

Exhibit A

**FINAL ORDER
OF THE
VENETA PLANNING COMMISSION**

**Rexius Outdoor Storage Yard
(File No. CUP-24-3 & SR-24-5)**

A. The Veneta Planning Commission finds the following:

1. The Veneta Planning Commission has reviewed all material relevant to the request (CUP-24-3 & SR-24-5) which has been submitted by the applicant and the general public regarding this matter.
2. The City of Veneta provided proper notice of the public hearing in accordance with Section 11.07(2) of the Veneta Zoning and Development Code.
3. The Veneta Planning Commission followed the required procedure and standards for approving the Conditional Use Permit and Site Plan Review request as required by Articles 6 and 8 of the Veneta Zoning and Development Code.

B. The Veneta Planning Commission APPROVES with conditions the Rexius Outdoor Storage Yard (CUP-24-3 & SR-24-5). The applicant shall comply with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

1. The applicant shall maintain in a clean and weed-free manner all on-site landscaping and screening in accordance with Veneta Zoning and Development Code Section 5.12(1).
2. Upon notification from the City, the applicant shall water the site to control dust and fugitive emissions from leaving the property.
3. Sight-obscuring fences and walls must be maintained in a safe condition and opacity must be maintained, per Veneta Zoning and Development Code Section 5.12(9).
4. The operator of the site shall immediately notify the Lane Fire Authority and provide the Lane Fire Authority with a new key for the electric gate when a lock is changed or rekeyed and the key shall be secured in the emergency key-box for life-saving or fire-fighting purposes.

PRIOR TO BEGINNING OPERATIONS ON SITE

5. Prior to beginning operations on site, the applicant shall install chain link fence with sight-obscuring slats to screen the outdoor storage area from all public streets in accordance with the approved site plan.
 6. Prior to beginning operations on site, the applicant shall complete all landscaping improvements shown on the approved site plan in accordance with Veneta Zoning and Development Code Section 5.12(2).
 7. Prior to beginning operations on site, the applicant shall construct a 5-foot sidewalk along the frontage of the site in accordance with the approved site plan.
- C. IT IS HEREBY ORDERED that the City of Veneta Planning Commission approves with conditions the Rexius Outdoor Storage Yard (CUP-24-3 & SR-24-5) based on the information presented in the following findings of fact:

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 and other applicable provisions of City ordinances.

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

Findings: The proposed use is not expected to generate a number of trips that will have a significant impact on traffic congestion on Loten Way. As will be discussed in the findings regarding Sections 5.20, 5.22, and 5.27, the proposed use as conditioned meets the requirements of the VZDC in regards to off-street parking and pedestrian, bicycle, and vehicular safety. There is no future street right-of-way needed for Loten Way because it is classified as a Local road, which has a standard width of 58 feet according to the Transportation System Plan, and the right-of-way width for Loten Way is 60 feet where the site fronts Loten Way.

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

Findings: This criterion is met because the applicant is not proposing any signs or outdoor lighting.

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

Findings: The applicant is not proposing to connect to City sewer or to the City stormwater system. The applicant is currently operating off of a temporary use permit for outdoor storage and has already received a plumbing permit to connect to City water to irrigate the site landscaping. Adequate City water is available for the site's 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: The proposal does not require stormwater detention or treatment facilities because it will not create greater than 1,000 square feet of new impervious surface, per VZDC 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 proposed use of the site for outdoor storage is consistent with the purpose of the Industrial-Commercial zone, which is to 'provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.' The proposed use of outdoor storage is expected to have little to no nuisance characteristics. The proposed use is compatible with adjacent land uses because to the south is a vacant lot and a dollar store, to the west is an RV repair shop, to the north is a Lane County outdoor storage yard, and to the east is a self-storage facility. There is a residential property to the northeast, but the house is situated approximately 300 ft away from the subject site and the proposed use of outdoor storage of construction vehicles and equipment is not expected to cause a noise, odor, or other nuisance.

