

**FINAL ORDER OF  
THE VENETA PLANNING COMMISSION**

Andrew Heights Subdivision (33 Lots)

File No. S-5-22

Type C Tree Removal Permit

File No. TP-23-16

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

1. The applicant has submitted information for a tentative subdivision plan application and a Type C Tree Removal Permit as required by §4.01 of the Veneta Land Division Ordinance No. 494 (VLDO 494) and Chapter 18.10 of the Veneta Municipal Code (VMC). The application was deemed complete on June 30, 2023.
2. After providing proper notice of quasi-judicial action according to VLDO 494, §2.03 and §4.02(2) and VMC Chapter 8.10.140(1) - Notice and Appeal, The Veneta Planning Commission held a public hearing on **August 8, 2023**, to review and discuss the tentative plan for subdividing the following property:  
Assessors Map No. 18-06-01-00, Tax Lot No. 01617
3. The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in §4.02 of the VLDO 494.

**B. The Veneta Planning Commission APPROVES WITH CONDITIONS the Andrew Heights Subdivision (File No. S-5-22) and Type C Tree Removal Permit (File No. TP-23-16) with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

- 1) 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.
- 2) Water meters shall be located behind the sidewalks in the public utility easement.
- 3) All public piping shall be located within the public rights-of-way or in a PUE adjacent to a right-of-way, unless otherwise approved by the City Engineer during the public improvement review process.
- 4) The configuration and size of all the public improvements shall be subject to approval by the

City Engineer upon review of design and supporting analysis prepared by the applicant's engineer. If the improvements are not constructed prior to final plat approval, a bond for the construction of public improvements is required prior to final plat approval.

- 5) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City.
- 6) 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.
- 7) 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) 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.
- 9) A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.
- 10) All public improvements must be installed in accordance with the City of Veneta Municipal Code Chapter 13.30 unless otherwise modified by the City Engineer and/or Public Works Director.
- 11) No tree removal operations shall take place until the applicant has received a notice to proceed from the City Engineer on public improvements.
- 12) Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.
- 13) All logging equipment shall be removed no later than 30 days after tree removal. All slash shall be chipped within 30 days after tree removal. (Ord. 542 § 8, 2017)
- 14) The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d).
- 15) As a general condition related to tree removal, property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation.
- 16) All proposed street trees must comply with the standards of VMC Section 5.28 Street Trees.
- 17) Maintenance of street trees shall be the responsibility of the adjacent property owner as defined in Veneta Land Development Ordinance 493, Section 5.28(6)(a-g) - Street Trees.

## **PRIOR TO CONSTRUCTION ON SITE**

- 18) Prior to construction, the applicant is required to receive concurrence from the Oregon Department of State Lands (DSL) on wetland delineations already performed and provide proof to the City of Veneta of DSL wetland delineation concurrence.
- 19) Prior to construction, the applicant shall provide documentation to the City of an approved permit from the Department of State Lands for removal or fill within wetlands on the site.
- 20) Prior to construction on the site, the applicant must submit revised right-of-way street sections (utility plan Sheet C-801). The revised street sections must include a 4-foot planter strip on each end. The revised street sections must show the 6-inch curb located within the 32-foot paved roadway width on each end. Where the portions of Madrone Ridge Drive and Hawk View Drive run adjacent to Lots 2 through 5 and Tract A, the applicant must submit a street section showing a 60-foot right-of-way with a 10-foot sidewalk where the right-of-way runs adjacent to Lots 2 through 5 and Tract A. Public improvement plans shall be consistent with the standards laid out in this condition.
- 21) Prior to construction, the applicant shall submit a shadow plat to show how Lot 1 could be further divided in the future.

## **PRIOR TO FINAL PLAT APPROVAL**

- 22) Prior to final plat approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant shall post a performance bond, in favor of the City, to assure that the subdivision improvements are completed. The bond shall be between the applicant and the City. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and services, streets, which includes curbs, gutters and drainage, sidewalks, and all other public improvements and utilities. The cost of public improvements shall be based on an estimate prepared and/or approved by the City Engineer. Performance bond shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney in accordance with VLDO 494, §4.02(5) & §7.06.
- 23) Prior to final plat approval, 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 the VLDO 494, Article 7, §7.03, 7.05 and 7.06. Public improvements must include all improvements (including fiber conduit per VMC Chapter 13.30.020(4)) required by VLDO 494, the Planning Commission's conditions of approval, and must be installed in accordance with plans approved by the City.
- 24) Prior to final plat, the applicant must record Clear Vision Area easements for all

corner lots. These easements must be triangles with 20-foot sides on all corners adjacent to street intersections. These easements shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2.5' 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 these easements, provided all branches or foliage are removed to a height of eight (8) feet above grade in accordance with Veneta Land Development Ordinance 493, Section 5.03 – Clear Vision Areas.

- 25) The final plat shall include 1-foot reserve strips at the terminus of all dead-end streets and shall have separate legal descriptions and be separately identified on the plat, in accordance with VLDO 494, Section 6.02(4) - Reserve Strips.
- 26) The applicant shall show on their public improvement plans the location of all pedestrian and bicycle paths as approved by the Planning Commission.
- 27) Prior to final plat approval, the applicant shall construct all required and proposed pedestrian and bicycle paths as part of the public improvements.
- 28) The final plat shall include 30-foot wide Pedestrian and Bicycle Path Easements where all proposed and required pedestrian and bicycle paths are located.
- 29) The final plat shall include a 14-foot wide Pedestrian and Bicycle Path easement in Tract A that provides for a future connection to the future Applegate Landing path.
- 30) The surface type for all proposed and required pedestrian and bicycle paths shall be a minimum of ten (10) feet wide and constructed of 5 inches of Portland Cement over approved base, in accordance with Veneta Land Development Ordinance No. 493, Section 4.15(7)(a) – adopted Southwest Area Specific Plan (i.e. adopted SWAP, Table 3 – Street Standards).
- 31) All proposed and required pedestrian and bicycle paths shall be located no closer than 15 feet from the boundary of a significant wetland.
- 32) The applicant shall construct a 10-foot sidewalk along the frontage of Lots 2 through 5 and Tract A as part of the public improvements. The design of the sidewalk shall be subject to approval by the City Engineer and Public Works Director during the public improvements process.
- 33) The applicant shall dedicate a 60-foot public right-of-way where the public right-of-way runs adjacent to Lots 2 through 5 and Tract A. The right-of-way shall include a 10-foot sidewalk along the frontage of Lots 2 through 5 and Tract A.
- 34) Prior to final plat approval, applicant shall dedicate a blanket Greenway and Wetland Conservation Easement over all delineated wetlands and Greenway Open Space Subzone on the site except for mitigated wetlands and Greenway or wetland located within Tract A.

The easements shall also be illustrated on the Final Plat.

- 35) The Final Plat shall include 7-foot wide Public Utility Easements adjacent to rights-of-way.
- 36) The Final Plat shall include a 7-foot wide private utility easement along the south property line of Lot 7 and a 7-foot wide private utility easement along the north property line of Lot 8, or as otherwise approved by the City, for the future extension of utilities to the two adjacent properties to the west.
- 37) The Public Improvement plans shall include a water piping system that is connected to the two water pressure zones in accordance with the City's water master plan.
- 38) Prior to Final Plat approval, the applicant shall record a blanket public drainage easement, acceptable to the city attorney, over the stormwater pond facility located within the phase. The easements shall also be illustrated on the Final Plat. The easements shall include provisions for City of Veneta staff and Andrew Heights homeowners to construct, maintain, and access the stormwater facility.
- 39) Prior to approval of the final plat, and prior to acceptance of the Public Improvements, the applicant shall execute and record stormwater agreements for maintenance of all stormwater swales and detention ponds within the phase. The stormwater agreements shall provide for City maintenance of the ponds and open drainages for functionality only. The Andrew Heights Homeowners' Association will be responsible for performing all other maintenance.
- 40) Prior to final plat approval, all ADA curb return ramps shall be installed as part of the public improvements, in accordance with VLDO 494, §7.03(5) - Sidewalks.
- 41) Prior to final plat approval, street lights shall be installed at the applicant's expense during the public improvement process or appropriately included in the Bond and outlined in the Improvements Agreement.
- 42) Prior to final plat approval, the applicant shall submit a warranty bond guaranteeing replacement of all street trees and mitigation trees are the responsibility of the developer for a period of 2 years from the time of planting.
- 43) The applicant shall include on their public improvement plans the location of easements for the construction of temporary 30-foot by 64-foot emergency vehicle turn-around areas at the stubbed ends of Madrone Ridge Drive, Arbutus Avenue, and Bearberry Drive.
- 44) Prior to final plat approval, the applicant shall construct 30-foot by 64-foot emergency vehicle turn-around areas at the south end of Madrone Ridge Ride, Arbutus Avenue, and Bearberry Drive.
- 45) Prior to final plat approval, the applicant shall submit and receive approval of a Final Overall Landscape Plan for the subdivision depicting street tree locations, required

replacement trees, planting details for planter strips and stormwater collection areas, including street tree size, species, and location, irrigation and street tree locations shall not interfere with public utilities or sight distances (clear vision areas) in accordance with VLDO 493, §5.03(2) - Clear Vision Areas. The Final Overall Landscape Plan shall indicate the location of street trees that complies with the size, growth characteristics, spacing and location of VLDO 493, §5.28(1-4) and requiring a minimum 30-40-foot interval street tree placement, in accordance with VLDO §5.28(3) - Street Trees, Spacing and Location and VMC 8.10.120 - Mitigation.

- 46) The applicant shall pay a fee total of \$41,336.40 in lieu of parkland dedication to the City. Final plat approval may be given without upfront payment only if the developer provides a binding financial instrument that is found to be acceptable by the City.
- 47) Prior to final plat, the applicant shall construct underground utilities including broadband fiber conduit in accordance with VMC Chapter 13.30.020(4) - Installation of Underground Facilities.
- 48) Prior to final plat approval, the applicant shall submit an overall landscape plan of the entire subdivision showing all required street trees and replacement trees, meeting the standards of VLDO 493, Sec. 5.28 and VMC 8.10.120.

#### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

- 49) Prior to issuance of a building permit for each individual lot, landscape plans are required that conform to VLDO 493, §5.12(1-3) - Landscaping.
- 50) Prior to issuance of a building permit for each individual lot, landscape plans are required that conform to VLDO 493, §5.03 – Clear Vision Areas.
- 51) Prior to issuance of building permits, the applicant shall submit a final utility plan to be reviewed and approved by the City Engineer and Public Works.
- 52) Prior to issuance of building permits, the applicant shall provide the City with recorded copies of all deeds, easements, development covenants, and Irrevocable Petitions for Public Improvements required as conditions of approval.

#### **PRIOR TO CERTIFICATE OF OCCUPANCY FOR EACH LOT:**

- 53) Prior to occupancy, each individual lot is required to include at least one tree, a minimum of 2" caliper, and four 5-gallon shrubs or accents plants per 1,000 square feet of landscaped area, pursuant to VLDO 493, §5.12(4).
- 54) Prior to occupancy, each individual lot, must meet VLDO 493, §5.12(5-6), whether or not

the land area was included in the landscape plan or not, any area of land, that is not planted with trees and shrubs, or covered with non- plant material shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.

- 55) Prior to the issuance of Certificate of Occupancy for each lot, the applicant shall construct and install all required sidewalks in accordance with VLDO 494, §7.03(5) - Sidewalks.
- 56) Prior to Certificate of Occupancy for any lot, street name signs shall be in place for any dwelling in which access is taken from a proposed street within the subdivision.
- 57) Prior to Certificates of Occupancy for any lot, underground conduit shall be installed for data/communications/cable TV. The details of the type and location of conduit and junction boxes shall be included on the public improvement plans reviewed and approved by the City Engineer and Public Works Director.

C. **IT IS HEREBY ORDERED THAT** the Veneta Planning Commission approves with conditions the Andrew Heights Tentative Subdivision Request and Type C Tree Removal Permit (City File No. S-5-22 and TP-23-16) based on the information in the staff report and the following findings of fact:

(Tentative Subdivision, applicable criteria. Ordinance language is in italics.)

**Veneta Land Division Ordinance 494, Article 4 – Subdivision-Section 4.02 Tentative Plan Review and Action Procedures.**

**1) City Staff Review and Action.**

*Upon deeming an application complete, the CDD shall furnish one (1) copy of the tentative plan and supplementary material to the City Engineer and Public Works Superintendent. Public agencies believed to have an interest shall be provided notice of the proposal. These officials and agencies shall be given fifteen (15) days to review the plan and to suggest revisions that appear to be in the public interest.*

**Staff Finding:** The City received the application on December 19, 2022. The application was deemed incomplete on January 9, 2023. The applicant's second submittal was received June 16, along with a request to forego the completeness review process and have the application deemed immediately deemed complete, pursuant to ORS 227.178. Referrals were also sent to the City Engineer, Public Works director, and public agencies on June 26<sup>th</sup>, 2023 with comments requested back in 15 days (July 10, 2023).

**Conclusion:** Criterion is met.

**2) Subdivision Tentative Plan Procedure.** Tentative Plan applications require a Type III application

*and associated procedures, as set forth in Article 11 of the Veneta Land Development Ordinance (No. 493).*

**Staff Finding:** The City is processing the applicant's request as a Type III land use action as set forth in Article 2 of the VLDO 494 (VLDO 494). Notice was mailed to the applicant/ property owner, the applicants' representative and owners for properties located within 300-feet of the perimeter of the subject site on July 19, 2023 and was published in the *Register Guard* on July 19, 2023. Notice was posted on the subject site and on the City website in accordance with VLDO 494, §2.03 - Submission Procedure, §4.02(2) - Tentative Plan Review and Action Procedures, Veneta Land Development Ordinance No. 493 (VLDO 493), §11.07(2) - Notice of Public Hearing.

**Conclusion:** Criterion is met.

*3) Dedications and Conditions of Approval. The Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary to ensure compliance with city regulations.*

**Staff Finding:** The Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary to ensure compliance with city regulations per this standard. Staff finds the proposal will require the dedication of right-of-way for the public roads included within the subdivision. Further discussion of dedications, easements, and conditions of approval are found in the relevant sections of this final order.

Staff recommends the Planning Commission approve the proposal with conditions as specified in this final order.

*4) 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.*

**Staff Finding:** Staff finds the Tentative Plan approval shall remain effective for three (3) years from the date of Planning Commission action and 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.

Further, staff finds 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.

**Conclusion:** Criterion met with the following condition of approval.

**Condition of Approval:** 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.

*5) Performance Bonds and Irrevocable Agreements. At tentative plan approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The 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.*

**Staff Finding:** Conditions of approval are necessary in order to require the applicant to post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed and prior to final plat approval in accordance with this standard.

**Conclusion:** Criterion met with the following condition of approval.

**Condition of Approval:** Prior to final plat approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in favor of the City, to assure that the subdivision improvements are completed. The bond shall be between the applicant and the City. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and services, streets, which includes curbs, gutters and drainage, sidewalks, and all other public improvements and utilities. The cost of public improvements shall be based on an estimate prepared and/or approved by the City Engineer. Performance bond shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney in accordance with VLDO 494, §4.02(5) - Performance Bonds and Irrevocable Agreements.

**Veneta Land Division Ordinance 494, Article 4 –**  
**Section 4.03 Review of Tentative Plat Applications.**

*A tentative plan application shall be approved, approved with conditions, or denied based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other Veneta Land Division Ordinance No. 494 Page 13 sources specified in this Section:*

*1) The transportation system supports the new development and provides vehicular, bicycle, and pedestrian access to each lot in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and the Veneta Transportation System Plan.*

**Staff Finding:** A full public street system complete with urban improvements is proposed for the subdivision. The streets and associated improvements will be dedicated to the City after construction, inspection and acceptance. Where the proposed transportation system is not consistent with applicable City requirements, conditions of approval have been added to ensure compliance. These findings and conditions are discussed in more detail in this final order under the relevant articles and sections of City ordinances.

