

AGENDA
Veneta Planning Commission
TUESDAY – March 3, 2015 – 7:00 p.m.
Veneta City Hall

1. Review Agenda

2. Public Comment

If you wish to address the Planning Commission; state your name, address, and limit your comments to 3 minutes. Maximum time 20 minutes. The Planning Commission will not engage in any discussion or make any decisions based on public comment at this time; however, they may take comments under advisement for discussion and action at a future Planning Commission meeting.

3. Approval of Minutes

- a. December 8, 2014 Joint Meeting of the City Council & Planning Commission (pgs. 3-7)
- b. February 3, 2015 Planning Commission (9-11)

4. Request for Tentative Subdivision & Type C Tree Removal Approval, S-2-14 Madrone Ridge

- a. Request approval of a tentative plan to divide 21.22 acres into 96 parcels & Associated Type C Tree Removal (pgs. 13-101)

5. Other

6. Adjourn

Location is wheelchair accessible (WCA). Communication interpreter, including American Sign Language (ASL) interpretation, is available with 48 hours' notice. Contact Darci Henneman; Phone (541) 935-2191, FAX (541) 935-1838 or by TTY Telecommunications Relay Service 1-800-735-1232.

THIS MEETING WILL BE DIGITALLY RECORDED.

The Planning Commission considers all public comments, staff reports, and City ordinances in arriving at a final decision. **Staff reports are available for review at Veneta City Hall - 88184 8th Street - Veneta, Oregon.**

LAND USE DECISIONS - Veneta Municipal Code Chapter 18.05

Whenever this chapter is in effect, the following procedures or procedure similar thereto shall be followed by the city staff and applicable decision-making body: (1) Preparation of brief statement setting forth the criteria and standards considered relevant to the decision of the city staff. Such shall utilize criteria and standards found in the applicable ordinance, the comprehensive plan, and other ordinances and rules and regulations now in effect as from time to time adopted by the city council and appropriate decision-making body.

Minutes of the Joint Meeting of the Veneta City Council and Veneta Planning Commission December 8, 2014

City Council: Sandra Larson, Thomas Cotter, Victoria Hedenstrom, Thomas Laing

Planning Commission: Kevin Conlin, Calvin Kenney, Len Goodwin, Lily Rees

Community Members: Tim Brooker, Joan Mariner, Herb Vloedman

Absent: Brittany Boothe, James Eagle Eye; Jason Alansky, Phil Velie

Others: Ric Ingham, City Administrator; Kay Bork, Community Development Director; Lisa Garbett, Associate Planner, Darci Henneman, Assistant City Recorder, and Bob Parker, Amanda D'Souza, and Michael Howard of the University of Oregon Community Service Center

Mayor Sandra Larson and Planning Commission Chair James Eagle Eye called the meeting to order at 5:30 p.m.

I. Introduction

Brief introductions were made.

II. Goal 4 – Community and Workforce Readiness

a. Review of Results from Survey

Ms. D'Souza reviewed the Goal 4 results from the survey. She said Goal 4 would create certified shovel ready projects or project ready sites for industries to locate. She said Business Oregon industrial site certification requires 25 acre minimum, which we don't have.

In response to questions from Kevin Conlin, Mr. Parker said develop our local program for industrial site readiness.

In response to a question from Kevin Conlin, Len Goodwin said if we have shovel ready sites where all of the infrastructure and zoning is in place including a land designation, a developer can come in and pull building permits within 60 to 90 days. He said creating that kind of site gives us the ability to market sites in a different way. He said ready to build sites would be a good incentive.

In response to a question from Tim Brooker, Bork said state shovel ready certification letters from utility companies or completed wetland delineation, they don't have to extend their timeline an additional six to nine months, since all of those permits have been completed and it's ready to sell.

In response to a question from Victoria Hedenstrom, Mr. Parker said the City does a lot of the work itself, the benefit of taking the approach that Victoria Hedenstrom suggested takes pressure off staff but he said we don't want a complicated process. He suggested if we partner with businesses, we should develop a form or questionnaire for businesses to complete.

b. Strategy and Action Item Discussion

Ms. D'Souza said the survey results indicated the Committee wanted to take steps to make current properties attractive to new business; through rehabilitation, redevelopment, making the information available, and taking care of problem properties.

Mr. Parker said it would be helpful if we took this apart and separated rehabilitation and development and taking care of problem properties.

Ingham said rehabilitation doesn't really apply because we have such limited stock.

Ms. D'Souza said the City's current strategy is on a case by case basis.

Ingham said we don't have a formalized business specific incentive plan but we could get there by reviewing what's worked and what hasn't then incorporate that into a formal incentive program. He said if we formalize something it would need to be included in the budget because if we offer incentives we need dollars to back it up. He explained how the City's business loan and grant program works.

Mr. Parker said the survey results indicated some Committee members wanted a formalized program.

Len Goodwin said as soon as you put a formal program in place, the next development requires a change. He said the Council has an opportunity to make a decision on any development and may find we want to use \$100,000 to attract an appropriate employer. He said in that scenario, we don't want to tie the Council's hands when an opportunity provides itself.

In response to a question from Thomas Cotter, Len Goodwin said SDCs never make a difference. He said for a large scale employer, \$100,000 in SDCs isn't an issue but it is for a small developer. He said in Springfield, the program didn't work and not one developer took advantage of the discount. He said there's always other factors. He said we need to be creative in how we define the uses; allowing for credits of existing uses and taking advantage of the existing methodology.

Mr. Parker said having a formal program creates a rigid structure but it's open to everyone and would involve more staff time. He suggested targeting the businesses we want.

Victoria Hedenstrom suggested we have some kind of standard criteria in place so when a business asks for incentives, specific criteria would need to be met including some kind of an accountability process.

Ingham said he thought we can get there.

Bork suggested using the Urban Renewal Agency framework.

Mr. Parker said we need some guidelines and prioritization to determine what we are investing in.

Ingham said it's not just our dollars but how well we connect with all the other programs, Lane County, the state, etc. He said funding from other agencies contribute to make many projects happen.

Mayor Larson said some committee members are thinking on a smaller scale, given the discussion tonight, we need to preserve flexibility. She said we can develop the criteria for each case and provide the clear expectations of the City.

After a thorough discussion, it was the consensus of the committee that when an opportunity presents itself, this is what we'll expect from each individual case.

Herb Vloedman said these are risky propositions and sometimes that's how it goes, but we need more successes. He suggested clearly stating the items we're looking for and identify the City's high priorities.

Kevin Conlin suggested having minimums rather than going in the opposite direction.

Ms. D'Souza reviewed the generalized guidelines and said she's hearing from the Committee that we will continue with a program but not commit to a specific amount each year.

Ingham said the City hasn't spent any funds on Plough Monday other than getting the site ready.

Ms. D'Souza reviewed the strategies of the redevelopment tool kit.

It was the consensus to continue to use the redevelopment tool kit and to use a flexible set of strategies should be included in the document to mix and match for different projects.

Mr. Parker said this feels like it fits under Goal 1. He said Lane Work Force Partnership (LWFP) is a challenge at the municipal level because cities don't have the authority to make those decisions. He suggests cities should focus on what they have control over.

Thomas Cotter agreed with Mr. Parker.

In response to a question from Mayor Larson, Mr. Parker said LWFP completes the certification. He said the City would support it and provide the criteria. He said LWFP will already be a partner to the City, certify that we have people here ready to work.

It was the consensus of the Committee to eliminate Goal 4.

III. Goal 5 – Infrastructure Improvement

a. Review of Results from Survey

Ms. D'Souza said the survey results identified the following in order of the prioritization:

- Installing fiber optics throughout the City.
- Streetscape and pedestrian infrastructure.
- Sewer, infill opportunities, and creating more parking.

She said there was no action item for sewer improvements.

It was the consensus of the committee that prioritizing the installation of a fiber optic line in Veneta will help the City fully enter us into the communication age.

b. Action item discussion

Ingham said we should continue to advocate to ODOT for improvements to Hwy 126 and we should continue to offer aesthetic enhancements to make Veneta attractive to residents, visitors, and potential industries.

Victoria Hedenstrom suggested adding some kind of signage at West Broadway.

Ingham said there was a sign on the corner but it was removed when the Park N Ride and corner monument was built.

Calvin Kenney suggested there should be signage on Eighth St.

Joan Mariner suggested a business kiosk could be located at the Park N Ride that included all Veneta businesses.

Thomas Cotter said many of the action items are ongoing maintenance issues.

In response to a question from Mayor Larson, Herb Vloedman said we need something that drives people downtown.

Ingham said once we get West Lane Fitness and Plough Monday up and running on West Broadway, we can focus on the third catalyst project.

After a brief discussion, it was the consensus of the Committee that we should continue to work on incorporating art. Everyone agreed the bike racks and the mural at Bimart are great ways we are already incorporating art in our community.

In response to a question from Mayor Larson, Ingham said the four corners beautification project is still a work in progress.

IV. Goal 1 – Economic Development Commitment

a. Revisit Meeting #2 discussion

Len Goodwin said advancing the City with our regional partners shows that we are interested in projects. He said maintaining our partnerships with Lane County and other local governments/partners is important.

In response to a question from Thomas Cotter, Ingham said the cost of a Resource Assistance for Rural Environments (R.A.R.E.) intern from the University of Oregon it was about \$18,000 to \$21,000 for 1700 hours of service.

Thomas Cotter suggested using economic development funds to cover the cost of a R.A.R.E. intern.

After a brief discussion, it was the consensus of the Committee to not realign staff responsibilities but to wait until the work stations at City Hall are completed, which will provide a work area for a R.A.R.E. intern.

There was a thorough discussion about possible catalyst projects and if we should look into building a commercial building on West Broadway.

Len Goodwin said it doesn't really need to limit itself to downtown. He said a catalyst manufacturer could locate in many places and could draw other industries in.

Mr. Parker said the City could provide some guidelines to support catalytic projects or the City could target specific businesses to locate in Veneta.

Ms. D'Souza said the survey results also identified establishing and maintaining partnerships with federal and state agencies and local economic development organizations such as Travel Lane County, Lane Work Force, ODOT, Lane Economic Development Group, and to partner with our local Chamber of Commerce to support small business development.

V. Next Steps

Mr. Parker said his team will prepare a report for staff to review and then it will go to the Planning Commission in a Work Session. He said it will also tie to the Economic Opportunities Analysis (EOA) and will include some proposed policy limits and code recommendations. He said we will need to notify the Oregon Dept. of Land Conservation and Development (DLCD) of the public hearing recommending the Council adopt the plan. He said a Work Session will take place in January or early February. He's not sure if the strategic plan will follow the land use guidelines but he thinks the Council will adopt the plan by resolution sometime in March when the public hearing is held.

7. ADJOURN

Mayor Larson and Planning Commission vice Chair Len Goodwin adjourned the meeting at 7:25 p.m.

XXXXXXXXXXXXXXXXXXXXX

Sandra Larson, Mayor

XXXXXXXXXXXXXXXXXXXXX

James Eagle Eye, Chair

ATTEST:

XXXXXXXXXXXXXXXXXXXXX

Darci Henneman, Assistant City Recorder
(Minutes prepared by DHenneman)

Minutes of the Veneta Planning Commission February 3, 2015

Present: James Eagle Eye, Calvin Kenney, Len Goodwin, Kevin Conlin, and Lily Rees

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Darci Henneman, Assistant City Recorder; Forrest Cooper, West Lane Technical Learning Center, and Jed Truett, Metro Planning, Inc.

I. Review Agenda

Chair James Eagle Eye opened the Veneta Planning Commission meeting at 7:01 p.m. and reviewed the agenda.

II. Public Comment

None

III. Approval of Minutes

MOTION: Lily Rees made a motion to approve the January 6, 2015 Planning Commission minutes. Calvin Kenney seconded the motion which passed with a vote of 4-0.

IV. Request for Preliminary Subdivision Approval, S-2-14, Madrone Ridge (Postponed to March 3, 2015)

V. Request for Minor Site Plan Amendment Approval, SR-1-15, West Lane Shopping Center/ West Lane Technical Learning Center

Garbett said staff presenting a minor site plan amendment to allow West Lane Technical Learning Center (WLTLC) to occupy the vacant Macenzi's Too restaurant in the West Lane Shopping Center. She said WLTLC will use the space to offer a culinary arts program as well as health and computer occupational programs. She said the site plan review and a decision from the Planning Commission is needed based on interpretation of the use being a low impact use in terms of public and semi-public uses. The land development ordinance does allow public and semi-public but doesn't provide a definition for low impact. The staff report indicated there was a definition for high impact which, in general, addresses traffic and other nuisance types. Notice was sent and posted at the site and ODOT commented on the proposal indicating traffic was not a concern. Garbett provided a copy of that email because it was received after the packets were mailed. Staff is recommending approval with conditions that the applicant obtain a sign permit, if applicable, and a yearly business registration with the City. Garbett asked if there were any questions.

In response to questions from Calvin Kenney, Bork said with regard to the medical marijuana facility (MMF) located in the shopping center, the Council wrote the ordinance to read a school wouldn't be prohibited if it came in after the fact but if there was a school there previously, the MMF couldn't locate there. They allowed that to occur because similarly the code prohibited a MMF from locating 1000 ft. from a park but if a park were to come later, the MMF could be allowed.

In response to a question from Calvin Kenney, Mr. Cooper said the school will operate Monday through Friday, from 8:00 a.m. to 3:30 p.m. and will be open some Saturdays to prepare for catering events.

MOTION: Kevin Conlin made a motion to approve the Site Plan Amendment with the conditions of approval as outlined. Calvin Kenney seconded the motion which passed with a vote of 4-0.

VI. Review and Comment on Veneta Economic Development Strategy Draft Report

James Eagle Eye said he doesn't see a lot of new information or changes in the Report.

Bork said the Draft Report will be sent to the citizen committee members and Council for comment. She said Bob Parker is working on a schedule for a joint meeting on March 9th to review the Report, including the comments, and prepare a final Report. She said he will also talk about the Economic Opportunity Analysis at that meeting. She asked the Planning Commissioners to provide feedback to her prior to the tentatively scheduled March 9th meeting.

Bork said she will send out a notice once she receives confirmation from Mr. Parker. . She said with regard to "Goal 3 – Retail and Commercial Businesses" Mr. Parker agreed that a strategy should be added as an action item to revise the land development ordinance in order to promote commercial development in the industrial commercial zones and make those zones available for those types of development. She also said she thought, under strategy "Strategy 4.2 – Make aesthetic enhancements to make Veneta attractive to resident, visitors, and potential industries" we had talked about making downtown Veneta more visible from Highway 126 and potential ways to create that line of site. She asked it was discussed as a strategy or action item.

James Eagle Eye said that was talked about trying to do something with the intersection and we always run into the problem with it being in ODOT jurisdiction which limits what we can and can't do.

Bork said we also talked about areas past the intersection near downtown.

James Eagle said we talked about doing something on Jack Kelley Dr. but as he recalls the conversation went in the direction that we need to actually have something to point them to. He said eventually we do need to find a way to make that happen.

Herb Vloedman said there were no specifics but a general direction to look for opportunities for that but there wasn't any definite details or actions determined.

Kevin Conlin agreed and said we knew it was a problem but he didn't recall coming up with any specific list of things to do about it.

Kevin Conlin said people have told him that the existing Veneta sign isn't clear whether to continue down Territorial or to turn.

Calvin Kenney said when you get to Broadway you have no idea to turn.

James Eagle Eye said the Park N Ride has the monument at the corner of W. Broadway where we could eventually put something up to direct people into the downtown area.

Bork said the report the Planning Commission received tonight will be sent to the City Council and the community members for review and comment. She said Mr. Parker would like those comments prior to the March 9th so he can incorporate the comments. She said the City Council will adopt this Report by resolution separate from any comprehensive plan amendments. She said the economic opportunity analysis (EOA) is a similar exercise to the Residential Buildable Land Inventory; looking at the 20 year supply of employment land based on employment forecast. She said he'll have that whole document ready to go. She said we will adopt the study into our Comp Plan because we need to show how we have a 20 year supply of commercial, industrial and residential land. She said we'll incorporate the study into the Comprehensive Plan, usually by reference but there may be some policies that we may also want to update. She said that will come later. She said Ingham is anxious to get the economic strategic plan adopted so some of the activities included in the Plan can be included in this year's budget..

VII. Other

Garbett said the Madrone Ridge subdivision will be brought to the Planning Commission March 3rd meeting and will include some issues regarding tree code and panhandle lots.

In response to a question from Calvin Kenney, Garbett said the Madrone subdivision is between Bolton Hill Estates and Phase 3 of Applegate Landing.

