

**VENETA PLANNING COMMISSION'S  
STAFF REPORT**  
**Cheney Drive Apartments - City File #SR-1-23**  
**Site Plan Review**  
**Assessor's Map/ Tax Lot No. 18-06-01-00-01610**

Application Received:	March 20, 2023
Incomplete Determination:	N/A
Additional Info Received:	N/A
Application Complete:	March 20, 2023
Notice Mailed & Posted:	Mail April 6, 2023
Staff Report Date:	April 25, 2023
Planning Commission Meeting:	May 2, 2023
120 days from Completeness:	July 18, 2023
Referrals:	Lane Branch, P.E., City Engineer (Branch Engineering) Kyle Schauer, Public Works Director, City of Veneta Jason Bush, Veneta Building Official ODOT Region 2 Lane Transit District Dean Chappell, Lane Fire Authority Lane County Land Management Fern Ridge Tribune News Lane Electric Lane County Tax Assessor DLCD Henry O. Hearley, Associate Planner
Prepared by:	
Owner:	Creations Northwest, LLC Blake Gesik 735 E. Clarendon St. Ste 201 Gladstone, OR 97027
Applicant:	Same as owner
Applicant's Representative:	Scott Morris, PE A & O Engineering 380 Q Street Springfield, OR 97477
Assessor's Map/ Tax Lot No:	18-06-01-00-01610
Zoning District:	General Residential

Comprehensive Plan Designation: Residential & Southwest Area Specific Plan (SWAP) overlay

## **REQUEST**

Site Plan Review request for a proposed 128-unit apartment development.

## **PROPERTY CHARACTERISTICS**

The site is a vacant lot which lies in between Strike Street and Territorial Highway. The site will be located in the boundaries of the SWAP. Cheney Drive will be a new street that is dedicated, built and connected through to Territorial Highway.

## **BACKGROUND**

Below is a vicinity map of the subject site.



## **SUBMITTAL REQUIREMENTS**

### **Site Plan Review (SR-1-23)**

The applicant has submitted the required information in accordance with Veneta Land Development Ordinance 493, Section 6.03 - Required Information on Site Plan.

## **APPROVAL CRITERIA**

Veneta Land Development Ordinance No. 493, Article 6 – Site Plan Review, Sections 6.01-6.09; and Southwest Area Specific Plan.

## **REFERRAL COMMENTS**

Comments were received by Lane Fire Authority, Public Works, Lane County Transportation Planning and Engineering. Relevant comments are included as Exhibits to the Final Order.

## **PUBLIC NOTICE**

A notice was mailed to all property owners within 300-feet for the entire contiguous site and posted at the property and posted at Veneta City Hall and the City website on April 6, 2023, in accordance with Veneta Land Development Ordinance 493, Section 2.13 - Notice of Limited Land Use Actions.

## **PUBLIC COMMENT**

No public comment has been received as of the date of this staff report.

## **ISSUES**

The following issues have been raised concerning the proposal:

### **1. Right turn pocket in southbound lane on Territorial Highway.**

Lane County Transportation Planning has commented that a right turn pocket is warranted at the new intersection of Territorial Highway and Cheney Drive. LCTP contends a right turn pocket is necessary for public safety to reduce the occurrence of rear-end collisions. The applicant's traffic consultant has completed a Traffic Impact Assessment (TIA) that concludes the criterion for a right turn pocket are not all met; there are more criterion that need to be met to warrant a right turn pocket other than the occurrences of rear-end collisions. Further, a right turn pocket would require widening the Territorial Highway and acquiring additional right-of-way from three adjacent private property owners. To see a full discussion of this issue and the City's stance, please refer to Article 5 of the Final Order.

### **2. Utility Connections.**

All of the utility connections shown on the sheets connect to infrastructure that does not currently exist. The utilities the applicant plans to connect to are likely to be installed with the development of the nearby subdivision, Applegate Phase IV.

## **STAFF RECOMMENDATION**

Based on the findings for the Site Plan Review request stated in the Proposed Final Order (SR-1-23), staff recommends conditional approval of the Site Plan Review permit application. The proposed conditions of approval are specified in the Proposed Final Order (Exhibit A).

## **POSSIBLE ACTIONS BY THE PLANNING COMMISSION**

**The Commission may:**

- a. Approve the Site Plan with specified conditions of approval based on the findings in the Proposed Final Order.
- b. Modify the proposed findings or conditions of approval in the Proposed Final Order.
- c. Deny the Site Plan based on the Commission's findings.
- d. Continue deliberations on the Site Plan Review request, if more information is needed.

## **EXHIBITS**

- Exhibit A – Proposed Final Order
- Exhibit B – Applicant’s Plan Sheets
- Exhibit C – City Engineer’s Memorandum
- Exhibit D – City Traffic Engineer’s Comments
- Exhibit E – LCTP Comments
- Exhibit F – Applicant’s TIA
- Exhibit G – Public Works Comments
- Exhibit H – Fire Department Comments
- Exhibit I – Applicant’s Engineer Comments re: Storm drainage at Cheney/Territorial Intersection
- Exhibit J – Applicant’s Architect Comments re: Design Features
- Exhibit K – Applicant’s Comments re: Open Space
- Exhibit L – Applicant’s Attorney Comments re: Dedicated Right Turn Lane

## **Exhibit A**

### **FINAL ORDER OF THE VENETA PLANNING COMMISSION**

#### **Cheney Drive Apartments Site Plan Review Assessor's Map/ Tax Lot No. 18-06-01-00-01610**

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

1. The Veneta Planning Commission has reviewed all material relevant to the Site Plan Review (SR-1-23) which has been submitted by the applicant, staff, and the general public regarding this matter.
2. The Veneta Planning Commission held a meeting on May 2<sup>nd</sup>, 2023 to discuss the Site Plan Review application for Assessor's Map and Tax Lot 18-06-01-00-01610 in accordance with Section 2.13 of the Veneta Land Development Ordinance No. 493 (VLDO).
3. The Veneta Planning Commission followed the required procedure and standards for approving the Site Plan, as required by Section 6.05 and 6.06 of VLDO No. 493.

##### **B. The Veneta Planning Commission approves with conditions the Cheney Drive Apartments Site Plan Review - City File# SR-1-23. The applicant shall comply with the following conditions of approval:**

#### **GENERAL CONDITIONS:**

- 1) street 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.
- 2) 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.
- 3) The subject property is held to the conditions of approval as cited in previous land use decisions affecting the property. These conditions may be enforced by the City. The related land use approvals on the subject property as contained in the following approval documents:
  - A-134 Hayden Homes Irrevocable Development Agreement;
  - IP-121 Hayden Homes Petition for Public Improvements; and
  - M-3-08 Hayden Homes Partition Plat.

**PRIOR TO ISSUANCE OF BUILDING PERMIT:**

- 4) applicant shall submit a final landscaping plan that clearly shows four 5-gallon shrubs or accents plants and one tree, a minimum of 2" caliper per 1,000 square feet of landscaped area.
- 5) the City and applicant/developer shall enter into an Improvements Agreement outlining the required public improvements necessary for the site, including but not limited to streets, sidewalks, water, storm sewer, and other required public facilities.
- 6) Applicant shall obtain sign permit for monument.
- 7) The final construction plans for off-street parking improvements, the pedestrian walkways that cross the driveway/parking areas associated with the apartment development shall show raised concrete walkways of not less than 6 feet.
- 8) The public improvement plans for Cheney Drive from Strike Street to Territorial Drive shall be the approved by the City, bonded, and a notice to proceed with construction issued. The right-of-way for this section of Cheney Drive shall also be dedicated prior to release of the building permit.

**PRIOR TO CERTIFICATE OF OCCUPANCY:**

- 9) Landscape features shall be completed and installed/planted prior to issuance of Certificate of Occupancy.
- 10) Prior to issuance of Certificate of Occupancy for any unit associated with the development, Street Trees containing a caliper size of a minimum of 2-inches at time of planting shall be in place.
- 11) Prior to issuance of Certificates of Occupancy of any buildings within the development, the Cheney Drive improvements shall be substantially complete, as determined by City of Veneta Public Works.

**C. IT IS HEREBY ORDERED THAT the City of Veneta Planning Commission approves with conditions the Site Plan Review for Cheney Drive Apartments, Site Plan Review – City File# SR-1-23) based on the information presented in the following findings of fact:**

**Veneta Land Development Ordinance 493, Article 4 – General Residential,  
Section 4.03.**

**1) Purpose.** *To provide areas suitable and desirable for a variety of housing types and densities with provisions for associated public service uses and open space, and allowing flexibility through planned developments and other options under controlled conditions. The net density In a GR zone shall not exceed fifteen (15) dwelling units per net acre and twenty (20) units in planned developments, and are subject to the minimum lot area and dimensional standards of the zone.*

**3) Uses Permitted Subject to Site Plan Review.** *The following uses and their accessory uses are permitted subject to site plan review, as described in Section 6.01:*

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

**B. One dwelling within a subdivision may be used as a temporary sales office. If the garage is used it shall be converted back to a garage before permanent occupancy.**

**Staff Finding:** As seen in Table 4.2, multi-family development is a permitted use subject to Site Plan Review. Staff find the proposed apartment dwelling development is a permitted use subject to Site Plan Review, which the applicant is pursuing. Criterion met.

**6) Yards. Except as provided in Articles 5 and 6, or as otherwise allowed under Section 4.03(5)(E), yards shall be as follows:**

**A. Front yards shall be as shown in Table 4.1 except that an unenclosed front porch may extend eight (8) feet into a required front or street side yard.**

**B. Back and side yards shall be a minimum of 5 feet when the building elevation closest to the property line is 22 feet or less in building height, and a minimum of 10 feet when the building elevation closest to the property line is greater than 22 feet in building height.**

**Staff Finding:** Yard setbacks for properties within the confines of the SWAP is governed by Table 2 of Section IV. Development Standards of the SWAP. A discussion of lot development standards as found in the SWAP will ensue later on in these findings. Criterion not applicable.

**C. Yards shall be landscaped as provided in Section 5.12.**

**Staff Finding:** As will be discussed in this final order, the site will contain landscaping in accordance with Section 5.12. Criterion met.

**D. See Section 5.09 for additional setbacks on designated streets. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.**

**Staff Finding:** There are no additional yard setback requirements that pertain to the proposal.

**7) Lot Coverage.** *Where the primary dwelling is twenty-two (22) feet or less in height, the total area covered by all buildings shall not occupy more than fifty percent (50%) percent of the lot area; where the primary dwelling is taller than twenty-two (22) feet, the maximum allowable lot coverage is forty percent (40%). Where lots smaller than 6,000 square feet are approved under subsection 4.03(5)(E) an additional ten percent (10%) of each such lot may be covered by buildings.*

**Staff Finding:** Lot coverage for properties within the confines of the SWAP is governed by Table 2 of Section IV, Development Standards of the SWAP. A discussion of lot development standards as found in the SWAP will ensue later in these findings. Criterion not applicable.

**8) Building Height.** *Except as provided in Articles 5, 6 and 8, or as otherwise required by Section 4.03, no building shall exceed the height limit in Table 4.1.*

**Staff Finding:** Per Table 4.1, the maximum building height is 35-feet. As seen on Sheet A1.1, all proposed buildings are less than 35-feet in height. See **Exhibit B** for applicant's Plan Sheets. Criterion met.

### **Article 5 Supplementary Provisions. Section 5.12 Landscaping.**

**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.**

**Staff Finding:** The site will be landscaped, and landscaping features will be maintained by the apartment office staff or be contracted out to a landscaping company for regular landscaping services. The applicant submitted a landscaping plan that shows how the site will be landscaped. A final landscaping plan will be required prior to issue of building permit.

**Condition of Approval:** Landscape features shall be completed and installed/planted prior to issuance of 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.**

**Staff Finding:** As seen on Sheet C-2.0, the site will contain approximately 25.7% landscaping. Refer to **Exhibit B**. Criterion met.

*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.*

**Staff Finding:** Sheet C-2.0 (**Exhibit B**) indicates the types of shrubs planned for the site but does not list the quantity. Prior to issuance of building permits, applicant shall submit a final landscaping plan that clearly shows four 5-gallon shrubs or accents plants and one tree, a minimum of 2" caliper per 1,000 square feet of landscaped area. This will be a condition of approval.

**Condition of Approval:** Prior to issuance of building permits, applicant shall submit a final landscaping plan that clearly shows four 5-gallon shrubs or accents plants and one tree, a minimum of 2" caliper per 1,000 square feet of landscaped area.

*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% coverage of the area not covered by shrubs and tree canopy.*

**Staff Finding:** Notes 1 and 2 on Sheet C-2.0 (**Exhibit B**) show compliance with this standard. Criterion met.

*6) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below.*

*"Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.*

*A. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.*

*B. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.*

*C. Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.*

*D. Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.*

*E. "Invasive" plants, shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension Veneta Land Development Ordinance No. 493 50 office.*

*F. Hardscape features, May cover up to ten percent (10%) of the required landscape area; except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.*

*G. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas.*

**Staff Finding:** The landscape plan includes the necessary elements described above. Criterion met.

*7) Multi-family sites and parking lots shall be screened from abutting single-family land uses by a combination of sight-obscuring fences, walls and landscaping adequate to provide privacy and separation for the abutting land use.*

*8) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.*

**Staff Finding:** The site will be completely screened and fenced from adjoining properties and land uses. The singular proposed garage collection area will be duly screened. Criterion met.

*11) All stormwater detention facilities shall be landscaped according to City standards.*

**Staff Finding:** The landscaping plan includes a list of plants and shrubs to be planted as part of the site's stormwater detention facilities.

#### **5.14 Improvement Requirements.**

*All applicants for land development shall comply with all public improvement requirements specified in Article 7 of the Veneta Land Division Ordinance and shall install improvements in accordance with specifications approved by the City Engineer.*

*1) Water and Sewer connections. All developments requiring water within the SFR, GR, RC, BC, CC, IC, and I zones shall be connected to City water and sanitary sewers. Developments in the RR zone and HC zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for*

*development to occur.*

**Staff Finding:** The site and all dwelling units will be connected to City water and sewer. Criterion met.

***2) Agreement for Improvements.***

*A. Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities (“Improvements”), or execute and record against the property an agreement between the owner of land and the City specifying the period of time within which required Improvements and repairs shall be completed (“Improvement Agreement”). The Improvement Agreement shall provide that, if Improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys’ fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.*

**Staff Finding:** Before issuance of building permits, the City and applicant/developer shall enter into an Improvements Agreement outlining the required public improvements necessary for the site, including but not limited to streets, sidewalks, water, storm sewer, and other required public facilities. This shall be a condition of approval.

**Condition of Approval:** Before issuance of building permits, the City and applicant/developer shall enter into an Improvements Agreement outlining the required public improvements necessary for the site, including but not limited to streets, sidewalks, water, storm sewer, and other required public facilities.

*B. In the City’s sole discretion, the City Administrator may substitute an irrevocable petition to install one or more required Improvements for the Improvement Agreement referenced in (2)(A) of this Section 5.14 after determining that immediate Improvement construction is not in the City’s best interest.*

*Such a determination may, but need not, be based on circumstances where the proposed development is not adjacent to a paved street with curbs and gutters.*

*In conjunction with petition, the developer may be required to deposit with the City a cash payment, surety bond, or letter of credit in the amount determined by the City Administrator not exceeding the cost of improvement construction, as based on an estimated amount approved by the City Engineer (“Deposit”). The irrevocable petition shall reference the deposit and cover future improvement installation to the extent actual installation costs exceed the Deposit amount.*

**Staff Finding:** The City reserves the right and at its own sole discretion to substitute an irrevocable petition to install one or more required improvements after determining that immediate improvement construction is not in the City’s best interest.

## Section 5.15 Signs.

### **1) Purpose.**

**A. This section of the Veneta Land Development Ordinance will be referred to as the Veneta Sign Code.**

**B. The general purpose of signs is to communicate. The public benefits from this expression of speech, particularly in identifying businesses. This benefit supports the Comprehensive Plan Goal of establishing Veneta as a service and retail center for the Fern Ridge area and an attractive residential community.**

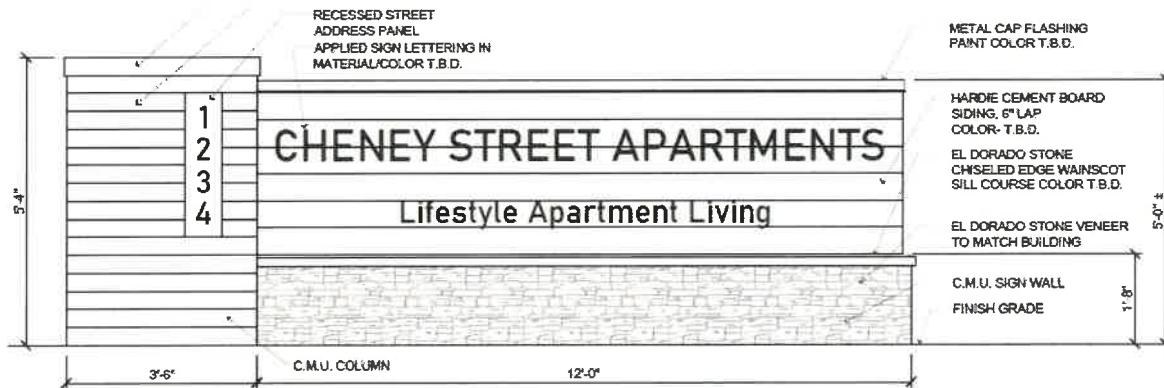
**C. The purpose of this section is to safeguard, preserve, and enhance economic, recreational, and aesthetic values through regulation of the size, number, location, illumination, construction and maintenance of signs; and thereby protect public health, safety and general welfare.**

### **2) Definitions.**

**Monument Sign:** A low to the ground, free-standing sign mounted in a frame that is incorporated into the overall design of the sign. The total square footage of a monument sign shall include the supporting frame. Signs shall comply with the size and height standards for the sign district in which the sign is located and with the Uniform Sign Code (USC).

**Staff Finding:** A monument sign, less than 6-feet in height, is proposed near the entrance to the apartments. The proposed monument sign is consistent with the Veneta Sign Code. Refer to Sheet A1.2 to see a mock-up of the proposed monument sign or see image below. The applicant shall apply for and obtain a sign permitted prior to the erection of the monument. This will be a condition of approval. Criterion conditionally met.

**Condition of Approval:** Prior to construction activities related to the erection of the monument sign identifying Cheney Street Apartments, the applicant shall apply for and obtain an approved sign permit.



## **5.16 Stormwater Detention and Treatment**

*As the City of Veneta develops, impervious surfaces create increased amounts of stormwater runoff, disrupting the natural hydrologic cycle. Without stormwater management, these conditions decrease groundwater recharge while increasing channel erosion and the potential for localized flooding. The City continues to use swales and other more natural methods to control and convey stormwater run-off, incorporating wetlands and other natural systems into stormwater drainage plans to the greatest extent possible rather than relying exclusively on pipes. Runoff from urban areas is a major source of pollution and watershed degradation. The City is currently a Designated Management Agency (DMA) under the Willamette Basin TMDL and as such, is responsible for reducing pollutant loads transported to surface waters from runoff. In order to protect and enhance watershed health and long-term livability, the City requires that development comply with the following stormwater management criteria.*

*1) 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.*

**Staff Finding:** The project will create greater than 1,000 square feet of new impervious surfaces, therefore, stormwater detention facilities shall be provided. The applicant is proposing two storm water basins to be located on the property. See Sheet C-3.0 for stormwater details.

The City Engineer has reviewed the applicant's stormwater details and have the following comments. See **Exhibit C for City Engineer's memorandum.**

**Staff Finding:** The City of Veneta's adopted stormwater manual is the 2008 City of Portland Stormwater Management Manual (SWMM). A stormwater management report by A & O Engineering, LLC was included in the application. The proposed stormwater system includes two treatment/detention basins to treat the runoff and limit peak runoff rates to below pre-development conditions for the 2 year through 25-year storm events. Downstream of the detention systems the runoff will be directed to a public pipe in Cheney Drive and continue east to Territorial Road. The proposed stormwater system is in accordance with Veneta's requirements. Criterion met.

## **Section 5.20 Off-Street Parking Requirements.**

*For each new structure or use, each structure or use increased in area and each change in the use of an existing structure, there shall be provided and maintained off-street parking areas in conformance with the provisions of this section.*

*11) Space requirements for off-street parking shall be consistent with Table 5.20(a) below. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of all buildings but shall exclude any space within a building used for off-street parking, loading or service functions not primary to*

*the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces not to exceed (fifty) 50% of the required spaces may be permitted by the Planning Commission. A reduction in excess of 50% may be permitted through a Type II Site Plan Review, pursuant to Article 6, if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with Lane Transit District to provide bus passes to employees or who offers van pools or other transportation demand management measures may need fewer parking spaces for employees.*

**Table 5.20(a) Off-Street Parking Requirements**

Use Categories	Motor Vehicle Parking Requirement	Bicycle Parking Requirement	Type and % Bicycle Parking
<b>Residential</b>			
One and two-family dwellings	Two (2) spaces per dwelling unit. See also zoning district regulations for ADUs	NA	NA
Multiple-family dwellings, spaces/units	Studio or 1 bedroom - One (1); 2 bedroom - One and one half (1 1/2); 3 bedroom - Two (2)	1 per unit	100% LT
Rooming or boarding house	Space equal to 80 percent of the number of guest accommodations, plus one (1) additional space for the owner or manager	1 per guestroom	
Residential facilities	One (1) space per two (2) beds or living units plus one (1) space for each employee during peak work shift	1 per ten (10) employees	

**Table 5.20(b) Minimum Accessible Parking Requirements**

Total Number of Parking Spaces Provided	Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
25 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of total Accessible Parking Spaces <sup>*</sup>	7/8 of total Accessible Parking Spaces <sup>**</sup>
1001 and over	20 plus 1 for each 100 over 1000	1/8 of total Accessible Parking Spaces <sup>*</sup>	7/8 of total Accessible Parking Spaces <sup>**</sup>

**Staff Finding:** Based on 128 units, the total minimum number of required off-street parking spaces is 172. As seen on Sheet C-2.0 (**Exhibit B**), the applicant is proposing 208 off-street parking spaces. Furthermore, 7 ADA parking spaces must be provided. As seen on Sheet C-2.0, the applicant is providing 8 ADA spaces. Criterion met.

**17) Bicycle Parking. Shall apply to all developments that require a Site Plan Review or Site Plan Amendment for new development, changes of use, and building expansions or remodels. Bicycle parking spaces are intended to provide a safe, convenient and attractive place for the circulation and parking of bicycles as well as encouraging the use of alternative modes of**

*transportation.*

*Long term bicycle parking requirements are intended to accommodate employees, students, residents, commuters and other persons who expect to leave their bicycles parked for more than 2 hours.*

*Short term bicycle parking spaces accommodate visitors, customers, messengers, and other persons expected to depart within two (2) hours.*

#### ***A. Bicycle Parking Space Requirements.***

*1. Multi-Family Residences. Every residential use of four or more multi-family dwelling units shall provide at least one sheltered long term bicycle parking space for each unit. A Residential Facility with more than fifteen (15) persons shall provide one sheltered long term bicycle parking space for every twenty (20) vehicle parking spaces, or two (2) spaces, whichever is greater. Sheltered long term bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure or similar cover.*

**Staff Finding:** Based on a total of 128 dwelling units, the applicant shall provide a minimum of 128 long-term bicycle parking spaces. The ratio for long-term bicycle spaces for multiple family dwellings is one long-term bicycle space per one unit.

### **Section 5.22 Pedestrian and Bicycle Access and Circulation**

*1) Internal pedestrian and bicycle circulation shall be provided within new commercial, office, and multifamily residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, multi-use paths for shared pedestrian and bicycle travel, landscaping, or similar techniques.*

**Staff Finding:** As seen on Sheet C-2.0 (**Exhibit B**) the site is overlaid with several pedestrian crossing points across the parking lot and the site contains a walkable path in front of all structures throughout the site, including to both entrance and exit points on Cheney Drive and Strike Street. Staff find this creation met.

### **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

<b>Table 5.23(a) Transit Facility Requirements</b>	
<b>Number of Average Peak Hour Traffic Trips</b>	<b>Amenities Which May Be Required</b>
<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
<b>Office Developments</b>	
50 to 199 trips	Shelter, concrete boarding pad, lighting
200 or more trips	Shelter, concrete boarding pad, lighting, bus turnout
<b>Retail/Industrial/Institutional/Public Facilities</b>	
100 to 249 trips	Shelter, concrete boarding pad, lighting
250 to 499 trips	Shelter, concrete boarding pad, lighting, bus turnout
500 or more trips	Transit transfer facility, park-and-ride lot, shelter, concrete boarding pad, lighting, bus turnout, on-site circulation

Amenities for phased developments shall be required to be built at the time the development will generate enough peak hour traffic trips to meet the requirements. Transit easements may be required for bus stops and shelters.

**Staff Finding:** LTD has no comments on the proposal and is not affected by the development. Criterion not applicable.

### **Section 5.25 Development on Slopes of Over 15%**

*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:** The applicant has stated in the written narrative that there are no steep slopes, wetland areas, or floodplains on the property. Further, the Geotechnical investigation report states there are no ancient and/or active landslides on the property or were observed on the property; the property does not contain any steep slopes. Criterion addressed.

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

**Staff Finding:** A seven (7) acre park will be dedicated as a condition of approval for Phase 3

(City File# S-1-14, approved on July 7, 2014) of the SWAP, which will provide parkland to all phases within the SWAP. Moreover, the impact of the park dedication regulation was considered during the review process for the SWAP (SDP-1-15, approved on April 10, 2006) and it was determined that 7 acres of park land was sufficient.

### **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.***

**Staff Finding:** The City Traffic Engineer did not require a TIA because the development is not expected to generate more than 100 vehicle trips during the a.m. or p.m. peak hours as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. The City Traffic Engineer's comments can be found in **Exhibit D**.

***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.***

**Staff Finding:** Being that the subject property will take access from Territorial Highway, a Lane County Roadway Facility, the County required a TIA to be completed by the applicant.

#### **Lane County Transportation Planning (LCTP) Comments:**

LCTP staff has reviewed the proposal and the findings from the applicant's traffic impact study. While most of the lingering issues identified in the TIA have been addressed there are two remaining issues that have not been addressed. Staff have provided LCTP's comments below for the Planning Commission's awareness. See **Exhibit E** for LCTP comments in its entirety. Staff will respond at the conclusion of LCTP's comments.

Specifically, LCTP takes exception to the two following issues:

1) Responsibility for improvements at the intersection of Cheney Drive and Territorial Highway identified in Development Agreement (dated 6/28/2007). The master planning work completed for the Applegate subdivision (including associated traffic analysis, adoption of the Southwest Area Specific Plan, conditions of approval by the City of Veneta, and the Development Agreement between Hayden Enterprises and the City) established clear guidance on what improvements are needed and who will pay for them. In the specific case of the Cheney Drive and Territorial Highway intersection, all of these documents, including land use conditions of approval and the Development Agreement (dated 6/28/2007) required the developer to install the Cheney/Territorial Improvement at the developer's "sole cost." However, during the review and

discussion of the Cheney Apartments development (up until very recently referred to as Applegate Phase IX) disagreement has arisen on who should be responsible for the Cheney Drive/Territorial Highway improvements. Even the reference to this development being an Applegate Phase seems to be missing in recent application documents. Consequently, it is unclear why there is a departure from the adopted master planning process, conditions of approval, and prior agreements. Unless this is resolved, the public could end up paying for improvements that should be the developer's responsibility.

2) Disagreement on the need for a southbound right turn lane on Territorial Highway. The master planning efforts mentioned above also identified the need for a southbound right turn lane on Territorial Highway at the Cheney Drive intersection. This was identified and agreed as being needed during the buildout of this subdivision, approximately by the sixth or seventh phase depending on follow-up traffic analysis during the approval of subsequent phases. The most recent traffic analysis by Sandow Engineering determined that with the Cheney Apartments (Applegate Phase IX) the right-turn lane warrant was met. It is noted that concern was also expressed in the report about the right turn lane potentially being a safety concern for pedestrians attempting to cross Cheney Drive. Lane County believes that the right turn lane is needed for public safety and that pedestrian crossing issues can be addressed by the design details associated with the turn lane. Without the turn lane, Lane County's safety analysis finds an increased risk of rear-end collisions due to high turning volumes projected at this intersection. Based on review of correspondence and comments to date, the applicant's concern is primary based on the difficulty of ROW acquisition for the turn lane and not the safety measures necessary to mitigate the increased risks due to increased traffic from the development of the Applegate Subdivision. The applicant's traffic consultant proposed that one option is to lower traffic speeds on Territorial Highway. Traffic speeds on roadways in Oregon are established by ODOT and are based on speed zone studies of actual speeds. Design modifications of the roadway would be necessary in order to affect actual speeds and potentially the outcome of the speed zone study. This would be a separate process outside the purview of the current land use action and thus not a practical option at this point without modification to the existing roadway design.

Finally, it is important to note that all work on the Cheney Drive connection to Territorial Highway, that is proposed within the County ROW will require a facility permit from Lane County. The timing of this connection remains unclear but prior to issuance of the facility permit the applicant must demonstrate the following:

- The centerlines of Cheney Drive align on both sides of Territorial Highway.
- The design and construction plans include the southbound right turn lane on Territorial Highway, or an alternative safety measure that mitigates the increased safety risks identified in master planning and the Traffic Impact Analysis for Applegate Phase IX.

**City Response and Finding:** Applicant submitted a TIA and associated memo from Sandow Engineering, dated 12/21/22 and 2/22/23. It states that a southbound right turn pocket was evaluated at the intersection of Territorial Road at Cheney Drive. The Level of Service, v/c, or queuing conditions does not trigger the need for a right turn pocket. A right turn pocket will result in additional bike and pedestrian conflicts, reducing safety for these users while not substantially improving vehicle travel safety. Additionally, the right-of-way needed to construct a right turn pocket and manage stormwater is not available and cannot be obtained. Therefore,

*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.*

**Staff Finding:** Street trees shall be planted within the street right-of-way within a proposed planting strip or in sidewalk tree wells on streets without planting strips. Street tree spacing shall be determined by the types of trees 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, street trees shall be spaced at 30-40 foot intervals. All street trees shall be placed outside utility easements and clear vision areas. This will be a condition of approval.

