

Exhibit A

FINAL ORDER OF THE VENETA BUILDING AND PLANNING OFFICIAL

'The Attic' Eating & Drinking Establishment Site Plan Review (File No. SR-25-2)

A. The Veneta Building and Planning Official finds the following:

1. The Veneta Building and Planning Official has reviewed all material relevant to the Site Plan Review (SR-24-3) which has been submitted by the applicant and the general public regarding this matter.
2. The Veneta Building and Planning Official provided proper notice of the limited land use decision in accordance with Section 11.06(2) of the Veneta Zoning and Development Code.
3. The Veneta Building and Planning Official followed the required procedure and standards for approving the Site Plan Review as required by Article 6 of the Veneta Zoning and Development Code.

B. The Veneta Building and Planning Official APPROVES with conditions the 'Attic' Eating & Drinking Establishment Site Plan Review (File No. SR-25-2). The applicant shall comply with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL / INFORMATIONAL ITEMS:

1. The applicant or the mobile vending unit operator shall submit and receive approval by the City of a sign permit prior to installing any signage on the property in accordance with VZDC Section 5.15.
2. No mobile vending unit shall operate on the site without receiving approval from the City of a Temporary Use Permit for a Mobile Vending Unit per VZDC Section 7.04(2).
3. Mobile vending units shall be located a minimum of 10 feet from any structure or other mobile vending unit and 5 feet from all property lines. Mobile vending units shall not occupy landscaped areas.
4. Mobile vending units are prohibited from disposing of wastewater via the public sewer system unless approved by the Public Works Director.

5. 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).
6. Note 19 on Sheet C2.1 of the applicant's plan set identifies a potential additional tent. Prior to installing this or any similar structure, the applicant shall receive approval by the City of the placement and of a stormwater detention and treatment plan in accordance with VZDC Section 5.16.

PRIOR TO CERTIFICATE OF OCCUPANCY

7. Prior to Certificate of Occupancy, the applicant shall complete all improvements shown on the approved final landscape plan in accordance with Veneta Zoning and Development Code Section 5.12(2).
8. Prior to Certificate of Occupancy, the applicant shall install a 5-foot sidewalk along the property's frontage along Brooker Lane, or execute and record against the property an agreement between the owner of the land and the City specifying the period of time within which the required improvements and repairs shall be completed. This improvement agreement shall provide that, if improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.

C. **IT IS HEREBY ORDERED that the City of Veneta Building and Planning Official approves with conditions the 'Attic' Eating & Drinking Establishment Site Plan Review (File No. SR-25-2) 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 the following transportation needs are met:*

- Traffic impacts are minimal or will be mitigated, consistent with Section 5.27;*

Findings: Per the findings under Section 5.27, the proposed use is not expected to generate a number of trips that will have a significant impact on traffic congestion on West Broadway Avenue, 3rd Street, or Brooker Lane. The outdoor food truck court has been in use since September of 2023 and the City has not found or received complaints of any traffic impacts resulting from the development. The use of the indoor space for dining & events is not expected to significantly increase the amount of traffic. This criterion is met.

- Pedestrian, bicycle, and vehicular safety is protected and traffic congestion is avoided;*

Findings: The proposed use is not expected to create traffic congestion or vehicular and bicycle safety hazards. The outdoor food truck court has been in use since September of 2023 and the City has not found or received complaints of any traffic impacts resulting from the development. Pedestrian safety is provided for via the existing sidewalk along West Broadway Avenue and 3rd Street. Per the findings for Section 5.22(4), sidewalk along Brooker Lane will be required to be installed along the property's frontage, which will further mitigate any pedestrian safety concerns. As conditioned in this final order, this criterion is met.

- Public right-of-way width of adjacent streets is consistent with the City's Transportation System Plan and future street right-of-way is protected;*

Findings: VZDC Section 13.10(1) establishes the required right-of-way width for public streets. West Broadway Avenue is classified as a Minor Collector and has the required minimum right-of-way of 60 feet along the property's frontage. 3rd Street is classified as a local street and has over the required minimum right-of-way of 50 feet along the property's frontage. Brooker Lane is classified as a local street and only has a right-of-way width of 40 feet, but is designed as a one-way street with oversized pedestrian infrastructure. No additional right-of-way is needed, and there is no future street right-of-way that will be impacted by the development.

- Pedestrian and bicycle access and circulation is provided for in accordance with Section 5.22; and*

Findings: See Section 5.22 for further discussion. As conditioned, this criterion is met.

- Transit facility needs are provided for in accordance with Section 5.23.*

Findings: Lane Transit District has an existing bus stop where the site fronts West Broadway Avenue. LTD did not have any comments or objections to the request.

- That proposed signs or lighting will not, by size, location, or color, interfere with*

traffic or limit visibility.

Findings: VZDC Section 5.15 regulates signage on private property. VMC Chapter 15.15 regulates outdoor lighting on private property. The applicant is not proposing any signs or lighting other than emergency exit lighting. This criterion is met with the following informational condition of approval.

Condition of Approval: The applicant or the mobile vending unit operator shall submit and receive approval by the City of a sign permit prior to installing any signage on the property in accordance with VZDC Section 5.15.

