

**FINAL ORDER OF
THE VENETA PLANNING COMMISSION**

Blake's Mill Subdivision
File No. S-2-23
Type C Tree Removal Permit
File No. TP-23-15

A. The Planning Commission finds the following:

1. The applicant has submitted information for a tentative subdivision plan application required by §4.01 of the Veneta Land Division Ordinance No. 494 (VLDO 494) and for a Type C Tree Removal Permit required by Chapter The application was deemed complete on July 26, 2023.
2. After providing proper notice of quasi-judicial action according to VLDO 494, §2.03 and §4.02(2) and VMC Chapter 8.10.140(1) - Notice and Appeal. The Veneta Planning Commission held a public hearing on September 12, 2023, to review and discuss the tentative plan for subdividing the following properties:
Assessors Map No. 17-05-31-20, Tax Lots 1000, 1100, & 1200.
3. The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in §4.02 of the VLDO 494.

B. The Veneta Planning Commission APPROVES WITH CONDITIONS the Blake's Mill Subdivision (File No. S-2-23) and Type C Tree Removal Permit (File No. TP-23-15) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

- 1) Tentative Plan approval shall remain effective for three (3) years from the date of Planning Commission action. Within three (3) years, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order. If the land divider is unable to proceed with the subdivision prior to the expiration of the three (3) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta.
- 2) Water meters shall be located behind the sidewalks in the public utility easement.
- 3) All public piping shall be located within the public rights-of-way or in a PUE adjacent to a right-of-way, unless otherwise approved by the City Engineer during the public improvement review process.

- 4) No tree removal operations shall take place until the applicant has received a notice to proceed from the City Engineer on public improvements.
- 5) Forty-eight hours prior to tree removal, a copy of the tree removal permit shall be prominently displayed on the subject property and shall remain on display at all times while tree removal operations are being conducted.
- 6) All logging equipment shall be removed no later than 30 days after tree removal. All slash shall be chipped within 30 days after tree removal. (Ord. 542 § 8, 2017)
- 7) The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d).
- 8) As a general condition related to tree removal, property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation.
- 9) All proposed street trees must comply with the standards of VMC Section 5.28 Street Trees.
- 10) Maintenance of street trees shall be the responsibility of the adjacent property owner as defined in Veneta Land Development Ordinance 493, Section 5.28(6)(a-g) - Street Trees.
- 11) The applicant shall reserve the proposed Lot 10 for public acquisition for one (1) year from the date of final plat approval, at a cost not to exceed the value of the land prior to subdivision, pursuant to Veneta Land Division Ordinance No. 494, Section 6.08. This reservation can be released by mutual agreement of both parties.

PRIOR TO CONSTRUCTION

- 12) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City.
- 13) Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.
- 14) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
- 15) The configuration and size of the public improvements shall be subject to approval by the City Engineer upon review of design and supporting analysis prepared by the applicant's engineer. If the improvements are not constructed prior to final plat approval, a bond for the construction of public improvements is required prior to final plat approval.
- 16) Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for

underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

- 17) The public improvement plans shall include an all-weather maintenance access from the end of the cul-de-sac to the pond on Tract C.
- 18) The public improvement plans shall include street paving widths consistent with VLDO No. 494 Section 6.02(2). All roadways with a 50-feet right-of-way shall have a paving width of at least 28 feet, and maintain planter and sidewalk width standards.
- 19) A map showing public improvements as built shall be filed with the City upon completion of the improvements within sixty (60) days.
- 20) All public improvements must be installed in accordance with the City of Veneta Municipal Code Chapter 13.30 unless otherwise modified by the City Engineer and/or Public Works Director.
- 21) As part of the public improvement plan process, the applicant shall submit a grading statement that identifies how each individual lot will be graded and where the stormwater will flow to. This statement is to be reviewed and approved by the City Engineer.
- 22) As part of the public improvement plans, the applicant shall submit and receive approval of a Final Overall Landscape Plan for the subdivision depicting street tree locations, required replacement trees, planting details for planter strips and stormwater collection areas, including street tree size, species, and irrigation. Street tree locations shall not interfere with public utilities or sight distances (clear vision areas) in accordance with VLDO 493, §5.03(2) - Clear Vision Areas. The Final Overall Landscape Plan shall indicate the location of street trees that complies with the size, growth characteristics, spacing and location of VLDO 493, §5.28(1-4) and requiring a minimum 30-40-foot interval street tree placement, in accordance with VLDO §5.28(3) - Street Trees, Spacing and Location and VMC 8.10.120 - Mitigation. If, during the review of the applicant's final landscape plan, the City determines that the location of replacement trees in Tract A, B, or C are not desirable and does not approve them, causing the applicant's total replacement/mitigation trees to fall below the required amount of two hundred and eighteen (218), then the applicant shall pay into the tree fund an amount equal to the number of replacement trees that are not able to be planted at a per-tree rate of two hundred and fifty (250) dollars, as established by Resolution No. 1011 of the Veneta City Council.

PRIOR TO FINAL PLAT APPROVAL

- 21) Prior to final plat approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in favor of the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements for City water and sewer main extension and services, streets (which includes curbs, gutters and drainage), sidewalks, and all other public

improvements and utilities. The cost of public improvements shall be based on an estimate prepared and/or approved by the City Engineer. The performance bond shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney in accordance with Veneta Land Division Ordinance No. 494, Section 4.02(5) – Performance Bonds and Irrevocable Agreements.

- 22) Prior to final plat approval, the applicant shall install all required public improvements and repair existing streets or other public facilities damaged in the development of the property or execute and file with the City an agreement between the applicant and the City, specifying the period within which required improvements and repairs shall be completed and post a performance bond with the City, in accordance with the VLDO 494, Article 7, §7.03, 7.05 and 7.06. Public improvements must include all improvements (including fiber conduit per VMC Chapter 13.30.020(4)) required by VLDO 494, the Planning Commission's conditions of approval, and must be installed in accordance with plans approved by the City.
- 23) The final plat shall include 1-foot a reserve strip at the terminus of the dead-end street and shall have a separate legal description and be separately identified on the plat, in accordance with VLDO 494, Section 6.02(4) - Reserve Strips.
- 24) The Final Plat shall include 7-foot wide Public Utility Easements adjacent to rights-of-way.
- 25) Prior to final plat approval, all ADA curb return ramps shall be installed as part of the public improvements, in accordance with Veneta Land Division Ordinance No. 494, Section 7.03(5) - Sidewalks.
- 26) Prior to final plat approval, street lights shall be installed at the applicant's expense during the public improvement process or appropriately included in the Bond and outlined in the Improvements Agreement.
- 27) Prior to final plat approval, the applicant shall include a formal dedication of Tracts A, B, and C on the plat to be recorded and shall also convey the required lands to the city by general warranty deed in accordance with Veneta Land Development Ordinance No. 493, Section 5.26 – Parkland Dedication Requirements. The sub-divider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title. The City reserves the right to deny the dedication of the parkland and instead require a fee in lieu of parkland dedication prior to Final Plat approval.
- 28) Prior to final plat approval, the applicant shall submit a warranty bond guaranteeing replacement of all street trees and mitigation trees are the responsibility of the developer for a period of 2 years from the time of planting.
- 29) Prior to Final Plat approval, the applicant shall plant all required mitigation/replacement trees that are located in Tracts A, B, and C as approved in the final overall landscape plan

for the subdivision.

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

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 31) Prior to issuance of a building permit for any lot, a lot-specific landscape plan is required that conforms to VLDO 493, Section 5.12(1-3) – Landscaping and VLDO 493 Section 5.03 – Clear Vision Areas and shows tree placement in conformance with the approved final overall Landscape Plan for the subdivision, including street trees that are located along the frontage of the lot. Said trees shall be planted prior to issuance of Certificate of Occupancy.
- 32) Prior to issuance of building permits, the applicant shall submit a final utility plan to be reviewed and approved by the City Engineer and Public Works.
- 33) Prior to issuance of building permits, the applicant shall provide the City with recorded copies of all deeds, easements, development covenants, and Irrevocable Petitions for Public Improvements required as conditions of approval.

PRIOR TO CERTIFICATE OF OCCUPANCY FOR EACH LOT:

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

CONDITION ADDED BY PLANNING COMMISSION AT PUBLIC HEARING

- 37) Prior to construction, the applicant shall conduct a Phase I Environmental Assessment of the site and provide the City with a copy of said assessment. The applicant shall comply with any recommendations made as part of the Phase I Environmental Assessment.

C. **IT IS HEREBY ORDERED THAT** the Veneta Planning Commission approves with conditions the Blake's Mill Subdivision Request and Type 'C' Tree Removal Permit (City File No. S-5-22 and TP-23-15) based on the information in the staff report and the following findings of fact:

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

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

1) City Staff Review and Action.

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

Staff Finding: The City received the application on June 23, 2023. The application was deemed incomplete on July 17, 2023. The applicant's second submittal was received July 18 and was deemed complete on July 26, 2023. Referrals were also sent to the City Engineer, Public Works director, and public agencies on July 31, 2023 with comments requested back by August 18, 2023.

Conclusion: Criterion is met.