*(2) Each lot will be served with sanitary sewer (or septic systems), water, and other public utilities in conformance with the applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; the requirements of the zoning district (Land Development Ordinance); and City utility plans.*

**Staff Findings:** All proposed lots will be connected to and served by city sanitary sewer, water and other public utilities. The applicant has submitted a preliminary utility plan that shows the extension of existing and creation of new utility lines to serve all proposed lots. The final utility plan will be reviewed by the City Engineer and Public Works prior to the issuance of building permits. Where the relevant criteria are not met, conditions of approval have been added to ensure compliance. The findings relating to public utilities will be discussed in more detail in this final order under the relevant articles and sections of the Veneta Land Development and Veneta Land Division Ordinances.

*(3) The surface water drainage shall be in conformance with the City's Drainage Master Plan and other applicable City requirements, including Design Standards (Article 6) and Improvement Requirements (Article 7) of this Land Division Ordinance; and the requirements of the zoning district (Land Development Ordinance).*

**Staff Findings:** The proposed stormwater system is consistent with the City of Veneta's requirements. Where the relevant criteria are not met, conditions of approval have been added to ensure compliance. The findings relating to public utilities will be discussed in more detail in this final order under the relevant articles and sections of the Veneta Land Development and Veneta Land Division Ordinances.

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

**Staff Findings:** The subdivision's tentative layout and infrastructure improvements, including streets, have been designed with the topography, wetlands, and vegetation in consideration. There are no identified floodplains on the subject property. The subject property does contain

wetlands. The applicant has completed a wetland delineation, which is under review by the Department of State Lands (DSL). A copy of the concurrence letter from the DSL will be required to be provided to ensure the applicant receives said letter. A small portion in the northeast corner of Lot 2 and a large portion of Tract A are proposed to be located within wetland. The applicant will be required to receive a permit from the State of Oregon Department of State Lands for any removal or fill within this wetland. Tree removal is proposed as part of this request, and the applicant has submitted a tree removal permit (TP-23-16), to be processed concurrently with the subdivision request. Where other criteria are not met, conditions of approval have been added to ensure compliance. These findings and conditions are discussed in more detail under the relevant articles and sections of City ordinances.

**Conclusion:** Conditions of approval are required to ensure the applicant obtains all required permits and provides documentation of said permits to the City.

**Condition of Approval:** Prior to construction, the applicant is required to receive concurrence from the Oregon Department of State Lands (DSL) on wetland delineations already performed and provide proof to the City of Veneta of DSL wetland delineation concurrence.

**Condition of Approval:** Prior to construction, the applicant shall provide documentation to the City of an approved permit from the Department of State Lands for removal or fill within wetlands on the site.

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

**Staff Finding:** The northern half of the property is contained under one Lot, Lot 1, and has potential for future division. According to the applicant, this lot is “reserved for future development.” The eastern half contains a significant amount of wetland and is partially located within the Greenway Open Space Subzone (GW). However, the western portion of Lot 1 is developable, and could be subdivided in the future. The SWAP shows this portion of Lot 1 having access off of Madrone Ridge Drive, which would continue north into Lot 1 and terminate in a cul-de-sac. The applicant’s proposal is consistent with this. Criterion is addressed.

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

**Staff Finding:** Development of adjoining land is not precluded. The proposed subdivision extends Madrone Ridge Drive to the north, allowing for future development and extension. Madrone Ridge Drive, Arbutus Avenue, and Bearberry Drive are all able to be extended south to serve Phases 3-5 of the Madrone Ridge Subdivision. The only adjoining properties that would not have access to the Andrew Heights Subdivision would be the properties immediately to the west, but those currently have access off of Bolton Hill Road, which could serve as the access for future development of those properties.

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

**Staff Finding:** As will be discussed and found in this final order, the proposed subdivision complies with all of the applicable City requirements or can be appropriately conditioned for compliance with City requirements. A further review and discussion of relevant City requirements and applicable Articles of the Land Division and Development Ordinances will ensue in this final order. Criterion addressed.

### **Veneta Land Division Ordinance 494, Article 6 – Design Standards**

#### **Section 6.02 Street Design Standards**

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

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

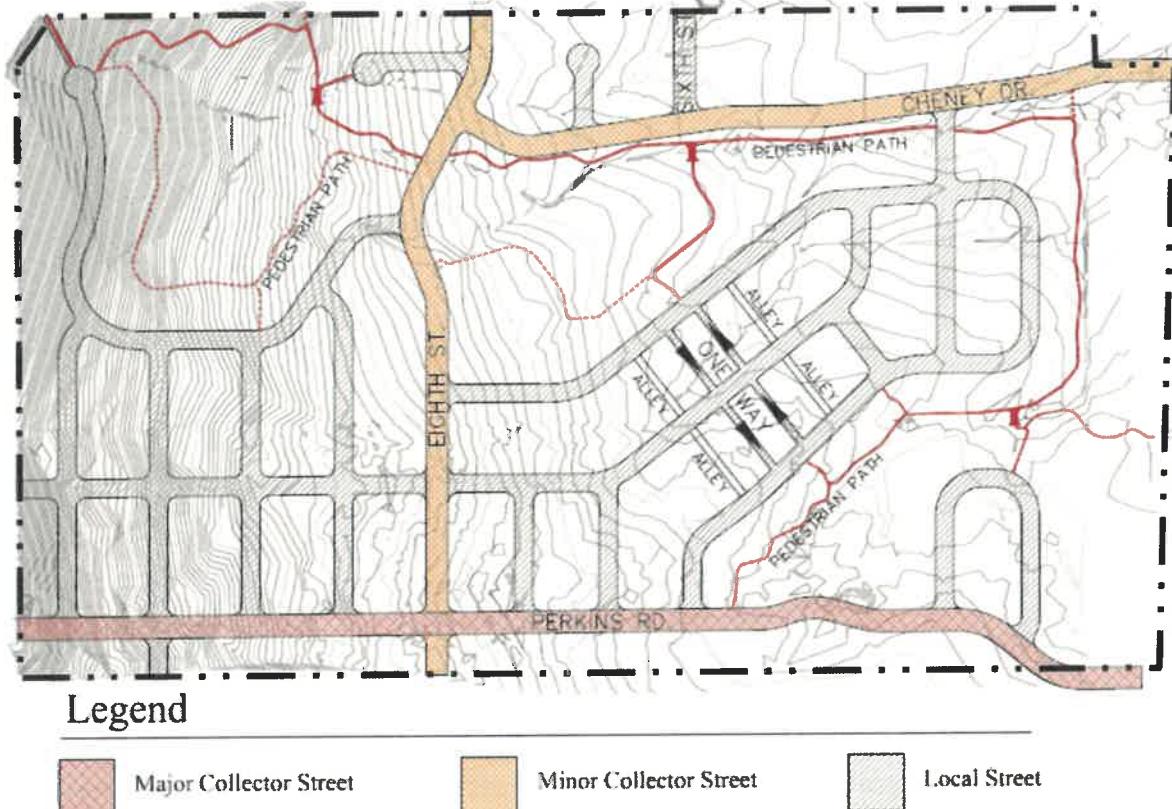
  - 1. Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.*
  - 2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*
  - 3. Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of October 1, 1998 which preclude a required street connection. Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhood activity centers shall be provided if feasible.”*
- B. Conform to a plan for the development area approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.*

**Applicant's statement:** The development is accessed by Hawk View Drive from the northeast and Oaks Orchard Road from the southeast. Madrone Ridge Drive, Arbutus Avenue and Bearberry Drive all end at the southern boundary of the new development, but it could be extended if the owners to the west decide to develop taxlot 3900.

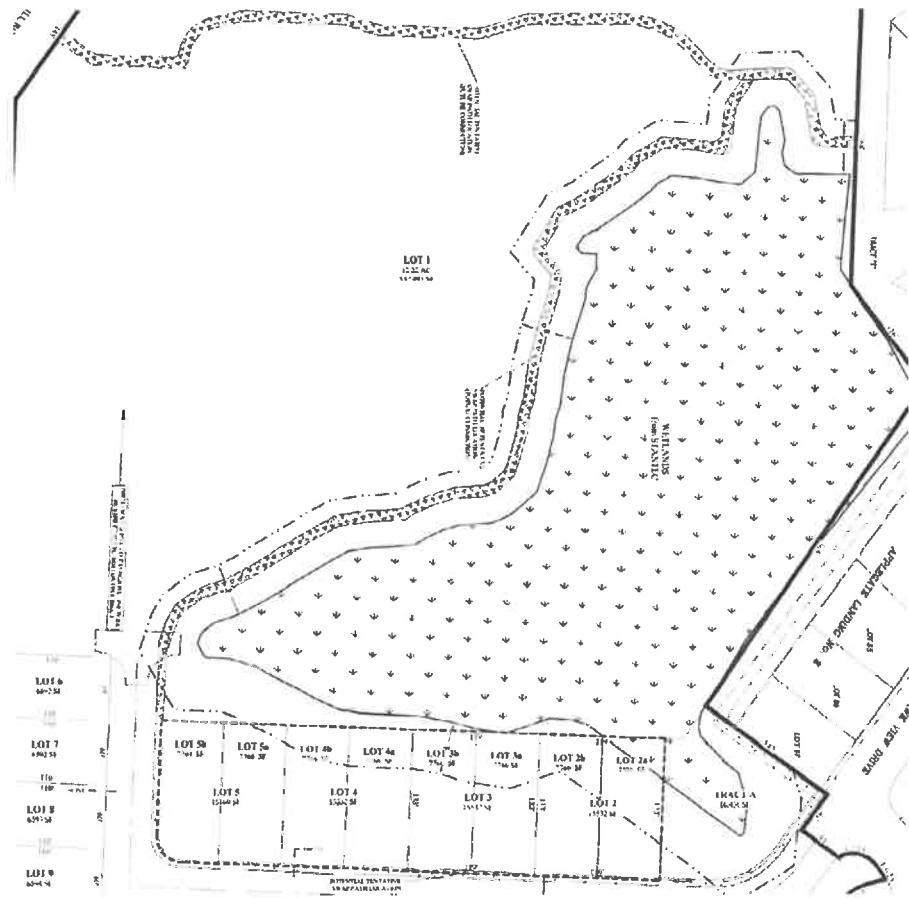
**Staff Findings:** No cul-de-sacs are proposed and streets are interconnected and provide continuation of existing streets where applicable and connection to streets platted but not constructed as part of phases 3-5 of the Applegate Landing Subdivision. Hawk View Drive, an existing street, provides the main access into the subdivision and is proposed to continue west

until it terminates at Madrone Ridge Drive. The design of the street system is based on and consistent with the design laid out in the SWAP (City File No. SDP-1-16(A)).

However, there are potential issues with the pedestrian and bicycle path proposed by the applicant. The SWAP indicates a separated pedestrian and bicycle path running behind what the applicant proposed to be Lots 2 through 5 and approximately circling the wetlands associated with this property, as shown in 'Figure 13 – Street and Circulation Plan' of the SWAP below:



The applicant's proposed path is shown in the clip of their tentative subdivision plan below:



The applicant's proposed path is not entirely consistent with the SWAP map. The location of the portion running east-west across the north end of the site is consistent with the SWAP and acceptable to staff. The portion of the path located in the Greenway, however, does not extend through the entirety of the Greenway like Figure 13 of the SWAP shows. Instead, it makes a connection to the sidewalk at the stubbed north end of Madrone Ridge Drive. Where the sidewalk fronts Lots 2-5 and Tract A, the applicant is proposing a 7-foot sidewalk rather than the typical 5-foot found elsewhere in this subdivision in lieu of having the path run through Lots 2 through 5.

As can be seen on the applicant's tentative subdivision plan above, the subdivision to the east, Applegate Landing, has a proposed path running behind the lots located east of the wetlands. This path is shown as making a connection to Hawk View Drive through Tract A. This path currently does not exist. Staff finds it necessary to require the applicant to dedicate a pedestrian and bicycle path easement in Tract A that provides for the possibility of connecting to this future Applegate Landing path, should it be built. The Paths and Trails Master Plan (PTMP) states that "A preferred easement of 30 feet wide (14 feet minimum) is recommended to allow space for trail construction and maintenance..." Since Tract A will contain the subdivision's stormwater detention pond, which constrains the available space in Tract A, the easement can be reduced to a minimum of 14 feet rather than the typical 30 feet.

Additionally, 'Figure 15 – Proposed Network – Southeast Quadrant' of the Parks and Trails Master

Plan shows a separated pedestrian and bicycle path circling the wetlands identified on the site and making a connection to Hawk View Drive at the location of the proposed Tract A. The applicant's proposal is inconsistent with the path laid out in the Parks and Trails Master Plan. Figure 15 of the PTMP is shown below:

FIGURE 15. PROPOSED NETWORK- SOUTHWEST QUADRANT



The materials and construction of the path itself is also determined by the SWAP. A paved path would be desirable at this location to conform with the existing path in the Applegate Landing Subdivision that it will connect to. 'In Table 3 – Street Standards' of the SWAP, it states: "Paved bicycle/pedestrian paths shall be a minimum of 10 ft. wide or as otherwise approved by the City. Pathways required to serve as emergency access routes shall be a minimum of 14 ft. wide and engineered to support a load of 55,000 pounds. All paved paths shall be constructed of 5 in. of Portland Cement over approved base or as otherwise approved by the City."

**Conclusion:** The Planning Commission will have to determine if the proposed pedestrian and bicycle path location is acceptable or if the City should require full consistency with the layout shown in the SWAP. Staff recommends the following conditions of approval to ensure that the pedestrian and bicycle path is designed and constructed to City standards, as well as an optional condition of approval if the Commission determines that the proposal should more closely match the SWAP design.

**Condition of Approval:** The applicant shall show on their public improvement plans the location of all pedestrian and bicycle paths as approved by the Planning Commission.

**Condition of Approval:** Prior to final plat approval, the applicant shall construct all required and proposed pedestrian and bicycle paths as part of the public improvements.

**Condition of Approval:** The final plat shall include 30-foot wide Pedestrian and Bicycle Path Easements where all proposed and required pedestrian and bicycle paths are located, except for the portion of the path located in Tract A, which can be reduced to a 12-foot wide easement.

**Condition of Approval:** The final plat shall include a Pedestrian and Bicycle Path easement in Tract A that provides for a future connection to the future Applegate Landing path.

**Condition of Approval:** The surface type for all proposed and required pedestrian and bicycle paths shall be a minimum of ten (10) feet wide and constructed of 5 inches of Portland Cement over approved base, in accordance with Veneta Land Development Ordinance No. 493, Section 4.15(7)(a) – adopted Southwest Area Specific Plan (i.e. adopted SWAP, Table 3 – Street Standards).

**Optional Condition of Approval:** Prior to construction, the applicant must submit a revised tentative subdivision plan showing a 10-foot wide pedestrian and bicycle path in the Greenway Open Space Subzone surrounding the wetlands on the site. The path must begin at the northeastern edge of the Greenway and continue through the Greenway until it makes a connection to Hawk View Drive through Tract A.

2) *Standard right-of-way and street widths. The width of streets shall be adequate to fulfill city specifications as provided for in SECTION 7.02 of this Ordinance, and, unless otherwise indicated on a development plan or approved by the Planning Commission, streets shall have:*

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')

3) *Alternatives to Standard Street design. The Planning Commission, in consultation with Lane County Fire District #1 and Lane Transit District may approve alternate street right-of-ways and paving widths when the benefits of standard right-of-way or paving width are outweighed by the benefits of feasible alternatives. Alternatives to street design may include things like narrower or varying street widths, medians, and bulb-outs at intersections. Considerations*

include:

- A. Emergency vehicle access
- B. Self-protection of structures using sprinkler systems or other fire prevention means
- C. Curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)
- D. Provision for generous parking on site that would eliminate need for on-street parking
- E. Location of proposed street relative to other streets (block length and connectivity)
- F. Provision of transit service through special agreements and facilities
- G. Pedestrian safety, particularly at intersections
- H. Adequate rights-of-way or easements for public utilities
- I. Existing development that limits paving and right-of-way widths
- J. Topography
- K. Environmental impacts

**Applicant's statement:** Applicant proposed a right-of-way of 50 feet as an alternative to Standard Street Design. Please see statements below.

