

Exhibit A

**FINAL ORDER
OF THE
VENETA PLANNING COMMISSION**

**Georgiou Conditional Use Permit and Site Plan Review
(File No. CUP-25-1 & SR-25-1)**

A. The Veneta Planning Commission finds the following:

1. The Veneta Planning Commission has reviewed all material relevant to the Conditional Use Permit and Site Plan Review applications (CUP-25-1 & SR-25-1) which has been submitted by the applicant, staff, and the general public regarding this matter.
2. The Veneta Planning Commission held a public hearing on August 12, 2025 to discuss the Conditional Use Permit and Site Plan Review request (CUP-25-1 & SR-25-1) after giving the required public notice to surrounding property owners and occupants 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 (CUP-25-1 & SR-25-1) as required by Article 6 and Article 8 of the Veneta Zoning and Development Code.

B. The Veneta Planning Commission APPROVES with conditions the Georgiou Conditional Use Permit and Site Plan Review (CUP-25-1 & SR-25-1). The applicant shall comply with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

1. Prior to installing any signage on the site, the applicant shall receive approval from the City of a sign permit in accordance with VZDC Section 5.15.
2. Provisions for landscaping and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.
3. All landscaped area that is not planted with trees or shrubs must have ground cover plants sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy in accordance with VZDC Section 5.12(5). Per VZDC Section 5.12(6)(G), non-plant ground covers cannot be a substitute for ground cover plants.

PRIOR TO BEGINNING CONSTRUCTION:

4. Prior to beginning construction, the applicant shall receive approval from the City of an erosion and sediment control permit in accordance with Veneta Municipal Code Chapter 13.40.

PRIOR TO CERTIFICATE OF OCCUPANCY:

5. Prior to Certificate of Occupancy, the applicant shall install a fire hydrant along Todd Way within 400 feet of the facility per Oregon Fire Code 2022, Section 507.5.1. The location and placement of the fire hydrant shall be approved by the City and Lane Fire Authority prior to installation.
6. Prior to Certificate of Occupancy, the applicant shall complete all landscaping improvements shown on the approved site plan and required by the conditions of approval in accordance with VZDC Section 5.12(2).
7. Prior to Certificate of Occupancy, the applicant shall install all required public improvements 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 ("Improvement Agreement"). The Improvement Agreement shall provide that, if improvements are not installed within the period specific, 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.
8. Prior to Certificate of Occupancy, the applicant shall plant 3 two-inch caliper street trees in the planter strip in accordance with the approved site plan.

C. IT IS HEREBY ORDERED THAT the Veneta Planning Commission APPROVES with conditions the Conditional Use Permit and Site Plan Review (CUP-25-1 & SR-25-1) based on the information presented in the following findings of fact:

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

Veneta Zoning and Development Code

Article 6 – Site Plan Review

Section 6.05 – Approval Criteria

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

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

B. That the following transportation needs are met:

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

Findings: Per the findings under Section 5.27, a traffic impact analysis (TIA) is not required. The City Engineer provided findings stating that the proposed use is only expected to generate 2 AM peak hour trips and 2 PM peak hour trips. The applicant states that no public retail traffic will occur, and the only traffic will be “employees and occasional client visits or deliveries.” For these reasons, traffic impacts are expected to be minimal and this criterion is met.

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

Findings: The applicant is proposing to construct public sidewalk where the property fronts Todd Way, which will provide pedestrian access to the site and separate pedestrian traffic from motor traffic. A pathway from the public sidewalk to the building entrance is also proposed. Todd Way is a local street, so bicycle traffic is allowed and expected on the street itself, as no separate bicycle lanes are required. For these reasons, this criterion is met.

- 3. 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: Todd Way is designated as a local road, which requires a minimum right-of-way width of 50 feet per VZDC Section 13.10(1). Todd Way has a right-of-way width of 60 feet, so no additional right-of-way is required. The Transportation System Plan does not show any future street extension across the subject property, so no future street right-of-way is in need of protection. This criterion is met.

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

Findings: As is discussed in the findings for Section 5.22, this criterion is met.

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

Findings: There are no transit facilities in the immediate vicinity of the development. Section 5.23 stipulates that transit facilities may be required for industrial developments that generate more than 100 average peak hour traffic trips. The proposed industrial use will generate less

than 100 average peak hour traffic trips, thus, no transit facilities are required for this development per Section 5.23.