- 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: This criterion is not applicable as the applicant has not requested any adjustments to the Site Plan Review criteria.

- 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: The proposed use is in an industrial use in the Industrial-Commercial zone. These criteria do not apply.

Article 8 – Conditional Use Permits

Section 8.10 – General Standards of Approval.

A conditional use may be granted only if:

- 1) The proposed use is consistent with the Veneta Comprehensive Plan.*

Findings: The Veneta Comprehensive Plan Designation for the site is Industrial-Commercial (IC). The purpose of the Industrial-Commercial Comprehensive Plan designation is to:

- Provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.
- Ensure that sufficient lands are available to encourage immediate industrial and commercial development in Veneta:
- Protect lands in large parcels which will be needed for future industrial and commercial development.
- Permit light and medium industrial uses which have minimal environmental impacts and are developed in an attractive industrial setting.
- Prohibit heavy industry producing high traffic volumes, noise and/or pollutants.
- Permit commercial uses to supplement industrial uses and/or to provide needed retail, automotive repair, welding or other commercial uses that are compatible with industrial uses
- Permit residential living quarters as a conditional use in conjunction with a mini-warehouse, or by occupying no more than 50% of the same building in which a business is housed.

The proposed use of outdoor storage is not a heavy industrial use and would not produce high traffic volumes, noise and/or pollutants. The proposed use does not contain any structures, and

would ensure that the land is available for current and future industrial and commercial development. The proposed use is of storage of industrial vehicles and materials with minimal environmental impacts. The landscaping proposed by the applicant and required by the conditions of approval will ensure that the site is developed into an attractive industrial setting. The proposed use is an outdoor storage yard, and is not expected to produce more than a minimal amount of emissions or nuisance characteristics compared to existing conditions. This criterion is met.

2) *The proposed use is consistent with the purpose of the zoning district.*

Findings: The site is zoned Industrial-Commercial (IC). The purpose of the Industrial-Commercial zone is to provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics. The proposed development of outdoor storage is primarily of industrial vehicles and materials. This criterion is met.

3) *The potential negative impacts of the proposed use on adjacent properties and on the public will be mitigated through the application of existing requirements and conditions of approval.*

Findings: The outdoor storage use will be screened through the use of existing and proposed chain link fence with opaque slats, mitigating the negative aesthetic effects of the outdoor storage use. The applicant is also proposing to landscape the 10-foot front yard setback in order to make the site more aesthetically and visually appealing.

4) *All required public facilities have adequate capacity to serve the proposal. Systems Development Charges will be assessed at the time a building permit is issued. Additional SDC's will be assessed for changes in use that are more intense than a pre-existing use.*

Findings: The proposed use is located off of Loten Way, which ends in a cul-de-sac and thus has no through traffic and experiences little traffic otherwise. The proposed use of outdoor storage is not expected to generate more traffic than current street conditions can handle. The site is currently served by City water and adequate capacity is available. The site is not served or proposed to be served by City sewer and the site will not connect to the City stormwater system. This criterion is met.

5) *The site size, dimensions, location, topography, and access are adequate considering such items as the bulk, coverage or density of the proposed development; the generation of traffic; environmental quality impacts; and health, safety or general welfare concerns.*

Findings: The site size, dimensions, location, topography, and access are adequate considering the low-intensity use of the site for an outdoor storage yard. The applicant's site plan shows an electric gate providing access to the site. The site is currently operating off of a temporary use permit for outdoor storage, and the applicant has already been in contact with Lane Fire Authority to coordinate the placement of an emergency key-box for access for emergency

vehicles. Staff finds it necessary to add a condition of approval to ensure that if the lock is changed or rekeyed, the applicant will notify and coordinate with Lane Fire Authority. There are no expected negative environmental quality impacts or impacts to public health, safety, or general welfare concerns. As conditioned, this criterion is met.