**Condition of Approval:** As a general condition, street 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.

*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.*

**Staff Finding:** 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. This will be a condition of approval.

**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.

## Article 5, Section 5.29 Residential Design Standards

*1) Purpose and Applicability. The following standards are minimum requirements for new residential developments (any zone). The standards apply to single-family dwellings, manufactured homes on individual lots, duplex dwellings, and multi-family projects, except mixed-use buildings with dwellings in upper stories are subject to the provisions of Section 5.13. The standards are intended to protect and enhance the appearance, safety, and livability of Veneta through appropriate building and site design regulations. The standards may be adjusted by the Planning Commission through the Type II Site Plan Review process (see Section 6.05(2)(b)).*

*2) Standards. Section 5.29 provides minimum standards for residential development site and*

the applicant's traffic consultant does not recommend a right turn pocket. Moreover, at this point in time, stormwater management facilities currently would be negatively impacted by the construction of the required right turn pocket and insufficient right-of-way is currently available on Territorial for the right turn pocket. Immediately adjacent to the pavement is a ditch. The ditch does not contain any underground stormwater piping or adequate space to place a detention pond that would be needed to handle the increased impervious surface created by the addition of pavement needed to construct a right turn pocket. In staff's telephone conversation on April 7, 2023, with the applicant's traffic consultant, it was estimated that an additional right-of-way are of 20-feet by 200-feet would be necessary to accommodate the right turn pocket. This additional space would have to come from three adjacent tax lots that are currently private property. The City cannot mandate the developer to obtain additional right-of-way from a private property owner. On the basis of the aforementioned reasons, the City's decision to not require the right turn pocket as a condition of approval for the proposed development is justified.

As raised by LCTP in its comments, City takes note of a recorded 2007 Development Agreement (A-120) entered into between Hayden Homes (Applicant's predecessor in interest) and the City (Agreement.) As a condition of the City's Southwest Area Specific Plan approval, Hayden Homes agreed to construct a right turn pocket on the southbound lane at the intersection of Cheney Drive and Territorial Highway (Turn Lane.) This obligation remains recorded against the subject parcel and is, thus, binding on Applicant. As an informational note, the City may choose to enforce Applicant's obligation as a matter of contract. For purposes of this site plan review, however, as explained above, the applicable criteria does not require installation of the Turn Lane on the evidence presented. The City assumes that the issues outlined above regarding stormwater facilities and the additional needed feet of right of way impacting construction on Territorial will be resolved by the time Applicant is contractually required to construct the Turn Lane pursuant to the Agreement.

See **Exhibit F** for applicant's TIA and related traffic analysis memo.

### **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.*

**2) Caliper Size. All street trees shall be a minimum of 2 inch caliper at time of planting.**

**Staff Finding:** Street trees are proposed along the frontage of the development along Cheney Drive. Prior to issuance of Certificate of Occupancy for any unit associated with the development, Street Trees containing a caliper size of a minimum of 2-inches at time of planting shall be in place.

**Condition of Approval:** Prior to issuance of Certificate of Occupancy for any unit associated with the development, Street Trees containing a caliper size of a minimum of 2-inches at time of planting shall be in place.

*building design in all zones where residential development is permitted. The standards are administered through building plan review (no land use permit required) where Site Plan Review is not required and through Site Plan Review (Building and Planning Official, or Planning Commission for Type II reviews) where such review is required in accordance with Article 6. The following graphics serve as examples of compliant development. The graphics are conceptual and do not prescribe a particular style.*

**Staff Finding:** The residential building standards of Section 5.29 are applicable to the proposed development and shall be reviewed concurrently with Site Plan Review.

***B. Off-street parking, driveways, and other vehicle areas.***

*1. Parking for multi-family (except duplexes) developments shall not be placed between buildings and the street(s) to which building entrances are oriented, except vehicle drop-off and loading areas may be permitted through Site Plan Review, provided the vehicle circulation area is minimized and the building's primary entrance is connected to an improved street sidewalk by a pedestrian walkway and the driveway/parking area is crossed by a raised concrete walkway of not less than six (6) feet in width. See Figure 5.29(a).*

**Staff Finding:** The off-street parking areas associated with the proposed multiple-family development orient towards a common entrance and open spaces between the proposed apartment buildings as is common for these types of apartment developments. The parking area will be screened from the adjacent rights-of-ways by the use of fencing and landscaping. See conceptual photos below of how the site will look once built out.





As seen on Sheet C-2.0, the site is connected via an internal pedestrian sidewalk network that crosses the off-street parking area. Per Section 5.29(3)(B)(1) a pedestrian walkway that crosses a driveway/parking area shall be crossed by a raised concrete walkway of not less than 6 feet in width. This shall be a condition of approval and shall be identified on the final construction plans for off-street parking improvement areas.

**Condition of Approval:** Prior to the issuance of building permits, the final construction plans for off-street parking improvements, the pedestrian walkways that cross the driveway/parking areas associated with the apartment development shall show raised concrete walkways of not less than 6 feet.

*4) Building Design. The following standards are intended to promote neighborhood livability and compatibility between new and existing developments through architectural detailing, pedestrian-scale design, and street visibility.*

*A. Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 120 feet.*

*B. Articulation. All primary buildings shall incorporate architectural elements that break up large expanses of uninterrupted building surfaces or blank walls. This standard is met by providing at least two (2) or more of the following elements on all building elevations, and on each building, as generally shown in Figure 5.29(d), and subject to the following criteria:*

*1. Recess (e.g., entrance, porch, balcony or similar feature) with a minimum depth of 6 feet.*

*2. Extension (e.g., living area, porch, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet from the building plane and runs horizontally for a minimum*

length of 4 feet.

3. Offsets or breaks in roof elevation: (gable, dormer, secondary roof, covered entrance, or similar feature) 2 feet or greater elevation change.

**Figure 5.29(d) – Building Length and Articulation (Multi-family Housing Example)**



**Staff Finding:** As seen on Sheets A6.1a through A6.2b, the proposed architecture of the apartment buildings meets the building design standards by breaking up the horizontal distances of building walls with articulation and a combination of building materials and colors. The second and third floors feature a covered patio that extends beyond the horizontal wall plane, thus adding to building articulation. Criterion met.

**D. Detailed Design.** All dwellings shall provide the following detailing on all street-facing elevations (i.e., where the axis of the structure oriented within 45 degrees from street lot line). This standard is met by using at least six (6) of the architectural features in items "a" through "n," below, consistent with the overall composition and design integrity of building. The applicant may select the elements, except that the decision-making body may specify elements or detailing when a project is subject to a Type II Site Plan Review, Planned Unit Development review, or Conditional Use Permit review; in such cases, the decision making body may require specific design elements or changes, consistent with the purposes of Section 5.29. See Figure 5.29(e).

1. *Dormers (actual living space and not an applied element)*
2. *Gables (actual living space and not an applied element)*
3. *Recessed entries (recess by 4 feet or more)*
4. *Covered porch entries or portico (covered to at least a 4 feet depth)*
5. *Cupolas or towers*
6. *Pillars or posts (not less than 4"x4" post)*
7. *Eaves (minimum 6-inch projection)*
8. *Off-sets in building face or roof (minimum 16 inches)*
9. *Window trim (minimum 3 inches wide)*

**10. Bay window(s)**

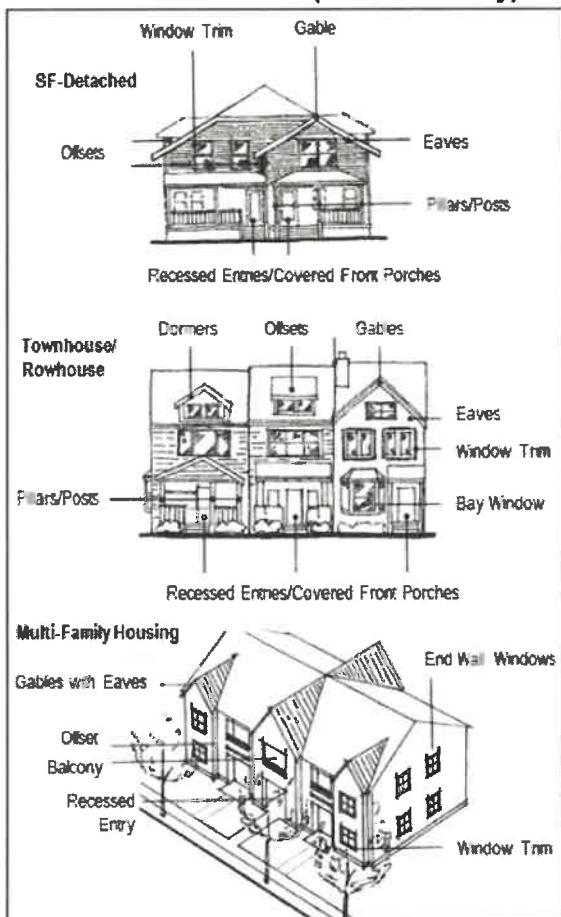
**11. Balcony(ies)**

**12. Change in siding materials / decorative patterns: shingles, lap, tongue- in-groove, V groove, paneling, board and batten, log construction, stone, brick, or split-face concrete block. Where different types of material are used (e.g., wood and stone), heavier materials shall be used on the base of the building**

**13. Decorative cornice, parapet, or pediment (e.g., for flat roofs)**

**14. An alternative feature providing visual contrast and aesthetic interest, similar to options 1-14, as approved through Type II Site Plan Review.**

**Figure 5.29(e) – Examples of Architectural Elements (illustrative only)**



**Staff Finding:** As seen on Sheets A6.1a through A6.2b, the applicant has provided at least six of the building design features:

- 1- Covered porch entries
- 2- Eaves
- 3- Off-sets in building face or roof
- 4- Change in siding materials
- 5- Pillars and posts (proposed on clubhouse)

## 6- Pediment architecture

Criterion met.

**5) Multifamily Housing – Open Space.** *Multi-family (except duplexes) housing developments shall provide open space to serve the active and passive recreational needs of occupants, to reduce crowding of occupants, to reduce the apparent scale and density of development and to provide visual relief in higher density projects. The standards may be adjusted by the Planning Commission through a public hearing (Type II Site Plan Review) where innovative techniques such as rooftop gardens, historic preservation, natural Figure 5.29(e) – Examples of Architectural Elements (illustrative only) features protection, or other low-impact or green building practices are used to meet the above intent. Figure 5.29(f) provides a conceptual illustration of the following standards.*

**A. Common open space.** *A minimum of ten percent (10%) of the site area shall be designated and permanently reserved as common open space, in accordance with all of the following criteria:*

- 1. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);**
- 2. One or more of the following shall be provided in meeting the common open space requirement: outdoor recreation area for all residents of the development, including play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities, or protection of sensitive lands (e.g., trees, wetlands, riparian areas preserved).**

**Staff Finding:** As seen on Sheet -2.0, there are two common open spaces proposed. The first common open space is a 714 square foot playground area and the second is a 1,142 square foot fenced pool area.

**B. Private open space.** *Private open space shall be provided for housing units based on all of the following criteria:*

- 1. A minimum of fifty percent (50%) of all ground-floor housing units shall have private patios or decks containing at least forty-eight (48) square feet of usable surface. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);**
- 2. A minimum of fifty percent (50%) of all upper-floor housing units shall have private patios or decks containing at least forty-eight (48) square feet of usable surface. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.**

**Staff Finding:** As seen on Sheet A3.1a through A3.1c, all units are proposed to have a private space in the form of a covered patio or deck. Criterion met.

**Veneta Land Development Ordinance 493, Article 6, Section 6.05 – Site Plan Review Approval Criteria.**

***(1) After an examination of the site and prior to approval of plans, the Planning Commission or Building and Planning Official must make the following findings:***

***(a) That all provisions of city ordinances are complied with.***

**Staff Finding:** As will be discussed and determined throughout these findings, the proposal meets the applicable provisions of City ordinances. In instances where conditions of approval are warranted and necessary, the findings related to that particular matter will be discussed and addressed under the relevant section of Ordinance 493. In the event that a particular criterion is not can or cannot be feasibly met with the current evidence in the record, staff will indicate so and shall be grounds for denial.

***(b) That traffic congestion is avoided; pedestrian, bicycle and vehicular safety are protected; and future street right-of-way is protected.***

**Staff Finding:** As was discussed above in Article 5 there are pedestrian and vehicular considerations that must be weighed. LCTP staff have unresolved issues with the applicant's TIA, specifically the necessity for a right turn pocket in the southbound lane at the new intersection of Cheney Drive and Territorial Highway. LCTP contend the applicant/developer must build the right turn lane onto Cheney Drive as outlined in agreement A-120 and that the right turn lane is needed for public safety and that without a right turn lane there is an increased risk of rear-end collisions due to high turning volumes projected at the new intersection. The applicant's traffic consultant contends the criteria for a right turn pocket is only partially met; the p.m. right turn volume threshold is met, but not the a.m. Furthermore, there are right-of-way acquisition, stormwater and safety implications that arise with the imposition of a right turn lane. There are competing opinions and analysis on this matter. Refer to the discussion of this issue above, under Article 5.

***(c) That proposed signs or lighting will not, by size, location or color, interfere with traffic or limit visibility.***

**Staff Finding:** The applicant submitted a preliminary site lighting plan as seen on Sheet E-1.1. The site will contain a variety of lighting fixtures of varying heights ranging from 1 foot to 16 feet. The lighting fixtures will be shielded to prevent or mitigate light pollution from falling onto adjacent properties. Additionally, a monument sign will be located on the site to identify the development (see Sheet A1.2 for a mock-up of monument sign). Staff find the applicant's lighting plan and proposed monument sign will not by size, location or color, interfere with traffic or limit visibility. Criterion met.

***(d) That adequate water, sewer, and other required facilities, for the proposed use are available.***

**Staff Finding:** The site contains adequate provisions for water, sewer and other required facilities. The City Engineer has reviewed the preliminary engineering plans and has found them to be adequate. Further, the City's adopted stormwater manual is the 2008 City of Portland Stormwater Management Manual (SWMM). A stormwater management plan prepared by A & O Engineering, LLC was included in the application. The proposed stormwater system includes two treatment/detention basin to treat the runoff and limit peak runoff rates to below pre-development conditions for the 2 year through 25-year storm events. Downstream of the detention systems the runoff will be directed to a public pipe in Cheney Drive and continue east to Territorial Road.

The site fronts Strike Street and a future extension of Cheney Drive. Strike Street is fully improved with sidewalks, curb/gutters and other roadway improvements. Cheney Drive currently does not exist, and is proposed to be constructed by other concurrent with a subdivision project. The proposed development relies on the future Cheney Drive infrastructure for access, sewer, storm and water service.

**Condition of Approval:** Prior to building permit approval, the public improvement plans for Cheney Drive from Strike Street to Territorial Drive shall be the approved by the City, bonded, and a notice to proceed with construction issued. The right-of-way for this section of Cheney Drive shall also be dedicated prior to release of the building permit.

**Condition of Approval:** Prior to issuance of Certificates of Occupancy of any buildings within the development, the Cheney Drive improvements shall be substantially complete, as determined by City of Veneta Public Works.

*(e) That drainageways are protected, existing drainage patterns are maintained and drainage facilities are provided in accordance with Section 5.16 of this ordinance.*

**Staff Finding:** The proposed stormwater system includes two treatment/detention basin to treat the runoff and limit peak runoff rates to below pre-development conditions for the 2 year through 25-year storm events. Downstream of the detention systems the runoff will be directed to a public pipe in Cheney Drive and continue east to Territorial Road.

*(f) That the extent of emissions and potential nuisance characteristics are reasonably compatible with the land use district, adjacent land uses and the standards of all applicable regulatory agencies having jurisdiction.*

**Staff Finding:** The subject property is located within the boundaries of the Southwest Area Specific Plan (SWAP). This area of Veneta has been master planned and the outcomes of the master planning effort have been documented in SWAP. The SWAP envisions this area as containing a higher density of residential development – hence the present proposal. The reason developments within the SWAP are subject to the provisions and standards of Site Plan Review is to review all development for compatibility with the surrounding area and, to the extent possible, mitigate perceived adverse impacts through proper and smart site design. Criterion addressed.

A DEQ 1200C erosion control permit is necessary for the site disturbances over one acre.

**Condition of Approval:** Prior to building permit approval, the applicant shall obtain a DEQ 1200C erosion control permit

*(g) Where the applicant has requested an adjustment to Site Plan Review criteria (Track 2 Site Plan Review) pursuant to the Veneta Land Development Ordinance, the applicant shall identify all applicable criteria in this ordinance and specifically address each adjustment.*

**Staff Finding:** The applicant has not requested an adjustment to Site Plan Review criteria. Criterion not applicable.

**D. Unless a condition of approval specifies otherwise or the decision of the Planning Commission is appealed this decision will become effective 12 days after the City mails the notice of decision. A decision of the Planning Commission may be appealed to the City Council in accordance with Section 11.07(7) of the VLDO.**

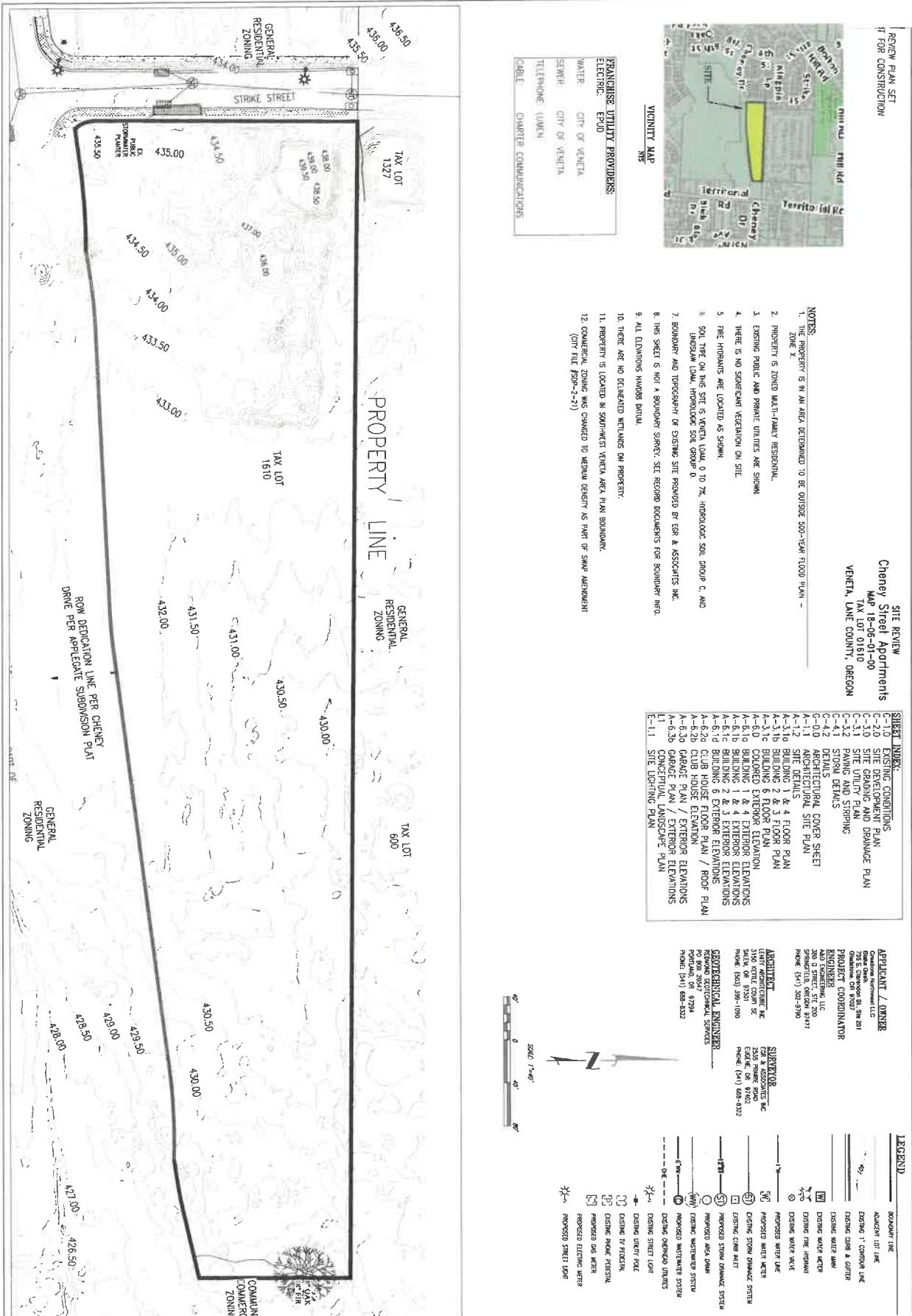
Site plan approvals are effective for three (3) years from the date of final decision, unless a building permit has been issued and substantial construct pursuant hereto has taken place. Within one (1) year from the final decision, a Final Site plan shall be prepared and filed with the Building and Planning Official, including all required modifications and conditions. Approved site plans that do not have a Final Site plan submitted within one (1) year shall be void per Veneta Land Development Ordinance No. 493, Section 6.09 - Time Limit On An Approved Site Plan.

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Len Goodwin  
Chair, Veneta Planning Commission

Date

IT FOR CONSTRUCTION



三

C - 0	SHEET	PROJECT No. 5342
		DRAWN BY: SLM
		REVIEWED BY: SOW/ESO
		PROJECT DATES:
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*Existing Conditions  
for  
Cheney Street Apartments*

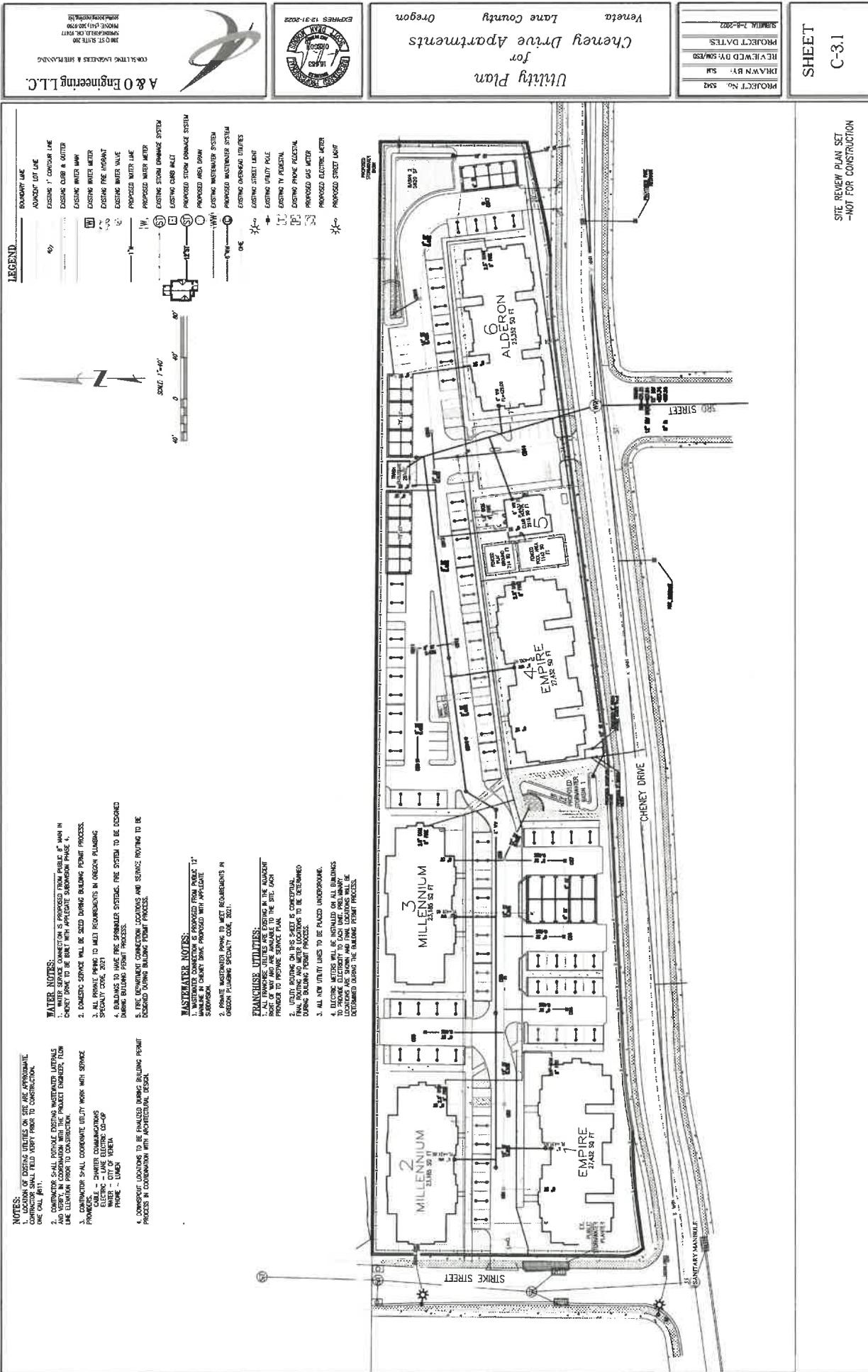


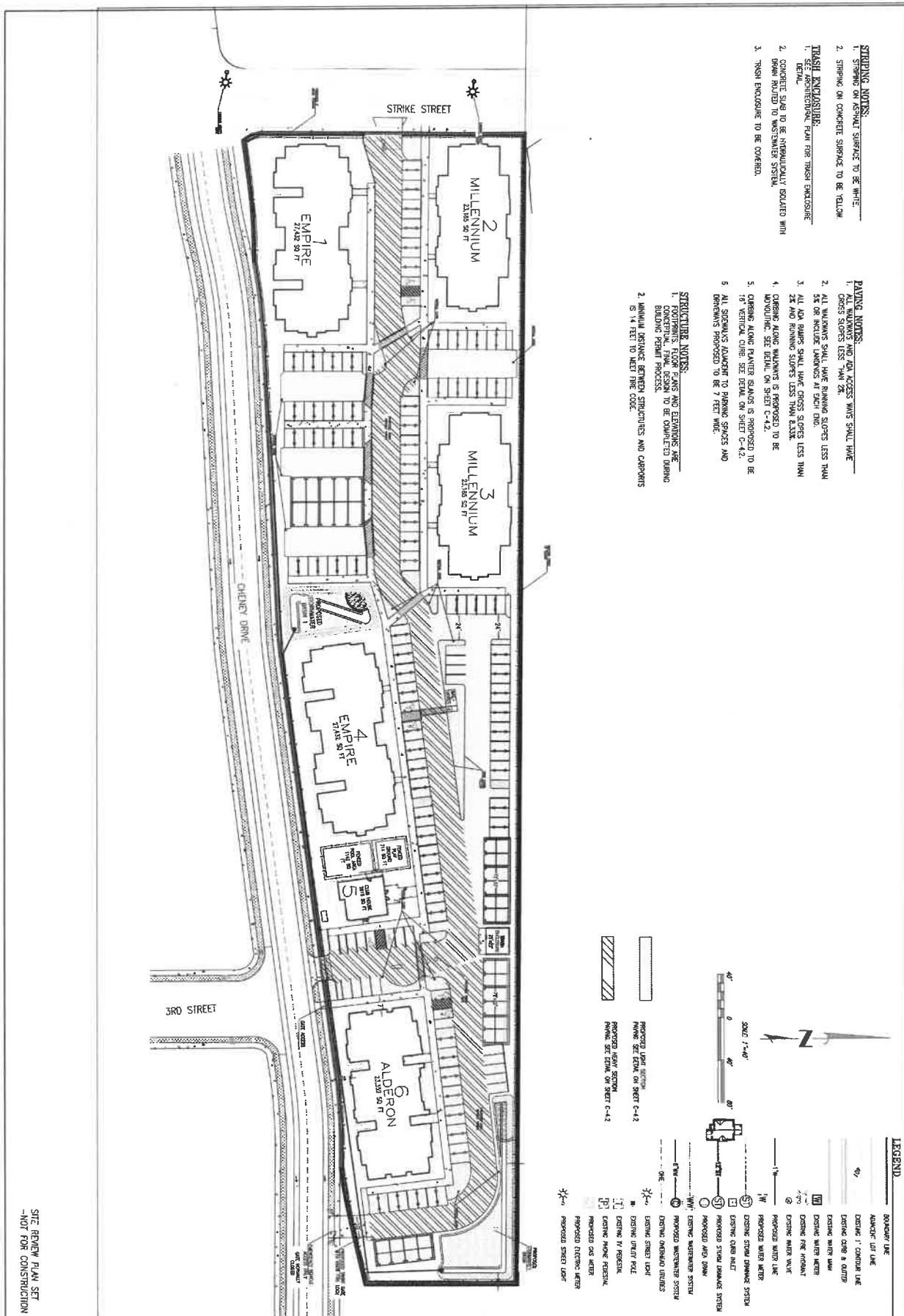
A & O Engineering L.L.C.  
CONSULTING ENGINEERS & SITE PLANNING

390 Q ST. SUITE 200  
SPRINGFIELD, OR 97477  
PHONE: (541) 302-9798  
SOLOQUY@GMAIL.COM









SITE REVIEW PLAN SET  
-NOT FOR CONSTRUCTION

PROJECT No. 5342
DRAWN BY: SW
REVIEWED BY: SDW/EDO
PROJECT DATES:
SUBMITTAL 7-9-2022

SHEET  
C-3.2

*Paving and Striping Plan  
for  
Cheney Street Apartments*

Veneta      Lane County      Oregon

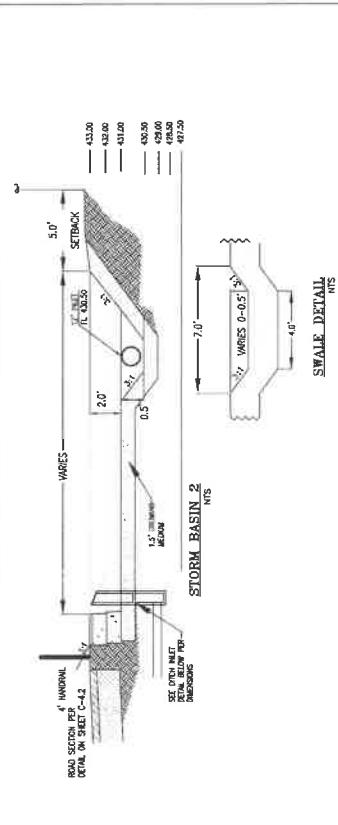


A & O Engineering L.L.C.

CONSULTING ENGINEERS & SITE PLANNING

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SPRINGFIELD, OR 97477  
PHONE: (541) 340-6790  
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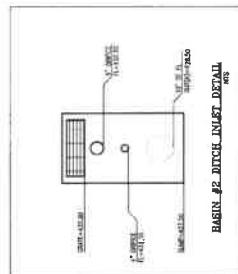




## LANDSCAPE NOTES:

1. SWALE WITHIN BOTTOM OF POND IS PROPOSED TO PROVIDE OUTLET FOR STORMWATER RUNOFF DURING WATER QUALITY EVENTS.
2. CONTROLLED OVERFLOW STRUCTURE IS PROPOSED TO DETAIN STORMWATER WITHIN THE POND TO MEET CITY OF VENICE DENTENTION REQUIREMENTS.
3. POND TO DISCHARGE STORMWATER INTO A 24' STORM VENICE IN CHENY DRIVE PROPOSED WITH THE APPROPRIATE SUBDIVISION.