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

Findings: The applicant is not proposing any signage at this time. As conditioned, this criterion is met.

Condition of Approval: Prior to installing any signage on the site, the applicant shall receive approval from the City of a sign permit in accordance with VZDC Section 5.15.

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

Findings: The applicant is proposing to connect to City water, sewer, and stormwater. There is adequate capacity to serve the proposed development. 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 site does not contain any drainageways, but the site is graded to drain to the west. The applicant is proposing to detain and treat runoff from impervious surfaces in accordance with Section 5.16 via an infiltration planter. From there, the stormwater will be directed to the public stormwater sewer line in Jeans Road. 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 is not expected to create any emissions or generate any nuisances that are not reasonably compatible with the land use district, adjacent land uses, and the standards of any other applicable regulatory agency having jurisdiction. The proposed use is manufacturing for a metal fabrication shop and operations will take place within an enclosed building.

- G. 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: 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: Sections 5.13 and 5.29 do not apply to the proposed use.

Article 8 – Conditional Uses

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 applicant is requesting a Conditional Use Permit to develop within the Greenway – Open Space Subzone. Per VZDC 4.12(1), the purpose of the Greenway subzone is to implement the Open Space – Greenway Overlay in the Veneta Comprehensive Plan.

The Open Space – Greenway Overlay Comprehensive Plan designation (O) has a few separate purposes. These are:

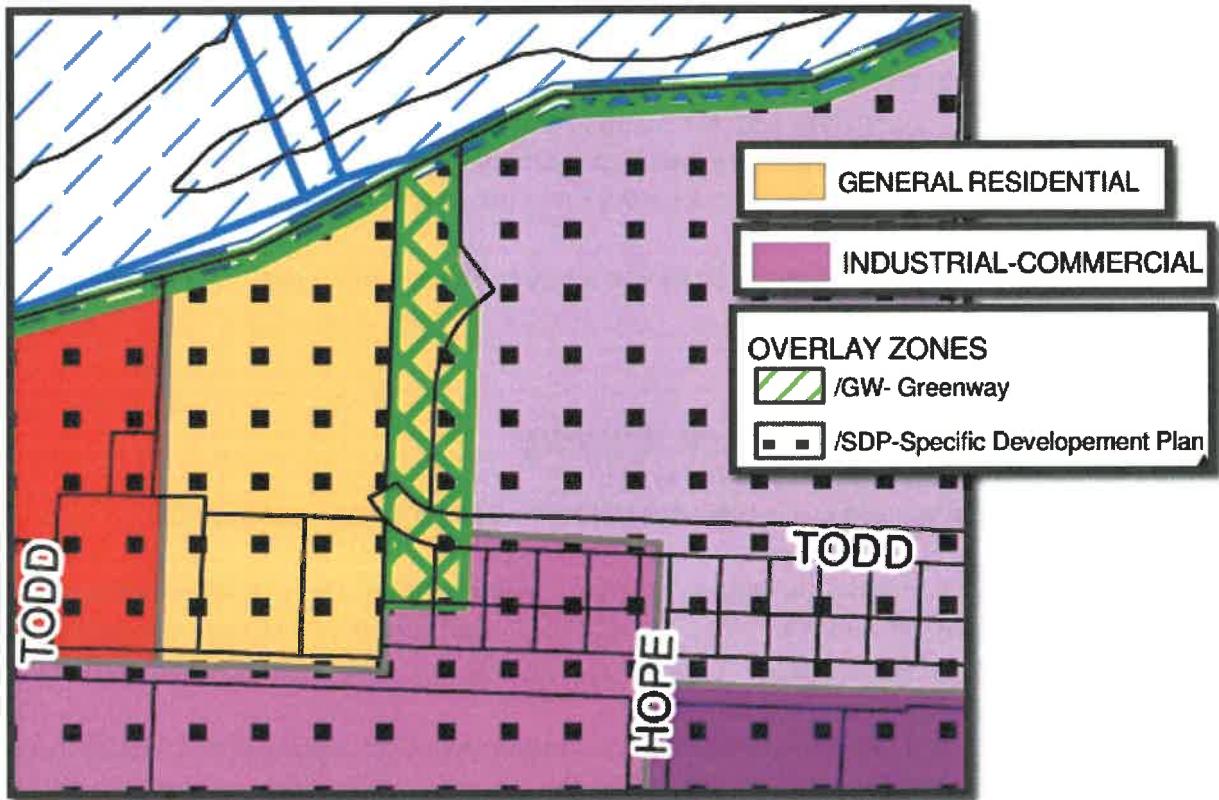
1. To identify major areas which should remain largely undeveloped. These areas are not designated for any conversion to eventual urban uses as are rural residential areas.
2. Provide open space corridors and parkways for expansion of pedestrian/bicycle networks.
3. To protect citizen and natural resources safety as required by federal law through the maintenance and enhancement of water quality and flood control by providing an undeveloped buffer between wetlands and developed areas.
4. Maintain and enhance wildlife habitat and movement corridors by preserving and enhancing native vegetation and riparian areas.
5. Provide a buffer between residential lands and other high intensity or industrial uses.