VIII. Adjourn

Chair James Eagle Eye adjourned the Veneta Planning Commission at 7:20 p.m

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

James Eagle Eye, Chairman

ATTEST:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Darci Henneman, Assistant City Recorder

**VENETA PLANNING COMMISSION
STAFF REPORT**

**TENTATIVE SUBDIVISION AND TYPE C TREE REMOVAL
MADRONE RIDGE (S-2-14)**

Application Received:	August 1, 2014
Incomplete Notice #1 Sent:	August 28, 2014
Additional Information Submitted:	October 24, 2014
Additional Information Submitted:	November 3, 2014
Incomplete Notice #2 Sent:	November 21, 2014
Additional Information Received:	December 2, 2014
Application Complete:	December 3, 2014
Supplemental Information Received:	January 7, 2015 and January 20, 2015
120 days from Completeness:	April 2, 2015
Notice Mailed and Posted:	December 10, 2014
Staff Report Date:	January 12, 2015
Prepared by:	Lisa Garbett, Associate Planner

Referrals:

Kyle Schauer, Public Works Director - City of Veneta
Lane Branch, P.E., City Engineer - Branch Engineering
David Mortier, Building Inspector - City of Veneta
Dean Chappell, Fire Inspector - Lane Fire Authority
Tom Jeffreys, Staking Engineer - E.P.U.D.
Ken Augustson, Lane Transit District (LTD)
Richard Smith, Post Master - Veneta Post Office
Michael C. Cowles, Lane County Assessor
Gerry Juster, Oregon Department of Transportation
Keir Miller, Lane County Public Works
Daniel B. Ingram, Lane County Public Works
Matt Laird, Lane County Land Management
Scott Johnson, Sanipac
John Norrena, Lane Electric Cooperative
Randy Weston, Charter Communications
Sally Storm, Fern Ridge School District

BASIC DATA

Owner: Allyn J. & Carol Tews Rev Liv Trust
P.O. Box 561
Veneta, Oregon 97487

Applicant: West Coast Investments, LLC
1866 Ridgley Blvd.
Eugene, Oregon 97401

Applicant's Representative: Metro Planning, Inc.
370 Q Street
Springfield, Oregon 97477

Traffic Engineer: Access Engineering, LLC
134 E. 13th Ave, Suite 2
Eugene, Oregon 97401

Arborist: Matthew Rivers, ISA Certified Arborist
3295 W 16th Avenue
Eugene, Oregon 97402

Surveyor: Steven E. Woods, PLS
All Oregon Land Surveying
P.O. Box 85
Junction City, Oregon 97448

Location: Immediately west of Applegate Landing Phase 3 within
the Southwest Area Specific Plan (SWAP)

Assessor's Map: 18-06-01-00

Tax Lot Number: 01600

Plan Designation: L – Low Density Residential & M – Medium Density
Residential

Zoning: Single Family Residential (SFR), General Residential
(GR), Specific Development Plan Subzone - Southwest
Area Specific Development Plan (/SDP)

Associated Files: Southwest Area Specific Plan (SDP-1-05), Approved
April 10, 2006

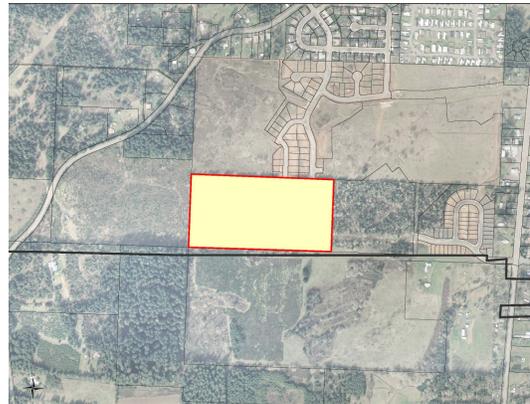
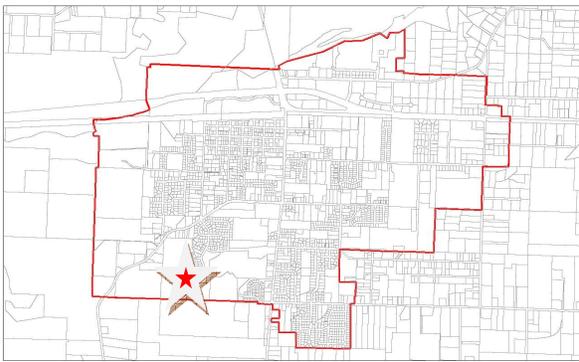
REQUEST

The request before the Planning Commission is for tentative subdivision approval and associated Type C Tree Removal request in order to divide approximately 21.22 acres into 96 single-family lots within the Southwest Area Specific Plan. The applicant is also requesting that trees planted on twenty-seven (27) of the proposed lots, post final plat approval, to count towards tree mitigation requirements for Planning Commission consideration. Currently, VMC 8.10.120(3)(d) - Mitigation states, *“Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed.”*

PROPERTY CHARACTERISTICS AND SURROUNDING CONTEXT

The subject property is currently vacant land located at the west end of Perkins Road, west of Territorial Road and Applegate Landing Phase 3. The site is densely vegetated including 'significant' and 'heritage' trees as defined by the City Tree Code (VMC Chapter 8.10). This is Phase 4 of the adopted Southwest Area Specific Plan (SWAP) and is an approximate 21.22 acres of the total 128 acres. A majority of the site is in the Single Family Residential (SFR) zone except for a small piece along the eastern property boundary which is in the General Residential (GR) zone. There is an existing development (Applegate Phase 2) located along the north property line. There are two streets currently stubbed to the project from this development (8th Street and Oaks Orchard) to the north.

Below are vicinity maps of the subject site and surrounding area.



Transportation

Access is available to the property from Eighth Street, Oaks Orchard and Perkins Road, a Major Collector according to the Veneta Transportation System Plan, Map 12. The majority of proposed lots are proposed to access off of Local Streets from residential driveways (except for proposed Lots #1-3 and Lot #86 which will access off Perkins Road). Flag lots are proposed (Lots #28-30, #47-50 and #87-89) which will access off of Perkins Road. Three lots or less can share an access pole but the flag lot access pole must be a minimum of 20-foot wide. The applicant is exceeding the standard as 28-foot paved widths are proposed to be shared through a shared access agreement between flag lots. An existing bus stop is located approximately 150-foot north of the Territorial and Perkins Road intersection. There are no proposed access points along the south property boundaries which consequently is also the city UGB and city limits boundary. A Proportionate Cost Sharing Agreement is in place as part of the Southwest Area Specific Plan for transportation impacts per lot as identified in City Agreement File# A-120 (attached as Exhibit).

Wastewater Service

The applicant is proposing for wastewater service to connect to the site from two locations, Oaks Orchard Road and Eighth Street, both of which travel north to Eighth Street and head to the City treatment plant. The City Public Works Director indicated that capacity should not be an issue with this route. The proposed sewer system features three collection lines that are located within the back yards of the proposed lots. Sewer laterals for all lots are required to be located within the right-of-way of streets.

Stormwater

The applicant's drainage report identifies off-site areas to the west that currently drain through the site. Off-site drainage will need to be intercepted, routed around the proposed lots, and conveyed through the site for each phase of development in accordance with the City Engineer. The applicant is proposing to route stormwater to a detention pond south of the site at Assessor's Map and Tax Lot No. 18-06-01-00-01608 which is outside of Veneta city limits/ UGB and within Lane County jurisdiction.

Water Service

Water to the proposed development will be provided by a 12-inch water main located within Perkins Road as well as from an existing 8-inch line on Oaks Orchard Road. The Public Works Director has indicated that capacity will not be an issue.

Natural Resources

The subject site contains 773 trees according to submitted 'Natural Features' Plan (Sheet 4 of 16) and Arborist Report prepared by Certified Arborist, Matthew Rivers. Of the 773 trees mapped, a total of 114 have been deemed unfit or hazardous according to the Arborist Report and subsequent addendums prepared on October 29, 2014 and January 3, 2015.

A total of 417 (350 significant and 67 heritage) trees regulated by the tree code (Veneta Municipal Code Chapter 8.10- Tree Cutting, Destruction and Removal) are proposed for removal as part of the Type C tree permit application submitted and per Sheet 14 of 16 submitted on January 3, 2015.

Tree Removal Synopsis

- The applicant has chosen Option A per VMC, Chapter 8.10.090(5)(a)(i) as the desired approval standard for this Type C permit request. Option A requires preservation of at least 30 percent of the total "significant tree" diameter on the site. The applicant proposes to preserve an approximate 2454.5" (30.8%) out of a total significant tree diameter of 7951". For Option A, code requires adding all leader DBH's together at breast height per VMC 8.10.020(4). Thirty-one (31) percent of the total significant tree diameter on the site is proposed to be preserved.
- One hundred and fourteen (114) trees have been deemed 'unfit'/ hazardous by Certified Arborist, Matthew Rivers.
- Twenty-seven (27) replacement trees are proposed to be planted on 27 individual lots to count towards mitigation requirements for Planning Commission consideration given VMC 8.10.120(3)(d) requires replacement trees to be planted prior to plat for land divisions.
- One hundred and seventy-two (172) street trees are proposed to be planted and count towards mitigation requirements as permitted per VMC 8.10.120(3)(d). The street trees will be required to be planted prior to final plat as required by code.
- Six hundred ninety three (693) total replacement trees are required to be planted or cash in lieu of planting, before subtracting out any tree credit.
- The 693 replacement trees include:
 - +343 heritage replacement trees
 - +350 significant replacement trees

- Subtracting the following for tree mitigation credit:
 - -172 street trees
 - -3 tree credits for three trees that could otherwise be removed with a Type ‘A’ permit as permitted by VMC 8.10.120.

AND/OR subtracting the following for tree mitigation credit (for Planning Commission consideration):

- -27 trees planted on individual lots, as VMC 8.10.120(3)(d) requires replacement trees to be planted prior to plat for land divisions. A bond for three years after final plat approval will be required, in order to ensure survival of the 27 trees planted on lots prior to final plat.

SUBMITTAL REQUIREMENTS

Tentative Plan (S-2-14)

The applicant has submitted the application, plans, and other supplementary data as required by Section 4.01 – Tentative Plan Submission Requirements of Veneta Land Division Ordinance No. 494.

APPROVAL CRITERIA

Veneta Land Division Ordinance No. 494, Article 4, Section 4.03 - Categories for Review of Tentative Plan Applications, Veneta Land Development Ordinance No. 494, Section 4.02 – Single Family Residential, Section 4.03 - General Residential, Section 4.15(7)(b) - Specific Development Plan Subzone, Southwest Neighborhood Center and Veneta Municipal Code, Chapter 8.10 - Tree Cutting, Destruction and Removal.

REFERRAL COMMENTS

Comments were received by the Veneta Public Works Director, Veneta Engineer (Branch Engineering, Inc.), Veneta Building Inspector (The Building Department, LLC), Lane Fire Authority, Lane County Assessor, Oregon Department of Transportation, Lane County Public Works, Lane County Land Management, Sanipac and Lane Electric Cooperative. Comments are attached as Exhibits.

PUBLIC NOTICE

A notice was mailed to all property owners within 300-feet for the entire contiguous site and posted at the property on December 10, 2014 in accordance with Veneta’s Land Division Ordinance No. 494, Section 2.06(2) - Notice of Limited Land Use Action.

PUBLIC COMMENT

None.

ISSUES

The following issues have been raised concerning the proposal:

Block Lengths

The proposal meets block length standards as defined in the adopted SWAP Development Standards, Table 3, which requires a maximum 600-foot block length. This proposal will affect

development immediately to the north (i.e. the Madrone Ridge Drive future extension to the north). The applicant has submitted a 'Block Length Diagram' received January 20, 2015 which depicts the potential future development to the north of the subject site, according to the adopted SWAP Conceptual Diagram. However, the property to the north of the subject site contains significant wetlands and depending on future wetland delineation, the development layout to the north could be modified from the original SWAP concept. In either case, future development of Hawk View Drive to the north may need to be brought further south than depicted on the SWAP Conceptual Diagram, in order to create a code compliant block length of 600-feet for Madrone Ridge Drive.

Stormwater

The applicant is proposing to route stormwater to a detention pond south of the site at Assessor's Map and Tax Lot No. 18-06-01-00-01608 which is outside of Veneta city limits/UGB. Lane County Public Works has responded to referral indicating that prior to final plat approval, the applicant shall obtain Special Use Permit approval from Lane County under the process outlined in LC16.211(3)(j) and construct the pond. Lane County has also commented the special use permit is a Director-Level (commonly referred to as a Type 2) discretionary review process and approval of the permit cannot be guaranteed.

The stormwater facilities proposed outside of city limits is allowed according to Veneta Municipal Code 13.35.020(1) which states, "*Pursuant to the general laws of the state of Oregon and the powers granted in the Charter of the city, the council does hereby declare its intention to acquire, own, construct, reconstruct, equip, operate and maintain within the city limits of the city, and outside the city limits when consistent with the council's adopted policies or intergovernmental agreements, stormwater drainage facilities, and also to require persons responsible to construct, reconstruct, maintain and extend stormwater drainage facilities.*" Staff has conferred with the City Attorney to confirm this scenario is allowed with conditions. Staff has also corresponded with the Lane County Public Works Department and City Staff will be able to comment and recommend conditions as part of a Special Use Permit submittal that will be required by Lane County. Staff has discussed the issue with the City Public Works Director and City Engineer whom have no concerns. As a note, the pond will need to be located so that it does not impede future potential development of Eighth Street (including sidewalk and easements) to the south.

The City Engineer has commented that off-site drainage will need to be intercepted and routed around the proposed lots and conveyed through the site for each phase of development. The Madrone Ridge Homeowner's Association will be responsible for performing maintenance on all stormwater swales and detention ponds. The applicant will be required to execute and record stormwater agreements for maintenance of all stormwater swales and detention ponds. The agreement shall provide for City maintenance of the ponds and open drainages for functionality only.

Transportation

Proposed streets are generally aligned in conformance with the adopted Southwest Area Specific Plan (SWAP) Conceptual Diagram. Perkins Road is classified as a major collector and is proposed to have the required 60-foot right-of-way, 39-foot paved width, and sidewalks. All

other proposed streets within this phase of development are classified as Local Streets (Madrone Ridge Drive, Arbutus Avenue, Bearberry Drive, Oaks Orchard Road and Archibald Lane) except for 8th Street which is a Minor Collector according to Map 12 of the Transportation System Plan. Local Streets are required to have a 50-foot right-of-way, 32-foot paved width (9-foot travel lanes, 7-foot parking stalls, motor vehicle parking on both sides) and sidewalks (one side if a stormwater swale is located in the right-of-way or if there is a park or common open space with a parallel pedestrian path, both sides in all other situations). The City Engineer is requiring for Phase 1, a 5.3 feet wide right-of-way dedication for 7th Street along the eastern property boundary between Perkins Road and Westfield Avenue and a 7-foot wide public utility easement (PUE) adjacent to the 7th Street right-of-way.

A Traffic Impact Analysis prepared by Access Engineering, LLC has been submitted. The Oregon Department of Transportation (ODOT) has proposed no mitigation measures in response to a referral request. The City Engineer has recommended that the submitted TIA be approved by the City.

Emergency Access

The applicant has proposed three (3) 30-foot by 60-foot emergency vehicle turn-around's at both ends of Arbutus Avenue and one at the end of Bearberry Drive. An emergency vehicle turnaround will be required at the west end of Perkins Road in accordance with the Lane Fire Authority and Oregon Fire Code.

Geotechnical

According to City geographic information system data, there are slopes between 15-20% on the subject site. Although, these slopes are limited to a very small portion of the western boundary. Therefore, there is only an isolated area on the site which exceeds the 15% limit as defined in Veneta Land Development Ordinance No. 493, Section 5.25. This section of the code states, "*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.*"

Natural Resources

The Planning Commission is being asked to decide if twenty-seven (27) replacement trees which are proposed to be planted on twenty-seven (27) individual lots can count towards mitigation requirements. Veneta Municipal Code (VMC) 8.10.120(3)(d) requires replacement trees be planted prior to plat for land divisions. However, trees planted prior to final plat would likely be damaged during the grading process and the location of planting may not be where the eventual homeowner desires. Staff has discussed the request with legal counsel and if we treat the proposed twenty-seven (27) individual trees as a required public improvement (subject to bonding and a recorded agreement for planting at some point in the future, i.e. prior to final occupancy, pursuant to Section 7.05 of the City's land division ordinance). The decision could be challenged if the code was not amended. It is recommended that if the Planning Commission would like to allow mitigation credit for individual lot development in the future, staff be directed to amend the VMC 8.10.120(3)(d) to allow greater flexibility.

The applicant is also proposing one-hundred seventy-two (172) street trees to count towards tree mitigation credit. The applicant has submitted a Proposed Street Tree Plan which was received on January 7, 2015. A Final Street Tree Plan will be required to be approved at the time of public improvement review and prior to final plat, the applicant will be required to plant the street trees in order for them to count towards tree mitigation credit as required by VMC 8.10.120(3)(d) – Replacement Trees.

Therefore, depending on Planning Commission decision in regards to additional tree mitigation credit requested; the applicant will be required to comply with one of the two conditions listed below:

Condition #1: No credit for 27 trees on individual lots

Plant a total of 518 mitigation/ replacement trees (+343 heritage tree replacement +350 significant tree replacement -172 street trees -3 tree credits/otherwise allowed with Type A permit) or provide payment in the amount of \$129,500, in lieu of tree mitigation/ replacement tree planting as permitted in Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011.

Condition #2: Credit for 27 trees on individual lots

Plant a total of 491 mitigation/ replacement trees (343 heritage tree replacement + 350 significant tree replacement -172 street trees and -27 individual lot trees for Planning Commission consideration -3 tree credits/otherwise allowed with Type A permit) in accordance with VMC, Chapter 8.10 or provide payment in the amount of \$122,750 in lieu of tree mitigation/ replacement tree planting as permitted in Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011. The applicant will be required to sign and record a Development Agreement prior to building permit issuance for each affected lot. Prior to final plat approval, the applicant shall post a three year performance bond, in favor of the city, in the amount of \$6,750 (27 replacement trees planted post final plat x \$250 payment in lieu of planting).

Fiber Optic Requirement

The City recently adopted Ordinance 509 (adopted February 10, 2014) which amended Veneta Municipal Code Chapter 13.30.020(4) and requires installation of underground facilities including broadband fiber conduit prior to surfacing of streets. The applicant will be required as a condition of approval to conform to Veneta Municipal Code 13.30.020(4) and adopted Ordinance 509.

Proportionate Share Agreement

Previously, the SWAP traffic impact analysis determined that the intersection of Highway 126 and Territorial Road was projected to operate below standards (without the addition of traffic from the development) during the p.m. peak hour of 2011, and therefore, the Development would place additional pressures on surrounding intersections and projected to operate below standards during the peak p.m. peak hour of 2009. As a result, as part of Applegate Landing Phase 1 and for all continuing phases of the Southwest Area Specific Plan, the City imposed a condition of approval which required the applicant to enter into a Cost Sharing Agreement (City File#A-120) which is attached to this staff report as Exhibit D.

Lot Numbering

The Lane County Assessor has commented lot numbers should be consecutive in each phase (i.e. Phase 1 Lots 1-19, Phase 2 Lot 20-38, etc.).