Applicant proposes 50 ft. rights-of-way and 32 ft. paved width as an alternative to standard right-of-way and street widths to accommodate wetlands and open space (environmental impacts) in the northeast section of the property and mountain-side-development (topography) along the western portion of the property. Please see existing conditions plan and wetlands documentation to visualize these conditions.

**Staff Finding:** The proposed subdivision is part of the Southwest Area Plan (SWAP) Specific Development Plan, which contains alternative street design standards that have been adopted for the plan area. They are:

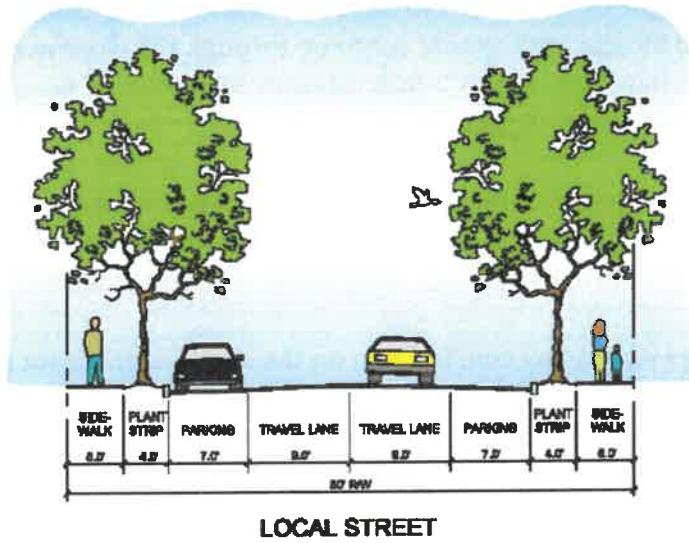
Table 3, Street Standards (adopted Southwest Area Specific Plan)

Standard	Street Classification					Alley
	Local Way	One- Way	Local Way	Two- Way	Minor Collector	
<b>Right-of-Way Width</b>	20 ft.	50 ft.	60 ft.	60 ft.	16 ft.	
<b>Roadway Paving Width*</b>	16 ft. (9 ft. travel lane, 7 ft. parking stalls)	32 ft. (9 ft. travel lanes, 7 ft. parking stalls)	39 ft. (11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)	39 ft. (11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)	39 ft. (11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)	12 ft.
<b>Motor Vehicle Parking Allowed</b>	one side	both sides	one side	one side	one side	no
<b>Bicycle Lanes Required</b>	no	no	yes	yes	yes	no

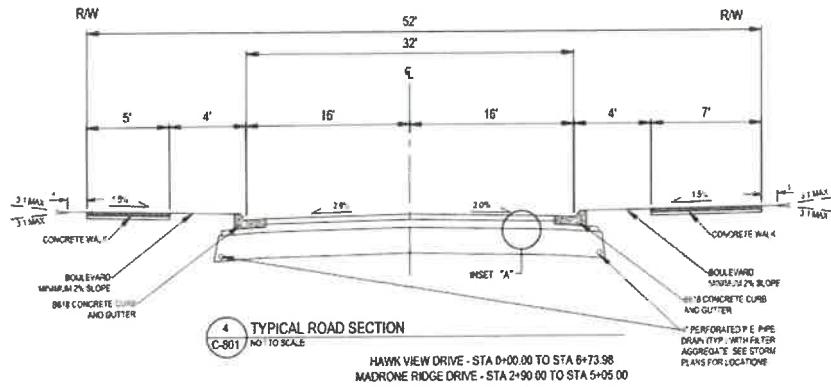
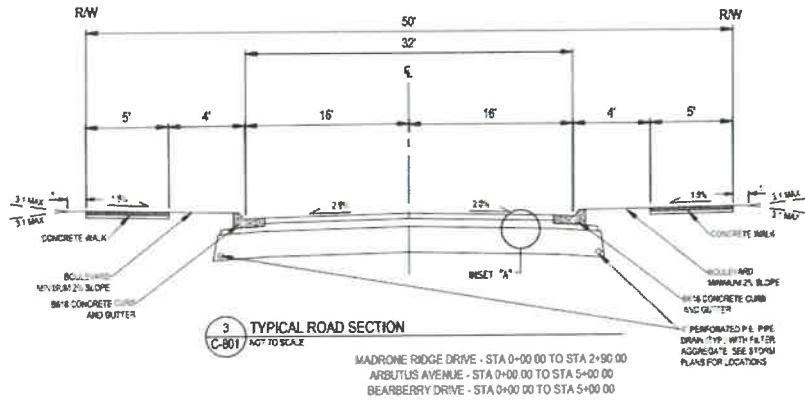
Standard	Street Classification							
	Local One-Way	Local Two-Way	Minor Collector	Major Collector	Alley			
<b>Sidewalks Required</b>	<i>One side (can be integrated with roadway if delineated with contrasting surface material or texture)</i>	<i>One side if a stormwater swale is located in the right-of-way or if there is a park or common open space with a parallel pedestrian path. Both sides in all other situations.</i>			<i>no</i>			
<b>Sidewalk Width</b>	<i>4 ft. min.</i>	<i>5 ft. min.</i>			<i>n.a.</i>			
<b>Landscaping</b>	<i>The remainder of the right-of-way, including the stormwater swale, shall be landscaped. Street trees shall be planted at an average spacing of no greater than 40 feet.</i>				<i>no</i>			
<b>Maximum Block Length</b>	<i>600 ft. Greater length is allowed in order to minimize wetland crossings.</i>				<i>n.a.</i>			
<b>Maximum Cul-de-Sac Length</b>	<i>No maximum length. Maximum of 20 lots facing the cul-de-sac.</i>				<i>n.a.</i>			
<b>Off-Street Bicycle/Pedestrian Paths</b>								
<b>Lighting</b>	<i>All parks, bicycle/pedestrian paths, and open spaces intended for public use shall be lighted as required by the City.</i>							
<b>Off-Street Bicycle/Pedestrian Paths</b>	<i>Paved bicycle/pedestrian paths shall be a minimum of 10 ft. wide or as otherwise approved by the City. Pathways required to serve as emergency access routes shall be a minimum of 14 ft. wide and engineered to support a load of 55,000 pounds. All paved paths shall be constructed of 5 in. of Portland Cement over approved base or as otherwise approved by the City. Soft surfaced paths shall be constructed with materials as required by the City.</i>							

\*Roadway paving width can be reduced by an amount equal to the parking stall standard for portions of the roadway that have a stormwater detention facility replacing the on-street parking. Curbs on the "no-parking" side of a 20ft-wide one-way street shall be rolled to allow use of the abutting area by emergency vehicles.

As shown by the above table, a 50-foot right-of-way with a 32-foot roadway paving width is the standard for the SWAP. Thus, no alternative design approval needs to be sought. The Street Cross-Section for Local Streets in the SWAP is shown below.



Below are the applicant's proposed street cross-sections:



The proposed sidewalks meet the 5' minimum. The paved roadway meets the 32' minimum. The planter strip in the applicant's proposed street section is stated to be 4' wide, but is effectively 3.5' wide, as 6" is being used for the curb. The SWAP street cross section, however, shows a 4' wide planter strip.

Where the sidewalk is adjacent to Lots 2-5 and Tract A, the sidewalk width is proposed to be 7

feet, bringing the total right-of-way width to 52 feet. If the Planning Commission determines that the pedestrian and bicycle path should continue through the Greenway rather than connecting to Madrone Ridge Drive, this 7-foot sidewalk width would be unnecessary, and the sidewalk width can be reduced to 5 feet.

**Conclusion:** A condition of approval requiring the applicant submit a revised street cross section showing the 6-inch curb located within the paved roadway width rather than the planter strip is necessary in order to ensure compliance with this standard.

**Condition of Approval:** Prior to any construction on the site, the applicant must submit a revised right-of-way street section (utility plan Sheet C-801). The revised street section will be required to include a 4-foot planter strip on each end. The revised street section must show the 6-inch curb located within the 32-foot paved roadway width on each end. Public improvement plans shall be consistent with the standards laid out in this condition.

*4) Reserve Strips. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission or Building and Planning Official. One foot reserve strips are used across the ends of stubbed streets adjoining undivided land or along half streets adjoining undivided land, and they shall be designated as such. Reserve strips may also be parallel to the right-of-way as a means of access control (prohibiting driveway access). The reserve strip shall have separate legal descriptions and shall be separately identified on the plat.*

**Applicant's statement:** Reserve strips are planned and will be included in the final plat for the ends of all stubbed streets.

**Staff Finding:** Staff finds it is necessary to condition the proposal in order to ensure reserve strips are included on the final plat.

**Conclusion:** Criterion can be met with the following condition of approval.

**Condition of Approval:** The final plat shall include 1-foot reserve strips at the terminus of all dead-end streets and shall have separate legal descriptions and be separately identified on the plat, in accordance with VLDO 494, Section 6.02(4) - Reserve Strips.

*5) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction.*

**Applicant's statement:** All intersections of public streets in the development are aligned along their center lines.

**Staff Finding:** The proposed street layout meets the alignment standard.

**Conclusion:** Criterion is met.

*6) Future extensions of streets. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivisions or partition and the resulting dead-end streets must have a turn-around. Reserve strips may be required to preserve the objectives of street extensions.*

**Applicant's statement:** Reserve strips are planned and will be included in the final plat for the ends of all stubbed streets. There is turn around area for all emergency vehicles at the end of all proposed new streets.

The north end of Madrone Ridge Drive ends in a temporary hammerhead. Applicant proposes the construction of temporary 30 ft. by 64 ft. Emergency Turnaround easements at the southern ends of Madrone Ridge Drive, Arbutus Avenue and Bearberry Drive.

**Staff Finding:** Streets are proposed to connect to the existing street system as indicated in the conceptual Street and Circulation Plan (Figure 11) in the SWAP. Reserve strips will be included on the final plat pursuant to a condition of approval. The proposed subdivision plan does show a temporary hammerhead at the north end of Madrone Ridge Drive, but there are no turn-around areas shown on the tentative subdivision plan at the south end of Madrone Ridge Drive, Arbutus Avenue, and Bearberry Drive. The construction of temporary emergency vehicle turn-around areas on the stubbed ends of Madrone Ridge Drive, Arbutus Avenue, and Bearberry Drive may possibly affect the feasibility of construction on the affected lots (Lots 13, 14, 21, 22, 29, 30) until development of Phases 3-5 of the Applegate Landing Subdivision commences and the streets are extended.

**Conclusion:** Conditions of approval are required to ensure the applicant provides an easement for all required turn-around areas and constructs said areas. Other aspects of this criterion met through existing proposal and added condition of approval.

**Condition of Approval:** The applicant shall include on their public improvement plans the location of easements for the construction of temporary 30-foot by 64-foot emergency vehicle turn-around areas at the stubbed ends of Madrone Ridge Drive, Arbutus Avenue, and Bearberry Drive.

**Condition of Approval:** Prior to final plat approval, the applicant shall construct 30-foot by 64-foot emergency vehicle turn-around areas at the south end of Madrone Ridge Ride, Arbutus Avenue, and Bearberry Drive.

*7) Division of property. Property with frontage onto two or more streets shall not be divided in a manner that would preclude access to a portion of the property from the road(s) with the lesser functional class. Access could be provided via an access easement.*

**Applicant's statement:** Corner properties with frontage on two streets can meet this requirement.

**Staff Finding:** Staff concurs with applicant's finding.

**Conclusion:** Criterion is met.

*8) Intersection angles. Streets shall be laid out to intersect at right angles, and all other conditions shall require a variance. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.*

**Applicant's statement:** All intersections in the proposed plans are at right angles.

**Staff Finding:** Staff concurs with applicant's findings.

**Conclusion:** Criterion is met.

*9) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided in accordance with the Veneta Transportation System Plan at the time of the land division.*

**Applicant's statement:** Hawk View Drive is the only existing street adjacent to this tentative subdivision. With a 50 ft right-of-way it is of adequate width. See attached tentative subdivision plan.

**Staff Finding:** Staff concurs with applicant's finding. No existing streets will require additional right-of-way dedication. All streets internal to the development will be dedicated public right-of-way as shown on the tentative plan.

**Conclusion:** Criterion is met.

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

**Applicant's statement:** There are no half streets in this tentative proposal.

**Staff Finding:** This standard is not applicable, as there are no proposed half streets included in the applicant's submitted plans.

**Conclusion:** Criterion is met.

*11) Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet. A cul-de-sac shall terminate with a circular turn-around.*

**Applicant's statement:** There are no proposed cul-de-sacs. Applicant proposes one hammerhead at the north end of Madrone Ridge.

**Staff Finding:** Staff concurs with applicant's statement. This criterion is not applicable.

**Conclusion:** Criterion is met.

*12) Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or Veneta Land Division Ordinance No. 494 Page 26 be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission and Lane County.*

**Applicant's statement:** All new streets in this plan have unique names for the city and county.

**Staff Finding:** All streets in the proposed subdivision are extensions of existing or planned streets, and no new names are being proposed.

**Conclusion:** Criterion is met.

*13) Grades and curves. Grades shall not exceed six (6) percent on arterial, ten (10) per cent on collector streets or fifteen per cent on other streets. Center line radii of curves shall not be less than 300 feet on major arterial, 200 feet on secondary arterial or 100 feet on other streets. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.3 per cent.*

**Applicant's statement:** All streets will have slopes less than 5%.

**Staff Finding:** Staff concurs with applicant's statement. All grades and curves comply with the above standards.

**Conclusion:** Criterion met.

*14) Streets adjacent to railroad rights-of-way. Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way*

**Staff Finding:** This standard is not applicable as there are no proposed streets adjacent to railroad rights-of-way.

*15) Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.*

**Applicant's statement:** There are no existing or proposed arterial streets in this tentative subdivision.

**Staff Finding:** Staff concurs with Applicant's statement.

**Conclusion:** Criterion is met.

*16) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a visual clearance of not less than 45 degrees with fifteen (15) foot leg lengths.*

**Staff Finding:** The subject property is not within a commercial or industrial district; therefore, this criterion does not apply.

*17) Access Management. New streets 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 11 of the Land Development Ordinance (No. 493).*

**Applicant's statement:** The proposed street layout exceeds the minimum spacing requirements for local streets.

**Staff Finding:** Staff concurs with applicant statement.

**Conclusion:** Criterion is met.

**Veneta Land Division Ordinance 494, Article 6 - Design Standards**

**Section 6.03 Blocks.**

*1) General. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.*

*2) Size. In residential zones, block lengths shall not exceed 600 feet and block perimeters shall not exceed 1800 feet except where topography, natural features, or existing development creates conditions requiring longer blocks.*

**Staff Finding:** The proposal is consistent with this standard, as the length, width, and shape of blocks have generally been determined by the approved SWAP, City File #SDP-1-16(A) Conceptual Land Use Diagram, which takes into account the topography, wetlands, and other considerations in configuring street layouts and block shape.

**Conclusion:** Criterion is met.

***3) Easements.***

*A. Utility lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width.*

**Staff Finding:** The utility plans show that a 7-foot wide public utility easement (PUE) is proposed along the frontage of all lot lines.

**Conclusion:** Criterion is met. At the recommendation of the City Engineer, a condition of approval requiring this easement will be added to ensure it remains met.

**Condition of Approval:** The Final Plat shall include 7-foot wide Public Utility Easements adjacent to rights-of-way.

*B. 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.*

**Staff Finding:** There are wetlands on the subject site. The wetlands' drainage pattern generally follows the topography of the area and drains eastward. The applicant's wetland delineation shows the area proposed to be converted to the stormwater detention facility as a "linear water feature." Staff recommends requiring the applicant dedicate a Greenway and wetland conservation easement to preserve the natural resources of the site. This blanket Greenway and wetland conservation easement shall exclude Tract A, as that is where the applicant is proposing to locate their stormwater detention facility.

**Conclusion:** Staff recommends the following condition of approval.

**Condition of Approval:** Prior to final plat approval, applicant shall dedicate a blanket Greenway and Wetland Conservation Easement over all delineated wetlands and Greenway Open Space Subzone on the site except for Greenway or wetland located within Tract A.