POND MOTIFS



LANDSCAPE NOTES:

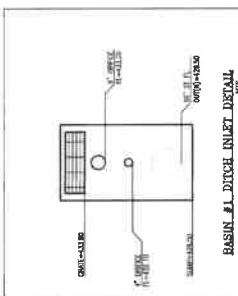
SWALE WITHIN BOTTOM OF POND IS PROPOSED TO  
ROUTE STORMWATER INTO STORMWATER RUNOFF DURING  
SEWER QUALITY EVENTS.

“CONTROLLED OVERFLOW STRUCTURE” IS PROPOSED TO  
ROUTE STORMWATER INTO THE POND TO MEET CITY OF  
ATLANTA DETERMINATION REQUIREMENTS.

POND TO DISCHARGE STORMWATER INTO A 24” STORM  
PIPELINE WITHIN CHENEY DRIVE, PROPOSED WITH THE  
DUPLICATE SUBDIVISION.

Guidelines for Authors

- POND AND SWALE TO BE PLANTED TO MEET CITY OF VENETA STANDARDS. PLANTING PLAN WILL BE PREPARED DURING AD DESIGN PROCESS



ROAD SECTION OF 4' HAMONIC KETTLE ON SHEET C-42

10' 0" SETBACK

10' 0" Grade

424.00

423.50

423.30

1/2 GROWING MEDIUM

15' GROWING MEDIUM

WAVES

0.5'

15' STORM BASIN 1

423.30

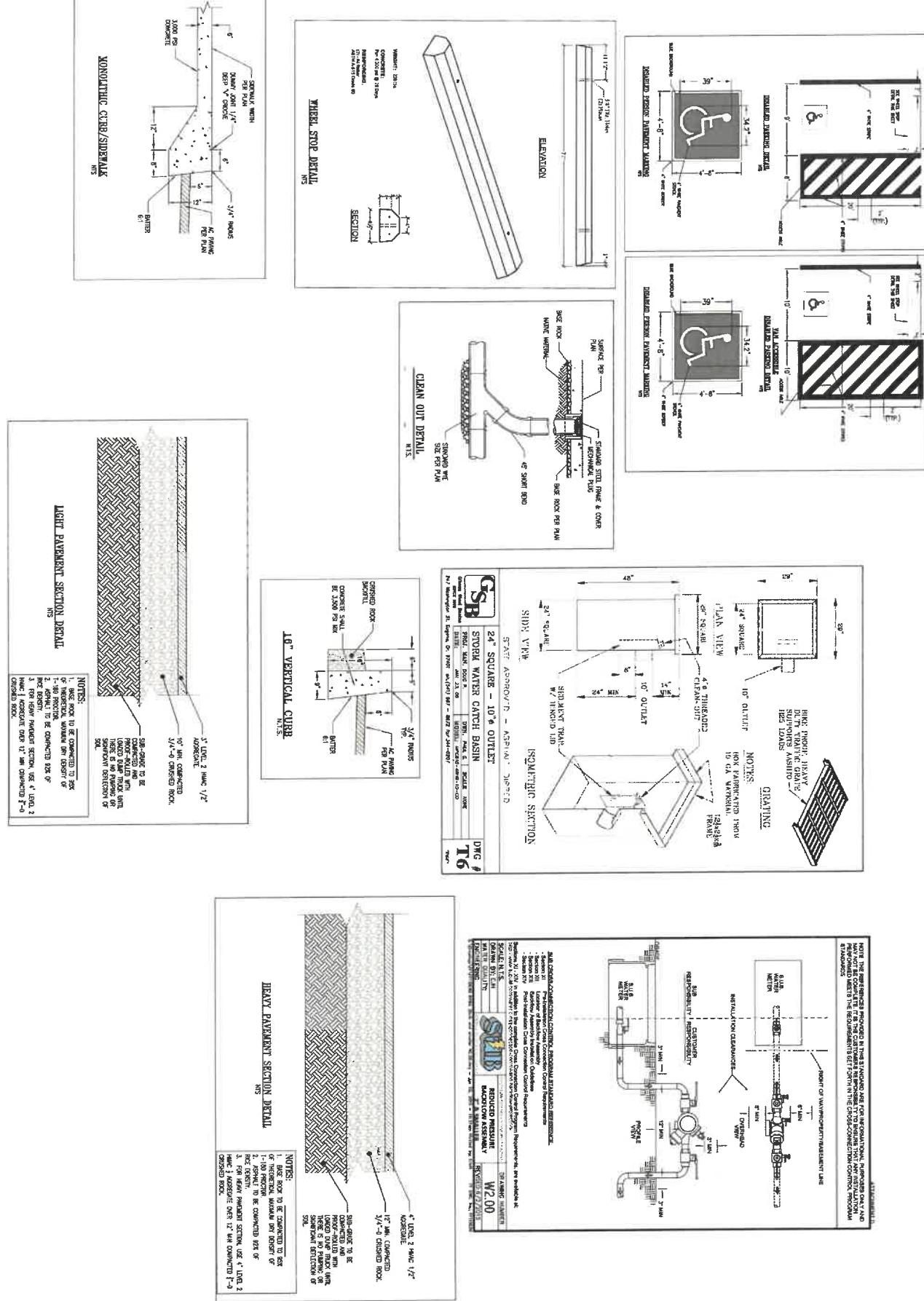
423.50

SEE DITCH MUL. DETAIL, BELOW PERIODIC DRAINS

SHALE DETAIL NTS

0.5'

60°



*Paving Details  
for  
y Street Apartments*

PROJECT No. 5342  
DRAWN BY: SLM  
REVIEWED BY: SDM/ESD  
PROJECT DATES:  
SUBMITTAL 7-8-2022

SHEE  
C-4.2

A & O Engineering L.L.C.

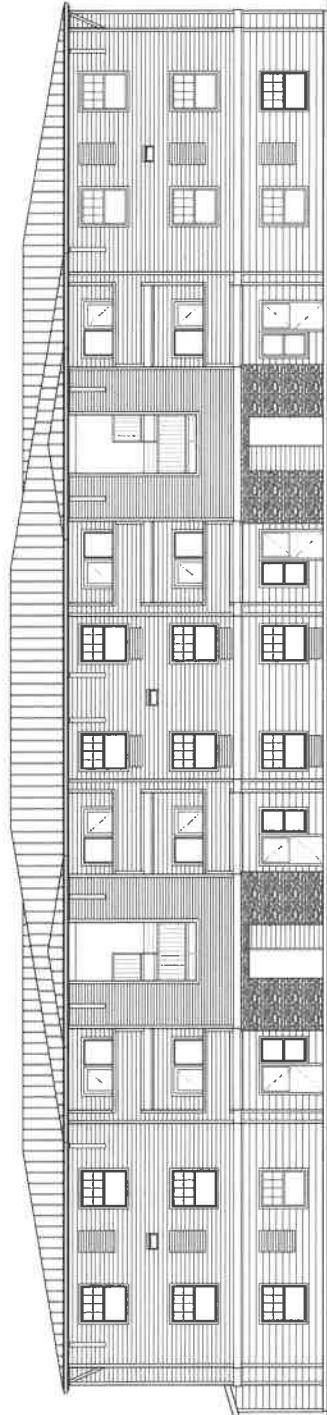
380 Q ST. SUITE 300  
SPRINGFIELD, OR 97477  
PHONE: (541) 302-9790



**NEW MULTI-FAMILY DEVELOPMENT**  
VENETA (LANE COUNTY), OREGON

VENETA (LANE COUNTY), OREGON

DATED: DECEMBER 10, 2022



PROJECT TEAM  
BUILDING CODE SUMMARY

BUILDING CODE SUMMARY

<b>BUILDING CODE SUMMARY:</b>	
CODES APPLICABLE:	TYPE V-B CONSTRUCTION
STRUCTURAL GRADE:	RS
STRUCTURAL CLASS:	YES
NUMBER OF STOREYS:	3 & 1/2
BUILDING HEIGHT:	34'-0"
TAKE OFF, GROUND FLOOR:	THREE (3) COLUMNS, 40'-0"
TAKE OFF, 1ST FLOOR:	THREE (3) COLUMNS, 40'-0"
TAKE OFF, 2ND FLOOR:	THREE (3) COLUMNS, 40'-0"
TAKE OFF, 3RD FLOOR:	THREE (3) COLUMNS, 40'-0"
TAKE OFF, 4TH FLOOR:	THREE (3) COLUMNS, 40'-0"
TAKE OFF, ROOF:	THREE (3) COLUMNS, 40'-0"

ONE PARCEL & TOTAL NO ABOUT 16-28 ACRES  
PROPERTY.

1000

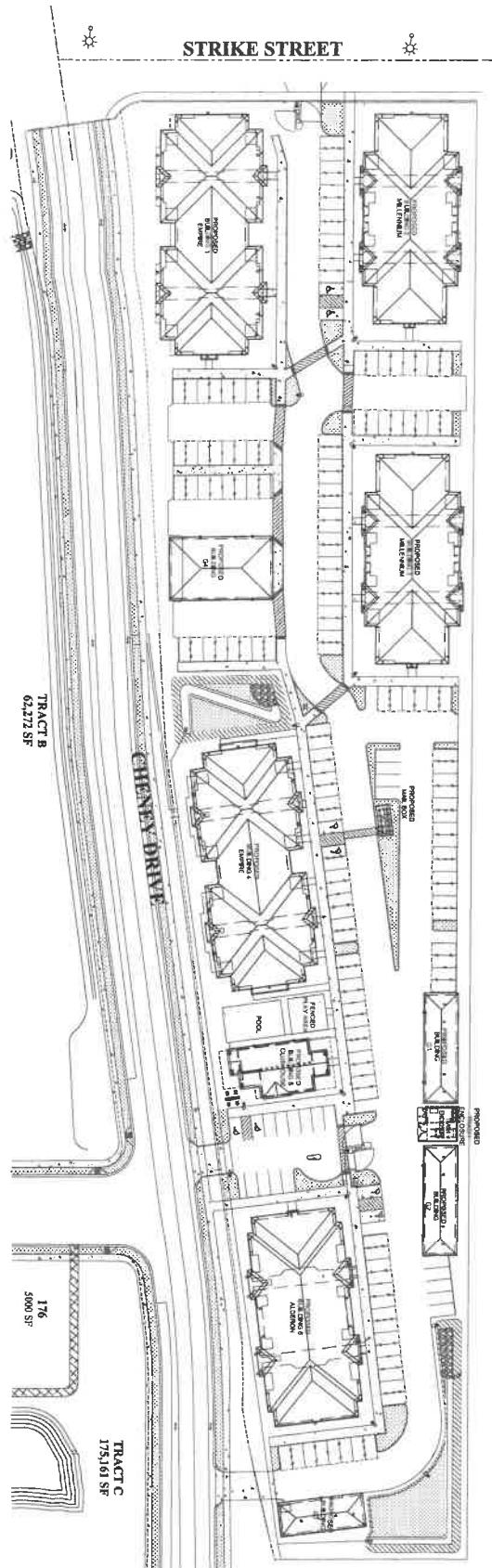
International 449

## COVER SHEET

DATE 12/10/2022 REVISED DATE  SHEET G0.0

SHEET

STRIKE STREET



ARCHITECTURAL  
SITE PLAN

CHENY STREET  
APARTMENTS

VENETA | LANE COUNTY, OREGON

Creations Northwest, LLC  
02899891  
14000 SE Johnson Road, Box 102  
Milwaukie, OR 97267  
Office: 503-898-6642

lentity  
architecture, inc.

250 Native Court St., Salem, Oregon 97301  
• 503 369 1250 • 1250 Native • lentityarchitecture.com

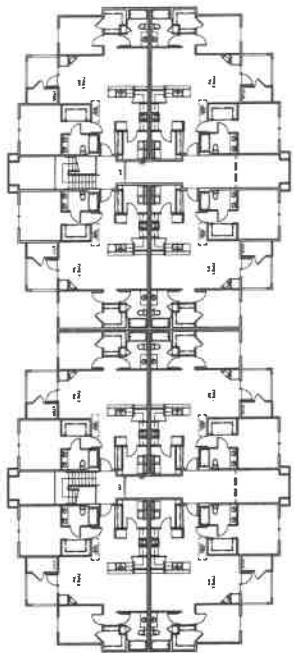
SHEET  
A1.1

DATE  
12/10/2022

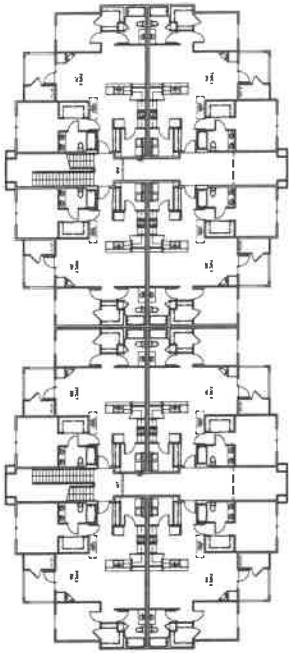
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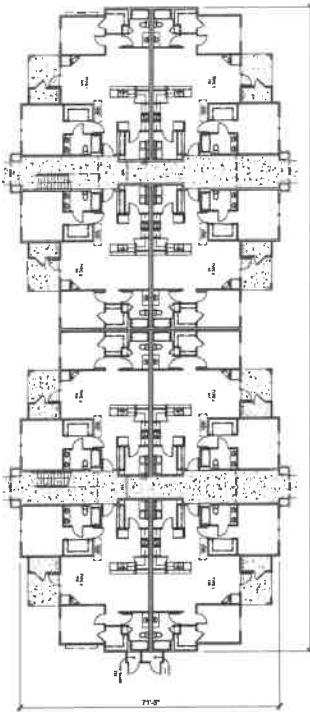
THIRD FLOOR PLAN - EMPIRE  
SCALE: 1INCH = 100'



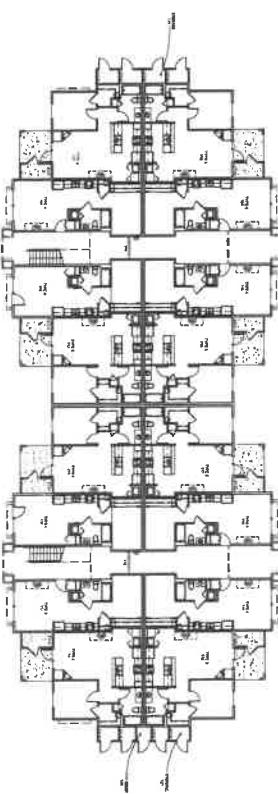
SECOND FLOOR PLAN - EMPIRE  
SCALE: 1INCH = 100'



FIRST FLOOR PLAN - EMPIRE 24  
SCALE: 1INCH = 100'



FIRST FLOOR PLAN - EMPIRE 32  
SCALE: 1INCH = 100'



BUILDING FLOOR PRINTS	
NAME	CHENEY STREET
TYPE	APARTMENT
UNITS	24
LEVEL	1ST
OPEN	100%
STUD	100%
WALL	100%
FLOOR	100%
CEIL	100%
DOOR	100%
WIND	100%
STAIR	100%
ROOF	100%

## BUILDING - 1 & 4 FLOOR PLANS

CHENEY STREET  
APARTMENTS

VENETA | LANE COUNTY, OREGON

Creations Northwest, LLC  
OCONNEAL

14020 SE Johnson Road, Suite 102  
Milwaukie, OR 97262  
Office: 503-656-0048

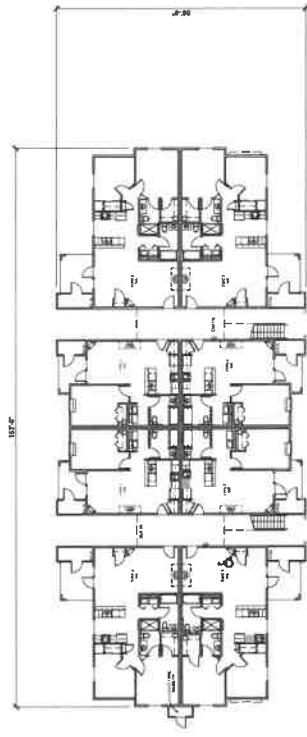
lentity  
architecture, inc.

3500 Battle Ground Rd., Salem, Oregon 97302  
P 503.326.5550 F 503.326.5551 [www.lentity.com](http://www.lentity.com)

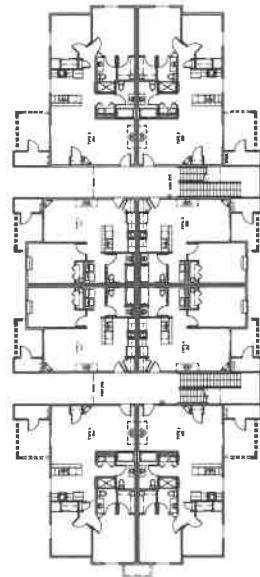
A3.1a  
SHEET

DATE  
12/10/2022

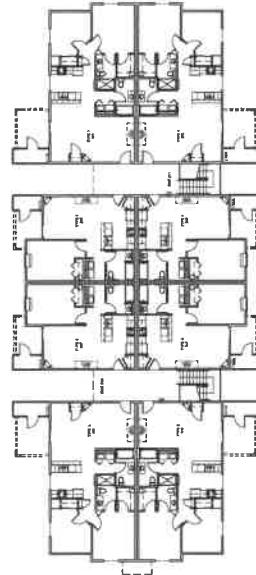
REVISED DATE



**FIRST FLOOR PLAN - MILLENIUM**  
SCALE: 1/8" = 1'-0"



**SECOND FLOOR PLAN - MILLENIUM**  
SCALE: 1/8" = 1'-0"



**THIRD FLOOR PLAN - MILLENIUM**  
SCALE: 1/8" = 1'-0"

# BUILDING - 2 & 3 FLOOR PLANS

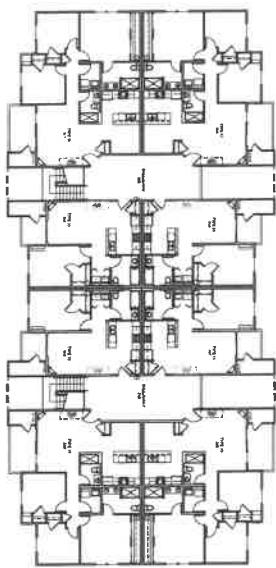
DATE: 12/02/2022  
REVISED DATE: \_\_\_\_\_

SHEET \_\_\_\_\_

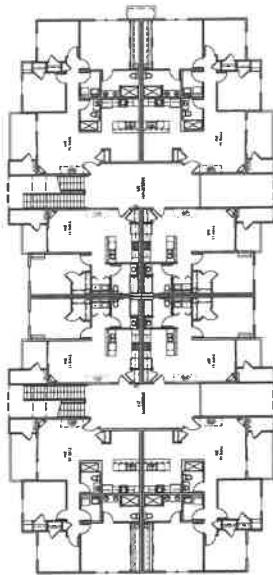
A3.1b

BUILDING FOOTPRINT	
Building Name	Construction Type
Building 2	1-STORY
Building 3	2-STORY
Building 4	3-STORY
Units	24 UNITS (1-BED/1-BATH)
Footprint (ft)	115'-0" x 96'-0"
Stories	3-STORY
Units	24 UNITS (1-BED/1-BATH)
Footprint (ft)	115'-0" x 96'-0"
Stories	3-STORY
Units	24 UNITS (1-BED/1-BATH)
Footprint (ft)	115'-0" x 96'-0"
Stories	3-STORY

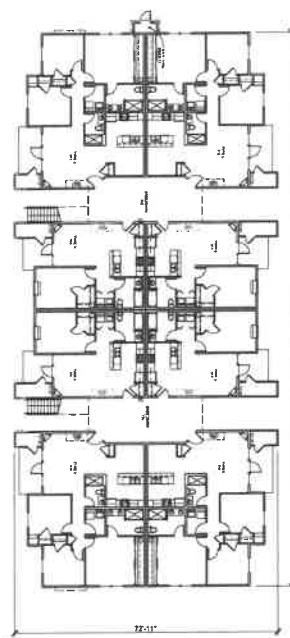
THIRD FLOOR PLAN - ALDERON  
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN - ALDERON  
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN - ALDERON  
SCALE: 1/8" = 1'-0"



BUILDING FOOTPRINTS	
Building #	100A
Address	14020 92nd Avenue Road, Suite 102 Milwaukie, OR 97267

BUILDING - 6  
FLOOR  
PLANS

SHEET  
A3.1c

DATE  
12/10/2022

REVISED DATE

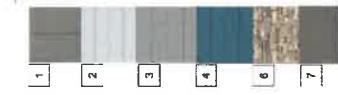
CHENEY STREET  
APARTMENTS  
VENETA | LANE COUNTY, OREGON

Creations Northwest, LLC  
Contractors  
14020 92nd Avenue Road, Suite 102  
Milwaukie, OR 97267  
Office: 603-988-5843

lenity  
architecture, inc.  
2020 Battle Creek Rd, Salem, Oregon 97303  
(503) 369 8550 | (503) 369 8550 | lenityarchitecture.com



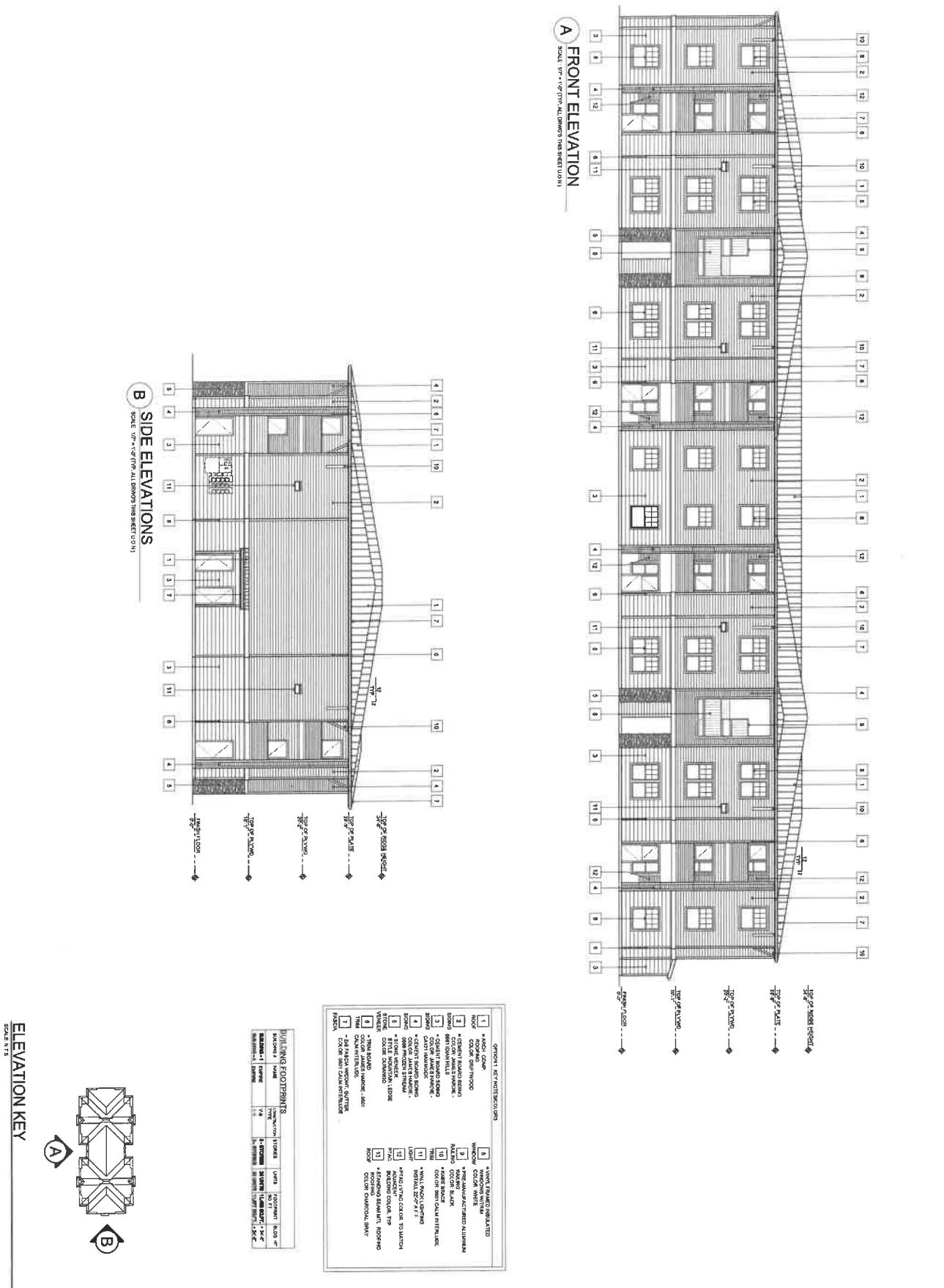
OPTION #2

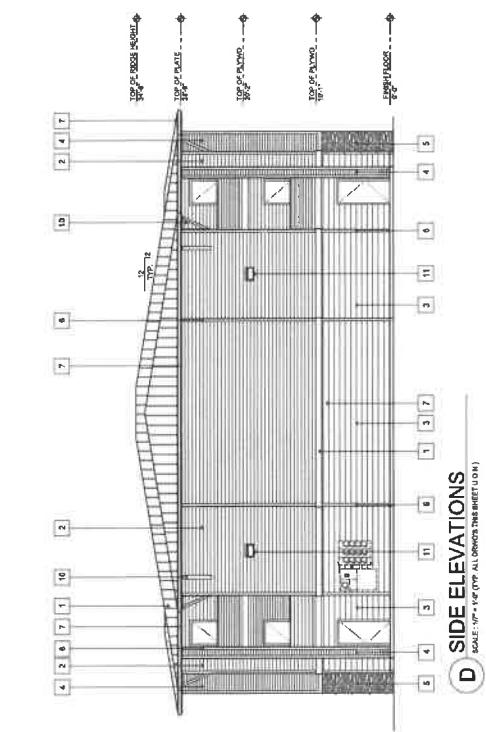
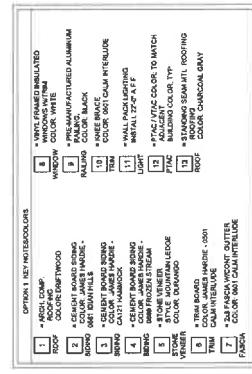
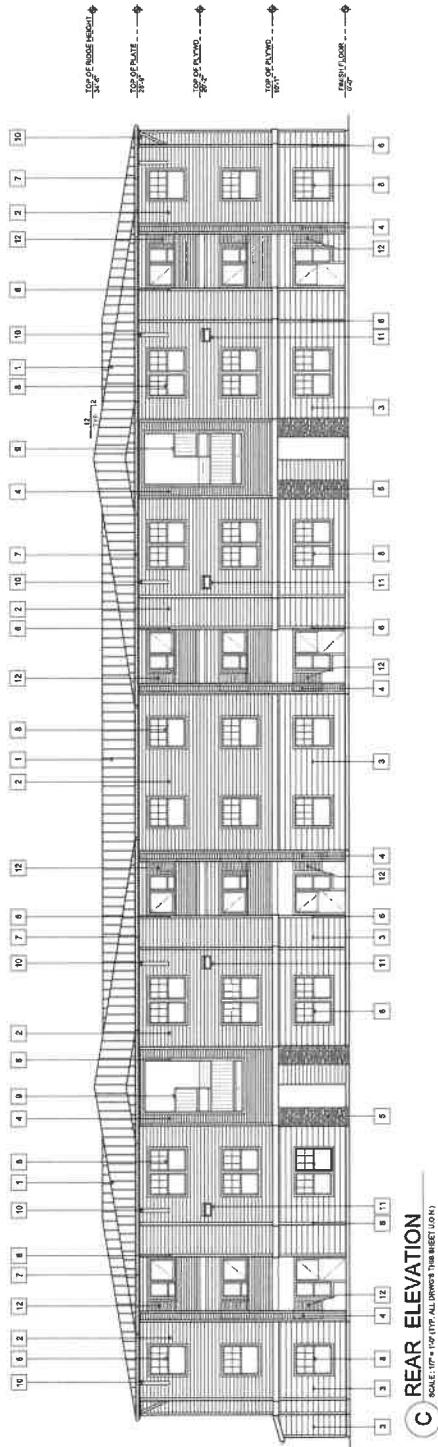


KEY NOTE/COLORS	NOTES
1	1 = ARCH. COMP. ROOF COLOR: BIRCHWOOD
2	2 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - 061 DUSTY HILLS
3	3 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: JAMES HARDIE - CATIA HAMMOCK
4	4 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: JAMES HARDIE - CATIA HAMMOCK
5	5 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: JAMES HARDIE - CATIA HAMMOCK
6	6 = STONE VENEER STYLE: MOUNTAIN LEDGE COLOR: DURANGO VENEER
7	7 = TRIM BOARD COLOR: JAMES HARDIE - 0601 CALM INTERLUDE
8	8 = VINYL FRAMED INSULATED WINDOWS WITH TRIM COLOR: 0601 CALM INTERLUDE
9	9 = PRE MANUFACTURED ALUMINUM RAILING COLOR: BLACK
10	10 = KNEE BRACE COLOR: 0601 CALM INTERLUDE
11	11 = WALL PACK LIGHTING COLOR: BLACK
12	12 = PTAC/VTAC COLOR: TO MATCH BUILDING COLOR
13	13 = PTAC/VTAC COLOR: TO MATCH BUILDING COLOR TYP.

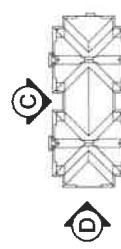
KEY NOTE/COLORS	NOTES
1	1 = ARCH. COMP. ROOF COLOR: BIRCHWOOD
2	2 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - 061 DUSTY HILLS
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4	4 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: JAMES HARDIE - CATIA HAMMOCK
5	5 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: JAMES HARDIE - CATIA HAMMOCK
6	6 = STONE VENEER COLOR: DURANGO VENEER
7	7 = TRIM BOARD COLOR: JAMES HARDIE - 0601 CALM INTERLUDE
8	8 = VINYL FRAMED INSULATED WINDOWS WITH TRIM COLOR: 0601 CALM INTERLUDE
9	9 = PRE MANUFACTURED ALUMINUM RAILING COLOR: BLACK
10	10 = KNEE BRACE COLOR: 0601 CALM INTERLUDE
11	11 = WALL PACK LIGHTING COLOR: BLACK
12	12 = PTAC/VTAC COLOR: TO MATCH BUILDING COLOR
13	13 = PTAC/VTAC COLOR: TO MATCH BUILDING COLOR TYP.

KEY NOTE/COLORS	NOTES
1	1 = STANDING BEAM MTL. ROOFING COLOR: CHARCOAL GRAY
2	2 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - 0633 TECHIE SIDING
3	3 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: 063A SUBTLE SHADOW
4	4 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: 063B ELEGANT
5	5 = CEMENT BOARD SIDING COLOR: JAMES HARDIE - SIZING COLOR: DUSTY HAMMOCK
6	6 = STONE VENEER COLOR: MOUNTAIN LEDGE COLOR: DURANGO VENEER
7	7 = TRIM BOARD COLOR: JAMES HARDIE - 0601 CALM INTERLUDE
8	8 = VINYL FRAMED INSULATED WINDOWS WITH TRIM COLOR: 0601 CALM INTERLUDE
9	9 = PRE MANUFACTURED ALUMINUM RAILING COLOR: BLACK
10	10 = KNEE BRACE COLOR: BLACK
11	11 = WALL PACK LIGHTING COLOR: 0601 CALM INTERLUDE
12	12 = PTAC/VTAC COLOR: TO MATCH BUILDING COLOR
13	13 = PTAC/VTAC COLOR: TO MATCH BUILDING COLOR TYP.