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

Findings: The proposal will connect the existing building to City water and sanitary sewer and there is adequate capacity to serve the development. There is an existing water meter and sewer cleanout that can serve the existing building. The mobile food trucks are not proposed or allowed to connect to City services. This criterion is met.

8. *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 includes a new 180 square foot accessible ramp to access the existing building and an 800 square foot tent in the outdoor food cart area. These two improvements are considered impervious surfaces, but are below the 1,000-sf threshold established by Section 5.16. Note 19 identifies another 800 square foot 'potential additional tent,' but this is not proposed to be installed at this time. If installed, the development would create over 1,000 square feet of new impervious surfaces. Staff finds it necessary to condition the approval to require stormwater detention and treatment if this additional tent is proposed to be installed on the property.

The applicant states that minimum change to the grading is proposed. The existing drainage patterns will be maintained and there are no existing drainageways on the subject site. See the findings under Section 5.16 for the discussion about stormwater detention and treatment. As conditioned under the findings of Section 5.16, this criterion is met.

9. *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 an outdoor food truck court and indoor dining & event space is allowed in the Broadway Commercial zone per VZDC Section 4.00, Table 4.4. The

proposed use is in a commercial zone and surrounded by properties also within a commercial zone, and as such, most emissions or nuisance characteristics are reasonably compatible with the land use district and adjacent land uses.

To ensure that individual mobile vending units (food trucks) do not create any emission or nuisances that are not typical for commercial zones, or create any safety hazards, VZDC Section 7.04(2) requires a temporary use permit for mobile vending units. Staff finds it necessary to include this requirement as an informational condition of approval to ensure that any mobile vending unit on the property is permitted in accordance with City regulations.

VZDC 7.04(2)(C) also lists standards for temporary mobile vending sites. These standards are designed to ensure that sites with three or more mobile vending units do not create any safety hazards or emissions or nuisances that are not compatible with the zone or surrounding land uses. Among these standards are setbacks for mobile vending units. The site plan is consistent with these setbacks, but staff finds it necessary to condition the approval to ensure that adequate separation between mobile vending units and structures, other units, property lines, and other areas is maintained.

VZDC 7.04(2)(C) also states that subsurface sewage disposal (via the City sanitary sewer system) is prohibited. A condition of approval has been added to ensure that this standard remains met.

Condition of Approval: No mobile vending unit shall operate on the site without receiving approval from the City of a Temporary Use Permit for a Mobile Vending Unit per VZDC Section 7.04(2).

Condition of Approval: Mobile vending units shall be located a minimum of 10 feet from any structure or other mobile vending unit and 5 feet from all property lines. Mobile vending units shall not occupy landscaped areas.

Condition of Approval: Mobile vending units are prohibited from disposing of wastewater via the public sewer system unless approved by the Public Works Director.

10. Where the applicant has requested an adjustment to Site Plan Review criteria 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 where the City 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 applicant has not proposed any alternatives to the commercial and mixed-use design standards of Section 5.13. This criterion is not applicable.

Article 4 – Use Zones

Section 4.05 – Broadway Commercial (BC)

- 2) *Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6, provided all operations except off-street parking, recreational facilities, common areas (e.g., plazas), and permitted temporary activities associated with an allowed use shall be conducted entirely within an enclosed building (excludes drive-thru facilities):*
 - A. *All uses provided in Table 4.4 and similar uses as provided by Section 2.05.*

Findings: Table 4.4 permits Eating & Drinking Establishments in the Broadway Commercial zone, subject to approval of a Site Plan Review.

- 6) *Yards. Except as provided in Articles 5, 6 and 8, and as required below, there are no minimum yards:*
 - A. *Yards for off-street parking areas shall be a minimum of five (5) feet; additional yard area may be required under Articles 5, 6, or 8; e.g., for clear vision and compatibility with abutting uses. This standard does not apply to parking spaces in driveways for individual dwellings, except that driveways shall be designed so that parked vehicles do not encroach into the public right-of-way.*
 - B. *Yards shall be landscaped pursuant to Section 5.12.*
 - C. *See Section 5.09 for additional setbacks on designated streets.*
 - D. *Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.*
- 7) *Lot Coverage. The maximum allowable lot coverage by buildings is seventy percent (70%). Up to eighty percent (80%) coverage may be approved for mixed-use developments incorporating residential and commercial uses. All lot areas not covered by buildings, parking lots, walkways etc. shall be landscaped pursuant to Section 5.12.*

Findings: The existing building on the site does not exceed 70% lot coverage. See the findings under Section 5.12 for further discussion of the landscaping. This criterion is met.

- 8) *Building Height. Except as provided in Articles 5, 6 and 8, the maximum building height is forty-five (45) feet; up to fifty-five (55) feet in height is allowed for mixed-use buildings*

that contain dwellings at a minimum density of twenty (20) units per acre; dwellings must be located above a ground floor commercial space that has a floor-to-ceiling height of at least fourteen (14) feet.

Findings: This criterion is met because the existing building does not exceed 45 feet in height.