*C. Pedestrian and bicycle ways. When desirable for public convenience a pedestrian or bicycle way may be required to connect to a cul-de-sac or to pass through an unusually long or oddly-shaped block or otherwise provide appropriate circulation.*

**Staff Finding:** The proposed pedestrian and bicycle paths are not shown to be within an easement. According to the Paths and Trails Master Plan, "When paths or trails are located outside the public right-of-way or public property, easements are required. A preferred easement of 30 feet wide (14 feet minimum) is recommended to allow space for trail construction and maintenance..." (PTMP, Pg. 42). The Greenway buffer is 50' wide, enough space to accommodate a 30' easement.

As can be seen on the applicant's tentative subdivision plan above, the subdivision to the east, Applegate Landing, has a proposed path running behind the lots located east of the wetlands. This path is shown as making a connection to Hawk View Drive through Tract A. This path currently does not exist. Staff finds it necessary to require the applicant to dedicate a pedestrian and bicycle path easement in Tract A that provides for the possibility of connecting to this future Applegate Landing path, should it be built. Since Tract A will be the location of the subdivision's stormwater detention facility, the required easement can go down to the minimum of 14' in width.

**Conclusion:** Criterion can be met by adding a Condition of Approval that requires the applicant to submit a revised tentative subdivision plan showing a 30-foot wide pedestrian and bicycle

path easement, except for the portion of the path located in Tract A, which can be reduced to a 14-foot wide easement.

**Condition of Approval:** The final plat shall include 30-foot wide Pedestrian and Bicycle Path Easements where all proposed and required pedestrian and bicycle paths are located, except for the portion of the path located in Tract A, which can be reduced to a 14-foot wide easement.

### **Veneta Land Division Ordinance 494, Article 6 - Design Standards**

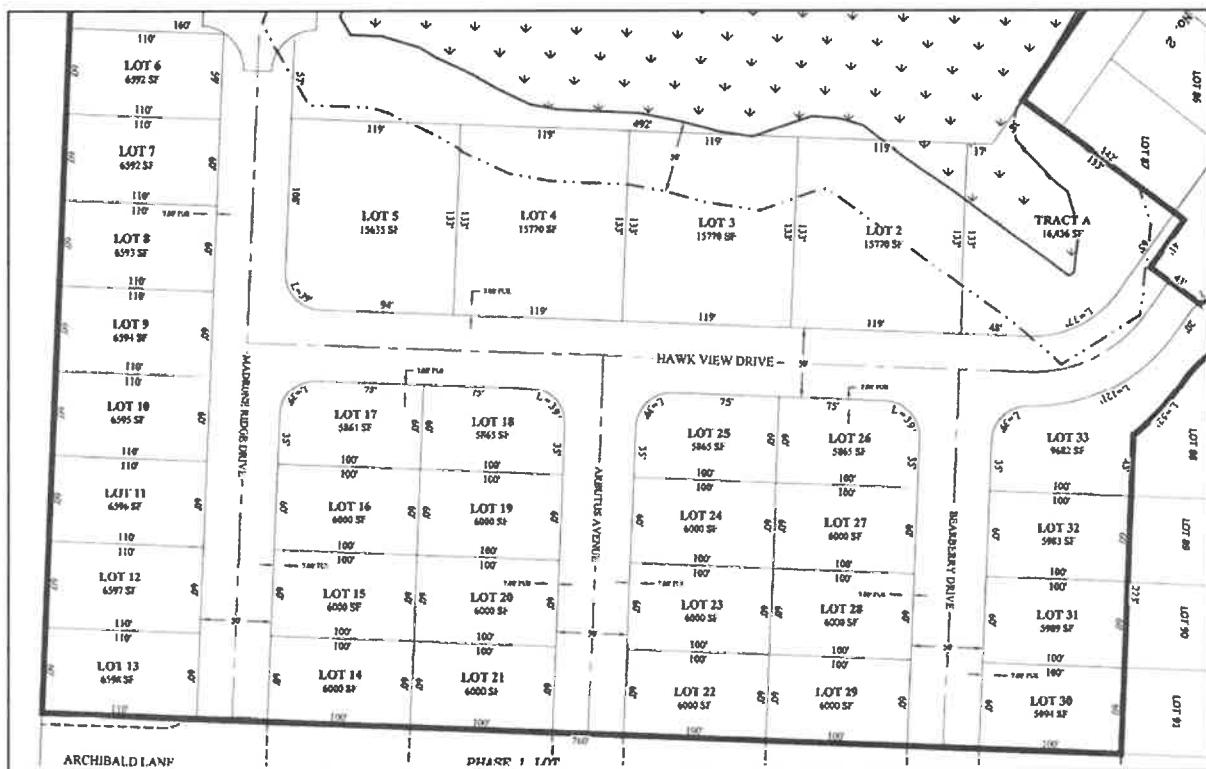
#### **Section 6.04 Building Sites.**

*1) Size and shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with the following standards:*

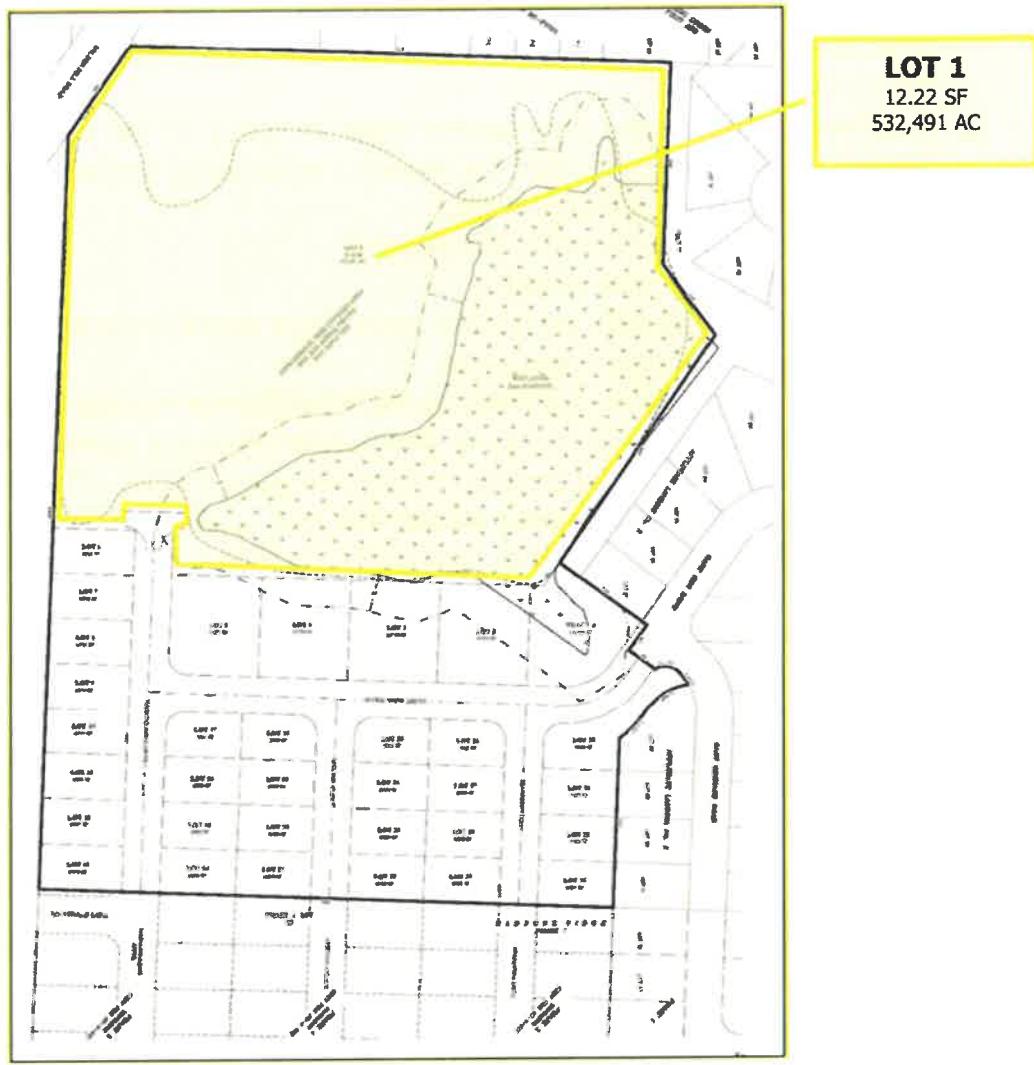
*A. Width. Minimum lot widths shall be as specified in the Land Development Ordinance.*

**Applicant's statement:** The proposed subdivision has a net density of .6 units per acre, with up to 7 units per net acre expected for low density housing. The smallest lot is 5865 square feet in area, which is below the required 6,000 square feet per lot. However, smaller lots are allowed per ***VLDO No. 492, Section 4.03*** under General Residential if there is dedicated parkland space for protecting natural resources or providing recreational opportunities to the public. Accommodating this requirement, the development will have a tract reserved for future development in norther (sic) portion of parcel.

Lot size satisfies the purpose of 4.02 Single Family Residential where stated that the net density in the SFR zone shall not exceed eight (8) dwelling units per acre. On average lots exceed the 6,000-foot minimum by approximately 24% and those below 6,000 thresholds, on average, are approximately 1.5%.



Furthermore, applicant seeks acceptance of these smaller lots, according to VLDO 493 4.02 5 (D), as considerable space is dedicated to Lot 1. See image below and on Natural Features Plan.



A portion of lots in this tentative subdivision are less than the 60' minimum width. We are therefore following the guidance under VLDO No. 493 Section 4.03 section 5 (E) and providing open space, in Lot 1 as illustrated and discussed above, so that these smaller lot widths are allowed.

**Staff Findings:** Lot size and width for this proposed subdivision is subject to the standards of the zoning district, Single Family Residential (SFR). The applicable part of the VLDO 493, Section 4.02 Single Family Residential (SFR) is shown below in italics.

**VLDO 493, Article 4 – Use Zones, Section 4.02 Single Family Residential**

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

- A. The minimum lot area is 6,000 square feet, except 7,500 square feet is required for duplex lots Veneta Land Development Ordinance No. 493 18 and 18,000 square feet is required for multifamily lots; an additional 2,000 square feet is required for all proposed lots with an average pre-development slope of 15% or greater (See Section 5.25). Smaller lots may be approved through a Specific Development Plan or Planned Unit Development.

- B. *The minimum lot width is sixty (60) feet. Lot widths may be reduced to thirty (30) feet for single-family attached homes, provided that not more than four (4) dwellings are consecutively attached.*
- C. *The Planning Commission may require larger lot areas, at the time a land division is granted, when it determines that it is necessary to do one of the following:*
  - 1. *Protect natural drainage-ways.*
  - 2. *Provide drainage or utility easements.*
  - 3. *Protect future right-of-way.*
  - 4. *Protect un-buildable steep slope areas above the 450-foot elevation level.*
  - 5. *Protect flood plain hazard areas.*
- D. *Smaller lots may be allowed if public space in addition to that required by section 5.26 Parkland Dedication Requirements, is dedicated or otherwise permanently preserved to protect natural resources or provide recreational opportunities. When the provisions of this section are utilized to develop smaller lots than would otherwise be allowed by the base zone, the following standards shall apply and shall supersede the standards for the base zone.*
  - 1. *In no case shall the gross density of the development exceed the maximum gross density of the site if it were developed with standard minimum lot sizes for the base zone, irrespective of wetland or Greenway areas.*
  - 2. *In no case will the minimum lot size be less than 70% of the minimum lot size for the base zone.*
  - 3. *Developments seeking to qualify for such a density bonus may be required to relocate structures currently within the Greenway subzone to less sensitive areas.*
  - 4. *Side yards shall be no less than 5 feet on a side.*
  - 5. *Front yard setbacks shall be no less than ten (10) feet, except garage and carport openings shall be setback at least twenty (20) feet.*
  - 6. *Exceptions to these setback requirements may be allowed when necessary to provide a larger buffer between waterways or other natural resources and development.*

**Staff Findings Continued:** VLDO 493, Section 4.02(5)(D) does allow for smaller lots if there is additional public space dedication beyond what is required in VLDO 493, Section 5.26 – Parkland Dedication Requirements or if public space is otherwise permanently preserved to protect natural resources or provide recreational opportunities. The tentative subdivision plan shows that 7 out of the 33 lots, or approximately 21% of the lots, are proposed to be under 6,000 sf. The applicant does not propose to dedicate **any** parkland to the City following the procedures laid out in VLDO 493 Section 5.26., let alone additional public space beyond what is required. The tract mentioned by the applicant, Lot 1, is explicitly reserved for future development, not for permanent preservation. There is no apparent protection of natural resources and no recreational opportunities provided by this.

However, one condition of approval staff has added will require the applicant to dedicate a 30-foot pedestrian and bicycle path easement in accordance with the Paths and Trails Master Plan. A portion of this path would be located outside of the Greenway, where development could otherwise occur. With the inclusion of a pedestrian and bicycle path easement, that land would be permanently preserved and provide recreational opportunities for the community. Another condition of approval added by staff will require the applicant to dedicate a blanket Greenway

and Wetlands Conservation easement over all Greenway and Wetlands on the site. Additionally, another condition of approval will require the applicant to pay a fee in lieu of parkland dedication. The Planning Commission will have to determine if this is sufficient for the applicant to take advantage of the lot size exceptions. Without the conditions of approval added by staff, there is no justification for the development having lots under 6,000 sf.

**Conclusion:** If the Planning Commission finds no justification for the proposed lots that are under 6,000 sf, then a Condition of Approval will be required to ensure compliance with this standard. If the Planning Commission finds that it is justified, then the below Condition of Approval will not be required.

**Optional Condition of Approval:** Prior to construction on the site, the applicant must submit a revised tentative subdivision plan showing that all lots are equal to or greater than 6,000 square feet in 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*

**Staff Findings:** Lots 2, 3, 4, & 5 are all more than twice the minimum lot size and have potential for future division. The applicant's tentative plan shows how the lots could be further developed to urban densities. Lot 1, however, is roughly half of the size of the entire site. The applicant will be required to submit a shadow plat for Lot 1.

**Conclusion:** Criterion is met through the following condition of approval.

**Condition of Approval:** Prior to construction, the applicant shall submit a shadow plat to show how Lot 1 could be further divided in the future.

**Continuing with Veneta Land Division Ordinance 494, Article 6 - Design Standards,**  
**Section 6.04 Building Sites. (1) Size and shape**

*B. Depth. Each lot or parcel shall have an average depth between the front line and lot or parcel rear line of not less than 80 feet and not more than 2.5 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.*

**Applicant's statement:** None of the proposed lots will have an average depth less than 80 feet. See attached tentative subdivision plans for dimensional details.

**Staff Finding:** Staff concurs with applicant statement.

**Conclusion:** Criterion is met.

*C. Area. Each lot or parcel shall comprise a minimum area as specified in the Land Development Ordinance.*

**Applicant's Statement:** A minimum lot size of 6,000 square feet is required in the Single Family Residential (SFR) Zone, per VLDO No. 493. The smallest proposed lot is 5865 square feet in area, which is below the required 6000 square feet per lot. We are therefore following the guidance under VLDO No. 493 Section 4.02 Section 5 (D) *Smaller Lots may be allowed if public space...preserved to protect natural resources.* Applicant proposed dedication of norther (sic) tract to accommodate wetlands and open space/greenway.

**Staff Finding:** Per VLDO No. 493 Section 5.26(3)(D), wetlands and Greenway may be included in dedicated tracts, but do not count towards the total lands required for dedication.

Furthermore, the applicant is not proposing to dedicate any land following the procedures laid out in Section 5.26. This issue was discussed in detail on the previous finding addressing the density bonus allowed in VLDO No. 493, Section 4.02(5)(D) Lot Size and Width.

**Conclusion:** If the Planning Commission finds no justification for the proposed lots that are under 6,000 sf, then Staff recommends a Condition of Approval to ensure compliance with this standard. If the Planning Commission finds that it is justified, then the below Condition of Approval will not be required.

**Optional Condition of Approval:** Prior to construction on the site, the applicant must submit a revised tentative subdivision plan showing that all lots are equal to or greater than 6,000 square feet in size.