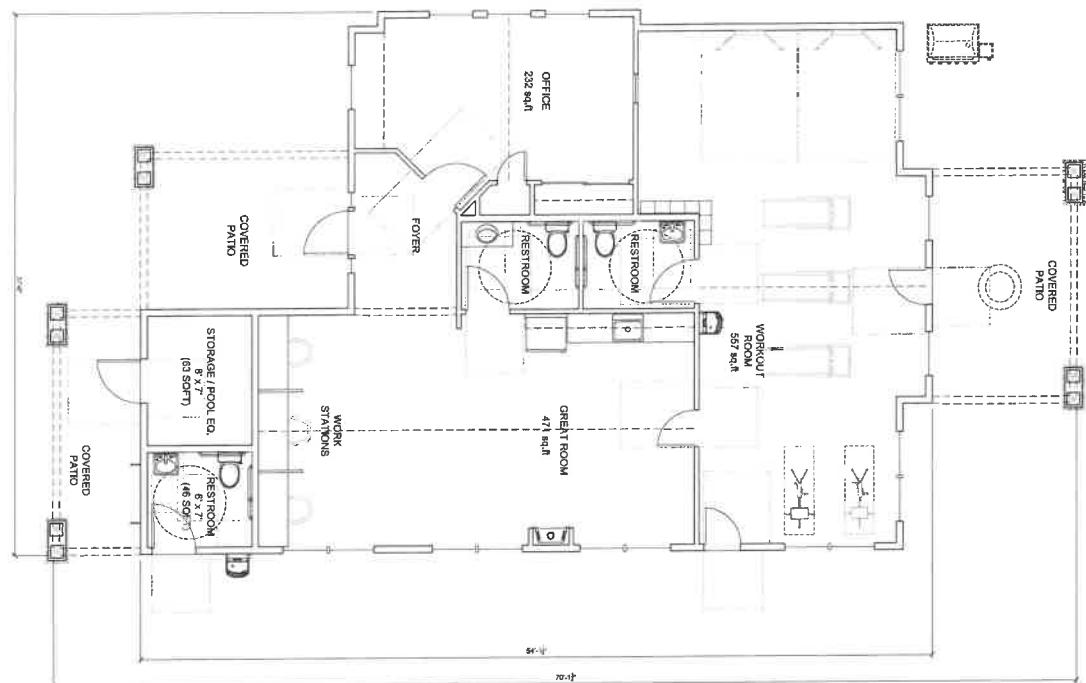
BUILDING ELEVATION	NUMBER	DESCRIPTION	STORY	TYPE	WALL	DOOR	ROOF	FOOTPRINT	IN
REAR ELEVATION	1	FRONT DOOR	1	FRONT DOOR	1	FRONT DOOR	1	10'-0" x 10'-0"	120
REAR ELEVATION	2	FRONT DOOR	1	FRONT DOOR	1	FRONT DOOR	1	10'-0" x 10'-0"	120



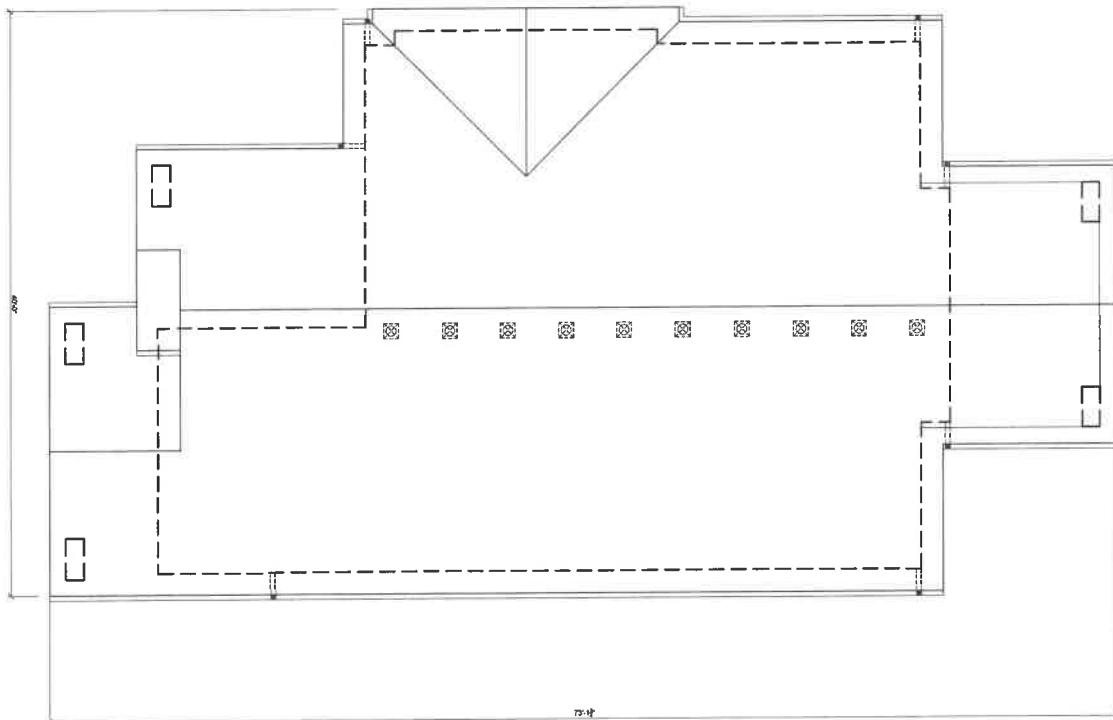


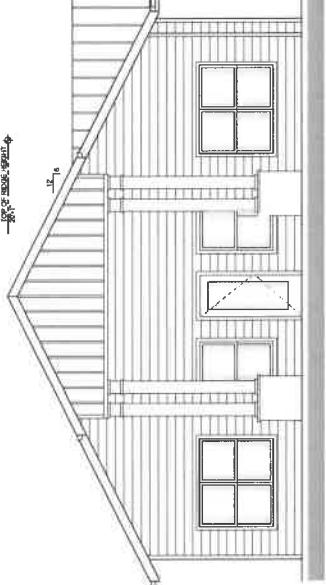


 FLOOR PLAN  
Recreation Center



 ROOF PLAN  
Recreation Center

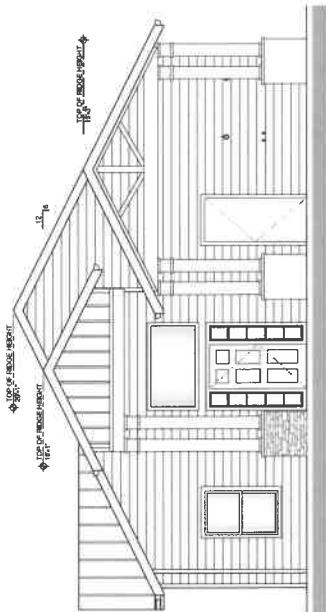




FRONT ELEVATION

RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

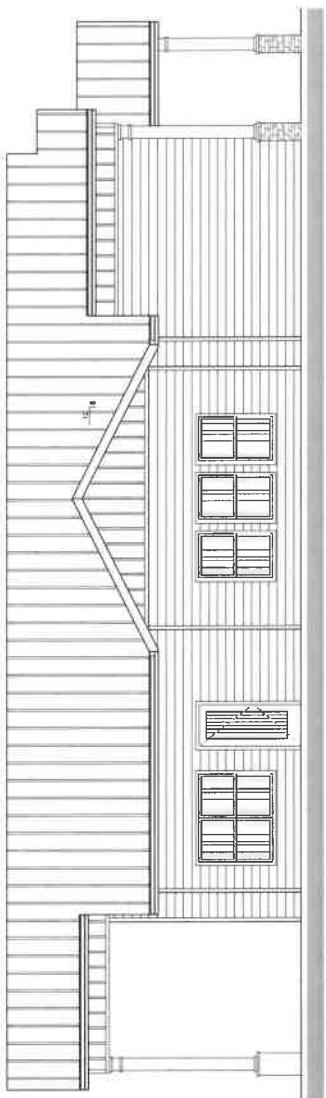
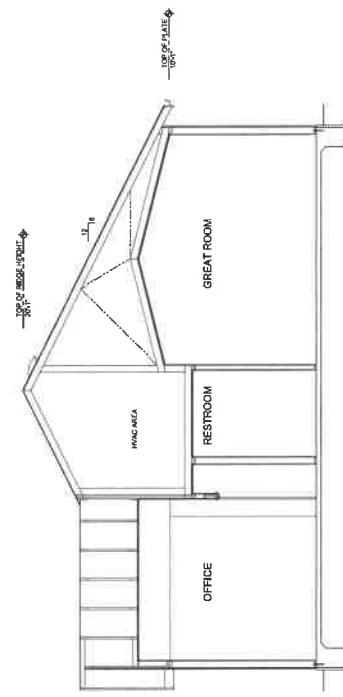
LEFT ELEVATION

SCALE: 1/8" = 1'-0"



SECTION

SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



SECTION

SCALE: 1/8" = 1'-0"

CLUB HOUSE ELEVATIONS

EXTERIOR

APARTMENTS

CHENEY STREET

VENETA LANE COUNTY, OREGON

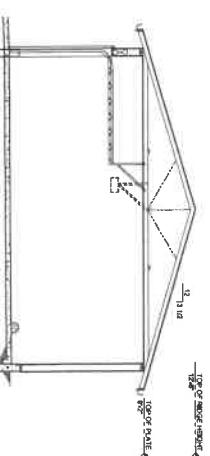
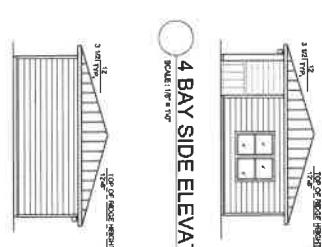
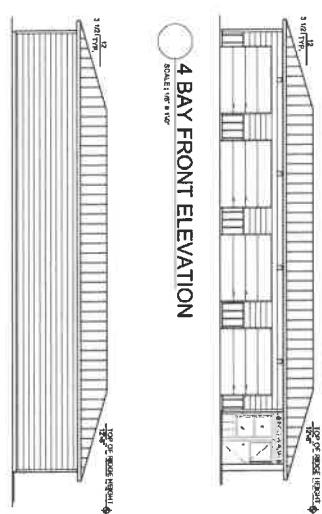
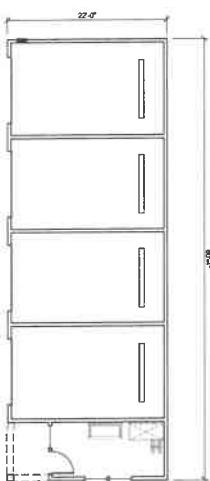
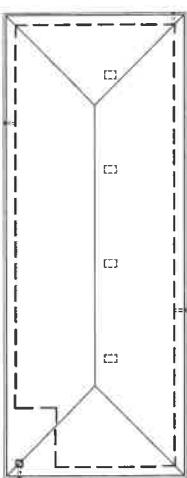
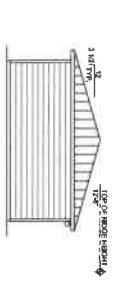
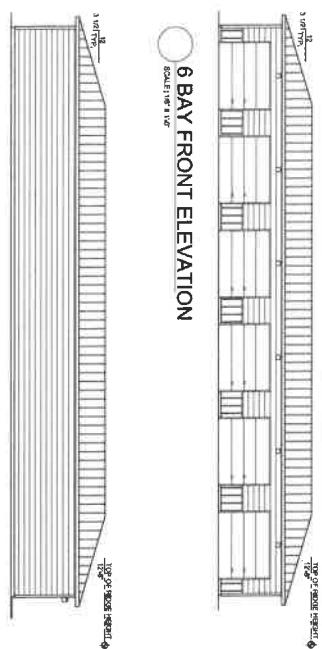
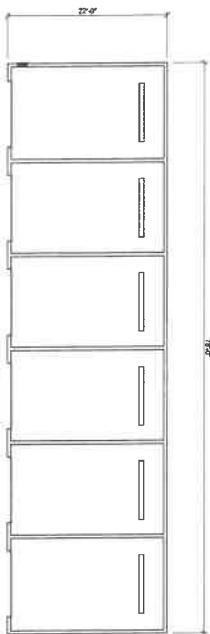
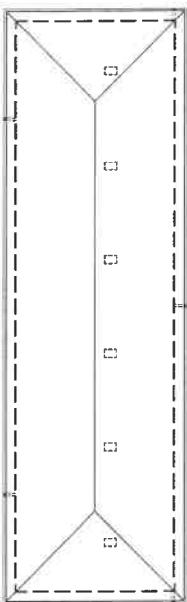
DATE

12/10/2022

REVISED DATE

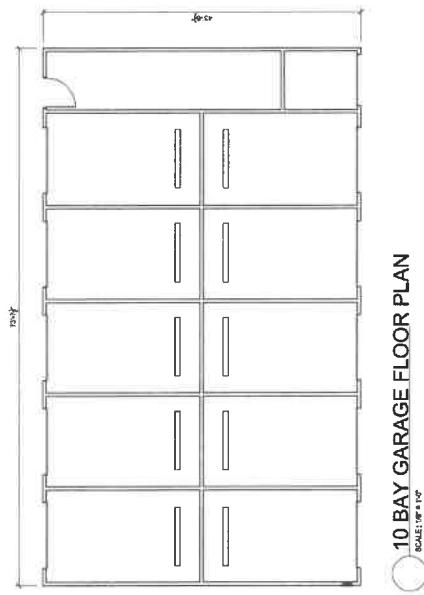
SHEET

A6.2b

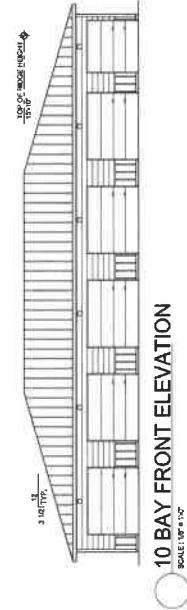


A technical line drawing of a truss structure, likely a roof truss. The truss consists of a top chord, a bottom chord, and various internal members. Dimension lines indicate the height of the truss as 12'-0" and the width of the top chord as 12'-0". A vertical line on the left is labeled '12'-0"'. A vertical line on the right is labeled '12'-0"'. A horizontal line near the bottom is labeled '12'-0"'. A small rectangular box is located near the bottom right corner of the truss structure.

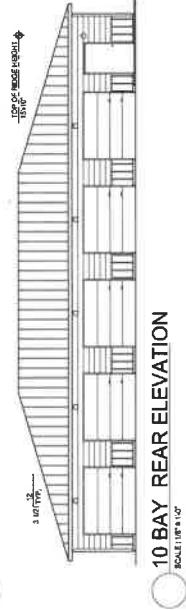
## 10 BAY GARAGE SECTION



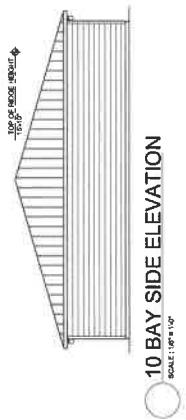
# 10 BAY GARAGE FLOOR PLAN



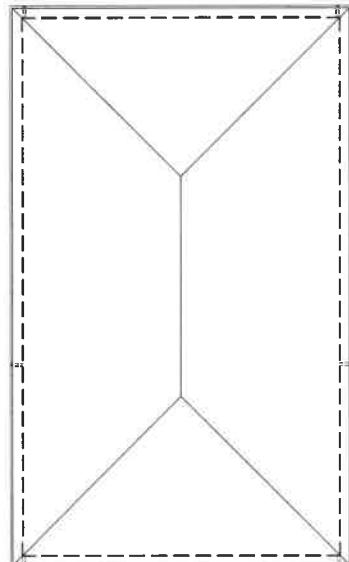
10 BAY FRONT ELEVATION



10 BAY REAR ELEVATION



10 BAY SIDE ELEVATION



# 10 BAY GARAGE ROOF PLAN

SCALE 1 INCH = 10 FT

## STRIKE STREET

**PLANTING SCHEDULE**  
STABO | GARDENING BOTANICAL  
DECIDUOUS TREES *sub. Tre*

STORMWATER FACILITIES PLAN LIST

# CONCEPTUAL LANDSCAPE PLAN

2. Landbouwbedrijf waarvan de productie en exploitatie mogelijk is zonder 100% toewijding te aan plattelandse economie.

卷之三

## CONCEPTUAL LANDSCAPE PLAN

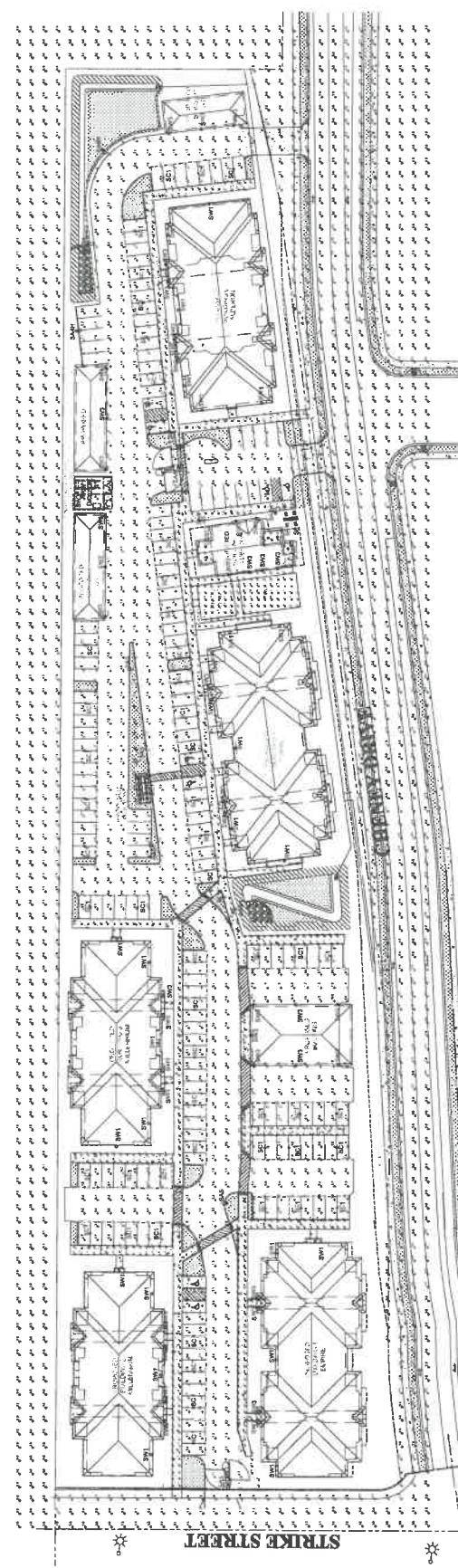
**CHENEY STREET  
APARTMENTS**

VENETA \ LANE COUNTY, OREGON

lenity  
architecture, inc.  
3500 Xerxes Court, SE, Salem, Oregon 97301  
(503) 395-0565 [mailto:lenity@raach.com](mailto:mailto:lenity@raach.com)

## SCHEDULE

項目	説明	単位	平均	最大	最小	標準偏差	平均偏差
PROPERTY LINE	○	0.05e	0.6k	0.9k	0.3k	0.31k	0.1k
PARCEL	+	1.15e	11.5%	19.4%	3.2%	5.81	7.81
PARCEL	+	2.4%	19.4%	32.0%	11.1%	6.81	11.1%





# MEMORANDUM

**DATE:** April 4, 2023

**TO:** Henry Hearley, Associate Planner

City of Veneta

**FROM:** Lane Branch, P.E., City Engineer

**RE:** Public Works Engineering Comments

Site Review SR-1-23 Cheney Drive Apartments

Thank you for the opportunity to assist the City and provide comments for the Cheney Drive Apartments project (SR-1-23).

The plans are well done and the following comments are relatively minor:

**Finding:** The city of Veneta's adopted stormwater manual is the 2008 City of Portland Stormwater Management Manual (SWMM). A stormwater management report by A & O Engineering, LLC was included with the application. The proposed stormwater system includes two treatment/detention basins to treat the runoff and limit peak runoff rates to below pre-development conditions for the 2-year through 25-year storm events. Downstream of the detention systems the runoff will be directed to a public pipe in Cheney Drive and continue east to Territorial Road.

The proposed stormwater system is in accordance with Veneta's requirements.

**Finding:** The site fronts Strike Street and a future extension of Cheney Drive. Strike Street is fully improved with sidewalks, curb/gutters and other roadway improvements. Cheney Drive currently does not exist, and is proposed to be constructed by others concurrent with a subdivision project. The proposed development relies on the future Cheney Drive infrastructure for access, sewer, storm, and water service.

**Recommended Condition:** Prior building permit approval, the public improvement plans for Cheney Drive from Strike Street to Territorial Drive shall be approved by the City, bonded, and a notice to proceed with construction issued. The right-of-way for this section of Cheney Drive shall also be dedicated prior to release of the building permit.

Prior to occupancy of any buildings within the development, the Cheney Drive improvements shall be substantially complete, as determined by City of Veneta public works.

**Finding:** A DEQ 1200C erosion control permit is necessary for site disturbances over one acre.

**Recommended Condition:** Prior to building permit approval, the applicant shall obtain a DEQ 1200C erosion control permit.

**END OF COMMENTS**



Matt,  
 I don't think the City required a TIA to be included with this application, per the 100 peak hour trip threshold included in VLDO 493, section 5.27(1)A. I recall that the County requested a speed study to justify the speed used in the turn lane warrant analysis, and that Kelly Sandow and I met with them in a virtual meeting to discuss the right-turn lane, and she agreed to include more on the discussion included in the TIA about that. It looks like she included what was discussed in the meeting in the TIA update. The TIA looks complete from the City's standpoint.

It seems like Lane may have had comments previously regarding the street situation to ensure that there is a street that is available to their proposed development, but I do not recall where that would have left-off. It may have been in regard to the other site, south of the Cheney Street extension, but I don't remember, and would defer to him for anything on that.

Also, I did notice that their photometric plan at the end of the drawing set (E1.1) does not show any illumination level contours to confirm that the proposed lighting meets the codified criteria of Veneta Municipal Code, Section 15.15.090(4) for prohibited light trespass at the adjacent neighboring properties.

Thanks,

---

**DAN HAGA, P.E.**  
 Project Engineer

**BRANCH ENGINEERING, INC.**  
310 5th Street, Springfield, OR 97477  
p\_ 541.746.0637 ext. 113  
[www.branchengineering.com](http://www.branchengineering.com)

Springfield OR | Albany–Corvallis OR

**From:** Matt Laird <[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)>  
**Sent:** Thursday, December 29, 2022 1:28 PM  
**To:** Lane Branch <[laneb@branchengineering.com](mailto:laneb@branchengineering.com)>; Dan H <[danh@branchengineering.com](mailto:danh@branchengineering.com)>; Kyle Schauer <[kschauer@ci.veneta.or.us](mailto:kschauer@ci.veneta.or.us)>; [DeanChappell@lanefire.org](mailto:DeanChappell@lanefire.org); LENZEN-HAMMEREL Alycia B <[Alycia.LENZEN-HAMMEREL@lanecountyor.gov](mailto:Alycia.LENZEN-HAMMEREL@lanecountyor.gov)>; VARTANIAN Sasha L <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>; Doug Baumgartner <[odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)> <[odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)>  
**Subject:** Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File No. SR-1-22

Hello All,

This application was originally deemed incomplete on August 4, 2022.  
 On December 27, 2022, the City of Veneta received supplemental information.  
 This property is located in the southwest portion of the city, and will include an extension of Cheney street.  
 At this time, we need to review the application for completeness only.

**If you have any completeness review comments, please provide them to me by January 10, 2023.**

The applicants submitted materials are accessible at the link below:

[SR -1-22 Cheney Street Apartments](#)

Thank you,



**HEARLEY Henry O**

**From:** DEVONEY Mark A <Mark.DEVONEY@lanecountyor.gov>  
**Sent:** January 11, 2023 11:18 AM  
**To:** HEARLEY Henry O  
**Cc:** VARTANIAN Sasha; BAJRACHARYA Shashi; Matt Laird; DEVONEY Mark A  
**Subject:** RE: Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File No. SR-1-22

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

You don't often get email from mark.devoney@lanecountyor.gov. [Learn why this is important](#)

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

Hi Henry:

Due to Alycia's departure I am taking over lead responsibility for Lane County's review of development referrals. I discussed this development yesterday with our traffic engineering staff and my supervisor. Per Alycia's comments in her January 3<sup>rd</sup> e-mail we do consider the applicant's TIA incomplete. Several of the TIA's findings related to the proposed extension of Cheney Street are not supported by adequate analysis and data. I have summarized our specific concerns below.

Specifically:

- 1) The finding that: "*crash rates and patterns do not require mitigation*". This conclusion is based on interpretation of historical data without considering the impact of a new intersection serving a large residential development. Predictive analysis of the new intersection and additional traffic is required to make a more informed conclusion.
- 2) The finding that: "*Pedestrian crossing volumes are lower than 5 during the AM or PM peak hours. No pedestrian improvements are needed.*" The County believes there will likely be a significant increase in pedestrian activity after the development is in place. There is no analysis of what this increase is projected to be or what improvements needed to address this increase.
- 3) The finding that: a right turn pocket "*will result in additional bike and pedestrian conflicts, reducing the safety for these users while not substantially improving vehicle travel safety*" is not supported by traffic analysis and data.
- 4) The finding that: "*There is no off site mitigation needed for this development*". Lane County believes this to be a conclusion unsubstantiated by the facts provided.

Thanks for the opportunity to provide input. Please feel free to contact me with any additional questions or comments.

*Mark Devoney*

Senior Transportation Planner  
 Lane County Public Works  
 3040 N. Delta Hwy  
 541-280-0397 (cell)

Note: I'm working part-time M-Weds 7 am-1pm

## HEARLEY Henry O

---

**From:** Matt Laird <mlaird@ci.veneta.or.us>  
**Sent:** March 7, 2023 4:53 PM  
**To:** DEVONEY Mark A  
**Cc:** VARTANIAN Sasha; BAJRACHARYA Shashi; HEARLEY Henry O  
**Subject:** RE: Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File SR-1-22 & TP-23-6

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

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Thank you Mark,

Your comments will be added to the record.

**Matt Laird**  
Community Development Director

City of Veneta  
P.O. Box 458  
Veneta, OR 97487  
(541) 935-2191  
[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)



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**From:** DEVONEY Mark A <Mark.DEVONEY@lanecountyor.gov>  
**Sent:** Tuesday, March 7, 2023 12:40 PM  
**To:** Matt Laird <mlaird@ci.veneta.or.us>  
**Cc:** VARTANIAN Sasha L <sasha.vartanian@lanecountyor.gov>; BAJRACHARYA Shashi <shashi.bajracharya@lanecountyor.gov>  
**Subject:** RE: Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File SR-1-22 & TP-23-6

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Hi Matt,

We only have one additional comment besides what we have already provided. That is regarding whether the section of Cheney Drive west of Territorial can definitely be built on an alignment that matches up with the centerline of the existing Cheney Drive east of Territorial? Has that been documented in the land use record? I have seen references to the Applegate developer negotiating to buy ROW from the property owner along the north side of Cheney Drive adjacent to Territorial, but did not see whether that ROW acquisition process was completed in order to build on the proposed alignment.

Thanks,

Mark Devoney

**From:** Matt Laird <[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)>

**Sent:** Monday, March 6, 2023 4:21 PM

**To:** Kyle Schauer <[kschauer@ci.veneta.or.us](mailto:kschauer@ci.veneta.or.us)>; Lane Branch ([laneb@branchengineering.com](mailto:laneb@branchengineering.com)) <[laneb@branchengineering.com](mailto:laneb@branchengineering.com)>; Dan H (Branch Engineering) <[danh@branchengineering.com](mailto:danh@branchengineering.com)>; VARTANIAN Sasha L <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>; DEVONEY Mark A <[Mark.DEVONEY@lanecountyor.gov](mailto:Mark.DEVONEY@lanecountyor.gov)>; Brian Sayles ([briansayles@lanefire.org](mailto:briansayles@lanefire.org)) <[briansayles@lanefire.org](mailto:briansayles@lanefire.org)>; Doug Baumgartner ([odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)) <[odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)>

**Cc:** Henry Hearley ([hhearley@lcog.org](mailto:hhearley@lcog.org)) <[hhearley@lcog.org](mailto:hhearley@lcog.org)>

**Subject:** Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File SR-1-22 & TP-23-6

[EXTERNAL ]

Hello All,

This application was originally deemed incomplete on August 4, 2022.

On December 27, 2022, the City of Veneta received supplemental information.

The application was once again deemed incomplete on January 13, 2023.

Supplemental information was received on March 1, 2023.

This property is located in the southwest portion of the city.

At this time, we need to review the application for completeness only.

**If you have any completeness review comments, please provide them to me by March 21, 2023.**

The applicants submitted materials are accessible at the link below:

[Cheney Street Apartments Application](#)

Thank you,

**Matt Laird**

Community Development Director

City of Veneta

P.O. Box 458

Veneta, OR 97487

(541) 935-2191  
[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)



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April 2, 2023

**TO:** Henry Hearley, Lane Council of Governments  
**FROM:** Mark Devoney, Lane County Transportation Planning

**RE: Lane County Comments on Cheney Street Apartments (File: SR-1-23)**

Thank you for the opportunity to provide comment on this proposed apartment complex. Territorial Highway is a minor arterial under the jurisdiction of Lane County and our primary responsibility is to ensure that Territorial functions safely and efficiently. With this goal in mind, Lane County staff have been coordinating with the City of Veneta and the developer's representatives over the last several months on this proposal, as well as other related Applegate subdivision phases. There have been multiple issues discussed and resolved. However, there are two fundamental issues not yet resolved. These unresolved issues are highlighted and discussed below.

**1) Responsibility for improvements at the intersection of Cheney Drive and Territorial Highway identified in Development Agreement (dated 6/28/2007):** The master planning work completed for the Applegate subdivision (including the associated traffic analysis, adoption of the Southwest Area Specific Plan, conditions of approval by the City of Veneta, and the Development Agreement between Hayden Enterprises and the City) established clear guidance on what improvements are needed and who will pay for them. In the specific case of the Cheney Drive and Territorial Highway intersection, all of these documents, including land use conditions of approval and the Development Agreement (dated 6/28/2007) required the developer to install the Cheney/Territorial Improvement at the developer's "sole cost". However, during the review and discussion of the Cheney Apartments development (up until very recently referred to as Applegate Phase IX) disagreement has arisen on who should be responsible for the Cheney Drive/Territorial Highway improvements. Even the reference to this development being an Applegate Phase seems to be missing in recent application documents. Consequently, it is unclear why there is this departure from the adopted master planning process, conditions of approval, and prior agreements. Unless this is resolved, the public could end up paying for improvements that should be the developer's responsibility.

