

**FINAL ORDER
MCDUGAL-WEYERHAEUSER COLD STORAGE
SITE PLAN REVIEW (SR-5-08)**

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

1. The applicant has submitted information required by Section 6.03 of Veneta's Land Development Ordinance No. 461 and Chapter 18.10 of the Veneta Municipal Code.
2. The Building & Planning Official provided proper notice of limited land use action according to Section 2.13 of the Veneta Land Development Ordinance No. 461.
3. The Building & 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 City of Veneta Building & Planning Official approves the Site Plan Review for the Weyerhaeuser Cold Storage (SR-5-08) with the following conditions of approval:

GENERAL CONDITIONS

- 1) The applicant shall submit a copy of the revised site plan consistent with all conditions of approval to the City.
- 2) The applicant shall relocate the oil/water separator and associated pipe out of the right-of-way and the driveway and parking area shall be designed so as not to drain storm water over the sidewalk or onto any abutting property.
- 3) The driveway approach shall be surfaced with minimum of six (6) inches of Portland Cement concrete.
- 4) Any proposed signs shall comply with the requirements of the Northeast Employment Center and the provisions of the Section 5.15 of the Veneta Land Development Ordinance.

PRIOR TO CONSTRUCTION

- 5) The applicant shall provide a storm drainage plan approved by the City Engineer showing the integration of the new facilities with the existing facilities and that post-development runoff does not exceed pre-development levels.

- 6) The applicant shall obtain all required construction permits for any improvement constructed in the public right-of-way.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 7) The applicant shall pay all System Development Charges applicable to the development, including water SDC's for the irrigation system.
- 8) The applicant shall submit a signed and recorded Irrevocable Development Agreement approved by the City Attorney stating that:
 - a) All site areas and unused property shall be maintained in suitable ground cover and kept in a clean, weed-free manner.
 - b) Landscaping, screening and maintenance are the continuing obligation of the property owner.
 - c) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall maintain sight-obscuring screening.
 - d) Any required sight-obscuring fences and walls must maintain at least 75 percent opaque when viewed from any angle a point 25 feet away from the fence or wall. All wooden materials shall be protected from rot, decay and insect infestation in compliance with Article 5, Section 5.01(1) of the Veneta Land Development Ordinance and Chapter 8.05.090 of the Veneta Municipal Code. Plants forming hedges shall be replaced within six (6) months after dying or becoming diseased to the point that the required opacity is not met.
 - e) All existing trees, plant materials and special site features shall remain consistent with the requirements of the Northeast Employment Center plan.
 - f) Any new exterior lighting shall have an exterior lighting plan approved by the City that meets the requirement of Chapter 15.15 of the Veneta Municipal Code.
 - g) All required parking spaces will be available for the parking of operable motor vehicles for customers, patrons and employees and not used for storage of vehicles or materials or for parking of trucks not used to conduct daily business.
 - h) Maintenance of off-street parking spaces will be the continuing obligation of the property owner.

- i) A Site Plan Amendment in accordance to Section 6.06 of the Veneta Land Development Ordinance shall be submitted for any change in use that increases off-street parking requirements.

PRIOR TO CERTIFICATE OF OCCUPANCY

- 9) The applicant shall plant the required street trees as outlined in the Preliminary Street Tree Plan for the Veneta Business Park. The street tree plan identifies 3 (three) species of trees that are two (2) inch caliper and planted every 40 feet. Specifically, that applicant shall plant:

3 (three) Summit Ash
1 (one) Scarlet Oak
1 (one) Briotti Red Horse Chestnut.

Additionally, the applicant shall place ground cover or unobstructing vegetation as approved in the Preliminary Street Tree Plan for the VBP as understory to the required street trees, including:

1 Gal – Kinnikinnick
1 Gal – Salal
1 Gal - Rubus

- 10) The applicant shall plant 5 trees (at least 6 feet in height) and 12 shrubs (1 gallon minimum) based on approximately 4,810 sq. ft. of required yard space.
- 11) All improvements required as a condition of approval to this Site Plan Review shall be completed.
- 12) The proposed 36 inch access way from the parking area to the proposed sidewalk shall be paved and all sidewalks constructed.
- 13) 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 and shall provide the City with a one (1) year maintenance bond.
- 14) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- 15) The applicant shall have an inspection completed by Lane County Fire District #1 prior to occupancy and shall provide proof of inspection to the City.