2) Subdivision Tentative Plan Procedure. *Tentative Plan applications require a Type III application and associated procedures, as set forth in Article 11 of the Veneta Land Development Ordinance (No. 493).*

Staff Finding: The City is processing the applicant's request as a Type III land use action as set forth in Article 2 of the VLDO 494 (VLDO 494).

Notice was mailed to the applicant/ property owner, the applicants' representative and owners for properties located within 300-feet of the perimeter of the subject site on August 14, 2023 and was published in *The Register Guard* on August 16, 2023. Notice was posted at the subject property on August 10, 2023, in accordance with VLDO 494, §2.03 - Submission Procedure, §4.02(2) - Tentative Plan Review and Action Procedures, Veneta Land Development Ordinance No. 493 (VLDO 493), §11.07(2) - Notice of Public Hearing. Notice was also posted on the City website, at City Hall, and at Fern Ridge Library on August 10, 2023.

Conclusion: Criterion is met.

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

Staff Finding: The Planning Commission may require dedication of land and easements and may specify conditions or modifications to the tentative plan as necessary to ensure compliance with city regulations per this standard. Staff finds the proposal will require the dedication of right-of-way for the public roads included within the subdivision. All lots included within the subdivision will include a 7-foot public utility easement across the frontage.

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

4) Failure to Complete Subdivision Requirements. Tentative Plan approval shall remain effective for three (3) years from the date of Planning Commission action. Within three (3) years, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order. If the land divider is unable to proceed with the subdivision prior to the expiration of the three (3) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta.

Staff Finding: Staff finds the Tentative Plan approval shall remain effective for three (3) years from the date of Planning Commission action and within three (3) years, the applicant must submit a complete Final Plat application for review along with all supplementary data required to meet the conditions of approval listed in the Final Order.

Further, staff finds if the land divider is unable to proceed with the subdivision prior to the expiration of the three (3) year period following the approval of the tentative plan, the applicant must resubmit the tentative plan and make any revision(s) necessary to meet changed conditions or modifications in laws or ordinances of the State of Oregon, Lane County, or the City of Veneta.

Conclusion: Criterion met with the following condition of approval.

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

5) Performance Bonds and Irrevocable Agreements. At tentative plan approval, the applicant shall post a performance bond and enter into an Irrevocable Agreement between the applicant and the City, in a form as provided by the City, to assure that the subdivision improvements are completed. The performance bond shall be equal to the cost of public improvements including city water and sewer main extension and service and streets, which includes curbs, gutters and sidewalks with the City of Veneta. The cost of public improvements shall be based on an estimate by the City Engineer.

Performance bonds shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney.

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

Conclusion: Criterion met with the following condition of approval.

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

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

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

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

Staff Finding: The proposed subdivision contains a transportation system that will support the new development and provide vehicular, bicycle, and pedestrian access to each lot. The streets and associated improvements will be dedicated to the City after construction, inspection, and acceptance. Where the proposed transportation system is not consistent with applicable City requirements, conditions of approval have been added to ensure compliance. These findings and conditions are discussed in more detail in this final order under the relevant articles and sections of City ordinances.

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

Staff Findings: All proposed lots will be connected to and served by city sanitary sewer, water and other public utilities. The applicant has submitted a preliminary utility plan that shows the extension of existing and creation of new utility lines to serve all proposed lots. The applicant is proposing to construct a looped water main that connects to the existing water pipes at Cherry Lane and Oak Island Drive. These are acceptable connection points to the existing system. The development will connect to the public gravity sewer at Cherry Lane. This is an acceptable connection point. All lots are expected to be able to gravity drain to this line. The final utility plan will be reviewed by the City Engineer and Public Works prior to the issuance of building permits. Where the relevant criteria are not met, conditions of approval have been added to ensure compliance. The findings relating to public utilities will be discussed in more detail in this final order under the relevant articles and sections of the Veneta Land Development and Veneta Land Division Ordinances.

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

Staff Findings: Stormwater runoff from the development will be routed to two treatment/detention ponds located at the northwest and southwest corners of the property. Currently, the northern portion of the site sheds drainage to the north and is conveyed off-site via an unimproved open drainage way. The southern portion of the site drains to the open channel along Oak Island Drive. These downstream conveyance systems are sensitive to any new drainage. As such, the proposed ponds have been sized to detain post-development runoff to pre-development peak rates in the 2-year through 25-year storm events, per the applicant's drainage report. The ponds will also include vegetation and soil to treat the drainage during the water quality storm event. The pond outlets will direct drainage similar to the existing drainage patterns. The proposed stormwater systems are consistent with the City of Veneta's requirements. The findings relating to the stormwater system will be discussed in more detail in this final order under the relevant articles and sections of the Veneta Land Development and Veneta Land Division Ordinances.

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

Staff Findings: The subdivision's tentative layout and infrastructure improvements, including streets, have been designed with the topography, wetlands, and vegetation in consideration.

There are no identified floodplains or delineated wetlands on the subject property. The southern edge of Tax Lot 4600 is partially located within the Greenway, however, the proposed subdivision does not create any lots within the Greenway, rather, the Greenway will be located within Tract C, which is proposed to be dedicated to the City. There are a large amount of trees on-site that are proposed to be removed, and the applicant has submitted a Type 'C' Tree Removal Permit Application and will be required to mitigate the removal of the site's trees through replanting. These findings are discussed in more detail under the relevant articles and sections of City ordinances.

The background of the subject site includes the use of the site as a mill with a wood waste burner. This use has potential environmental concerns associated with it such as legacy contamination from oil spills, hydraulic fluid spills, methane from decaying wood waste, or other, less ubiquitous types of contaminants. Plan Element J of the Veneta Comprehensive Plan, "Air, Water, and Land Resource Quality," has a stated goal to "Preserve the quality of Veneta's Air, Water and Land Resources." Additionally, Oregon Statewide Planning Goal Number 6, "Air, Water and Land Resources Quality," has a stated goal to "maintain and improve the quality of the air, water and land resources of the state.

Given the desire to implement both the Veneta Comprehensive Plan Elements and the Oregon Statewide Planning Goals, the use of the subject site in the past as a mill, and given the potential environmental concerns associated with that use, staff has included **optional** conditions of approval to address this. If the Planning Commission sees fit to require this, the applicant will be required to conduct a Phase I & II Environmental Assessment of the subject site to identify any possible environmental contaminants. When completed, these assessments must be submitted to the Oregon Department of Environmental Quality's Cleanup Program for advisement on how to proceed with cleanup, if necessary.

OPTIONAL Condition of Approval: Prior to construction, the applicant shall conduct a Phase I and Phase II Environmental Assessment of the site and provide the City with a copy of said assessment. Once completed, the applicant shall submit said Phase I and Phase II Environmental Assessment to the Oregon Department of Environmental Quality.

OPTIONAL Condition of Approval: If environmental contaminants are identified by the Phase I and II Environmental Assessment, then prior to construction, the applicant shall comply with any advisement from the Oregon Department of Environmental Quality on how to proceed with cleanup, if necessary.

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

Staff Finding: All newly created lots will be able to be developed in accordance with city requirements. All lots meet the minimum lot size of the zone and have adequate access to public right-of-way.

6) Adjoining land can be developed or is provided access that will allow its development in

accordance with city requirements.

Staff Finding: Development of adjoining land is not precluded. The applicant is proposing a new street, Euclid Drive, to run north-south through the center of the site. This road will end in a stub on the north end so future development of the parcel to the immediate north can extend Euclid Drive and make a connection with Cheney Drive. Euclid Drive is proposed to end in a cul-de-sac on the southern end as to the immediate south is an existing residential property and Oak Island Park. All other adjoining land has already undergone development.

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

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

Veneta Land Division Ordinance 494, Article 6 – Design Standards

Section 6.02 Street Design Standards

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

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

continuance or conformance to existing streets impractical.

Applicant's statement: The proposed street system is designed to extend the Cherry Lane stub on the northeast corner of the site to the center of the property where Euclid Drive is proposed to extend to the northern boundary of the development property. Euclid Drive is proposed to terminate in the form of a cul-de-sac towards the south end of the property. Due to the existing Greenway and stormwater conveyance channel, it would be impractical to extend Euclid Drive all the way to the southern boundary. The proposed ROW and street cross sections are designed to meet City standards, as shown on the attached preliminary engineering drawings.

Staff Findings: Staff concurs with applicant's statement. Criterion is met.

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

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

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

- A. Emergency vehicle access
- B. Self-protection of structures using sprinkler systems or other fire prevention means
- C. Curb and sidewalk design that accommodates emergency vehicles and storm drainage (such as rolled curbs)
- D. Provision for generous parking on site that would eliminate need for on-street parking
- E. Location of proposed street relative to other streets (block length and connectivity)
- F. Provision of transit service through special agreements and facilities
- G. Pedestrian safety, particularly at intersections

H. Adequate rights-of-way or easements for public utilities

I. Existing development that limits paving and right-of-way widths

J. Topography

K. Environmental impacts

Applicant's statement: The applicant is proposing to extend Euclid Drive from the northern boundary of the subject property through the site to a cul-de-sac toward the south end of the site. His proposal also includes the extension of Cherry Lane from its current terminus to Euclid Drive. Both streets are considered local streets with low traffic volumes. Therefore, both streets are proposed to consist of a 50' right-of-way with 30' paved area and 5' setback sidewalks on both sides as shown on the submitted tentative site plans. Cherry Lane currently consists of a 5' wide curbside sidewalk, but the proposed extension will transition from curbside to setback sidewalks. At the pre-application meeting on May 22, 2023 (file no. PRE-1-23), the City acknowledged that the reduced right-of-way and paving widths would be acceptable given the low volume of anticipated traffic. The proposal is consistent with these standards. See response to Section 7.02 below for further information.

