

**Exhibit A**

**FINAL ORDER  
OF THE  
VENETA PLANNING COMMISSION**

**Territorial Park Pickleball Courts Site Plan Major Amendment  
(File No. SR-24-1)**

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

1. The Veneta Planning Commission has reviewed all material relevant to the application which has been submitted by the applicant, staff, and the general public regarding this matter after providing proper notice of the public hearing according to Section 11.07 of the Veneta Zoning and Development Code.
2. The Veneta Planning Commission held a meeting on May 7, 2024 to discuss the Site Plan Major Amendment application (SR-24-1) in accordance with Section 11.07 of the Veneta Zoning and Development Code.
3. The Veneta Planning Commission followed the required procedure and standards for approving the Site Plan Major Amendment as required by Article 6 of the Veneta Zoning and Development Code.

**B. The Veneta Planning Commission APPROVES with conditions the Territorial Park Pickleball Courts Site Plan Major Amendment (SR-24-1). The applicant shall comply with the following conditions of approval:**

**GENERAL CONDITIONS OF APPROVAL:**

1. Prior to construction, the applicant shall submit a final grading and drainage plan that complies with Veneta Zoning and Development Code Section 5.16 – Stormwater Detention and Treatment.
2. Prior to construction, the applicant shall provide a planting plan for the proposed stormwater facility that complies with the City of Portland Stormwater Management Manual, Revision #4, August 1, 2008, which is adopted as the City's stormwater management manual per Section 5.16 of the Veneta Zoning and Development Code.

**C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission APPROVES with conditions the Site Plan Major Amendment for the Territorial Park Pickleball Courts (SR-24-1) based on the information presented in the following findings of fact:**

Ordinance language is in italics. Findings are in plain text.

## **Veneta Zoning and Development Code**

### **Article 6 – Site Plan Review**

#### **Section 6.05 – Approval Criteria**

- 1) *After an examination of the site and prior to approval of plans, the Planning Commission or Building and Planning Official must make the following findings:*
  - A. *That all provisions of city ordinances are complied with.*

**Findings:** As will be discussed and determined throughout these findings, the proposal meets the applicable provisions of City ordinances. In instances where conditions of approval are warranted and necessary, the findings related to that particular matter will be discussed and addressed under the relevant section of the Veneta Zoning and Development Code or other applicable provisions of City ordinances.

The City of Veneta Comprehensive Plan, Element H – Parks and Open Space, Goal 5 states that one of the goals of this element is to “Improve existing parks and acquire and develop new parks to meet identified community needs and to maintain or improve parkland level of service as the community grows.”

The Veneta Parks, Recreation, and Open Space Master Plan (PROS MP), adopted in 2020, states that one of the findings for the May 2020 Veneta Online Community Open House was a “desire for pickleball/tennis courts” (2020 PROS Master Plan, Page 40). A PROS MP survey, dated June 8, 2020, found that out of a total of 147 respondents, 69.39% stated that the installation of pickleball courts at Territorial Park was important. A different survey was conducted, dated February 3, 2020 according to the Veneta PROS Master Plan, that found that out of a total of 235 respondents, a total of 62.55% stated that installation of pickleball courts at a City park was important to them or their household. The findings of the 2020 PROS Master Plan show that pickleball is an identified community need, and thus, the improvement of Territorial Park to install four pickleball courts is consistent with Goal 5 of Element H of the Veneta Comprehensive Plan.

Goal 1 of Element H of the Veneta Comprehensive Plan is to “Create a safe and accessible PROS system that encourages and supports the ability of community members to enjoy a parks system at every stage of their lives.” Pickleball is a sport often played and enjoyed by older demographics, providing active recreational opportunities for a demographic that sometimes has trouble taking advantage of other active recreational facilities like basketball courts, skate parks, or playgrounds. Thus, the installation of four pickleball courts is consistent with Goal 1 of Element H of the Veneta Comprehensive Plan.

Goal 2 of Element H, Strategic Greenway Acquisition and Development, is not applicable to the proposal as there is no Greenway on or near the site. Goal 3 of Element H, Expand Distribution and Connectivity, is not applicable to the proposal because the proposal will not affect the connectivity of the City’s park system.

