

VENETA
PLANNING COMMISSION
STAFF REPORT
Demers Outdoor Storage - City File No. SR-2-23
Conditional Use Permit

Application Received: May 10, 2023
Incomplete Determination: May 23, 2023
Additional Info Received: June 9, 2023
Application Complete: June 13, 2023
Notice Mailed: June 14, 2023
Notice Published: June 15, 2023
Notice Posted: June 14, 2023
Staff Report Date: July 3, 2023
Planning Commission Meeting: July 11, 2023
120 days from Completeness: October 11, 2023
Referrals:
Lane Branch, P.E., City Engineer (Branch Engineering)
Dan Haga, P.E. (Branch Engineering)
Kyle Schauer, Public Works Director, City of Veneta
ODOT Region 2
Brian Sayles, Lane Fire Authority
Daniel Findlay, Associate Planner
Prepared by:

BASIC DATA

Owner: ATR Services Inc
PO Box 876
Veneta, OR 97487
Applicant: John L. Demers, Architect AIA
PO Box 219
Veneta, OR 97487
Site Address: 25300, 25290, & 25280 Loten Way, Veneta, OR 97487
Assessor's Map No. 17-05-31-20
Tax Lot No. 3900, 4000, 4100
Zoning District: Industrial-Commercial
Comprehensive Plan Designation: Industrial-Commercial
Associated Files: Tree Removal Permit (City File No. TP-23-12)

REQUEST

Conditional Use Permit request for outdoor storage exceeding 180 days.

BACKGROUND, PROPERTY CHARACTERISTICS, AND CONTEXT

The site consists of three contiguous lots off of Loten Way. Below is a vicinity map of the site.



Lot 3900 and a small portion of Lot 4000 currently serve as an outdoor storage yard. The proposed use will be an expansion of this existing use. The site is vegetated including 'significant' trees as defined by the City Tree Code (VMC Chapter 8.10). Just south of the site is Highway 126. West of the site is Hope Lane. Adjacent and nearby land uses include industrial uses to the north and east, Highway 126 and the Oregon International Port of Coos Bay Railroad to the south, and a vacant lot zoned Industrial-Commercial to the west.

PUBLIC NOTICE

Notice was mailed to all property owners and property addresses within 300 feet of the site on June 14, 2023. Notice was posted at the site, Veneta City Hall, Fern Ridge Library, and on the City website on June 14, 2023. Notice was published in the *Register Guard* on June 15, 2023. All public notice was done in accordance with Veneta Land Development Ordinance 493, Section 11.07(2).

APPROVAL CRITERIA

Veneta Land Development Ordinance No. 493, Article 6 – Site Plan Review; Article 8 – Conditional Use Permit, Sections 8.10 and 8.11(12).

REFERRAL COMMENTS

Comments were received from the City Engineer and City Traffic Engineer. Relevant comments are included as Exhibits to the staff report.

PUBLIC COMMENT

No public comment has been received as of the date of this staff report.

ISSUES

The following issues have been raised concerning the proposal:

Landscaping

The applicant is proposing to remove 13 trees on the site, 8 significant trees and 1 heritage tree, and to replant 16 street trees in the public right-of-way, 9 of them to fulfill the required mitigation standards. The applicant proposes that all 16 trees be *Quercus Ruba* (Northern Red Oak), however, VMC 8.10.120 states that for trees planted as mitigation, no more than 25% of the trees shall be the same species. Therefore, a condition of approval has been added requiring the applicant to submit a final landscape plan showing that the species selection will meet this standard.

Another issue is the landscaping of the space between the back of the sidewalk along Loten Way and the proposed chain link fence. The proposed landscape plan does not indicate that any shrubs or groundcover species will be planted there, so a condition of approval has been added requiring the applicant clearly show this on their final landscape plan in order to ensure that this area will be landscaped according to City standards.

STAFF RECOMMENDATION

Based on the findings for the Conditional Use Permit request stated in the Proposed Final Order (SR-2-23), staff recommends conditional approval of the Site Plan Review permit application. The proposed conditions of approval are specified in the Proposed Final Order (Exhibit A).

POSSIBLE ACTIONS BY THE PLANNING COMMISSION

The Commission may:

- a. Approve the Conditional Use Permit with specified conditions of approval based on the findings in the Proposed Final Order.
- b. Modify the proposed findings or conditions of approval in the Proposed Final Order.
- c. Deny the Conditional Use Permit based on the Commission's findings.
- d. Continue deliberations on the Conditional Use Permit request, if more information is needed.

SUGGESTED MOTION

I make a motion to adopt the findings in the Proposed Final Order as our own, showing the criteria for approval of a Conditional Use Permit met, and approve Conditional Use Permit request SR-2-23 with conditions.

EXHIBITS

Exhibit A – Proposed Final Order

Exhibit B – Applicant's Submittal

Exhibit C – City Engineer's Comments

Exhibit D – City Traffic Engineer's Comments

Exhibit A

FINAL ORDER OF THE VENETA PLANNING COMMISSION

Demers Outdoor Storage Conditional Use Permit (File No. SR-2-23)

A. The Planning Commission finds the following:

1. The Veneta Planning Commission has reviewed all material relevant to the Conditional Use Permit (SR-2-23) 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 July 11, 2023 to discuss the Conditional Use Permit application for Assessor's Map No. 17-05-31-20, Tax Lots 3900, 4000, & 4100 in accordance with Section 11.07 of the Veneta Land Development Ordinance No. 493 (VLDO).
3. The Veneta Planning Commission followed the required procedure and standards for approving the Conditional Use Permit, as required by Section 8.03, 8.10, & 8.11 of VLDO No. 493.