Staff Finding: Staff concurs with applicant's statement. The applicant is proposing a modified street width for all roadways. Per VLDO 494 6.02(2), local roads with a 50-foot right-of-way shall have a street paving width of 28 feet. The applicant is proposing a modified paving width of 30 feet. This is acceptable provided the planter and sidewalk widths meet minimum requirements, which are 4 feet for the planters and 5 feet for the sidewalks.

Additionally, the applicant is proposing a 50-foot radius ROW (100-foot diameter) for the cul-de-sac with 40-foot paved radius width (80-foot diameter), 5-foot sidewalks, and 5-foot planting strips. The proposed cul-de-sac meets the typical standard cul-de-sac design found in the Veneta Transportation System Plan. Reference Figure 17 below.

Figure 17. Cul-de-Sac Cross-Section Standards (this diagram applies to the local street cross-section)



Conclusion: Criterion met with the following condition of approval.

Condition of Approval: The public improvement plans shall include street paving widths consistent with Veneta Land Division Ordinance Section 6.02(2). All roadways with a 50-foot

wide right-of-way shall have a paving width of at least 28 feet, and maintain planter and sidewalk width standards.

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

Applicant's statement: There is a proposed reserve strip on the north terminus of Euclid Dr. for the reservation of future street extension. This reserve strip will have a separate legal description and dedication and will be identified on the final plat.

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

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

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

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

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

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

Conclusion: Criterion is met.

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

Applicant's statement: The applicant is proposing to extend Euclid Dr to the north property boundary. The proposal satisfies the requirements of VLDO 494, Section 6.02(6) – Future

Extensions of Streets.

Staff Finding: The applicant is not proposing a turn-around for the dead-end street, but staff finds this acceptable as the resulting dead-end street on the north will be less than 150 feet in length, which is the minimum length at which Lane Fire Authority requires emergency vehicle turnarounds.

Conclusion: Criterion is met.

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

Applicant's statement: This standard is not applicable.

Staff Finding: Staff concurs with applicant's finding. There is one corner lot in the subdivision, but seeing as both Cherry Lane and Euclid Drive are Neighborhood Local streets, this criterion does not apply.

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

Applicant's statement: The applicant is proposing the "T" intersection of Cherry Ln and Euclid Dr to intersect at a right angle, consistent with this standard.

Staff Finding: Staff concurs with applicant's findings. Criterion is met.

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

Applicant's statement: Cherry Ln. is an existing street terminating at the east property boundary. Cherry Ln has adequate right-of-way, street, and sidewalk widths. Therefore, no additional improvements are needed for the existing portion of Cherry Ln.

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

10) Half Streets. Half streets, while generally not acceptable, may be approved where

essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to the tract to be divided, the other half of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of half streets.

Applicant's statement: Not applicable – no half streets are proposed or required.

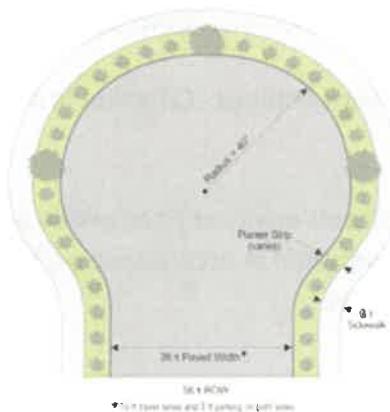
Staff Finding: Staff concurs with the applicant's statement.

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

Applicant's statement: The proposed cul-de-sac on the south end of Euclid Dr is 400' long, measured from the centerline of the Cherry Ln intersection. The cul-de-sac terminates with a circular turn-around, consistent with this standard.

Staff Finding: The proposed cul-de-sac on the south end of Euclid Drive is proposed to have a 100-foot right-of-way, with a paved width of 80 feet. This is consistent with the standard laid out in the Veneta Transportation System Plan, which shows a cul-de-sac with a paved width of 80 feet. Reference Figure 17 below.

Figure 17 Cul-de-Sac Cross-Section Standards (this diagram applies to the local street cross-section)



Conclusion: This criterion is met.

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

City and shall be subject to the approval of the Planning Commission and Lane County.

Applicant's statement: Euclid Drive shall be submitted to the Planning Commission and Lane County for approval.

Staff Finding: The street name "Euclid Drive" was brought to the Lane County Road Naming Committee, who had no objections to the name as it is unique to the County and other municipalities.

Conclusion: Criterion is met.

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

Applicant's statement: The applicant is proposing grades to not exceed ten (10) percent on all streets and center line radii of curves of not less than one-hundred (100) feet on all streets in accordance with the standard.

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

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

Applicant's Statement: This standard is not applicable.

Staff Finding: Staff concurs with applicant's statement.

15) Marginal access streets. Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation

along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Applicant's statement: Not applicable – the subject site does not abut or contain an existing or proposed arterial street.

Staff Finding: Staff concurs with applicant's statement.

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

Applicant's Statement: Not applicable – the proposed land division is intended for residential development.

Staff Finding: Staff concurs with applicant's statement.

17) Access Management. New streets shall meet or exceed the minimum spacing requirements listed in the adopted Transportation System Plan (TSP). However, where no reasonable alternatives exist or where strict application of the standards would create a safety hazard, the City may allow a variance per Article 11 of the Land Development Ordinance (No. 493).

Applicant's statement: All surrounding streets and proposed streets are classified as local streets per the adopted Transportation System Plan. According to the TSP, minimum access spacing for local streets is 10'. All accesses will meet this criteria.

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

Veneta Land Division Ordinance 494, Article 6 - Design Standards

Section 6.03 Blocks.

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

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

Applicant's Statement: Adequate block lengths, width and shape of blocks have been taken into account the need for adequate building site size and street width while recognizing the site's topography.

Staff Finding: Staff concurs with applicant's statement. Criterion is met.

3) *Easements.*

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

Applicant's Statement: All proposed public utility easements and private easements are shown on the tentative map. The proposal includes the dedication of public utility easements behind all dedicated right-of-way.

Staff Finding: Per City Engineer's comments, the final plat shall also include a minimum 14-foot wide Public Utility Easement for the public water and storm lines extending beyond the cul-de-sac bulb right-of-way.

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

Condition of Approval: The Final Plat shall include a minimum 14-foot wide Public Utility Easement for the public water and storm lines extending beyond the cul-de-sac bulb right-of-way.

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

Staff Finding: There is a drainage channel on the southern edge of the site with an associated Greenway buffer. This drainage channel is not an identified wetland. The drainage channel is located adjacent to Tract C, which the applicant is proposing to dedicate to the City. Thus, no easement is needed.

Conclusion: Criterion is met.

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

Staff Finding: The proposed subdivision does end in a cul-de-sac, but Tract C will be dedicated to the City as parkland and will provide for appropriate pedestrian and bicycle circulation.

Conclusion: Criterion is met.

Veneta Land Division Ordinance 494, Article 6 - Design Standards

Section 6.04 Building Sites.

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

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

Applicant's statement: All lots of this tentative subdivision plan are proposed to be at least 60' in width as per the minimum requirement in the SFR zone. This regulation will be met.

Staff Findings: According to VLDO 493 Section 4.02 – Single Family Residential, the minimum lot width is 60 feet. Staff concurs with applicant's statement.

Conclusion: Criterion is met.

B. Depth. Each lot or parcel shall have an average depth between the front line and lot or parcel rear line of not less than 80 feet and not more than 2.5 times the average width between the side lines. Exceptions are allowed for lots designed for single-family attached dwellings and for lots that are currently non-conforming and will be brought closer to conformity.

Applicant's statement: None of the proposed lots will have an average depth less than 80 feet or more than 2.5 times the average width. See attached tentative subdivision drawings for dimensional details.

Staff Finding: Staff concurs with applicant statement.

Conclusion: Criterion is met.

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

Applicant's Statement: A minimum lot size of 6,000 square feet is required in the SFR Zone, per VLDO No. 493. None of the proposed lots are less than 6,000 sf.

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

D. In areas that will not be served by a public sewer minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

Applicant's Statement: All proposed lots will be served by public sewer.

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

E. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission.

Applicant's Statement: This proposed tentative subdivision is intended for development of single-family detached housing. This requirement is not applicable.

Staff Finding: Staff Concurs with applicant's statement. Criterion is not applicable.

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

Applicant's Statement: Areas of flag lots have been calculated exclusive of the portion of the lot that provides access as required.

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

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

Applicant's Statement: All proposed lots will have a minimum of 50' of frontage (35' in the cul-de-sac portion) along Euclid Dr., consistent with this standard.