Goal 4 of Element H, Secure Funding and Partnerships, is to “Ensure the financial stability of park development operations by securing additional funding options and partnerships.” The proposal is being funded through a grant (Grant No. LG23-039) from the Oregon Parks and Recreation Department’s Local Government Grant Program with a maximum reimbursement of \$75,000.

The discussion of the proposal’s relation to Comprehensive Plan goals is intended to show that, if applicable, the proposal is compliant with the relevant Comprehensive Plan goals. Strict adherence to the goals and policies is not required because the Comprehensive Plan states that “[a]doption of the Plan does not necessarily commit the City of Veneta to immediately carry out each policy to the letter, but instead puts the City on record as having recognized the validity of the policies and the decisions or actions they imply.”

The PROS MP is adopted as an appendix to the Comprehensive Plan. Chapter 5, Table 5.1 of the PROS MP, *Park Improvement Recommendations*, includes recommended improvement projects for each park in Veneta. The recommended improvements for Territorial Park do not include the construction of pickleball facilities. However, the summary for this chapter states that the chapter includes “recommended system improvements to guide Veneta’s Parks System.” The plan does not require strict adherence or compliance with the improvements, rather, they are merely recommendations. Additionally, as mentioned in the paragraph above, the Comprehensive Plan explicitly does not require strict adherence to its policies. Still, though the courts are not part of the projects table, the PROS MP does identify pickleball as an identified community desire in both the June 8, 2020 and the February 7, 2020 survey.

Furthermore, the PROS MP identifies Territorial Park as a ‘Community Park.’ Community parks, according to the PROS MP, are “generally larger in size and serve a wide base of residents. They typically include facilities that attract people from the entire community, such as sports fields, pavilions, picnic shelters, and water features, and require support facilities, such as parking and restrooms.” The proposed use of the site for four pickleball courts meets the intent and current use of Territorial Park as a ‘Community Park.’

Veneta Municipal Code Chapter 9.20 contains the City’s noise ordinance. This ordinance is intended to prevent nuisances arising as a result of excessive noise in the City. VMC 9.20.040, Prohibitions, Subsection 12, reads:

*(12) Miscellaneous Sounds. Producing sound by any means or through any activity other than those listed in this section or VMC 9.20.060 which:*

- a) Between the hours of 7:00 a.m. and 9:00 p.m. creates a noise disturbance; or*
- b) Between the hours of 9:00 p.m. and 7:00 a.m. is plainly audible within any noise sensitive unit which is not the source of the sound or 50 feet or more from such device.*

VMC 9.20.030, Definitions, defines ‘Noise Disturbance’ as any sound which:

- a) Injures or endangers the safety or health of a human;*
- b) Annoys or disturbs a reasonable person of normal sensitivity; or*

*c) Endangers or injures personal or real property.*

Under most circumstances, the requirements of VMC 9.20 would apply. However, VMC 9.20.060 – Exemptions, Subsection 10 specifically exempts ‘Sounds caused by organized athletic or other group activities not involving sound reproduction devices, when such activities are conducted on property generally used for such purposes.’ This exemption applies to noise generated from the proposed pickleball courts because pickleball is an organized athletic activity and it will be at Territorial Park, a property generally used for athletic and active recreational activities.

Additionally, VMC Chapter 8.10 – Tree Cutting, Destruction, and Removal governs tree removal within the City. The applicant is proposing to remove trees as part of the development. In most cases, this would require approval of a Type C Tree Removal Permit along with the Site Plan Major Amendment application. However, VMC Section 8.10.040, Subsection 4 states that ‘Tree removal by the city or a utility within easements, rights-of-way, or on public lands’ is allowed without a tree removal permit. Thus, this development is exempt from the requirements of VMC Chapter 8.10. The applicant is still proposing to plant 3 new trees with the development.