- 9) *Building Orientation and Design. All development, including new structures and exterior remodels to existing structures or developments, shall comply with the design standards in Section 5.13. Multi-family buildings and attached single-family buildings, where allowed, shall comply with the design standards in Section 5.29.*

Findings: See the findings under Section 5.13 for further discussion. This criterion is met.

- 10) *Pedestrian Access. A sidewalk shall provide safe, convenient pedestrian access from the street to the primary building entrance. If the sidewalk must cross a parking lot or driveway, it shall be paved, raised and/or marked in a manner that calls attention to the sidewalk.*

Findings: There are sidewalks along the property's frontage with the exception of Brooker Lane. The sidewalk along West Broadway Avenue provides safe and convenient pedestrian access from the street to the primary building entrance. This criterion is met.

- 11) *Parking Requirements. The off-street parking standards of Section 5.20 are not required for development within the BC zone. Provision of off-street parking shall be at the discretion of the occupant, owner or developer. If off-street parking is provided, ADA-compliant parking must be provided in accordance with the current edition of the Oregon Structural Specialty Code, Chapter 11, in conjunction with ADA Standards for Accessible Design, (A117.1 Standard for Accessible and Usable Buildings and Facilities). All bicycle parking requirements shall remain in effect regardless of the number of motor vehicle spaces provided.*

Findings: Off-street parking is not proposed or required as part of this request.

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 and screening 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 issuance of a Certificate of Occupancy.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall complete all improvements shown on the approved final landscape 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 Broadway Commercial, thus, a minimum of 10% of the site is required to be landscaped. The site area is approximately 21,780 square feet, meaning that a minimum of 2,178 square feet of landscaping is required. The applicant's landscape plan shows greater than 2,178 square feet of landscaping. 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 8,329 square feet of the site, meaning that a total of eight (8) trees and thirty-two (32) 5-gallon shrubs or accent plants are required. The applicant is proposing to retain eight (8) existing deciduous trees on the site and to plant thirty-two (32) five-gallon shrubs or accent plants. This criterion is 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: All landscaped area that is not planted with trees and shrubs or covered with non-plant material is proposed to remain as the existing grass ground cover. This criterion is met.

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: The site plan includes a trash enclosure with a 6-foot wood fence surrounding it. This criterion is met.

Section 5.13 – Commercial and Mixed-Use Design Standards

1) *Purpose and Applicability. The following standards are minimum requirements for new developments that are subject to Site Plan Review or Planned Unit Development approval in the RC, BC and CC zones. The standards are intended to protect and enhance the appearance, safety, and economy of Veneta through appropriate building and site plan regulations. The standards may be adjusted by the City through the Site Plan Review process (see Section 6.05(2)).*

2) *Standards. This section provides minimum standards for site and building design in the RC, BC and CC zones. The standards are administered through Site Plan Review under Article 6. Graphics labeled "RC", "BC", and "CC" respectively, apply to the RC, BC, and CC zones. The graphics serve as references only; they are conceptual and are not intended to prescribe a particular architectural style. Examples of compliant development, and guidelines for adjustments, are contained in subsection 5.13(3).*

A. *New commercial and mixed use buildings in the BC or RC zone shall have their primary entrances facing and within twenty (20) feet of a street right-of-way; except the standard does not apply to: individual residential units in a mixed-use building; buildings where the primary entrance orients to a pedestrian plaza between a building entrance and street right-of-way; or where additional setback is required under other code provisions (e.g., clear vision areas).*

Findings: This criterion does not apply because the proposal does not include a new commercial or mixed-use building.

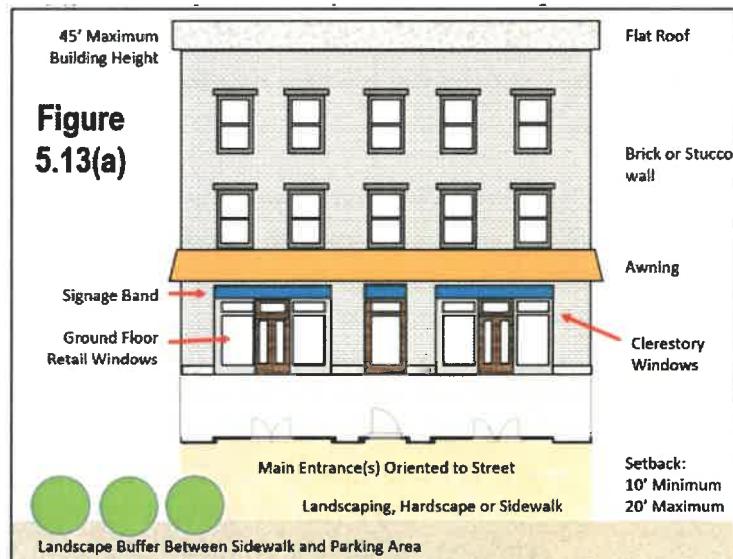
B. Commercial, mixed-use, and public buildings on corner lots along West Broadway Avenue shall have their primary entrances oriented to the street corner; or where corner entrance placement is not practical due to internal building functions, existing conditions of the site, or other relevant circumstances unique to the proposed use, the decision making body may approve an alternative design without requiring approval of a separate adjustment. In such case, the building corner shall be chamfered or have other architectural detailing that appropriately emphasizes the corner location.