Condition of Approval: The operator of the site shall immediately notify the Lane Fire Authority and provide the Lane Fire Authority with a new key for the electric gate when a lock is changed or rekeyed and the key shall be secured in the emergency key-box for life-saving or fire-fighting purposes.

Section 8.11(12) – Special Standards Governing Certain Conditional Uses (Standards for commercial or industrial uses with open display or storage outside the building).

These standards also apply to open display or storage outside exceeding 180 days, material recycling operations and outdoor sales of commercial merchandise. Open display or storage may be allowed by the Planning Commission if it meets the following standards:

- A. *Storage areas shall be located behind buildings to minimize the visibility of approved storage.*

Findings: Not applicable as the site and proposed development does not have any buildings.

- B. *Except for the sales of commercial merchandise, any outdoor storage shall be surrounded by a sight-obscuring fence, wall, or landscaping.*

Findings: No sales of commercial merchandise proposed. Any outdoor storage will be screened through the use of existing and proposed chain link fencing with opaque slats installed. As conditioned, this criterion is met.

Condition of Approval: Prior to beginning operations on site, the applicant shall install chain link fence with sight-obscuring slats to screen the outdoor storage area from all public streets in accordance with the approved site plan.

- C. *Display of commercial merchandise must not encroach on any required yards, parking spaces or vehicular circulation areas. Additional setbacks may be required by the Planning Commission.*

Findings: Not applicable as there is no commercial merchandise associated with the proposed use.

Article 4 – Use Zones

Section 4.08 – Industrial Commercial (IC)

- 1) **Purpose.** *To provide areas suitable for limited manufacturing, warehousing, and*

commercial activities which have minimal emissions or nuisance characteristics.

Findings: The proposed use is for outdoor storage, which will have minimal emissions and nuisance characteristics on surrounding properties. This criterion is met.

- 2) Conditional Uses. *The following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.*
- A. *All uses provided in Table 4.4 and similar uses as provided by Section 2.05.*
 - B. *The requirement for Site Plan Review may be waived by the Director if there is a Change of Use in an existing building or development site with all improvements in place and similar or reduced on/offsite impacts and trip generation.*

Findings: This subsection applies because Table 4.4 lists "Outdoor sales/display/storage > 180 days" as a Conditional Use in the Industrial-Commercial zone. The proposal is subject to the provisions of Article 6, Site Plan Review, and Article 8, Conditional Uses.

4. Yards. *Yards shall be as specified in Table 4.3 except as follows:*
- A. *Front yards shall be a minimum of twenty (20) feet when a lot abuts a residential zone.*
 - B. *Back and side yards shall be a minimum of twenty (20) feet from property line when a lot abuts a residential zone.*
 - 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.*
 - D. *Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.*
 - E. *See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.*

Findings: The proposed use complies with the setbacks of the Industrial-Commercial zone as identified in Table 4.3. The subject site does not abut a residential zone. Loten Way does not need any additional right-of-way. No setback exemptions requested for the preservation of heritage trees.

5. Lot Coverage. *Lot coverage shall be as specified in Table 4.3, provided the requirements of Articles 5, 6, and 8, as applicable, are met.*

Findings: This criterion is not applicable because the applicant is not proposing any structures.

6. Off-street Parking and Loading. *Off-street parking shall be provided as specified in Section 5.20.*

Findings: See the findings further below under Section 5.20.

7. Performance Standards.

- A. Water Supply. All industrial uses must connect to the City of Veneta water system. Projected water use must be shown to be within Veneta's water system capabilities and approved by the City Engineer.***

Findings: The site is currently served by City water. The expected water use is within Veneta's water system capabilities. The City Engineer did not have any objections to the water use.

- B. Waste Water Standards. All industrial uses must be connected to the City of Veneta sanitary sewerage system. Veneta's sanitary sewerage system must be shown to be capable of treating the projected amount and quality of waste water and approved by the City Engineer.***

Findings: No buildings currently exist or are proposed as part of the request. No connection to sewer is needed.