STAFF RECOMMENDATION

Based on the findings for the tentative subdivision and associated tree removal stated in the Proposed Final Order (S-2-14), staff recommends conditional approval of the Tentative Subdivision and Type C Tree Permit. The proposed conditions of approval are specified in the Proposed Final Order.

POSSIBLE ACTIONS BY THE PLANNING COMMISSION

The Commission may:

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

EXHIBITS

- A. Proposed Final Order
- B. Applicant's Submittal (Received August 1, 2014)
 - Additional Information Submitted (Received October 24, 2014)
 - Additional Information Submitted (November 3, 2014 and December 2, 2014)
 - Supplemental Materials Provided (January 7, 2015)
 - Block Length Diagram (Received January 20, 2015)
 - Memorandum (Received January 24, 2015)
- C. Southwest Area Specific Plan, Conceptual Diagram
- D. Proportionate Cost Sharing Agreement (City File # A-120)
- E. Veneta Public Works Director Memorandum
- F. Veneta Engineer Technical Memorandum (TIA Review)
- G. Veneta Engineer Technical Memorandum (Tentative Subdivision Review)
- H. Lane Fire Authority Memorandum
- I. Oregon Department of Transportation Memorandum
- J. Lane County Public Works Email Responses
- K. Lane County Assessor

**FINAL ORDER OF THE
VENETA PLANNING COMMISSION**

**Madrone Ridge Tentative Subdivision
And Type C Tree Removal (S-2-14)**

A. The Planning Commission finds the following:

1. The applicant has submitted information for a tentative plan application required by Section 4.01 of the Veneta Land Division Ordinance No. 494.
2. The Veneta Planning Commission held a meeting on February 3, 2015 to review and discuss the tentative plan for Assessors Map No. 18-06-01-00, Tax Lot 01600 after providing proper notice of limited land use action according to Section 2.06 of the Veneta Land Division Ordinance No. 494.
3. The Planning Commission followed the required procedure and standards for taking action on a tentative plan as set forth in Section 4.02 of the Veneta Land Division Ordinance No. 494.

B. The Veneta Planning Commission approves with conditions the Madrone Ridge, Tentative Subdivision and Type C Tree Removal (S-2-14) with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL

- 1) In accordance with Veneta Municipal Code, Chapter 8.10.130(1-5) – Tree Protection during construction, where trees are removed from within the critical root zone of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place.
- 2) Obtain approval from the Lane Fire Authority for any work that may interrupt emergency access as the site is developed, in accordance with the City Engineer (i.e. proposed Perkins Road and 8th Street right-of-way through the Phase 1 development site, currently has a gravel road serving as a secondary emergency access to adjacent neighborhoods.)
- 3) Maintenance of street trees shall be the responsibility of the adjacent property owner as defined in Veneta Land Development Ordinance 493, Section 5.28(5)(a-g) – Street Trees.

PRIOR TO CONSTRUCTION ON SITE, THE APPLICANT SHALL:

- 4) Clearly mark and fence all tree protection areas. At a minimum, areas to be protected shall have construction fencing placed in accordance with Veneta Municipal Code, Chapter 8.10.130 – Tree Protection during construction.
- 5) Obtain approval for public improvement plans to include the items listed below.
 - a) SANITARY SEWER improvement plans.

- i) Provide minimum 14-foot public utility easement over proposed sanitary sewer lines except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width or otherwise determined by the City Engineer, in accordance with Veneta Land Division Ordinance 494, Section 6.03(3) – Easements.
 - ii) Sewer laterals shall be located within the right-of-way of streets per the City Public Works Director.
- b) WATER improvement plans which include the following:
- i) Hydrant fire-flow shall be 1,000 gallons per minute at 20 pounds per square inch residual for 1 hour for dwellings having a fire-flow calculation area that does not exceed 3,600 square feet. Fire-flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet the hydrant fire-flow shall be 1,500 gallons per minute at 20 pounds per square inch residual for 1 hour in accordance with Oregon Fire Code Appendix B Section B105.
 - ii) Hydrants shall be 400 apart in accordance with the Oregon Fire Code Appendix C Section C105, Table C105.1 and the Lane Fire Authority.
 - iii) All new water main connections will be required to be a minimum of 8-inch, blow offs will be required at all dead end lines and water services to be installed in the public utility easement behind the sidewalk.
- c) DRAINAGE FACILITY improvement plans which include the following:
- i) The Final Plat for Phase 1, shall include a blanket public drainage easement over the stormwater detention pond area, in accordance with the City Engineer and Veneta Land Development Ordinance No. 493, Section 5.14(6) – Utility and Drainage Easements.
 - ii) All stormwater facility plantings shall comply with the requirements of the city adopted 2008 Portland Stormwater Management Manual, Revision #4.
 - iii) For each phase, details for managing the off-site flows from the west shall be included in the public improvement plans in accordance with the City Engineer and Veneta Land Division Ordinance No. 494, Section 7.03(2) – Surface drainage and storm sewer system. The conveyance system to accommodate off-site flows shall be sized to convey a 25-year storm assuming full build out of the contributing area. If the off-site drainage will be routed to the on-site stormwater treatment and detention facilities, they will need to be sized to accommodate this flow.
 - iv) The proposed stormwater treatment manhole at the north end of Oaks Orchard Road is not an acceptable device for public maintenance according to the City Engineer. Stormwater treatment for the northern end of Oaks Orchard Road may occur via the street swales and detention pond constructed with Applegate Landing Phase 2 according to the City Engineer.
 - v) Execute and record stormwater agreements approved by the City Engineer, for maintenance of all stormwater swales and detention ponds. The stormwater agreements shall provide for City maintenance of the ponds and open drainages for functionality only. The Madrone Ridge Homeowner’s Association will be responsible for performing all other maintenance in accordance with the City Engineer.

- vi) The applicant shall apply for, and obtain, Lane County land use approval (Special Use Permit) for construction of the proposed stormwater detention pond on Assessor's Map and Tax Lot No. 18-06-01-00-01608, in Lane County, under the process outlined in LC16.211(3)(j), as required by Lane County and the City Engineer with Phase 1.
- d) STREET and ACCESS improvement plans which include:
- i) Emergency vehicle turn-a-rounds at the west end of Perkins Road and Archibald Lane, north end of Arbutus Avenue and Bearberry Drive, in accordance with the Lane Fire Authority and Oregon Fire Code Appendix D, Section D103.4 and Veneta Land Division Ordinance 494, Section 6.02(6) - Future Extension of Streets. Turn-a-rounds shall be exclusive of private driveways and shall be constructed to support loads of 55,000 pounds or as otherwise in accordance with the Lane Fire Authority and Oregon Fire Code.
 - ii) Curbs painted yellow 10-feet to each side of all hydrants to indicate "No Parking".
 - iii) One-foot reserve strips at the terminus of all dead-end streets in conformance with Veneta Land Division Ordinance No. 494, Section 6.02(4) – Reserve Strips.
 - iv) Provide street lighting in conformance with Veneta Municipal Code, Chapter 15.15.060 - Street Lights.
 - v) All ADA curbs return ramps shall be installed as part of the public improvements for each phase, in accordance with the City Engineer and Veneta Land Division Ordinance No. 494, Section 7.03(5) - Sidewalks. Sidewalks and street trees shall be installed on road frontages as part of Phase 1 public improvements at tree conservation and storm drainage easement areas.
- f) LANSCAPING improvement plans which include:
- i) Planting details for planter strips including street tree size, species, irrigation and location. Tree locations shall not interfere with public utilities or sight distances (clear vision areas) in conformance with the adopted Southwest Area Specific Plan, Table 3, Street Standards - Landscaping, Veneta Land Development Ordinance 493, Section 5.12 - Landscaping and Section 5.28 - Street Trees.
 - ii) Submit and receive approval of a Final Landscape Plan indicating the location of street trees that complies with the size, growth characteristics, spacing and location of Veneta Land Development Ordinance No. 493, Section 5.28(1-4) – Street Trees and the adopted SWAP design standards. Depict a minimum 30-40-foot interval street tree placement, in accordance with Veneta Land Development Ordinance No. 493, Section 5.28(3) – Street Trees, Spacing and Location and adopted SWAP, Table 3 – Street Standards.
 - iii) Clear vision areas within proposed Storm Drainage and Tree Conservation Areas in accordance with Veneta Land Development Ordinance 494, Section 5.03 - Clear Vision Areas.
 - iv) Planting details for all open space tracts including tree, shrub, and grass planting rates and irrigation methods in accordance with Veneta Land Development Ordinance, Section 5.12 - Landscaping.
 - v) Detention treatment facilities landscape plantings shall conform to the adopted 2008 Portland Stormwater Management Manual, Revision #4, and Veneta Land

Development Ordinance No. 493, Section 5.12(11) and approved by the City Engineer.

- g) UNDERGROUND UTILITY improvement plans which include: telephone, electric, and cable. Installation of utilities must be coordinated with the appropriate regulatory agencies in accordance with Veneta Land Division Ordinance 494, Section 7.03(9) – Other.
 - i) Underground utilities including broadband fiber conduit in accordance with Veneta Municipal Code, Chapter 13.030.020(4) - Installation of Underground Facilities.
- h) GRADING improvement plans which includes:
 - i.) Maximum street grade shall not exceed 12 percent per Oregon Fire Code Section 503.2.7 and the Lane Fire Authority.
- 6) After approval of engineered plans for streets, sewer, water, storm drainage systems, and utilities the applicant shall post a performance bond, in favor of the City, to assure that the subdivision improvements are completed. The bond shall be between the applicant and the City. The performance bond shall be equal to the cost of public improvements for city water and sewer main extension and services, streets, which includes curbs, gutters and drainage, sidewalks, and all other public improvements and utilities. The cost of public improvements shall be based on an estimate prepared and/or approved by the City Engineer. Performance bond shall be in the form of a surety bond, irrevocable letter of credit, cash, or other financial instrument acceptable to the City Attorney in accordance with Veneta Land Division Ordinance 4.02(7) - Performance Bonds and Irrevocable Agreements.
- 7) Obtain all required permits and reimburse the City for all engineering inspection and plan review fees according to Resolution No. 767 - A Resolution Establishing Land Use Planning Fees. Permits include, but are not limited to the following:
 - i.) Obtain permits if necessary for removal of existing wells and septic.
 - ii.) Obtain permits to work within the City right-of-way.
- 8) Submit a development agreement (to be recorded at applicant's expense) stating:
 1. Clear vision areas (i.e. Lots 2, 4, 9, 12, 16, 18, 19, 21, 24, 24, 25 - 27, 31, 32, 45, 46, 51, 52, 65, 66, 71, 72, 85, 86, 90, 91 and 96) including those shown on the tentative plans and a triangle with 20-foot sides on all corner lots shall be permanently maintained and fifteen (15) feet leg lengths at all panhandle – street intersections. These areas shall contain no 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.
 2. All parcels shall meet the landscaping requirements of Veneta Land Development Ordinance 493, Section 5.12 - Landscaping, prior to occupancy.
 3. Where practicable, corner lots shall take access from the street with the lowest functional class.

4. Any trees identified for preservation, and all newly planted trees used to meet the conditions of approval contained herein, shall not be removed without an approved Tree Removal Permit from the City in accordance with Veneta Municipal Code, Chapter 8.10 - Tree Cutting, Destruction and Removal.

PRIOR TO FINAL PLAT APPROVAL

- 9) The applicant shall apply for and obtain special use permit approval for the detention pond on Map and Tax Lot No. 18-06-01-00-01608, with Phase 1, under the process outlined in LC16.211(3)(j) and construct the pond, in accordance with Lane County and the City Engineer.
- 10) For Phase 1, the applicant shall record a blanket public drainage easement, acceptable to the city attorney, over the stormwater detention swale area located south of Lots 1 and 2 per the City Engineer. The easement shall also be illustrated on the Final Plat for Phase 1. The easement shall include provisions for City of Veneta staff and Madrone Ridge homeowners to construct, maintain, and access the stormwater facility. The detention swale area shall be fenced with access provided via the dead end of 8th Street.
- 11) The applicant shall receive approval of all proposed road names from the Lane County Road Naming Committee.
- 12) Enter into a shared access and maintenance agreement between proposed lots 26, 28-31, 46-51 and 86-90 in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(1) - Access.
- 13) The applicant shall provide for each phase, one (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 the City Engineer and Veneta Land Division Ordinance No. 494, Section 6.02(4) – Reserve Strips.
- 14) The applicant shall provide the City with recorded copies of all deeds, easements, development agreements, and Irrevocable Petitions for Public Improvements required as conditions of approval.
- 15) All flag lots shall be at least 20-feet wide for the entire length with a paved surface of 12-foot in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(5)(c)1.a – Flag Lot Access Pole.
- 16) The applicant shall submit a final plat for approval within three years of tentative approval. The final plat shall be prepared in accordance with Veneta Land Division Ordinance 494 and Oregon Revised Statutes Chapter 92 and shall include the following:
 - i.) The width and locations of easements must meet City and utility company requirements. All easements are to be shown on the plat.
 - ii.) All public stormwater and sanitary sewer piping shall be located within public rights-of-way or in a public utility easement (PUE) adjacent to right-of-way, unless

otherwise approved by the City Engineer during the public improvement review process.

iii.) Phase 1 (Madrone Ridge) shall include a right-of-way dedication of 5.3 feet wide for 7th Street along the eastern property boundary between Perkins Road and Westfield Avenue. A 7-foot wide public utility easement shall also be included on the Final Plat adjacent to the 7th Street right-of-way along the eastern property boundary between Perkins Road and Westfield Avenue as required by the City Engineer.

17) The applicant shall install/construct broadband fiber conduit in accordance with Veneta Municipal Code, Chapter 13.30.020(4) – Installation of Underground Facilities.

18) Include plat notes as follows:

- i.) A triangle with 25-foot sides shall be permanently maintained as a clear vision area on all corner lots. These areas, and all vision clearance areas shown on the approved subdivision plan, shall contain no 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.
- ii.) If an improvement bond is posted in lieu of improvements being installed, include a plat note which states that building permits will not be issued until all public improvements are installed.

19) 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 upon review of design and supporting analysis prepared by the applicant's engineer. 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. This shall be completed in accordance with the Veneta Land Division Ordinance 494, Article 7, Sections 7.03, 7.05 and 7.06. Public improvements must include all improvements required by the Veneta Land Division Ordinance, the Planning Commission's conditions of approval, and must be installed in accordance with plans approved by the City.

20) The applicant shall obtain a "Letter of Substantial Completion" from the City of Veneta for improvements, which have been installed and approved by the City.

21) The applicant shall provide the City with a one (1) year subdivision warranty bond for public improvements installed and approved by the City. The bond shall be in favor of the City and shall be between the developer and the City.

22) The applicant shall submit and receive approval of a Revised Tree Removal Plan that depicts a total of thirty (30) percent of the total significant tree diameter on the site will be preserved.

- 23) The applicant shall provide documentation from a Certified Arborist discussing the likely impacts of the CRZ's (Tree ID No.'s 219, 628, 641-645, 716-718) and mitigation proposed, in accordance with Veneta Municipal Code, Chapter VMC 8.10.090(3)(a)(ii)(A)2 and VMC 8.10.130(4) – Construction Near Preserved Trees.
- 24) Plant a total of 518 mitigation/ replacement trees (+343 heritage tree replacement +350 significant tree replacement -172 street trees -3 tree credits/otherwise allowed with Type A permit) or provide payment in the amount of \$129,500, in lieu of tree mitigation/ replacement tree planting as permitted in Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011.
- OR** Plant a total of 491 mitigation/ replacement trees (343 heritage tree replacement + 350 significant tree replacement -172 street trees and -27 individual lot trees for Planning Commission consideration -3 tree credits/otherwise allowed with Type A permit) in accordance with VMC, Chapter 18.10 or provide payment in the amount of \$122,750 in lieu of tree mitigation/ replacement tree planting as permitted in Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011. The applicant shall sign and record a Development Agreement, prior to building permit issuance, for each affected lot. The applicant shall post a 3-year performance bond, in favor of the City, in the amount of \$6,750 (27 replacement trees x \$250 payment in lieu of planting).
- 25) If planting of required mitigation trees is chosen in lieu of payment, then a Tree Mitigation Plan will be required to be submitted and approved prior to planting of replacement trees. Planting of no more than 25 percent of any one species of the replacement trees required shall be allowed in accordance with VMC, Chapter 8.10.120(3)(b) – Mitigation. The applicant shall care for the replacement trees, in accordance with VMC Chapter 18.10.120(3)(e) - Mitigation. The applicant shall enter into an irrevocable development agreement with the city for three years after the replacement tree planting date, if chosen in lieu of payment, in accordance with VMC, Chapter 8.10.120(3)(f) - Replacement Trees.
- 26) A Maintenance Plan for proposed storm water detention facilities for functionality only, approved by the City Engineer and City Public Works Director.
- 27) A 7-foot wide public utility easement dedication shall be included on the Final Plat adjacent to the required 7th Street right-of-way dedication along the eastern property boundary between Perkins Road and Westfield Avenue in accordance with the City Engineer.
- 28) Water meters shall be located behind the sidewalk in the public utility easement in accordance with Veneta Land Division Ordinance No. 494, Section 7.03(4) – Water Systems and the City Engineer.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 29) Provide the City with a recorded copy of the Final Plat.

- 30) Provide the City with recorded copies of all deeds, easements, development covenants, and Irrevocable Petitions for Public Improvements required as conditions of approval.
- 31) Compliance with landscape requirements of Veneta Land Development Ordinance 493, Section 5.12(1-6) – Landscaping, for each individual lot.
- 32) Construct all required emergency accesses for all applicable dwellings.
- 33) Setbacks for all flag lots (lots 28-30, 47-50 and 87-90) shall be a minimum of 10-feet from all lot lines and garages shall be setback a minimum of 20-feet from the front line abutting the pole in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(5)(c)3.e.1.
- 34) Provide residential driveways that conform to Veneta Land Development Ordinance 493, Section 5.24(1) – Access Management, specifically, proposed Lot 24 will be required to provide a residential driveway from 8th Street, a Minor Collector.