Findings: This criterion does not apply because the existing building is not located along a street corner.

C. Building entrances shall incorporate pedestrian shelters (e.g., recessed entrance, porch, stoop, eave overhang, or similar feature) that provide adequate weather protection (e.g., shelter from rain over a portion of the sidewalk); individual pedestrian shelters shall be at least forty-eight (48) inches in width and thirty-six (36) inches in depth.

Findings: This criterion is met because the existing building has a covered front porch that exceeds 48 inches in width and 36 inches in depth.

D. The design of multi-story commercial and mixed-use buildings shall clearly define the building's base, middle and top (see figure 5.13(a)). This may be accomplished with changes in materials, placement of windows, porches, canopies, dormers, eaves, bellyband, cornice, parapet or similar features, with appropriate detailing such as changes in patterns, and/or textures on exterior elevations. The design of single story buildings need not separately define the building base and middle but the top of the building shall be defined and distinguished from the rest of the building, for example, with eaves, parapet, cornice, or similar detailing.



Findings: This criterion is met because the existing single-story building's top is clearly defined and distinguished from the rest of the building by the existing overhang that separates the elevation into two distinct sections.

E. *Designs for buildings longer than fifty (50) feet shall incorporate varying roof lines, such as gables, sheds or dormers on pitched roofs, and stepped parapets, cornices or similar features on flat roofs, to break down the elevation into smaller modules and to reduce the perceived scale of the building.*

Findings: This criterion is not applicable because the building is not longer than 50 feet.

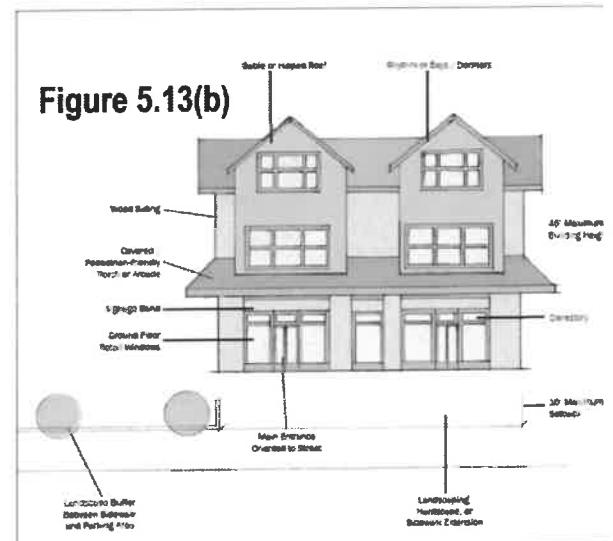
F. *Building height shall transition from taller buildings to adjacent shorter buildings. For buildings sharing a common wall, this standard is met when the height of the taller building does not exceed the height of the shorter building by more than ten feet (10 ft) within a horizontal distance of ten feet (10 ft) from where the two buildings share a common wall. Beyond the ten-foot area, the taller building may increase in height one foot (1 ft) for every one foot (1 ft) of additional distance separating the two buildings. For example, at a distance of twelve feet (12 ft) from the common wall, the taller building may be twelve feet (12 ft) taller than the abutting building.*

Findings: This criterion is not applicable because the building is existing and does not share a common wall with another building.

G. *Roof-mounted equipment shall be screened so that it is not visible, or is visually subordinate to the primary roof form, as viewed from adjacent public ways. Solar panels and mini-wind turbines may project beyond roof elevations when approved through Site Plan Review. See also, Section 5.10 Exceptions to Building Height Limitations.*

Findings: This criterion is met because there is no roof-mounted equipment visible from adjacent public ways.

H. *Building elevations facing a street, plaza, or similar public or quasi-public space shall be broken down into smaller planes to promote pedestrian scale and compatibility with adjacent uses. Building planes shall not exceed 500 square feet of uninterrupted surface area in the RC, CC, and/or BC zones. A break in plane is an offset, projection or recess of at least one (1) foot in depth over a width of at least four (4) feet of horizontal distance. Such breaks shall occur at least once every 30 lineal feet of a building's street-facing elevation(s). A break may occur in one or more of the following ways, as appropriate to the overall composition and design of the building: offsets, projections,*