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

**Findings:** The City Engineer provided a trip generation estimate for the proposed four pickleball courts of 3 AM peak hour trips and 17 PM peak hour trips, which is below the 100-trip threshold needed to require a traffic impact analysis. As discussed further below in the findings for Section 5.27 – Traffic Impact Analysis and Mitigation, this does not meet any of the criteria that would require a Traffic Impact Analysis. As discussed further below in the findings for Section 5.20 – Off-Street Parking Requirements, the existing parking exceeds the minimum required parking spaces for the proposed use. The site’s access will not pose any traffic concerns because the existing access is off of Hunter Avenue, located 500 feet to the west from the centerline of Territorial Road. There are pedestrian and bicycle facilities provided in accordance with Section 5.22 – Pedestrian and Bicycle Access and Circulation. Future street right-of-way is protected by providing at least a 30-foot setback from the centerline of Hunter Avenue and a 40-foot setback from the centerline of Territorial Road in accordance with Section 5.09 – Exceptions to Yard Requirements.

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

**Findings:** Not applicable as the applicant does not propose any new signage or lighting.

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

**Findings:** The site is currently served by City water and the proposed use is not expected to

increase the water consumption on-site. City sewer is available but is not necessary for the site or the proposed use. This criterion is met.

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

**Findings:** Stormwater drainage, detention, and treatment is discussed further below under the findings for Section 5.16 – Stormwater Detention and Treatment. The proposed use will create approximately 8,600 new square feet of impervious surface, which will require stormwater detention and treatment in accordance with Section 5.16. The proposed use will drain its stormwater runoff to the existing drainage channel to the east. The existing park has a large amount of pervious surface and there are no size constraints that would make providing stormwater detention and treatment a challenge. Conditions of approval are needed to ensure that the proposed use meets this criterion. As conditioned under the findings for Section 5.16, this criterion is met.

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

**Findings:** The purpose of the Public Facilities and Parks zoning district is to ‘provide for public facilities and parks, and allow for construction of new facilities as the community grows.’ The proposed use of the site for pickleball courts and any associated potential nuisance characteristics is consistent with this purpose.

The primary potential nuisance characteristic of the proposed use is the noise generated. A full study of the noise characteristics and impacts associated with pickleball was provided by the applicant. This study was prepared in July of 2023 by Spendiarian & Willis Acoustics and Noise Control LLC and was prepared for the City of Centennial, Colorado. It contains an overview of the noise impacts of pickleball in general, and not just as it relates to the City of Centennial’s plans.

The pickleball courts will be located approximately 250 feet from the existing single-family residential uses to the west, approximately 280-350 feet from the existing single-family uses to the east, and approximately 115-130 feet to the apartment complex to the north. The applicant is proposing to install sound-mitigating mats along the north fence of the pickleball courts in order to mitigate the noise that reaches the closest residential units located at the apartment complex, across Hunter Avenue, to the north.

Additionally, it should be noted that the existing single-family uses to the east are not residentially-zoned, but rather are zoned Community Commercial (CC). The noise expectations in a commercial zone are different than the noise expectations in residential zones. In general, commercial zones are expected to generate and be situated in areas with a higher level of noise

than residential zones.

In 2020, the City adopted the Parks, Recreation, and Open Space Master Plan (PROS MP). The intent of this plan is to be a “guiding document based on a community vision cultivated through focus groups, stakeholder interviews, additional public outreach events, and shaped by the City of Veneta...With this intent in mind, the PROS Plan includes a guiding vision, actions, recommendations, and specific projects designed to be implemented over a 20+ year planning period” (2020 PROS MP, page ES 5).

A survey, dated June 8, 2020, found that out of a total of 147 respondents, 69.38% of respondents felt that the implementation of pickleball at Territorial Park is important, while 30.61% stated it was not important. In a different survey, dated February 3, 2020, out of a total of 235 respondents, 62.56% stated that implementation of pickleball at any City park was important, compared to 37.45% who stated that it was not important.

Furthermore, the PROS MP identifies Territorial Park as a ‘Community Park.’ Community parks, according to the PROS MP, are “generally larger in size and serve a wide base of residents. They typically include facilities that attract people from the entire community, such as sports fields, pavilions, picnic shelters, and water features, and require support facilities, such as parking and restrooms.” The potential nuisance characteristics of a larger community facility like the four pickleball courts is consistent with the park’s current classification as a Community Park.

