

**FILE COPY**

**FINAL ORDER  
KEADY DAYCARE  
SITE PLAN REVIEW (SR-2-08)**

**A. The City of Veneta Planning Official finds the following:**

1. The applicant has submitted information required by Section 6.03 of Veneta's Land Development Ordinance No. 461.
2. The City provided proper notice of public hearing according to Section 2.11 of the Veneta Land Development Ordinance No. 461.
3. The City of Veneta Planning Official followed the required procedure and standards for approving site plans as required by Section 2.06 and 6.05 of Veneta's Land Development Ordinance No. 461.

**B. The Veneta Planning Official approves with conditions the Keady Day Care (SR-2-08). The applicant shall comply with the following conditions of approval:**

1. Submit a revised site plan showing revised parking and on-site circulation plans that adequately accommodates parking on site and controls traffic exiting the site. The revised site plan shall specify the location of the required parking spaces, identify how traffic will move within the parking lot, and where traffic will enter and exit the parking lot. The revised site plan shall be submitted within six months of the approved application.
2. Submit and record a Development Agreement stating:
  - a) The proposed change in use shall be evaluated by the City and the applicant shall pay additional SDC charges if applicable. Failure to pay SDCs will result in a lien on the property. Water and sewer SDCs may be re-evaluated in one and three years.
  - b) Residential uses within commercial structures shall not occupy more than 50 percent of the structure and no dwelling unit shall occupy the front 25 feet of the building's ground floor facing Territorial Highway, except that one six (6)-foot wide separate entrance to the residential use may be allowed off of Territorial Highway at the ground floor. Residential uses shall be subject to the provisions of Section 2.10 of the Veneta Land Development Ordinance # 461 adopted February 27, 2006 and amended February 12, 2007.

- c) Any new or modified impervious surfaces shall require a stormwater runoff analysis and shall detain runoff according to City requirements and shall be subject to approval by the City Engineer.
  - d) The landscaping and screening of the property shall be maintained, and that the entire site is kept in a clean, weed-free manner. All outdoor garbage areas shall maintain sight obscuring screening.
  - e) That the off-street parking spaces and service drives shall be maintained and clearly and permanently marked.
  - f) All required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons, and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or for repair or servicing
3. The applicant shall identify the entrance and exit in the proposed parking lot and the parking lot must have a driveway width of a minimum of twenty (20) feet.
  4. The applicant shall provide at least 1 ADA van accessible parking space and that the space be clearly and permanently marked as disabled parking.
  5. The applicant shall provide at least 1 bicycle parking space located near the building entrance
  6. The applicant shall place a bumper or curb for each parking space facing the building to prevent vehicles from coming in contact with the structure.
  7. The applicant shall comply with all required conditions of Lane County Fire District #1 before the opening of the Day Care.

**C. IT IS HEREBY ORDERED THAT the City of Veneta Planning Official approves the Site Plan Review for Keady Daycare (SR-2-08) based on the information presented in the Staff Report and the following findings of fact:**

**Site Plan Review, applicable criteria.** Ordinance language is in italics. Findings are in bold.

The Veneta Land Development Ordinance No. 461

Article 6                      SITE PLAN REVIEW

Section 6.04                  REQUIRED FINDINGS

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

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

*Veneta Land Development Ordinance No. 461*  
**SECTION 4.05 COMMUNITY COMMERCIAL (CC)**

*In a CC zone, the following regulations shall apply:*

- (1)     Purpose. *To provide for areas suitable and desirable for a wide range of small commercial and business facilities to serve the Fern Ridge community.*

**The proposal is consistent with this zoning purpose because the proposed use will provide a business facility that will serve the Fern Ridge community.**

- (2)     Permitted Uses. *In a CC zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building:*

(m)     *Day nurseries and day care centers.*

(n)     *Residential uses within commercial structures, provided that the residential use does not occupy more than 50 percent of the structure and no dwelling unit occupies that front 25 feet of the building's ground floor facing the principal commercial street, except that one six (6)-foot wide separate entrance to the residential used may be allowed off the principal commercial street at the ground floor.*

The proposed use is a permitted use for the Community Commercial Zoning District with the condition of approval that the residential use within the structure does not occupy more than 50 percent of the structure nor is the front 25 feet of the building's ground floor that faces Territorial Hwy being used for residential uses.