PRIOR TO CERTIFICATE OF OCCUPANCY FOR EACH LOT

- 35) The applicant shall construct and install all required sidewalks in accordance with Veneta Land Division Ordinance No. 494, Section 7.03(5) - Sidewalks.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission approves with conditions the Madrone Ridge Subdivision tentative plan (S-2-14) and associated Type C Tree Removal Permit based on the information in the staff report and the following findings of fact:

Tentative Subdivision, applicable criteria. Ordinance language is in italics. Findings are in bold.

Veneta Land Division Ordinance 494, Article 4 - Subdivision
Section 4.01 Tentative Plan Submission Requirements

A Pre Application Conference was held on November 15, 2013. The tentative subdivision application was submitted and deemed complete on December 3, 2014 in accordance with the Tentative Plan Submission Requirements per Veneta Land Division Ordinance No. 494, Section 4.01.

Veneta Land Division Ordinance 494, Article 4 - Subdivision
Section 4.03 Categories for Tentative Plan Review Criteria

The Planning Commission may approve, approve with conditions, or deny a tentative plan based on the standards found in the following sections of the Land Division Ordinance, Land Development Ordinance, and other 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.

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.

The proposal complies with this standard. The applicant is proposing to construct the subdivision in phases (5 total) and for street connections to terminate at the proposed phase boundaries. The subject site does not contain wetlands but does contain isolated areas of steep slope (15%-20%) according to City GIS data (i.e. in the vicinity of proposed lot #'s: 79, 90-96 along the western boundary of proposed Phase 5). The isolated area of slope (15-20%) along the western boundary will not impede development of Perkins Road through the site.

The proposed street layout is interconnected yet slightly modified from the adopted Southwest Area Specific Plan ‘Concept Plan’ with the elimination of Westfield Avenue continuing through the site to the west and slight curve of Perkins Road to the north. However, the proposed street layout complies with block length standards as discussed below (under Veneta Land Division Ordinance No. 494, Section 6.03(2)) and still provides connectivity throughout the subdivision with the extension of Perkins Road through the site.

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

This standard does not apply to the proposal as connections to adjacent land will be required, and where connections are required, there are generally no buildings or other existing development on adjacent lands that preclude connectivity.

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.

This standard is not applicable as there are no proposed cul-de-sacs within this phase of the SWAP.

(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.

The proposal complies with this standard. The proposed street network was designed as part of the SWAP, which was adopted by the City on April 10, 2006. As discussed previously, the proposed street layout is slightly modified from the adopted Southwest Area Specific Plan ‘Concept Plan’ with the elimination of Westfield Avenue continuing through the site.

The proposed street layout complies with block length standards as discussed under Veneta Land Division Ordinance No. 494, Section 6.03(2) below. Connectivity throughout the subdivision is provided with the extension of Perkins Road through the site and therefore serving the lesser classified streets in terms of access.

(2) Standard right-of way and street widths.

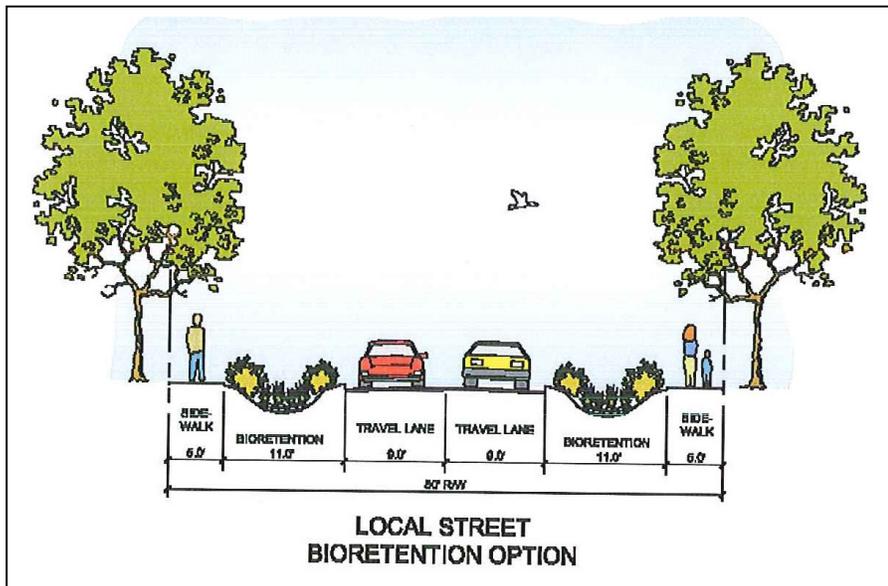
The proposed subdivision is part of the Southwest Area Plan (SWAP) / Specific Development Plan. Alternative street standards adopted for the plan area are as follows.

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

<i>Standard</i>	<i>Street Classification</i>				
	<i>Local One-Way</i>	<i>Local Two-Way</i>	<i>Minor Collector</i>	<i>Major Collector</i>	<i>Alley</i>
<i>Right-of-Way Width</i>	<i>20 ft.</i>	<i>50 ft.</i>	<i>60 ft.</i>	<i>60 ft.</i>	<i>16 ft.</i>

Standard	Street Classification				
	Local One-Way	Local Two-Way	Minor Collector	Major Collector	Alley
Roadway Paving Width*	16 ft. <i>(9 ft. travel lane, 7 ft. parking stalls)</i>	32 ft. <i>(9 ft. travel lanes, 7 ft. parking stalls)</i>	39 ft. <i>(11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)</i>	39 ft. <i>(11 ft. travel lanes, 5 ft. bike lanes, 7 ft. parking stalls)</i>	12 ft.
Motor Vehicle Parking Allowed	<i>one side</i>	<i>both sides</i>	<i>one side</i>	<i>one side</i>	<i>no</i>
Bicycle Lanes Required	<i>no</i>	<i>no</i>	<i>yes</i>	<i>yes</i>	<i>no</i>
Sidewalks Required	<i>One side (can be integrated with roadway if delineated with contrasting surface material or texture)</i>	<i>One side if a stormwater swale is located in the right-of-way or if there is a park or common open space with a parallel pedestrian path. Both sides in all other situations.</i>			<i>no</i>
Sidewalk Width	<i>4 ft. min.</i>	<i>5 ft. min.</i>			<i>n.a.</i>
Landscaping	<i>The remainder of the right-of-way, including the stormwater swale, shall be landscaped. Street trees shall be planted at an average spacing of no greater than 40 feet.</i>				<i>no</i>
Maximum Block Length	<i>600 ft. Greater length is allowed in order to minimize wetland crossings.</i>				<i>n.a.</i>
Maximum Cul-de-Sac Length	<i>No maximum length. Maximum of 20 lots facing the cul-de-sac.</i>				<i>n.a.</i>
Off-Street Bicycle/Pedestrian Paths					
Lighting	<i>All parks, bicycle/pedestrian paths, and open spaces intended for public use shall be lighted as required by the City.</i>				
Off-Street Bicycle/Pedestrian Paths	<i>Paved bicycle/pedestrian paths shall be a minimum of 10 ft. wide or as otherwise approved by the City. Pathways required to serve as emergency access routes shall be a minimum of 14 ft. wide and engineered to support a load of 55,000 pounds. All paved paths shall be constructed of 5 in. of Portland Cement over approved base or as otherwise approved by the City. Soft surfaced paths shall be constructed with materials as required by the City.</i>				

Figure 14, Street Cross Sections (adopted Southwest Area Specific Plan)



The proposal complies with this standard. Proposed Madrone Ridge Drive, Arbutus Avenue, Bearberry Drive, Oaks Orchard Road, Westfield Avenue and Archibald Lane are classified as Local Two-Way streets. Perkins Road is classified as a Major Collector and 8th Street is classified as a Minor Collector according to Map 12 of the Veneta Transportation System Plan. The Proposed Plan (see Sheet 3) and Paving Details (see Sheet C-1.2) depict street widths, sidewalks and bike lanes that comply with the adopted SWAP, Table 3 - Street 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.

As conditioned, the proposal complies with this standard. The final plat for each phase shall include one (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 the City Engineer and Veneta Land Division Ordinance 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.

The proposal complies with this standard. The proposed street layout is similar to the adopted SWAP but varies slightly with Westfield Avenue not continuing through the site to the west. However, the proposal complies with block length standards. A “T” intersection is proposed where Westfield Avenue terminates to the west at Oaks Orchard Road and a minimum distance of 200 feet between the center lines of streets having approximately the same direction (i.e. Sun Ridge Way and Perkins Road) is provided as shown on Sheet 3 - Proposed Plan.

(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.

As conditioned, the applicant complies with this standard. The proposal includes extensions of streets to the boundaries of the subdivision in order to permit the satisfactory future division of adjoining land. Dead end streets will occur until the property to the west and north are developed and will be required to have a turn-around.

Prior to final plat approval, the applicant shall provide emergency vehicle turn-around's on the west end of Perkins Street and Archibald Lane, north end of Arbutus Avenue and Bearberry Drive in accordance with Lane Fire Authority and Oregon Fire Code Appendix D, Section D103.4.

(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.

This standard is not applicable.

(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.

The proposal complies with this standard. The proposed streets are laid out to intersect at right angles except for Perkins Road which slightly curves near proposed lot #25 and #26. Perkins Road is classified as a Major Collector and does not intersect with an arterial within the subject site boundaries.

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

As conditioned, the proposal complies with this standard. Although not currently constructed, 7th Street will exist along the eastern property boundary as part of development for Applegate Landing Phase 3 (City File# S-1-14) of the SWAP. The Final Plat for Phase 1, Madrone Ridge, shall include a right-of-way dedication of 5.3 feet wide for 7th Street along the eastern property boundary between Perkins Road and Westfield Avenue. A 7-foot wide Public Utility Easement (PUE) dedication shall also be included on the Final Plat adjacent to the 7th Street right-of-way, in accordance with the City Engineer and Veneta Land Division Ordinance No. 494, Section 6.02(9) – Existing Streets.

(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.

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

(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.

This standard does not apply. There are no cul-de-sacs proposed or required.

(12) *Street names.* Except for extensions of existing streets, no street name shall be used which will duplicate or 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.

The proposal complies with this standard.

(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.

As conditioned, the proposal complies with this standard. According to the applicant's submittal (see Sheet C-1.0 and Sheet C-1.1 – Grading and Storm Drainage Plans), grades for proposed collector and all other streets will not exceed the standard. Perkins Road is proposed to have a six (6) percent grade towards the west side of the subject property and decreases in slope to a two (2) percent grade to the east. All other streets are proposed to have less than one (1) percent grade with the exception of Westfield Avenue which is proposed to have a two and a half (2.5) percent grade. The Lane Fire Authority has commented maximum street grade shall not exceed 12 percent per Oregon Fire Code Section 503.2.7. The City Public Works Director has commented that the proposed plan follows the natural grading of the site and additional fill may be needed for lot drainage.

(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.

This standard is not applicable, as no railroad right-of-way is located on or near the subject property.

(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.

The proposal complies with this standard. Perkins Road abuts the site to the east, once it is constructed with Phase 3 (Applegate Landing) of the SWAP. Perkins Road will continue through the site as a Principal Arterial in accordance with Map 12 of the Veneta Transportation System Plan. The proposed layout complies with the layout of streets approved with the adopted SWAP, where no marginal streets or reverse frontage lots were proposed.

(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.

This standard is not applicable. The subject property is zoned for residential use.

Veneta Land Division Ordinance 494, Article 6 – Design Standards
Section 6.04 Building Sites

(1) 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.*

As conditioned, the proposal complies with this standard. All lots are proposed for single-family housing and abut upon a street other than an alley for a width of at least 50-feet in conformance with this standard. A majority of the lots abut upon a street for 60-feet. Proposed Lots 10, 11 and 21 are the minority which abut upon a street for 50-55 feet.

The applicant is proposing ten (10) flag lots (i.e. proposed lots 28-30, 47-50 and 87-89) as depicted on the submitted ‘Proposed Plan’. Flag lots are allowed in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(5). Prior to final plat, the applicant shall enter into a shared access and maintenance agreement between all flag lots (i.e. proposed lots 28-30, 47-50 and 87-89) in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(1) - Access.

(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.*

The proposal complies with this standard. The tentative subdivision request has been referred to the Planning Commission for approval/ denial as required with all tentative subdivision requests. Provisions defined under Veneta Land Division Ordinance No. 494, Section 6.04(a)1 applies to the site, however, 6.04(5)(a)2-6 are not applicable. The applicant has stated in the Memo dated January 24, 2015 and attached as Exhibit to the Staff Report, that if the Planning Commission does not approve the proposed panhandle lots (28-30, 47-50 and 87-89) the applicant will support a condition of approval that streets be extended to the property line, in lieu of panhandle drives.

(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.*

The proposal complies with this standard. The applicant is proposing ten (10) flag lots (28-30, 47-50 and 87-89) as depicted on the submitted Proposed Plan. The proposal complies with all three (3) requirements listed under Veneta Land Division Ordinance No. 494, Section 6.04(5)(b)1.-3 per the following:

- The remainder depth just south of the proposed Perkins Road extension is almost twice as deep (+/-193 feet) than other proposed lots. If flag lots were not proposed to the south of the proposed Perkins Road extension then linear (i.e. north-south) lot development off of Perkins Road to the south would create deeper than necessary lot development considering the proposed alignment of Perkins Road.**
- Perkins Road is proposed to curve to the north, in order to meet up with Bolton Hill Ranch Estates 1st Addition to the west, in a manner that provides the curve on the gentlest slope along the easterly portion of the subject site.**
- Given the layout of proposed streets (particularly Perkins Road) the proposal complies with this standard. The proposed alignment of Perkins Road allows creation of larger lots. The general layout of streets was already defined and the proposal follows the intent of the SWAP.**
- Only one flag pole is proposed and shared access agreements will be required for any shared flag poles. The proposal includes shared access and utility easements as depicted on Sheet 3 - Proposed Plan.**
- Minimum lot size (6,000 square feet) and maximum lot coverage (40%) requirements of the Single-family residential can be met with the proposed flag lot development. The smallest flag lots proposed include Lots 30, 47, 50 and 87 at 6,000 square feet. The largest flag**

lots proposed include Lot 89 at 13,343 square feet.

- **The adopted Southwest Area Specific Plan Development Standards (i.e. adopted SWAP Table 2 - Development Standards) references panhandle lots as being permitted with a minimum 15-foot street frontage in the Single Family Residential (SFR) zone for lots within the SWAP boundaries. A paved surface of at least 12-feet is proposed and required in conformance with VLDO, Section 6.04(5)(c) – Flag lot access pole.**

(c) Flag lot access pole. The pole portion of the lot must meet the following standards:

1. The pole providing access to:

a. A unit of land creating three (3) or less lots shall connect to a street and must be at least 20 feet wide for its entire length and have a paved surface of 12 feet, or 25 feet if the length from the centerline of the street right-of-way to the flag portion is more than 150 feet.

b. A parent parcel with the potential area to create more than three (3) lots shall connect to a street and must be at least 25 feet wide for its entire length with a paved surface of at least 18 feet.

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

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

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

(e) Flag lot development standards. The following standards apply to development on flag lots:

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

As conditioned, the applicant complies with this standard. The applicant is proposing ten (10) flag lot access poles. According to the Proposed Plan, the flag lot access poles which serve Lots 28-30 are sixteen and a half (16.5) feet wide each. The flag lot access poles which serve Lots 47-50 are twelve and a half (12.5) feet wide each. The flag lot access poles which serve Lots 87-89 are sixteen and a half (16.6) feet wide each. All proposed flag lots are precisely 150-feet or less than 150-feet in length. The applicant is proposing for the flag lots to be developed as shown on the “Private Drive” cross section proposed on Sheet C-1.2 (Paving Details). Three lots (28-30) will be served by a 28-foot paved driveway with 5-foot sidewalks. Four lots (47-50)

will be served by a 28-foot paved driveway with 5-foot sidewalks. Three lots (86-90) will be served by a 28-foot paved driveway with 5-foot sidewalks. Panhandle lots are permitted as referenced in Adopted SWAP, Table 2 – Development Standards with a minimum 15-foot minimum street frontage. Therefore, prior to final plat approval, all flag lots (28-30, 47-50 and 87-89) shall have a minimum 15-foot street frontage.

Prior to final plat approval, all flag lots shall be at least 20-feet wide for its entire length and have a paved surface of at least 12-feet for its entire length, in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(5)(c)1.a – Flag Lot Access Pole. The applicant is proposing a shared access and utility easement for all shared flag lots as shown on Sheet 3 – Proposed Plan.

Prior to final plat approval, the applicant shall enter into and record a shared access and maintenance agreement between proposed flag lots and be approved by the City Engineer and City Attorney in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(5)(c)3. Prior to building permit approval for all flag lots (i.e. Lots 28-30, 47-50 and 87-89), setbacks shall be a minimum of 10-feet from all lot lines and garages shall be setback a minimum of twenty (20) feet from the front line abutting the pole in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(5)(c)3.e.1.

Veneta Land Division Ordinance 494, Article 7 – Improvement Requirements
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.*

As conditioned, the proposal complies with this standard. 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 upon review of design and supporting analysis prepared by the applicant's engineer. A Proportionate Cost Sharing Agreement

(City File Agreement# A-120) for transportation impacts per lot was entered into for the entire Southwest Area Specific Plan area. Although Hayden Enterprises, Inc. entered into the Cost Sharing Agreement in 2007, Section 5.1 - Assignability of the recorded agreement states that the agreement shall be *“fully assignable, in whole or in part, by any Party and shall bind and inure to the benefit of the Parties and their respective successor and assigns. If any portion real estate which is subject to the Plan and the Development has not been approved for development as a Phase and is sold, the duties, rights and interest of Hayden under this agreement shall become the duties, rights and responsibilities of that purchaser.”*

- (5) *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.*

As conditioned, the proposal complies with this standard. The applicant is proposing sidewalks and planting strips with street trees along all streets except the proposed private drives. Sidewalks are required to be installed at the time of final occupancy with building permit. There will be no building permit necessary for the areas along the proposed storm drainage easements and tree conservation easements and therefore, sidewalks and street trees shall be installed on road frontages as part of Phase 1 public improvements, at tree conservation and storm drainage easement areas in order to ensure connectivity of the sidewalks are constructed.