Territorial Park currently contains a skate park, a basketball court, and a playground. These recreational facilities already generate a significant amount of noise. The pickleball courts are proposed to be placed at this location in order to group these types of active sports facilities together, due to their similar impacts and potential nuisance characteristics. Active sports parks generate an amount of noise greater than what might be generated at a quiet park with no active facilities, like the existing Ralph Johnson Park, located at the southeast corner of 5<sup>th</sup> Street and Dunham Avenue. Different parks have different expectations of the potential nuisance characteristics depending on the facilities present at each one. Territorial Park already contains three active recreational facilities, thus, there currently exists an expectation that this park will generate a higher level of noise than a park without active recreational facilities.

The park is located adjacent to Territorial Road, which is classified as a Minor Arterial road according to the City’s Transportation System Plan. Territorial Road is the major north-south road in the city and generates a significant amount of noise from traffic. Additionally, the subject site directly borders the Lane Fire Authority Headquarters to the south. The fire station generates a significant amount of noise when responding to emergency calls. The combination of the existing recreational facilities, the fire station to the south, and the fact that the park directly borders a Minor Arterial road shows that the area already experiences a significant amount of noise, and that the addition of four pickleball courts is not expected to significantly increase or alter the nuisance characteristics of the park or the surrounding area.

Additionally, as mentioned under the findings for Section 6.05(1)(A), Veneta Municipal Code

Chapter 9.20 contains the City's noise ordinance. This ordinance is intended to prevent nuisances arising as a result of excessive noise in the City. VMC Section 9.20.060 – Exemptions, Subsection 10 specifically exempts 'Sounds caused by organized athletic or other group activities not involving sound reproduction devices, when such activities are conducted on property generally used for such purposes.' This exemption applies to noise generated from the proposed pickleball courts because pickleball is an organized athletic activity and it will be at Territorial Park, a property generally used for athletic and active recreational activities. This shows that the noise generated from pickleball is expected to be consistent with the current use of the site as a public park with active recreational facilities.

Other City parks were considered but deemed not suitable for pickleball courts for various reasons. Fern Park, Oak Island Park, and 5<sup>th</sup> Street Park are all too small and have residences too close by to install pickleball courts. Ralph Johnson Park is intended as quiet park, and is also too small and too close to residential uses. Bolton Hill Park is also an active sports park, and is not located too closely to residential uses, but does not have room for a pickleball court, as the park is designed to contain only soccer fields and baseball diamonds. City Park is not sited too close too residential uses, but does not have any room to site the pickleball courts.

Because of the strong demand by the public for pickleball, the City has reviewed all of the parks in town and determined that Territorial Park to be the most appropriate location due to its current use as an active sports park, its central location in the City, the high visibility from Territorial Road, and the lack of residential units in close proximity.

For all of the above reasons, the addition of four pickleball courts and the noise generated from them are expected to be reasonably compatible with the land use district, adjacent land uses, and all applicable regulatory agencies having jurisdiction. There are no other expected nuisance characteristics as part of the proposal.

*G. Where the applicant has requested an adjustment to Site Plan Review criteria (Type II Site Plan Review) pursuant to the Veneta Zoning and Development Code, the applicant shall identify all applicable criteria in this ordinance and specifically address each adjustment*

**Findings:** Not applicable to this request.

*2) Alternatives to the Commercial and Mixed Use Design Standards of Section 5.13, or Residential Design Standards of Section 5.29 or Off Street Parking Location Standards Section 5.20(3)(c) may be granted by the Planning Commission following a public hearing where the Commission finds that the alternative design:*

- A. Meets the purpose and intent of the applicable design standard being adjusted*
- B. Conforms with the design guidelines provided in Section 5.13 or 5.29 as applicable*
- C. Promotes pedestrian safety, convenience and comfort*
- D. Contains architectural features substituting for code required features which are*

- consistent with the overall design intent and composition of the building.*
- E. *Maintains or enhances compatibility between new development and existing uses, including aesthetics and privacy for residential uses.*

**Findings:** Sections 5.13 and 5.29 do not apply to the proposed use.

#### **Article 4 – Use Zones**

##### **Section 4.11 – Public Facilities and Parks**

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

- 1) **Purpose.** *To provide for public facilities and parks, and allow for construction of new facilities as the community grows.*

**Findings:** The proposed use is consistent with the purpose of the zone because it is for a public recreational facility in an existing public park.

