the Paths and Trails Master Plan or appropriate to the extension of the City's paths and trails network, the City may require one or more shared-use paths or trails. Shared-use paths or trails shall be a minimum of 10 feet wide or as otherwise approved by the City. Shared-use paths or trails shall be constructed of 5 in. of Portland Cement over approved base or as otherwise approved by the City.*

**Findings:** This standard is not applicable because the Paths and Trails Master Plan does not identify a path or trail on the subject property.

- H. Street name signs. Street name signs shall be installed at all street intersections to approved City standards.*

**Findings:** This standard is not applicable because no new street name signs are proposed or required as part of the development.

- I. Street lights. Street lights shall be installed in conformance with Veneta Municipal Code Chapter 15.15 and shall be served from an underground source of supply.*

**Findings:** This standard is not applicable because no new street lights are proposed or required as part of the development.

**Section 13.11(5) – Agreement for Improvements**

*Before final approval of a subdivision plat or, unless excepted under Section 13.11(4), a partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City in accordance with Section 13.11(6).*

**Findings:** The land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between themselves and the City, specific the period within which required improvements and repairs shall be completed and providing that, if the work is not completed the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. This criterion shall be met with the following condition of approval.

**Condition of Approval:** Prior to final plat, 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 in accordance with VZDC Sections 13.11(3), 13.11(5), and 13.11(6). Public improvements shall include all improvements required by the Veneta Zoning and Development Code, the conditions of approval, and shall be installed in accordance with Public Improvement Plans approved by the City.

**Section 13.09(2)(E)**

*Performance Bonds and Irrevocable Agreements. At tentative plan approval, the applicant shall post a performance bond and enter into an agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements including city water and sewer main extension and service and streets, which includes curbs, gutters and sidewalks with the City of Veneta. The cost of public improvements shall be based on an estimate by the City Engineer. Performance bonds shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.*

**Section 13.11(6) – Bond**

- A. *If required by the Planning Commission or Building and Planning Official, the land divider shall provide one of the following to assure full and faithful performance of all required improvements:*

1. *A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.*
2. *Cash.*
- B. *Such assurance of full and faithful performance shall be for a sum detailed in a cost estimate approved by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.*
- C. *If the land divider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the land divider shall be liable to the City for the difference*

**Findings:** The applicant is required to post a performance bond and enter into an agreement between the applicant and the City in accordance with Veneta Zoning and Development Code Section 13.09(2)(E). The bond or other financial instrument must be in the form and amount as prescribed by Section 13.09(2)(E) and 13.11(6). These criteria shall be met with the following condition of approval.

**Condition of Approval:** Per VZDC Section 13.09(2)(E), after approval of public improvement plans, but prior to construction, the applicant shall post a performance bond, in favor of the City, and enter into an 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 bond shall be equal to the cost of public improvements and repairs, including related engineering and incidental expenses. The cost of public improvements shall be based on an estimate approved by the City Engineer. The 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 in accordance with Veneta Zoning and Development Code 13.11(6).

### **Section 5.03 – Clear Vision Areas**

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

- 5) *Corner lots shall maintain a triangular area at street intersections, railroad-street intersections alley-street intersections, and flag lot-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 20 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections and flag lot-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 20 feet along the property line from the point of intersection. The third side of the triangle shall be an interior line connecting the two (2) exterior sides. See Figure 5.03(a)*



Figure 5.03(a)