*D. 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.*

**Applicant's Statement:** All proposed lots will be served by public sewer that complies with DEQ requirements.

**Staff Finding:** All lots within the subdivision will be served by public sewer. Staff concurs with applicant's statement.

**Conclusion:** Criterion is met.

*E. 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.*

**Applicant's Statement:** This proposed tentative subdivision is intended for development of single-family housing. No commercial or industrial uses are proposed on this site; therefore, this requirement is not applicable.

**Staff Finding:** This standard is not applicable. Staff Concurs with applicant's statement.

*F. The minimum lot size for flag lots shall be calculated for the area exclusive of the portion of the lot that provides access.*

**Applicant's Statement:** There are not proposed flag lots.

**Staff Finding:** Staff concurs with applicant's statement.

**Conclusion:** Criterion is met.

*(2) Access. Each lot and parcel (except those in the GR and RC zones intended for single-family attached housing) shall abut upon a street other than an alley for a width of at least 50feet and 35feet for a cul-de-sac. Flag lots shall be allowed in accordance with Section 6.04(5) below. A shared access and maintenance agreement between all lots within a flag lot partition is required prior to the application for Final Plat.*

**Applicant's Statement:** All lots will abut a public street for at least 50 ft. No cul-de-sacs are proposed.

**Staff Finding:** Staff concurs with applicant's statement.

**Conclusion:** Criterion is met.

*(3) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of 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.*

**Applicant's Statement:** There are no through lots in this subdivision. This requirement is not applicable.

**Staff Finding:** Staff Concurs with applicant's statement. This requirement is not applicable.

*(4) Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets and cul-de-sacs they shall be radial to the curve.*

**Applicant's Statement:** All side lines run perpendicular to the streets upon which they face.

**Staff Finding:** Staff concurs with applicant's statement.

**Conclusion:** Criterion is met.

5) *Flag Lots.*

*A. The Building and Planning Official may approve a flag lot that creates three (3) lots or less in conformance with the subdivision or partition requirements in this ordinance. Partition or subdivision requirements apply unless a more specific flag lot provision conflicts. Flag lot development of a unit of land possessing any one of the following characteristics shall be referred to the Planning Commission:*

- 1. The unit of land has sufficient area to create more than 3 lots.*
- 2. Site is traversed by a natural drainageways or has demonstrated drainage limitations as shown on the utility plans required in Section 6.03 (1) 4 of this ordinance. Demonstrated drainage limitations are site or development conditions that prevent the unrestricted flow of water from areas draining through the site or that do not allow the extension of the system to serve such area as per the City's Drainage Master Plan, or that prevent stormwater from being directed to storm sewers or to natural drainageways in accordance with the Land Division and Land Development Ordinances.*
- 3. Site includes Open Space and/or Greenway Areas designated on the Veneta Zoning Map as a Greenway subzone.*
- 4. Site has slopes of or greater than fifteen percent (see Section 5.25 of this Ordinance).*
- 5. Site is located in a Flood Hazard subzone.*
- 6. Site includes significant wetland resources, or is located within 50 feet of a wetland resource identified as locally significant in the Veneta Local Wetlands Inventory.*

*B. A flag lot is allowed only when the following requirements are met:*

- 1. A unit of land cannot otherwise be divided in accordance with the provisions of the Land Development Ordinance and this ordinance.*
- 2. Only one flag pole is proposed.*
- 3. Minimum lot size and maximum lot coverage requirements of the zone can be met.*

*C. Flag lot access pole. The pole portion of the lot must meet the following standards:*

- 1. The pole providing access to:*
  - a. 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.*
  - b. 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.*

2. *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.*
3. *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.*

*D. 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.*

*E. Flag lot development standards. The following standards apply to development on flag lots:*

1. *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.*

**Applicant's Statement:** There are no flag lots proposed in this subdivision.

**Staff Finding:** Staff concurs with applicant's statement. This criterion is not applicable.

#### **VLDO 494, Section 6.05 – Grading of Building Sites**

*Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.*

- (1) *Cut slopes shall not exceed one and one-half (1-1/2) feet horizontally to one foot vertically.*
- (2) *Fill slopes shall not exceed two feet horizontally to one foot vertically.*
- (3) *The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.*
- (4) *All sites shall be graded to maintain the existing drainage pattern and to mitigate increased runoff in conformance with section 6.09 of this ordinance.*

**Staff Finding:** The applicant has submitted a preliminary grading plan showing that the site will maintain the existing drainage pattern and to mitigate increased runoff. Further review and refinement of the grading plan will be part of the public improvement review process. Given that the applicant's civil engineer has submitted a preliminary grading plan, staff find these criteria can feasibly be met.

**Conclusion:** Criteria are met.

#### **VLDO 494, Section 6.06 – 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.*

**Staff Finding:** No special building setback lines are proposed or will be required. This criterion is not applicable.

### **VLDO 494, Section 6.07 – 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 the Land Development 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 the Land Development Ordinance as though the development were occurring on the smaller parcel. This will Veneta Land Division Ordinance No. 494 Page 29 facilitate future land divisions and guarantee that existing buildings or structures will meet the locational requirements of the Land Development Ordinance.*

**Staff Finding:** Lots 2-5 are all twice the minimum lot size and have potential for future division.

**Conclusion:** A Condition of Approval is necessary in order to ensure that buildings and structures on Lots 2-5 will be located within the small parcel areas as specified in this section.

**Condition of Approval:** In order to preserve future development potential, structures on Lots 2, 3, 4, and 5 must be sited in a manner not to cross the internal lines shown on the tentative plan shadow plat.

### **VLDO 494, Section 6.08 – Land For Public Purposes**

*Land for parks and open space shall be dedicated for all land divisions according to Section 5.26 of the Land Development 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 the Land Development 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.*

**Staff Finding:** This is discussed in further detail under the findings for VLDO 493, Section 5.26 – Parkland Dedication Requirements.

## **VLDO 494, Section 6.09 - Stormwater Facilities**

*For all projects that create greater than or equal to 1000 square feet of new impervious surface, stormwater detention and treatment facilities shall be provided. Detention and treatment facilities shall be designed and sized according to the City of Portland Stormwater Management Manual, Revision #4, August 1, 2008 which is adopted as the City's Stormwater Management Manual. Where the manual and this section conflict, this section shall prevail. The intent of these requirements is as follows:*

- 1) To maintain runoff peak flows at predevelopment levels.*
- 2) To provide treatment of runoff to limit the transport of pollutants to area waterways.*
- 3) To limit accumulation of ponded water by discouraging the use of detention ponds and other centralized stormwater facilities through the dispersal of small detention and treatment facilities throughout a development. Preference shall be given to detention and treatment systems designed to drain completely within 24 hours to limit standing water.*
- 4) To encourage the use of vegetated treatment systems over structural pollution control devices. Exceptions or alternatives to the requirements and standards of the Stormwater Management Manual may be allowed by the City Engineer based on specific site conditions provided that detention and treatment requirements are met in conformance with the intent as stated above. Applicants are encouraged to use either the Simplified Approach or Presumptive Approach to size facilities. The following storm data (Eugene Airport) shall be used in sizing facilities.*

### **24-HOUR RAINFALL DEPTHS**

Recurrence Interval, Years	2	5	10	25	100
Flood Control, Destination: 24-Hour Depths, Inches	3.12	3.6	4.46	5.18	6.48
Pollution Reduction: 24-Hour Depths, 1.4 Inches					

**Applicant's statement:** Dry Basin stormwater retention facility is included in the utility plans. Please see facility and connected piped stormwater system (Sheet C-508) and general notes (C-002) on utility plans referenced below.

**City Engineer Finding:** The City of Veneta's adopted stormwater manual is the 2008 City of Portland Stormwater Management Manual (SWMM).

The applicant submitted a memo by Stantec, dated July 10, 2023, that documents the stormwater design for the project. Site runoff will drain to a piped conveyance system and routed to a detention/treatment pond located at the northeast corner of the site. The stormwater memo indicates the pond has been designed to limit post development peak discharge rates to pre-development levels in the 2-year through 25-year design storm events. The outlet to the pond

connects to an existing pipe stub near the Oaks Orchard/Hawks View Intersection. The proposed stormwater system is consistent with City of Veneta's requirements.

**Staff Finding:** It should also be noted that ownership and primary maintenance of the stormwater facilities will be with the Andrew Heights Homeowner's Association and the City will be responsible to maintain functionality only.

**Conclusion:** Criterion can be met with conditions of approval.

**Condition of Approval:** Prior to Final Plat approval, the applicant shall record a blanket public drainage easement, acceptable to the city attorney, over the stormwater pond facility located within the phase. The easements shall also be illustrated on the Final Plats. The easements shall include provisions for City of Veneta staff and Andrew Heights homeowners to construct, maintain, and access the stormwater facility.

**Condition of Approval:** Prior to approval of the Final Plat, and prior to acceptance of the Public Improvement, the applicant shall execute and record stormwater agreements for maintenance of all stormwater swales and detention ponds within the phase. The stormwater agreements shall provide for City maintenance of the ponds and open drainages for functionality only. The Andrew Heights Homeowners' Association will be responsible for performing all other maintenance.

## **Veneta Land Division Ordinance 494, Article 7 - Improvement Requirements**

### **Section 7.01 - Improvement Procedures**

*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:*

- 1) 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.*
- 2) 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.*
- 3) 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.*
- 4) 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.*
- 5) A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.*

**Staff Finding:** Conditions of approval are necessary to ensure that the public improvements commence in a manner consistent with the standards laid out in this ordinance. The below conditions will ensure that the applicant meets the criteria of VLDO 494, Sec. 7.01(1-5).

**Condition of Approval:** Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City.

**Condition of Approval:** 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.

**Condition of Approval:** 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.

**Condition of Approval:** 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.

**Condition of Approval:** A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60days.

## **Section 7.02 – 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.*

**Staff Finding:** All public improvements must be installed in accordance with the City of Veneta Municipal Code Chapter 13.30 unless otherwise modified by the City Engineer and/or Public Works Director.

**Condition of Approval:** All public improvements must be installed in accordance with the City of Veneta Municipal Code Chapter 13.30 unless otherwise modified by the City Engineer and/or Public Works Director.

### **Section 7.03 -Improvements in Subdivisions**

*The following improvements shall be installed at the expense of the sub-divider at the time of subdivision or as agreed upon as provided in Section 7.05. All improvements shall comply with the construction permit requirements of Veneta Municipal Code Chapter 12.05.*

*1) Streets. Public Streets, including alleys, within the subdivisions and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in ORS Chapter 92. 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.*

**Applicant's statement:** All the above have been considered and/or are included in the tentative proposal. See attached tentative subdivision plans. The subdivider understands that these improvements come at their expense.

**Staff Finding:** Improvement of streets is included in the proposed subdivision plan. The configuration and size of all public improvements (including streets, storm, sanitary sewer, water, sidewalks, bicycle routes, street name signs, other utilities) shall be subject to approval by the City Engineer.

*2) Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Detention and treatment within the subdivision shall be designed and sized according to the adopted City of Portland Stormwater Management Manual, Revision #4, August 1, 2008 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.*

**Staff Finding:** The applicant has submitted a stormwater drainage plan and is providing drainage facilities within the subdivision. The proposed stormwater drainage facilities have been appropriately designed and sized in accordance with the City of Portland Stormwater Management Manual. Final detail of the stormwater facilities will be reviewed and approved by the City Engineer, as appropriate and as previously discussed in VLDO 494, Sec. 6.09.

**City Engineer Finding:** There are two under developed lots to the west of the development area that will benefit by an extension of utility services from the site. Public utilities and public utility easements should be extended to these two lots at a logical point that will allow future development.

**Conclusion:** The City Engineer has recommended a condition of approval to ensure the proposal takes into account the capacity for desirable extension of utilities beyond the subdivision.

**Condition of Approval:** The Public Improvement plans shall include an extension of the public utilities (water, sewer, stormwater) to the two off-site properties west of Lots 6-12. The Final Plat shall also include public utility easements encompassing the utilities.

*3) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision Veneta Land Division Ordinance No. 494 Page 31 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.*

**Staff Finding:** A complete sanitary sewer line system will be constructed as part of the public improvements for the proposed subdivision. The applicant has submitted a preliminary utility improvement plan. The development will connect to the public gravity sewer at Hawk View Drive where it is currently stubbed to. This is an acceptable connection point. All public improvement plans will be reviewed and approved by the City Engineer.

**City Engineer Finding:** There are two under developed lots to the west of the development area that will benefit by an extension of utility services from the site. Public utilities and public utility easements should be extended to these two lots at a logical point that will allow future development.

**Conclusion:** The City Engineer has recommended a condition of approval to ensure the proposal takes into account the capacity for desirable extension of utilities beyond the subdivision.

**Condition of Approval:** The Public Improvement plans shall include an extension of the public utilities (water, sewer, stormwater) to the two off-site properties west of Lots 6-12. The Final Plat shall also include public utility easements encompassing the utilities.

*4) Water system. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to existing mains shall be installed to the standards of the City, taking into account provisions for extension beyond the subdivision.*

**City Engineer Finding:** According to Veneta's water master plan, the site is divided in two water pressure zones, with the 480-foot contour being the dividing point. This results in the western portion needing to be served from a higher-pressure pipe in Bolton Hill Road and the eastern portion from the pipe stub at Hawk View. The subdivision plan includes a note

indicating a connection to the higher-pressure water pipe in Bolton Hill is proposed. It is recommended the development follow the adopted water master plan by connecting to the existing water pipe in Bolton Hill, as well as the pipe at the existing terminus of Hawk View.

There are two under developed lots to the west of the development area that will benefit by an extension of utility services from the site. Public utilities and public utility easements should be extended to these two lots at a logical point that will allow future development.

**Conclusion:** Conditions of approval are necessary for this criterion to be met.

**Condition of Approval:** The Public Improvement plans shall include an extension of the public utilities (water, sewer, stormwater) to the two off-site properties west of Lots 6-12. The Final Plat shall also include public utility easements encompassing the utilities.

**Condition of Approval:** The Public Improvement plans shall include a water piping system that is connected to the two water pressure zones in accordance with the City's water master plan.

**Condition of Approval:** Water meters shall be located behind the sidewalks in the public utility easement.

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

**Staff Finding:** The applicant is proposing sidewalks and planting strips with street trees along all proposed public street extensions. The applicant is proposing 5' wide sidewalks along both sides of all public and private streets. Sidewalks are required to be installed at the time of final occupancy with building permit and must be ADA compliant.

All ADA curbs return ramps shall be installed as part of the public improvements for each phase, in accordance with VLDO 494, §7.03(5) - Sidewalks. Prior to Certificate of Occupancy for each lot, the applicant shall construct and install all required sidewalks in accordance with VLDO 494, §7.03(5) - Sidewalks.

**Conclusion:** Criteria met with the following conditions of approval.

**Condition of Approval:** Prior to final plat approval, all ADA curbs return ramps shall be installed as part of the public improvements for each phase, in accordance with VLDO 494, §7.03(5) - Sidewalks.

**Condition of Approval:** Prior to certificate of occupancy for each lot, the applicant shall construct and install all required sidewalks in accordance with VLDO 494, §7.03(5) - Sidewalks.

*(6) Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.*

**Staff Finding:** Separate bicycle lanes within streets are not proposed or necessary for the proposed subdivision. The applicant is proposing a separated pedestrian and bicycle path, the location of which will be determined by the Planning Commission. A pedestrian and bicycle path on the site is appropriate to the extension of a system of bicycle routes, as the SWAP identifies this site as the location of a separated pedestrian and bicycle path, the PTMP identifies this site as the location of a separated pedestrian and bicycle path; and there are existing and planned pedestrian and bicycle routes in the Applegate Landing subdivision immediately to the east.

**Conclusion:** Staff recommends a condition of approval to ensure the applicant installs separate pedestrian and bicycle paths.

**Condition of Approval:** Prior to final plat approval, the applicant shall construct all required and proposed pedestrian and bicycle paths as part of the public improvements.

*(7) Street name signs. Street name signs shall be installed at all street intersections to approved City standards.*

**Staff Finding:** Street name signs will be installed at all street intersections to approved City standards as part of the public improvement process. Street name signs shall be in place before the issuance of Certificates of Occupancy for any dwelling in which access is taken from a proposed street within the subdivision.