**2) Disagreement on the need for a southbound right turn lane on Territorial Highway:** The master planning efforts mentioned above also identified the need for a southbound right turn lane on Territorial Highway at the Cheney Drive intersection. This was identified and agreed as being needed during the buildout of this subdivision, approximately by the sixth or seventh phase depending on follow-up traffic analysis during the approval of subsequent phases. The most recent traffic analysis by Sandow Engineering determined that with the Cheney

Apartments (Applegate Phase IX) the right-turn lane warrant was met. It is noted that concern was also expressed in the report about the right turn lane potentially being a safety concern for pedestrians attempting to cross Cheney Drive. Lane County believes that the right turn lane is needed for public safety and that pedestrian crossing issues can be addressed by the design details associated with the turn lane. Without the turn lane, Lane County's safety analysis finds an increased risk of rear-end collisions due to the high turning volumes projected at this intersection. Based on review of correspondence and comments to date, the applicant's concern is primarily based on the difficulty of ROW acquisition for the turn lane and not the safety measures necessary to mitigate the increased risks due to increased traffic from the development of the Applegate Subdivision. The applicant's traffic consultant proposed that one option is to lower traffic speeds on Territorial Highway. Traffic speeds on roadways in Oregon are established by ODOT and are based on speed zone studies of actual speeds. Design modifications of the roadway would be necessary in order to affect actual speeds and potentially the outcome of the speed zone study. This would be a separate process outside the purview of the current land use action and thus not a practical option at this point without modifications to the existing roadway design.

Finally, it is important to note that all work on the Cheney Drive connection to Territorial Highway, that is proposed within the County ROW will require a facility permit from Lane County. The timing of this connection remains unclear but prior to issuance of the facility permit the applicant must demonstrate the following:

- The centerlines of Cheney Drive align on both sides of Territorial Highway.
- The design and construction plans include the southbound right turn lane on Territorial Highway, or an alternative safety measure that mitigates the increased safety risks identified in master planning and the Traffic Impact Analysis for Applegate Phase IX.

Attached is a brief summary of previous comments from Lane County on the Traffic Impact Analysis. Please enter this memo and the attached comments into the record for this land use application and keep Lane County Transportation Planning updated on additional information as it becomes available.

Attached: PDF of previous TIA Comments

**From:** DEVONEY Mark A  
**Sent:** Wednesday, January 11, 2023 11:18 AM  
**To:** HEARLEY Henry O <HHEARLEY@Lcog.org>  
**Cc:** VARTANIAN Sasha L <sasha.vartanian@lanecountyor.gov>; BAJRACHARYA Shashi <shashi.bajracharya@lanecountyor.gov>; Matt Laird <mlaird@ci.veneta.or.us>; DEVONEY Mark A <Mark.DEVONEY@lanecountyor.gov>  
**Subject:** RE: Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File No. SR-1-22

Hi Henry:

Due to Alycia's departure I am taking over lead responsibility for Lane County's review of development referrals. I discussed this development yesterday with our traffic engineering staff and my supervisor. Per Alycia's comments in her January 3<sup>rd</sup> e-mail we do consider the applicant's TIA incomplete. Several of the TIA's findings related to the proposed extension of Cheney Street are not supported by adequate analysis and data. I have summarized our specific concerns below.

Specifically:

- 1) The finding that: "*crash rates and patterns do not require mitigation*". This conclusion is based on interpretation of historical data without considering the impact of a new intersection serving a large residential development. Predictive analysis of the new intersection and additional traffic is required to make a more informed conclusion.
- 2) The finding that: "*Pedestrian crossing volumes are lower than 5 during the AM or PM peak hours. No pedestrian improvements are needed.*" The County believes there will likely be a significant increase in pedestrian activity after the development is in place. There is no analysis of what this increase is projected to be or what improvements needed to address this increase.
- 3) The finding that: *a right turn pocket "will result in additional bike and pedestrian conflicts, reducing the safety for these users while not substantially improving vehicle travel safety"* is not supported by traffic analysis and data.
- 4) The finding that: "*There is no off site mitigation needed for this development*". Lane County believes this to be a conclusion unsubstantiated by the facts provided.

Thanks for the opportunity to provide input. Please feel free to contact me with any additional questions or comments.

*Mark Devoney*  
Senior Transportation Planner  
Lane County Public Works  
3040 N. Delta Hwy  
541-280-0397 (cell)



CHENEY STREET APARTMENTS  
TRAFFIC IMPACT ANALYSIS  
Veneta, Oregon

December 21, 2022

TRAFFIC IMPACT ANALYSIS

160 Madison Street, Suite A  
Eugene, Oregon 97402  
541.513.3376

SANDOW  
ENGINEERING

# Traffic Impact Analysis

## CREATIONS NW CHENEY STREET APARTMENTS



Veneta, Oregon  
December 21, 2022

Kelly Sandoval PE

SANDOW  
ENGINEERING  
160 Madison Street, Suite A  
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project # 6023

## EXECUTIVE SUMMARY

This report provides an updated Traffic Impact Analysis and findings prepared for the proposed Cheney Street Apartments in Veneta, Oregon. The subject site is located at tax lot 1610 of Assessor's Map 18-06-01-00. The development proposal is an apartment complex with up to 120 residential units. Access to the site will be via the Cheney Drive extension and Strike Street.

## FINDINGS

- All studied intersections operate within the mobility standards with and without the development trips.
- The addition of development traffic does not substantially increase queuing conditions.
- Crash rates and patterns do not require mitigation.
- Pedestrian crossing volumes are lower than 5 during the AM or PM peak hours. No pedestrian improvements are recommended.
- A southbound right turn pocket was evaluated at the intersection of Territorial Road at Cheney Drive. The Level of Service, v/c, or queuing conditions does not trigger the need for a right turn pocket. A right turn pocket will result in additional bike and pedestrian conflicts, reducing the safety for these users while not substantially improving vehicle travel safety. Additionally, the right of way needed to construct a right turn pocket and manage stormwater is not available and cannot be obtained. Therefore, a right turn pocket is not recommended.
- There is no off-site mitigation needed for this development.

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APPENDIX E: QUEUING OUTPUTS
APPENDIX F: SPEED STUDY

## 1.0 BACKGROUND

This report provides the Traffic Impact Analysis and findings prepared for the Cheney Street Apartments in Veneta, Oregon. The subject site is located at Tax Lot 1610 of Assessor's Map 18-06-01-00. The site is approximately 5.34 acres, is currently vacant, is zoned General Residential, and is part of the Veneta Southwest Area Specific Plan.

The development proposal is an apartment complex with up to 120 units. The apartment complex will be providing driveway connections to the new Cheney Drive street connection and to Strike Street

The site plan is included in Appendix A.

## 2.0 SCOPE OF WORK

The traffic study is performed in accordance with the City of Veneta and Lane County analysis criteria. The site is anticipated to generate 60 AM, 72 PM, and 845 Daily trips. Given the low traffic volume, the scope of the study is limited to the closest intersections.

The evaluation is prepared for the intersections of:

- Territorial Road at Cheney Drive
- Territorial Road at Perkins Road

The traffic impacts were evaluated for the weekday AM and PM peak hours. The operational analysis is performed for the following conditions:

- Existing year 2022
- Year of completion, year 2024, with and without the proposed development
- Five-year planning horizon, year 2029, with and without the proposed development

The evaluation includes:

- Intersection Level of Service and volume-to-capacity calculations
- Intersection queuing
- Evaluation of crash history
- Pedestrian crossing evaluation at Territorial Road
- Right turn pocket evaluation at Territorial Road/Cheney Dr intersection

## 3.0 EXISTING ROADWAY CONDITIONS

### 3.1 STREET NETWORK

Major Streets included within the study are Territorial Rd, Cheney Drive, and Perkins Rd. The roadway characteristics within the study area are included in Table 1. Figure 1 illustrates the site location and study area. Figure 2 illustrates the study area intersection geometry and access control.

TABLE 1: ROADWAY CHARACTERISTICS WITHIN STUDY AREA

Characteristic	Territorial Road	Perkins Road	Cheney Drive
<b>Jurisdiction</b>	Lane County	City of Veneta	City of Veneta
<b>Functional Classification</b>	Minor Arterial	Minor Collector	Minor Collector
<b>Posted Speed</b>	35-40 mph	20 mph	25 mph
<b>Lanes per Direction</b>	1	1	1
<b>Center Left Turn lane</b>	TWLTL	None	None
<b>Restrictions in the Median</b>	None	None	None
<b>Bikes Lanes Present</b>	Yes	Yes	None
<b>Sidewalks Present</b>	Yes	Yes	Yes
<b>Transit Route</b>	Yes	None	None
<b>On-Street Parking</b>	None	Yes	Yes

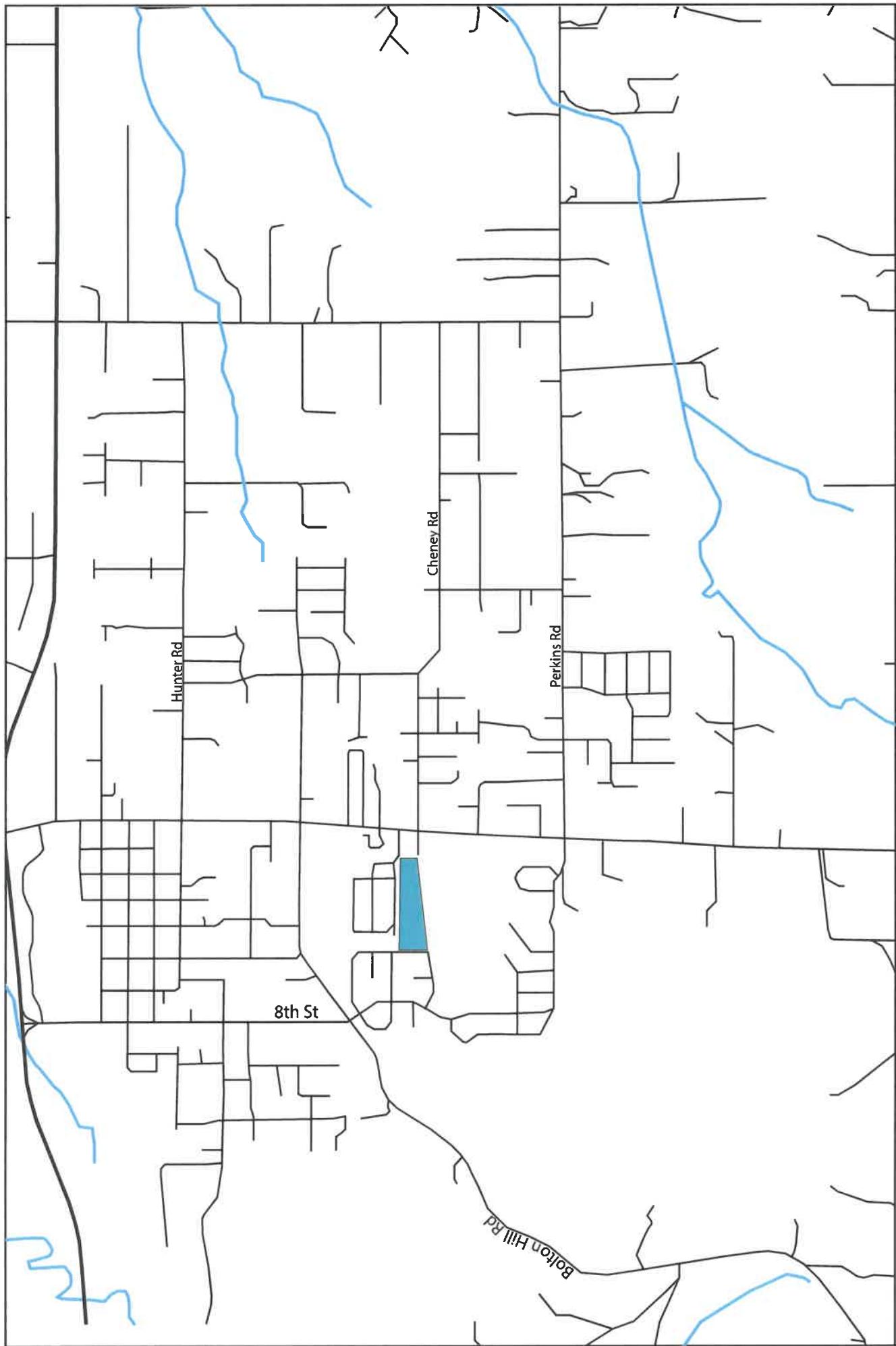


Figure 1 : Site Location and Vicinity Map

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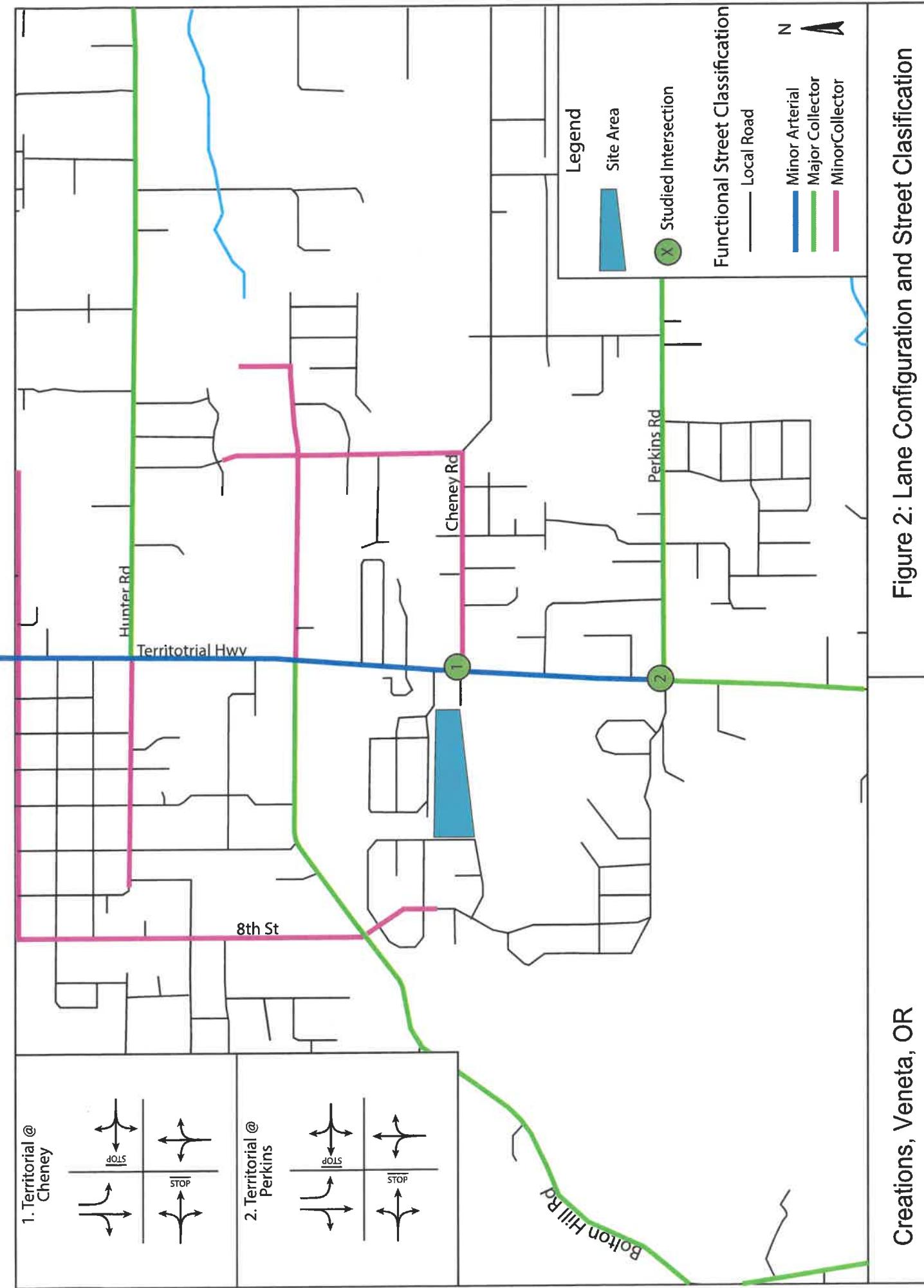


Figure 2: Lane Configuration and Street Classification

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### 3.2 INTERSECTION CRASH EVALUATION

A crash investigation was performed for the intersection of Territorial Rd at Perkins Rd. The analysis investigates crashes that have been reported to the state for the most recent 5 years, 1/01/20016-12/31/2020, to determine the crash rate in crashes per million entering vehicles on the roadway and the types of crashes that occurred. The crash rate is compared to the Statewide crash rate of 0.408. If the calculated crash rate exceeds the Statewide crash rate or there is a pattern of crashes, the location is investigated for further mitigation measures. Crash data was provided by ODOT for the study area and included in Appendix B. The results of the crash analysis are provided in Tables 2 and 3.

TABLE 2: INTERSECTION CRASH RATE

Location	Intersection Type	Number of Crashes	Crash Rate*			Statewide Crash Rate
			AADT	MEV	Crash Rate*	
Territorial Rd/Perkins Rd	Stop	3	4,140	7.56	0.40	0.408
Territorial Rd/Cheney Drive	Stop	0	0	0	0	0

TABLE 3: INTERSECTION CRASH PATTERNS

Location	Number of Crashes	Types of Crashes						Pedestrian/Bike
		Head	Rear	Side	Turn	Other		
Territorial Rd/Perkins Rd	3	0	0	0	3	0		0
Territorial Rd/Cheney Drive	0	0	0	0	0	0		0

There have been no reported crashes at the intersection of Territorial Road and Cheney Drive within the past 5 years.

The intersection of Territorial Road at Perkins Road has a crash rate lower than the 0.408 rate threshold. All crashes were classified as turning movement crashes. One crash involved a southbound through and northbound left-turning vehicle, and two crashes involved a northbound through vehicle and southbound left-turning vehicle. The error was assigned to the left-turning vehicles for all three crashes. There is no line-of-sight obstruction or geometric concerns that are attributed to the crashes. Therefore, no crash mitigation is recommended.

## 4.0 TRIP GENERATION

The traffic generated to this site is estimated using the ITE Trip Generation Manual 11<sup>th</sup> Edition. The ITE land use most appropriate for this development is 220-Multi-family Housing (Low-Rise), which is described as multi-family that has two to three floors. The development trip generation for the AM peak hour, PM peak hour, and Daily trips are provided in Table 4.

TABLE 4: TRIP GENERATION

ITE Land Use	Size (units)	Rate	Trip Generation				
			Trips	% IN	% OUT	IN	OUT
<b>AM Peak Hour Trips</b>							
220-Multi-Family Low Rise	120	0.31(x)+22.85	60	24%	76%	14	46
<b>PM Peak Hour Trips</b>							
220-Multi-Family Low Rise	120	0.80(x)+20.55	72	63%	37%	45	27
<b>Daily Trips</b>							
220-Multi-Family Low Rise	120	6.41(x)+75.31	845	50%	50%	422	423*-

The trips are distributed through the study area based on existing travel patterns as described below:

- 15% to/from north on 8<sup>th</sup> St
- 25% to/from north on Territorial Rd
- 55% to/from east on Hwy 126
- 5% to/from south on Territorial Rd

The traffic volumes were distributed according to the percentages above and are illustrated in Figure 3 for the AM and Figure 4 for the PM peak hour.

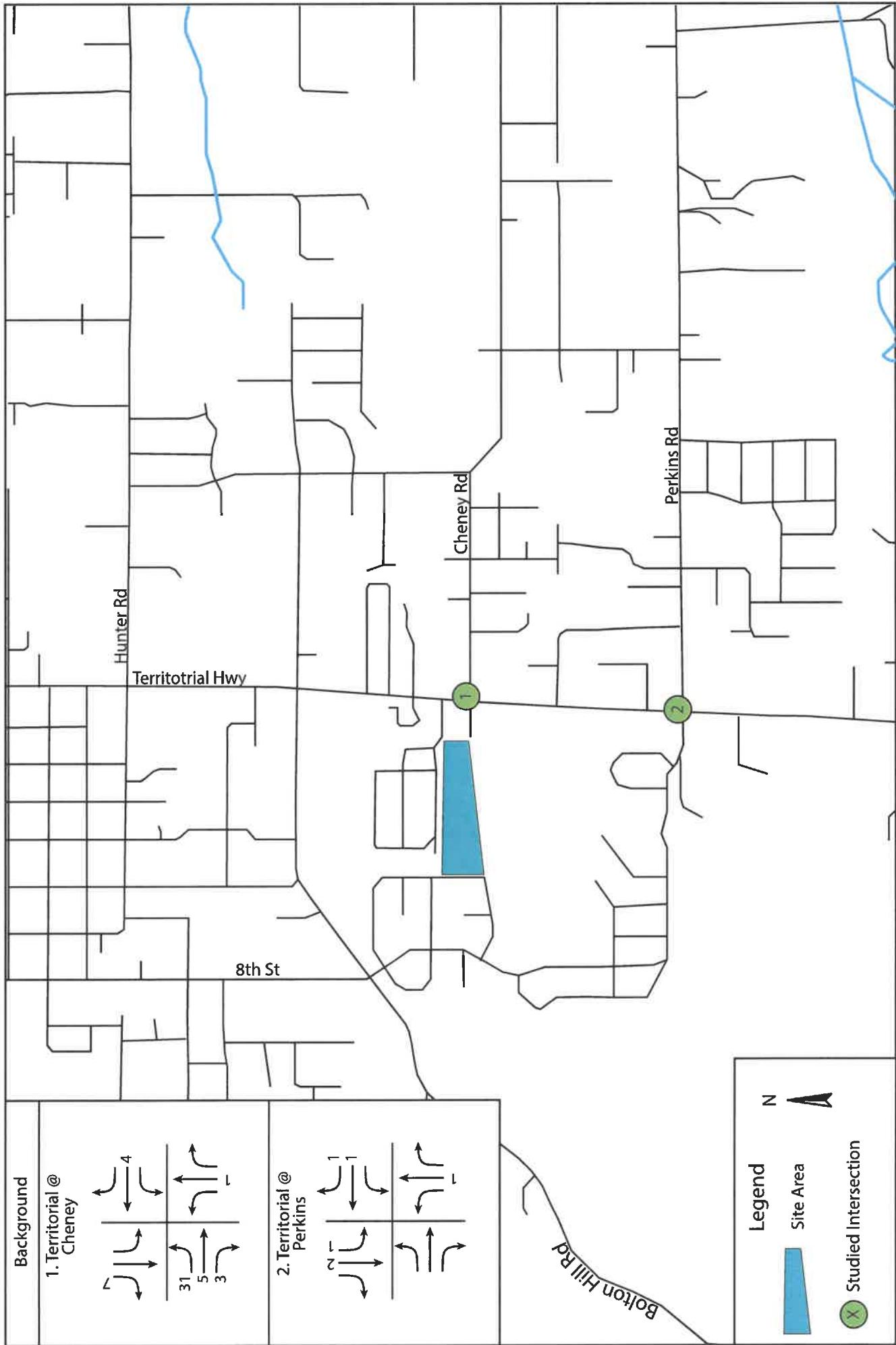


Figure 3: AM Development Trip Distribution

Creations, Veneta, OR

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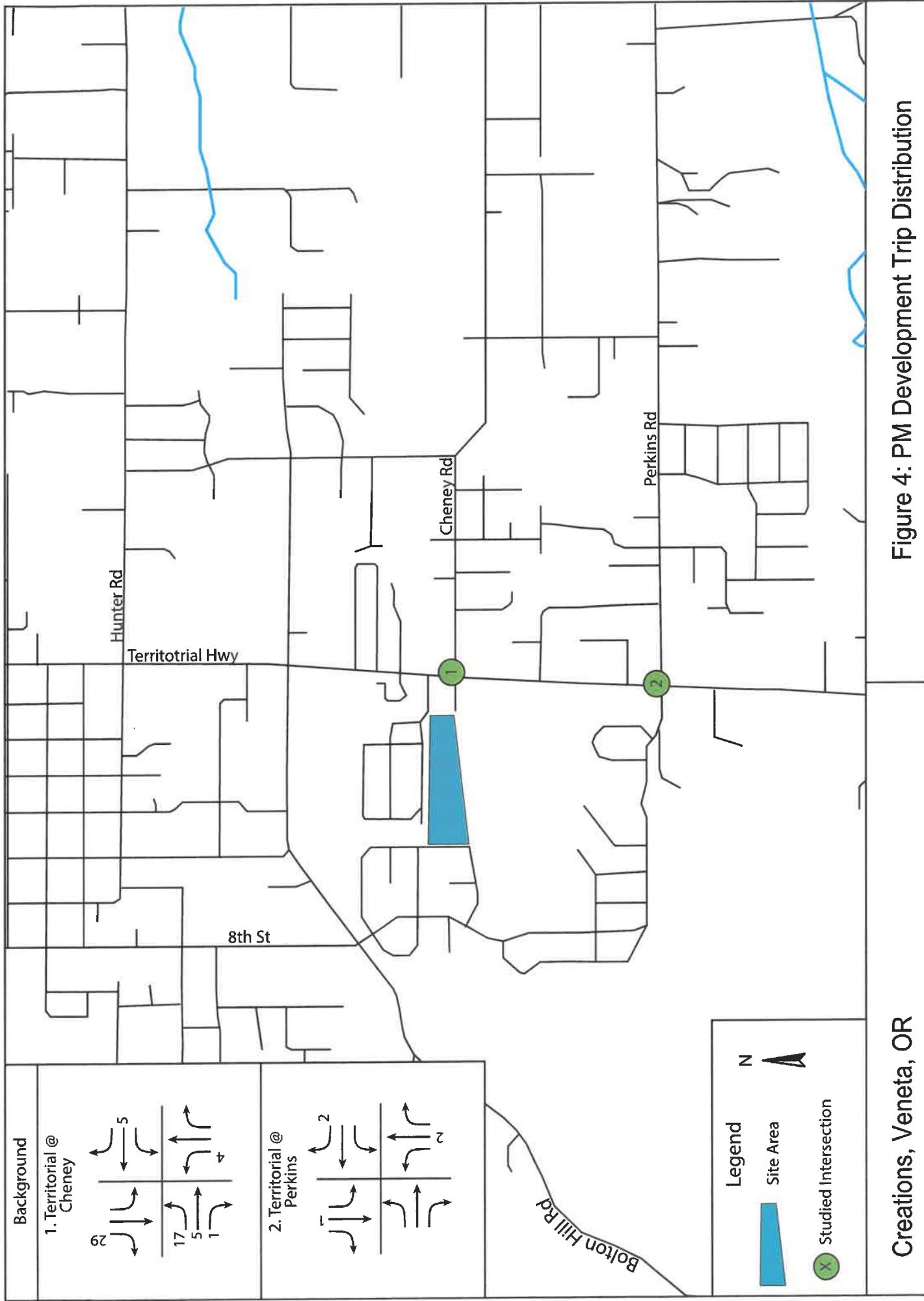


Figure 4: PM Development Trip Distribution

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## 5.0 BACKGROUND TRAFFIC VOLUMES

### 5.1 INTERSECTION COUNTS

As part of the analysis, AM and PM peak hour turning movement counts were collected in March 2022 at the intersections of Territorial Rd at Cheney Dr and Territorial Rd at Perkins Rd. Traffic counts were performed for the weekday peak period of 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM. The turning movement counts illustrate that the weekday peak hours occur from 7:15-8:15 AM and 4:30-5:30 PM.

The traffic volumes are included in Appendix C.

### 5.2 SEASONAL ADJUSTMENT

The application of seasonal adjustment factors account for the fact that through volumes along major travel routes fluctuate from month to month due to changes in recreational, commuter behavior, etc. The design hour traffic volumes are adjusted to reflect traffic conditions on roadways during the peak month of the year using a seasonal adjustment factor.

The traffic counts were taken in March. Therefore, adjusting for the seasonal fluctuation in traffic was considered for the study area intersections. The seasonal adjustment was determined using the methodology outlined by ODOT's *ANALYSIS PROCEDURES MANUAL (APM)*.

As illustrated within the City of Veneta's Transportation System Plan, a majority of traffic within the City during the peak periods is associated with employment travel. Additionally, most of the employment travel is residents commuting to Eugene and Junction City for employment, and most of the commute travel uses Highway 126 and Territorial Road. Therefore, these roadways experience seasonal fluctuation associated with commuter travel patterns. ODOT provides seasonal adjustment factors for "commuter" travel trends, as described within ODOT's *2020 SEASONAL TREND TABLE*. The seasonal adjustment factor for the commuter trend is 1.097 for the March count.

The seasonal adjustment calculation is included in Appendix C.

### 5.3 PIPELINE TRIPS

The development trips from the previously approved but not yet built Madrone Ridge and Applegate Phases 4 and 5 subdivisions. Additionally, to be conservative on the total impacts, the development trips from Madrone Ridge phases 3-5 were added even though the project is not yet approved.