All ADA curbs return ramps shall be installed as part of the public improvements for each phase, in accordance with the City Engineer and Veneta Land Division Ordinance No. 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 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.*

This standard is not applicable to Phase 4 of the SWAP. Bicycle Lane are required along Perkins Road as it is a Major Collector per Table 3 – Street Standards of the adopted SWAP. However, the adopted SWAP concept plan does not indicate additional bicycle routes are necessary within this phase of the SWAP.

Veneta Land Development Ordinance 493, Article 5 – Supplementary Provisions
Section 5.02 – Access

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

The proposal complies with this standard. Each lot is proposed to abut a street other than an alley for a width of at least 50-feet and proposed flag lots conform with the development standards of the adopted SWAP and VLDO, Section 6.04(5). The applicant is proposing to develop the site in five (5) separate phases as depicted on Sheet 1 (Cover Sheet). A shared access agreement between all lots within a flag lot partition is required prior to the application for final plat, as conditioned previously.

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.*

As conditioned, the applicant complies with this standard. Prior to construction on the site, the applicant shall submit a development agreement to be recorded at the applicant's expense, for lot #'s 2, 4, 9, 12, 16, 18, 19, 21, 24, 25-27, 31, 32, 46, 51, 65, 66, 71, 72, 85, 86, 91 and 96 stating that: Clear vision areas including those shown on the tentative plans and a triangle with 20-foot sides on all corner lots shall be permanently maintained and fifteen (15) feet leg lengths at all panhandle – street intersections. These areas shall contain no 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.

- (2) *A clear vision area shall contain no plantings, driveways, fences, walls, structures or temporary or permanent obstruction exceeding 2 ½ feet in height, measured from the top of the curb or where no curb exists, from the established street center line grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight (8) feet above grade. See Figure 5.03(b).*

As conditioned above, the proposal complies with this standard. Prior to construction, the applicant shall submit and receive approval of a Final Landscape Plan depicting street tree locations, planting details for planter strips including street tree size, species, and location, irrigation and street tree locations shall not interfere with public utilities or sight distances (clear vision areas).

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

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

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

Table 5.23(a) Transit Facility Requirements	
<i>Number of Average Peak Hour Traffic Trips</i>	<i>Amenities Which May Be Required</i>
Residential	
<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>

According to the TIA submitted and prepared by Access Engineering, LLC, the proposal will produce an approximate 1012 new daily trips, 77 new AM peak hour trips and 101 new PM peak hour trips. The Lane Transit District was sent a referral request and did not provide a response. Therefore, staff is not requiring additional transit facilities for this phase of development within the SWAP.

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.*

As conditioned, the proposal complies with this standard. Proposed Lot 24 contains two accesses, one from 8th Street and one from Perkins Road. At time of building permit approval for each individual lot, the applicant will be required to provide residential driveways that conform to Veneta Land Development Ordinance 493, Section 5.24(1) – Access Management, specifically, proposed Lot 24 will be required to provide a residential driveway from 8th Street, a Minor Collector.

- (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.*

As mentioned above, driveways for individual lots will be examined at the time of building permit. Shared driveways will be encouraged whenever possible to reduce access points on collector streets.

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*

This standard is not applicable. According to City data, there are isolated slopes between 15-20% that exist (i.e. within proposed lots 90-94) on the subject site. These slopes are limited to a small portion of the western boundary, an isolated area on the site which exceeds the 15% limit as defined in Veneta Land Development Ordinance No. 493, Section 5.25. The average slope across the entire site in any direction does not meet or exceed a 15-foot rise in every 100-feet.

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 exist:

- (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 increased traffic resulting from the development will significantly contribute to documented traffic problems in the area based on current accident rates, traffic volumes, or speeds.*
- (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.*

The proposal complies with this standard as described in Section 5.27(3) below.

(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 c) 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.

The proposal complies with this standard as described in Section 5.27(3) below.

(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).

The proposal complies with this standard. A Transportation Impact Analysis prepared by Access Engineering, LLC dated September 19, 2014 was submitted as part of the tentative subdivision application as required. The City Engineer has provided comment in the Technical Memorandum dated December 18, 2014. The City Engineer made several findings that ultimately recommended approval of the submitted TIA. The City Engineer commented that the proposed development will add turning movements to the Huston Road and Hwy 126 northbound approach and result in an increase to the projected delay, but will not cause the northbound (or other) approaches to exceed the V/C standard. A preliminary traffic signal warrant analysis was provided per ODOT's Analysis Procedures Manual (APM) for Huston Road at Highway 126. The preliminary signal warrant analysis revealed that the

intersection is not anticipated to meet signal warrants at build-out for the future year 2018 analysis scenarios.

The Oregon Department of Transportation (ODOT) was sent a referral request for the proposed tentative subdivision and provided a response dated December 29, 2014. The response indicated that the applicant's submitted Traffic Impact Study did not contain queuing analysis which would have been scoped if the study has been required under ODOT's authority. In addition, the applicant's submitted study had utilized Synchro 6 analysis software which is no longer accepted by ODOT as it does not contain methodology from the current Highway Capacity Manual 2010. In summary, ODOT has proposed no mitigation measures.

A Proportionate Cost Sharing Agreement (City File Agreement# A-120) for transportation impacts per lot was entered into for the entire Southwest Area Specific Plan area. Although Hayden Enterprises, Inc. entered into the Cost Sharing Agreement in 2007, Section 5.1 - Assignability of the recorded agreement states that the agreement shall be "*fully assignable, in whole or in part, by any Party and shall bind and inure to the benefit of the Parties and their respective successor and assigns. If any portion real estate which is subject to the Plan and the Development has not been approved for development as a Phase and is sold, the duties, rights and interest of Hayden under this agreement shall become the duties, rights and responsibilities of that purchaser.*"

SANITARY SEWER, WATER, AND OTHER PUBLIC UTILITIES

(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.*

Veneta Land Division Ordinance 494, Article 6 – Supplementary Provisions **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.*

The proposal complies with this standard. The length, width, and shape of blocks have already been determined by the approved SWAP, which takes into account the topography and other considerations in configuring street layouts and block shape.

(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.*

The proposal complies with this standard. The length, width, and shape of blocks have already been determined by the approved SWAP, which takes into account the topography and other considerations in configuring street layouts and block shape. Regardless, proposed block lengths do not exceed the standard. The applicant has provided a diagram, received on January 20, 2015 and included as Exhibit to the staff report.

(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.*

As conditioned, the applicant proposal complies with this standard. Prior to approval of the Public Improvement Plans, the applicant shall provide a minimum 14-foot public utility easement over proposed sanitary sewer lines except for easements adjacent to the right-of-way which may be reduced to six (6) feet in width, in accordance with Veneta Land Division Ordinance 494, Section 6.03(3)(a) – Easements. Prior to Final Plat approval, a 7-foot wide public utility easement (PUE) dedication shall be included on the Final Plat adjacent to the required 7th Street right-of-way dedication along the eastern property boundary between Perkins Road and Westfield Avenue as required per the City Engineer.

Veneta Land Division Ordinance 494, Article 7 – Improvement Requirements
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.

(3) Sanitary Sewers. *Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains and shall take into account the capacity and grade to allow for desirable extension beyond the subdivision. In the event it is impractical to connect the subdivision to the City sewer system, the Planning Commission may authorize the use of septic tanks if lot areas are adequate considering the physical characteristics of the area. If sewer facilities will, without further sewer construction, directly serve property outside the subdivision, and the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the City Council may construct as an assessment project with such arrangements as are desirable with the sub-divider to assure financing his share of the construction. If the City Council chooses not to construct the project as an assessment project the sub-divider shall be solely responsible for the cost of improvements in accordance with City approved plans.*

The proposal complies with this standard. The proposed subdivision will be connected to the existing City sewer system. The proposed sewer shows the collection of the entire development entering the existing sewer system from two locations, Oaks Orchard Road and Eighth Street, both of which travel north to Eighth Street and head to the treatment plant. Capacity should not be an issue with this route according to the City Public Works Director. The proposed sewer system features three collection lines that are located within the back yards of the proposed lots which will not be allowed. Sewer laterals for all lots are to be located within the right-of-way of streets. Veneta Municipal Code 13.10.390 requires, “A separate and independent building sewer shall be provided for every building drain.” Prior to public improvement plan approval, all public stormwater and sanitary sewer piping shall be located within public rights-of-way or in a public utility easement (PUE) adjacent to right-of-way, in accordance with Veneta Land Division Ordinance No. 494, Section 7.03(3) – Sanitary Sewers and the City Engineer.

(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.

As conditioned, the proposal complies with this standard. Water to this development will be provided from the existing 12-inch water main located within Perkins Road as well as from an existing 8-inch line on Oaks Orchard Road. Capacity will not be an issue. Prior to final plat, water meters shall be located behind the sidewalk in the public utility easement in accordance with the City Engineer.

(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.

As conditioned, the proposal complies with this standard. Prior to construction, the applicant shall coordinate the installation of underground utilities with all utility companies affected persons or corporations in accordance with Veneta Land Division Ordinance 494, Section 7.03 – Improvements in Subdivisions. Prior to approval of public improvement plans, the applicant shall provide street lighting in conformance with Veneta Municipal Code, Chapter 15.15.060 – Street Lights.

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

Before final approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City an

agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the City for the cost of inspection by the City in accordance with Section 7.06.

As conditioned, the proposal complies with this standard. 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 Veneta Land Division Ordinance 494, Article 7, Sections 7.03, 7.05 and 7.06. Public improvements must include all improvements (including fiber conduit per Veneta Municipal Code Chapter 13.30.020(4)) required by Veneta Land Division Ordinance 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 5 – Supplementary Provisions
Section 5.14 – Improvements Requirements

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

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

As conditioned, the applicant complies with this standard, as all lots will be served by City water and sanitary sewers.

(6) Utility and Drainage Easements. Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

As conditioned, the proposal complies with this standard. The Final Plat for Phase 1 shall include a blanket public drainage easement over the stormwater detention pond area, in accordance with the City Engineer and Veneta Land Development Ordinance No. 493, Section 5.14(6) – Utility and Drainage Easements. Prior to

building permit approval, recorded copies of all necessary utility and access easements shall be provided.

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.”

As conditioned, the applicant complies with this standards. 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 Veneta Municipal Code, Chapter 13.30.020(4) – Installation of Underground Facilities. Prior to public improvement plan approval, the applicant shall update the plans to include fiber conduit installation in accordance with Veneta Municipal Code, Chapter 13.30.020(4) – Installation of Underground Facilities. As a general note, the City Public Works Director has commented that the proposed plans depict gas utilities which are not required at this time.

SURFACE WATER DRAINAGE

(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).

Veneta Land Division Ordinance 494, Article 7 – Improvement Requirements
Section 7.03 – Improvements in Subdivisions

(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. Design of drainage within the subdivision, as approved by the City Engineer, 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.

As conditioned, the proposal complies with this standard. The City of Veneta’s adopted Stormwater Manual is the 2008 Portland Stormwater Management Manual. A Stormwater Management Plan was completed for the Veneta Southwest Area Plan (SWAP) by Otak, Inc. dated November 10, 2006. Portland’s SWMM, the stormwater management plan for the SWAP and Veneta’s stormwater ordinance

requires post development peak runoff rates to match predevelopment levels. The City Engineer commented that the applicant's drainage report identifies off-site areas to the west that currently drain through the site. Off-site drainage will need to be intercepted, routed around the proposed lots, and conveyed through the site for each phase of development. Prior to final plat and public improvement plan approvals for each phase, details for managing the off-site flows from the west shall be included in the public improvement plans in accordance with the City Engineer and Veneta Land Division Ordinance No. 494, Section 7.03(2) – Surface drainage and storm sewer system. The conveyance system to accommodate off-site flows shall be sized to convey a 25-year storm assuming full build out of the contributing area. If the off-site drainage will be routed to the on-site stormwater treatment and detention facilities, they will need to be sized to accommodate this flow. In addition, the proposed stormwater treatment manhole at the north end of Oaks Orchard Road is not an acceptable device for public maintenance according to the City Engineer. Stormwater treatment for the northern end of Oaks Orchard Road may occur via the street swales and detention pond constructed with Applegate Landing Phase 2.

Prior to approval of the Final Plat for Phase 1, or prior to acceptance of the Public Improvements, the applicant shall execute and record stormwater agreements approved by the City Engineer, for maintenance of all stormwater swales and detention ponds. The stormwater agreements shall provide for City maintenance of the ponds and open drainages for functionality only. The Madrone Ridge Homeowner's Association will be responsible for performing all other maintenance in accordance with the City Engineer.

Veneta Land Development Ordinance 493, Article 5 – Supplementary Provisions
Section 5.14 – Improvement Requirements

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

(6) Utility and Drainage Easements. Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

As conditioned, the proposal complies with this standard. Water meters shall be located behind the sidewalk in the public utility easement in accordance with the City Engineer. All public stormwater and sanitary sewer piping shall be located within public rights-of-way or in a public utility easement (PUE) adjacent to right-of-way, unless otherwise approved by the City Engineer during the public

improvement review process. Prior to building permit approval, recorded copies of all necessary utility and access easements shall be provided.

Veneta Land Development Ordinance 493, Article 5 – Supplementary Provisions
Section 5.16 – Stormwater Detention and Treatment

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

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

As conditioned, the proposal complies with this standard. A Stormwater Management Plan was approved as part of the entire SWAP. However, the applicant is proposing detention pond facilities located on Map and Tax Lot No. 18-06-01-00-01608, outside of Veneta City limits. The City Engineer has commented that the detention swale is proposed outside of the UGB is detaining water from the City system and redirecting it back into the City system and is proposed to serve public rights-of-way. Lane County Department of Public Works has commented that the detention pond facilities outside of city limits and in Lane County jurisdiction is not a use permitted by right within the existing 'Impacted Forest' (F2) zone per Lane Code Chapter 16.211. Prior to final plat approval of a detention pond on Map and Tax Lot No. 18-06-01-00-01608, the applicant shall obtain special use permit approval for the pond under the process outlined in LC16.211(3)(j) and construct the pond, in accordance with Lane County. Lane County has also commented the special use permit is a Director-Level (commonly referred to as a Type 2) discretionary review process and approval of the permit cannot be guaranteed. Lane County will request City staff to comment on the Special Use Permit. Prior to Final Plat and Public Improvement Plan approval for Phase 1, the applicant shall apply for, and obtain, Lane County land use approval for construction of the proposed stormwater detention swale outside Veneta's UGB as required by the City Engineer. Prior to Final Plat approval for Phase 1, the

applicant shall record a blanket public drainage easement, acceptable to the city attorney, over the stormwater detention swale area located south of Lots 1 and 2 per the City Engineer. The easement shall also be illustrated on the Final Plat for Phase 1. The easement shall include provisions for City of Veneta staff and Madrone Ridge homeowners to construct, maintain, and access the stormwater facility. The detention swale area shall be fenced with access provided via the dead end of 8th Street. Prior to approval of the Final Plat for Phase 1, and prior to acceptance of the Public Improvements for Phase 1, the applicant shall execute and record stormwater agreements for maintenance of all stormwater swales and detention ponds. The stormwater agreements shall provide for City maintenance of the ponds and open drainages for functionality only in accordance with the City Engineer. The Madrone Ridge Homeowners' Association will be responsible for performing all other maintenance.

(2) The intent of these requirements is as follows:

- (a) To maintain runoff peak flows at predevelopment levels*
- (b) To provide treatment of runoff to limit the transport of pollutants to area waterways.*
- (c) 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.*
- (d) To encourage the use of vegetated treatment systems over structural pollution control devices*

As conditioned, the proposal complies with this standard. Prior to public improvement plan approval, the detention treatment facilities landscape plantings shall conform to the adopted Portland Stormwater Management Manual and approved by the City Engineer.

(3) 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.

As conditioned above, the proposal complies with this standard. The details of construction for Phase 4 will be reviewed during the Public Improvements review phase of this project to ensure that off-site water is being properly conveyed. Veneta Land Development Ordinance 493, Article 5 – Supplementary Provisions Section 5.26 – 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;*
- (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 0.0084*

The proposal complies with this standard. A seven (7) acre park will be dedicated as a condition of approval for Phase 3 (City File# S-1-14, approved on July 7, 2014) of the SWAP, which will provide parkland to all phases within the SWAP. Moreover, the impact of the park dedication regulation was considered during the review process for the SWAP (SDP-1-15, approved on April 10, 2006) and it was determined that 7 acres of park land was sufficient.

1. CASH IN LIEU OF DEDICATION

- (a) *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.*

This standard is not applicable as the necessary park land has already been conditioned as part of previous phases (Phase 3) SWAP improvements.

TOPOGRAPHY, FLOODPLAIN, WETLANDS, AND VEGETATION

- (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).*

The proposal complies with this standard. There are no identified floodplain on the subject property or significant wetlands according to the Veneta Local Wetland Inventory.

TYPE C – TREE REMOVAL

*Veneta Municipal Code, Chapter 8 – Health and Safety
Chapter 8.10: Tree Cutting, Destruction and Removal
Chapter 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)

The proposal complies with this standard. The applicant has submitted a Type C Tree Removal Permit in association with this tentative subdivision request for removal of three-hundred and fifty (350) significant trees and sixty-seven (67) heritage trees as defined in Veneta Municipal Code, Chapter 8.10 – Tree Cutting, Destruction and Removal.

Veneta Municipal Code, Chapter 8.10: Tree Cutting, Destruction and Removal
Chapter 8.10.060 Application review procedure.

(1)(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.

The proposal complies with this standard. The applicant has submitted the required plans and information, and has paid the applicable fees as required for a Type C Tree Removal permit.

(2) Timeline and Notice – Review Period for Complete Applications.