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

(3) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet wide and across, to which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

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

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

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

Applicant's Statement: As far as practicable all side lines run perpendicular to the streets upon which they face.

Staff Finding: Staff concurs with applicant's statement. On cul-de-sacs the side lines are radial to the curve with the exception of the east property line of Lot 9 and the west property line of Tract B, which run north-south to provide Lot 10, a flag lot, access to the cul-de-sac.

Conclusion: Criterion is met.

5) Flag Lots.

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

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

Applicant's Statement: This tentative subdivision application is for a proposed development to create one flag lot. The proposed flag lot is relatively flat with no significant natural features, drainageways, greenway area or open space, slopes greater than 15% flood hazard area, or wetland resources.

Staff Findings: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

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

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

Applicant's Statement: This tentative subdivision application includes the creation of one flag lot. This is required because of the proposed cul-de-sac. Only one flag pole is proposed between Lot 9 and Tract B. Minimum lot size and maximum lot size of the zone can be met one each of with this flag lot.

Staff Findings: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

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

- a. A unit of land creating three (3) or less lots shall connect to a street and must be at least 20 feet wide for its entire length and have a paved surface of 12 feet, or 25 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet.*
 - b. A parent parcel with the potential area to create more than three (3) lots shall connect to a street and must be at least 25 feet wide for its entire length with a paved surface of at least 18 feet.*
 - 2. The access pole shall be shared by all lots, including existing dwellings, unless the Planning Commission or Building and Planning Official find shared access impractical.*
 - 3. A shared access and maintenance agreement between all lots shall be in a form approved by the City Engineer and City Attorney and that protects interests of property owners and the city. The agreement shall be recorded prior to final plat.*

Applicant's Statement: The pole portion of the proposed flag lot meets this criteria. See attached tentative subdivision drawing for lot dimensions. The proposed pole providing access to Lot 10 will be a 20' wide access with a minimum 12' paved width.

Staff Findings: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

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

Applicant's Statement: As previously addressed in this document, the dimension of the proposed flag lot, excepting the pole portions, meet the requirements of the zone.

Staff Findings: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

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

- 1. Setbacks for panhandle lots shall be a minimum of 10 feet from all lot lines. Garages shall be set back a minimum of 20 feet from the front lot line abutting the pole.*

Applicant's Statement: There is no development planned within this tentative subdivision application except for the creation of new lot lines.

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

VLDO 494, Section 6.05 – Grading of Building Sites

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

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

Applicant's Statement: Per submitted grading plan, this criteria has been met.

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

Conclusion: Criterion is met.

VLDO 494, Section 6.06 – Building Lines

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

Applicant's Statement: Prior to the final plat, the applicant shall submit and receive approval of a Final Plat which includes the following notes:

1. Any new structures or development (including fences) other than those allowed as permitted uses or approved as conditional uses, construction or ground disturbing activities, gardens, lawns, dumping of materials of any kind, and operation of heavy machinery are prohibited in the Greenway Open Space Subzone.
2. Setbacks for panhandle lots shall be a minimum of ten (10) feet from all lot lines. Garages shall be set back a minimum of twenty (20) feet from the front

Staff Finding: VLDO 494 Section 6.04(5)(E)(1) states: "Setbacks for panhandle lots shall be a minimum of 10 feet from all lot lines. Garages shall be set back a minimum of 20 feet from the front line abutting the pole." The applicant's proposal to include this as a note on the final plat fulfills the standards of VLDO 494, Section 6.06 because it will show these special building setback lines on the subdivision plat.

Conclusion: Criterion is met.

VLDO 494, Section 6.07 – Large Building Sites

In dividing tracts into large lots or parcels which at some future time are likely to be re-divided into smaller parcels approaching the minimum standards of the Land Development Ordinance, the land divider shall show the small parcel division by means of dash lines indicating future parcel divisions and streets. Buildings or structures shall be located within the small parcel areas with minimum yards or setbacks as specified within the Land Development Ordinance as though the development were occurring on the smaller parcel. This will Veneta Land Division Ordinance No. 494 Page 29 facilitate future land divisions and guarantee that existing buildings or structures will meet the locational requirements of the Land Development Ordinance.

Applicant's Statement: This standard is not applicable as it is unlikely for the property to be re-divided into small parcels given none of the proposed lots are twice the minimum lot size per the minimum standards of the Veneta Land Development Ordinance No. 493

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

VLDO 494, Section 6.08 – Land For Public Purposes

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

If the City has an interest in acquiring a portion of a proposed land division in excess of that required for dedication by Section 5.26 of the Land Development Ordinance for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

Staff Finding: Staff finds that the City does have an interest in acquiring a portion of the proposed land division in excess of that required for dedication by Section 5.26 of the Land Development Ordinance for a public purpose, namely the expansion of Oak Island Park. According to the Veneta Parks, Recreation, and Open Space Master Plan, Oak Island Park ranks 1st in dissatisfaction among Veneta residents, with 30% of respondents saying they were "somewhat dissatisfied" or "dissatisfied" with the park as it currently exists. Staff has identified Lot 10 as another potential lot to acquire to further expand Oak Island Park. The acquisition of the proposed Lot 10 would expand Oak Island Park by approximately 0.24 acres, in addition to what has already been proposed by the applicant, and would allow for the future development of a park that better fits the wants and needs of residents.

Conclusion: Staff recommends the following condition of approval:

Condition of Approval: The applicant shall reserve the proposed Lot 10 for public acquisition for one (1) year from the date of final plat approval, at a cost not to exceed the value of the land prior to subdivision, pursuant to Veneta Land Division Ordinance No. 494, Section 6.08. This reservation can be released by mutual agreement of both parties.

VLDO 494, Section 6.09 - Stormwater Facilities

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

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

24-HOUR RAINFALL DEPTHS

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

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

The applicant submitted a drainage analysis by Favreau Engineering, LLC. The analysis indicated runoff from the proposed roadways will be treated and detained via vegetated detention facilities. Runoff from the homes and lots will be directed to the treatment facilities via weepholes, curb and gutter, catch basins, and conveyance piping. The stormwater treatment facilities have been sized to meet Portland's SWMM requirements. The stormwater treatment facilities have also been sized to detain peak runoff rates to pre-development levels for storm up to the 25-year event. The treated and detained runoff will then be directed to overflow at a location and in a fashion that mimics existing conditions. The northern facility will be located in Tract A and the southern facility will be located in Tract C, both of which will be dedicated to the City. See attached stormwater report for complete details.

Staff Findings: Stormwater runoff from the development will be routed to two treatment/detention ponds located at the northwest and southwest corners of the property. Currently, the northern portion of the site sheds drainage to the north and is conveyed off-site via an unimproved open drainage way. The southern portion of the site drains to the open channel along Oak Island Drive. These downstream conveyance systems are sensitive to any new drainage. As such, the proposed ponds have been sized to detain post-development runoff to predevelopment peak rates in the 2-year through 25-year storm events, per the applicant's drainage report. The ponds will also include vegetation and soil to treat the drainage during the water quality storm event. The pond outlets will direct drainage similar to the existing drainage patterns. The proposed stormwater systems are consistent with Veneta's stormwater requirements.

Additionally, as discussed in the findings for Veneta Land Development Ordinance No. 493, Section 5.26 – Parkland Dedication Requirements, the applicant is proposing to dedicate Tract A and C to the City and sell Tract B at a price of thirty thousand (30,000) dollars. The applicant's stormwater detention ponds are located in Tracts A and C. This proposal is acceptable to both Planning and Public Works. If accepted by the Planning Commission, this means that the City will be responsible for the maintenance of the two stormwater facilities for this subdivision, in exchange for receiving land to expand the existing Oak Island Park.

Conclusion: Criterion is met with the following conditions of approval.

Condition of Approval: As part of the public improvement plan process, the applicant shall submit a grading statement that identifies how each individual lot will be graded and where the stormwater will flow to. This statement is to be reviewed and approved by the City Engineer.

Veneta Land Division Ordinance 494, Article 7 - Improvement Requirements

Section 7.01 - Improvement Procedures

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

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

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

Applicant's Statement: The applicant shall submit Improvement Plans to the City for review and approval prior to commencing any construction work on the site and prior to final plat approval per this standard. Additionally, if it is necessary to condition to the proposal to ensure the following: 1) Any improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction and if work is discontinued for any reason, it shall not be resumed until after the City is notified, 2) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change, 3) underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made and 5) A map showing public improvements as built shall be filed with the City upon completion of the improvements within 60 days.

Staff Findings: Staff has added the following conditions of approval to ensure that these criteria are met.

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

Condition of Approval: Improvement work shall not commence until five (5) days after the City is notified or one (1) day if a change is made during the course of construction. If work is discontinued for any reason, it shall not be resumed until after the City is notified.

Condition of Approval: Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

Condition of Approval: Underground utilities, sanitary sewers, water lines and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.

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

Section 7.02 – Specifications for Improvements

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

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

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

Section 7.03 -Improvements in Subdivisions

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

1) Streets. Public Streets, including alleys, within the subdivisions and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected as provided in ORS Chapter 92. Traffic impacts to facilities as identified in the TIA and supported by the City's consulting engineer, shall be mitigated by the developer as part of the public improvements of the Site Plan, Subdivision or PUD.