- C. Stormwater Drainage. The development site, its operations and improvements thereon shall detain and treat all stormwater as required by Section 5.16 of this ordinance. There shall be no contamination of stormwater from solid or other wastes.***

Findings: The outdoor storage yard is proposed to be surfaced with gravel, which is not considered impermeable surface and does not trigger the requirements of VZDC Section 5.16 for stormwater detention and treatment.

- D. Solid Waste Containers. Garbage collection areas, service facilities and air conditioning facilities located outside the building shall be appropriately screened and landscaped to obscure view from beyond the boundary of the development site. No hazardous wastes may be collected or stored within the development site.***

Findings: There are no proposed service facilities or air conditioning facilities. There is no existing or proposed collection or storage of hazardous wastes. Garbage collection areas shall be screened to obscure view from beyond the boundary of the development site via opaque slats installed on the chain link fence surrounding the site.

- E. Odor Standards. No emission or odorous matter shall be produced in such a manner to cause a public nuisance or contribute to a condition of air pollution. An odor nuisance may be measured as an emission that occurs for sufficient duration or frequency so that two (2) measurements made within a period of one (1) hour, separated by not less than fifteen (15) minutes, are equal to or greater than a Centimeter No. 0 or equivalent dilution measured at the property line.***

Findings: There is no expected emission of odorous matter to be produced from the proposed use. The materials being stored will be construction vehicles and equipment, which are not expected to emit odor.

- F. Noise Standards. Operations must demonstrate, by noise production methods, that it shall not exceed DEQ standards set forth in Oregon Administrative Rules, Chapter 340, Division 35: "Oregon State Noise Control Regulations for Industry and Commerce," and the Veneta Noise Ordinance No. 299.*

Findings: There is no expected noise nuisance to be produced from the proposed use.

- G. Dust and Fugitive Emission Standards. Open operations on the development site require a paved dust-free and adequately drained durable surface of asphaltic concrete or Portland cement or other approved materials. Vegetative screens or buffers shall be required to minimize dust "drift" onto abutting properties. Buffers are to be installed as required under parking area standards, Section 5.20.*

Findings: The proposed outdoor storage use will have a gravel surface which provides adequate drainage. The site will be enclosed by a chain link fence with opaque slats installed as well as landscape vegetation. If dust becomes an issue, the City may require the owner to water the site to keep dust and fugitive emissions from leaving the site. This criterion is met with the imposition of the following condition of approval.

Condition of Approval: Upon notification from the City, the applicant shall water the site to control dust and fugitive emissions from leaving the property.

- H. Aesthetic Standards: Landscaping shall be installed around building areas and outdoor uses as required by the approved site plan or conditional use permit. Natural landscaping shall positively project the identity and image of the firm and of the City. Landscaping shall meet the standards established in Section 5.12.*

Findings: See the findings under Section 5.12 – Landscaping for a further discussion of the site's landscaping.

Article 5 – Supplementary Provisions

Section 5.12 – Landscaping

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

- 1) Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.*

Findings: Staff finds it necessary to condition the proposal in order to require the applicant to maintain landscaping on an ongoing basis.

Condition of Approval: The applicant shall maintain in a clean and weed-free manner all on-site landscaping in accordance with Veneta Zoning and Development Code Section 5.12(1).

- 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.*

Findings: Staff finds the applicant has submitted the necessary proposed landscape plans. Required landscape improvements shall be completed before on-site operations begin.

Condition of Approval: Prior to beginning operations on site, the applicant shall complete all landscaping improvements shown on the approved site plan in accordance with Veneta Zoning and Development Code Section 5.12(2).