- (4) *Except as provided in Articles 5, 6 and 8, in a CC zone, no yards are required except as follows:*
- (a) *Front yards abutting a residential zone (not including the RC zone) shall be twenty (20) feet. Front yards along West Broadway shall be ten (10) feet.*
  - (b) *Back and side yards abutting a residential zone (not including the RC zone) shall be a minimum of five (10) feet.*
  - (c) *Yards shall be landscaped as provided in Section 5.12.*
  - (d) *See section 5.09 for additional setbacks on designated streets.*
  - (e) *Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.*

**The proposal is consistent with the yard requirement of this zoning district. The parcel does not abut any residential zone. Additional setbacks are provided in Section 5.09 and are addressed below in Article 5, Supplementary Provisions.**

- (7) *For additional requirements see Article 5 – Supplementary Provisions*

*Article 5- SUPPLEMENTARY PROVISIONS*

*Section 5.01 GENERAL PROVISIONS REGARDING ACCESSORY USES*

*An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation. Accessory uses shall comply with the following standards.*

- (1) *Fences, hedges and walls may be located within required yards but shall not exceed 48" (four (4) feet) in height in any required front yard which abuts a street other than an alley nor 2-1/2 feet in*

*height in a vision clearance area. Elsewhere, fences, hedges and walls shall not exceed six (6) feet in height in residential and commercial zones and eight (8) feet in height in industrial zones. Swimming pools, tennis courts, and other accessory recreational structures may have fences that exceed six (6) feet, provided they are not located within the front yard, but may be allowed within the side and rear yards.*

**The proposal is consistent with this criterion. The proposed fence does not exceed 30” in height in any required clear vision area or front yard.**

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

**The proposal is consistent with this criterion. No plantings, driveway, fences, walls, structures or other obstructions are proposed or currently exist.**

#### *Section 5.02* ACCESS

*Generally, every lot shall abut a street other than an alley for a minimum width of 50 feet and 35 feet for a cul-de-sac. Exceptions to the frontage requirement may be made where the Planning Commission has approved an easement for access, where the easement existed prior to 1989, the Planning Commission has approved panhandle lots, or the lot will be used for single-family attached housing.*

**The proposal is consistent with this criterion because no new parcels are being proposed and the existing parcel has a shared access from McCutcheon Avenue via an perpetual non exclusive easement granted by Recorded Easement 7904149, recorded April 27, 1976.**

#### *Section 5.03* CLEAR VISION AREAS

*In all zones except the C 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 and alley-street intersections for safety vision purposes. Two (2) sides of the triangular area shall be exterior property lines, 25 feet in length at street intersections and fifteen (15) feet leg lengths at alley-street intersections. When the angle of the portion of the intersection between streets is less than 30 degrees, the visual distance shall be 25 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.*

**The proposal is consistent with this requirement with the condition that a 25 ft clear vision area is maintained at the corner of McCutcheon Avenue and Territorial Hwy. The proposed fence will be 48" in height and is outside of the clear vision area. No fence is proposed within the clear vision area.**

*Section 5.04* DISTANCE FROM PROPERTY LINE

*In commercial or industrial zones where a back or side yard is not required and a structure is not to be erected at the property line, it shall be set back at least three (3) feet from the property line.*

**The proposal is consistent with this criterion because no new structures are being proposed.**

*Section 5.12* LANDSCAPING

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

- (1) *Provisions for landscaping, screening and maintenance are a continued obligation of the property owner.*

**The proposal is consistent with this criterion with the condition of approval that the landscaping and screening of the property shall be maintained, and that the entire site is kept 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.*

**The proposal is consistent with this criterion. No new landscaping is proposed or has been required.**

- (3) *Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible. Particular attention shall be focused on preserving native and heritage trees.*

**The proposal is consistent with this criterion. This requirement is fulfilled through compliance with the City's tree removal permitting process. No trees are proposed to be removed.**

- (4) *All required yards and the entire open space of all multiple-family dwellings sites, exclusive of walks, drives, parking areas and buildings, shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, trees, shrubs or other living plants with sufficient irrigation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, fences, and similar elements may be placed within the area.*