The subject site is located entirely within a belt of Greenway subzone that begins at the northern City limits and travels south, ending at the subject property. This portion of Greenway first appears on the Comprehensive Plan passed under Ordinance No. 416 on September 25, 2000.

In the minutes for the April 17, 2000 Planning Commission meeting, this Greenway was

mentioned, with the minutes stating that a “narrow greenspace follows the north boundary of the property with two larger greenspace areas north of Jeans Road reserved for some active recreation uses.”

Prior to the 2019 rezoning of the northeast area, this Greenway belt separated industrially-zoned land from residentially-zoned land. See the image below for reference.



In 2019, under Ordinance No. 552, the northeast area was rezoned. The subject property became zoned Industrial Commercial and the industrial property to the north was rezoned as General Residential. See the map below for reference.



Based on the reference to this area in the April 17, 2000 Planning Commission meeting minutes and the zoning at the time of the Greenway's implementation, the original intent of this Greenway best matches Goals 2 and 5 of the Open Space – Greenway Overlay.

Goal 5 is to provide a buffer between residential lands and other high intensity or industrial uses. The Greenway no longer provides this buffer, as the land to the west and the east is all residential because of the 2019 rezoning. Now, no industrial properties are immediately adjacent to residential properties. The subject property is across the street from a residential zone, but Todd Way already provides a 60-foot buffer between these areas. Further, there is existing industrial development along the south side of Todd Way, and existing residential development along the north side of Todd Way as part of the Oakley Estates Subdivision. Approval of a Conditional Use Permit would allow this property to develop similarly to existing industrial uses along Todd Way. Without it, there could be no industrial development on this property.

Goal 2 is to provide an open space corridor and parkway for expansion of pedestrian/bicycle networks. The Greenway on the subject property would not serve any purpose as an open space or pedestrian/bicycle corridor, as it provides no further connection to the City's transportation system than ending the corridor at Todd Way. The property does not front Jeans Road, and cannot provide a connection to the south. If pedestrian/bicycle connectivity is desired, a future path could connect to Todd Way, which would provide ample connectivity.

Goal 1 of the Open Space – Greenway Overlay is to identify major areas which should be largely undeveloped. The purpose of maintaining this property as undeveloped space is largely

irrelevant since the 2019 rezoning. The purpose of preventing development on this property was to provide pedestrian/bicycle connection and to provide a buffer between residential and industrial uses. Per the findings for Goals 2 and 5 of the Open Space – Greenway Overlay, the proposed use will not conflict with the goals of the Comprehensive Plan.

Goal 3 of the Open Space – Greenway Overlay is to protect citizen and natural resources safety as required by federal law through the maintenance and enhancement of water quality and flood control by providing an undeveloped buffer between wetlands and development areas. There are no wetlands associated with this Greenway. The City's Local Wetland Inventory did not identify any significant or insignificant wetlands on this subject property or anywhere within the immediate area. The applicant provided an off-site wetland determination performed by the Department of State Lands on April 5, 2024 that found that it was unlikely that there are jurisdictional wetlands or waterways on the property. Further, a wetland delineation was performed for the entire northeast area, this property included, which received concurrence from the Department of State Lands on May 19, 2021. This delineation found no wetlands anywhere within the entire Greenway belt that this property sits within. For these reasons, developing within this Greenway would not conflict with this goal.