- C. **IT IS HEREBY ORDERED THAT the Building & Planning Official approves with conditions the Site Plan Review for McDougal-Weyerhaeuser Cold Storage (SR-5-08) based on the information presented in the following findings of fact:**

Site Plan Review and Veneta Municipal Code, 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.*

The proposal is consistent with all applicable provisions of the City of Veneta Land Development Ordinance No. 461 based on the findings and conditions of approval addressed in the findings below.

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

The proposal is consistent with the provisions of this section and does not affect traffic congestion or pedestrian, bicycle or vehicular safety. The right-of-way has already been established; therefore future right-of-way is protected.

- (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 or lighting proposed as part of the site plan review, therefore the provisions of this section are not applicable.

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

The proposal is consistent with the provisions of this section. All water, sewer and utilities have been established as part of the Cornerstone Subdivision.

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

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction on the site the applicant provide a storm drainage plan approved by the City Engineer showing the integration of the new facilities with existing facilities and that post-development runoff does not exceed pre-development levels.

- (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 proposal is consistent with the provisions of this section. The site is located in the Industrial-Commercial Zoning District and will not interfere with adjacent land uses. The extent of traffic, emissions, and potential nuisance characteristics are compatible with the zoning district per Section 4.07 of the Veneta Land Development Ordinance No. 461.

Veneta Land Development Ordinance No. 461

ARTICLE 4

SECTION 4.07 INDUSTRIAL-COMMERCIAL (IC)

In the IC zone, the following regulations shall apply:

- (1) *Purpose. To provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.*

The proposal is consistent with the purpose of the Industrial-Commercial Zoning District. The existing structure on the property has been historically used for cold storage. The warehousing activities will include storage of tree seedlings and forestry equipment supplies and will not have any significant emissions.

- (2) *Permitted Uses.*

Section 4.08 Light Industrial

- (c) *Storage and warehousing, including mini-storage rental units.*

- (4) *Yards. In an IC zone, yards shall be as follows:*

- (a) *Front yards shall be a minimum of ten (10) feet, except when a lot*

abuts a residential zone the minimum setback shall be twenty (20) feet.

The proposal is consistent with the provisions of this section. The lot does not abut a residential zone and all front yards are a minimum of ten (10) feet.

- (b) *Back and side yards shall be a minimum of five (5) feet from property line, except when a lot abuts a residential zone the minimum setback shall be twenty (20) feet.*

The proposal is consistent with the provisions of this section. The lot does not abut a residential zone and all back and side yards are a minimum of five (5) feet from the property line.

- (c) *Side yard requirements may be waived on common lot lines when adjoining lot owners enter into a joint development agreement for coordinated vehicular access and parking development and party wall or adjoining building walls meeting required fire separation requirements of the State Structural Specialty Code and Fire and Life Safety Code.*

The proposal is consistent with the provisions of this section. The lot currently meets the standard setback requirements.

- (d) *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 provisions of this section. Right-of-way widths are already established and no widening of streets is necessary.

- (e) *See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.*

The proposal is consistent with the provisions of this section. No tree removal is proposed within the plan.

- (5) Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided, and all performance standards are met.

The proposal is consistent with the provisions of this section. All minimum parking standards, loading space and required yards are provided.

- (6) Off-Street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.

See findings in Section 5.20 addressed below.

SECTION 4.14 SPECIFIC DEVELOPMENT PLAN SUBZONE (/SDP)

- (1) Purpose. *The purpose of the “/SDP” subzone is to allow the development and approval of specific development plans in the City of Veneta. A specific development plan is a master plan applied to one or more parcels to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the land use review process and encourage development that is consistent with the specific development plan. Specific development plans are intended to promote coordinated planning and pedestrian-oriented mixed-use development.*

The proposed development is consistent with the purpose of the Northeast Employment Center.

- (4) Plan Implementation.

- (b) New Construction. *New construction under Site Plan Review or building permit review shall meet the special development and design standards of the specific development plan.*

The proposal meets the special development and design standards of the Northeast Employment Center SDP with the conditions stated below.