*Minimum number of trees and shrubs acceptable per 1,000 square feet of yard and open-space area is as follows:*

- (a) *One tree at least six (6) feet in height.*  
(b) *Four 1-gallon shrubs or accent plant.*

**The proposal is consistent with this criterion. Both parcels have existing landscaping and no changes are proposed.**

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

**The proposal is consistent with this criterion with the condition of approval that all outdoor garbage facilities shall maintain sight obscuring screening.**

#### *Section 5.15 SIGNS*

- (3) *Three sign districts have been established to ensure that sign size and location will provide the most visibility for each business while protecting the aesthetic and livability qualities of surrounding*

uses. The size, height and distance allowed between signs vary by district, taking into account traffic speeds and types of uses in each district. Refer to Tables A and B for Permitted Signs to determine whether or not a sign is allowed in the following districts and what specific requirements may apply. In addition to specific requirements for each district, signs must comply with all other sections of the Veneta Sign Code.

- (b) *Business District(s): All property zoned commercial, residential/commercial, industrial/commercial, industrial, and public facilities and parks which do not abut Hwy 126, except residential uses.*

**The proposal is consistent with this criterion. No new signs are proposed with this application. If a sign is requested, it must meet the provisions of this section.**

#### Section 5.20 OFF-STREET PARKING REQUIREMENTS

- (2) *Design and improvement requirements for parking lots (not including single-family two-family dwellings).*

- (a) *All parking area and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement over approved base or other materials approved by the City Engineer. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property*

**The proposal is consistent with this proposal because the driveway approach is already established.**

- (b) *Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking spaces, except for handicap spaces, shall have a minimum dimension of eighteen (18)' x nine (9)' exclusive of maneuvering and access area. The dimension includes the area in front of the curb stop over which the front of a vehicle would extend. Handicap spaces shall be provided as required by the Oregon State Structural Specialty Code.*

**The proposal is consistent with this criterion with the condition of approval that the applicant clearly and permanently marks all service drives and parking**

**spaces including the identification of at least 1 ADA van accessible parking space.**

- (c) *Parking lots shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Building and Planning Official. Two-way driveways shall have a minimum width of twenty (20) feet and a maximum width of thirty (30) feet. One-way driveways shall have a minimum width of twelve (12) feet and a maximum width of sixteen (16) feet.*

**The proposal is consistent with this criterion with the condition that the applicant identifies the entrance and exit in the proposed parking lot and the parking lot has a minimum driveway width of at least twenty (20) feet.**

- (d) *Parking spaces along outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.*

**The proposal is consistent with this criterion with the condition that the applicant places bumpers or curbs facing the building side of the parking lot to prevent vehicles from coming in contact with the structure.**

- (e) *Service driveways to off-street parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.*

**The proposal is consistent with this criterion. The east service driveway provides the required space to allow both entrance and exit.**

- (f) *All off-street parking lots within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the Building and Planning Official to minimize disturbances to adjacent residents.*

**The proposal is consistent with this criterion. The use does not abut a residential district.**

- (g) *A grading structure and drainage plan shall be submitted to the City Building and Planning Official and approved by the City Engineer.*

**The proposal is consistent with this criterion with the condition of approval that any new or modified impervious surfaces shall detain runoff according to City requirements and be reviewed and approved by the City Engineer.**

- (h) *Parking lots shall be provided with landscaping as provided in Section 5.12 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot. A minimum of one (1) shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.*

**The proposal is consistent with this criterion because there are less than 16 parking spaces on the site plan.**

(3) Location standards for parking lots

- (a) *Off-street parking shall be provided on the development site for all zones, except off-street parking spaces for the Commercial, Residential-Commercial, and Industrial Zones may be located not farther than 400 feet from the building or use they are required to serve. Owners of two (2) or more uses, structures, or parcels of land may agree to use the same parking spaces jointly when peak demands do not occur at the same time periods, provided substantial proof is presented to the Building and Planning Official or Planning Commission pertaining to the cooperative use of the parking facilities.*