Goal 4 of the Open Space – Greenway Overlay is to maintain and enhance wildlife habitat and movement corridors by preserving and enhancing native vegetation and riparian areas. There is no known wildlife habitat or movement corridors at the site and there are no wetlands associated with the Greenway. Preserving this section of Greenway would not provide any more connectivity to wildlife movement corridors, as the site is located at the south end of this Greenway belt, provides no connection to other open space corridors, and is surrounded by developable land. For these reasons, the proposed use would not conflict with this goal.

The subject property is also located within the Industrial/Commercial (IC) Comprehensive Plan Designation. The purposes of the IC plan designation are to:

1. Provide areas suitable for limited manufacturing, warehousing and commercial activities which have minimal emissions or nuisance characteristics.
2. Ensure that sufficient lands are available to encourage immediate industrial and commercial development in Veneta.
3. Protect lands in large parcels which will be needed for future industrial and commercial development.
4. Permit light and medium industrial uses which have minimal environmental impacts and are developed in an attractive industrial setting.
5. Prohibit heavy industry producing high traffic volumes, noise, and/or pollutants.
6. 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.
7. 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 is manufacturing entirely within an enclosed building, which is expected to have minimal emissions or nuisance characteristics, and thus is consistent with Goals 1 and 4. The proposed use is an industrial development, which is consistent with the second goal of the IC designation. Goal 3 is not applicable, as the subject property is only 0.30 acres and no land division is proposed. The proposed use is not expected to generate high traffic volumes, noises, or pollutants. Goals 6 and 7 are not applicable because commercial or residential development is not permitted here.

For the reasons discussed above, the proposed use is consistent with the Veneta Comprehensive Plan.

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

Findings: The subject property is located within the Greenway – Open Space Subzone and the Industrial Commercial zone.

Per VZDC Section 4.12(1), the purpose of the Greenway – Open Space Subzone is to implement the Open Space – Greenway Overlay in the Veneta Comprehensive Plan. Per the above findings for Section 8.10(1), the proposed use is consistent with the Veneta Comprehensive Plan, thus, it is also consistent with the purpose of the Greenway Subzone.

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 use of manufacturing is permitted per VZDC Table 4.4, subject to approval of a Site Plan Review. Thus, the proposed use is consistent with the purpose of the Industrial Commercial zone.

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 proposed use of manufacturing will take place entirely within an enclosed building. There are no expected negative impacts of the proposed use and the conditions of approval will ensure that the development proceeds in accordance with City standards.

Lane Fire Authority Findings: Upon reviewing the site plan and conducting a field verification, we noted that the existing fire hydrant located at the corner of Todd Way and Hope Lane is nearly 500 feet, measured from the start of the proposed driveway to the hydrant itself. This exceeds the allowable distance for fire apparatus access under the Oregon Fire Code 2022, specifically Section 507.5.1, which requires that a hydrant be located within 400 feet of the facility, as measured by an approved route.

Based on this measurement and code requirements, an additional fire hydrant will be required to meet fire flow and access standards.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall install a fire hydrant along Todd Way within 400 feet of the facility per Oregon Fire Code 2022, Section 507.5.1. The location and placement of the fire hydrant shall be approved by the City and Lane Fire Authority prior to installation.

- 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 Public Works Director did not raise any concerns or objections to the proposed use regarding the capacity of public facilities. The proposed use will connect to the City water, sewer, and stormwater system, and SDCs will be assessed at the time of the building permit. 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 is 0.30 acres in size. The site's size is adequate to fit the proposed building and required improvements, including the required parking spaces and associated driveway, the stormwater detention and treatment facility, and the required landscaped area. Per the findings for Section 5.27, the proposed use is not expected to generate a significant amount of traffic, and traffic generation is not expected to be an issue. There are no expected environmental quality impacts resulting from the development. There are no other health, safety, or general welfare concerns associated with the proposed development.

Section 8.11 – Special Standards Governing Certain Conditional Uses

- 19) *Standards for development in the GW subzone. The development must comply with all standards listed below. If the proposed development cannot comply with all the standards, the Planning Commission must determine what balance is needed between the public benefits provided by standards (A) through (E) and the private benefits provided by standards (F) and (G).*

- A. *Fish and wildlife habitats and wildlife movement corridors will be protected.*

Findings: The Greenway located on the site is not associated with a wetland, and there are no wetlands or drainage channels anywhere within the immediate vicinity of the site. There are no known fish and wildlife habitats or wildlife movement corridors that will be impacted by this development. This criterion is met.