- (7) Specific Development Plan Standards. *Standards for specific development plans are listed below. The standards shall be utilized in conjunction with the specific development plan adopted as an exhibit to the “/SDP” subzone. This section will be amended as new specific development plans are adopted.*

- (a) *Northeast Employment Center*

1. Report Adopted. *The Northeast Employment Center Specific Development Plan Final Report, dated June 1999, and Thomas Alternative Veneta Mixed use Employment Center map dated March 2000, is hereby adopted by reference.*

2. Permitted Uses and Conditional Uses. All uses permitted under the base zoning districts are also permitted in the “/SDP” subzone.

Other uses are allowed only in the area designated as the Northeast Employment Center on the zoning map as follows:

- (i) *Hotels and motels are allowed in the CC zone.*
- (ii) *In the I/C zone and CC zone, retail stores or shops limited to 60,000 square feet in one building.*
- (iii) *In the I/C zone, permitted uses are the same as in the H.C. zone, but maximum building square footage is 60,000 square feet per building.*

The proposal is consistent with the provisions of this section. The proposed use is allowed within Industrial-Commercial Zoning District (Section 4.08 (2)(c), Light Industrial) and the building size is 2,260 square feet.

3. Streets and Pedestrian Path Standards. *Streets and paths shall be designed in compliance with the Circulation Plan and street sections.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant construct the required sidewalks in accordance with the requirements of the Cornerstone Subdivision. Street and Pedestrian facility have already been designed as part of the Veneta Business Park and are not proposed to be modified.

4. Setbacks. *The following setbacks are shown on the Plan and supersede conflicting setback requirements elsewhere in ordinance.*

- (i) *East end landscape buffer: 30' building setback, twenty (20)' landscaping consisting of evergreen plants forming a continuous hedge or treed buffer reaching a height of at least 8' within 3 years of establishment. All plants must be watered with automatic irrigation systems until established.*

The proposal does not have a required landscape buffer; therefore the provisions of this section are not applicable.

- (ii) *Highway 126 tree preservation setback: thirty (30) foot building setback, twenty (20) foot tree preservation area in which trees greater than eight (8) inch diameter at four (4) foot from the ground will be preserved unless deemed to be impracticable. Cleared "windows" no greater than 100 foot in length are allowed. "Windows" shall be spaced to provide at least 300 foot of tree canopy between "windows" unless exempted as part of site review.*

The proposal is consistent with the provisions of this section. A tree removal permit will be required for future tree removal on the parcel.

5. *Signage. Monument signs for Employment Center at the intersection of Hope Lane and Highway 126 allowed in addition to other signage allowed in the Highway 126 Corridor District. Monument signs for Employment Center at intersections of Jeans Road and Hope Lane allowed in addition to other signage allowed in the Business District.*

The proposal is consistent with the provisions of this section with the condition of approval that any proposed signs comply with the requirements of the Northeast Employment Center and the provisions of the Section 5.15 of the Veneta Land Development Ordinance.

6. *Street Trees. Deciduous street trees (minimum two (2) inch diameter at time of installation) shall be planted every 40 foot (or the equivalent number for each property) with ground cover or unobstructing vegetation as under story.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of certificate of occupancy the applicant plant the required street trees as outlined in the Preliminary Street Tree Plan for the Veneta Business Park. The street tree plan identifies 3 (three) species of trees that are two (2) inch caliper and planted every 40 feet. Specifically, that applicant shall plant:

3 (three) Summit Ash
1 (one) Scarlet Oak
1 (one) Briotti Red Horse Chestnut.

Additionally, the applicant shall place ground cover or unobstructing vegetation as approved in the Preliminary Street Tree Plan for the VBP as understory to the required street trees, including:

1 Gal – Kinnikinnick
1 Gal – Salal
1 Gal - Rubus

7. *Design Theme for Improvements.* As part of site review, Building and Planning Official or Planning Commission must approve plan for public improvements and site amenities to ensure they establish or support a design theme throughout the area. Relevant public improvements and amenities include signage, pedestrian crosswalks, lighting, transit stops, landscaping in public right-of-way, and on-street parking.

The proposal is consistent with the provisions of the Northeast Employment Center Specific Development Plan. All of the relevant public improvements and amenities with exception of the street trees have been installed.