- 2) **Uses Permitted Subject to Site Plan Review.** *In a PFP zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6:*
- A. *Educational institutions.*
  - B. *Government buildings.*
  - C. *Parks.*
  - D. *Low impact recreation and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.*
  - E. *Nature preserves.*
  - F. *Cemeteries.*
  - G. *Community centers.*
  - H. *Museums and interpretive centers.*
  - I. *Commercial horticulture.*
  - J. *Public structures or uses of land for public utilities such as:*
    - 1. *Electric substations or transformers.*
    - 2. *Public or community sewage disposal plant or pumping station.*
    - 3. *Radio, television, or cell tower or transmitter.*
    - 4. *Telephone exchange.*
    - 5. *School bus garage.*
    - 6. *Shop or storage yard.*
  - K. *Low impact public and semi-public uses, including transit facilities and transportation improvements Veneta Zoning and Development Code Page 31 conforming to the City of Veneta Transportation System Plan*
  - L. *Uses similar to the above permitted uses as provided by Section 2.05.*

**Findings:** The proposed use of four pickleball courts is permitted subject to Site Plan Review because the use falls under the definition of Subsection D, “Low impact recreation and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.”



- 3) Conditional Uses Permitted. In a PFP zone, the following uses and their accessory uses may be permitted subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses:
- A. High impact recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, and swimming pools.
  - B. High impact transportation facilities such as heliports, helistops and bus or train terminals.
  - C. Transportation improvements inconsistent with the City of Veneta Transportation System Plan.
  - D. Uses similar to the above conditional uses as provided by Section 2.05.

**Findings:** The proposed use does not require a Conditional Use Permit because it does not fall under the definition of any of these uses.

- 4) Lot Size and Width. There are no minimum lot sizes in the PFP zone.

**Findings:** The subject site is zoned PFP, which does not have a minimum lot size. No criterion to meet.

- 5) Yards. Except as provided in Articles 5, 6, and 8, in a PFP zone, yards shall be as follows:
- A. Front yards abutting a residential zone shall be a minimum of twenty (20) feet.
  - B. Back and side yards abutting a residential zone shall be a minimum of five (5) 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, or construction of new streets.
  - F. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

**Findings:** The site currently has a front setback greater than 20 feet and side and rear setbacks greater than 5 feet. All setbacks not used for parking or maneuvering areas are landscaped as provided in Section 5.12. Findings for Section 5.09 are discussed further below. This criterion is met.

- 6) Pedestrian Access. If a building is open to the public, a sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.

**Findings:** While there are no buildings on the subject site, the site still provides safe and convenient pedestrian access to the facilities. There is an asphalt path running along the perimeter of the park that provides access to the playground, basketball court, and skate park. The proposed use will provide pedestrian access from the asphalt path to the pickleball courts. This criterion is met.

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

**Findings:** As discussed further below in this final order, this proposed use as conditioned meets this criterion.

**Article 5 – Supplementary Provisions**

**Section 5.02 – Access**

*All lots shall be provided with access according to the standards of Article 6, Section 6.04 of this ordinance.*

**Findings:** The site is currently accessed off of Hunter Avenue into an existing parking area. There is a one-way driveway approach entering into the site on the west end and a one-way driveway approach leaving the site on the east end. This criterion is met.

**Section 5.09 – Exceptions to Yard Requirements**

*The following are authorized exceptions to yard requirements:*

- 3) *In order to permit the eventual widening of streets, every lot abutting a portion of a street hereinafter named shall have an additional setback over the required yard dimension specified in the zone so that the minimum distance from the center line of the street right-of-way to the front setback line shall be listed as below:*

<u>Street Name</u>	<u>Setback from Center Line of Right-of-Way</u>
Highway 126	50 feet
Territorial Highway	40 feet - West side only
Bolton Hill Road	35 feet
Hunter Road	30 feet

*The required front yards specified for each zone shall be in addition to the setbacks specified above.*

**Findings:** The existing park is located at the southwest corner of Hunter Avenue and Territorial Road. No new development will be within 30 feet of the centerline of Hunter Avenue or within 40 feet from the centerline of Territorial Highway. This criterion is met.