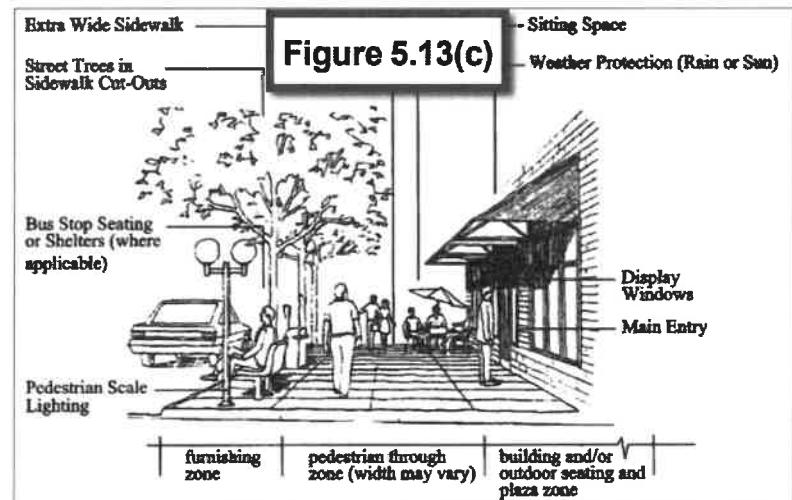
overhangs; bays, arcades, alcoves; entries, balconies, porches, window reveals; dormers, towers, cupolas; pergolas, arbors or similar planter boxes integrated into a building elevation; belt course, eaves, pillars, posts, and base materials; or similar features and detailing that contribute to the building's overall composition (see figure 5.13(b)).

Findings: This criterion is met because there are no building planes of uninterrupted surface area exceeding 500 square feet. The building is split into two main planes by an overhang and front porch. Each of these two planes is under 500 square feet.

I. All commercial building elevations in the RC, BC, and CC zones facing a street, plaza, or other public or quasi-public space shall have openings (transparent windows, doors, balconies, etc.) covering not less than sixty percent (60%) percent of such elevations. Windows shall be sized/proportioned, shaped, placed/spaced, and trimmed consistent with the building's overall architecture; and meet the intent, which is to provide visual interest from the outside of a building and natural surveillance from the inside, at a pedestrian level. Exception: Where a building faces more than one street, as on a corner, the above standard applies only on the elevation facing the primary street (i.e., Broadway, Territorial, or an internal driveway designed to substitute for a street). The standard is reduced by one-half for an elevation facing a secondary street.

Findings: The front elevation facing West Broadway Avenue has multiple openings, such as windows and doors. Measuring this standard as a percentage of the lineal plane, there is +/- 22 feet of openings along the 36-foot length of the front elevation. This criterion is met.

J. In the RC, BC and CC zones, a weather-protection canopy, awning, overhang, eave, or similar feature with a depth of not less than four (4) feet shall extend across at least seventy-five percent (75%) of all building elevations that are adjacent to a sidewalk, outdoor seating area, walkway, plaza or similar pedestrian space, as determined by the Building and Planning Official. The pedestrian shelter must be placed at a height that achieves the intended purpose of providing weather protection, summer shade and shelter from the rain (see figure 5.13(c)).



Findings: The existing building meets this criterion because it has an overhang over the front

porch with a depth greater than four feet.

K. Primary exterior materials shall be consistent with the overall design composition and intent of a building design. Materials shall consist of durable wood, composites (e.g., concrete fiber-board or similar materials that has a wood appearance), brick, split-face or rusticated concrete block (must be tinted), natural stone, or materials of similar appearance and durability. Vinyl or metal may be used on the exterior, but may not be used as the primary cladding material. Where metal is used, it shall be non-reflective split seam or similar metal. Metal may also be used for exterior detailing (e.g., wainscoting, flashing, brackets, etc.) and for renewable energy, energy efficiency, or water conservation systems (e.g., solar panels and cells, mini-wind turbines, rainwater harvesting, etc.), subject to Site Plan Review.

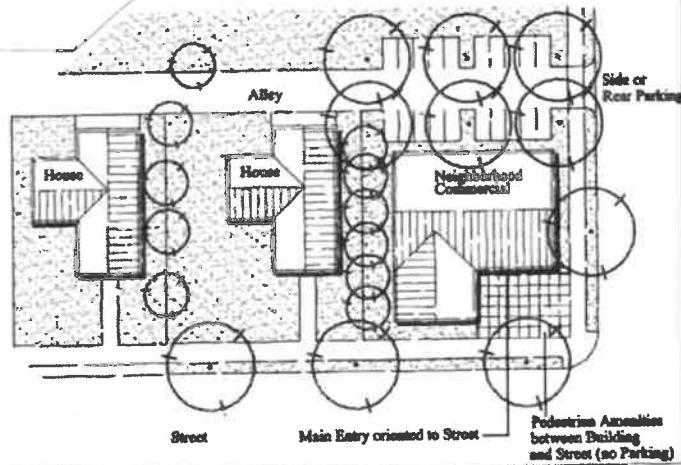
Findings: No vinyl or metal exterior materials are proposed. Primary existing exterior materials consist of wood. Where new siding is proposed it will be T1-11 with cedar battons, which is consistent with the existing materials and overall design composition. This criterion is met.

L. Where new off-street parking is to be provided in the RC, BC, and CC zones, it shall not be located between a buildings' primary entrance and any street, except as approved through Site Plan Review. (See figure 5.13(d)).

Findings: This criterion is not applicable because no off-street parking is required or proposed.

M. Where alleys exist or can reasonably be extended to serve development, parking areas shall be accessed from alleys. Where alley access is not feasible, access may be provided from a private driveway (see figure 5.13(d) above). Curb openings shall be minimized by combining and sharing driveways to the greatest extent practicable. See also, Section 5.24 Access Management.