8. *Parking Area Landscaping.* A minimum of one 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 identifies three (3) spaces within the development. Parking area landscaping is encouraged, but not required.

9. *Building Facades.* The following design standards shall apply:
- (i) *Commercial and industrial front building facades must not extend for more than 300 feet without a pedestrian connection between or through the building.*

The proposed building facades do not extend for more than 300 feet; therefore the provisions of this section are not applicable.

- (ii) *Commercial and industrial buildings facing a public street shall have no more than 100 feet without providing variation in building material or articulation.*

The proposal is consistent with the provisions of this section. The existing building faces Highway 126 and is approximately 78' feet; therefore it does not create more than 100 feet of continuous building.

- 10. *Cross Connections. Development sites shall be designed to allow for internal connections between parking lot drive aisles and between abutting developments without requiring access to a public street.*

There are no parking lot drive aisles; therefore the provisions of this section are not applicable.

- 11. *Exterior lighting. All exterior lighting shall be shielded and reflected downward to minimize glare on adjacent parcels, other land uses, and street rights-of-way.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the applicant sign and record a development agreement that states:

- (a) **If the applicant proposes any lighting, the applicant shall provide an exterior lighting plan that meets the requirements of Chapter 15.15 of the Veneta Municipal Code.**

- 12. *Transportation Impacts. Prior to the City granting site plan approval or any other type of construction approval within the Northeast Employment Center, a Transportation Impact Study shall be conducted, if deemed necessary by the City's Building and Planning Official. The study shall identify traffic impact and needed mitigation measures to the impacted street intersections, and shall describe the location, type and thresholds (vehicle trips) for street improvements necessary to mitigate identified traffic*

impacts. The study assumptions, which shall be established on a case-by-case basis upon submittal of the application, shall meet all requirements of the City and ODOT. The study shall include a funding mechanism, approved by the City, to assure that adequate funding is available to pay the developer's proportional share of the state, county and city street improvements, as identified in the traffic impact study. Possible mechanisms may include:

City adoption of transportation impact fees;

A development agreement encompassing the funding mechanism set forth in the applicant's Transportation Impact Study must be entered into between the City and the developer that will run with the land;

Formation of a local improvement district; or

Some combination of the above.

The development of Cornerstone alleviated traffic concerns by adding an additional right hand turn. The Veneta Business Park subdivision addressed the concerns of traffic and the addition of a cold storage warehouse will not have an impact in the overall traffic in the area. The proposal is consistent with the provisions of this section with the condition of approval that the applicant pay the Transportation System Development Charges applicable to the development, prior issuance of building permits.

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 continuing obligation of the property owner.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the applicant sign an irrevocable development agreement stating:

- (a) That the land owner shall ensure the provisions for landscaping, screening and maintenance is continually maintained.**

- (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 the provisions of this section with the condition of approval that the applicant complete the required improvements prior to issuance of the Certificate of Occupancy.

- (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 the provisions of this section with the condition of approval prior to construction the applicant submit a signed and recorded irrevocable development agreement stating

- (a) **Existing trees, plant material and special site features shall remain consistent with the requirements of the Northeast Employment Center Plan.**

- (5) *All other site areas and unused property shall be maintained in suitable ground cover or kept in a clean, weed-free manner.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction the applicant shall submit a signed and recorded irrevocable development agreement that states:

- (a) **All other site areas and unused property shall be maintained in suitable ground cover or kept in a clean, weed-free manner.**

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

The parking spaces included in the site plan do not abut single-family land uses. The provisions of this section are not applicable.

- (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 the provisions of this section with the condition of approval that prior to construction the applicant shall submit a signed and recorded irrevocable development agreement stating that:

- (a) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening.**

- (8) All commercial and industrial uses shall provide landscaping as part of the development plan. Landscaping shall cover all required yards and the entire open space of the property, exclusive of walks, drives, parking areas and buildings and shall be permanently maintained by the property owner. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants.*

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 plants.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy of the warehouse, the applicant shall plant 5 trees (at least 6 feet in height) and 12 shrubs (1 gallon minimum) based on approximately 4,810 sq. ft. of required yard space.

