

Exhibit A

FINAL ORDER OF THE VENETA BUILDING AND PLANNING OFFICIAL

Hunter Creek Subdivision Replat (File No. REPLAT-25-1)

A. The Veneta Building & Planning Official finds the following:

1. The Veneta Building & Planning Official has reviewed all material relevant to the request (File No. REPLAT-25-1) which has been submitted by staff, the applicant, and the general public regarding this matter.
2. The Veneta Building & Planning Official provided proper notice of the request in accordance with Section 11.06(2) of the Veneta Zoning and Development Code.
3. The Veneta Building & Planning Official followed the required procedure and standards for approving the request as required by Section 13.07(2) of the Veneta Zoning and Development Code.

B. The Veneta Building & Planning Official APPROVES with conditions the Hunter Creek Subdivision Replat Request (File No. REPLAT-25-1), subject to the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL / INFORMATIONAL ITEMS:

- 1) The 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.

PRIOR TO CERTIFICATE OF OCCUPANCY:

- 3) Prior to issuance of Certificate of Occupancy for new construction on the property, the applicant shall install sidewalk along the property's frontage.

- 4) Prior to Certificate of Occupancy, the applicant shall plant a minimum of 3 street trees. The street trees shall be a minimum of 2-inch caliper at the time of planting and shall be selected from the City's adopted tree list.

C. **IT IS HEREBY ORDERED THAT the City of Veneta Building & Planning Official APPROVES WITH CONDITIONS the Hunter Creek Subdivision Replat Request (File No. REPLAT-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 13.07 – Replats

- 1) *Replatting. Any plat or portion thereof may be replatted upon receiving an application signed by all of the owners as appearing on a current title report.*

Findings: This criterion is met because the applicants have submitted an application signed by all of the owners as appearing on a current title report.

- 2) *Approval Criteria. All applications for a replat shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat the plat). A replat application may be denied if it reduces or eliminates any public right in any of its public uses, improvements, streets, or alleys; or if it fails to meet any applicable criteria, including but not limited to setbacks and conflicts with existing easements. All replats shall show compliance with ORS 92.185.*

Findings: The replat is for a subdivision, and, as such, the subdivision procedures and standards shall apply to this request. The replat will not reduce or eliminate any public right or improvement and will not result in violations of setbacks or conflicts with existing easements. As discussed below, the replat does not fail to meet any other applicable criteria, including ORS 92.185. For these reasons, this criterion is met.

ORS 92.185

Reconfiguration of lots or parcels and public easements; vacation; notice; utility easements. The act of replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat. Except as provided in subsection (5) of this section, upon approval by the reviewing agency or body as defined in ORS 92.180, replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

- 1) *A replat, as defined in ORS 92.010 shall apply only to a recorded plat.*

Findings: The proposal is consistent with this standard because the applicant is proposing to replat the Hunter Creek Subdivision.

- 2) *Notice shall be provided as described in ORS 92.225(4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.*

Findings: This criterion is not applicable because the subdivision is not an undeveloped subdivision as defined in ORS 92.225.

- 3) *Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property adjacent to the exterior boundaries of the tentative subdivision replat.*

Findings: The proposal is consistent with this standard because the City provided notice of the proposal in accordance with Veneta Zoning and Development Code Section 11.06(2).

- 4) *When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the governing body in writing within 14 days of the mailing or other service of the notice.*

Findings: This standard is not applicable because no easements are proposed to be realigned, reduced in width, or omitted by this proposal.

- 5) *A replat shall not serve to vacate any public street or road.*

Findings: This standard is met because the replat will not vacate any public street or road.

- 6) *A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter.*

Findings: As discussed in the findings below, the proposal is consistent with all applicable subdivision regulations of the Veneta Zoning and Development Code. This standard is met.

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 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 proposal will result in the consolidation of two lots and the new lot will continue to have vehicular, bicycle, and pedestrian access from Corky Lane. The Paths and Trails Master Plan does not identify a path or trail extending through the subject site. As discussed in the findings for Section 13.11(3), there is no sidewalk along Lot 18, but this shall be required prior to be constructed at the time of further development on the property. As conditioned under Section 13.11(3), 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: The subject property is served by City water and sewer. No new water or sewer connections are proposed as part of this request. The proposed consolidation will not increase the demand on the City's water or sewer systems. 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: No new impervious surfaces are proposed as part of this request. The existing dwelling on Lot 17 drains to the City street where it flows in the gutter before entering the City's stormwater system, which is in accordance with the approved drainage plan for the Hunter Creek Subdivision. This criterion is met.

- 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, 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: The proposed consolidation will permit future development of the subject site in accordance with City requirements. The consolidated lot will be 12,196 square feet, which is over twice the minimum lot size in the Low-Density Residential zone, and will easily be able to accommodate development that complies with City standards such as setbacks and maximum lot coverage. There are no other conditions present that would preclude the development of this property in accordance with City requirements. For these reasons, 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 adjoining properties to the north and east are fully developed, and property to the west is provided access via Corky Lane that will allow its future division and development 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 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.

Section 4.02 – Low-Density Residential

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 17 already meets these setbacks and will continue to meet these setbacks after the two lots have been consolidated.

Section 13.10 – Design Standards

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.*

Findings: The proposed lot meets the required minimum lot width of 60 feet in the Low-Density Residential zone. It also meets the minimum average lot depth of 80 feet and the depth is not more than 2.5 times the average width between the side lines. The lot also meets the 6,000 square foot minimum in the Low-Density zone. For these reasons, this criterion is 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 the proposed lot will abut upon a street other than an alley for a width of at least 50 feet.

Section 13.11 – Improvement Requirements

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.*

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 City 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: The subject site fronts Corky Lane. Lot 17 has sidewalk along its frontage, but the sidewalk has not been extended along the frontage of Lot 18, which is necessary to provide full pedestrian access to the property. Per this criterion, this sidewalk shall be required to be installed at the time of building permits for future development on this property.

Condition of Approval: Prior to issuance of Certificate of Occupancy for new construction on the property, the applicant shall install sidewalk along the property's frontage.

Section 5.28 – Street Trees

- 3) **Species Selection.** Trees shall be selected from the City's adopted tree list and shall be appropriate for the planning location based on the criteria found therein.
- 4) **Caliper Size.** All street trees shall be a minimum of 2-inch caliper at time of planting.
- 5) **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: There is a planter strip between the sidewalk and the street along Corky Lane. Per this criterion, trees shall be spaced at 30-40 foot intervals. The property fronts Corky Lane for 128.81 feet, which means that a minimum of 3 street trees shall be required. All street trees shall be a minimum of 2-inch caliper at the time of planting and shall be selected from the City's adopted tree list.

Conditions of Approval: Prior to Certificate of Occupancy, the applicant shall plant a minimum of 3 street trees. The street trees shall be a minimum of 2-inch caliper at the time of planting and shall be selected from the City's adopted tree list.

D. Unless a condition of approval specifies otherwise or the decision of the Veneta Building & Planning Official is appealed, this decision will become effective twelve (12) days after the City mails the notice of decision. A decision of the Veneta Building & Planning Official may be appealed to the Planning Commission 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.


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11-10-2025
Date