- B. *Scenic qualities and viewpoints will be preserved.*

Findings: The scenic qualities of the site are limited, and there are no viewpoints to be

preserved. The site is located within an industrial zone. The properties to the south have been developed as industrial uses, which have limited aesthetic appeal. The properties to the west and east are also developable land, which would further reduce the scenic qualities of the subject site.

- C. Natural drainageways are protected and the stormwater plans comply with an approved stormwater drainage management plan. Erosion will be prevented or controlled.*

Findings: The site currently drains to the west. There are no existing drainageways on the subject property. The applicant is proposing to detain and treat runoff from impervious surfaces in accordance with VZDC Section 5.16. After detention and treatment, stormwater will be routed to the public stormwater sewer along Jeans Road, where it will enter the City's stormwater system. An erosion and sediment control permit will be required before construction begins per Veneta Municipal Code Chapter 13.40, which will prevent and control erosion. As conditioned, this criterion is met.

Condition of Approval: Prior to beginning construction, the applicant shall receive approval from the City of an erosion and sediment control permit in accordance with Veneta Municipal Code Chapter 13.40.

- D. Significant trees and other site vegetation will be preserved.*

Findings: There are no significant trees on the subject property. The existing site vegetation is limited to grass. The proposal includes a landscaping plan in accordance with VZDC Section 5.12, including planting new trees, shrubs, and groundcover plants. For these reasons, this criterion is met.

- E. Stream corridors and wetland will be protected and provided with buffers.*

Findings: There are no stream corridors or wetlands associated with the subject property and the development will not impact any stream corridors or wetlands.

- F. The practical needs of construction activity are provided for in terms of ingress and egress.*

Findings: The entirety of the site is located within the Greenway subzone, thus, if the Conditional Use Permit is not approved, there is no practical ingress or egress onto the property, as that would constitute activity typically prohibited in the Greenway subzone per VZDC 4.12(5).

- G. Exceptional and undue hardship upon property owner or developer is avoided. For purposes of this subsection, hardship means the subject property will have no economically viable use without the Conditional Use Permit. The hardship must arise*

from conditions inherent in the land which distinguish it from other land in the neighborhood.

Findings: The subject property is located entirely within the Greenway subzone. The property is also zoned Industrial Commercial, and virtually every use allowed in the Industrial Commercial zone requires some degree of development that is prohibited in the Greenway subzone. The property is Lot 6 of the Tanglewood Park subdivision. All other lots in this subdivision are zoned Industrial Commercial, but only Lot 6 and 7 are within the Greenway subzone, which distinguishes this property from the other properties in the neighborhood. For these reasons, the presence of this subzone over the entirety of the site causes the site to have no economically viable use without the Conditional Use Permit.

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.*
- 2) *Uses Permitted subject to Site Plan Review. The following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review. All operations except off-street parking and temporary activities associated with the established businesses shall be conducted entirely within an enclosed building:*
 - A. *All uses provided in Table 4.4 and similar uses as provided by Section 2.05.*
 - B. *Medical Marijuana Facility, when not located within 1,000 feet of real property comprising a public park. For purposes of this subsection, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing, public park. This buffer shall not apply to new parks located within 1,000 feet of an existing Medical Marijuana Facility.*
 - C. *Interim agricultural cultivation on undeveloped land provided the spraying, dust, odors and other side effects such uses do not interfere with the successful operations of adjacent land uses.*
 - D. *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: The proposed use of manufacturing is permitted per Table 4.4, subject to approval of Site Plan Review.

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

Findings: The maximum lot coverage in the Industrial Commercial zone is 80%. The proposed building is 2,970 square feet and the lot is approximately 13,000 square feet, meaning the lot coverage is 22.8%. This criterion is met.

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

Findings: See the findings under Section 5.20 for further discussion. As conditioned, this criterion is met.

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 City Engineer and Public Works Director did not have objections to the proposed water use. The proposal will connect to City water. This criterion is met.

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: The City Engineer and Public Works Director did not have objections to the proposed sewer use. The proposal will connect to City sanitary sewer. This criterion is met.