- 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.*

Findings: The subject site is zoned Industrial-Commercial, thus, a minimum of 5% of the site is required to be landscaped. The site area is 40,512 square feet, meaning 2,026 square feet are required to be landscaped. There is a landscaped area in the front that is approximately 195 feet long and 10 feet wide, meaning that +/- 1,950 square feet of landscaping is provided. There is also a 5-foot side and rear setback with the existing grass to remain that is approximately 2,665 square feet. In total, there is approximately 4,615 square feet of landscaping provided on the site. Rounding up, this would require a minimum of 5 trees and 20 five-gallon shrubs or accent plants. The applicant's site plan shows 5 trees and 20 shrubs. This criterion is met.

- 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.*

Findings: The applicant is proposing to landscape approximately 2,200 square feet, meaning

that two trees and 8 five-gallon shrubs or accent plants are proposed. The applicant's site plan shows this criterion being met.

- 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.

Findings: The applicant's site plan shows the side and rear setbacks being landscaped with the existing grass to remain. In the front setback, the site plan states that the landscaped area will have a combination of "bark, rock, and ground cover over weed control." The ground cover in the front setback will primarily be covered by shrubs and tree canopy. A condition of approval has been added to ensure that this criterion is met.

Condition of Approval: All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material, 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.*

Findings: The applicant is not proposing to plant any invasive species. The applicant is proposing to irrigate the new landscaping. The applicant is not proposing to cover more than 10% of the required landscape area with hardscape features.

The applicant's site plan shows the side and rear setbacks being landscaped with the existing grass to remain. In the front setback, the site plan states that the landscaped area will have a combination of "bark, rock, and ground cover over weed control." The ground cover in the front setback will primarily be covered by shrubs and tree canopy. This criterion is met.

- 7) *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.*

Findings: There are no abutting single-family land uses. This criterion is not applicable.

- 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.*

Findings: There are no proposed service facilities or air conditioning facilities. There is no existing or proposed collection or storage of hazardous wastes. Garbage collection areas shall be screened to obscure view from beyond the boundary of the development site via opaque slats installed on the chain link fence surrounding the site.

- 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.

Findings: The proposal is for an outdoor storage yard, which requires a sight-obscuring fence, wall, or hedge. The applicant is proposing to install chain link fence with slats in to meet this standard. Staff finds it necessary to condition the approval to ensure that this criterion is met.

Condition of Approval: Sight-obscuring fences and walls must be maintained in a safe condition and opacity must be maintained, per Veneta Zoning and Development Code Section 5.12(9).

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: The proposed use is not expected to impact the adjacent land uses because all surrounding lots are zoned Industrial-Commercial or Medium Industrial, and all surrounding uses are industrial uses of similar or less intensity.

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

Findings: No stormwater detention facilities are proposed or required as part of the proposal.

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: The proposal will not create 1,000 sf or more of new impervious surface, therefore, no stormwater detention or treatment is required. This criterion is not applicable.

Section 5.20 – Off-Street Parking Requirements

- 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.

<i>Table 5.20(a) Off-Street Parking Requirements</i>			
<i>Use Categories</i>	<i>Motor Vehicle Parking Requirement</i>	<i>Bicycle Parking Requirement</i>	<i>Type and % Bicycle Parking</i>
<i>Industrial Uses Shall Provide Space for Patron and Visitor Use</i>	<i>Minimum of three (3) parking spaces in addition to the requirements listed</i>	<i>NA</i>	<i>NA</i>

Findings: The outdoor storage use does not require any off-street parking. However, Table 5.20(a) states that a minimum of 3 spaces in addition to the listed requirements is required for industrial uses. The proposed use will not be open to the public, and no off-street parking is needed for patron or visitor use. This criterion is not applicable.

Section 5.22 – Pedestrian and Bicycle Access and Circulation

- 1) Internal pedestrian and bicycle circulation shall be provided within new commercial, office, and multifamily residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, multi-use paths for shared pedestrian and bicycle travel, landscaping, or similar techniques.*

Findings: This criterion is not applicable because the proposal is not a new commercial, office, or multifamily residential development.