Applicant's statement: The public improvements shall be installed at the expense of the subdivider at the time of subdivision or as agreed upon as provided in Section 7.05. All improvements shall comply with the construction permit requirements of Veneta Municipal Code Chapter 12.05: Public Streets, within the subdivisions and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street

improvement, monuments shall be re-established and protected as provided in ORS Chapter 92.

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

Conclusion: Criterion is met.

2) *Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Detention and treatment within the subdivision shall be designed and sized according to the adopted City of Portland Stormwater Management Manual, Revision #4, August 1, 2008 and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area as per adopted Drainage Plan. This plan shall be approved by the City Engineer.*

Applicant's Statement: As noted in Section 6.09 above, this criteria has been met.

Staff Findings: Stormwater runoff from the development will be routed to two treatment/detention ponds located at the northwest and southwest corners of the property. Currently, the northern portion of the site sheds drainage to the north and is conveyed off-site via an unimproved open drainage way. The southern portion of the site drains to the open channel along Oak Island Drive. These downstream conveyance systems are sensitive to any new drainage. As such, the proposed ponds have been sized to detain post-development runoff to predevelopment peak rates in the 2-year through 25-year storm events, per the applicant's drainage report. The ponds will also include vegetation and soil to treat the drainage during the water quality storm event. The pond outlets will direct drainage similar to the existing drainage patterns. The proposed stormwater systems are consistent with Veneta's stormwater requirements.

Conclusion: Criterion is met.

3) *Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision Veneta Land Division Ordinance No. 494 Page 31 to existing mains and shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. In the event it is impractical to connect the subdivision to the City sewer system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area. If sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the City Council may construct as an assessment project with such arrangements as are*

desirable with the sub-divider to assure financing his share of the construction. If the City Council chooses not to construct the project as an assessment project the sub-divider shall be solely responsible for the cost of improvements in accordance with City approved plans.

Applicant's Statement: Public sanitary sewer exists in Cherry Ln, where the subject development is proposing to take service from. All proposed lots will have a connection to public sanitary sewer service consistent with this standard.

Staff Finding: A complete sanitary sewer line system will be constructed as part of the public improvements for the proposed subdivision. The applicant has submitted a preliminary utility improvement plan. The development will connect to the public gravity sewer at the stubbed end of Cherry Lane. This is an acceptable connection point. All lots are expected to be able to gravity drain to this line. The City's Wastewater Treatment Plant does have capacity to serve the new subdivision. All public improvement plans will be reviewed and approved by the City Engineer.

Conclusion: Criterion is met.

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

Applicant's Statement: Public water service exists in Cherry Ln, where the subject development is proposing to take service from. All proposed lots will have a connection to public water consistent with this standard. Additionally, the proposal includes the extension of public water to Oak Island Drive to the east in order to create a looped system.

Staff Finding: The applicant is proposing to construct a looped water main that connects to the existing water pipes at Cherry Lane and Oak Island Drive. These are acceptable connection points to the existing system according to the City Engineer and the Public Works Director.

Conclusion: Criterion is met. Per the Public Works Director's comments, the following condition of approval has been added.

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

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

Applicant's Statement: 5' wide setback sidewalks are proposed on both sides of all newly constructed streets, as outlined in Section 6.02 of this narrative.

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

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

Conclusion: Criteria met with the following conditions of approval.

Condition of Approval: Prior to final plat approval, all ADA curb return ramps shall be installed as part of the public improvements for each phase, in accordance with Veneta Land Division Ordinance No. 494, Section 7.03(5) - Sidewalks.

Condition of Approval: Prior to certificate of occupancy for each lot, the applicant shall construct and install all required sidewalks in accordance with Veneta Land Division Ordinance No. 494, Section 7.03(5) - Sidewalks.

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

Applicant's Statement: No bicycle routes are proposed or required as part of this development.

Staff Finding: Staff concurs with applicant's statement. Criterion is not applicable.

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

Applicant's Statement: Street name signs shall be installed at all street intersections to approved City standards.

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

proposed street within the subdivision. The need for traffic control signs will be reviewed with the public improvement plans.

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

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

Applicant's Statement: Street lights will be installed per the public improvement plans and will be in conformance with Veneta Municipal Code Chapter 15.15 and will be served from an underground source of supply.

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

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

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

Applicant's Statement: The developer will make necessary arrangements with utility companies for the installation of underground lines and facilities.

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

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

Section 7.05 - Agreement for Improvements.

Before final approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City in accordance with Section 7.06.

Staff Finding: Section 7.05 shall be a condition of approval. The land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an agreement between themselves and the City, specific the period within which required improvements and repairs shall be completed and providing that, if the work is not completed the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider.

Condition of Approval: Prior to final plat approval, the applicant shall install all required public improvements and repair existing streets or other public facilities damaged in the development of the property **or** execute and file with the City an agreement between the applicant and the City, specifying the period within which required improvements and repairs shall be completed and post a performance bond with the City, in accordance with the VLDO 494, Article 7, §7.03, 7.05 and 7.06. Public improvements must include all improvements (including fiber conduit per VMC Chapter 13.30.020(4)) required by VLDO 494, the Planning Commission's conditions of approval, and must be installed in accordance with plans approved by the City.

Veneta Land Development Ordinance 493, Article 4 – Use Zones

Section 4.12 Greenway – Open Space Subzone (/GW)

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

- 1) *Purpose.* To implement the Open Space - Greenway Overlay in the Veneta Comprehensive Plan.
- 2) *Boundaries.*
 - A. The boundaries of the GW subzone are shown on the Veneta Zoning Map, updated November 23, 2009, and hereby adopted by reference. In instances where the Greenway boundary shown on the Veneta Zoning Map and the boundary as defined herein are different, the language of this section shall take precedence.
 - B. Upon receiving a new wetland delineation and concurrence from the Department of State Lands ([DSL](#)), the GW boundary shall be located a minimum of fifty (50) linear feet from

the edge of all significant wetlands. Wetlands whose status has not yet received concurrence from the Department of State Lands shall also have a buffer of 50 ft.

C. *In cases where areas not associated with wetlands are necessary to provide for pedestrian/bicycle connectivity, protection of other natural resources, or to provide a buffer between uses, the boundaries of the Greenway shall be as shown on the Veneta zoning map.*

Staff Finding: Portions of tax lot 4600 are included within the (GW) Greenway Open Space subzone, as shown by the green hatched areas in the map below.



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

A. *Public accesses such as bicycle and walk ways, streets, lookout points, and access roads for maintenance of channels, wetlands, and other natural resource areas.*

1. *A path, walkway or running trail shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.*
2. *All paths shall be designed and constructed according to City standards.*

3. Streets shall be constructed as far from significant wetlands as practicable with the toe of slope falling no closer than 15 feet from the boundary of a significant wetland.

B. *Stormwater facilities.*

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

C. *Utility installations.*

D. *Mitigation of development activities.*

E. *Restoration of previously disturbed or degraded areas.*

F. *Removal of vegetation*

1. *Vegetation removal is limited to the removal of:*
 - a. Native vegetation for the purpose of facilitating or encouraging the growth of native vegetation, or enhancement of habitat values and/or other natural resource values.
 - b. Nonnative or invasive plant species
 - c. Dead or dying trees or shrubs that are an imminent danger to public health and safety as determined by the City.
 - d. Dead or dried native plants or grasses only when they constitute an imminent fire hazard as determined by the City.

G. *Planting and Replanting*

1. *Replanting of areas cleared of existing vegetation must be completed within 90 days unless otherwise approved by the City.*
2. *Planting and replanting with seed shall be timed so that germination occurs prior to November 15, unless the specific seed used requires otherwise, in which case germination shall be accomplished at the earliest date practicable.*

H. *Removal of fill and any refuse that is in violation of local, state, or federal regulations. Removal of fill must be consistent with state of Oregon removal- fill regulations.*

I. *Channel maintenance to maintain storm water conveyance and flood control capacity, as required and/or allowed by local policies, state and federal regulations, or intergovernmental agreements.*

J. *For lots with residential development existing prior July 2006, maintenance, additions, alterations, rehabilitation and replacement of existing lawful structures, private accesses, or other associated development and construction of new accessory structures, decks, and other development incidental to the residence are permitted provided that:*

1. *The proposed improvements cannot be located outside of the Greenway because of topographic or physical constraints or required compliance with other regulations.*
2. *No new development shall occur on previously undeveloped areas of greenway within 15 ft of significant wetlands. For the purposes of this subsection, undeveloped shall be defined as retaining a natural grade and vegetation.*

K. *Structures or development granted a variance to Veneta's Wetland Protection*

Ordinance found in VMC Section 18.10. Impacts to the Greenway shall be the minimum necessary to construct those improvements for which the wetlands variance was granted.