- (9) When a sight-obscuring fence, wall, or hedge is required under the provisions of this ordinance, it must meet the following provisions:*

- (a) In order to be "sight-obscuring", fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.*

- (b) Fences and walls must be maintained in a safe condition and opacity must be maintained. Wooden materials shall be protected from rot, decay and insect infestation. Plants forming hedges must be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction on the site, the applicant shall submit a signed and recorded irrevocable development agreement that states:

- (a) Any required “sight-obscuring”, fences and walls must be at least 75 percent opaque when viewed from any angle a point 25 feet away from the fence or wall. All wooden materials shall be protected from rot, decay and insect infestation. All fences within a commercially zoned area shall comply with Article 5, Section 5.01(1) of the Veneta Land Development Ordinance and Chapter 8.05.090 of the Veneta Municipal Code.

- (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.*

The proposal is consistent with the provisions of this section. No existing uses are impacted by the proposed use.

- (11) *All detention ponds shall be designed according to guidelines adopted by resolution of the City Council. Deviations from the guidelines may be allowed at the discretion of the City when the applicant has shown that the alternative will provide increased aesthetic, pollution reduction and/or flow control benefits over those provided by adhering to the adopted guidelines.*

There is no detention facility proposed, therefore the provisions of this section are not applicable.

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.

- (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 HC zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant connect to all appropriate utilities in order to operate the required irrigation for the street trees and other landscaping.

- (2) *Agreement for Improvements. Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities and shall repair existing*

streets and other public utilities damaged in the development or execute and file with the city an agreement between the owner of the land and the city specifying the period within which required improvements and repairs shall be completed. If the improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land developer.

There are no required public improvements required as part of the proposed site plan; therefore the provisions of this section are not applicable.

- (3) *Specifications for Improvements. All improvements shall comply with the Public Improvement Specifications of Veneta Ordinances in addition to the standard of this ordinance. If the City does not have adopted standards or specifications, the developer shall submit proposed improvement standards and specifications to the City for approval by the City Engineer.*

The proposal is consistent with the provisions of this section. All of the provisions of the Land Development Ordinance have been met or can be met with conditions of approval.

- (4) *Improvements within a Public Right-of-way. A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction, the applicant shall obtain required construction permits for any improvements constructed within the public right-of-way. Construction permits shall be reviewed and signed off by the Public Works Superintendent and/or the City Engineer.

- (5) *Dedication of Street Right-of-way. Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, Land Division Ordinance and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.*

The proposed site plan does not require any additional right-of-way acquisition along Loten Way. The provisions of this section are not applicable.

- (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.

The proposal is consistent with the provisions of this section. All required PUEs were established as part of the Cornerstone Subdivision (Veneta Business Park)

- (7) Waiver. *The City Administrator may waive improvement requirements for construction of sidewalk improvements when a paved street with curbs and gutters is not adjacent to the proposed development. If this requirement is waived, the developer may be required to deposit with the City the cash to cover the cost of improvements based on an estimate approved by the City Engineer or sign an Irrevocable Petition for the future installation of sidewalks.*

The Site Plan Review is consistent with the provisions of this section with the condition of approval that prior to the issuance of a certificate of occupancy, the applicant shall submit a copy of the approved site plan.

SECTION 5.20 OFF-STREET PARKING REQUIREMENTS

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

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

- (a) *All parking lots, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete 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 the provisions of this section with the condition of approval that the applicant surface the driveway approach with six (6) inches of Portland Cement concrete. The applicant shall also relocate the oil/water separator and associated pipe out of the right-of-way and shall be graded so as not to drain storm water over the sidewalk or onto any abutting property. All grading shall be in compliance with an approved storm water management plan for the parcel.

- (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 the provisions of this section. All parking spaces have a minimum dimension of 18' x 9' exclusive of maneuvering and access.

- (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 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 the provisions of this section. The proposed site plan has a parking lot that is served by a service driveway that allows proper maneuvering and a driveway that is twenty (20) feet.

- (d) *Parking spaces along the 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 the provisions of this section. All parking spaces are contained by bumpers to prevent motor vehicles from extending over the property line.

- (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 the provisions of this section. The service driveway has been designed to provide proper ingress and egress.

- (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.*

There are no parking lots within or abutting a residential district; therefore the provisions of this section are not applicable.