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 applicant is proposing to detain and treat stormwater in accordance with VZDC Section 5.16. No contamination of stormwater from solid or other wastes is expected because operations will take place within an enclosed building.

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: The applicant is not proposing any outdoor garbage collection areas. The application materials state that 'due to the high value of recyclable materials...these will be stored indoors until recycled. General garbage will be stored inside the building and placed outside only on pickup days using standard residential-sized containers.'

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: The applicant states that 'operations do not involve combustion or chemical processing', and thus, no odor emissions are expected. Staff concurs with the applicant's statement.

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: Operations will take place entirely within an enclosed building and the proposed use is not expected to create a nuisance.

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: This criterion is met because parking and driveway areas are proposed to be paved with asphaltic concrete. Operations on the site will take place within an enclosed building.

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: The proposal includes landscaping around the building areas in accordance with Section 5.12. This criterion is met.

Section 4.11 – Greenway – Open Space Subzone (/GW)

4) *Conditional Uses Permitted. Subject to the criteria found in Section 8.11(19) of this ordinance.*

Findings: See the findings under Section 8.11(19) for further discussion. As conditioned, the proposal meets the criteria of Section 8.11(19).

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: A condition of approval has been added to ensure that this standard is met.

Condition of Approval: Provisions for landscaping and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.

- 2) *Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.*

Findings: The applicant's site plan shows the required landscape improvements. A condition of approval has been added to ensure that the improvements are completed prior to issuance of a Certificate of Occupancy.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall complete all landscaping improvements shown on the approved site plan and required by the conditions of approval in accordance with VZDC 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 property is approximately 13,100 square feet in size and zoned Industrial Commercial and thus is required to landscape a minimum of 655 square feet. The applicant is proposing to landscape approximately 5,500 square feet of the site. 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 proposal includes approximately +/- 5,500 square feet of landscaping, which requires a minimum of 5 two-inch caliper trees and 20 five-gallon shrubs or accent plants per Section 5.12(4). The applicant is proposing to plant 5 Armstrong Maple trees, two-inch caliper at the time of planting. 20 shrubs, minimum five-gallon at the time of planting, are also proposed to be planted.

- 5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (6)(F) & (G), below), shall have ground cover plants that are sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy.
- 6) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
 - A. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.
 - B. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.
 - C. Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.
 - D. Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
 - E. "Invasive" plants, shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
 - F. Hardscape features, May cover up to ten percent (10%) of the required landscape area; except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.
 - G. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

Findings: Sheet C4.0 states that “a ground cover plant seed mixture shall be used for final stabilization of the site.” A condition of approval has been added to ensure that all landscaped area that is not planted with trees and shrubs have ground cover plants in accordance with this section.

Condition of Approval: All landscaped area that is not planted with trees or shrubs must have ground cover plants sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy in accordance with VZDC Section 5.12(5). Per VZDC Section 5.12(6)(G), non-plant ground covers cannot be a substitute for ground cover plants.

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: All adjacent lots are zoned Industrial-Commercial with the exception of the property to the west, which is zoned Community Commercial. The proposed use is not expected to impact the adjacent Community Commercial property. This criterion is not applicable.

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

Findings: The applicant is proposing an infiltration planter to detain and treat stormwater in accordance with VZDC Section 5.16. Detail 9 on Sheet C10.0 shows the typical detail for an infiltration planter in accordance with the 2014 Eugene Stormwater Management Manual, which includes landscaping requirements. This criterion 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 proposed use will connect to City water and sanitary 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: The proposal will be required to install sidewalk and a planter strip along the Todd Way frontage. As conditioned, this criterion is met.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall install all required public improvements 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 ("Improvement Agreement"). The Improvement Agreement shall provide that, if improvements are not installed within the period specific, 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

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 subject site will contain 6,959 square feet of impervious surface. Runoff from impervious surfaces is proposed to be directed to an infiltration planter. The planter is appropriately sized for the amount of impervious surface per the 2014 Eugene Stormwater Management Manual. Following detention and treatment, stormwater will be directed to the public stormwater sewer main in Jeans Road via a private line that travels through the public utility easement in the property to the south. This criterion is met.