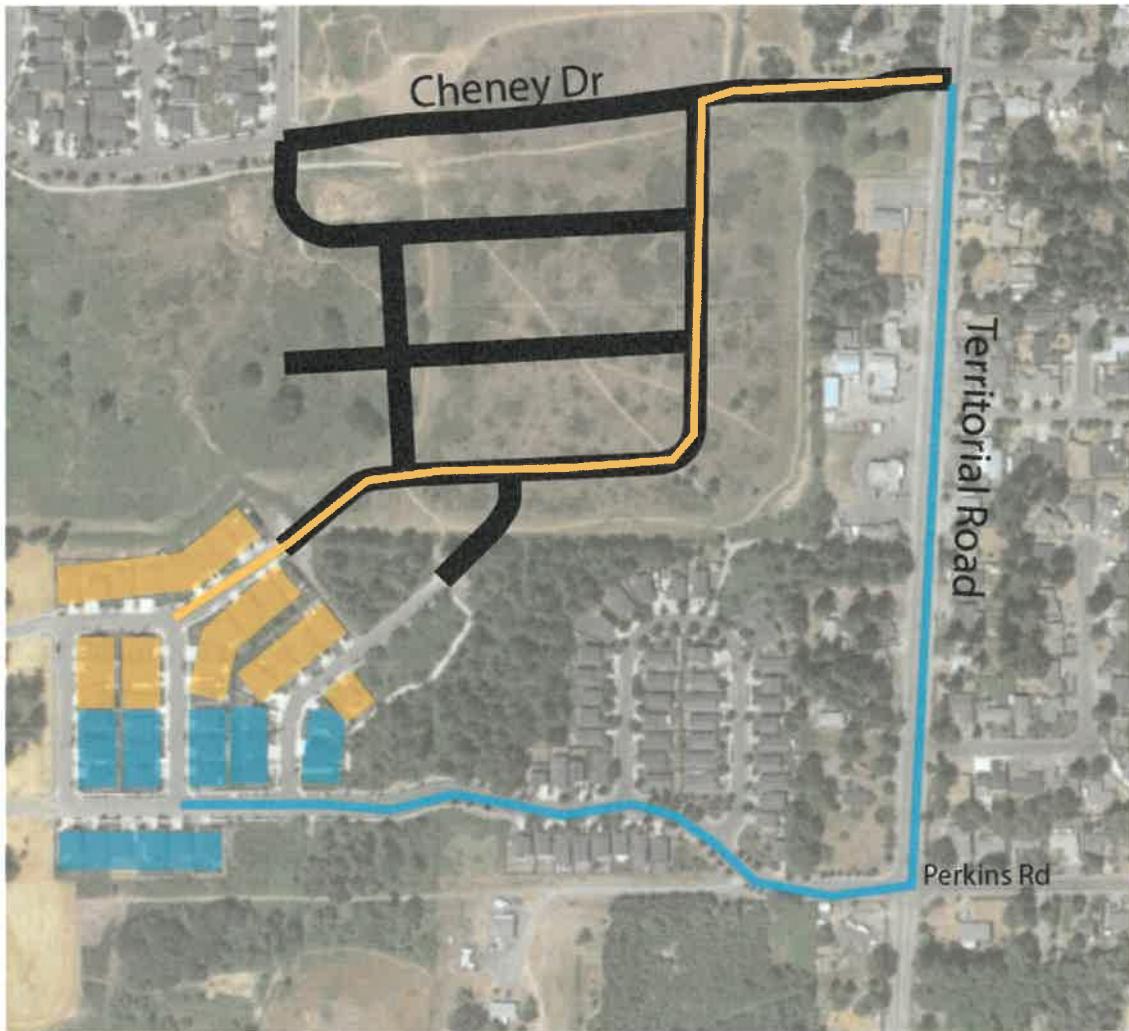
#### 5.4 FUTURE YEAR BACKGROUND VOLUMES

The proposed site development is projected to be completed by the year 2024. Consistent with the traffic impact analysis criteria, the intersection was evaluated for the year of completion, the year 2024, and a 5-year planning horizon, the year 2029. The growth rate for roadways within the study area was determined using the traffic forecasts within the City of Veneta Transportation System Plan (TSP). The TSP predicts an annual growth rate of 0.5% per year between 2017 and 2040. To be conservative, a 1.0 % growth rate was applied to the existing traffic volumes to obtain the year 2024 and 2029 traffic volumes. The growth rate calculations are included in Appendix C.

#### 5.5 REROUTED BACKGROUND VOLUMES

Applegate Phases 4 and 5 will construct Cheney Drive between Territorial Road and Strike Street. The street connection will provide a secondary route option for residents of Applegate Phase 3. Therefore, the trips from Applegate Phase 3 are rerouted on the system from Perkins Road to the new Cheney Drive Connection. Applegate Phase 3 is completely constructed. Therefore, the traffic volumes from this development are already on the system. The following describes how the volumes were rerouted from Perkins Road to Cheney Drive.

- Applegate Phase IV and V will connect Sun Ridge Way and Westfield Avenue to Cheney Drive via the newly constructed 3<sup>rd</sup> Ave. The travel distance from the homes within Applegate Phase 3 to Territorial Highway via Perkins Road and via Cheney Drive connection was estimated. The houses that have the shortest path via Perkins were assumed to still use Perkins Drive to Territorial Highway, and the houses that have the shortest path via Cheney Drive are assumed to reroute when the new connection is completed. The illustration below that shows highlights the homes that will have trips diverted using the new Cheney Drive Connection. The homes in yellow are estimated to reroute to Cheney Drive, while the homes in blue are estimated to continue to use Perkins Drive



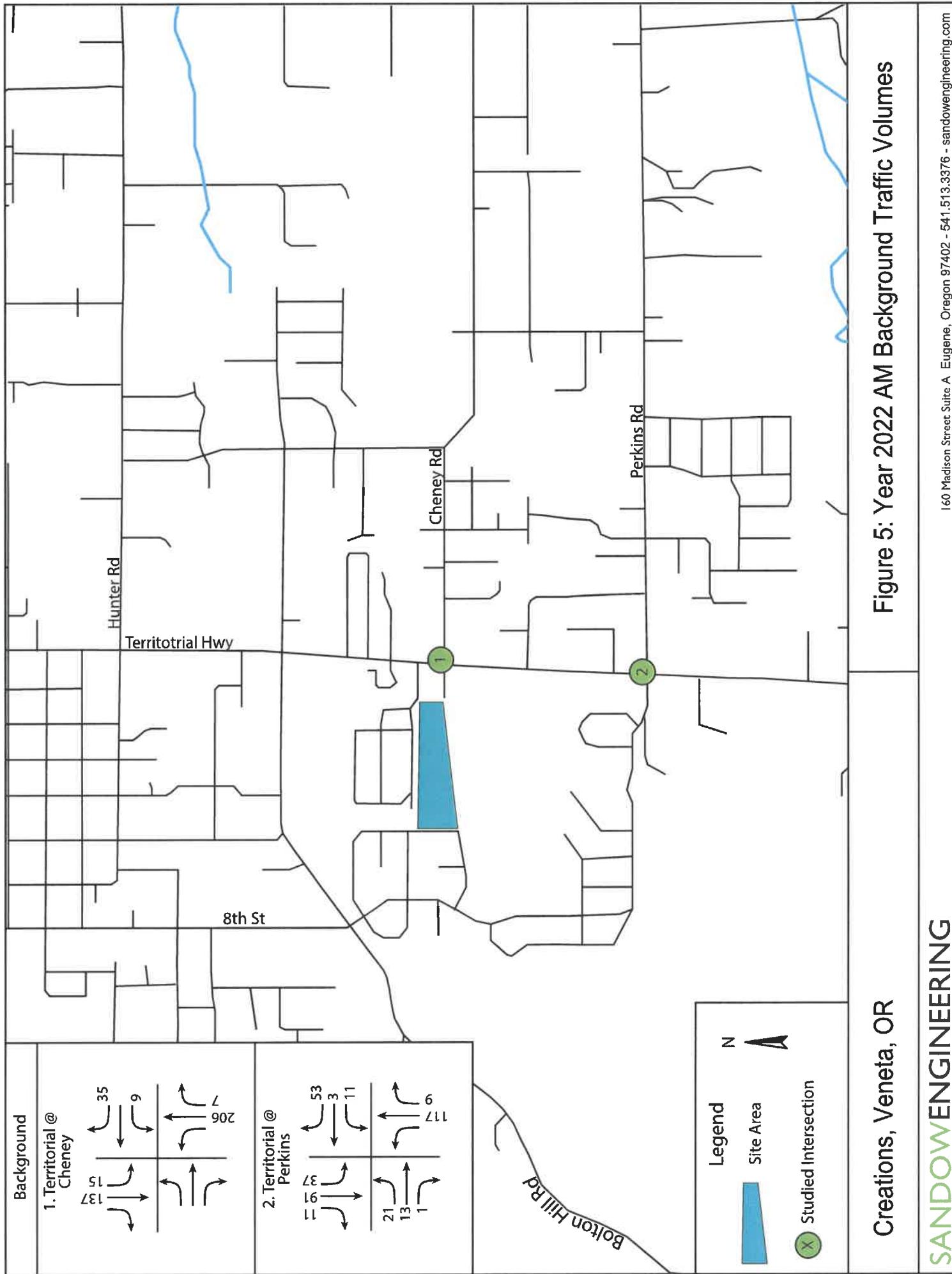
- Applegate Phase 3 is 45 homes. The number of homes estimated to reroute Cheney Drive is 25, and the number of homes anticipated to continue to use Perkins Road is 20.
- The number of rerouted trips from the 25 homes is estimated using the ITE trip generation manual trip rates for ITE Lane Use Category 210-Single Family Residential. Using the ITE trip rates, the estimated trips during the AM peak hour is 21 (5 enter, 16 exit), and the PM peak hour is 27 (17 enter, 10 exit).
- The existing traffic counts taken at Perkins Road at Territorial Road illustrate the following traffic pattern:
  - AM
    - Entering=80% SB Right, 20% WB Through
    - Exiting= 59% EB Left, 41% EB through, 0% EB right

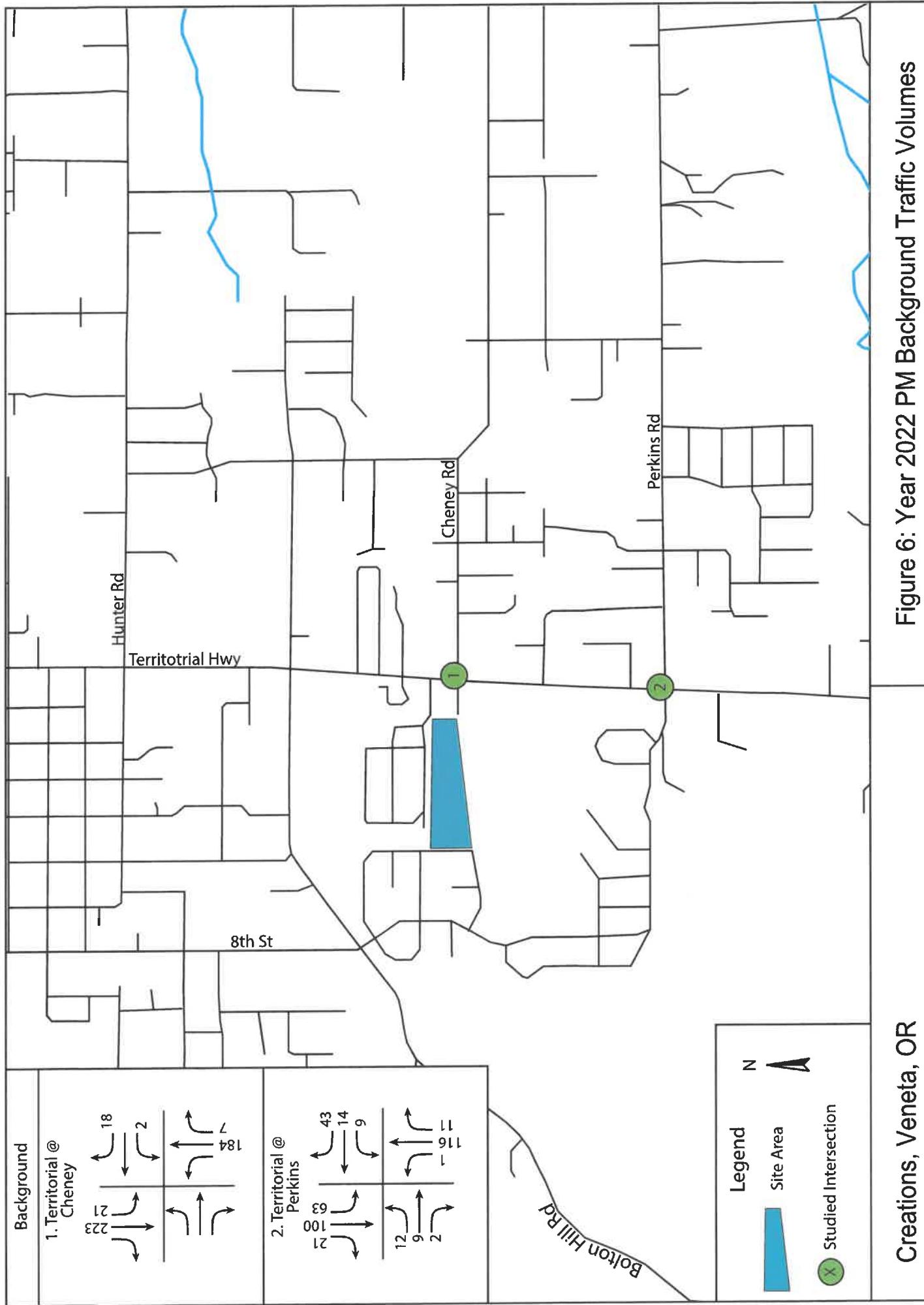
- PM
  - Entering=60% SB Right, 40% WB Through
  - Exiting= 52% EB Left, 39% EB through, 9% EB right
- Using the existing travel patterns, the following trips are estimated to be relocated from Perkins Road to Cheney Dr.
  - AM
    - 4 SB Right Turns
    - 10 EB Left Turns
  - PM
    - 10 SB Right Turns
    - 5 EB Left Turns
- These trips are rerouted from the background traffic volumes for the build conditions.

## 5.6 FINAL BACKGROUND VOLUMES

The existing traffic volumes were adjusted according to the methodology described above. Appendix C provides the traffic volume calculations. The following figures illustrate the traffic volumes.

- Figure 5- Year 2022 AM Background Traffic Volumes
- Figure 6- Year 2022 PM Background Traffic Volumes
- Figure 7- Year 2024 AM Traffic Volumes
- Figure 8- Year 2024 PM Traffic Volumes
- Figure 9- Year 2029 AM Traffic Volumes
- Figure 10- Year 2029 PM Traffic Volumes





Creations, Veneta, OR

Figure 6: Year 2022 PM Background Traffic Volumes

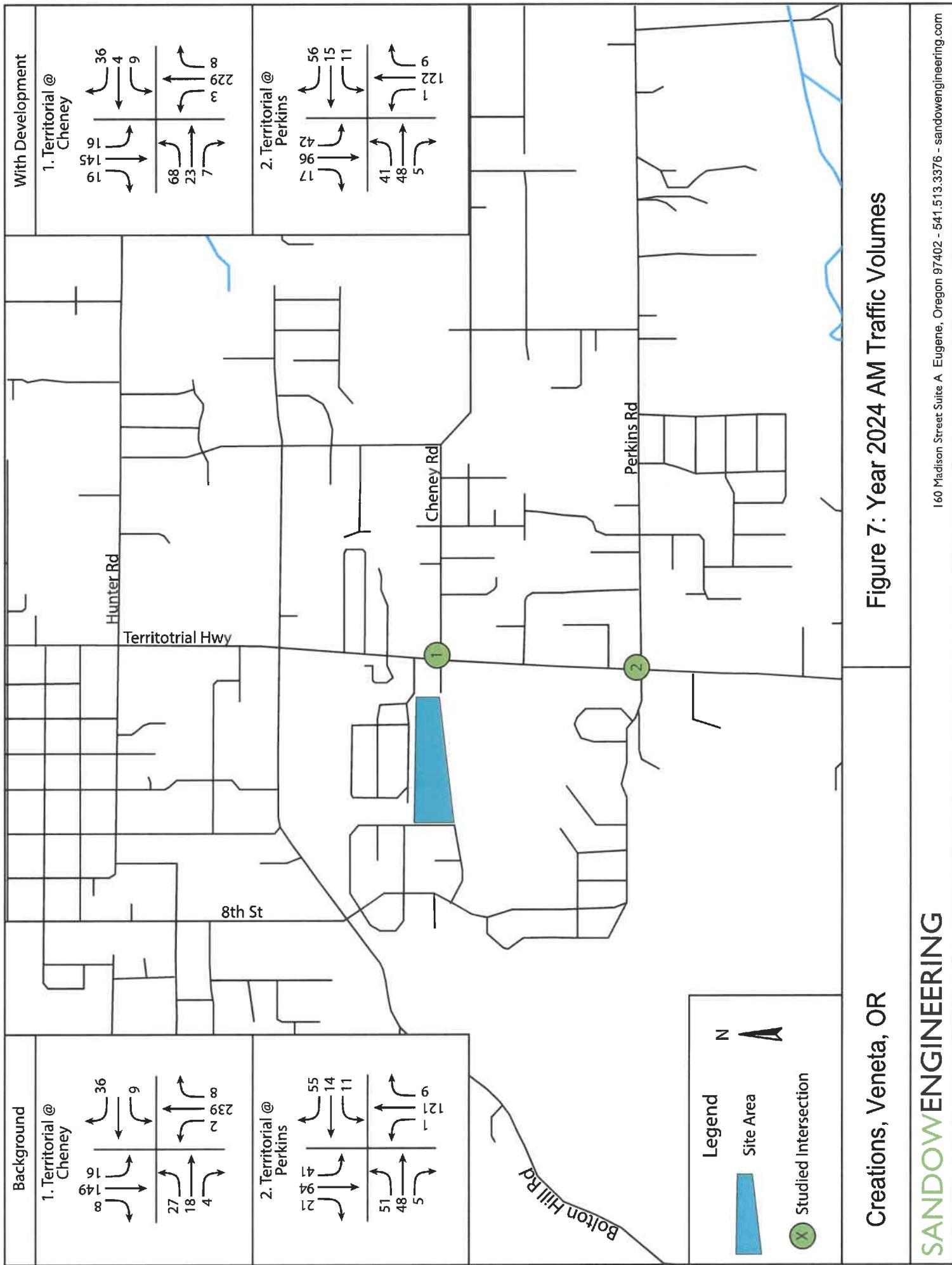


Figure 7: Year 2024 AM Traffic Volumes

Creations, Veneta, OR

**SANDOW ENGINEERING**

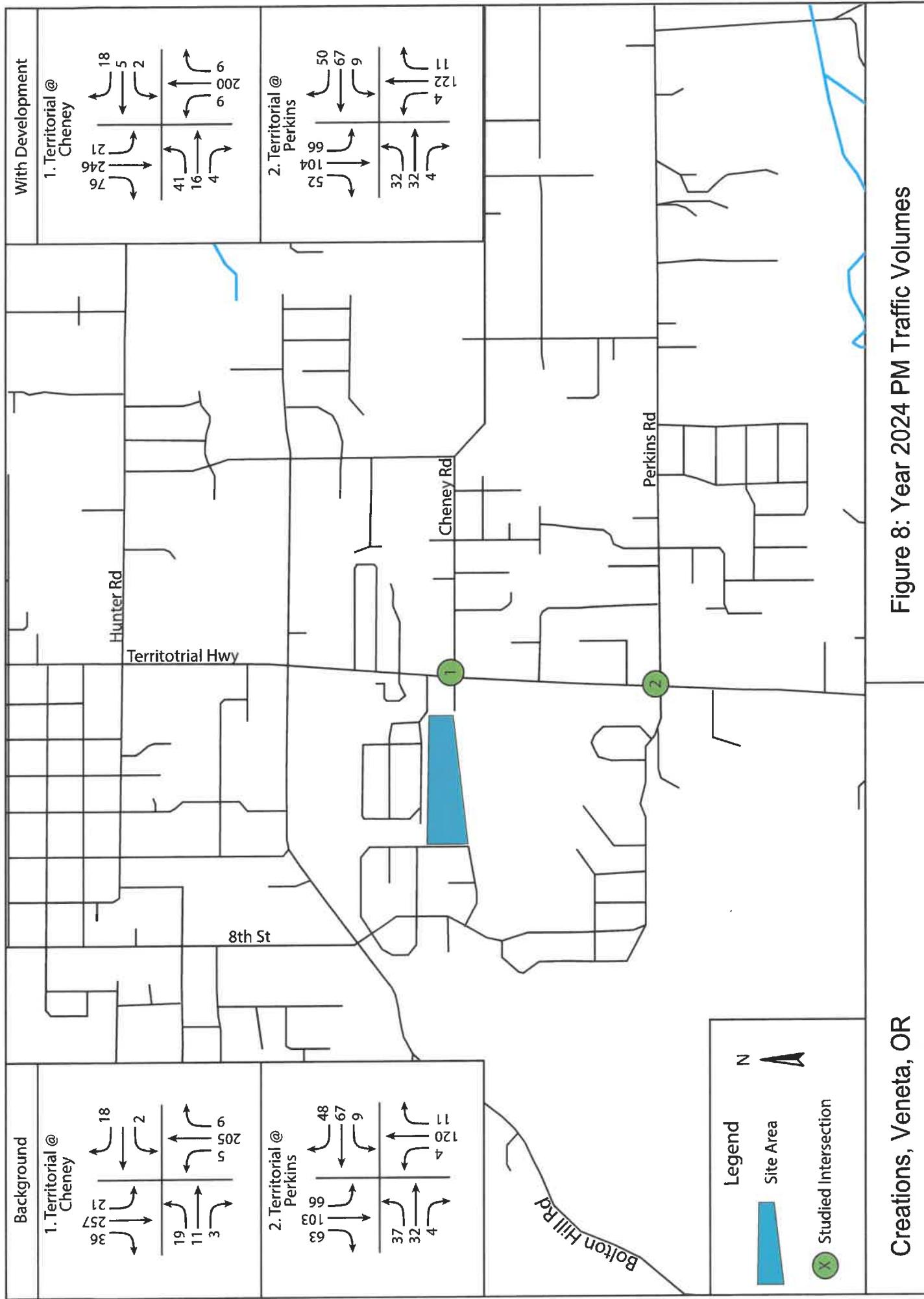
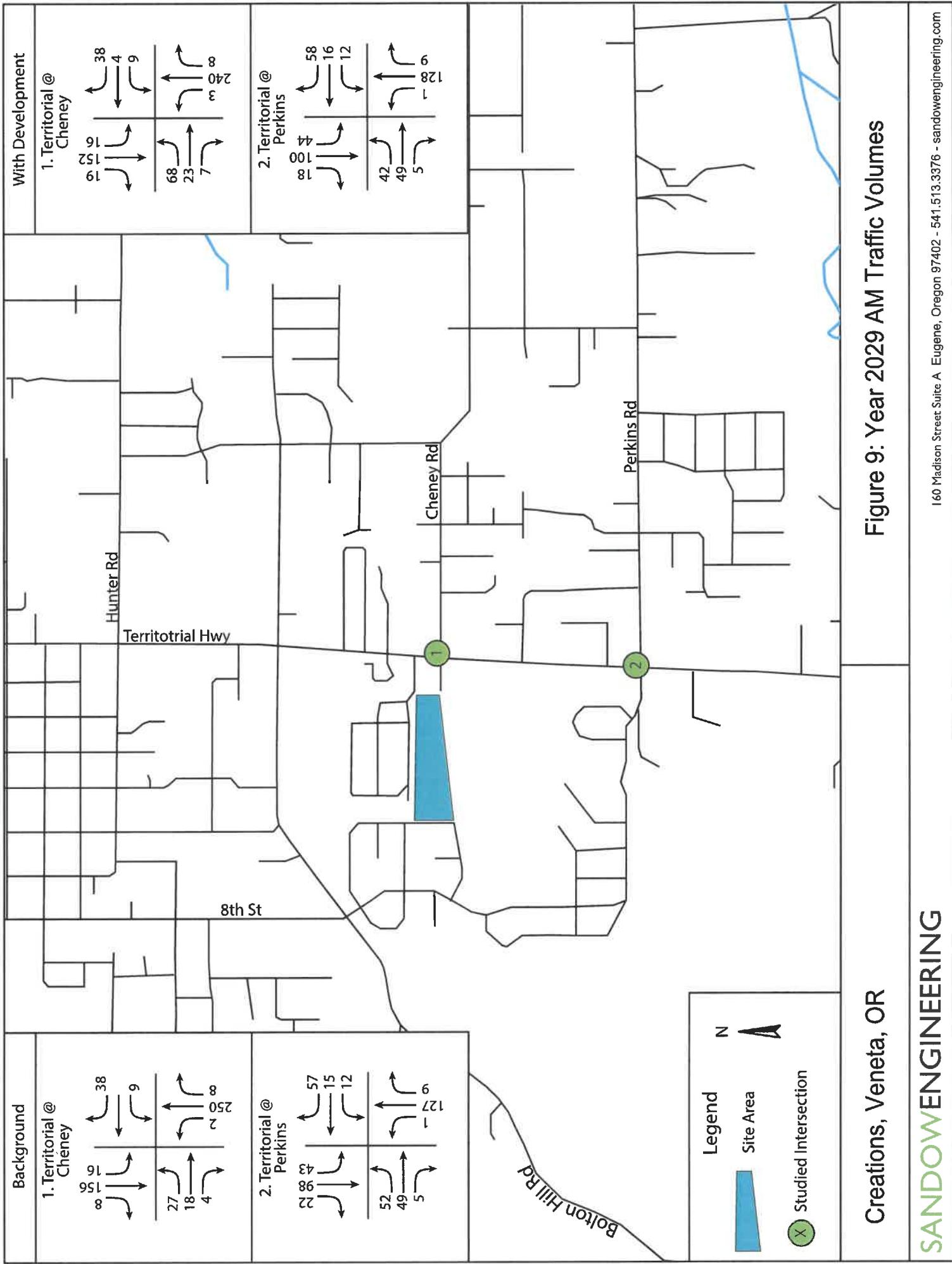


Figure 8: Year 2024 PM Traffic Volumes

Creations, Veneta, OR

**SANDOW ENGINEERING**



Creations, Veneta, OR

**SANDOW** ENGINEERING

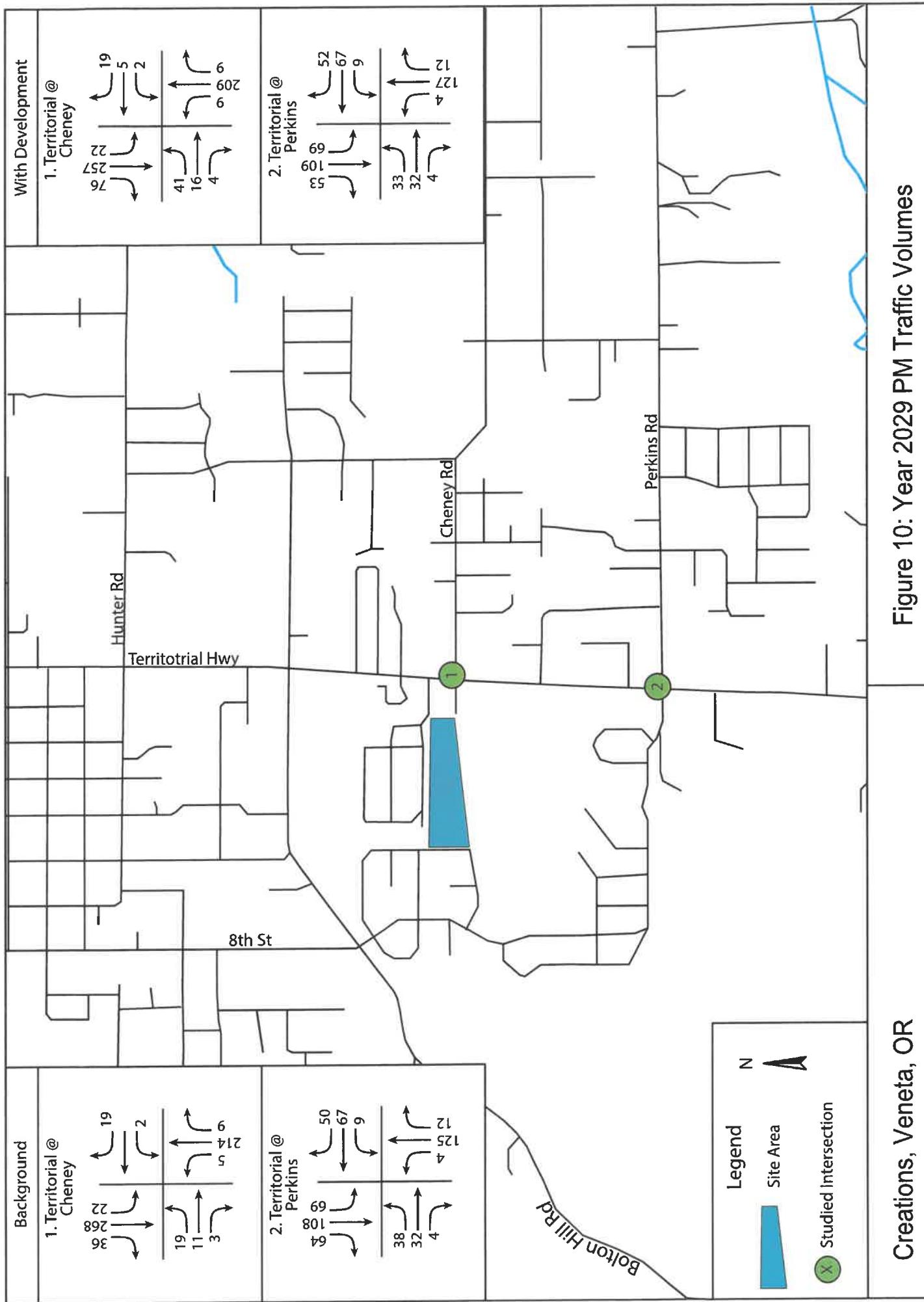


Figure 10: Year 2029 PM Traffic Volumes

Creations, Veneta, OR

**SANDOW**ENGINEERING

## 6.0 INTERSECTION ANALYSIS

### 6.1 PERFORMANCE MEASURES

The primary performance measure used in this study is the volume-to-capacity ratio (v/c). Volume-to-capacity ratio describes the capability of an intersection to meet volume demand based on the maximum number of vehicles that could be served in an hour. Lane County has a v/c threshold of 0.95 for two-way stop-controlled intersections.

The secondary measure of performance for intersections in this analysis is based on the Highway Capacity Manual (HCM) defined level of service (LOS). LOS is a concept developed to quantify the degree of comfort (including such elements as travel time, number of stops, total amount of stopped delay, and impediments caused by other vehicles) afforded to drivers as they travel through an intersection or along a roadway segment. It was developed to quantify the quality of service of transportation facilities. Lane County has a LOS threshold of E for two-way stop-controlled intersections.

For this study, the level of service and volume to capacity intersection analysis was completed according to the Highway Capacity Manual (HCM) method implemented in SYNCHRO Version 10. The results are illustrated in Table 5 for the AM and PM peak hours. Appendix D includes the Synchro Outputs.

TABLE 5: INTERSECTION PERFORMANCE

Intersection	Mobility Standard V/C LOS	AM Peak Hour				
		2022 Background	2024 Background	2024 Build	2029 Background	2029 Build
<b>PM Peak Hour</b>						
Territorial Rd/ Cheney	0.95/E	0.07/A WBL	0.12/B EBL	0.23/C EBL	0.19/B EBL	0.24/C EBL
Territorial Rd/ Perkins	0.95/E	0.10/B WBL	0.22/B EBL	0.22/B EBL	0.23/B EBL	0.23/B EBL

\*highest v/c and LOS reported

All study area intersections meet the applicable mobility standards for both the AM and PM peak hours. There is no off-site mitigation required to meet the mobility standards.

## 7.0 QUEUE ANALYSIS

A queuing analysis was conducted for the studied intersections. The analysis was performed using SimTraffic, a microsimulation software tool that uses the HCM-defined criteria to estimate the queuing of vehicles within the study area. The average and 95<sup>th</sup> percentile queuing results are illustrated in Table 6 for the AM peak hour and Table 7 for the PM peak hour. All results are rounded to 25 feet to represent the total number of vehicles in the queue, as one vehicle typically occupies 25 feet of space. The SimTraffic outputs are provided in Appendix E.