Figure 5.13(d)



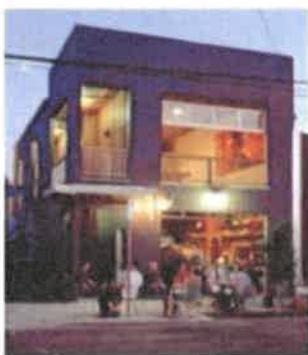
Findings: There are no parking areas proposed as part of the development. Food trucks are proposed to take access off of the alley at the northwest corner of the site. This criterion is met.

N. Drive-Up/Drive-In/Drive-Through Uses and Facilities, where permitted, shall conform to the provisions of Section 8.11 (16).

Findings: This criterion is not applicable because the proposed use is not a drive-up/drive-in/drive-through use or facility.

3) *Design Guidelines. The following guidelines are to be applied by the Building and Planning Official in evaluating Site Plan Review applications for compliance with the design standards in subsection 5.13(2), and in evaluating adjustments through Site Plan Review for consistency with the intent of this section.*

Guideline #1: Primary Entrances



Corner entrance



Entrances oriented to plaza



Typical entrance

Orienting primary building entrances close to the street, or adjacent to a pedestrian plaza that is connected to a street, creates a comfortable human scale at the street edge, encourages linked walking trips between multiple destinations and allows for natural surveillance of public spaces for security.

Adjustments to subsection 5.13(2)(A-B) should be allowed only where orienting primary entrances in this way would be detrimental to pedestrian comfort or safety. In such cases, the design must provide features that achieve the above purpose and compensate for any out-of-direction travel that pedestrians will experience.

Findings: The existing building's primary entrance is oriented close to the street that creates a comfortable human scale at the street edge. This criterion is met.

Guideline #2: Covered Entrances



Upper story projection



Awnings



Recessed entry & canopy or eave overhang

Covered building entrances provide shade in summer months and shelter from the rain. Even small shelters can improve the walking environment, or provide a refuge from a downpour while drivers search for their car keys. Pedestrian shelters should be designed based on an understanding of prevailing winds, sun exposure, storm drainage, and building maintenance considerations.

Adjustments to subsection 5.13(2)(C) should be allowed only where adequate protection from the elements is provided by other means immediately adjacent to a building's primary entrance. Examples of such features may include bus waiting shelters, covered bicycle parking areas, and similar weather protection shelters.

Findings: The existing building has a covered building entrance that meets the dimensional requirements of VZDC 5.13(2). This ensures that the covered building entrance meets the intent of Guideline #2. This criterion is met.

Guideline #3: Building Base/Middle/Top



Simple concrete base differentiated from brick veneer



Mid-section defined by storefronts, awning and building story divisions; cornice defines top



Example of potential Adjustment for lack of clearly defined base & top

A clearly defined base, middle, and top to a building creates a rhythm or coherence along the street and promotes a human scale by anchoring the building to its site. Alternatives to providing a distinct base, middle, and/or top treatment may be approved through an Adjustment to subsection 5.13(2)(d) where the design incorporates other elements that achieve the same purpose (e.g., large rollup windows and balconies pictured above achieve that purpose).

Findings: The existing single-story building has a clearly defined base and top and meets the

requirements of VZDC Section 5.13(2)(D), which ensures that the building meets this guideline.

Guideline #4: Varied Roof Lines and Building Height Transitions



Varying roof lines that provide transitions in building height and screen mechanical equipment are important to creating an appropriate building scale and sense of place. Where abrupt changes in building height are unavoidable, and an Adjustment to one or more of the standards in subsection 5.13(2)(E-G) is sought, taller buildings should have features that draw attention down to the street level and reduce the perception of height, such as additional detailing around windows, strong base treatments, large storefront windows with awnings or canopies, and similar features. Where practical, the tallest feature on a building (e.g., tower or cupola) should be oriented toward a street corner or plaza and the design of the building should emphasize the importance of such public spaces.

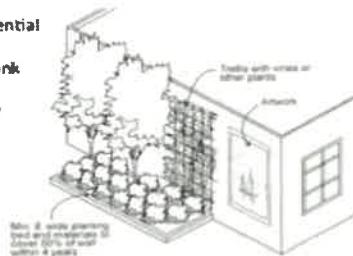
Findings: The existing building does not share a common wall with any other building. There is only one nearby building along the street, which is the convenience store to the west. The convenience store is also a single-story building and the change in building height from these two buildings is not abrupt. This guideline is met.

Guideline #5: Building Planes (Avoid Blank Walls)

Optimal compliance with vertical & horizontal building plane divisions, per subsection 5.13(2)(h)



Example of potential Adjustment for unavoidable blank wall; see also examples under Guideline #6



Large exterior building surfaces are to be broken down into smaller planes to provide a human scale, and to create a sense of place that is different in downtown Veneta than in the city's industrial and highway commercial areas. In general, the larger a building, the more important it is that the design incorporates visual relief by breaking up large building planes that are visible from adjacent streets, plazas and other public or quasi-public spaces. The code is intended to prevent designs with large, blank walls in those areas. Building planes should be divided vertically and horizontally to create a rhythm along the street.