**Section 5.12 – Landscaping**

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

- 1) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.
- 2) Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.
- 3) **Minimum Landscaped Area.** The minimum percentage of required landscaping is as follows:
  - A. Residential and Residential-Commercial Zones: 20% of each lot for residential developments, 10% for commercial or mixed use.
  - B. Community Commercial and Broadway Commercial Zones: 10% of the site.
  - C. Highway Commercial Zone: 10 % of the site.
  - D. Industrial Zones (IC, LI, MI): 5% of the site.
  - E. When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.
- 4) **Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:**
  - A. One tree, minimum 2" caliper.
  - B. Four 5-gallon shrubs or accent plants.
- 5) **Minimum percentage Ground Cover.** All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (6)(F) & (G), below), shall have ground cover plants that are sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy.
- 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.*
- 7) Multi-family sites and parking lots shall be screened from abutting single-family land uses by a combination of sight-obscuring fences, walls and landscaping adequate to provide privacy and separation for the abutting land use.*
- 8) Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.*
- 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 shall be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis as the sole discretion of the Planning Official.*
  - 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.*
- 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.*

**Findings:** There is no minimum required landscaping for properties zoned Public Facilities and Parks. The landscaping of the park was approved under the original Site Plan Review and Site Plan Minor Amendment approvals (SR-2-02 and SR-2-05), and the proposal is not intending to install any new landscaping areas. The applicant does propose to plant three new trees on the site.

There is an existing sight-obscuring fence that is proposed to remain where the park borders residential uses. This sight-obscuring fence complies with the standards of Section 5.12(9). There are no garbage collection areas or service facilities located on the site. These criteria are met.

The proposed use will remove approximately 8,600 square feet of landscaping to install 4 pickleball courts. This criterion is met. Where there is not a recreational facility (basketball, skate park, pickleball courts) the site is landscaped in accordance with Section 5.12 There is an existing sight-obscuring fence that is proposed to remain where the park borders residential uses. This sight-obscuring fence complies with the standards of 5.12(9). There are no garbage collection areas or service facilities located on the site. These criteria are met.

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

**Findings:** No planting plan was provided for the stormwater detention facility. The stormwater detention facility will need to be landscaped according to City standards. This criterion can be met with the following condition of approval:

**Condition of Approval:** Prior to construction, the applicant shall provide a planting plan for the proposed stormwater facility that complies with the City of Portland Stormwater Management Manual, Revision #4, August 1, 2008, which is adopted as the City's stormwater management manual per Section 5.16 of the Veneta Zoning and Development Code.

### **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.*

- 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.*
- 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.*
- 4) *The following storm data (Eugene Airport) shall be used in sizing facilities.*

## 24-HOUR RAINFALL DEPTHS

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

Pollution Reduction: 24-Hour Depths, 1.4 Inches

**Findings:** Stormwater runoff from the site is currently managed through an existing drainage channel running north-south through the center of the park. The proposed use will create approximately 8,600 square feet of new impervious surface, which requires stormwater detention and treatment in accordance with Section 5.16. The applicant states that the drainage plan is to drain runoff into the existing drainage channel to the east. There is plenty of space around the proposed pickleball courts to install the necessary stormwater control facilities. Engineered drainage plans will be designed once the land use process is complete. The following conditions of approval will be added to ensure compliance with Section 5.16.

**Condition of Approval:** Prior to construction, the applicant shall submit a final grading and drainage plan that complies with Veneta Zoning and Development Code Section 5.16 – Stormwater Detention and Treatment.

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

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

conformance with the provisions of this section.