TABLE 6: INTERSECTION QUEUING: WEEKDAY AM PEAK HOUR

Intersection		Available Storage (Feet)	2022		2024		2024		2029		2029	
			95 <sup>th</sup>	Average								
Territorial @ Cheney	EB LTR	350	0	0	50	25	75	50	50	25	75	50
	WB LTR	500	50	25	50	25	50	25	50	25	50	25
	NB L	500	0	0	0	0	25	0	0	0	25	25
	SB L	150	25	25	25	25	25	25	25	25	25	25
Territorial @ Perkins	EB LTR	300	50	25	75	50	75	50	75	50	75	50
	WB LTR	600	50	25	50	50	50	50	50	50	50	50
	NB LTR	1000+	0	0	25	25	25	25	0	0	25	0
	SB L	250	25	25	0	0	25	0	25	25	25	25

TABLE 7: INTERSECTION QUEUING: WEEKDAY PM PEAK HOUR

Intersection		Available Storage (Feet)	2022		2024		2024		2029		2029	
			95 <sup>th</sup>	Average								
Territorial @ Cheney	EB LTR	350	0	0	50	25	50	25	50	25	50	50
	WB LTR	500	50	25	50	25	50	25	50	25	50	25
	NB L	500	0	0	25	25	25	25	25	25	25	25
	SB L	150	25	25	25	25	25	25	50	25	25	25
Territorial @ Perkins	SB TR	375	0	0	0	0	25	0	0	0	25	0
	EB LTR	300	50	25	50	50	50	50	75	50	50	50
	WB LTR	600	50	25	75	50	50	50	50	50	75	50
	NB LTR	1000+	0	0	25	0	25	25	25	25	25	25
	SB L	250	50	25	25	25	50	25	25	25	50	25
	SB TR	250	0	0	25	0	25	0	25	25	0	0

The addition of development trips does not substantially increase queuing conditions over the background queuing. All queue lengths are

## 8.0 PEDESTRIAN DEMAND

The turning movement counts included pedestrian and bicycle counts during the AM and PM peak periods. Table 8 provides the pedestrian and bicycle count at the study area intersections for the AM and PM count periods.

TABLE 8: PEDESTRIAN AND BICYCLE VOLUMES

Time Period	Pedestrian Volume	Bicycle Volume
<b>Territorial at Cheney</b>		
7:00-8:00 AM	3-Crossing in West leg 4-Crossing in East leg 2-Crossing in North leg 1-Crossing in South leg	0
8:00-9:00 AM	0	0
4:00-5:00 PM	1-Crossing in West leg 4-Crossing in East leg 0-Crossing in North leg 1-Crossing in South leg	0
5:00-6:00 PM	1-Crossing in West leg	0
<b>Territorial at Perkins</b>		
7:00-8:00 AM	0	0
8:00-9:00 AM	0	0
4:00-5:00 PM	0	0
5:00-6:00 PM	0	0

At the Territorial and Cheney intersection, there was one pedestrian crossing Territorial on the south side of the intersection and 2 pedestrians crossing Territorial on the north side of the intersection. There were no bicycles during the count period.

At the Territorial and Perkins intersection, there were no pedestrians or bicycles observed using the intersection.

The ITE Trip Generation Manuals provide anticipated walking, biking, and transit trips for apartment complexes. The ITE data estimates a total of 4 trips in the AM and 4 trips in the pm peak hour that will be walking, biking, or using transit. The nearest transit stop is located on Territorial Road north of Cheney Drive. To the north are schools, post office, and other community services. To the south is a convenience market and residential. It is estimated that

3 of the 4 trips will be to the north and 1 of the 4 trips will be to the south. The trip to the south is likely to be to the convenience store. The site is anticipated to have the following pedestrian crossing volumes at the study intersections.

#### **Territorial at Cheney**

- 2-West leg crossing Cheney
- 1-North leg crossing Territorial
- 1-to south on Territorial not crossing

#### **Territorial at Perkins**

- 0-crossing Territorial
- 0-crossing Perkins

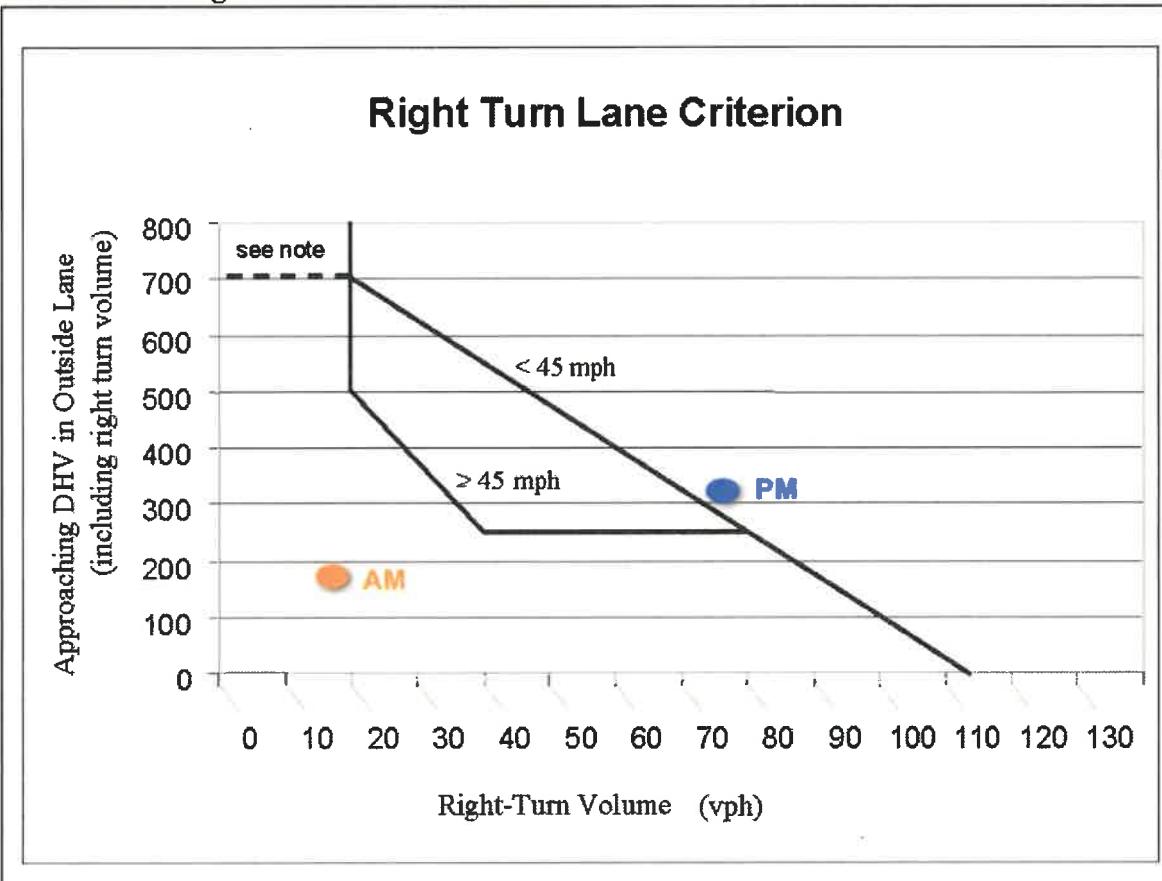
Territorial at Cheney and Territorial at Perkins intersections are anticipated to have fewer than 5 pedestrians crossing in the AM or PM peak hours.

## **9.0 TURN LANE WARRANT**

The intersection of Territorial Road at Cheney Drive was evaluated for the need for a right turn pocket. ODOT's Analysis Procedures Manual has three criteria for determining when a separate right-turn pocket should be installed. Criterion 1 is the comparison of right-turn traffic volumes to approaching traffic volumes. As per Figure 9, during the year 2029 AM peak hour, there are 17 right turns and 184 approaching volumes. As per Figure 10, during the year 2029 PM peak hour, there are 76 right turns and 333 approaching volumes. The illustration below shows the ODOT right turn lane criterion.

The Right Turn Criterion considers the speed of the roadway. The posted speed on Territorial Road is 40 mph. The 85<sup>th</sup> percentile speed was measured for vehicles traveling northbound on southbound on Territorial Road just north of Cheney Drive. Traveling speeds were collected for 100 vehicles per direction on April 21, 2022, between 3:00 and 4:00 PM. Only vehicles traveling at speed through the study area were collected. Vehicles that were slowing to stop/turn or accelerating from a stop/turn did not have their speed collected. Appendix F contains the data and the analysis of the speed study. The results of the speed study show that the 85% percentile speed is 41 mph.

**Exhibit 12-2 Right Turn Lane Criterion**



Note: If there is no right turn lane, a shoulder needs to be provided. If this intersection is in a rural area and is a connection to a public street, a right turn lane is needed.

As shown in the illustration, the right turn lane is not warranted for the AM peak hour and is just met for the PM peak hour

There is potential that some of the homes in the area bounded by Strike Street, 8<sup>th</sup> Street, Bolton Hill, and Cheney Drive will reroute to use the new Cheney extension via Territorial Road. The year 2029 traffic volumes estimate 38 trips are making a westbound left-turn from Bolton Hill Road to this area. It is estimated that no more than 50% of these trips will redistribute to make a southbound right turn at Cheney Dr/Territorial intersection. If this were to occur, the warrant volumes would be 95 right turns and 352 approaching volumes. This places the volumes above the threshold, warranting a right turn pocket.

However, ODOT guidelines within the Analysis Procedures Manual and the Traffic Manual clearly state that meeting the volume threshold is not the only justification and criteria to be used to determine if a right turn lane should be installed. The safety gained from the right turn lane needs to be balanced with the safety implications resulting from a separate right turn

lane. Generally, the safety improvements are to move right-turn vehicles out of the through lane as they reduce speed, reducing rear-end conflicts. The safety implications are:

- Increased pedestrian crossing distance: The right turn lane would increase pedestrian crossing distance for pedestrians crossing Territorial Hwy. The increase in pedestrian crossing distance poses a safety risk to pedestrians.
- Bike lane: A separate right turn lane places a vehicle crossing over the bike lane to enter the turn lane. The weave of a vehicle across the path of a bicycle as they enter the transition from the curbside bike lane to be left of the right turn lane is a safety concern.
- Line of Sight: A vehicle turning into a right turn lane momentarily blocks the line of sight of a through vehicle or bike from vehicles turning onto Territorial Road. The right turn lane commonly results in a vehicle turning from the side street to be unable to judge a sufficient gap in traffic.

The safety implications caused by a separate right turn pocket negate the safety improvements gained by the right turn pocket.

Additionally, the right turn pocket would have to be constructed entirely on private property not associated with this development on tax lots 500 and 400. There is not the sufficient right of way for the installation of the right turn pocket. The owners of the tax lots to the north have declined the sale of the additional right of way needed for a right turn pocket.

Lastly, there are stormwater management issues within this area. The roadway widening would negatively impact the stormwater facilities limiting the feasibility of a right turn pocket.

In conclusion, a southbound right turn pocket at this location will result in additional conflict and a reduction in safety for pedestrians and bicycles and will not substantially improve vehicle safety. Additionally, the right of way needed to construct a right turn pocket and manage stormwater is not available and cannot be obtained. Therefore, a southbound right turn pocket at the Territorial Rd and Cheney Dr intersection is not recommended.

## 10.0 CONCLUSION

The study evaluates conditions with the completion of Cheney Street Apartments. The evaluation considers the AM and PM Peak hours for the existing conditions (year 2022), the year of completion with and without development (year 2024), and a 5-year future horizon with and without development (year 2029).

## FINDINGS

- All studied intersections operate within the mobility standards with and without the development trips.
- The addition of development traffic does not substantially increase queuing conditions.
- Crash rates and patterns do not require mitigation.
- Pedestrian crossing volumes are lower than 5 during the AM or PM peak hours. No pedestrian improvements are recommended.
- A southbound right turn pocket was evaluated at the intersection of Territorial Road at Cheney Drive. The Level of Service, v/c, or queuing conditions does not trigger the need for a right turn pocket. A right turn pocket will result in additional bike and pedestrian conflicts, reducing the safety for these users while not substantially improving vehicle travel safety. Additionally, the right of way needed to construct a right turn pocket and manage stormwater is not available and cannot be obtained. Therefore, a right turn pocket is not recommended.
- There is no off-site mitigation needed for this development.

## TECH MEMO

DATE: February 22, 2023

FROM: Kelly Sandow P.E.  
Sandow Engineering

RE: Creations NW- Cheney Drive at Territorial Right Turn Pocket



As demonstrated within the Creations NW TIA dated December 2022, a right turn pocket from Territorial Road to the new Cheney Rd extension is not necessary for safe and efficient operations for turning vehicles or through vehicles on Territorial Road. Additionally, the right-of-way needed to construct the right turn currently does not exist, making the installation of a right-turn pocket infeasible for this specific development application.

The speed of Territorial Road is currently posted at 40 mph from just south of Bolton Hill Rd to Perkins Rd. Due to the continued urbanization of this area with an anticipated increase in usage by pedestrians and cyclists, it is recommended that a speed reduction to 35 mph be implemented to align with the speeds north of Bolton Hill Road.

Roadway speed follows ODOT criteria and standards. As per ODOT's *Speed Zone Manual* (July 2022), urban area speed zones should be lower to reduce the severity of crashes involving vehicles, pedestrians, and cyclists. The Speed Zone Manual recommends a posted speed at the measured 50<sup>th</sup> percentile speed in urbanized zones. The spot speed study performed by Sandow Engineering observed a 50<sup>th</sup> percentile speed of 37 mph from the speed data of the 100 vehicles collected for that study. With a larger data collection performed, it is likely the 50<sup>th</sup> percentile speed is at or near 35 mph, satisfying the criteria for a speed reduction. An alternative to a speed reduction study to justify a 35 mph speed zone, Lane County can request ODOT to rescind the current 40 mph speed zone order and reduce the speed to the statutory speed of 25 mph for a residential district.



**HEARLEY Henry O**

**From:** Kyle Schauer <kschauer@ci.veneta.or.us>  
**Sent:** April 7, 2023 2:55 PM  
**To:** HEARLEY Henry O  
**Subject:** RE: Request for Referral Comment for Cheney Drive Apartments Site Review in Veneta, OR

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Henry,

As this is not a subdivision and the utilities will primarily be private connections, Public Works does not have much in the way of comments. I would like to point out though that all of the utility connections shown on their plans connect to infrastructure that currently does not exist. The utilities that they are planning to connect to may be installed with the construction of Applegate Phase IV, if they proceed with construction.

Thanks!—Kyle

Kyle Schauer  
 Public Works Director  
 City of Veneta  
 PO Box 458  
 Veneta, Oregon 97487  
 (541) 935-2191



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**From:** HEARLEY Henry O <HHEARLEY@Lcog.org>  
**Sent:** Wednesday, March 29, 2023 12:56 PM  
**To:** odotr2planmgr@odot.state.or.us; SCHWETZ TOM (LCOG List) <tom.schwetz@ltd.org>; VARTANIAN Sasha <Sasha.VARTANIAN@lanecountyor.gov>; GALLUP Steve S (LCPW) <Steve.GALLUP@lanecountyor.gov>; perry.a.baker@state.or.us; WINGARD Patrick <patrick.wingard@state.or.us>; JEFFREYS Tom (SMTP) <tomj@epud.org>; JohnN@epud.org; GIS analyst <Caitlin@epud.org>; tony.toncray@laneelectric.com; Scott Buckley <scott.buckley@laneelectric.com>; Stanfield, Mark <Mark.Stanfield@charter.com>; lane@branchengineering.com; Kyle Schauer <kschauer@ci.veneta.or.us>; buildingofficial@cottagegrove.org; gcarpenter@fernridge.k12.or.us; assessor@lanecountyor.gov; BELL Amber R <Amber.BELL@lanecountyor.gov>; dstandridge@lesd.k12.or.us;

Rudy.Garcia@usps.gov; Fern Ridge-Tribune News (SMTP) <fernridgetribunenews@gmail.com>; REA COLIN (LCOG List) <crea@fernridgelibrary.org>; smlbiz@CenturyLink.com; Brian Sayles (briansayles@lanefire.org) <briansayles@lanefire.org>; CARD Jeramy <jeramy.card@ltd.org>; Dan Haga <danh@branchengineering.com>; Chris Kjar <chris.kjar@wasteconnections.com>; DEVONEY Mark A <Mark.DEVONEY@lanecountyor.gov>  
**Subject:** RE: Request for Referral Comment for Cheney Drive Apartments Site Review in Veneta, OR

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 [Cheney Drive Apartments SR-1-23](#)

All:

It's come to my attention that some recipients are having trouble accessing the files. Please try the new link above.

Please let me know if there are still issues.

Henry

**From:** HEARLEY Henry O

**Sent:** March 24, 2023 2:50 PM

**Cc:** Matt Laird <[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)>

**Subject:** Request for Referral Comment for Cheney Drive Apartments Site Review in Veneta, OR

Dear all:

The City of Veneta is respectfully requesting your review and welcomes your comments on a proposed 128-unit multiple-family development in Veneta, OR.

If the applications materials look familiar to you it may because you had previously received a request for referral comment on this development. The previous application has been withdrawn by the applicant. The applicant submitted a new application, with similar, if not identical materials.

All application materials can be found at the link below. Should you have comments, please return them to me by April 7, 2023.

Respectfully,

Henry O. Hearley

Associate Planner

Lane Council of Governments

[hearley@lcog.org](mailto:hearley@lcog.org)

541-682-3089

**HEARLEY Henry O**

**From:** Matt Laird <[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)>  
**Sent:** March 13, 2023 10:17 AM  
**To:** Brian Sayles  
**Cc:** HEARLEY Henry O  
**Subject:** RE: Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File SR-1-22 & TP-23-6

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

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Hello Brian,

Your comments have been received and will be added to the record.

Thank you,

**Matt Laird**  
Community Development Director

City of Veneta  
P.O. Box 458  
Veneta, OR 97487  
(541) 935-2191  
[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)



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**From:** Brian Sayles <[BrianSayles@lanefire.org](mailto:BrianSayles@lanefire.org)>  
**Sent:** Monday, March 13, 2023 9:35 AM  
**To:** Matt Laird <[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)>  
**Subject:** RE: Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File SR-1-22 & TP-23-6

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

Re: Cheney Street Apartments Application

Supplemental information is still needed at this time:

Will these apartments be sprinklered?

Where are the manual fire alarm pull stations to be located?

How does it meet the 150 foot access requirement, and will there be a fire access road to accommodate?

Where are the locations of fire hydrants? Distances between them?

**Brian Sayles**  
Lane Fire Authority  
Code Enforcement Officer



88050 Territorial Highway  
Veneta, OR. 97487

[briansayles@lanefire.org](mailto:briansayles@lanefire.org)

Office: (541) 935-2226 ext. 234

Cell: (541) 232-1225 (Text messages ok)

Fax: (541) 935-2390

**From:** Matt Laird <[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)>

**Sent:** Monday, March 6, 2023 4:21 PM

**To:** Kyle Schauer <[kschauer@ci.veneta.or.us](mailto:kschauer@ci.veneta.or.us)>; Lane Branch <[laneb@branchengineering.com](mailto:laneb@branchengineering.com)> <[laneb@branchengineering.com](mailto:laneb@branchengineering.com)>; Dan H (Branch Engineering) <[danh@branchengineering.com](mailto:danh@branchengineering.com)>; 'VARTANIAN Sasha L' <[sasha.vartanian@lanecountyor.gov](mailto:sasha.vartanian@lanecountyor.gov)>; DEVONEY Mark A <[Mark.DEVONEY@lanecountyor.gov](mailto:Mark.DEVONEY@lanecountyor.gov)>; Brian Sayles <[BrianSayles@lanefire.org](mailto:BrianSayles@lanefire.org)>; Doug Baumgartner <[odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)> <[odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)>

**Cc:** Henry Hearley <[hhearley@lcog.org](mailto:hhearley@lcog.org)> <[hhearley@lcog.org](mailto:hhearley@lcog.org)>

**Subject:** Veneta Request for Comment - Cheney Street Apartments / Applegate Phase IX - File SR-1-22 & TP-23-6

Hello All,

This application was originally deemed incomplete on August 4, 2022.

On December 27, 2022, the City of Veneta received supplemental information.

The application was once again deemed incomplete on January 13, 2023.

Supplemental information was received on March 1, 2023.

This property is located in the southwest portion of the city.  
At this time, we need to review the application for completeness only.

**If you have any completeness review comments, please provide them to me by March 21, 2023.**

The applicants submitted materials are accessible at the link below:

[Cheney Street Apartments Application](#)

Thank you,

**Matt Laird**  
Community Development Director

City of Veneta  
P.O. Box 458  
Veneta, OR 97487  
(541) 935-2191  
[mlaird@ci.veneta.or.us](mailto:mlaird@ci.veneta.or.us)



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**Matt Laird**

---

**From:** scottmorris@ao-engr.com  
**Sent:** Wednesday, April 12, 2023 4:03 PM  
**To:** Matt Laird  
**Cc:** kylemorris@ao-engr.com; 'Sarah Morris'; 'Bailey Williams'; Blake Gesik; Jed Truett  
**Subject:** Storm Drainage at Cheney/Territorial Intersection

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Matt,

As we discussed yesterday, the existing drainage situation at the NorthWest corner of the proposed Cheney Drive connection with Territorial would make the requirement to install a right turn lane very problematic. The existing culverts under Territorial Road are laid very shallow probably undersized for the amount of existing drainage in this area. The existing open ditch on the Girard property appears to be providing some level of detention to slow down the water prior to entering the culverts which is allowing the system to work in the present condition.

To construct a right turn lane over the existing ditch location would require new culverts, which would have to be laid very shallow and would remove any functional detention in the system. Conceptually this would require either larger culverts crossing Territorial (deeper) and/or moving the ditch further West onto Girard's property which would require more ROW acquisition.

I'm not sure why they designed/constructed the culverts under Territorial Road that way, but changing them now may require additional work downstream also.

These constraints make the construction of a Southbound right turn lane very difficult in addition to the current lack of ROW.

**Scott Morris, PE**

*A & O Engineering LLC*

Phone: (541) 302-9790





04/11/2023

Henry O. Hearly  
 Associate Planner  
 Lane Council of Governments  
 hhearley@lcog.org  
 541-682-3089

SHAREHOLDERS	
Aaron Clark	Architect
Lee Gwyn	Architect
Holly Benton	
BOARD OF DIRECTORS	
Lee Gwyn	Architect / President
Aaron Clark	Architect / Vice President
Nathan P. Jones	Engineer
Brian Lind	Landscape Architect

Re: **Cheney Apartments- Apartment Design Features Response**

In response to the request on April 7, 2023, we are supplying this letter and attachments to indicate the Cheney Apartments project compliance with the required six design elements stated within Veneta Land Development Code (VLD) Sec. 5.29(4)(D). As stated, the section requires the following:

*All dwellings shall provide the following detailing on all street-facing elevations (i.e., where the axis of the structure oriented within 45 degrees from street lot line). This standard is met by using at least six (6) of the architectural features in items "a" through "n," below, consistent with the overall composition and design integrity of building. The applicant may select the elements, except that the decision making body may specify elements or detailing when a project is subject to a Type II Site Plan Review, Planned Unit Development review, or Conditional Use Permit review; in such cases, the decision making body may require specific design elements or changes, consistent with the purposes of Section 5.29. See Figure 5.29(e).*

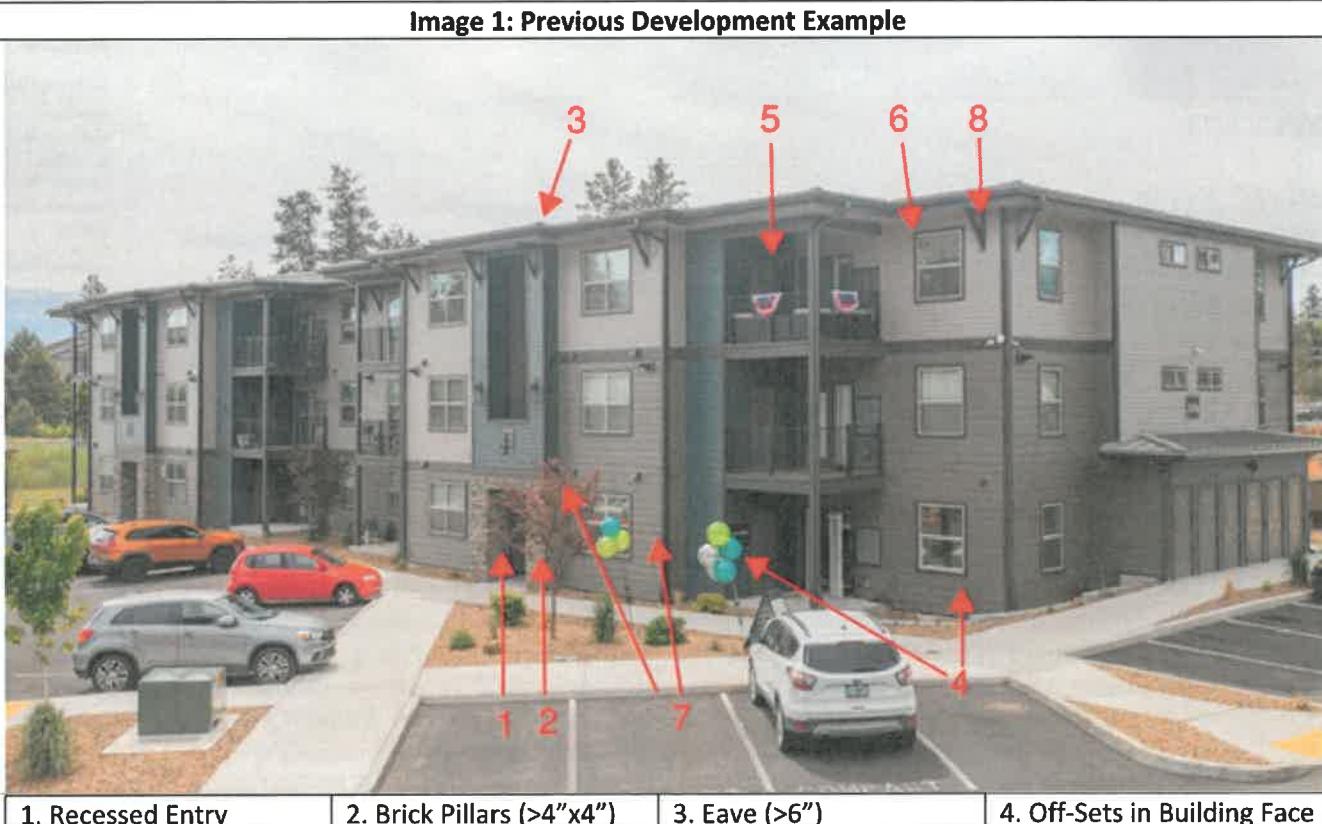
1. Dormers (actual living space and not an applied element)
2. Gables (actual living space and not an applied element)
3. Recessed entries (recess by 4 feet or more)
4. Covered porch entries or portico (covered to at least a 4 feet depth)
5. Cupolas or towers
6. Pillars or posts (not less than 4"x4" post)
7. Eaves (minimum 6-inch projection)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 3 inches wide)
10. Bay window(s)
11. Balcony(ies)
12. Change in siding materials / decorative patterns: shingles, lap, tongue- in-groove, Vgroove, paneling, board and batten, log construction, stone, brick, or split-face concrete block. Where different types of material are used (e.g., wood and stone), heavier materials shall be used on the base of the building
13. Decorative cornice, parapet, or pediment (e.g., for flat roofs)
14. An alternative feature providing visual contrast and aesthetic interest, similar to options 1-14, as approved through Type II Site Plan Review.

**Applicant Response-** As visible on the provided Exterior Elevations (Sheets A6.1a- A6.1e), there are a minimum of eight (8) Detailed Design elements visible on the façade of the proposed apartments. Those elements include:

1. Recessed Entries (> 6-inches)	2. Brick and Wood Pillars (>4"x4")	3. Eaves (>6" projection)	4. Off-Sets in Building Face (> 16")
5. Balconies	6. Window Trim (>3")	7. Change in Material/Color/Shape	8. Alternative Feature- Corbels

Please refer to the below set of images highlighting examples of the developer's previous projects and renderings with the same design and elements as listed.

Image 1: Previous Development Example



1. Recessed Entry	2. Brick Pillars (>4"x4")	3. Eave (>6")	4. Off-Sets in Building Face
5. Balconies	6. Window Trim (>3")	7. Change in Material/Color/Shape	8. Alternative Feature-Corbels

Image 2: Rendering Example



1. Recessed Entry	2. Brick Pillars (>4"x4")	3. Eave (>6")	4. Off-Sets in Building Face
5. Balconies	6. Window Trim (>3")	7. Change in Material/Color/Shape	8. Alternative Feature-Corbels

**Matt Laird**

---

**From:** Jed Truett <jed@metroplanning.com>  
**Sent:** Thursday, April 20, 2023 1:55 PM  
**To:** Matt Laird; scottmorris@ao-engr.com  
**Subject:** Chaney apt open space  
**Attachments:** Open Space Graphic - Veneta Apartments - 4-13-2023.pdf

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

Matt,

Attached is an exhibit that shows the 10% requirement can be met, but with a loss of parking.

Given that the subject property is part of the Southwest Veneta Area Plan (SWAP) refinement plan it would be nice if we could piggyback on other component parts of the SWAP in the same way that Madrone Ridge (for example) was able to utilize the park dedication in Applegate Phases 4/5 as the park dedication for the SWAP as a whole and not have to dedicate its own park area or in lieu of fee. The park dedication is across the street and adjacent to the property and consists of 7 acres of upland park area and maybe 12 total acres or more inclusive of other open space (such as wetlands), and the fact that the SWAP is a refinement plan should allow for a more specific look at the public open space requirement.

SWAP Objectives include the following:

#### **Plan Objectives**

**Public and Open Spaces.** Provide public spaces such as neighborhood parks, common open areas, greenways, or plazas where residents and employees can meet or relax and that will counterbalance activity levels in more intense commercial and residential areas.

Looking at the SWAP as a larger whole it makes sense to share the open space requirements amongst the entire acreage as it was all master planned together (which should override general code requirements just as it did in Madrone Ridge for the park dedication requirement). Given the size of the park that will exist across the street from this complex it seems likely that on-site open space in this case will be redundant and has already been planned for in the entire SWAP area through that refinement plan.

In the alternative maybe a Condition of Approval that states that the "open space requirements will be addressed at the time of building permit" will buy us some time to have a more in-depth conversation about this, and if we can't reach an agreement for including SWAP open space at least we have already shown on the attached that we are capable of meeting the requirement, or alternatively just allowing that in addition to the open space we have initially provided that our open space is supplemented by the Park dedication to meet the intent/spirit of the open space code requirement.

At the very least the attached shows that a condition of approval for 10% of the net area can be met.

Thanks.