**Condition of Approval:** Street name signs shall be in place before the issuance of Certificates of Occupancy for any dwelling in which access is taken from a proposed street within the subdivision.

*(8) Streetlights. Street lights shall be installed in conformance with Veneta Municipal Code Chapter 15.15 and shall be served from an underground source of supply.*

**Applicant's Statement:** Streetlight locations will be provided on PIP plans as required by city code.

**Staff Finding:** Streetlight locations will be provided on public improvement plans and will be finalized with the review of the public improvement plans by the City Engineer. Streetlights shall be installed at the applicant's expense and in place and functional before Final Plat approval.

**Condition of Approval:** Prior to Final Plat approval, street lights shall be installed at the applicant's expense during the public improvement process or appropriately included in the Bond and outlined in the Improvements Agreement.

*(9) Other. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

**Staff Finding:** The developer will be required to ensure that underground power, phone, cable TV, data/communication, and fiber conduit are installed within the subdivision. Reference typical joint trench details located on Sheet C 4.0 of the utility plans.

**Condition of Approval:** Prior to Certificates of Occupancy for any lot associated in the present Phase of development within the subdivision, underground conduit shall be installed for power/data/communications/cable TV. The details of the type and location of conduit and junction boxes shall be included on the public improvement plans reviewed and approved by the City Engineer and Public Works Director.

**Veneta Land Division Ordinance 494, Article 7 -Improvement Requirements**  
**Section 7.05 - Agreement for Improvements.**

*Before final approval of a subdivision plat or 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 7.06.*

**Staff Finding:** Section 7.05 shall be a condition of approval. 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.

**Condition of Approval:** Prior to final plat approval, 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 the VLDO 494, Article 7, §7.03, 7.05 and 7.06. Public improvements must include all improvements (including fiber conduit per VMC Chapter 13.30.020(4)) required by VLDO 494, the Planning Commission's conditions of approval, and must be installed in accordance with plans approved by the City.

### **Veneta Land Development Ordinance 493, Article 4 – Use Zones**

#### **Section 4.12 Greenway – Open Space Subzone (/GW)**

*In the GW subzone, the following regulations shall apply in addition to those of the basic zone. If the requirements of the subzone are stricter than the basic zone, the requirements of the subzone shall apply:*

- 1) Purpose. To implement the Open Space - Greenway Overlay in the Veneta Comprehensive Plan.
- 2) Boundaries.
  - A. The boundaries of the GW subzone are shown on the Veneta Zoning Map, updated November 23, 2009, and hereby adopted by reference. In instances where the Greenway boundary shown on the Veneta Zoning Map and the boundary as defined herein are different, the language of this section shall take precedence.
  - B. Upon receiving a new wetland delineation and concurrence from the Department of State Lands ([DSL](#)), the GW boundary shall be located a minimum of fifty (50) linear feet from the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.
  - C. In cases where areas not associated with wetlands are necessary to provide for pedestrian/bicycle connectivity, protection of other natural resources, or to provide a buffer between uses, the boundaries of the Greenway shall be as shown on the Veneta zoning map.

**Staff Finding:** Portions of the subject property are included within the (GW) Greenway Open Space subzone as shown by the green hatched areas in the map below.



The GW takes up a significant amount of the property, occupying almost the entire northeast portion of it. The GW on the property is associated with a wetland, as shown in the applicant's wetland delineation, shown below:



The applicant has completed a wetland delineation for the entire site and are awaiting concurrence from the State of Oregon, Department of State Lands (DSL). The Greenway Open Space Subzone is located a minimum of fifty (50) linear feet from the edge of all significant wetlands. The applicant is required to receive concurrence from the DSL and provide documentation to the City of the DSL concurrence, prior to construction. Once the DSL provides concurrence with the wetland delineation, the greenway subzone is modified to be extend 50 feet outwards from the wetland boundaries.

**Conclusion:** Criterion can be met through the following condition of approval:

**Condition of Approval:** Prior to construction, the applicant is required to receive concurrence from the Oregon Department of State Lands (DSL) on wetland delineations already performed and provide proof to the City of Veneta of DSL wetland delineation concurrence.

3) *Permitted Uses. In a GW subzone, the following uses are permitted subject to compliance with all state and local requirements, including the development standards of Section 4.12(6) of this ordinance.*

- A. *Public accesses such as bicycle and walk ways, streets, lookout points, and access roads for maintenance of channels, wetlands, and other natural resource areas.*
  1. *A path, walkway or running trail shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.*
  2. *All paths shall be designed and constructed according to City standards.*
  3. *Streets shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.*

**Staff Findings:** The applicant is proposing a pedestrian and bicycle path through Greenway.

**Conclusion:** A condition of approval is necessary to ensure that all pedestrian and bicycle paths are located no closer than 15 ft from the boundary of a significant wetland.

**Condition of Approval:** All required and proposed pedestrian and bicycle paths shall be located no closer than 15 feet from the boundary of a significant wetland.

B. *Stormwater facilities.*

1. *All stormwater facilities constructed in the Greenway must be designed according to City standards and shall be designed to enhance the water quality, habitat, and aesthetic values of the Greenway as determined by the City.*
2. *Stormwater detention and pre-treatment facilities excluding piping and outfall structures may be located no closer than 15 feet from any significant wetland unless the facility will enhance wetland values as defined in VMC 18.10 as determined by the City.*

**Staff Finding:** The applicant is proposing a stormwater detention/treatment facility that is partially located within the Greenway. The stormwater facility has been designed according to City standards. It has been designed to enhance the water quality and aesthetic values of the Greenway by treating all incoming stormwater before releasing it and being planted and landscaped.

**Conclusion:** Criterion is met.

- C. *Utility installations.*
- D. *Mitigation of development activities.*
- E. *Restoration of previously disturbed or degraded areas.*
- F. *Removal of vegetation*
  - 1. *Vegetation removal is limited to the removal of:*
    - a. *Native vegetation for the purpose of facilitating or encouraging the growth of native vegetation, or enhancement of habitat values and/or other natural resource values.*
    - b. *Nonnative or invasive plant species*
    - c. *Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the City.*
    - d. *Dead or dried native plants or grasses only when they constitute an imminent fire hazard as determined by the City.*
- G. *Planting and Replanting*
  - 1. *Replanting of areas cleared of existing vegetation must be completed within 90 days unless otherwise approved by the City.*
  - 2. *Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the specific seed used requires otherwise, in which case germination shall be accomplished at the earliest date practicable.*
- H. *Removal of fill and any refuse that is in violation of local, state, or federal regulations. Removal of fill must be consistent with state of Oregon removal- fill regulations.*
- I. *Channel maintenance to maintain storm water conveyance and flood control capacity, as required and/or allowed by local policies, state and federal regulations, or intergovernmental agreements.*
- J. *For lots with residential development existing prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:*
  - 1. *The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.*
  - 2. *No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.*
- K. *Structures or development granted a variance to Veneta's Wetland Protection Ordinance found in VMC Section 18.10. Impacts to the Greenway shall be the minimum necessary to construct those improvements for which the wetlands variance was granted.*

4) Conditional Uses Permitted. Subject to the criteria found in Section 8.11(19) of this ordinance.

5) Prohibited Uses.

- A. Any new structures or development (including fences), other than those allowed as permitted uses or approved as conditional uses, construction or ground disturbing activities, gardens, lawns, dumping of materials of any kind, and operation of heavy machinery.
- B. Storage of hazardous materials as defined by the Department of Environmental Quality.
- C. Application of herbicides, pesticides, fertilizer or other chemical products without first contacting City Hall.
- D. Removal of existing vegetation except as specified in 3(F) of this Section.
- E. Planting or establishment of nonnative or invasive species.
- F. Removal of trees without an approved permit. Standards for granting a permit to remove trees within the Greenway shall be those found in Veneta Municipal Code 8.10.080. These standards shall apply to the removal of any tree within the boundaries of the Greenway. When practicable, trees removed under this section shall be replaced by planting an equal number of native trees within the remaining greenway.

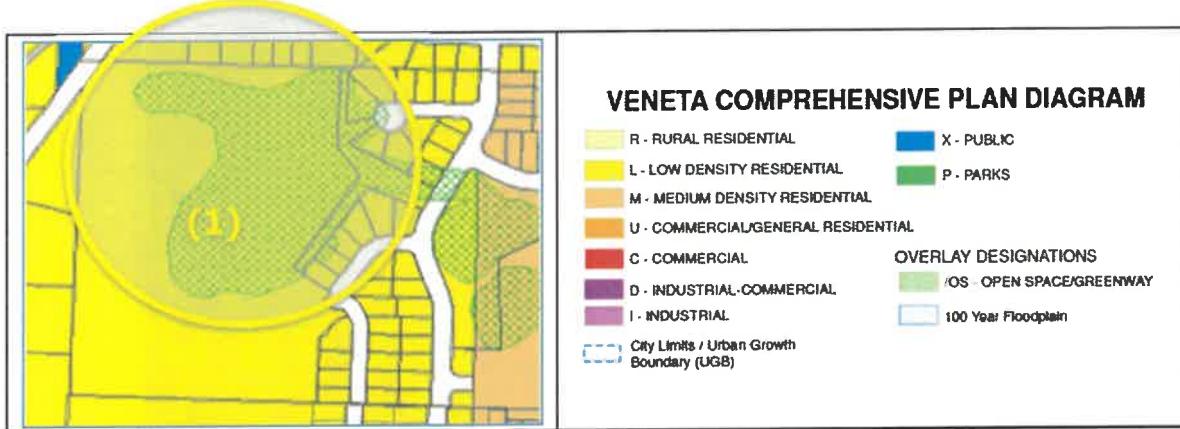
6) Application and Construction Standards. No ground disturbing activities shall take place in the greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities,

- A. The applicant shall submit a revegetation plan containing the following information:
  1. A description of adverse impacts that will be caused as a result of development.
  2. An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.
  3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.
  4. An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.
- B. Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.
- C. To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.
- D. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by the City, and the vegetation shall be established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare areas during revegetation.

7) Enforcement. No prohibited use, construction activity including grading and/or excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway-Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscape architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall

*include provisions for monitoring and reporting on a yearly basis until such time that full restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Article 2 of this ordinance.*

**Applicant's Statement:** According to the Veneta Comprehensive Plan Diagram (Comp Plan) adopted 9/25/2000 there is one Open Space/Greenway area identified on the site. Please see map snip from the comp plan below:



**Map 3: Veneta Comprehensive Plan Diagram (Effective 2/10/2022)**

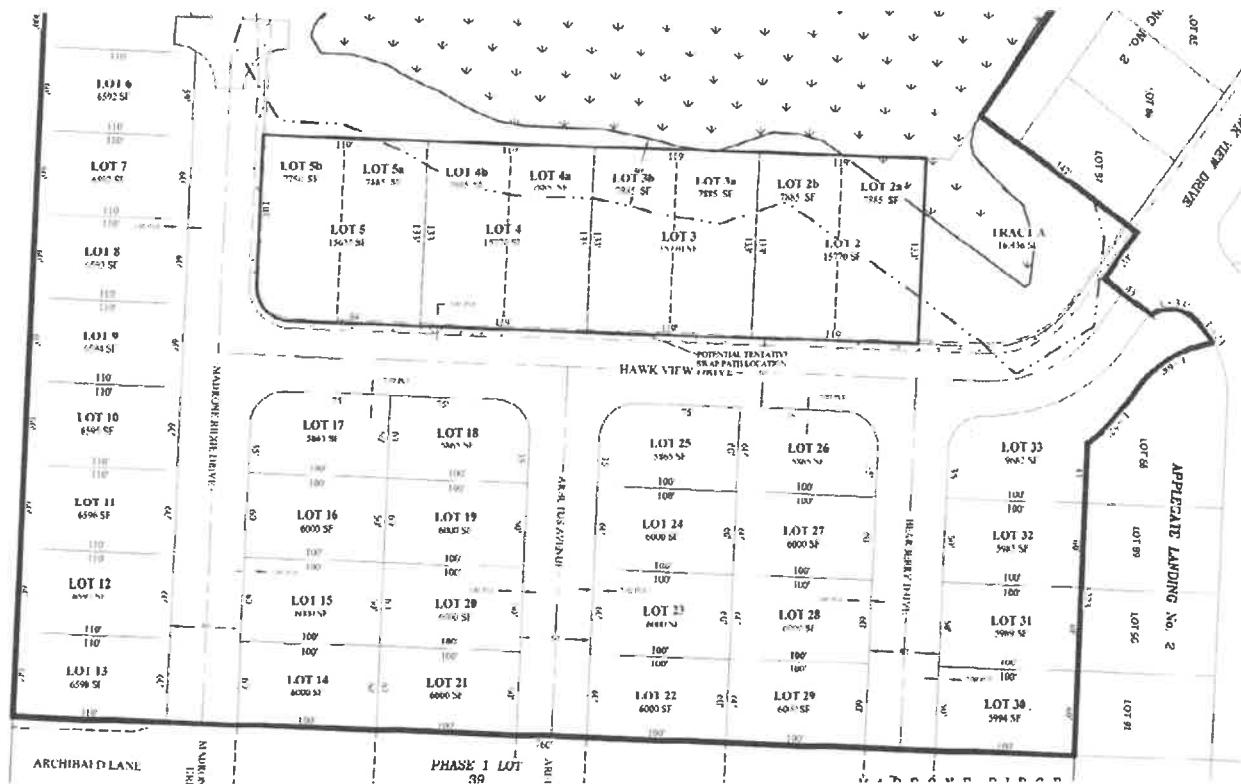
On the Veneta Comprehensive Plan One Open Space/Greenway (OS) overlay area (labeled 1) appears on the northerly portion of the site. Upon completion of the Division of State Lands review and approval applicant will work with the city, comply with city and state code, and propose design solution alternatives accordingly.

Please see wetland documentation below and attached.



Map 4 Wetland Documentation – Property Delineation 34

**Staff Finding:** The subdivision development proposal includes the creation of lots partially inside of the greenway and open-space sub zone (GW). See clip of tentative plan below:



Lots 2, 3, 4, & 5 all have portions located within the Greenway. The de-vegetation, grading and clearing and subsequent development of the portion of these lots located within the Greenway would not be allowed pursuant to VLDO 493, Sec. 4.12(5). The installation of fencing would also not be permitted within the Greenway.

As seen in the discussion of the pedestrian and bicycle path elsewhere in this final order, there is the possibility of said path being located in the stretch of Greenway that runs through Lots 2-5, should the Planning Commission decide that.

Staff also finds that with the enclosure of this Greenway in Lots 2-5 comes the possibility of future owners using the portion of the lots located in the Greenway for uses that are prohibited such as the removal of vegetation. As such, staff is recommending a condition of approval requiring a Greenway and wetland conservation easement where delineated wetlands and Greenway are located on the site to preserve the integrity of the Greenway and associated wetlands.

**Conclusion:** Staff recommends a condition of approval to meet this criterion.

**Condition of Approval:** Prior to final plat approval, applicant shall dedicate a blanket Greenway and Wetland Conservation Easement over all delineated wetlands and Greenway Open Space Subzone on the site except for Greenway or wetland located within Tract A.