- 11) *Space requirements for off-street parking shall be consistent with Table 5.20(a) below. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of all buildings but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces not to exceed (fifty) 50% of the required spaces may be permitted by the Planning Commission. A reduction in excess of 50% may be permitted through a Type II Site Plan Review, pursuant to Article 6, if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with Lane Transit District to provide bus passes to employees or who offers van pools or other transportation demand management measures may need fewer parking spaces for employees.*

Table 5.20(a) Off-Street Parking Requirements			
Use Categories	Motor Vehicle Parking Requirement	Bicycle Parking Requirement	Type and % Bicycle Parking
Tennis, racquetball, basketball	Two (2) spaces per playing court	1 per playing court	25% LT / 75% ST

**Findings:** The proposed use of 4 pickleball courts is not explicitly identified as a use category in Table 5.20(a), but is a similar use to tennis courts. The parking requirement for this use category is two spaces per playing court. With 4 courts, the total comes to 8 required spaces. This is in addition to the existing basketball court, which brings the total to 10 required spaces. The park currently has 20 off-street parking spaces. The applicant is proposing to re-stripe the parking area to bring the ADA-accessible spots into full compliance, which will bring the total number of parking spaces down to 18. This is still above the required minimum, and thus, the criterion is met.

The bike parking requirement for the proposed use is 1 per court. With 4 courts, and with the existing basketball court, this comes out to 5 required bicycle parking spaces. There are currently 5 bicycle parking spaces on site. This criterion is met.

- 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 in Table 5.20(b).*

<i>Table 5.20(b) Minimum Accessible Parking Requirements</i>			
<i>Total Number of Parking Spaces Required</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>

**Findings:** The site currently has 20 off-street parking spaces, two of which are accessible parking spaces. These accessible parking spaces currently have stalls that do not meet ADA requirements. The applicant is proposing to re-stripe the parking area to provide 96"-wide-minimum access aisles, bringing the total number of parking spaces to 18. This criterion is met.

#### **Section 5.22 – Pedestrian and Bicycle 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.*

**Findings:** The subject site currently has an asphalt path running along the perimeter of the park that connects with existing sidewalks to the west and to the east. This criterion is met because the asphalt path provides connections to all existing facilities and the applicant is proposing to provide a pedestrian connection from the asphalt path to the pickleball courts.

- 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.*

**Findings:** There are no sidewalks where the site fronts Hunter Avenue. However, the existing asphalt path provides facilities for pedestrians and cyclists to pass through the site and connects to the existing sidewalk to the west and to the east. This criterion is met.

#### **Section 5.27 – Traffic Impact Analysis and Mitigation**

*A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:*

- A. The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.*
- B. The proposal is immediately adjacent to an intersection that is functioning at a level of service below LOS D, the City's minimum acceptable operating condition during the weekday peak hour.*
- C. The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.*

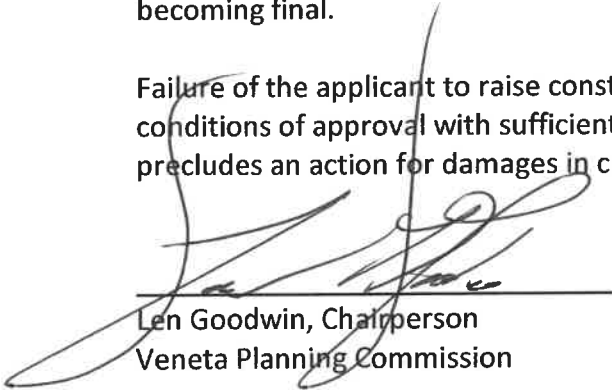


- D. *The proposed use is expected to generate or receive traffic by vehicles exceeding 26,000 pounds gross vehicle weight as part of daily operations. "Daily operations" includes, but is not limited to, delivery to or from the site of materials or products processed, sold, or distributed by the business occupying the site. Trips associated with routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service, are exempt from this provision.*
- E. *An access driveway that does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard.*
- F. *An access driveway that does not meet the access spacing standard of the roadway on which the driveway is located.*
- G. *A change in internal traffic patterns that may cause safety problems, such as back-up onto public streets or traffic conflicts in the approach area.*

**Findings:** The City Engineer provided a trip generation estimate of 3 AM peak hour trips and 17 PM peak hour trips. The proposed use does not meet any of the other criteria of this section and does not require a traffic impact analysis.

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

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

  
 Len Goodwin, Chairperson  
 Veneta Planning Commission

  
 Date