- 2) Pedestrian and bicycle access to transit facilities shall be provided from new commercial, employment, and multi-family residential developments and new activity centers shall be provided while existing developments shall provide safe and accessible pedestrian and bicycle access to transit facilities when a site changes uses or is retrofitted.*

Findings: There are no transit facilities adjacent to or within the surrounding area of the proposed use. This criterion is not applicable.

- 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: There are no proposed internal pedestrian or bicycle systems.

- 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: The site currently does not have sidewalk where it fronts Loten Way. The applicant is proposing to construct sidewalk along the frontage of the site. A condition of approval has been added to ensure this sidewalk is constructed.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall construct a 5-foot sidewalk along the frontage of the site in accordance with the approved site plan.

- 5) *Compliance with the commercial design standards for and mixed-use, residential and commercial development, respectively, in Chapters 5.13 and 5.29, is required.*

Findings: The proposed use is industrial and is thus not subject to the requirements of this criterion.

- 6) *Safe, Direct, and Convenient. Walkways/paths within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets and existing or planned transit stops, based on the following criteria:*
- A. *Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*
 - B. *Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
 - C. *"Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*
 - D. *"Primary entrance" for residential buildings is the front door (i.e., facing the street). For multi-family buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.*

Findings: No walkways within the development proposed or required.

Section 5.27 – Traffic Impact Analysis

- 1) *A Traffic Impact Analysis (TIA) and review is required when one of the following conditions exists:*
- A. *The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.*
 - B. *The proposal is immediately adjacent to an intersection that is functioning at a level of service below LOS D, the City's minimum acceptable operating condition during the weekday peak hour.*

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

Findings: The proposal is not expected to generate more than 100 trips during the a.m. or p.m. peak hour. The proposal is not immediately adjacent to an intersection that is functioning at a level of service below LOS D. A TIA was not required by the County or State. The proposed use is not expected to generate or receive traffic by vehicles exceeding 26,000 pounds gross vehicle weight as part of daily operations. The proposed access driveway will meet minimum intersection sight distance requirements. There are no proposed changes in internal traffic patterns. This criterion is not applicable.

Section 5.28 – Street Trees

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

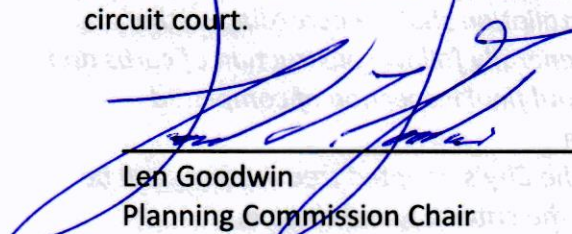
- 1) **Species selection.** *Trees shall be selected from the City's adopted tree list and shall be appropriate for the planning location based on the criteria found therein.*
- 2) **Caliper Size.** *All street trees shall be a minimum of 2 inch caliper at time of planting.*
- 3) **Spacing and Location.** *Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be determined by the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced at 30-40 foot intervals, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements and clear vision areas.*
- 4) **Growth Characteristics.** *Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree*

selection by developers and approval by the City:

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

Findings: The site has approximately 220 feet of frontage along Loten Way, which requires a minimum of 6 street trees. The applicant is currently operating under approval of a temporary use permit for outdoor storage and has already planted the 6 required street trees. The trees planted were Bloodgood Plane Trees, which are listed on the City's adopted tree list. This criterion is met.

- D. Unless a condition of approval specifies otherwise or the decision of the Planning Commission is appealed, this decision will become effective twelve (12) days after the City mails the notice of decision. A decision of the Planning Commission may be appealed to the City Council within twelve (12) days of the date the notice of decision is mailed, in accordance with Section 11.07(7) of the Veneta Zoning and Development Code. An appeal of the Planning Commission's decision must be submitted to the City Council within 12 days of the Planning Commission'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
Planning Commission Chair



Date