(b) Type C Permit applications shall be reviewed for completeness within 30 calendar days, and final action shall take place within 120 days as required by ORS 227.178. Notice of proposed action shall be given to surrounding property owners according to Land Development Ordinance 493 Article 2. A Type C permit shall follow the hearings procedures required for the accompanying land use application. If the accompanying land use application is denied or is withdrawn or expired, the tree removal permit shall similarly be denied, withdrawn, or expired.

The proposal complies with this standard. The City notified adjacent property owners of the Type C Permit application in association with the Tentative Subdivision Plan on December 10, 2014 in accordance with VMC 8.10.060(2) – Timeline and Notice. No comments were received.

(3) Conditional Approval. Whenever an application for a tree removal permit is granted, the reviewing authority may attach to the permit any reasonable conditions considered necessary to ensure compliance with applicable standards.

The Planning and Building Official has deferred this tree permit to the Planning Commission for consideration and final decision concurrent with the subdivision application.

Veneta Municipal Code, Chapter 8.10: Tree Cutting, Destruction and Removal
Chapter 8.10.090 Type C Permit.

(4) 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.

The proposal complies with this standard. The applicant has submitted an Addendum Arborist Report and associated addendums as prepared by Matthew Rivers, Certified Arborist.

(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;*

As conditioned, the proposal complies with this standard. The Arborist Report and applicant’s submitted narrative indicates the project proposes to utilize the Type C Tree Permit/ Option A – Numerical Preservation Standard for Residential Developments.

The following addresses Option A requirements per Veneta Municipal Code, Chapter 8.10.090(5)(a)(i) and 8.10.090(5)(c)(i-iii):

Preservation at least 30 percent of the total significant tree diameter on the site.

The applicant is proposing to preserve an approximate 2454.5-inches of significant tree diameter. The site comprises a total of out 7951-inches of significant tree diameter. Details of tree removal and retention are also shown on Sheets 13-16 of the attached proposed plan drawings.

Tree Inventory identifying all trees on the site, specifying location, species, and diameter of each tree.

The applicant submitted an Arborist Report and plans (see Sheets 13-16) which contain detail on the calculation of total trees, location of total trees, species of each tree and diameter of each tree (unhealthy trees, trees to remain, trees proposed for removal).

Prior to final plat, the applicant shall submit and receive approval of a Revised Tree Removal Plan that depicts a total of thirty (30) percent of the total significant tree diameter on the site will be preserved. This is necessary given the potential impacts to several trees (i.e. Tree ID No.’s 628, 641-645, 716-718) proposed to remain and within the Proposed Storm Drainage Easement Area along the east property boundary where proposed storm outfall piping will likely damage the tree CRZ’s (Critical Root Zones).

Veneta Municipal Code, Chapter 8.10: Tree Cutting, Destruction and Removal 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.

As conditioned below, the proposal complies with this standard.

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

Replacement trees = 1 + (A - Q)

Where:

A = Actual dbh of the tree in question.

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

As conditioned, the proposal complies with this standard. The applicant is proposing to remove 350 significant trees and 67 heritage trees with this phase of the SWAP. The 67 heritage trees removed equate to 343 heritage replacement trees according to the calculation methodology (1+ (A-Q)).

In addition, the applicant is proposing for the following tree credit towards mitigation: one hundred and seventy-two (172) street trees and twenty-seven (27) landscape trees on individual lots. The applicant has submitted a Proposed Street Tree Plan which was received on January 7, 2015. A Final Street Tree Plan will be required to be approved at the time of public improvement review and prior to final plat, the applicant will be required to plant the street trees in order for them to count towards tree mitigation credit as required by VMC 8.10.120(3)(d) – Replacement Trees.

The twenty-seven (27) trees proposed on individual lots are also proposed to count towards tree mitigation replacement for Planning Commission consideration. Veneta Municipal Code 8.10.120(3)(d) requires all replacement trees to be planted prior to plat for land divisions. However, Veneta Municipal Code 8.10.120(3)(b) states, “All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology)...” If trees were planted prior to plat, there would be the potential for damage to the trees from compaction by construction equipment. In addition, once the new homes were occupied, the property owner may want to relocate existing trees to preferred locations which may not provide the most beneficial growth conditions for new 2” caliper trees.

(3) Replacement Trees. Trees planted as mitigation must meet all of the following standards:

(a) To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged;

(b) All replacement trees shall be appropriately chosen for the site conditions (especially soil and hydrology) from an approved tree species list supplied by the city, and shall be state Department of Agriculture and American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade;

- (c) *All replacement trees shall be two-inch caliper. The planning official or planning commission may allow the use of replacement Oregon white oaks and other native trees with the largest available nursery stock if two-inch caliper trees are not available;*
- (d) *Replacement trees shall be planted prior to plat for land divisions and prior to issuance of final certificate of occupancy for other applications. Mitigation requirements shall run with the land until all required mitigation has been completed;*
- (e) *Replacement trees must be staked, fertilized, mulched, and irrigated as necessary to ensure survival; and*
- (f) *Trees planted as mitigation for a Type C permit shall be guaranteed by the permit grantee or the grantee's successors-in-interest for three years after the planting date through an irrevocable development agreement.*

As conditioned, the applicant complies with this standard. Depending on Planning Commission decision in regards to additional tree mitigation credit requested; the applicant will be required to comply, prior to final plat, with one of the two conditions listed below:

Condition #1: No credit for 27 trees on individual lots

Prior to final plat approval, plant a total of 518 mitigation/ replacement trees (+343 heritage tree replacement +350 significant tree replacement -172 street trees -3 tree credits/otherwise allowed with Type A permit) or provide payment in the amount of \$129,500, in lieu of tree mitigation/ replacement tree planting as permitted in Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011.

Condition #2: Credit for 27 trees on individual lots

Prior to final plat approval, plant a total of 491 mitigation/ replacement trees (343 heritage tree replacement + 350 significant tree replacement -172 street trees and - 27 individual lot trees for Planning Commission consideration -3 tree credits/otherwise allowed with Type A permit) in accordance with VMC, Chapter 18.10 or provide payment in the amount of \$122,750 in lieu of tree mitigation/ replacement tree planting as permitted in Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011. The applicant shall sign and record a Development Agreement prior to building permit issuance for each affected lot. In addition, if the applicant is permitted by the Planning Commission to plant 27 trees on individual lots after final plat and count those towards mitigation credit; the applicant shall, prior to final plat, post a three year performance bond, in favor of the City, in the amount of \$6,750 (27 replacement trees x \$250 payment of lieu of fee).

Prior to final plat approval, the applicant shall plant no more than 25 percent of any one species of the replacement trees required, in accordance with VMC, Chapter 8.10.120(3)(b) – Mitigation. The applicant shall care for the replacement

trees as proposed in the submitted Arborist Report and in accordance with VMC Chapter 8.10.120(3)(e) - Mitigation. Prior to final plat approval, the applicant shall enter into an irrevocable development agreement with the city for three years after the replacement tree planting date, in accordance with VMC, Chapter 8.10.120(3)(f) – Replacement Trees.

(4) Alternatives to On-Site Mitigation.

(a) Relocation or Replacement Off Site. If in the opinion of a certified arborist or landscape architect there is insufficient available space on the subject property to accommodate the required mitigation plantings, the following alternatives may be used to fulfill mitigation requirements:

(i) Replanting may occur on other property in the applicant's ownership or control within the city, or in a city-owned or dedicated open space or park. If planting on city-owned or dedicated property, the city may specify the species, size, and location of the trees. Nothing in this section shall be construed as an obligation of the city to allow trees to be planted on city-owned or dedicated property.

(ii) Payment in Lieu of Planting. The applicant may pay into the tree fund an amount equal to the number of replacement trees required times a per-tree rate as established by resolution of the city council.

As conditioned, the applicant complies with this standard. Prior to final plat, the applicant shall either plant the required replacement trees as conditioned above or required to provide payment to the city as conditioned above, in accordance with Veneta Municipal Code, Chapter 8.10.120(4) and City Resolution No. 1011.

(5) Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements as set forth in Veneta Land Development Ordinance Section 5.12.

The proposal complies with this standard. Trees preserved or planted as mitigation may be used to fulfill the landscaping requirements. The applicant is proposing twenty-seven (27) trees planted on individual lots to count towards tree mitigation/ tree replacement credit as described above.

Veneta Municipal Code, Chapter 8.10: Tree Cutting, Destruction and Removal
Chapter 8.10.130 Tree protection during construction

Where trees are to be preserved as part of a development plan, the following standards apply:

(1) All trees to be protected must be clearly differentiated from those being removed by clearly marking trees to be removed in an obvious visible manner such as bright-colored paint, ribbon, etc.

(2) Protective Barrier. Before development, vegetation removal, filling, or any land alteration for which a tree removal permit is required, the developer shall erect and

maintain suitable barriers to prevent damage to remaining trees. Barriers shall be erected at the edge of the critical root zone of trees to be preserved. Protective barriers shall not be moved and shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first. At a minimum, barriers shall consist of 48-inch-high heavy duty, high visibility plastic fencing, or silt fencing, attached to anchored metal or wooden posts.

- (3) Prior to commencement of ground-disturbing activities, the applicant shall request and receive an inspection of all tree protection barriers to ensure that the approved tree removal plans are accurately implemented on the ground. All inspection requests shall provide a minimum of 24 hours' notice.*
- (4) Construction Near Preserved Trees. No person may conduct any construction activity damaging to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment or depositing soils within the tree protection zone, attaching fencing or other items to trees, using trees as anchors, or placing irrigated landscaping within the protective barrier.*
- (5) Where trees are removed from within the CRZ of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. Removal of trees or stumps within the CRZ of a protected tree by pushing trees down or pulling trees and/or stumps out of the ground is prohibited.*

As conditioned, the proposal complies with this standard. In accordance with VMC, Chapter 8.10.130(1-5) – Tree Protection during construction, where trees are removed from within the Critical Root Zone (CRZ) of a tree to remain, the removal shall be done by cutting the tree near the ground and grinding the stump or leaving it in place. The proposed plans, specifically, Sheet 13 of 16 Tree Removal – Type C Plan, depicts several CRZ's (Critical Root Zones) of trees (i.e. Tree ID No.'s 628, 641-645, 716-718) proposed to remain in the area of the proposed storm drainage culvert, along the eastern boundary of the subject site. There is potential for these trees (i.e. Tree ID No.'s 628, 641-645, 716-718) CRZ's to be damaged during the construction of the storm piping as depicted on Proposed Sheet C-1.0 – Grading & Storm Drainage Plan.

VMC 8.10.090(3)(a)(ii)(A)2., requires all critical root zone of impacted tree to be mapped and extent of likely impacts provided by the Certified Arborist. Prior to final plat approval, a Certified Arborist shall provide documentation discussing the likely impacts of the CRZ's (Tree ID No.'s 628, 641-645, 716-718) and mitigation proposed, in accordance with Veneta Municipal Code, Chapter VMC 8.10.090(3)(a)(ii)(A)2 and Chapter 8.10.130(4) – Construction Near Preserved Trees.

In addition, Tree ID#219, is proposed to remain and may not survive given Bearberry Drive is proposed over one-quarter (1/4) of the trees critical root zone. Prior to final plat approval, a Certified Arborist shall provide documentation

discussing the likely impacts of the Critical Root Zone for Tree ID No. 219 and mitigation proposed.

Veneta Land Division Ordinance 494, Article 4 – Subdivisions
Chapter 4.03: Categories for Review of Tentative Plan Applications

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

The proposal complies with this standard. Development of all five (5) phases proposed can be accomplished in accordance with city requirements, as conditioned throughout this final order. The applicant is proposing to develop Phase 1 during the summer of 2015. Proposed phases 2-5 will be constructed thereafter.

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

The proposal complies with this standard. Adjoining land to the east of the subject site is Phase 3 of the SWAP which has received tentative subdivision approval but is not yet constructed. Future development of land to the north and west; will be provided for by extending roads and other services to the property lines to allow future development to City standards and in accordance with the adopted SWAP.

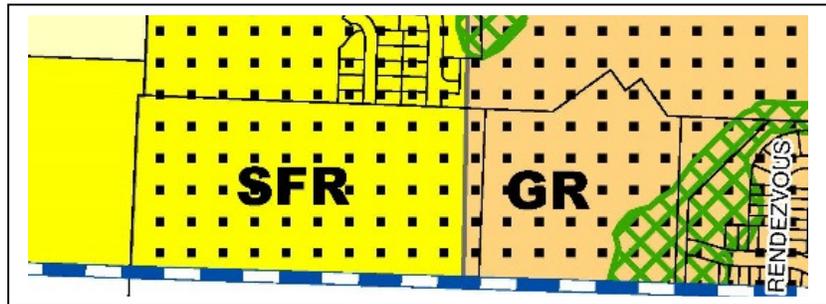
(7) The proposed preliminary plat complies with all of the applicable city requirements, including Design Standards (Article 6), Improvement Requirements (Article 7), and the requirements of the zoning district (Land Development Ordinance).

Veneta Land Division Ordinance 494, Article 4 – Subdivisions
Chapter 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. Each lot or parcel shall have an average width between the lot side lines as specified in the Land Development Ordinance.*

The proposal complies with this standard. The minimum lot width in the General Residential zone according to the adopted Southwest Area Specific Plan development standards is 40-feet for single-family residential development. The majority of the subject site is zoned Single Family Residential (SFR) which requires a 50-foot minimum lot width according to the adopted SWAP development standards. The proposal is consistent with the standards of the SWAP as each lot is proposed to have at least a 50-foot lot width (60-feet or more is typical).

Below is a diagram illustrating the subject site and applicable zoning (small portion of General Residential along the east boundary).



(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 2-1/2 times the average width between the side lines. Exceptions are allowed for lots designed for single-family attached dwellings.

The proposal complies with this standard since the average depth of each proposed lot exceeds the 80-foot minimum depth requirement.

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

The proposal complies with this standard. All lot areas are consistent with the standards adopted in the SWAP as depicted on the Proposed Plan. Lots within the Single Family Residential (SFR) zone in the SWAP are required to have a minimum lot size of 6,000 square feet for detached single-family dwelling lots. Phased subdivision is allowed, but all lots within the Single-Family Residential Zone at any given time shall not exceed seven (7) dwelling units per net acre (average lot size of at least 6,223 square feet) per the adopted SWAP, Table 2 - Development Standards. As a general note, according to the applicant's proposed plans, Phase 1 and 2 includes 19 proposed lots, Phase 3 and 4 includes 20 proposed lots and Phase 5 includes 18 proposed lots. The proposed density at each phase is as follows; Phase 1 = 3.5 units per acre, Phase 2 = 4 units per acre, Phase 3 = 4.5 units per acre, Phase 4 = 4.5 units per acre Phase 5 = 3.5 units per acre.

(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 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.

As conditioned, the proposal complies with this standard. A through lot is defined as having frontage on two streets that are roughly parallel. One through lot is proposed (Lot 24) which has frontage on two streets (8th Street and Perkins Road). Prior to building permit approval for proposed Lot 24 (Phase 1), the applicant shall provide the residential driveway off of 8th Street, the lower classification street in accordance with Veneta Land Division Ordinance No. 494, Section 6.04(3) – Through lots and parcels.

- (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 they shall be radial to the curve.*

The proposal complies with this standard as the lot lines run at right angles or parallel to all streets to the greatest degree possible while following the layout specified in the adopted SWAP.

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.*

As conditioned, the proposal complies with this standard. Prior to issuance of a building permit for each individual lot, landscape improvement plans shall conform to Veneta Land Development Ordinance 493, Section 5.12(1-2) - Landscaping.

- (3) *Minimum Landscaped Area. The minimum percentage of required landscaping is as follows:*
- (a) *Residential and Residential-Commercial Zones. 20 percent of each lot for residential developments, 10 percent for commercial or mixed use.*
- (b) *Community Commercial and Broadway Commercial Zones. 10 percent of the site.*

As conditioned, the proposal complies with this standard. Prior to building permit approval for each lot, the applicant will be required to provide a

minimum of 20 percent landscaped area per lot in accordance with Veneta Land Development Ordinance 493, Section 5.12(3) – Landscaping.

- (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.*

As conditioned in Veneta Land Development Ordinance No. 493, Section 5.12(6) below, the proposal complies with this standard.

- (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.*

As conditioned in Veneta Land Development Ordinance No. 493, Section 5.12(6) below, the proposal complies with this standard.

- (6) *Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.*
- (a) *Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.*
 - (b) *Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City’s water supply.*
 - (c) *Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.*
 - (d) *Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.*
 - (e) *“Invasive” plants, shall be removed during site development and the planting of new invasive species is prohibited. Lists of*

locally invasive species are available through the local USDA extension office.

- (f) *Hardscape features, May cover up to ten percent (10%) of the required landscape area; except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.*
- (g) *Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.*

Issuance of building permit approval shall be subject to Final landscape improvement plans in accordance with Veneta Land Development Ordinance 493, Section 5.12(4-6) – Landscaping.

- (10) *When adjacent land uses are of a different type and the proposed use may impact the adjacent land uses, the Building and Planning Official or Planning Commission may require sight-obscuring fencing, walls, and/or landscaping. In order to provide appropriate buffering and screening, the Building and Planning Official or Planning Commission may increase the required yard dimension.*

This provision is not applicable.

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

As conditioned, the proposal complies with this standard. Prior to public improvement plan approval, the applicant shall receive approval of a final plan with plantings within proposed stormwater tracts and facilities that comply with the adopted 2008 Portland Stormwater Management Manual and Veneta Land Development Ordinance No. 494, Section 5.12(11).

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 feet 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.*

As conditioned, the proposal complies with this standard. As part of public improvement plans, the applicant will be required to submit and receive approval of a Final Landscape Plan indicating the location of street trees that complies with the size, growth characteristics, spacing and location of Veneta Land Development Ordinance No. 493, Section 5.28(1-4) – Street Trees and the adopted SWAP design standards.

- (5) *Replacement. Replacement of street trees shall 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.*

As conditioned, the proposal complies with this standard. Prior to final plat approval, the applicant shall provide evidence of a warranty bond for all replacement street trees indicating that street trees are the responsibility of

the developer for a period of 2 years from the time of planting in accordance with Veneta Land Development Ordinance 493, Section 5.28(4-5).