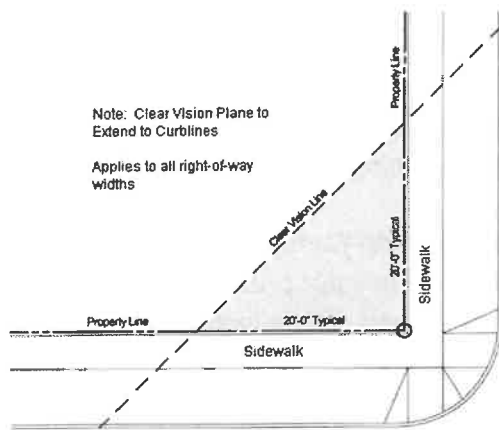
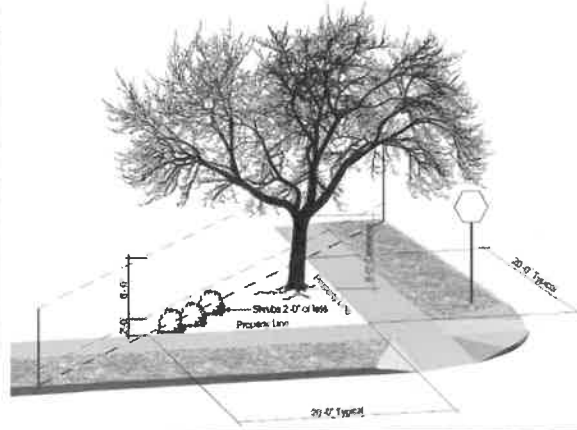


Figure 5.03(b)



- 6) A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2 ½ 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. See Figure 5.03(b).

**Findings:** Lot 1 is proposed to be located at the intersection of Trinity Street and Pine Street. A clear vision area must be maintained on Lot 1 in accordance with this section. Clear vision areas are also required at the flag lot intersection per this section. This criterion shall be met with the following condition of approval.

**Condition of Approval:** The final plat shall include clear vision easements on Lot 1 and at the flag lot intersection. These easements must be triangles with 20-foot sides on all corners adjacent to street intersections. The easements shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2.5 feet in height, measured from the top of the curb. Trees exceeding this height may be located in these easements, provided all branches or foliage are removed to a height of 8 feet above grade in accordance with Veneta Zoning and Development Code Section 5.03 – Clear Vision Areas.

### **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 requirements of Section 5.26 apply because the proposal is for a tentative subdivision.

- 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>
<i>Single family residential</i>	<i>2.5</i>
<i>Standard multi-family unit</i>	<i>2.4</i>
<i>Manufactured dwelling park</i>	<i>2.06</i>
<i>Congregate multi-family unit</i>	<i>1.5</i>

*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 subdivision would create 5 lots. One of these lots already has a single-family dwelling on it. No development is proposed on the other lots as part of this request, but all proposed lots contain enough buildable area for a new dwelling. For the purposes of this section, staff finds that 4 new single-family dwellings will result from the land division. Per VZDC 5.26(2)(B), the required parkland is as follows:

4 proposed single-family units x 2.5 persons per unit x 0.00645 = 0.06 acres (rounded to the

nearest hundredth).

4) **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 1.28 acres in size, and the required parkland dedication is 0.06 acres (2,613.6 square feet). The 2020 Parks, Recreation, and Open Space Master Plan does not identify a need for parkland in the area in which the subject site is located, and the required area is too small to feasibly use for parkland. For these reasons, staff finds that requiring a fee in lieu of dedication is in the best interest of the City.

Resolution No. 937 established a fee in lieu of parkland dedication rate of \$77,700 per acre. Per this resolution, the required fee in lieu of 0.06 acres of parkland would be calculated in the following manner:

$$0.06 \text{ acres} \times \$77,700 = \$4,662$$

The fee of \$4,662 will be required to be paid prior to the recordation of the final subdivision plat.

**Condition of Approval:** Prior to final plat, the applicant shall pay the \$4,662 fee in lieu of parkland dedication per Veneta Zoning and Development Code Section 5.26(5) and Resolution No. 937.

**D. Unless a condition of approval specifies otherwise or the decision of the Veneta Planning Commission is appealed, this decision will become effective twelve (12)**

days after the City mails the notice of decision. A decision of the Veneta Planning Commission may be appealed to the City Council within twelve (120 days of the date the notice of decision is mailed in accordance with Section 11.07(7) of the Veneta Zoning and Development Code. 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.



\_\_\_\_\_  
Len Goodwin, Chairperson  
Planning Commission



\_\_\_\_\_  
Date