Section 5.22 – Pedestrian and Bicycle Access and Circulation

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

Findings: This criterion is met because the proposal includes constructing sidewalk along the Todd Way frontage and includes a pedestrian path from the sidewalk to the building entrance.

- 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 property fronts Todd Way and does not have sidewalk along its frontage. Per this section, sidewalk will be required as part of this development. As conditioned under the findings for Section 5.14, 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: This criterion is met because the development will provide a safe, direct, and convenient path from the primary building entrance to the public sidewalk along Todd Way. The route is direct as it does not deviate unnecessarily from a straight line or involve out-of-direction travel and the route is reasonably free from hazards.

Section 5.27 – Traffic Impact Analysis and Mitigation

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

- A. *The development will generate more than 100 vehicle trips during the a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the peak hour trips shall be calculated based on the likely development that will occur on all lots resulting from the land division.*
- B. *The proposal is immediately adjacent to an intersection that is functioning at a level of service below LOS D, the City's minimum acceptable operating condition during the weekday peak hour.*
- C. *The Traffic Impact Analysis is required by the State or County due to increased traffic on a State or County road within the City's Urban Growth Boundary.*
- D. *The proposed use is expected to generate or receive traffic by vehicles exceeding 26,000 pounds gross vehicle weight as part of daily operations. "Daily operations" includes, but is not limited to, delivery to or from the site of materials or products processed, sold, or*

distributed by the business occupying the site. Trips associated with routine services provided to the site by others, such as mail delivery, garbage pickup, or bus service, are exempt from this provision.

- E. An access driveway that does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard.*
- F. An access driveway that does not meet the access spacing standard of the roadway on which the driveway is located.*
- G. A change in internal traffic patterns that may cause safety problems, such as back-up onto public streets or traffic conflicts in the approach area.*

City Engineer's Findings: I get 2 AM and 2 PM trips during the transportation system peak hours...This is based on ITE Land Use Code 140 for a Manufacturing Use, with 3.375 ksf of Gross Floor Area. The rates are 0.68 Trips/KSF for the AM and 0.74 Trips/KSF for the PM peak hour. The ITE utility rounds the trips to the nearest trip.

Findings: The City Engineer's findings demonstrate that a TIA is not required per VZDC 5.27(A). The proposal does not fall under the criteria of subsections 5.27(B-G), so a TIA is not required.

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*

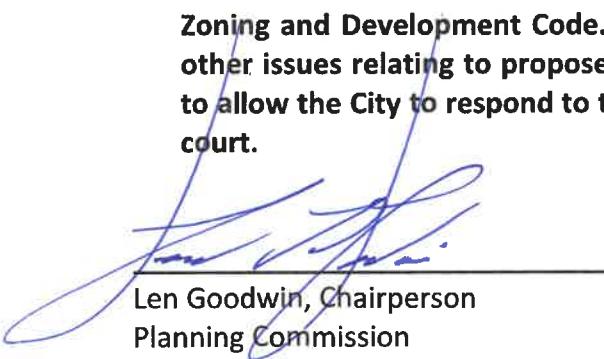
continuity.

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.*

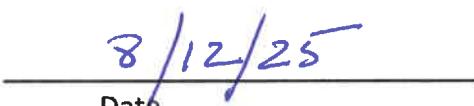
Findings: The site fronts Todd Way for approximately 110 feet. The applicant is proposing to plant 3 street trees, which is consistent with the spacing requirements in Section 5.28(3). The species is proposed to be Armstrong Maple, which is found on the City's tree list, and are proposed to be a minimum of 2-inch caliper at the time of planting. The City's tree list indicates that Armstrong Maples are appropriate trees for a 5-foot wide planter strip. For these reasons, these criteria are met. A condition of approval has been added to ensure the trees are planted prior to occupancy.

Condition of Approval: Prior to Certificate of Occupancy, the applicant shall plant 3 two-inch caliper street trees in the planter strip in accordance with the approved site plan.

D. **Unless a condition of approval specifies otherwise or the decision of the Veneta Planning Commission is appealed, this decision will become effective twelve (12) days after the City mails the notice of decision. A decision of the Veneta Planning Commission may be appealed to the City Council within twelve (120 days of the date the notice of decision is mailed in accordance with Section 11.07(7) of the Veneta Zoning and Development Code. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**



Len Goodwin, Chairperson
Planning Commission



Date