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

As conditioned, the proposal complies with this standard. As a general 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.

Veneta Land Development Ordinance 493, Section 5.15(7)(b) – Southwest Neighborhood Center/ Southwest Area Specific Plan (adopted April 10, 2006) Conditions of Approval (SDP-1-05)

On April 10, 2006, amendments to the SWAP and Veneta Land Development Ordinance 493, Section 4.14(7)(b), were approved and a final order of the Veneta City Council (SDP-1-05) was recorded to reflect updates to the SWAP. The Veneta City Council approved proposed amendments to the SWAP with the following conditions of approval:

1. Prior to construction of each phase of development, the boundaries of all wetlands that might be impacted by that phase shall be clearly marked and the wetlands protected according to City standards. The applicant shall obtain all necessary permits for wetland impacts prior to construction.

This provision is not applicable. According to the Veneta Local Wetland Inventory, there are no wetlands within the subject site.

2. Prior to approval of each subdivision, all proposed pathways within the subdivision shall be named for efficient emergency response.

This provision is not applicable as there are no required or proposed pathways within this phase of the Southwest Area Specific Plan (SDP-1-05) according to the adopted SWAP Concept Plan.

3. Prior to submission for subdivision in the north west comer of the site,
a. The applicant shall provide a feasibility report on the connection of 12th Street to Bolton Hill at the Northwest comer of the property. If this street connection is not feasible, the applicant shall provide an emergency connection between the cul-de-sacs on either side of the large wetland as discussed in condition 2 above.
b. The applicant shall provide an analysis of the potential for dewatering of the wetlands in the northwest comer of the site by construction of the long cul-de-sac extending north from D Street. Road alignment and construction shall not permanently impact the wetlands.

This provision is not applicable to the proposed Madrone Ridge Tentative Subdivision/Phase 4 of the Southwest Area Specific Plan as it is not located in the northwest corner of the SWAP.

4. *Prior to approval of the first subdivision, the applicant shall submit a detailed analysis of the stormwater mitigation systems proposed for the entire plan area. The analysis shall show that post development peak flows shall not exceed predevelopment peak flows for a 10yr storm event.*

The proposal complies with this standard. A Stormwater Management Plan for the entire Southwest Area Plan was submitted and approved previously.

5. *Prior to approval of the first subdivision, the applicant shall provide an analysis of sewer collection system capacity which takes into account the potential need for oversizing of infrastructure to accommodate future development to the West and South, and the overall impact of the proposed development on the City's sewer collection and treatment systems. The analysis shall show the estimated finished elevations across the entire Plan Area given the gravity flow requirements of the sewer system.*

The proposal complies with this standard. A Utility Analysis Report for the entire Southwest Area Plan was submitted and approved previously.

6. *Prior to approval of the first subdivision, the applicant shall provide a detailed analysis of the water distribution system for the plan area to include water storage and distribution capacities, as well as pressure control requirements and the impacts of the proposed development on the City's water production system.*

The proposal complies with this standard. A Water Analysis Report for the entire Southwest Area Plan was submitted and approved previously.

7. *Prior to approval of the first subdivision, the applicant shall create a detailed maintenance plan for the proposed stormwater facilities clearly stating who will be responsible for maintenance, what the level of maintenance shall be established, and providing a development agreement if private parties are to take responsibility for maintenance.*

As conditioned, the proposal complies with this standard. Prior to construction, the applicant shall submit and receive approval of a maintenance plan for the proposed stormwater facilities within the Madrone Ridge Subdivision (Phase 4 of the Southwest Area Specific Plan) in accordance with the Southwest Area Specific Plan (City File# SDP-1-05), Condition of Approval #7.

8. *Prior to approval of the first subdivision, the applicant shall enter into an agreement with the City and ODOT to construct a dedicated right-turn lane on south-bound Territorial at the intersection with Cheney Drive. The need for this improvement shall be considered during the review of each*

subdivision and may be required as a condition of approval if warranted at that time.

The proposal complies with this standard. A Proportionate Cost Sharing Agreement (City File Agreement# A-120) for transportation impacts per lot was entered into for the entire Southwest Area Specific Plan area. Although Hayden Enterprises, Inc. entered into the Cost Sharing Agreement in 2007, Section 5.1 - Assignability of the recorded agreement states that the agreement shall be “fully assignable, in whole or in part, by any Party and shall bind and inure to the benefit of the Parties and their respective successor and assigns. If any portion real estate which is subject to the Plan and the Development has not been approved for development as a Phase and is sold, the duties, rights and interest of Hayden under this agreement shall become the duties, rights and responsibilities of that purchaser.” This Proportionate Cost Sharing Agreement (City File Agreement# A-120) applies to the entire 128 acres of the “Southwest Neighborhood Center” or SWAP as adopted in the Land Development Ordinance No. 493.

9. The developer shall enter into an agreement with the City and, if necessary, ODOT to address performance standard deficiencies on affected intersections. The agreement shall be in place prior to the approval of the first tentative subdivision and shall identify a funding plan for mitigation of intersection impacts. The agreement may include a condition that, if the City's Transportation SDCs are updated to include sufficient funding for a project or projects to address the deficiencies prior to issuance of the plan's first building permit, no further contribution may be required.

The proposal complies with this standard, as described above.

10. For each phase of the Southwest Area Plan, the developer shall provide a detailed analysis of impacted intersections identified in the traffic analysis work previously performed. The detailed analysis will identify how those intersections will be incrementally affected.

The proposal complies with this standard. A Traffic Impact Analysis was submitted as part of the application as prepared by Access Engineering, LLC. The Oregon Department of Transportation responded to referral request with a memorandum dated December 29, 2014 with no mitigation measures proposed. Branch Engineering, Inc., City Engineer (Damien Gilbert, P.E.) provided comment in response to the applicant's submittal in the Technical Memorandum dated December 18, 2014 (attached as Exhibit).

11. If the City has not enacted multi-family or town-home development standards by the time of application, the applicant shall work with the City to develop said standards prior to Site Plan Approval for Multi Family development.

This standard does not apply as no multi-family or townhome units are proposed with this phase of development (Phase 4 of the Southwest Area Specific Plan).

12. If the City has not enacted standards for landscaping of detention ponds prior to the time of subdivision application, the applicant shall work with the City to develop said standards prior to subdivision approval.

The City has adopted the Portland Stormwater Management, Revision #4, August 1, 2008, that includes standards for appropriate landscaping of detention ponds. In accordance with the final order for the Southwest Area Specific Plan (SDP-1-05), the applicant is required to conform to the adopted 2008 Portland Stormwater Management Manual for landscaping of the proposed stormwater detention pond, as conditioned previously.

13. If the City has not enacted grading and design standards for hillside development prior to the time of subdivision application, the applicant shall work with the City to develop said standards prior to approval of any subdivision with slopes likely to require cut/fill of more than 1-foot.

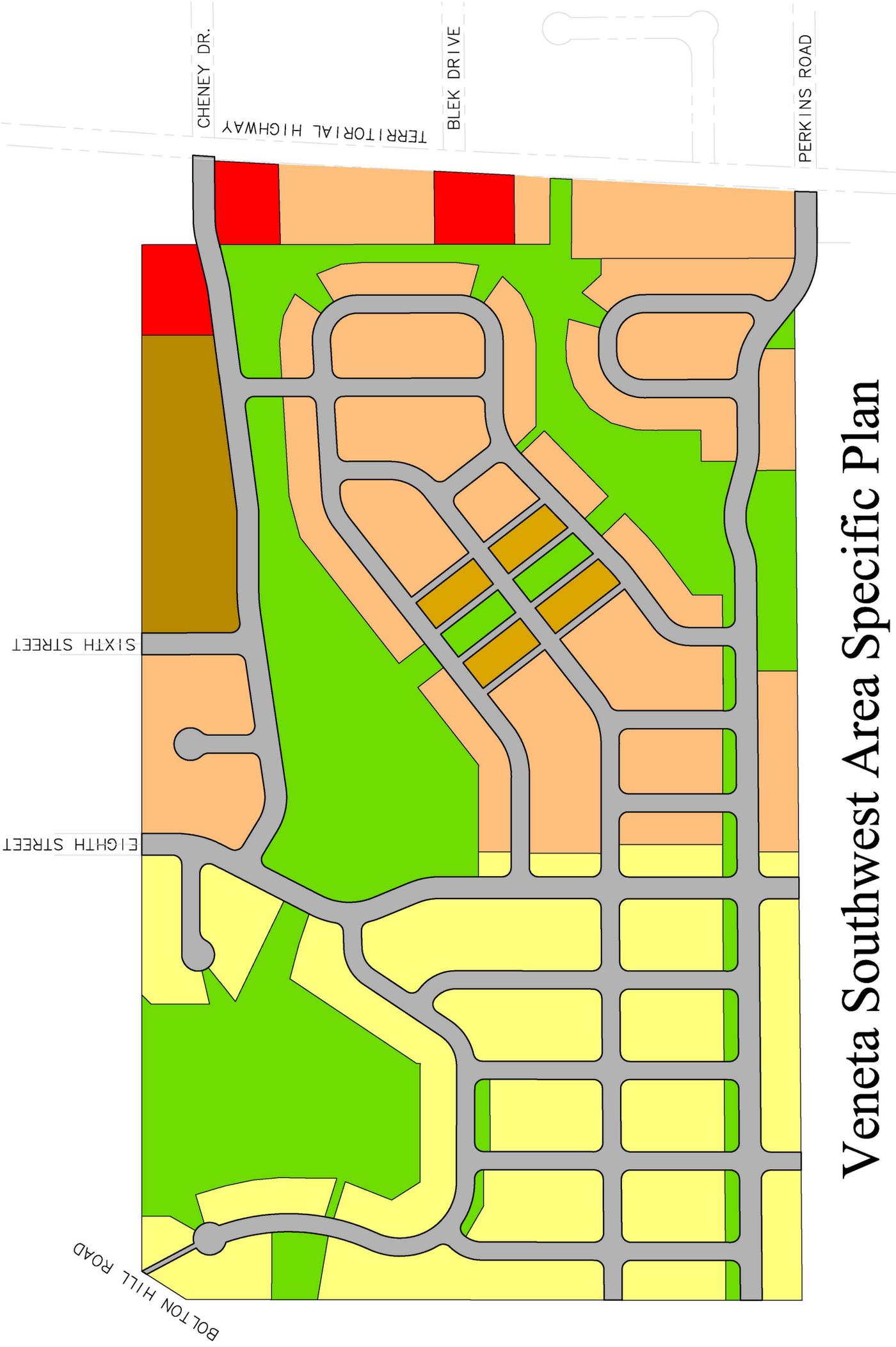
This standard is not applicable. The city has enacted development standards for development on slopes of or over fifteen percent (i.e. VLDO, Section 5.25). According to the code, a site shall be deemed to meet the 15% slope criteria if the ‘average’ slope across the site in any direction meets or exceeds a 15-foot rise in every 100-feet. Isolated areas on the site may exceed the 15% limit and not require additional review process, provided the entire site is below the 15% threshold. The proposal will not require additional review process as the site contains minimal isolated areas of slope meeting the criteria according to the applicant’s submitted Sheet 2 – Existing Conditions and City topographic data.

- 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.

**James Eagle Eye, Chairperson
Veneta Planning Commission**

Date



- Legend**
- Commercial
 - General Residential
 - Multi-Family Residential
 - Single Family Residential
 - Row Houses
 - Open Space
 - Roads

Veneta Southwest Area Specific Plan

Conceptual Land Use Diagram

0' 200' 400'

otak

4/10/06

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

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

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

RECITALS

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

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

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

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

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

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

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

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

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

AGREEMENT

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

SECTION 1. GENERAL

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

SECTION 2. THE TERRITORIAL/HWY 126 CONDITION

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

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

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

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

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

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

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

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

SECTION 3. THE HUSTON/HWY 126 CONDITION

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

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

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

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

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

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

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

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

SECTION 4. THE CHENEY/TERRITORIAL CONDITION

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

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

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

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

SECTION 5. MISCELLANEOUS

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

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

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

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

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

Exhibit A



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

MEMORANDUM

Date: January 24, 2007 Project #: 7717

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

From: Matt Hughart

Project: Applegate Landing

Subject: Proportionate Share Calculations

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

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

OR 126/Territorial Highway

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

OR 126/Huston Road

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

FILENAME: H:\projfile\7717 - Southwest Veneta Traffic Study\corres\proportionate share.doc

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

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

Table 1
Intersection Volume Summaries

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

TEV = Total Entering Volumes

¹ Does not include new traffic from the Applegate Landing development.

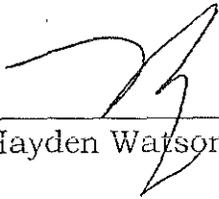
² Includes estimated site-generated traffic from the Applegate Landing development projected to travel through the intersection.

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

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

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

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



Hayden Watson, Chief Executive Officer

City of Veneta
M E M O R A N D U M

DATE: December 12, 2014
TO: Lisa Garbett, Associate Planner
FROM: Kyle Schauer, Public Works Director
SUBJECT: Subdivision S-2-14
Madrone Ridge
Assessor's Map 18-06-01-00, Tax Lot 1600

Comments on Subdivision S-2-14

Streets:

Public Works has no comments about the street layout.

Fire District approval required for all Emergency Turnarounds.

Street lighting to comply with code.

Water:

Water to this development will be provided from the existing 12-inch water main located within Perkins Road as well as from an existing 8-inch line on Oaks Orchard Road. Capacity will not be an issue.

All new water main connections will be required to be a minimum of 8-inch.

Blow offs will be required at all dead end lines.

Fire District approval required for all Hydrant locations and spacing.

Water services to be installed in PUE behind sidewalk.

Sewer:

The proposed sewer shows the collection of the entire development entering the existing sewer system from two locations, Oaks Orchard Road and Eighth Street, both of which travel north to Eighth Street and head to the treatment plant. Capacity should not be an issue with this route.

The proposed sewer system features three collection lines that are located within the back yards of the proposed lots. Sewer laterals for all lots are to be located within the Right of Way of streets.

Veneta Municipal Code 13.10.390 requires that “A separate and independent building sewer shall be provided for every building drain.”

Drainage:

The Veneta Southwest Area Plan Stormwater Management Plan is currently under review by the City Engineer. The details of construction for this phase will be reviewed during the Public Improvements phase of this project to ensure that offsite water is also being properly conveyed.

All stormwater improvements shall comply with the current Portland Stormwater Manual.

Grading:

The proposed plan follows the natural grading of the site. Additional fill may be needed for lot drainage.

Miscellaneous:

Dark conduit to accommodate future fiber optic will be required in all Right of Way and is currently shown in the proposed plans.

The proposed plans depict Gas utilities. Gas utilities are not required at this time.

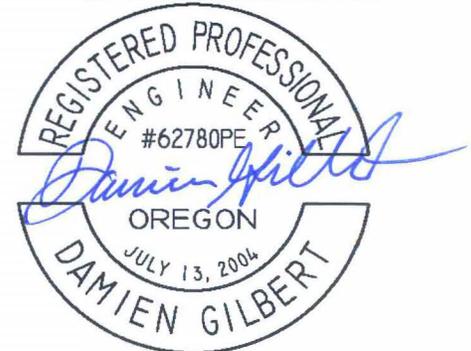
TECHNICAL MEMORANDUM

Exhibit F



civil • transportation
structural • geotechnical
SURVEYING

DATE: December 18, 2014
PROJECT: Madrone Ridge TIA Findings
TO: Lisa Garbett, Associate Planner
City of Veneta
FROM: Damien Gilbert, Branch Engineering
RE: Traffic Impact Analysis Comments
Madrone Ridge Subdivision S-2-14



EXPIRES: JUNE 30, 2015

Thank you for the opportunity to assist the City and provide findings and conditions for the traffic impact analysis prepared for Madrone Ridge Subdivision (S-2-14) by Access Engineering, Inc., dated September 19, 2014. Madrone Ridge Subdivision was previously included as part of the Applegate Landing Master Development Plan as Phases 6 and 8

The following is a summary of findings and recommendations for the City's consideration regarding the traffic impact analysis associated with the Madrone Ridge Subdivision:

Traffic Impact Analysis

- TIA1. City of Veneta Land Development Ordinance 493, Article 5, Section 5.27 requires a traffic impact analysis if a development generates more than 100 AM or PM peak hour trips. The Applegate Landing Master development plan indicated that the aggregate trip generation would exceed 100 peak hour trips upon build out of all phases; therefore a TIA is required with each phase.
- TIA2. At build-out, Madrone Ridge will result in the construction of an estimated 96 single family residences. These 96 single family residences will generate an estimated 77 AM peak hour trips and 101 PM peak hour trips based on the current Edition of Trip Generation by The Institute of Transportation Engineers (ITE). The TIA included a tabulated daily trip generation of 1,012 ADT. Trip generation for the development was calculated from the ITE's fitted curve equations instead of the provided average rates, which are generally considered acceptable and consistent with the Southwest Area Specific Development Plan methodology.
- TIA3. The Southwest Area Plan (page 16) and the Madrone Ridge Tentative Subdivision Application (page 13-Metro Planning) refer to the Perkins Road extension as a future major collector street, which has different design standards than the lower classification minor collector street. The TIA refers to Perkins Road as a minor collector street (page 1 and Table 1, page 2). The main difference between the two street classifications includes travel lane and planter strip widths. The results of the information deviation do not skew the reported results or conclusions of the study. It should be noted that the references are not consistent with the Subdivision Narrative and the Southwest Area Plan.