- 4) Conditional Uses Permitted. Subject to the criteria found in Section 8.11(19) of this ordinance.
- 5) Prohibited Uses.
 - A. Any new structures or development (including fences), other than those allowed as permitted uses or approved as conditional uses, construction or ground disturbing activities, gardens, lawns, dumping of materials of any kind, and operation of heavy machinery.
 - B. Storage of hazardous materials as defined by the Department of Environmental Quality.
 - C. Application of herbicides, pesticides, fertilizer or other chemical products without first contacting City Hall.
 - D. Removal of existing vegetation except as specified in 3(F) of this Section.
 - E. Planting or establishment of nonnative or invasive species.
 - F. Removal of trees without an approved permit. Standards for granting a permit to remove trees within the Greenway shall be those found in Veneta Municipal Code 8.10.080. These standards shall apply to the removal of any tree within the boundaries of the Greenway. When practicable, trees removed under this section shall be replaced by planting an equal number of native trees within the remaining greenway.
- 6) Application and Construction Standards. No ground disturbing activities shall take place in the greenway without City approval. In order to limit disturbance to the Greenway, the following activities shall take place prior to any ground disturbing activities,
 - A. The applicant shall submit a revegetation plan containing the following information:
 1. A description of adverse impacts that will be caused as a result of development.
 2. An explanation of how disturbed areas, including cut and fill slopes will be revegetated with native species to the degree necessary to control erosion and reduce the impacts of the development to the maximum extent practicable.
 3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for revegetation work on the development site.
 4. An implementation schedule, including timeline for construction, revegetation, monitoring, and reporting.
 - B. Prior to construction, construction areas and areas to remain undisturbed shall be flagged, fenced, or otherwise clearly marked. Such markings shall be maintained until construction is complete.
 - C. To the maximum extent practicable, native vegetation shall be protected and left in place. Trees in the Greenway shall not be used as anchors for stabilizing construction equipment.
 - D. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated with native vegetation as approved by the City, and the vegetation shall be established as soon as practicable. Interim erosion control shall be used to avoid erosion on bare areas during revegetation.
- 7) Enforcement. No prohibited use, construction activity including grading and/or

excavation, clearing of vegetation, or stockpiling of fill shall be permitted prior to approval of proposed development. If any development generates an unauthorized disturbance within the Greenway-Open Space overlay zone, the development project shall revegetate the disturbed area with native plants. Revegetation shall be conducted according to a plan developed by a qualified biologist, landscape architect, or engineer, and submitted to the City for review and approval. Revegetation plans shall include provisions for monitoring and reporting on a yearly basis until such time that full restoration can be confirmed by a qualified biologist, landscape architect, or engineer and approved by the City. Violations are also subject to the provisions of Article 2 of this ordinance.

Staff Finding: The GW on site is located entirely within Tract C, which the applicant is proposing to dedicate to the City for parkland. At this time, no development within the Greenway is proposed by the applicant or required by the City as part of the parkland dedication requirements (See the discussion under VLDO No. 493 Section 5.26 – Parkland Dedication Requirements).

Conclusion: Criterion is not applicable, as no development within the Greenway is being proposed at this time.

Veneta Land Development Ordinance 493, Article 5 - Supplementary Provisions

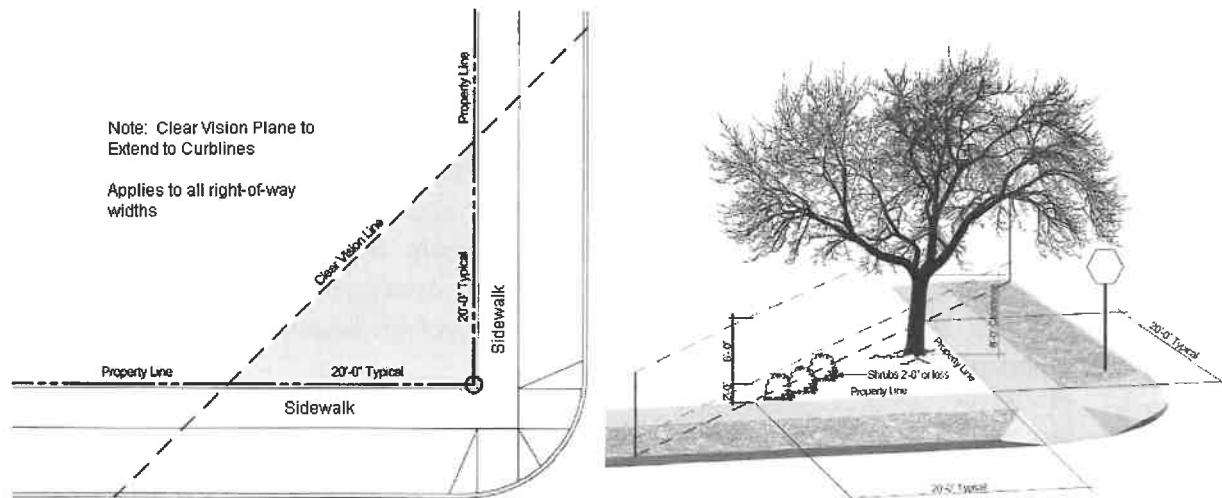
Section 5.03 - Clear Vision Areas

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

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

Figure 5.03(a)

Figure 5.03(b)



2) *A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2 1/2 feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade. See Figure 5.03(b).*

Staff Finding: The proposal includes two lots, lot 17 and lot 18, which contain clear vision areas that are required to not contain plantings, driveways, fences, walls, structures or temporary or permanent obstructions exceeding 2 1/2 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade. See Figure 5.03(b). The applicant's final landscape plan will be required to conform to the standards laid out in VLDO 493 Section 5.03 – Clear Vision Areas. Additionally, prior to issuance of a building permit, landscape plans will be required for each individual lot that conforms to VLDO 493 Section 5.03 – Clear Vision Areas.

Conclusion: Criterion conditionally met.

Condition of Approval: Prior to issuance of a building permit for any lot, a lot-specific landscape plan is required that conforms to VLDO 493, Section 5.12(1-3) – Landscaping and VLDO 493 Section 5.03 – Clear Vision Areas and shows tree placement in conformance with the approved final overall Landscape Plan for the subdivision, including street trees that are located along the frontage of the lot. Said trees shall be planted prior to issuance of Certificate of Occupancy.

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

Veneta Land Development Ordinance 493, Article 5 - Supplementary Provisions

Section 5.12 - Landscaping.

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

- 1) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.*
- 2) Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.*
- 3) Minimum Landscaped Area. The minimum percentage of required landscaping is as follows: A. Residential and Residential-Commercial Zones: 20% of each lot for residential developments, 10% for commercial or mixed use.*
 - A. Residential and Residential- Commercial Zones: 20% of each lot for residential developments.*
- 4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:*
 - A. One tree, minimum 2" caliper.*
 - B. Four 5-gallon shrubs or accent plants.*
- 5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non- plant material (subsections (6)(f) & (g), below), shall have ground cover plants that are sized and spaced to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.*

Staff Finding: Before building permit issuance, each individual lot is required to include a landscape plan that conforms to VLDO 493, §5.12(1-3) - Landscaping. Prior to Certificate of Occupancy, each individual lot is required to include landscape improvements that conform to VLDO 493 Section 5.12(1-3).

Conclusion: Criterion met with the following condition of approval.

Condition of Approval: Prior to issuance of a building permit for any lot, a lot-specific landscape plan is required that conforms to VLDO 493, Section 5.12(1-3) – Landscaping and VLDO 493 Section 5.03 – Clear Vision Areas and shows tree placement in conformance with the approved final overall Landscape Plan for the subdivision, including street trees that are located along the frontage of the lot. Said trees shall be planted prior to issuance of Certificate of Occupancy.

Condition of Approval: Prior to Certificate of Occupancy for any lot, the lot must meet the standards laid out in VLDO 493, Section 5.12 – Landscaping. The lot must include at least one tree, a minimum of 2" caliper, and four 5-gallon shrubs or accent plants per 1,000 square feet of landscaped area. Any land area that is not planted with trees and shrubs, or covered with non-plant material, whether or not the land area was included in the landscape plan or not, shall have ground cover plants that are sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy.

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

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

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

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

Applicant's Statement: Lane Transit District (LTD) does not provide bus service and is not currently available along Oak Island Rd or Cherry Ln in Veneta, therefore, bus stop amenities are not needed at this time.

Staff Finding: No transit facilities are required or proposed. Criterion not applicable.

Veneta Land Development Ordinance 493, Article 5 – Supplementary Provisions

Section 5.24 - Access Management

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

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

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

Applicant's Statement: All proposed driveways will take access from Euclid Drive, which is a local street.

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

Conclusion: Criterion is met.

Veneta Land Development Ordinance 493, Article 5.

Section 5.25 - Development on Slopes of or over fifteen percent

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

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

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

Veneta Land Development Ordinance 493, Article 5 -Supplementary Provisions

5.26 Parkland Dedication Requirements

1) INTENT.

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

2) MINIMUM PARKLAND DEDICATION REQUIREMENTS.

New residential subdivisions, planned developments (including plans implementing the Specific Development Plan (SDP) subzone), multifamily or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multifamily developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication requirements.