- (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 the provisions of this section with the condition of approval that prior to construction, the applicant shall submit to the City a grading and drainage plan 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 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 the provisions of this section. The applicant has proposed five (5) White Wonder Dogwood trees and groundcover around the parking lot.

- (i) *Parking lot lighting must comply with Veneta Municipal Code Chapter 15.15*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant comply with all lighting requirements of Chapter 15.15 of the Veneta Municipal Code Chapter.

(3) *Location standards for parking lots*

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

The proposal is consistent with the provisions of this section. All required parking is located outside of the required ten (10) foot front yard setback.

- (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 the provisions of this section. The building on the property is pre-existing.

- (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 the provisions of this section with the condition of approval that prior to construction on the site, the applicant sign and record an irrevocable development agreement stating that:

(a) All required parking spaces shall be available for the parking of operable motor vehicles for customers, patrons and employees and not used for storage of vehicles or materials or for the parking of trucks used to conduct daily business.

(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 the provisions of this section with the condition of approval that prior to construction on site, the applicant submit a signed and recorded irrevocable development agreement that states that:

(a) The maintenance of off-street parking space shall be the continuing obligation of the property owner.

(6) Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin to maintain such altered use until the required increase in off-street parking is provided.

The proposal is consistent with the provisions of this section. Any changes in use that increase off-street parking requirements shall require a site plan amendment in accordance with Article 6 of the Veneta Land Development Ordinance.

(7) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

The proposal is consistent with the provisions of this section. The current gross floor area is approximately 2,053 sq. ft. and consists solely of warehousing. The required parking for this use is 3 parking spaces (2.54 spaces).

- (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

SPACE REQUIREMENT

Industrial

- (a) *Industrial uses which entail manufacturing, research, processing or assembling, except as otherwise specified in this ordinance.* *One (1) space per 600 square feet of gross floor area.*

The proposal is consistent with the provisions of this section. The current gross floor area is approximately 2,053 sq. ft. and consists solely of warehousing. The required parking for this use is 3 parking spaces (2.54 spaces).

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

Minimum Number of Accessible Parking Spaces

<i>Total Number of Parking Spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)</i>	<i>Van Accessible Parking Spaces with min. 96" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
<i>1 to 25</i>	<i>1</i>	<i>1</i>	<i>0</i>

The proposal is consistent with the provisions of this section. The applicant has proposed one (1) accessible parking space with van accessibility.

(14) Off-Street Loading. In any zone, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales or as a hotel, hospital, mortuary, laundry, dry cleaning establishment or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained at least 1 off-street loading space, plus 1 additional such loading space for each additional 20,000 square feet of gross floor area.

(a) Said loading space shall be provided with access, driveways and surfacing in the same manner as for off-street parking, except that each space shall be ten (10) feet wide and 25 feet long, with a height clearance of at least fourteen (14) feet. In the case where service vehicles of the truck and trailer category are utilized, the Planning Commission may require additional length for required off-street loading spaces to accommodate up to a maximum overall length of 50 feet.

The existing building is less than 10,000 square feet; therefore the provisions of this section are not applicable.

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 the provisions of this section. The applicant has proposed one (1) bicycle parking space near the 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.

- (4) *All streets shall have sidewalks except rural local streets and rural lanes unless there is compelling evidence that other pedestrian systems meet the needs of pedestrians.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to issuance of a certificate of occupancy, the applicant shall pave the proposed 36 inch wide access way from the parking area to the proposed sidewalk. All sidewalks shall be installed in accordance with the requirements of the Cornerstone Subdivision prior to issuance of a certificate of occupancy.

SECTION 5.23 TRANSIT FACILITIES

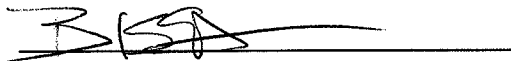
The table below shows the transit amenities that may be required. Determination of specific requirements will be made on a case by case basis for each development by weighing the following factors in consultation with the Lane Transit District:

- *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*

The proposal does generate the required amount of traffic trips to require transit facilities; therefore the provisions of this section are not applicable.

- D. This approval shall become final on the date this decision and supporting findings of fact are signed by the Building & Planning Official, below. An Administrative decision may be appealed to the Planning Commission within 15 days after the final order has been signed and mailed.**

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.



**Brian Issa
Community Development Director**

December 10, 2008

Date