- TIA4. Traffic counts were obtained in the month of January which is generally not considered a peak travel month. The TIA calculated and applied a seasonal adjustment factor based on an average of commuter and coastal destination traffic trends to through movements on higher classification roadways (Territorial Highway and Highway 126). The calculated seasonal adjustment factor was reaffirmed by a later June 10, 2014 traffic count included in the appendix of the TIA. This seasonal adjustment factor was not applied to side street traffic, however; a seasonal adjustment factor was calculated for a more appropriate commuter traffic trend was applied to side street traffic. Local experience indicates that side street traffic at the studied intersections is typically generated by residential development patterns and does not necessarily experience significant seasonal fluctuations during peak seasonal periods that would detract from through traffic on major streets resulting in an increase to counted turning movement traffic volumes at side streets. Overall, the calculated and applied seasonal adjustment factor methodologies are consistent with the Applegate Landing Master Plan TIA, and are generally considered acceptable adjustments to develop design hour model traffic volumes.
- TIA5. Average annual growth rates (AAGR's) were applied to adjusted design hour traffic volumes consistent with the Applegate Landing Master Plan TIA to forecast future background traffic conditions for the year 2018 AM and PM design hours. Additionally, in-process trips from other currently approved not yet constructed projects were added to forecast background traffic volumes to generate no-build traffic scenarios. The growth rate calculation and in-process trip adjustments and methodologies are generally considered acceptable.
- TIA6. The TIA did not reveal any significant verifiable traffic crash patterns or other safety problems at the studied intersections/roadways. Previous studies for various phases of Applegate Landing reported consistent results.
- TIA7. There are a number of comments in the TIA indicating all intersections are/will continue to operate at acceptable levels; however there are calculated levels of service 'F' for northbound and southbound approaches at Huston Road and Hwy 126 documented in the TIA. The city of Veneta does not currently have an adopted mobility standard for LOS or volume-to-capacity (v/c) ratio. Highway 126 is an ODOT owned facility and the intersection is under ODOT's jurisdiction. The ODOT mobility standard is based on the volume to capacity (V/C) ratio which has not been identified to exceed the ODOT target of 0.90 identified by the current Highway Plan (and amendments). As analyzed, the development of Madrone Ridge will add turning movements to this intersection's northbound approach and result in an increase to the projected delay, but will not cause the northbound (or other) approaches to exceed the V/C standard.
- TIA8. A preliminary traffic signal warrant analysis was provided per ODOT's Analysis Procedures Manual (APM) for Huston Road at Highway 126. The preliminary signal warrant analysis revealed that the intersection is not anticipated to meet signal warrants at build-out for the future year 2018 analysis scenarios.

Based on the above findings, it is recommended the TIA be approved by the City of Veneta.

Please let us know if you have any questions about this review.

Sincerely,

Branch Engineering Inc.

TECHNICAL MEMORANDUM



DATE: January 23, 2015

PROJECT: Tentative Subdivision S-2-14 Madrone Ridge

TO: Lisa Garbett, Associate Planner
City of Veneta

FROM: Lane Branch, P.E.

RE: Public Works/Engineering Comments



Thank you for the opportunity to assist the City and provide comments for the Madrone Ridge subdivision S-2-14. We have reviewed the land division application packet dated December 2, 2014, and have the following comments for the City's consideration:

STORMWATER

Finding: The applicant's drainage report identifies off-site areas to the west that currently drain through the site. Off-site drainage will need to be intercepted, routed around the proposed lots, and conveyed through the site for each phase of development.

Recommended Condition: Prior to final plat and public improvement plan approvals for each phase, details for managing the off-site flows from the west shall be included in the public improvement plans. The conveyance system to accommodate off-site flows shall be sized to convey a 25-year storm assuming full build out of the contributing area. If the off-site drainage will be routed to the on-site stormwater treatment and detention facilities, they will need to be sized to accommodate this flow.

Recommended Condition: The proposed stormwater treatment manhole at the north end of Oaks Orchard Road is not an acceptable device for public maintenance. Stormwater treatment for the northern end of Oaks Orchard Road may occur via the street swales and detention pond constructed with Applegate Phase 2.

UTILITY

Recommended Condition: Water meters shall be located behind the sidewalk in the public utility easement.

Finding: The utility plan illustrates proposed public sanitary sewer and stormwater piping in the rear yard for several lots. Public infrastructure in the backyard of properties presents maintenance difficulties, and should be avoided where possible.

Recommended Condition: All public stormwater and sanitary sewer piping shall be located within public rights-of-way or in a PUE adjacent to right-of-way, unless otherwise approved by the City Engineer during the public improvement review process.

EASEMENTS/AGREEMENTS

Recommended Condition: The Final Plat for each phase shall include one foot reserve strips at the terminus of all dead end streets.

Finding: The applicant's written statement indicates: *A detention swale is proposed for the portion of the site that is located outside of the UGB. Lane County planning staff have indicated this facility detaining water from the City system and redirecting it back into the City system will be acceptable to them but the applicant will have to apply for a special use permit through Lane County prior to construction of the swale. This item can be a condition of tentative subdivision approval.*

Finding: The proposed stormwater detention swale south of Lots 1 and 2 will serve public rights-of-way.

Recommended Condition: Prior to Final Plat and Public Improvement Plan approval for Phase 1, the applicant shall apply for, and obtain, Lane County land use approval for construction of the proposed stormwater detention swale outside Veneta's UGB.

Recommended Condition: Prior to Final Plat approval for Phase 1, the applicant shall record a blanket public drainage easement, acceptable to the city attorney, over the stormwater detention swale area located south of Lots 1 and 2. The easement shall also be illustrated on the Final Plat for Phase 1. The easement shall include provisions for City of Veneta staff and Madrone Ridge homeowners to construct, maintain, and access the stormwater facility. The detention swale area shall be fenced with access provided via the dead end of 8th Street.

Recommended Condition: Prior to approval of the Final Plat for Phase 1, and prior to acceptance of the Public Improvements for Phase 1, the applicant shall execute and record stormwater agreements for maintenance of all stormwater swales and detention ponds. The stormwater agreements shall provide for City maintenance of the ponds and open drainages for functionality only. The Madrone Ridge Homeowners' Association will be responsible for performing all other maintenance.

Recommended Condition: The Final Plat for Phase 1 shall include a right-of-way dedication of 5.3 feet wide for 7th Street along the eastern property boundary between Perkins Road and Westfield Avenue. A 7 feet wide PUE dedication shall also be included on the Final Plat adjacent to the 7th Street right-of-way.

GENERAL

Recommended Condition: 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.

Recommended Condition: All ADA curb return ramps shall be installed as part of the public improvements for each phase. Sidewalks and street trees shall be installed on road frontages as part of the Phase 1 public improvements at tree conservation and storm drainage easement areas.

Note: Fire hydrant locations and fire access turn arounds shall be in accordance with the Fire Marshal's requirements.

Note: The proposed Perkins Road and 8th Street right-of-way through the Phase 1 development site currently has a gravel road serving as secondary emergency access to adjacent neighborhoods. The applicant should gain approval from the Fire Marshal for any work that will interrupt the emergency access.

City of Veneta
MEMORANDUM

DATE: December 8, 2014
TO: Lane Fire Authority
Attn: Dean Chappell
FROM: Lisa Garbett, City of Veneta
RE: Subdivision S-2-14 Madrone Ridge
Assessors Map 18-06-01-00, Tax Lot 1600

Location Address: West of Applegate Landing Phase 3, along Perkins Road

The City has received a request for a 96-lot subdivision as Phase 4 within the Southwest Area Plan.

****NOTE SHORT TIMELINE****

This request is being forwarded for your review, comment and conditioning. If you have conditions of approval you would like incorporated into the City's consideration of this request, please list them and return to this office **no later than December 19, 2014**. Please call me at 935-2191 Extension 304, if you are unable to return comments by this date.

Please reference file number S-2-14 in your reply.

- We are not affected by the proposal.
- We have reviewed the proposal and have no comments.
- Our comments are attached.
- Our comments are:

City of Veneta - P.O. Box 458 - Veneta, Oregon 97487
Phone (541) 935-2191 - Fax (541) 935-1838



Lane Fire Authority

P.O. Box 398, Veneta, Oregon 97487
541.935.2226
www.lanefire.org

Date: December 10, 2014

To: Lisa Garbett, Associate Planner
City of Veneta

From: Dean Chappell, Fire Inspector
Lane Fire Authority

RE: Subdivision S-2-14 Madrone Ridge
Assessors Map 18-06-01-00, Tax Lot 1600

Lane Fire Authority comments to File number S-1-14:

1. Please show the hydrant locations in the proposed subdivision.
 2. Hydrant fire-flow shall be 1000 gallons per minute at 20 pounds per square inch residual for 1 hour for dwellings having a fire-flow calculation area that does not exceed 3,600 square feet. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall be 1500 gallons per minute at 20 pounds per square inch residual for 1 hour. **Oregon Fire Code Appendix B Section B105**
 3. Hydrants shall be 400 feet apart. **Oregon Fire Code Appendix C Section C105 Table C105.1**
 4. An emergency vehicle turn around shall be placed on the west end of Perkins Street. **Oregon Fire Code Appendix D Section D103.4**
 5. Maximum street grade shall not exceed 12 percent. **Oregon Fire Code Section 503.2.7**
 6. The Fire Authority strongly discourages flag lots. Flag lot design allows only one fire apparatus to be used. The remaining alarm assignment must stage on the street and equipment must be carried to the scene by fire personnel.
 7. Driveways longer than 150 feet need to have an apparatus turn-around on flag lots.
- If you have any questions please feel free to contact me.





Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 2 Tech Center

455 Airport Road SE, Building A

Salem, Oregon 97301-5397

Telephone (503) 986-2990

Fax (503) 986-2839

DATE: December 29, 2014

TO: Gerry Juster
Region 2 Development Review Coordinator

FROM: Keith P. Blair, PE *Keith P Blair*
Region 2 Senior Transportation Analyst

SUBJECT: Madrone Ridge (Veneta)
TIS Review Comments

ODOT Region 2 Traffic has completed our review of the submitted traffic impact study (dated September 19, 2014) for the proposed Madrone Ridge development located in the City of Veneta, with respect to consistency and compliance with current versions of ODOT's *Analysis Procedures Manual (APM)*. Both versions of the *APM* were most recently updated in December 2014. Current versions are consistently published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the City's consideration:

Analysis items to note:

1. This study does not contain a queuing analysis. A queuing analysis would have been scoped if this study had been required under ODOT's authority.
2. This study has utilized Synchro 6 analysis software. Synchro 6 is no longer accepted by ODOT as it does not contain methodology from the current Highway Capacity Manual 2010. The consultant shall be advised that Synchro 6 analyses will not be accepted for use on future studies required by ODOT.

Proposed mitigation comment:

3. No mitigation measures have been proposed. This conclusion appears reasonable for this proposed development.

Thank you for the opportunity to review this traffic impact study. As the Synchro files were not provided, Region Traffic has only reviewed the submitted report. This study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. No further analysis work should be required. If there are any questions regarding these comments, please contact me by phone at (503) 986-2857 or by email at Keith.P.Blair@odot.state.or.us.

Lisa Garbett

From: MILLER Keir C <Keir.MILLER@co.lane.or.us>
Sent: Tuesday, December 09, 2014 4:32 PM
To: Lisa Garbett
Subject: RE: Referral Request (S-2-14 Madrone Ridge)

Ms. Garbett,

Please include the following comments into the record regarding the S-2-14 Madrone Ridge Subdivision proposal:

The proposed detention pond facilities located on Map and tax lot No, 18-06-01-00-01608 and outside of the Veneta City limits is not a use permitted by right within the existing Impacted Forest (F2) zoning district pursuant to Lane Code Chapter 16.211. Prior to construction of a detention pond on this site the applicant will be required to successfully obtain a special use permit approval for the pond under the process outlined in LC16.211)(3)(j). Please note that this is a Director-level (commonly referred to as a Type 2) discretionary review process and approval of this permit cannot be guaranteed.

Lane County Land Management recommends that the detention ponds be permitted and fully constructed prior to final approval of the plat.

Thank you for the opportunity to comment on this matter.

Keir Miller | Senior Planner

Lane County Department of Public Works
Land Management Division | Long Range Planning Program
3050 North Delta Hwy | Eugene, OR 97408
Office: 541-682-4631 | Fax: 541-682-3947
keir.miller@co.lane.or.us | www.lanecounty.org/planning

Messages to and from this e-mail address may be available to the public under Oregon Public Records Law

From: LAIRD Matt P
Sent: Tuesday, December 09, 2014 11:47 AM
To: MILLER Keir C
Subject: FW: Referral Request (S-2-14 Madrone Ridge)
Importance: High

Keir,

Please review and respond.

ML

From: Lisa Garbett [<mailto:lgarbett@ci.veneta.or.us>]
Sent: Monday, December 08, 2014 3:28 PM

To: LAIRD Matt P
Subject: Referral Request (S-2-14 Madrone Ridge)
Importance: High

Matt,

The City of Veneta has received a request for a 96-lot subdivision (Madrone Ridge Subdivision) as Phase 4 within the Southwest Area Specific Plan specifically at Assessor's Map 18-06-01-00, Tax Lot 1600.

The application was deemed complete on December 3, 2014 and is being forwarded for your review, comment and conditioning. Please find attached a referral request memo and proposed plans. Please see Sheet C-1.0, Sheet C-2.0 and Sheet C-4.0 (attached) in particular, as the applicant is proposing a stormwater swale on Lane County property immediately to the south of the proposed lots or proposed Phase 1.

If you have conditions of approval you would like incorporated into the City's consideration of this request, please list them and return to this office **no later than December 19**. Feel free to call me at 935-2191 if you are unable to return comments by this date or have questions about the proposal.

Thanks,
Lisa

Lisa Garbett | Associate Planner
City of Veneta
P.O. Box 458
88184 Eighth Street
Veneta, OR 97487
Office: 541.935.2191 Ext. 304
FAX: 541.935.1838

Public Records Law Disclosure: This e-mail may be considered public record and be subject to public disclosure.

Confidentiality Notice: This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.

Lisa Garbett

From: INGRAM Daniel B <Daniel.Ingram@co.lane.or.us>
Sent: Friday, December 12, 2014 2:03 PM
To: Lisa Garbett
Cc: MCKINNEY Lydia; CLARK Lynnae M
Subject: RE: Referral Request (S-2-14 Madrone Ridge)

TP File: 10735
File Number: S-2-14
Owner: Allyn J & Carol A Tews Revocable Living Trust
Owner's Representative: Metro Planning Inc.
Acres: 21.22
Map & Tax Lots: 18-06-01-00-01600

Proposal: Tentative 96 Lot Subdivision Application (Madrone Ridge Subdivision)

Comments from Lane County Transportation Planning:

Map and Tax Lot 18-06-01-00-01600 is located within the City of Veneta. Access to the development is via City of Veneta streets which connect to Territorial Highway, which is an ODOT facility. There are no direct connections to County Roads.

Lane County Transportation Planning Staff notes that, pursuant to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 96 lot subdivision is likely to generate close to 100 P.M. peak hour trips. Most of this traffic will be accessing the site via the intersection of Perkins Street and Territorial Highway. Territorial Highway is under the jurisdiction of the Oregon Department of Transportation (ODOT). Staff recommends contacting ODOT regarding the potential for Traffic Impact Analysis.

Lane County Transportation Planning has no further comments.

Thank you for providing the opportunity to comment on this proposal.

Daniel B. Ingram, P.E., P.L.S.
Senior Engineering Associate
Lane County Public Works
Phone: (541) 682-6996
e-mail: Daniel.Ingram@co.lane.or.us

From: Lisa Garbett [mailto:lgarbett@ci.veneta.or.us]
Sent: Monday, December 08, 2014 5:07 PM
To: INGRAM Daniel B
Subject: Referral Request (S-2-14 Madrone Ridge)
Importance: High

Daniel,

The City of Veneta has received a request for a 96-lot subdivision (Madrone Ridge Subdivision) as Phase 4 within the Southwest Area Specific Plan specifically at Assessor's Map 18-06-01-00, Tax Lot 01600.

The application was deemed complete on December 3, 2014 and is being forwarded for your review, comment and conditioning. Please find attached a referral request memo and proposed plans. Please see Sheet C-1.0, Sheet C-2.0

and Sheet C-4.0 (attached) in particular, as the applicant is proposing a stormwater swale on Lane County property immediately to the south of the property.

If you have conditions of approval you would like incorporated into the City's consideration of this request, please list them and return to this office **no later than December 19**. Feel free to call me at 935-2191 if you are unable to return comments by this date or have questions about the proposal.

Thanks,
Lisa

Lisa Garbett | Associate Planner
City of Veneta
P.O. Box 458
88184 Eighth Street
Veneta, OR 97487
Office: 541.935.2191 Ext. 304
FAX: 541.935.1838

Public Records Law Disclosure: This e-mail may be considered public record and be subject to public disclosure.

Confidentiality Notice: This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.

City of Veneta
MEMORANDUM

DATE: December 8, 2014
TO: Lane County Assessor's Office
Attn: Michael C. Cowles, Lane County Assessor
FROM: Lisa Garbett, City of Veneta
RE: Subdivision S-2-14 Madrone Ridge
Assessors Map 18-06-01-00, Tax Lot 1600

Location Address: West of Applegate Landing Phase 3, along Perkins Road

The City has received a request for a 96-lot subdivision as Phase 4 within the Southwest Area Plan.

****NOTE SHORT TIMELINE****

This request is being forwarded for your review, comment and conditioning. If you have conditions of approval you would like incorporated into the City's consideration of this request, please list them and return to this office **no later than December 19**. Please call me at 935-2191, Extension 304 if you are unable to return comments by this date.

Please reference file number S-2-14 in your reply.

- We are not affected by the proposal.
- We have reviewed the proposal and have no comments.
- Our comments are attached.
- Our comments are:

The map of the proposed plan of Madrone Ridge shows Phase 1 containing Lots 1-14, 18, 19, 23-24, & 27. Lot numbers should be consecutive in each phase (ie. Phase 1 Lots 1-19, Phase 2 Lot 20-38, etc)

*Peggy Hunter
Lane County Surveyors Office
541-682-3633*

City of Veneta - P.O. Box 458 - Veneta, Oregon 97487
Phone (541) 935-2191 - Fax (541) 935-1838