A. The required parkland shall be dedicated as a condition of approval for the following:

- 1. Tentative plat for a subdivision or partition;*
- 2. Planned developments including those in the Planned Development (PD) and Specific Development Plan (SDP) subzones. For Specific Development Plans that have dedicated park space equal to or in excess of that required by this ordinance, no additional dedication is required at the time of subdivision.*
- 3. Site Plan Review for a multi-family development or manufactured home park; and*
- 4. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.*

Staff Finding: The proposal is for a tentative subdivision plat; therefore, the standards in VLDO No. 493, Section 5.26 apply.

B. Calculation of Required Dedication. The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.01) of an acre:
Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.00645 (per person park land dedication factor)

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

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

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

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

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

Applicant's Statement: The applicant is proposing to dedicate Tract C to the City of Veneta for the expansion of Oak Island Park. According to the formula, a total of 0.29 acres of park land is required to be dedicated (18 proposed units x 2.5 persons/unit x 0.00645). As demonstrated on the site plans, Tract C is a total of 32,415 SF (0.74 acres). The portion of Tract C that is within the Greenway is 15,589 SF (0.35 acres) and the portion of Tract C that is outside of the Greenway is 16,826 SF (0.39 acres). The stormwater facility (2,573 SF) does not count toward the parkland dedication area, so the net resulting park dedication is 14,253 SF (0.33 acres), which is above the minimum park dedication requirement. Therefore, the proposed parkland dedication outside of the Greenway satisfies this criteria.

Staff Finding: Staff concurs with applicant's statement. The City of Veneta's Parks, Recreation and Open Space (PROS) Master Plan identifies the need to "acquire ~0.3 acres to expand the park, renovate children's playground, and install portable restroom enclosure, entrance sign, site furnishings, and restore stream channel." Under the applicant's proposal, a total of 0.74 acres of parkland will be dedicated to the City, exceeding the ~0.3 figure called out by the PROS Master Plan.

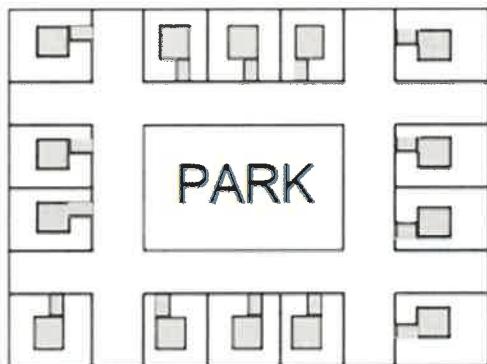
Conclusion: Criterion is met.

3) MINIMUM PARK LAND STANDARDS.

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

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

A. *Homes must front on the parkland as shown in the example below:*



B. *The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.*

C. *The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.*

D. *Wetlands, and lands overlain by the Greenway Open-Space subzone may be included in dedicated tracts, but do not count towards the total lands required for dedication by this section.*

E. *Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or alley shall not exceed 4 feet in height.*

F. *Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.*

Staff Finding: The proposed dedication is contained within one contiguous unit. The parkland will be able to accommodate active use park facilities such as play structures, play fields, or picnic areas. The average slope does not exceed 15%. Lands overlain by the Greenway Open-Space subzone are proposed to be included in the dedication, but have not been included in the calculations for the total lands required for dedication by this section.

The lots do not provide the possibility of homes fronting on the parkland as required by Section 5.25(3)(A). Adjacent to the southeastern edge of the site is Oak Island Park. The Parks, Recreation, and Open Space Master Plan directs the City to acquire parkland from this site to expand Oak Island Park. All lots in the subdivision take access off of Euclid Drive, which necessitates their orientation away from the parkland. VLDO 493 Sec. 5.26(3) allows for exceptions to any or all of the standards laid out in VLDO 493 Sec. 5.26(3)(A-F) if the

Planning Commission determines that the proposed dedication fulfills the purpose of the section. For the reasons stated above, staff finds that the proposed dedicated fulfills the purpose of the section.

Conclusion: Criterion is met.

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

- A. *Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:*
 1. *The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and*
- B. *Additional Requirements*
 1. *In addition to a formal dedication on the plat to be recorded, the sub- divider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Planning Official, will interfere with the use of the land for park, open space or recreational purposes.*
 2. *The sub-divider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.*
 3. *Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.*
 4. *Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by Veneta Land Division Ordinance Article 6 shall be made prior to approval of the final plat for the phase that includes the park land.*

Staff Finding: VLDO 493 Section 5.26(4)(A) states that prior to acceptance of parkland dedication, the applicant/developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land. Lands required for dedication shall be dedicated at the time of Final Plat. In addition to a formal dedication on the plat to be recorded, the sub-divider shall convey the required lands to the city by general warranty deed. The land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Planning Official, will interfere with the use of the land for park, open space or recreational purposes. The land proposed to be dedicated is not currently and is not proposed to be subject to any reservations of record, encumbrances of any kind or

easements. Section 5.26(4)(B)(3-4) are not applicable as the City is not seeking a fee in lieu of dedication and this subdivision will not be a phased development.

Additionally, the applicant has proposed to sell Tract B to the City for thirty thousand (30,000) dollars in exchange for the City assuming responsibility for the proposed subdivision's two detention ponds in Tract A and Tract C. This proposal is acceptable to Planning and Public Works. Should the Planning Commission find this proposal acceptable, the applicant shall dedicate Tracts A, B, and C to the City, with the City paying thirty thousand (30,000) dollars for the acquisition of Tract B.

Conclusion: Criterion met through the following condition of approval.

Condition of Approval: Prior to final plat approval, the applicant shall include a formal dedication of Tracts A, B, and C on the plat to be recorded and shall also convey the required lands to the city by general warranty deed in accordance with Veneta Land Development Ordinance No. 493, Section 5.26 – Parkland Dedication Requirements. The sub-divider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title. The City reserves the right to deny the dedication of the parkland and instead require a fee in lieu of parkland dedication prior to Final Plat approval.

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

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

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

- 4. *The City's current park and open-space needs*
- 5. *The feasibility of dedication.*
- B. *Cash in lieu of parkland dedication shall be paid prior to approval of the final plat unless the developer provides a binding financial instrument acceptable to the City.*

Applicant's Statement: The applicant is proposing to dedicate parkland per Section 5.26 above. Therefore, this criteria does not apply.

Staff Findings: Staff concurs with applicant's statement.

Conclusion: Criterion is not applicable as the applicant is proposing to dedicate parkland per VLDO 493 Section 5.26.

Veneta Land Development Ordinance 493, Article 5 -Supplementary Provisions
Section 5.27 - Traffic Impact Analysis and Mitigation

- 1) *A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:*
 - A. *The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.*
 - B. *The proposal is immediately adjacent to an intersection that is functioning at a level of service below LOS D, the City's minimum acceptable operating condition during the weekday peak hour.*
 - C. *The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.*
 - D. *The proposed use is expected to generate or receive traffic by vehicles exceeding 26,000 pounds gross vehicle weight as part of daily operations. "Daily operations" includes, but is not limited to, delivery to or from the site of materials or products processed, sold, or distributed by the business occupying the site. Trips associated with routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service, are exempt from this provision.*
 - E. *An access driveway that does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard.*
 - F. *An access driveway that does not meet the access spacing standard of the roadway on which the driveway is located.*
 - G. *A change in internal traffic patterns that may cause safety problems, such as back-up onto public streets or traffic conflicts in the approach area.*
- 2) *Review Procedure. Any application for a planned development, subdivision, site plan, or*

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

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

Applicant Finding: Based on the attached trip generation estimate prepared by Associated Transportation Engineering & Planning, Inc., the proposed development is only expected to generate 15 AM peak hour trips, 19 PM peak hour trips, and 181 daily trips. The proposed development does not meet any of the above applicability criteria. Therefore, a Traffic Impact Analysis is not required.

Staff Finding: Below is a table from the applicant's trip generation estimate showing the expected trip generation for the subdivision:

ITE #	Use	Number	AM rate	PM rate	ADT	AM Trips	PM trips	ADT
210	Single Family Home	19	.75	1	9.52	15	19	181
Total						15	19	181

Staff concurs with the applicant's statement. A Traffic Impact Analysis is not required.

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

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

- 1) *Species selection. Trees shall be selected from the City's adopted tree list and shall be appropriate for the planning location based on the criteria found therein.*
- 2) *Caliper Size. All street trees shall be a minimum of 2 inch caliper at time of planting.*
- 3) *Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum,*

the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements and clear vision areas.

4) Growth Characteristics. *Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:*

- A. *Provide a broad canopy where shade is desired, except where limited by available space.*
- B. *Use low-growing trees for spaces under low utility wires.*
- C. *Select trees which can be "limbed-up" to comply with vision clearance requirements.*
- D. *Use species with similar growth characteristics on the same block for design continuity.*
- E. *Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.*

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

6) Maintenance. *Maintenance of street trees shall be the responsibility of the adjacent property owner.*

- A. Standards. *All trees located within the public right-of-way must be pruned to National Arborist Association Pruning Standards for Shade Trees.*
- B. Adjacent Property Owners to Maintain Trees. *Every adjacent property owner of any tree overhanging any street or right-of-way within the city, including trees within the right-of-way, shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet, six inches (13'6") over the street, and/or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety.*
- C. Adjacent Property Owners Liable. *The owner of property abutting trees on a right-of-way shall be liable for injury, damage, or loss to persons or property caused by the property owner's negligent failure to comply with subsection (b) of this section.*
- D. Notification. *The City may serve notice on the adjoining property owner to prune, remove, or otherwise treat any tree on a right-of-way as conditions may require. Any such notice shall be governed by the standards below. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.*
 1. Notice to Prune or Remove. *Should any property owner fail to maintain adjacent trees as per Section 7 of this ordinance, the City shall order such person or persons, within ten days of mailing of such notice, to so prune or remove such trees.*
 2. Notice Required. *The notice required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.*
 3. Failure to Comply. *When a person to whom a notice is directed shall fail to comply*

within this specified time, it shall be lawful for the city to cause the trees in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.