Where an applicant requires an Adjustment to the window transparency standards in subsection 5.13(2)(H), the City is afforded wide latitude in interpreting this guidance and may require additional design features (e.g., windows, landscaping, artwork, applied roof forms, brackets or other ornamentation, changes in materials and/or textures, patterns or colors) to mitigate the aesthetic impacts of large uninterrupted wall planes. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

Findings: There are no large exterior building surfaces facing West Broadway Avenue in excess of 500 square feet per VZDC 5.13(2)(H), which ensures that the building elevation is human-scaled and different from the City's industrial and highway commercial areas.

Guideline #6: Wall Openings

Upper photo shows optimal compliance per subsection 5.13(2)(i). Lower photo shows potential Adjustment with display cases & trellises as mitigation for reduced window area on first floor



Wall openings such as windows, doors, balconies and similar features provide a human scale, create a sense of place that is welcoming to pedestrians, and promote visual surveillance of public spaces from inside buildings for security. In general, the more pedestrian traffic that is expected in the area, the more important it is that the design incorporates transparent windows and building entrances close to adjacent streets, walkways and plazas. The code is intended to prevent designs with large, blank walls in those areas.

Where an applicant requires an Adjustment to the window transparency standards in subsection 5.13(2)(I), the City is afforded wide latitude in interpreting this guidance and may require additional design features (e.g., display cases, artwork, landscaping, brackets or other ornamentation, changes in materials and/or textures, patterns or colors) to mitigate the aesthetic impacts of large uninterrupted wall planes and to ensure visual surveillance or to provide appropriate screening on the backs of buildings. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

Findings: The existing building elevation along West Broadway Avenue contains multiple wall

openings such as windows and doors in accordance with VZDC 5.13(2)(l), which ensures that the front elevation provides a human scale and creates a sense of place that is welcoming to pedestrians. This guideline is met.

Guideline #7: Pedestrian Weather Protection



Left photo: Optimal compliance per subsection 5.13(2)(j). Right photo: Non-compliant; however, Middle photo shows potential Adjustments where additional weather protection is provided on side of building with greatest pedestrian use

Pedestrian weather protection at building entries and along sidewalks and shopping center walkways helps to create environments that are safe and comfortable for walking, which promotes public health (physical exercise) and safety. In general, the more pedestrian traffic that is expected in the area, the more important it is that the design incorporates weather protection (summer shade and protection from downpours) in that area. The code is intended to provide the most weather protection in areas with the highest pedestrian use.

Where an applicant requests an Adjustment to the weather protection standards in subsection 5.13(2)(J), the City is afforded wide latitude in interpreting this guide and may require additional design features, such as additional trees, covered bus waiting areas, covered bicycle parking areas, or other structures; or the City may require larger weather protection features than required by the base code in areas where pedestrian activity is expected. In this case, the applicant must provide a higher level of design detailing than otherwise required under the base code.

Findings: The existing building has a front porch located adjacent to the right-of-way along West Broadway Avenue. This front porch is covered by an overhang that provides pedestrian weather protection at the building entrance. This guideline is met.

Section 5.14 – Improvement Requirements

All applicants for land development shall comply with all public improvement requirements specified in Section 13.11 of this ordinance and shall install improvements in accordance with specifications approved by the City Engineer.

- 1) *Water and Sewer connections. All developments requiring water within the LDR, GR, RC, BC, CC, IC, and MI zones shall be connected to City water and sanitary sewers. Developments in the RR zone and HC zone on Highway 126, east of Territorial Road, shall be required to hook up to city water and sanitary sewer when available, but connections are not required for development to occur.*

Findings: This criterion is met because the proposal will connect the existing building to City

water and sewer.

2) *Agreement for Improvements.*

A. *Before approval of a building permit, the land developer may be required to install required street, sidewalk, water, sewer, storm sewer, drainage and other required public facilities ("Improvements"), or execute and record against the property an agreement between the owner of land and the City specifying the period of time within which required Improvements and repairs shall be completed ("Improvement Agreement"). The Improvement Agreement shall provide that, if Improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.*

Findings: Per the findings under Section 5.22(4), sidewalk along Brooker Lane is required as part of this development. In accordance with this section, staff finds it necessary to add the following condition of approval to ensure that this requirement is met.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall install a 5-foot sidewalk along the property's frontage along Brooker Lane, or execute and record against the property an agreement between the owner of the land and the City specifying the period of time within which the required improvements and repairs shall be completed. This improvement agreement shall provide that, if improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.

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

<u>Recurrence Interval, Years</u>	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					

City Engineer's Findings: The site plan proposed new gravel and tents to be constructed. Gravel is considered impervious surface if compacted and tents would be as well. This may push them over the threshold for stormwater requirements.

Findings: The proposal includes a new 180 square foot accessible ramp to access the existing building and an 800 square foot tent in the outdoor food cart area. These two improvements are considered impervious surfaces, but are below the 1,000-sf threshold established by Section 5.16. Note 19 identifies another 800 square foot 'potential additional tent,' but this is not proposed to be installed at this time. If installed, the development would create over 1,000 square feet of new impervious surfaces.