**The proposal is consistent with this criterion because off street parking is provided.**

- (b) *Off-street parking areas shall not be located in a required front yard.*

**The proposal is consistent with this criterion because the off-street parking area is located on the side yard.**

- (c) *Parking lots and loading docks for new commercial, public, and semi-public buildings shall be located to the side or rear of the building.*

**The proposal is consistent with this criterion because no new structures are proposed.**

- (4) *Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons, and employees only and shall not be used for storage of vehicle or materials or for the parking of trucks used in conducting the business or for repair or servicing.*

**The proposal is consistent with this criterion with the condition of approval that the applicant enter into a development agreement with the City stating that all required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons, and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or for repair or servicing.**

- (5) *The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking area required by this ordinance.*

**The proposal is consistent with this criterion with the condition of approval that the applicant enters into a development agreement with the City stating that all required parking spaces shall be clearly and permanently marked and maintained**

- (11) *Space requirements for off-street parking shall be listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building primary to the use but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the*

number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces is allowed if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with LTD to provide bus passes to employees or who offers van pools may need fewer parking spaces for employees.

Use  
Residential

Space Requirement

(a) One-and two-family dwellings

Two (2) spaces per dwelling unit

Place of Public Assembly

(c) Day care facility

Two (2) space per staff person, based on the maximum staff at the facility at one time.

**The proposal is consistent with this criterion. The proposed plan indicates that there will be 2 administrative staff with 1 dwelling unit upstairs. As a condition of approval to the application, the applicant shall revise the site plan to identify the required six (6) spaces.**

(12) Accessible Parking Spaces. Parking shall be provided for disabled persons, in accordance with the Americans with Disabilities Act (ADA). Accessible parking is included in the minimum number of required parking spaces listed above.

Total Number of Parking Spaces Provided (Per Lot)	Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)	Van Accessible Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min 60" wide access aisle
1 to 25	1	1	0

**The proposal is consistent with this requirement with the condition of approval that at least 1 ADA van accessible parking space be provided and that the space be clearly and permanently marked as disabled parking.**

Section 5.21 BICYCLE PARKING

*Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, changes of use, and building expansions and remodels. Bicycle parking spaces provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide, and seven feet high. Bicycle parking shall not interfere with pedestrian circulation.*

- (2) *Non-Residential Parking. There shall be a minimum of one bicycle space for every seven motor vehicle spaces. At least ten percent of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.*

**The proposal is consistent with this criterion with the condition of approval that the applicant provides at least 1 bicycle parking space located near the building entrance.**

Section 5.22

PEDESTRIAN ACCESS AND CIRCULATION

- (3) *Internal pedestrian and bicycle systems shall connect with external existing or planned systems. Pedestrian access from public sidewalks to the main entrances of public, semi-public, commercial, and multi-family buildings shall not cross driveways or parking lots.*

**The proposal is consistent with this criterion because the day care is located within an existing building which has an existing parking and traffic arrangement that is nonconforming.**

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

**The proposal will not have a significant increase in traffic and no future street right-of-way is affected.**

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

**There are no proposed signs to be installed within the project area at this time. Any future signs must be approved by the City of Veneta for the zone in which the parcel is in.**

- (4) *That adequate water, sewer and utilities for the proposed use are available.*

**The proposal is consistent with this requirement with the condition of approval that the proposed change in use shall be evaluated by the City and the applicant shall pay additional SDC charges if applicable. Failure to pay SDCs will result in a lien on the property. Water and sewer SDCs may be re-evaluated in one and three years.**

- (5) *The drainageways are protected and drainage facilities provided.*

**The proposed use is within an existing structure that will not have an impact on the drainage of the parcel. No drainage facilities are necessary unless the surface is replaced or modified, in which case the City Engineer shall review and approve the stormwater management plan.**

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

**The proposed use will not create any emissions or potential nuisance characteristics to adjacent land uses in the area.**

**D. This approval shall become final on the sate this decision and supporting findings of fact are signed. An Administrative decision may be appealed to the Planning Commission within 15 days after the final order has been signed and mailed. An appeal of the Planning Commission's decision must be submitted to the City Council within 15 days of the Commission's decision becoming final. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**

  
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**Zac Moody, Assistant Planner  
City of Veneta Planning Department**

4/2/08  
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**Date**