## Veneta Land Development Ordinance 493, Article 5 - Supplementary Provisions

### Section 5.02 – Access

*All lots shall be provided with access according to the standards of Article 6 of the Veneta Land Division Ordinance 494, specifically, Section 6.04(2) - Access.*

**Staff Finding:** Each lot is proposed to abut a public street other than an alley for a width of at least 50-feet.

**Conclusion:** As seen on tentative subdivision plat, all lots have access onto a right-of-way. Criterion met.

## Veneta Land Development Ordinance 493, Article 5 - Supplementary Provisions

### 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.*

*(1) Corner lots shall maintain a triangular area at street intersections, railroad- street intersections alley-street intersections, and panhandle-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 panhandle-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.*

Figure 5.03(a)

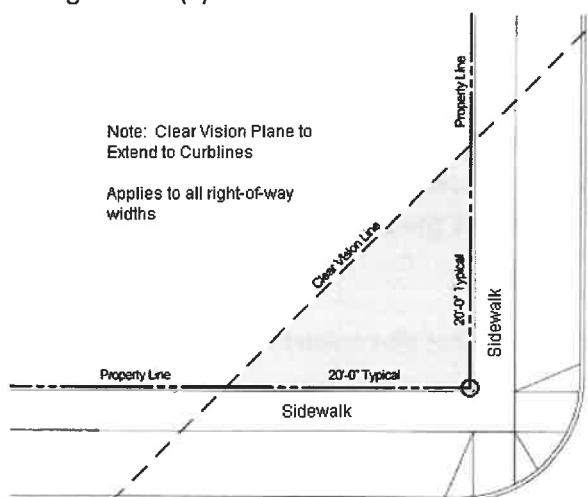
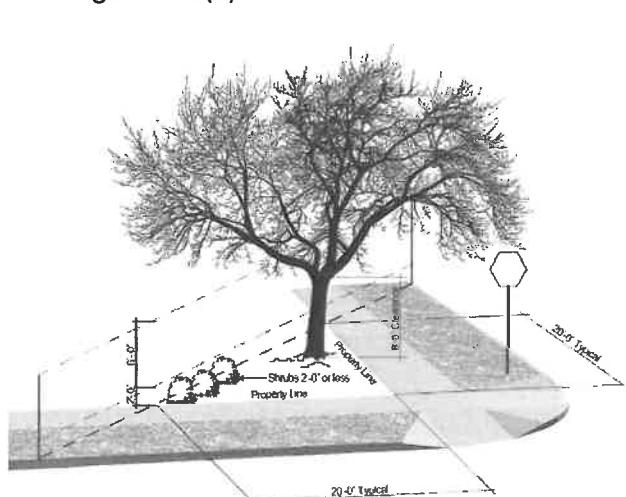


Figure 5.03(b)



*2) A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2 1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height*

of eight (8) feet above grade. See Figure 5.03(b).

**Staff Finding:** The proposal includes several lots which contain clear vision areas that are required to not contain 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). Because of this, staff recommends adding a condition of approval requiring an easement to be dedicated over the clear vision areas. The applicant's final landscape plan will also be required to conform to the standards laid out in VLDO 493 Section 5.03 – Clear Vision Areas.

**Conclusion:** Criterion conditionally met.

**Condition of Approval:** Prior to final plat, the applicant must record Clear Vision Area easements for all corner lots. These easements must be triangles with 20-foot sides on all corners adjacent to street intersections. These easements shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2.5' 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 these easements, provided all branches or foliage are removed to a height of eight (8) feet above grade in accordance with Veneta Land Development Ordinance 493, Section 5.03 – Clear Vision Areas.

**Condition of Approval:** Prior to issuance of building permits, the applicant shall submit and receive approval of a Final Landscape Plan depicting street tree locations, planting details for planter strips including street tree size, species, and location, irrigation and street tree locations shall not interfere with public utilities or sight distances (clear vision areas) in accordance with VLDO 493, §5.03(2) - Clear Vision Areas.

**Condition of Approval:** Prior to issuance of a building permit for each individual lot, landscape plans are required that conform to VLDO 493, §5.03 – Clear Vision Areas.

**Veneta Land Development Ordinance 493, Article 5 - Supplementary Provisions**  
**Section 5.12 - Landscaping.**

*All yards, required screening areas, and parking areas shall be landscaped in accordance with the following requirements:*

- 1) *Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.*
- 2) *Site plans indicating landscape improvements shall be included with the plans submitted to*

*the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.*

*3) Minimum Landscaped Area. The minimum percentage of required landscaping is as follows: A. Residential and Residential-Commercial Zones: 20% of each lot for residential developments, 10% for commercial or mixed use.*

*A. Residential and Residential- Commercial Zones: 20% of each lot for residential developments.*

*4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*

*A. One tree, minimum 2" caliper.*

*B. Four 5-gallon shrubs or accent plants.*

*5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non- plant material (subsections ( 6)(f ) & (g ), below), shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.*

**Staff Finding:** Before building permit issuance, each individual lot is required to include landscape improvements which conform to VLDO 493, §5.12(1-3) - Landscaping.

**Conclusion:** Criterion met with the following condition of approval.

**Condition of Approval:** Prior to issuance of building permits for each individual lot, landscape plans are required that conform to VLDO 493, §5.12(1-3) - Landscaping.

**Veneta Land Development Ordinance 493, Article 5 - Supplementary Provisions**  
**Section 5.23 - Transit Facilities**

*Table 5.23(a) below shows the transit amenities that may be required. Determination of specific requirements will be made on a case by case basis for each development by weighing the following factors in consultation with the Lane Transit District:*

- *Expected transit ridership generated by development*
- *Level of existing or planned service adjacent to development*  
*(Planned service is defined as service which will be established within five years after the completion of the development.)*
- *Location of existing transit facilities*

- Proximity to other transit ridership generators

Table 5.23(a) Transit Facility Requirements	
Number of Average Peak Hour Traffic Trips	Amenities Which May Be Required
<b>Residential</b>	
Developments with less than 9 dwelling units per gross acre that generate 25 to 49 trips	Concrete boarding pad for bus stop, lighting, bench
Developments with 9 or more dwelling units per gross acre that generate 25 to 49 trips	Shelter, concrete boarding pad, lighting
Developments that generate 50 to 99 trips	Shelter, concrete boarding pad, lighting
100- 199 trips	Shelter, concrete boarding pad, lighting, bus turnout
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout, on-site circulation

**Staff Finding:** Lane Transit District (LTD) received a referral from the City for this project, but did not respond with any comments. No transit facilities are required or proposed.

**Conclusion:** Staff find this criterion not applicable as LTD will not be adding a transit facility as a result of the subdivision.

**Veneta Land Development Ordinance 493, Article 5 – Supplementary Provisions**  
**Section 5.24 - Access Management**

1) Residential driveways shall be located to optimize intersection operation and where possible, to access off the street with the lowest functional classification.

For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

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.

**Staff Finding:** All streets that this subdivision will have access to are considered Neighborhood Local Streets.

**Conclusion:** Criterion is met.

**Veneta Land Development Ordinance 493, Article 5.**

**Section 5.25 - Development on Slopes of or over fifteen percent**

*In addition to other review processes and standards required in other sections of this ordinance, the following process and standards shall apply to all land developments and land divisions on land where the slope meets or exceeds fifteen percent:*

*1) A site shall be deemed to meet the 15% slope criteria if the average slope across the site in any direction meets or exceeds a 15 foot rise in every 100 feet. Isolated areas on the site may exceed the 15% limit and not require the additional review process itemized below providing the entire site is below the 15% threshold.*

**Staff Finding:** Not applicable. There are no slopes greater than 15% on the subject property.

**Conclusion:** Criterion is met.

**Veneta Land Development Ordinance 493, Article 5 -Supplementary Provisions**

**5.26 Parkland Dedication Requirements**

**1) INTENT.**

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

**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. Multi-family 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;

**Staff Finding:** The parkland dedication requirements of Section 5.26 are applicable to the proposed 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:*

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

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

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

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

**Staff Finding:** The applicant is required to dedicate the following amount of land:

$$\begin{aligned} 33 \text{ lots} * (2.5 \text{ persons per unit}) &= 82.5 \text{ people} \\ 82.5 \text{ people} * (0.00645 \text{ parkland dedication factor}) &= 0.532 \text{ acres} \end{aligned}$$

The applicant does not propose to dedicate any parkland to the City and the City is not interested in seeking parkland dedication for this subdivision. Thus, the applicant will be required to pay a fee in lieu of parkland dedication pursuant to VLDO 493 Section 5.26(5).

**Conclusion:** Criterion will be met with a Condition of Approval requiring the applicant to pay a fee in lieu of dedicating any parkland to the city. This is further discussed under the findings for VLDO 493 Section 5.26(5) Cash in Lieu of Dedication.

**3) MINIMUM PARK LAND STANDARDS.**

*Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park.*

*Exceptions to any or all of the following standards may be allowed if the Planning Commission determines that the proposed dedication fulfills the purpose of this section. The location of any dedicated parkland shall be approved by the planning commission.*

- A. Homes must front on the parkland as shown in the example below:*
- B. The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.*
- C. The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.*
- D. Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.*
- E. Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or alley shall not exceed 4 feet in height.*
- F. Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.*

**Staff Finding:** Not applicable as there is no parkland being dedicated.

**4) DEDICATION PROCEDURES.** *Lands required for dedication by this section shall be dedicated at the time of Final Plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.*

- A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:*
  - 1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and*
- B. Additional Requirements*
  - 1. In addition to a formal dedication on the plat to be recorded, the sub- divider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be*

*dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Planning Official, will interfere with the use of the land for park, open space or recreational purposes.*

*2. The sub-divider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.*

*3. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.*

*4. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase.*

*Improvements to the land as required by Veneta Land Division Ordinance Article 6 shall be made prior to approval of the final plat for the phase that includes the park land.*

**Staff Finding:** Not applicable as there is no parkland being dedicated.

**5) 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.*

**Staff Findings:** The applicant is not proposing to dedicate any parkland to the City. The wetlands and greenway on site and all proposed trails were not proposed to be dedicated and staff finds that acceptable, preferring those elements to be maintained by the Andrew Heights Homeowner's Association. Additionally, there will be a 7-acre park dedicated as part of Phases IV & V of the Applegate Landing Subdivision that will serve the park and open-space needs of the proposed subdivision. The 7-acre park will be located at the western end of the Applegate Landing Subdivision, off of 8<sup>th</sup> Street and Cheney Drive, only about 500 feet away from the proposed Andrew Heights Subdivision. Thus, staff recommends requiring cash in lieu of dedication. The City's established rate per acre is based on Resolution No. 937 "Resolution Establishing Fee in Lieu of Parkland Dedication." In Resolution No. 937, the fee in lieu of parkland dedication is set a \$77,700 per acre. The City's formula for calculating the fee is as follows:

- 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 0.0065 (per person park land dedication factor).
- Shown below is the application of this formula to the proposed subdivision.
  - 33 proposed lots \* 2.5 persons per unit \* 0.0065 = 0.532 acres
  - 0.532 acres \* 77,700 per acre = **\$41,336.40**

**Conclusion:** The applicant will be required to pay a fee of \$41,336.40 in lieu of parkland dedication.

**Condition of Approval:** The applicant shall pay a fee total of \$41,336.40 in lieu of parkland dedication to the City. Final plat approval may be given without upfront payment only if the developer provides a binding financial instrument that is found to be acceptable by the City.

#### **Veneta Land Development Ordinance 493, Article 5 -Supplementary Provisions**

##### **Section 5.27 - Traffic Impact Analysis and Mitigation**

- 1) A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:
  - A. The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.
  - B. The proposal is immediately adjacent to an intersection that is functioning at a level of service below LOS D, the City's minimum acceptable operating condition during the weekday peak hour.

- C. The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.
- D. The proposed use is expected to generate or receive traffic by vehicles exceeding 26,000 pounds gross vehicle weight as part of daily operations. "Daily operations" includes, but is not limited to, delivery to or from the site of materials or products processed, sold, or distributed by the business occupying the site. Trips associated with routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service, are exempt from this provision.
- E. An access driveway that does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard.
- F. An access driveway that does not meet the access spacing standard of the roadway on which the driveway is located.
- G. A change in internal traffic patterns that may cause safety problems, such as back-up onto public streets or traffic conflicts in the approach area.

2) *Review Procedure.* Any application for a planned development, subdivision, site plan, or specific development plan which shows that increased traffic meeting one of the applicability conditions a) through g) above shall be accompanied by a Traffic Impact Analysis. Traffic Impact Analysis shall be reviewed by the City Engineer, or a professional engineer chosen by the City, prior to approval of the site plan review, subdivision, PD, or SDP. This review is part of the "Technical Review" costs incurred by the developer.

3) *Mitigation Required.* Traffic impacts to facilities as identified in the TIA and supported by the City's Traffic Engineer shall be mitigated by the developer as part of the improvements for the Site Plan, Subdivision, Planned Development (PD), or Specific Development Plan (SDP). Mitigation measures shall be recommended where study intersections fail to meet minimum level of service standards provided in the Veneta Transportation System Plan. Mitigation measures may be a condition of approval.

**Applicant Finding:** Given anticipated traffic generation of less than 100 trips per day connections to local streets only, applicant does not anticipate the need for a TIA.

**Staff Finding:** Staff concurs with applicant's statement.

**Veneta Land Development Ordinance 493, Article 5 -Supplementary Provisions**  
**Section 5.28 - Street Trees**

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

1) *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.

- 2) Caliper Size. All street trees shall be a minimum of 2 inch caliper at time of planting.
- 3) Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements and clear vision areas.
- 4) Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:
  - A. Provide a broad canopy where shade is desired, except where limited by available space.
  - B. Use low-growing trees for spaces under low utility wires.
  - C. Select trees which can be "limbed-up" to comply with vision clearance requirements.
  - D. Use species with similar growth characteristics on the same block for design continuity.
  - E. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
- 5) Replacement. Replacement of street trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.
- 6) Maintenance. Maintenance of street trees shall be the responsibility of the adjacent property owner.
  - A. Standards. All trees located within the public right-of-way must be pruned to National Arborist Association Pruning Standards for Shade Trees.
  - B. Adjacent Property Owners to Maintain Trees. Every adjacent property owner of any tree overhanging any street or right-of-way within the city, including trees within the right-of-way, shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet, six inches (13'6") over the street, and/or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety.
  - C. Adjacent Property Owners Liable. The owner of property abutting trees on a right-of-way shall be liable for injury, damage, or loss to persons or property caused by the property owner's negligent failure to comply with subsection (b) of this section.
  - D. Notification. The City may serve notice on the adjoining property owner to prune, remove, or otherwise treat any tree on a right-of-way as conditions may require. Any such notice shall be governed by the standards below. Neither the duty of the adjoining

*property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.*

1. Notice to Prune or Remove. *Should any property owner fail to maintain adjacent trees as per Section 7 of this ordinance, the City shall order such person or persons, within ten days of mailing of such notice, to so prune or remove such trees.*
2. Notice Required. *The notice required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.*
3. Failure to Comply. *When a person to whom a notice is directed shall fail to comply within this specified time, it shall be lawful for the city to cause the trees in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.*

E. Debris Removal. *The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.*

F. City Tree Maintenance. *The city shall have the right to plant, prune, maintain, and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of such areas. The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, natural gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said tree is in accordance with this ordinance.*

G. City Held Harmless. *The city of Veneta shall not be liable for injury, damage, or loss to person or property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city from all claims for loss and damage arising from the owner's negligent failure to comply with Section 7 of this ordinance.*

**Staff Finding:** Street trees are required within the planter strips inside of the public right-of-way. All trees shall be selected from the City Approved tree species list and shall be spaced in general at 30-40 ft intervals. Replacement trees shall be the responsibility of the developer for 2 years and will require a warranty bond to ensure replacement. All street trees will be shown on the final landscape plan submitted by the applicant. The applicant shall notify homeowners that after two years, they are responsible for all maintenance and liability associated with street trees along their property frontage.

**Conclusion:** Conditions of approval are necessary to ensure that the applicant meets the standards laid out in VLDO 493, Sec. 528 – Street Trees.

**Condition of Approval:** Prior to final plat, the applicant shall submit an overall landscape plan of the entire subdivision showing all required street trees and replacement trees, meeting the standards of VLDO 493, Sec. 5.28 and VMC 8.10.120.

**Condition of Approval:** Maintenance of street trees shall be the responsibility of the adjacent property owner as defined in Veneta Land Development Ordinance 493, Section 5.28(6)(a-g) - Street Trees.

**Condition of Approval:** Replacement of street trees shall be the responsibility of the developer for a period of 2 years from the time of planting, and shall be guaranteed through a warranty bond prior to final plat.