The 2014 Eugene Stormwater Management Manual states that "gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their

runoff coefficient to exceed 0.8." The gravel will not cover impervious surfaces and the applicant did not identify that the gravel would be compacted, so staff considers the gravel surface to be pervious. Staff finds it necessary to condition the approval to require stormwater detention and treatment if this additional tent is proposed to be installed on the property.

Condition of Approval: Note 19 on Sheet C2.1 of the applicant's plan set identifies a potential additional tent. Prior to installing this or any similar structure, the applicant shall receive approval by the City of the placement and of a stormwater detention and treatment plan in accordance with VZDC Section 5.16.

Section 5.20 – Off-Street Parking Requirements

- 2) *Design and improvement requirements for parking lots (not including single-family or multi-family dwellings).*
 - A. *All required parking lots, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete, six (6) inches Portland Cement concrete over approved base, or other materials approved by the City Engineer which are designed to reduce or slow rates of stormwater runoff. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.*

Findings: The proposal includes removing existing curb along the alley at the northwest corner of the property. There is existing gravel that would provide a driveway for food trucks to access the site. No public vehicle access onto the property is proposed or required.

Staff finds that there is potential for redevelopment of this lot should the food truck court use cease. Limiting the number of permanent improvements would allow for easier future development. Additionally, the 2014 Eugene Stormwater Management Manual states that "gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8." The proposed gravel will not cover impervious surfaces and is not proposed to be compacted. Public Works did not have any objection to removing the existing curb and using the alley for access. This criterion is met.

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: The proposed use is a commercial development. Internal pedestrian/bicycle circulation is provided for via the gravel walkway and dining area. This criterion is met.

- 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 is an existing bus stop on West Broadway Avenue along the site's frontage. Pedestrian access is provided to the development via the existing and proposed gravel and bicycle access and parking is provided. This criterion is met.

- 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 gravel dining area connects to the existing sidewalk along West Broadway Avenue. This criterion is met.

- 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 fronts three public streets. West Broadway Avenue and 3rd Street are fully improved to City standards, including sidewalks. Brooker Lane does not have sidewalk along the north side of the property's frontage. Developed properties to the west and to the east have a 5-foot sidewalk along the south side of Brooker Lane. Per this section, this sidewalk will be required to be constructed as part of this development. Staff finds this criterion met with the following condition of approval, which is also required in accordance with VZDC Section 5.14(2).

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall install a 5-foot sidewalk along the property's frontage along Brooker Lane, or execute and record against the property an agreement between the owner of the land and the City specifying the period of time within which the required improvements and repairs shall be completed. This improvement agreement shall provide that, if improvements are not installed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land developer or lien the property in this full amount. In any event, the land developer shall repair existing streets or other public utilities damaged in the process of building the development.

- 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 proposal is a commercial development. See the findings under Section 5.13 for further discussion of how this criterion is met.

- 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: The existing building has an existing pedestrian access to the sidewalk along West Broadway Avenue. This access is located directly off of the sidewalk and the route is safe and convenient as defined in this section. The applicant is also proposing an ADA ramp to provide accessible access from West Broadway Avenue to the building entrance. This criterion is met.

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.*

City Engineer Findings: There is an ITE category of use for food cart that is based on the number of food carts, with 4 being the minimum number of food carts, and only 4 data points (studies). The trip generation rate per food cart during the PM peak hour of street traffic is 6.16 trips/food cart. The only available rates are for PM trip generation.

With 4 or 8 food carts (or trucks) - four shown on plan with 4 potential future additional), the PM peak hour trip generation would be 25 vehicle trips, or 49 when the additional four (4) future food trucks are included. The rate doesn't have a variable for seating inside the building, so I would expect the occupancy of the building area doesn't necessarily contribute to the trip generating characteristics in this instance, so it would be considered ancillary. I spoke with a colleague at the City of Springfield regarding the application of pass-by trips that results in a reduction to the number of trips for assessing the TSDCs, and he said they apply a pass-by trip rate from a similar land use (high-turnover or fast food rest. rate, he said they averaged two or more where pass-by trip data is available). With an average pass-by trip rate of 46% for the PM peak hour (43% for HT rest., 49% for FF), the net trip generation would be assessed as 13 PM vehicle trips [$4 \times 6.16 \times (1-0.46)$] for 4 food trucks (pods) or 27 PM peak hour vehicle trips [$8 \times 6.16 \times (1-0.46)$] for 8 food trucks (pods).

Findings: Per the City Engineer's 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 will meet minimum intersection sight distance requirements. There are no proposed changes in internal traffic patterns. This criterion is not applicable.

D. Unless a condition of approval specifies otherwise or the decision of the Building and Planning Official is appealed, this decision will become effective twelve (12) days after the City mails the notice of decision. A decision of the Building and Planning Official may be appealed to the Planning Commission within twelve (12) days of the date the notice of decision is mailed, in accordance with Section 11.06(6) 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.


Daniel Findlay
Associate Planner

7-2-2025

Date