Jed

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Jed C Truett, AICP  
Principal  
--  
Metro Planning, Inc.  
846 A Street  
Springfield, OR 97477  
Ph: (541) 302-9830  
Cel: (541) 915-6458  
[www.metroplanning.com](http://www.metroplanning.com)





# Schwabe

April 19, 2023

**Garrett H. Stephenson**

Admitted in Oregon  
D: 503-796-2893  
C: 503-320-3715  
gstephenson@schwabe.com

VIA E-MAIL

Mr. Matt Laird, Director  
City of Veneta Com. Dev. Dept.  
88184 8th Street  
Veneta, OR 97487

RE: Lane County Transportation Comments addressing Cheney Street Apartments  
(City File No. SR-1-23)  
Our File: 140739-278121

Dear Matt:

This office represents Veneta Apartments, LLC, applicant (the “Applicant”) in the above referenced land use application (the “Application”). This letter responds to comments submitted by the Lane County Public Works Department, Transportation Planning Section (“Lane County”). For the following reasons, the Applicant should not be required to construct the improvements requested by Lane County.

**1. The City cannot require improvements at the intersection of Cheney Drive and Territorial Highway based solely on a 2007 development agreement.**

The County argues that a 2007 development agreement (the “Development Agreement”) (**Exhibit 1**) between Hayden Enterprises and the City of Veneta obligates the Applicant, who was not a party to that agreement, to construct certain transportation improvements that benefit a County transportation facility. The County is incorrect in three respects.

First, the improvements to Territorial Highway contemplated in the Development Agreement do not appear to be supported by the transportation analysis in the record. Thus, they are not based on, nor are they required, by any local government regulation that is applicable to the Application. The Development Agreement has also not been adopted by City as part of its development code, and is therefore inapplicable to the Application under ORS 197.195(1). Second, while the Development Agreement did obligate Hayden to make the improvements identified therein and while it purports to run with the land, the Development Agreement applied to the entire 128-acre Southwest Neighborhood Center component of the Southwest Area Specific Plan. In so doing, the costs of the improvements could be shared among the revenue

generated by the entirety of the 527 units within the neighborhood center. On the other hand, the Development Agreement never contemplated that a future owner of only a small portion of the total area would be responsible for the entire cost of the Cheney/Territorial Improvement, and particularly a right-turn lane. The Application proposes 128 multifamily units on only 5.34 acres of the 128-acre neighborhood center. While it may be that the City did not enforce the development agreement on other owners in the past, there is no basis in the Development Agreement to impose the entirety of the Cheney/Territorial Improvement on such a small phase. Such a requirement would likely fail to meet the rough proportionality test required by the 5<sup>th</sup> Amendment of the U.S. Constitution, as articulated by *Dolan v. City of Tigard*, 512 US 374 (1994), because it is clearly calculated to serve far more than just this apartment project. Third, the obligations in the Development Agreement are not enforceable as land use approval standards, but rather as real covenants on the subject property. See Development Agreement at Sec. 5.9. As the covenants are made to benefit the City, the City has absolute discretion to enforce those covenants or not, and may exercise that discretion without violating any land use regulations. *Contractors, Inc. v. Tri-County Met*, 94 Or. App. 392, 401 (1988), *rev. den.*, 307 Or. 571 (1989).

On the other hand, the County is not a party to the Development Agreement and has no third-party power to enforce it. Rather, the County's rights under the Development Agreement (if any) are entirely derivative of ODOT's, and ODOT expressly waived any third-party benefits it might have otherwise had.<sup>1</sup>

Finally, as explained in more detail below, there is no evidence in the record that the Cheney/Territorial Improvement called for by the Development Agreement is necessary to adequately mitigate the impacts from this project; therefore, there is no evidence that such improvements are "the developer's responsibility" beyond their contemplation in the Development Agreement. Similarly, because they are not necessary to mitigate an impact or correct a deficiency, they are unlikely to be constructed by the County. Thus, the County's assertion that "the public could end up paying" for these improvements is simply false.

**2. There is no evidence in the record on this Application that a southbound right-turn lane on Territorial Highway is required to mitigate for the impacts of the project.**

Lane County argues that the project meets the threshold trigger for the Cheney/Territorial Improvement because it is required at buildout of the seventh phase of the neighborhood center. It is not clear whether the Application constitutes the "seventh phase," but regardless of whether the thresholds called for in the Development Agreement are met, Lane County's comments are

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<sup>1</sup> ODOT, which apparently had control over Territorial Highway when the Development Agreement was executed, deliberately waived any right it might have otherwise had to situate itself as a third party beneficiary of the Cheney/Territorial Improvement. "ODOT has informed the parties that ODOT does not need to be a party to any agreement, and instead, that ODOT's involvement will be limited to processing the access permit required for the Cheney/Territorial Improvement." Development Agreement Sec. 4.3.

April 19, 2023

undermined by the only transportation study in the record of this case, which was prepared by Ms. Kelly Sandow. In a supplement to this study dated February 22, 2023, Ms. Sandow explains why the right-turn pocket that the County wants is *not* required to provide for safe and efficient transportation access to this Property.

“As demonstrated within the Creations NW TIA dated December 2022, a right turn pocket from Territorial Road to the new Cheney Rd extension is not necessary for safe and efficient operations for turning vehicles or through vehicles on Territorial Road.”

Even if a right-turn pocket were warranted here, it would be impossible for the Applicant to construct the pocket because it would encroach on property the Applicant does not control. Finally, the County’s implied threat to not grant a permit for the Applicant to connect Cheney Drive to Territorial is irrelevant because the Applicant is not required to make that connection. Rather, that connection has already been approved by the City as part of the Applegate Phase IV & V Subdivision (S-1-22). During that subdivision process, Lane County elected to defer a requirement for a right-turn lane because the warrants were not met.

### **Conclusion**

For the above reasons, the City can and should approve the Application without imposing a condition of approval for a right-turn lane.

Best regards,



Garrett H. Stephenson

GST:jmhi  
Enclosure

Cc: Mr. Blake Gesik (*via email w/enclosure*)  
Mr. Jed Truett (*via email w/enclosure*)  
Ms. Kelly Sandow (*via email w/enclosure*)

PDX\140739\278121\GST\36474565.1

After Recording Return to:  
 Margaret Boutell  
 City of Veneta  
 P.O. Box 458  
 Veneta, OR 97487

## **DEVELOPMENT AGREEMENT BETWEEN CITY OF VENETA AND HAYDEN ENTERPRISES, INC.**

This Development Agreement ("Agreement") is dated as of the 22 day of February, 2007, by and between the CITY OF VENETA, an Oregon municipal corporation (the "City") and HAYDEN ENTERPRISES, INC., a Washington corporation ("Hayden"). Each the City and Hayden is hereinafter referred to as a "Party" and collectively as the "Parties."

### RECITALS

A. In April 2006, City approved with conditions the Southwest Area Specific Plan (the "Plan"), which is a portion of City's Land Development Ordinance and provides a comprehensive performance-oriented approach for developing the 128-acre Southwest Neighborhood Center (the "Development"). City File # SDP-1-05. It is expected that the Development will be subdivided and developed in nine phases over approximately ten years, ultimately providing approximately 527 dwelling units, with 416 single family homes, 33 town homes and 78 multi-family units. Each subdivision phase of the Development is referenced herein as a "Phase."

B. The Development's eastern frontage street is Territorial Road, a roadway under the Oregon Department of Transportation's ("ODOT") jurisdiction. The Development will ultimately have two access points onto Territorial Road. The first access point is at the intersection of Perkins Road and Territorial Road, and the second access point is at the intersection of Cheney Drive and Territorial Road. Highway 126, a roadway under ODOT's jurisdiction, is located north of the Development, and is intersected by Territorial Road. Huston Road is located east of the Development (running roughly parallel with Territorial Road), and intersects with Highway 126, east of the intersection of Highway 126 and Territorial Road.

C. The traffic impact analysis in support of the Plan determined that the intersection of Highway 126 and Territorial Road was projected to operate below standards (without the addition of traffic from the Development) during the p.m. peak hour of 2011, and that the Development would place additional pressures on the intersection and is projected to operate below standards during the peak p.m. peak hour of 2009. As a result, City imposed a condition of approval that prior to approval of the first Phase, the applicant must enter into an agreement identifying a funding plan for mitigating the Development's impacts on the intersection of Highway 126 and Territorial Road (the "Territorial/Hwy 126 Condition"). City has identified intersection capacity and safety improvements for the intersection of Highway 126 and Territorial Road in the City's Transportation Systems Plan (the "Territorial/Hwy 126

Improvements). The Territorial/Hwy 126 Improvements are not included on City's Capital Improvement Plan ("CIP"), so the Territorial/Hwy 126 Improvements are not currently eligible for funding by Systems Development Charges ("SDCs"). In the future, the City may amend the CIP to include the Territorial/Hwy 126 Improvements so that the Territorial/Hwy 126 Improvements are eligible for funding by SDCs. The Parties expect that Hayden will begin building the homes in the Development prior to when the Territorial/Hwy 126 Improvements are eligible for funding by SDCs, and prior to the completion of preliminary engineering for the Territorial/Hwy 126 Improvements.

D. The traffic impact analysis in support of the Plan determined that the intersection of Highway 126 and Huston Road was projected to operate below standards (without the addition of traffic from the Development) during the a.m. peak hour by 2013, and that the Development would place additional pressures on the intersection and is projected to operate below standards during the a.m. peak hour by 2011. As a result, City imposed a condition of approval that prior to approval of the first Phase, the applicant must enter into an agreement identifying a funding plan for mitigating the Development's impacts on the intersection of Highway 126 and Huston Road (the "Huston/Hwy 126 Condition"). City has identified intersection capacity and safety improvements for the intersection of Highway 126 and Huston Road in the City's Transportation Systems Plan (the "Huston/Hwy 126 Improvements"). The Huston/Hwy 126 Improvements are not included on City's CIP, so the Huston/Hwy 126 Improvements are not currently eligible for funding by SDCs. In the future, the City may amend the CIP to include the Huston/Hwy 126 Improvements so that the Huston/Hwy 126 Improvements are eligible for funding by SDCs. The Parties expect that Hayden will begin building the homes in the Development prior to when the Huston/Hwy 126 Improvements are eligible for funding by SDCs, and prior to the completion of preliminary engineering for the Huston/Hwy 126 Improvements.

E. The traffic impact analysis in support of the Plan determined that it was expected that a latter Phase of the Development would warrant a southbound right-turn movement at the intersection of Cheney Drive and Territorial Highway (the "Cheney/Territorial Improvement"), and that the construction of the Cheney/Territorial Improvement would mitigate the traffic impact caused by the Development. Accordingly, City imposed a condition of approval (the "Cheney/Territorial Condition") on the Plan that prior to approval of the first Phase, the applicant of the Development must enter into an agreement with the City and ODOT to install the Cheney/Territorial Improvement, and that the timing of the installation of the Cheney/Territorial Improvement would be considered during the review of each Phase. The traffic impact analysis in support of the first Phase determined that the Cheney/Territorial Improvement will be warranted by the development and occupancy of the seventh Phase.

F. Hayden is the developer of the Development, and submitted a tentative plat application for the first Phase in June 2006. City File # S-2-06.

G. The Parties desire to enter into an Agreement for a proportional funding plan for the Territorial/Hwy 126 Improvements and Huston/Hwy 126 Improvements which will completely mitigate the Development's impacts on the intersection of Territorial Road/Hwy 126 and Huston/Hwy 126, in satisfaction of the Territorial/ Hwy 126 Condition and Huston/126 Condition. The Parties also desire to enter into the Agreement to install the Cheney/Territorial

Improvement, which will completely mitigate the Development's impacts on the intersection of Cheney/Territorial Road, in satisfaction of the Cheney/Territorial Condition.

## AGREEMENT

NOW, THEREFORE, in consideration for the mutual promise and performance obligations of each party set out in this Agreement, the Parties agree as follows:

### SECTION 1. GENERAL

1.1 Recitals. The Recitals are hereby incorporated as if set forth fully herein.

### SECTION 2. THE TERRITORIAL/HWY 126 CONDITION

2.1 Hayden agrees to pay its proportionate share of the Territorial/Hwy 126 Improvements. Based upon the methodology explained in the memorandum attached as Exhibit A, the Parties agree that Hayden is responsible for 12% (twelve percent) of the costs of the Territorial/Hwy 126 Improvements ("Hayden's Territorial/Hwy 126 Improvements Proportionate Share"). However, if the Territorial/Hwy 126 Improvements become eligible for funding by SDCs, as described in Section 2.3, Hayden's Territorial/Hwy 126 Improvements Proportionate Share shall be paid through the payment of SDCs. The City's SDCs that are in place at the time a building permit is issued shall be paid in addition to Hayden's Territorial/Hwy 126 Improvements Proportionate Share.

2.2 The Parties agree that Hayden's Territorial/Hwy 126 Improvements Proportionate Share may be paid on a per unit basis, concurrently with the building permit for each dwelling (the "Territorial/Hwy 126 Unit Fee").

(2.2.1) At this time, the Parties best estimate of the cost of the Territorial/Hwy 126 Improvements is \$1,500,000 (one million five hundred thousand dollars). Therefore, Hayden's estimated proportionate share is \$180,000 (one hundred eighty thousand dollars) (the "Territorial/Hwy 126 Estimated Proportionate Share"). Because 527 dwelling units are expected to be constructed in the Development, and the Territorial/Hwy 126 Estimated Proportionate Share is \$180,000, unless recalculated pursuant to Section 2.2.2, the Territorial/Hwy 126 Unit Fee is \$342 (three hundred forty two dollars).

(2.2.2) If the preliminary engineering for the Territorial/Hwy 126 Improvements is completed before the final Phase receives final plat approval, then Hayden's Territorial/Hwy 126 Improvements Proportionate Share shall be based upon the cost estimate in the preliminary engineering (i.e., the preliminary engineering cost estimate x 12%) (the "Territorial/Hwy 126 Preliminary Engineering Proportionate Share"). The preliminary engineering for the Territorial/Hwy 126 Improvements shall include a contingency that includes and shall reflect inflation, as based on the 20-City National Average Construction Cost Index (CCI), as published by the Engineering New Record (ENR). If the preliminary engineering for the Territorial/Hwy 126 Improvements is completed after the approval of the final plat for the final Phase, then Hayden's Territorial/Hwy 126 Improvements Proportionate Share shall be the Territorial/Hwy 126 Estimated Proportionate Share, as described in Section 2.2.1. If the preliminary engineering for the Territorial/Hwy 126 Improvements is completed before the final Phase receives final plat

approval and the Territorial/Hwy 126 Preliminary Engineering Proportionate Share is determined, the Territorial/Hwy 126 Unit Fee shall be recalculated so that the total Territorial/Hwy 126 Unit Fees paid to date are subtracted from the Preliminary Engineering Proportionate Share, and the remainder is divided by the remaining units in the Development to be constructed.

(2.2.3) For example, if the preliminary engineering for the Territorial/Hwy 126 Improvements is completed before the final Phase receives final plat approval and the cost is projected to be \$1,300,000, then the Territorial/Hwy 126 Preliminary Engineering Proportionate Share would be \$156,000 ( $\$1,300,000 \times 12\% = \$156,000$ ). If 100 building permits had been applied for, and a total of \$34,200 in Territorial/Hwy 126 Unit Fees had been paid, then the recalculated Territorial/Hwy 126 Unit Fee would be \$285 per unit ( $\$156,000 - \$34,200 = \$121,800$ , and  $\$121,800/427 \text{ remaining units} = \$285$ ). In this example, Hayden's Territorial/Hwy 126 Improvements Proportionate Share would be equal to the Territorial/Hwy 126 Preliminary Engineering Proportionate Share. However, if the preliminary engineering for the Territorial/Hwy 126 Improvements is not completed before the final Phase receives final plat approval, then Hayden's Territorial/Hwy 126 Improvements Proportionate Share would be equal to the Territorial/Hwy 126 Estimated Proportionate Share, and the Territorial/Hwy 126 Unit Fee would not be recalculated.

2.3 If the Territorial/Hwy 126 Improvements become eligible for funding by SDCs, then Hayden shall pay the SDCs for each dwelling instead of the Territorial/Hwy 126 Unit Fee, and Hayden's obligation under Sections 2.1 and 2.2 shall automatically terminate. Instead, the SDCs shall be Hayden's Territorial/Hwy 126 Improvements Proportionate Share.

2.4 Hayden shall not be responsible for designing or constructing the Territorial/Hwy 126 Improvements.

### SECTION 3. THE HUSTON/HWY 126 CONDITION

3.1 Hayden agrees to pay its proportionate share of the Huston/Hwy 126 Improvements. Based upon the methodology explained in the memorandum attached as Exhibit A, the Parties agree that Hayden is responsible for 11.9% (eleven point nine percent) of the costs of the Huston/Hwy 126 Improvements ("Hayden's Huston/Hwy 126 Improvements Proportionate Share"). However, if the Huston/Hwy 126 Improvements become eligible for funding by SDCs, as described in Section 3.3, Hayden's Huston/Hwy 126 Improvements Proportionate Share shall be paid through the payment of SDCs. The City's SDCs that are in place at the time a building permit is issued shall be paid in addition to Hayden's Huston/Hwy 126 Improvements Proportionate Share.

3.2 The Parties agree that Hayden's Huston/Hwy 126 Improvements Proportionate Share may be paid on a per unit basis, concurrently with the building permit for each dwelling (the "Huston/Hwy 126 Unit Fee").

(3.2.1) At this time, the Parties best estimate of the cost of the Huston/Hwy 126 Improvements is \$2,500,000 (two million five hundred thousand dollars). Therefore, Hayden's estimated proportionate share is \$297,500 (two hundred ninety seven thousand five hundred

dollars) (the “Huston/Hwy 126 Estimated Proportionate Share”). Because 527 dwelling units are expected to be constructed in the Development, and the Huston/Hwy 126 Estimated Proportionate Share is \$297,500, unless recalculated pursuant to Section 3.2.2, the Huston/Hwy 126 Unit Fee is \$565 (five hundred sixty five dollars).

(3.2.2) If the preliminary engineering for the Huston/Hwy 126 Improvements is completed before the final Phase receives final plat approval, then Hayden’s Huston/Hwy 126 Improvements Proportionate Share shall be based upon the cost estimate in the preliminary engineering (i.e., the preliminary engineering cost estimate x 11.9%) (the “Huston Preliminary Engineering Proportionate Share”). The preliminary engineering for the Huston/Hwy 126 Improvements shall include a contingency that includes and shall reflect inflation, as based on the 20-City National Average Construction Cost Index (CCI), as published by the Engineering New Record (ENR). If the preliminary engineering for the Huston/Hwy 126 Improvements is completed after the approval of the final plat for the final Phase, then Hayden’s Huston/Hwy 126 Improvements Proportionate Share shall be the Territorial/Hwy 126 Estimated Proportionate Share, as described in Section 3.2.1. If the preliminary engineering for the Huston/Hwy 126 Improvements is completed before the final Phase receives final plat approval and the Huston/Hwy 126 Preliminary Engineering Proportionate Share is determined, the Huston/Hwy 126 Unit Fee shall be recalculated so that the total Huston/Hwy 126 Unit Fees paid to date are subtracted from the Huston/Hwy 126 Preliminary Engineering Proportionate Share, and the remainder is divided by the remaining units in the Development to be constructed.

(3.2.3) For example, if the preliminary engineering for the Huston/Hwy 126 Improvements is completed before the final Phase receives final plat approval and the cost is projected to be \$1,700,000, then the Huston/Hwy 126 Preliminary Engineering Proportionate Share would be \$202,300 ( $\$1,700,000 \times 11.9\% = \$202,300$ ). If 100 building permits had been applied for, and a total of \$56,500 in Huston/Hwy 126 Unit Fees had been paid, then the recalculated Huston/Hwy 126 Unit Fee would be \$341 per unit ( $\$202,300 - \$56,500 = \$145,800$ , and  $\$145,800/427 \text{ remaining units} = \$341$ ). In this example, Hayden’s Huston/Hwy 126 Improvements Proportionate Share would be equal to the Huston/Hwy 126 Preliminary Engineering Proportionate Share. However, if the preliminary engineering for the Huston/Hwy 126 Improvements is not completed before the final Phase receives final plat approval, then the Huston/Hwy 126 Unit Fee would not be recalculated.

3.3 If the Huston/Hwy 126 Improvements become eligible for funding by SDCs, then Hayden shall pay the SDCs for each dwelling instead of the Huston/Hwy 126 Unit Fee, and Hayden’s obligation under Sections 3.1 and 3.2 shall automatically terminate. Instead, the SDCs shall be Hayden’s Huston/Hwy 126 Improvements Proportionate Share.

3.4 Hayden shall not be responsible for designing or constructing the Huston/Hwy 126 Improvements.

#### SECTION 4. THE CHENEY/TERRITORIAL CONDITION

4.1 Hayden agrees to install the Cheney/Territorial Improvement at Hayden’s sole cost. The Cheney/Territorial Improvement shall be installed no later than when occupancy permits are issued for the homes in the seventh Phase. Hayden shall be responsible for

furnishing all material, labor, and equipment as may be necessary to install Cheney/Territorial Improvement. All work related to the Cheney/Territorial Improvement shall be performed pursuant to applicable regulations and plans approved by the governing body with jurisdiction, subject to periodic inspections, and final approval by the governing body with jurisdiction.

4.2 Hayden shall post a performance bond or bonds or such other financial guarantee as may be satisfactory to the governing body with jurisdiction for the installation of the Cheney/Territorial Improvement. Such bond or other financial guarantee shall be in a form and amount as is customarily required for similar projects by the governing body with jurisdiction. Upon final approval and acceptance of the Cheney/Territorial Improvement by the governing body with jurisdiction, the Cheney/Territorial Improvement shall be a public facility owned, operated and maintained by the governing body with jurisdiction, and the bond or other financial guarantee shall be released.

4.3 The Parties acknowledge that the Cheney/Territorial Condition requires City and Hayden to enter into an agreement with ODOT related to the Cheney/Territorial Improvement. ODOT has informed the parties that ODOT does not need to be a party to any agreement, and instead, ODOT's involvement will be limited to processing the access permit required for the Cheney/Territorial Improvement. Accordingly, this Agreement and Hayden's obligations in Section 4 satisfies the Cheney/Territorial Condition.

## SECTION 5. MISCELLANEOUS

5.1 Assignability of Agreement. This Agreement shall be fully assignable, in whole or in part, by any Party and shall bind and inure to the benefit of the Parties and their respective successor and assigns. If any portion real estate which is subject to the Plan and the Development has not been approved for development as a Phase and is sold, the duties, rights and interest of Hayden under this Agreement shall become the duties, rights and responsibilities of that purchaser.

5.2 Waivers. No covenant, term or condition of this Agreement shall be deemed to have been waived by any Party, unless such waiver is in writing signed by the Party charged with such waiver. Any waiver of any provision of this Agreement, or any right or remedy, given on any one or more occasions shall not be deemed a waiver with respect to any other occasion.

5.3 Entire Agreement/Modifications. This Agreement constitutes the entire agreement between and among the Parties with respect to the subject matter herein contained and all prior negotiations, discussions, writings and agreements between the Parties with respect to the subject matter herein contained are superseded and of no further force and effect. This Agreement cannot be amended or modified without a writing signed by all of the Parties hereto.

5.4 Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be an original and all of which, when taken together, shall constitute one and the same instrument.

5.5 Captions. The captions contained in this Agreement were inserted for the convenience of reference only. They do not in any manner define, limit, or describe the provisions of this Agreement or the intentions of the Parties.

5.6 Gender/Singular/Plural. Whenever masculine, feminine, neuter, singular, plural, conjunctive, or disjunctive terms are used in this Agreement, they shall be construed to read in whatever form is appropriate to make this Agreement applicable to all the Parties and all circumstances, except where the context of this Agreement clearly dictates otherwise.

5.7 Severability. The unenforceability or invalidity of any provisions hereof shall not render any other provision herein contained unenforceable or invalid.

5.8 Oregon Law; Attorneys' Fees. This Agreement shall be interpreted, construed and enforced in accordance with the law of the State of Oregon. If any suit, action or proceeding (including under the U.S. Bankruptcy Code) is brought to declare, interpret, or enforce any rights under this Agreement, or for the breach of any warranty, representation, covenant, term or condition hereof, the prevailing party in such suit, action or proceeding, including at arbitration, at trial, on appeal to an appellate court arising therefrom, or on any petition for review, shall be entitled to recover reasonable attorneys' fees in addition to costs and disbursements.

5.9 Covenants Running With the Land. It is the intention of the parties that the obligations set forth in this Agreement are also covenants necessary for the development of Property and as such shall run with the Property and shall be binding upon the heirs, executors, assigns, administrators, and successors of the parties hereto, and shall be construed to be a benefit and burden upon the Property. A memorandum of this Agreement shall be recorded upon this Agreement's execution in the Lane County Deeds and Records.

IN WITNESS WHEREOF, the Parties have signed this Agreement as of the date set forth in the first paragraph of this Agreement.

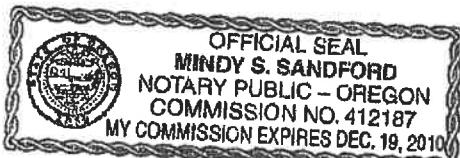
CITY OF VENETA,  
An Oregon Municipal Corporation

By: TJ Brookner  
Name: T. J. Brookner  
Title: Mayor

STATE OF OREGON      )  
                            )  
                            ) ss.  
COUNTY OF LANE      )

The foregoing instrument was acknowledged before me on this 5<sup>th</sup> day of MARCH, 2007,  
by TJ Brookner, as Mayor of City of Veneta, an Oregon  
municipal corporation.

  
Notary Public for Oregon  
My Commission Expires: 12-19-10



HAYDEN ENTERPRISES, INC., a Washington Corporation

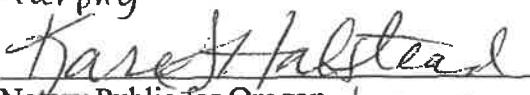
By: 

~~Hayden Watson~~ Dennis Murphy  
Chief Executive Officer- President

STATE OF OREGON )  
 ) ss.  
 COUNTY OF DESCHUTES )

The foregoing instrument was acknowledged before me on this 22 day of  
February, 2007, by Hayden Watson, the President of Hayden Enterprises,  
Inc., a Washington Corporation. Dennis Murphy



  
Karen I. Halstead  
Notary Public for Oregon  
My Commission Expires July 4, 2010

## Exhibit A



**KITTELSON & ASSOCIATES, INC.**  
TRANSPORTATION ENGINEERING / PLANNING  
610 SW Alder Street, Suite 700, Portland, OR 97205 • 503.228.5230 • 503.273.8169

## MEMORANDUM

Date: January 24, 2007

Project #: 7717

To: Margaret Boutell, City of Veneta  
Roy Hankins, Hayden Homes  
Dave Cady

From: Matt Hughart

Project: Applegate Landing

Subject: Proportionate Share Calculations

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As requested, we have looked at the traffic volume forecasts for the OR 126/Territorial Highway and OR 126/Huston Road intersections in order to help determine the proportionate share of traffic impacts to these intersections.

Although there are a number of different ways in which proportionality can be calculated, the following is a methodology that is being utilized by ODOT in Region 4 when addressing the need for intersection mitigations. Under this methodology, the proportionate share is developed based on a comparison of the amount of Applegate Landing site-generated traffic forecast to travel through the OR 126/Territorial Highway and OR 126/Huston Road intersections (at buildout) to the total entering volume (TEV) of the intersections. The following paragraph outlines this method using the traffic volume numbers developed in the Applegate Landing Transportation Impact Analysis.

### **OR 126/Territorial Highway**

From the study, it is projected that the future year 2017 total entering volume (TEV) at the OR 126/Territorial Highway intersection (this includes all assumed background traffic growth within the City, through traffic growth along the state highways, and full buildout of the Applegate Landing development) during the weekday p.m. peak hour will be 2,617 vehicles. Of this total, the Applegate Landing development is forecast to account for 314 of these vehicles. Dividing 314 by 2,617, the Applegate Landing development would constitute 12% of the future year volume, or 12% of mitigation costs.

### **OR 126/Huston Road**

It is projected that the future year 2017 total entering volume (TEV) at the OR 126/Huston Road intersection (this includes all assumed background traffic growth within the City, through traffic growth along the state highways, and full buildout of the Applegate Landing development) during the weekday p.m. peak hour will be 2,140 vehicles. Of this total, the Applegate Landing

development is forecast to account for 254 of these vehicles. Dividing 254 by 2,140, the Applegate Landing development would constitute 11.9% of the future year volume, or 11.9% of mitigation costs.

Table 1 provides an overall summary of the traffic volumes and proportionate costs attributable to the Applegate Landing development as well as those that can be attributed to local and regional growth in the area.

Table 1  
Intersection Volume Summaries

		Weekday PM Peak Hour Volumes	Proportionate Impact	
			Local/Regional Growth	Applegate Landing
OR 126 / Territorial Highway	Existing TEV	1,900 vehicles	$403 / 2,617 = 15.4\%$	$314 / 2,617 = 12.0\%$
	Projected Local and Regional Growth Through 2017 <sup>1</sup>	403 vehicles		
	2017 Background Traffic TEV	2,303 vehicles		
	Estimated Applegate Landing Site-Generated Traffic <sup>2</sup>	314 vehicles		
	2017 Total Traffic TEV	2,617 vehicles		
OR 126 / Huston Road	Existing TEV	1,550 vehicles	$336 / 2,140 = 15.7\%$	$254 / 2,140 = 11.9\%$
	Projected Local and Regional Growth Through 2017 <sup>1</sup>	336 vehicles		
	2017 Background Traffic TEV	1,886 vehicles		
	Estimated Applegate Landing Site-Generated Traffic <sup>2</sup>	254 vehicles		
	2017 Total Traffic TEV	2,140 vehicles		

TEV = Total Entering Volumes

<sup>1</sup> Does not include new traffic from the Applegate Landing development.

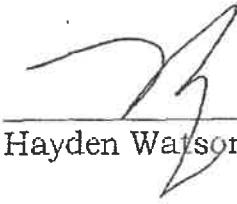
<sup>2</sup> Includes estimated site-generated traffic from the Applegate Landing development projected to travel through the intersection.

RESOLUTION  
OF  
THE BOARD OF DIRECTORS  
OF  
HAYDEN ENTERPRISES, INC.  
A Washington Corporation

A meeting was held by the Board of Directors of Hayden Enterprises, Inc., which consisted of Hayden Watson. At the meeting the Board entertained the following resolution:

**BE IT RESOLVED** that Hayden Watson, Chief Executive Officer of the corporation, Roy Hankins, Director of Land Development are hereby authorized in the name and on behalf of the corporation including but not limited to purchasing and or retrieving permits or plans and any other documents necessary for the development of land or parcels.

**THE RESOLUTION WAS APPROVED BY** the Board this 28th day of June 2007.

  
\_\_\_\_\_  
Hayden Watson, Chief Executive Officer