## **Veneta Municipal Code -Chapter 18.10 – Wetland Protection**

### **Section 18.10.010 Purpose.**

*(1) The purpose of this chapter is to establish a process and standards which will minimize the degradation and destruction of significant wetlands within the city of Veneta and conserve wetland resources and their functions and values. This chapter is intended to protect and enhance local water quality; to preserve fish and wildlife habitat; to provide flood storage capacity, nutrient attenuation, and sediment trapping; and to preserve open spaces within the city of Veneta.*

*(2) The city of Veneta finds that significant wetlands are a community asset providing environmental, educational, recreational and aesthetic values, while contributing to long-term sustainable community development. Therefore, pursuant to ORS 660-023-0100(b), the city has chosen to restrict the filling, grading and excavation of wetlands for their protection. (Ord. 419 § 1, 2000)*

### **Section 18.10.30 Procedures for identifying significant wetlands.**

*The wetland regulations contained in this chapter apply to those areas identified as significant wetlands on the comprehensive plan wetlands map exhibit, and wetland sites meeting Division of State Lands criteria. Precise wetland boundaries may vary from that shown on the comprehensive plan wetlands map exhibit if an on-site delineation or other city-approved documentation indicate more accurate boundaries.*

*For any proposed development impacting significant wetlands or within 50 feet of identified significant wetlands, the applicant shall be required to conduct a wetland delineation to determine the precise wetland boundary for application of the Removal-Fill Law, and if applicable, the nature and extent of development impacts on adjacent wetlands. The more precise boundaries obtained through a wetland delineation can be identified, mapped, and used for review and development without a change in the comprehensive plan wetlands map exhibit. All developments proposed within or adjacent to a designated wetland area shall be subject to the provisions of this chapter and site plan review pursuant to Veneta's land development ordinance. (Ord. 419 § 3, 2000).*

**Applicant's Statement:** Pursuant to 18.10.030: Procedures for Identifying significant wetlands, property owner has commissioned a wetland delineation and will be filing with the Division of State Lands for a Wetland Delineation/Determination Report. Upon

completion of DSL review of the delineation report, concurrence, and determination, applicant will work with the City to implement a plan that supports findings and protects wetlands as required.

DSL WD # 2020-0407 – The wetlands are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of the 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

Applicant intends to follow the permit requirements of the state, follow all removal-fill law and work closely with the City to meet all requirements.

**Staff Finding:** The subject property contains wetlands. The applicant has completed a wetland delineation. The delineation has not yet been reviewed or approved by the Department of State Lands (DSL). Before construction can begin on site, applicant will have to provide the City with proof of concurrence from the DSL. Additionally, the applicant is proposing to locate a stormwater treatment/detention facility in Tract A, which is partially within the wetland. If applicable, the applicant will need to receive a permit from the Department of State Lands for removal or fill within wetlands.

**Conclusion:** Wetland protection in accordance with VMC 18.10 can be achieved with the following conditions of approval.

**Condition of Approval:** Prior to construction, the applicant is required to receive concurrence from the Oregon Department of State Lands (DSL) on wetland delineations already performed and provide proof to the City of Veneta of DSL wetland delineation concurrence.

**Condition of Approval:** Prior to construction, the applicant shall provide documentation to the City of an approved permit from the Department of State Lands for removal or fill within wetlands on the site.

#### **Veneta Municipal Code, Chapter 13 -Public Services**

#### **Chapter 13.30.020(4): Installation of Underground Facilities**

*Underground utilities, sanitary sewers, storm drains, water mains, and broadband fiber conduit installed in streets shall be constructed prior to the surfacing of streets. Stubs for surface connections for underground facilities, sanitary sewers, water services, and broadband conduit shall be placed to the limits of the City right of way when service connections are made and the end of all stubs shall be marked for future location."*

**Staff Finding:** The Veneta City Council adopted Ordinance 509 on February 10, 2014, which requires construction of broadband fiber conduit to be installed. Prior to final plat, the

applicant shall construct underground utilities including broadband fiber conduit in accordance with VMC Chapter 13.30.020(4) - Installation of Underground Facilities.

**Conclusion:** A Condition of Approval has been added to ensure the applicant meets this requirement.

**Condition of Approval:** Prior to final plat, the applicant shall construct underground utilities including broadband fiber conduit in accordance with VMC Chapter 13.30.020(4) - Installation of Underground Facilities.

**Veneta Municipal Code, Title 8 - Health and Safety**  
**Chapter 8.10 Tree Cutting, Destruction and Removal**

**Section 8.10.030 Tree removal permit required.**

*No person shall remove or transplant any tree without first obtaining a tree removal permit as required by this chapter. (Ord. 483 § 3, 2008)*

***8.10.060 Application review procedure.***

***(1) Reviewing Authority.***

*(b) Type C. Where the site is proposed for development necessitating site plan review or plat approval by the planning commission, the tree removal permit shall be reviewed concurrently by the planning commission.*

**Staff Finding:** The applicant has submitted a tree removal permit application (City File No. TP-23-16) which has been reviewed concurrently by the City. The applicant submitted for a Type B Tree Removal Permit, but a Type C is required since it is associated with a development necessitating plat approval by the planning commission. Thus, staff has processed it and reviewed it under the Type C procedures and criteria.

**Section 8.10.090 Type C Permit**

*(1) Approval to remove more than three trees on a single lot or parcel as part of a site plan review or amendment, subdivision, or partition application may be granted as a Type C permit in conformance with subsection (5) of this section.*

*(2) Type C permit applications shall be reviewed concurrent with the development review process. If a Type C permit or its associated development application is appealed, no trees shall be removed until the appeal has been resolved.*

*(3) Submittal Requirements. The applicant must provide 10 copies of a tree maintenance and protection plan completed by a certified arborist that contains a summary of existing conditions*

and a mitigation plan as follows:

(a) Summary of existing conditions including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:

(i) Property Dimensions. The shape and dimensions of the property, and the location of any existing or proposed structures, utility installations, grading, or other improvements.

(ii) Tree Survey. The survey must include:

(A) An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch equals 100 feet including:

1. The location, dbh, and tree number of all impacted trees (see subsection (3)(a)(iv) of this section, Field Identification).
2. The critical root zone of impacted trees, and the extent of likely impacts.
3. The common name of impacted trees.
4. Heritage trees shall be clearly noted on the survey.

(B) Where a stand of 20 or more contiguous trees will be removed, the required tree survey may be simplified to accurately show the location of all heritage trees, and significant trees which are within 50 feet of the edge of the development envelope. Only these trees are required to be field tagged. Interior tree areas shall be depicted with clouds or other similar linework and the dbh, common name, and total number of all interior trees shall be accurately stated on the plans.

(C) Neighboring Properties. All impacted trees on neighboring properties shall be shown on the tree survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on the survey and locate the trees and CRZs to the best of their ability. The survey shall show the percentage of CRZ for these trees which will be impacted by the proposed improvements.

1. When a proposal includes activities which will result in removal of trees on neighboring properties, the applicant shall include the removal of the neighboring trees in the permit application and mitigate for their removal.

(iii) Arborist Report. The report shall describe the health and condition of all heritage trees including species, common name, dbh, approximate height, and age. The report shall identify hazardous, dead, or dying trees. The report shall identify opportunities for preservation of groves or stands of trees and make recommendations regarding special tree protection and maintenance practices necessary to restore preserved trees to full health.

(iv) *Field Identification. Impacted trees shall be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application. See subsection (3)(a)(ii)(B) of this section regarding large groups of trees.*

(v) *Tree Protection. A statement addressing tree protection during construction in accordance with VMC 8.10.130.*

(b) *Mitigation Plan. A plan prepared by a certified arborist or landscape architect describing the proposed tree replacement program with a detailed explanation including the number, size, species, and planting location of replacement trees, and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.*

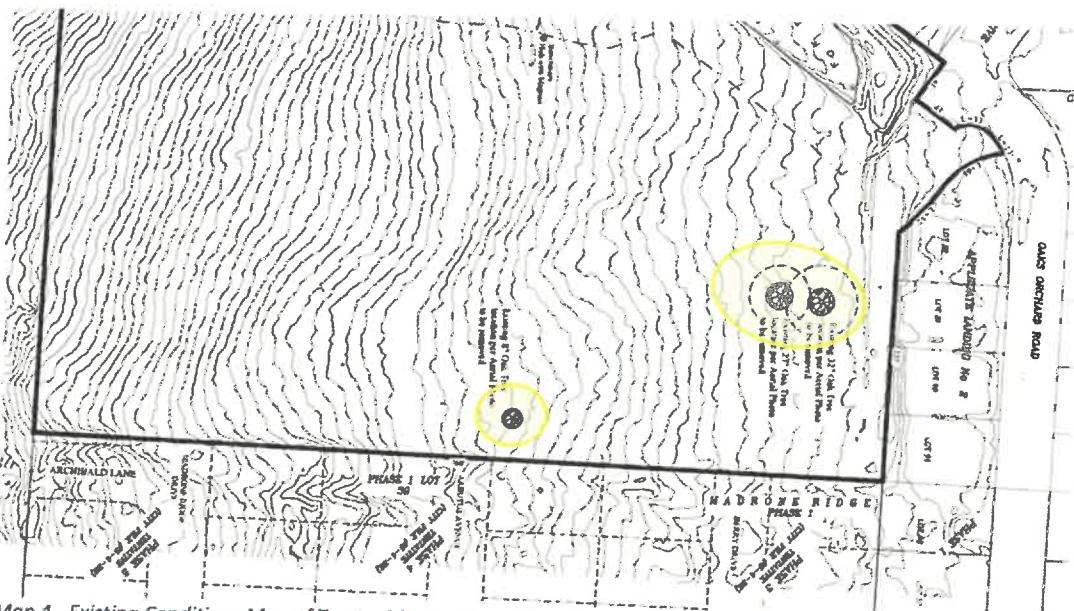
(4) *Waiver of Documentation. The reviewing authority may waive any of the above information requirements where the information has already been made available to the city, the information is not necessary to determine conformance with applicable criteria, or alternate forms of information have been provided which provide sufficient detail to allow such a determination.*

**Applicant's Statement:** Applicant seeks 8.10.080 (2) (g) Waiver of Documentation because information has already been made available with this application packet which includes 1) an accurate map showing shape and dimensions of the property and location of impacted trees.

Attached maps include critical root zones, species and/or common name, and diameter at breast height (dbh).



Map 3 – Aerial Imagery Map of Trees (2023 Oregon State Imagery) and Nearby Structures



Map 4 - Existing Conditions Map of Trees with Lot Dimensions, Topography, Surrounding Streets, etc.<sup>9</sup>

**Staff Finding:** The applicant is seeking a waiver of documentation pursuant to VMC 8.10.080(2)(g). Staff finds that information provided regarding the tree removal has been provided and is sufficient to determine conformance with applicable criteria.

**Conclusion:** Criterion met.

*(5) Approval Standards for Type C Permits. All Type C permits submitted as part of a proposed residential development shall be reviewed under Option A in subsection (5)(a) of this section unless the applicant chooses the alternative design review available in Option B in subsection (5)(b) of this section. All commercial and industrial developments shall comply with the criteria of Option B.*

*(a) Option A – Numerical Preservation Standard for Residential Developments. Existing trees must be preserved. The total tree diameter on the site is the total diameter of all significant trees on the site, minus the diameter of all exempt trees as defined by this chapter. The applicant must choose one of the following options. Calculations shall be in accordance with subsection (5)(c) of this section.*

- (i) Preserve at least 30 percent of the total significant tree diameter on the site;*
- (ii) Preserve all heritage trees and at least 30 percent of the significant trees on the site;*
- (iii) If the site is larger than one acre, preserve at least 25 percent of the total tree canopy area on the site.*

*(b) Option B – Commercial/Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall*

*not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this chapter and where the reviewing authority determines that the following criteria have been met.*

- (i) The proposal includes provisions for mitigation and tree protection in accordance with VMC [8.10.120](#) and [8.10.130](#).*
- (ii) The proposed removal is necessary for the construction of roads, structures, or other site improvements and the applicant has demonstrated that there are no feasible and reasonable location alternatives and/or design options which would better preserve significant trees on the site while providing the same overall level of density and design functionality.*
- (iii) Other. Where the applicant shows that tree removal or transplanting is reasonable and necessary under the circumstances*

*(c) Under Option A, when calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:*

- (i) Tree Inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or*
- (ii) Statistical Sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by individuals with demonstrated experience performing such surveys and shall be based on generally accepted standard methodologies.*
- (iii) Tree Canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than five years old, the applicant must provide a more recent photograph. (Ord. 483 § 9, 2008)*

**Staff Finding:** The proposed removal of the 6 trees is necessary for the development of the site. Under Option B, the applicant is not required to preserve any of the existing trees provided the three criteria for Option B are met. The applicant's proposal will be required to include mitigation provisions, specifically through the planting of street trees. The proposed removal is necessary for the construction of roads and other site improvements. Thus, the removal of the trees is reasonable and necessary under the circumstances.

**Conclusion:** Criterion is met.

#### **Chapter 8.10.120 Mitigation.**

*(1) Requirement Established. Type B or C tree removal permit grantees shall plant one replacement tree for each significant tree removed in excess of the three that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate nonfir trees as*

*required by VMC 8.10.100(2)(c). Mitigation is not required for removal of hazardous, dead, or dying trees.*

*(2) Heritage trees shall be mitigated based on the following methodology:*

*Replacement trees = 1 + (A - Q)*

*Where:*

*A = Actual dbh of the tree in question.*

*Q = Minimum dbh for this species to qualify as a heritage tree.*

**Staff Finding:** The applicant is proposing to remove 4 significant trees and 2 heritage trees. The removal of the 4 significant trees will require 4 replacement trees as mitigation. The removal of the 2 heritage trees will require 25 replacement trees, with said number being determined through the following formula:

$$1 + (27-18) = 10$$

$$1 + (32-18) = 15$$

$$10 + 15 = 25$$

In total, the applicant will have to plant 29 trees as mitigation for tree removal.

Pursuant to VMC 8.10.120(3)(d), Replacement trees shall be planted prior to final plat approval for land divisions. The overall landscape plan for the subdivision will show all required replacement trees and landscaping.

**Conclusion:** Criterion can be met with the following condition of approval.

**Condition of Approval:** Prior to final plat approval, the applicant shall submit an overall landscape plan of the entire subdivision showing all required street trees and replacement trees, meeting the standards of VLDO 493, Sec. 5.28 and VMC 8.10.120.

**8.10.150 Timing of removal, display of permit – Inspection.** (1) *No tree removal permitted as a Type B, C, or D permit shall take place until the applicant has received a notice to proceed from the city engineer on public improvements. When no public improvements are proposed, tree removal shall not occur until building permits have been issued. The building official may make exceptions to this requirement when warranted due to extenuating circumstances or when no such permits are necessary.*

*(2) For applicants seeking a Type B permit to remove trees independent of site improvements, no tree removal shall take place until tree protection measures have been inspected and approved by the building official.*

*(3) Inspection and approval of all required tree protection measures by the building official is required prior to tree removals permitted as Type B, C, and D permits.*

*(4) Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted. (Ord. 483 § 15, 2008)*

**Staff Finding:** No tree removal shall take place until the applicant has received a notice to proceed from the City Engineer on public improvements. Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted. Inspection and approval of all required tree protection measures is not required, because no trees are proposed to be protected – all trees are proposed to be removed.

**Condition of Approval:** No tree removal operations shall take place until the applicant has received a notice to proceed from the City Engineer on public improvements.

**Condition of Approval:** Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.

#### **8.10.155 Tree removal site requirements.**

*Properties on which trees are removed shall be maintained in accordance with the following standards:*

*(1) All logging equipment shall be removed no later than 30 days after tree removal. The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d);*

*(2) Property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation;*

*(3) Slash shall be chipped within 30 days after tree removal. (Ord. 542 § 8, 2017)*

**Staff Finding:** All logging equipment shall be removed no later than 30 days after tree removal. The replacement trees shall be planted within the time limits set forth in VMC 8.10.120(3)(d). Property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation. Slash shall be chipped within 30 days after tree removal. These shall be conditions of approval.

**Condition of Approval:** All logging equipment shall be removed no later than 30 days after tree removal. The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d).

**Condition of Approval:** Property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation.

**Condition of Approval:** Slash shall be chipped within 30 days after tree removal. (Ord. 542)

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

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



Len Goodwin, Chair  
Veneta Planning Commission



9 August 2023

Date