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

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

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

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

Conclusion: Staff recommends the following conditions of approval to ensure that the standards laid out in VLDO 493 Section 5.28 – Street Trees are met.

Condition of Approval: Prior to public improvement plan approval, the applicant shall submit an overall landscape plan of the entire subdivision depicting species and location of all proposed street trees that comply with the standards of Veneta Land Development Ordinance No. 493, Section 5.28 – Street Trees. The selection of species shall be from the City's approved trees list.

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

Condition of Approval: Prior to final plat approval, the applicant shall submit a warranty bond guaranteeing replacement of all street trees and mitigation trees are the responsibility of the developer for a period of 2 years from the time of planting.

Veneta Municipal Code, Chapter 13 -Public Services

Chapter 13.30.020(4): Installation of Underground Facilities

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

Staff Finding: The Veneta City Council adopted Ordinance 509 on February 10, 2014, which requires construction of broadband fiber conduit to be installed. Prior to final plat, the applicant shall construct underground utilities including broadband fiber conduit in accordance with VMC Chapter 13.30.020(4) - Installation of Underground Facilities.

Conclusion: Staff recommends the following condition of approval to ensure the applicant meets this requirement.

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

Veneta Municipal Code, Title 8 - Health and Safety

Chapter 8.10 Tree Cutting, Destruction and Removal

Section 8.10.030 Tree removal permit required.

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

8.10.060 Application review procedure.

(1) Reviewing Authority.

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

Applicant's Statement: The applicant has submitted a Type C Tree Removal Permit for removal of 174 healthy significant trees and 5 heritage trees on the subject site as defined in Veneta Municipal Code, Chapter 8.10 – Tree Cutting, Destruction and Removal.

Staff Findings: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

Section 8.10.090 Type C Permit

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

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

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

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

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

(ii) Tree Survey. The survey must include:

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

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

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

(C) Neighboring Properties. All impacted trees on neighboring properties shall be shown on the tree survey. If the applicant cannot obtain permission to survey the neighboring properties, the person or persons preparing the survey shall make a note to this effect on

the survey and locate the trees and CRZs to the best of their ability. The survey shall show the percentage of CRZ for these trees which will be impacted by the proposed improvements.

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

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

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

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

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

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

Applicant's Statement: The application materials include an Arborist Report and a Mitigation Plan prepared by Alby Thoumsin from Sperry Tree Care. These reports include the identification of all tree species, DBH, condition, height, critical root zone, and whether or not it is a significant or heritage tree. Tree protection measures and other recommendations are also included in the Arborist Report. Also included are the calculations for tree replacement and a tree replacement plan. The included materials satisfy the submittal requirements set forth in VMC 8.10.090(3).

Staff Finding: Staff concurs with applicant's statement.

Conclusion: Criterion is met.

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

Applicant's Statement: The applicant has proposed to comply with Option B, as described below. The applicant's arborist, Alby Thoumsin, Certified Arborist, has evaluated the site as described in the Arborist Report submitted with the request. The applicant has submitted a Type C Tree Removal Permit in association with the tentative subdivision request for removal and mitigation of 174 Significant trees and 5 heritage trees.

Staff Findings: The applicant has chosen the alternative review available in Option B in subsection (5)(b) of VMC.

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

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

(b) Option B – Commercial/Industrial and Alternative Residential Design Review. Tree preservation and conservation as a design principle shall be equal in concern and importance to other design principles. Application of the standards of this section shall not result in a reduction of overall building square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height, different design, or alternate location. Tree removal or transplanting pursuant to a Type C permit shall be limited to instances where the applicant has provided complete and accurate information as required by this chapter and where the reviewing authority determines that the following criteria have been met.

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

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

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

Applicant's Statement: Based on the criteria that has been addressed thus far and the criteria further discussed below, the applicant has demonstrated compliance with all applicable land development criteria. The street and utility locations, lot dimensions, and sizes are all consistent with the City's requirements. The applicant has attempted to preserve as many trees as possible, while still allowing for a development that is consistent with the City's development standards.

Staff Finding: The applicant has chosen Option B – Commercial/Industrial and Alternative Residential Design Review, which requires the applicant to meet the criteria laid out in VMC Chapter 8.10.090(5)(b)(i-iii). The proposal does include provisions for mitigation and tree protection in accordance with VMC 8.10.120 and 8.10.130. A total of 218 trees will be planted as mitigation for the removed trees, and 6 significant trees are proposed to be protected. The proposed removal is necessary for the construction of roads and other site improvements, and the tree removal is reasonable and necessary under the circumstances.

Conclusion: Criterion is met.

Chapter 8.10.120 Mitigation.

(1) Requirement Established. Type B or C tree removal permit grantees shall plant one replacement tree for each significant tree removed in excess of the three that could otherwise be removed under a Type A permit. Type D permit grantees shall mitigate nonfir trees as required by VMC 8.10.100(2)(c). Mitigation is not required for removal of hazardous, dead, or dying trees.

Applicant's Statement: As demonstrated in the attached tree replacement and mitigation materials, replacement trees are proposed to be planted at the rate set forth by this code.

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

$$\text{Replacement trees} = 1 + (A - Q)$$

Where:

A = Actual dbh of the tree in question.

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

Applicant's Statement: There are 7 total heritage trees on this site. 5 of these trees are proposed to be removed. The attached calculations, mitigation, and replacement plans demonstrate replacement of these trees at the correct rate set forth by this code.

Staff Finding: The applicant's tree replacement calculations are as follows:

HERITAGE TREES				
Heritage Tree No.	Species	DBH Actual (A)	DBH Min (Q)	# of Replacement Trees 1+(A-Q)
320	California Black Oak	40	36	5
340	Oregon White Oak	18	18	1
353	California Black Oak	42	36	7
374	Oregon White Oak	42	18	25
381	California Black Oak	41	36	6
Total Heritage Trees to be Replaced				44

SIGNIFICANT TREES	
Total Significant Trees on Site	211
Significant Trees Identified as Dead/Dying	31
Significant Trees to be Preserved	6
Total Significant Trees to be Replaced	174
TOTAL TREES TO BE REPLACED	
	218

Staff concurs with applicant's tree replacement calculations.

Conclusion: Criterion is met. A condition of approval has been added to ensure that the applicant follows through with the mitigation requirements.

Condition of Approval: As part of the public improvement plans, the applicant shall submit and receive approval of a Final Overall Landscape Plan for the subdivision depicting street tree locations, required replacement trees, planting details for planter strips and stormwater collection areas, including street tree size, species, and irrigation. Street tree locations shall not interfere with public utilities or sight distances (clear vision areas) in accordance with VLDO 493, §5.03(2) - Clear Vision Areas. The Final Overall Landscape Plan shall indicate the location of street trees that complies with the size, growth characteristics, spacing and location of VLDO 493, §5.28(1-4) and requiring a minimum 30-40-foot interval street tree placement, in accordance with VLDO §5.28(3) - Street Trees, Spacing and Location and VMC 8.10.120 - Mitigation. If, during the review of the applicant's final landscape plan, the City determines that

the location of replacement trees in Tract A, B, or C are not desirable and does not approve them, causing the applicant's total replacement/mitigation trees to fall below the required amount of two hundred and eighteen (218), then the applicant shall pay into the tree fund an amount equal to the number of replacement trees that are not able to be planted at a per-tree rate of two hundred and fifty (250) dollars, as established by Resolution No. 1011 of the Veneta City Council.

Condition of Approval: Prior to issuance of a building permit for any lot, a lot-specific landscape plan is required that conforms to VLDO 493, Section 5.12(1-3) – Landscaping and VLDO 493 Section 5.03 – Clear Vision Areas and shows tree placement in conformance with the approved final overall Landscape Plan for the subdivision, including street trees that are located along the frontage of the lot. Said trees shall be planted prior to issuance of Certificate of Occupancy.

Condition of Approval: Prior to Final Plat approval, the applicant shall plant all required mitigation/replacement trees that are located in Tracts A, B, and C as approved in the final overall landscape plan for the subdivision.

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

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

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

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

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

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

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

8.10.155 Tree removal site requirements.

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

- (1) *All logging equipment shall be removed no later than 30 days after tree removal. The replacement trees shall be planted within the time limits set in VMC 8.10.120(3)(d);*
- (2) *Property shall be maintained in conformance with VMC 8.05.060 prohibiting noxious vegetation;*
- (3) *Slash shall be chipped within 30 days after tree removal. (Ord. 542 § 8, 2017)*

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

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

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

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

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

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


Len Goodwin, Chair
Veneta Planning Commission


Date