B. The Veneta Planning Commission APPROVES with conditions the Demers Outdoor Storage Conditional Use Permit (File No. SR-2-23). The applicant shall comply with the following conditions of approval:

GENERAL CONDITIONS OF APPROVAL:

1. The City of Veneta application and approval process does not take the place of, or relieve the Applicant of responsibility for, acquiring such other permits, or satisfy any restrictions or conditions thereon. This approval process does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.
2. The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, County, State and Federal agencies.
3. Prior to construction, a Final Landscape Plan shall be submitted and approved by the City showing the placement of shrubs, groundcover species and landscaping in the setback between the back of the sidewalk along Loten Way and the chain link fence. All landscaping will be in conformance with Veneta Land Development Ordinance 493 Article 5, Section 5.12.

4. Prior to construction, a Final Landscape Plan shall be submitted and approved by the City showing a selection of street tree species that meet the standards of Veneta Municipal Code Section 8.10.120 and Veneta Land Development Ordinance 493 Section 5.28.
5. A 6-foot wide sidewalk separated from the street by a 5.5-foot planting strip shall be constructed in the public right-of-way along the Loten Way frontage, as shown on the submitted and approved site plan.
6. Prior to construction, the applicant shall obtain a right-of-way permit from the City of Veneta Public Works Department for the sidewalk and driveway approach.
7. Opaque slats will be required to be installed with all chain link fence on the site, in accordance with VLDO 493, Sec. 8.11(12).
8. Upon notification from the City, the applicant may be required to water the site to control dust and fugitive emissions from leaving the property.
9. Prior to construction, the submitted Type 'B' Tree Removal Permit (City File No. TP-23-12) shall be noticed and approved by the City in accordance with Veneta Municipal Code Chapter 8.10.

C. **IT IS HEREBY ORDERED THAT the City of Veneta Planning Commission APPROVES with conditions the Conditional Use Permit for Demers Outdoor Storage (City File No. SR-2-23) based on the information presented in the following findings of fact:**

Veneta Land Development Ordinance No. 493

Article 4 – Use Zones

Section 4.08 – Industrial Commercial (IC)

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

Findings: The proposed use is for outdoor storage. It is expected to have minimal emissions and nuisance characteristics.

Conclusion: Criterion is met.

- 3) Conditional Uses. *The following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.*

- A. All uses provided in Table 4.4 and similar uses as provided by Section 2.05.
- B. The requirement for Site Plan Review may be waived by the Director if there is a Change of Use in an existing building or development site with all improvements in place and similar or reduced on/offsite impacts and trip generation.

Findings: The proposed use falls under the definition of “Outdoor Sales/Display/Storage >180 days”, which is permitted in the Industrial-Commercial zoning district subject to approval of a Conditional Use Permit.

Conclusion: Criterion is met.

4) Yards. Yards shall be as specified in Table 4.3 except as follows:

- A. Front yards shall be a minimum of twenty (20) feet when a lot abuts a residential zone.
- B. Back and side yards shall be a minimum of twenty (20) feet from property line when a lot abuts a residential zone.

Findings: The site does not abut a residential zone on any side.

Conclusion: Criterion is not applicable to this request.

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

Findings: The site consists of three lots, all owned by the same property owner. Vehicular access to the site is achieved through a curb cut leading into Tax Lot 3900. No buildings currently exist or are proposed as part of the request. Thus, the side yard requirements have been waived on common lot lines.

Conclusion: Criterion is met.

- D. Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets.

Findings: No change in right-of-way width is anticipated for Loten Way at this time.

Conclusion: Criterion is not applicable to this request.

- E. See Veneta Tree Preservation and Protection Ordinance for possible setback exemptions for the preservation of heritage trees.

Findings: There is one heritage tree identified as part of the Tree Removal Permit application associated with this request (City File #TP-23-12). The purpose of the removal is for proposed soil sloped grade changes and grade for proposed gravel surface. The need to remove the heritage tree would not be remedied by a setback exemption.

Conclusion: Criterion is not applicable to this request.

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

Findings: No buildings currently exist or are proposed as part of the request.

Conclusion: Criterion is met.

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

Findings: Not applicable. The proposed use is for a private outdoor storage yard. The site will not be open to the public. Inside of the fenced area will be compacted gravel available for parking.

Conclusion: Criterion is not applicable.

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

Conclusion: Criterion is not applicable.

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

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

Conclusion: Criterion is not applicable.

- C. **Stormwater Drainage.** *The development site, its operations and improvements*

thereon shall detain and treat all stormwater as required by Section 5.16 of this ordinance. There shall be no contamination of stormwater from solid or other wastes.

Findings: The outdoor storage yard is proposed to be a permeable gravel surface and no stormwater detention would be required.

Conclusion: Criterion is met.

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

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

Conclusion: Criterion is met.

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

Findings: There is no expected emission of odorous matter to be produced from the proposed use.

Conclusion: Criterion is met.

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: The proposed use of outdoor storage is not expected to produce noise that exceeds DEQ standards set forth in Oregon Administrative Rules, Chapter 340, Division 35, and the Veneta Noise Ordinance No. 299.

Conclusion: Criterion is met.

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

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

Conclusion: Criterion is met.

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: Landscaping shall be discussed below in the findings for Section 5.12 – Landscaping.

Conclusion: Landscaping shall be discussed below in the findings for Section 5.12 – Landscaping.

Article 5 – Supplementary Provisions

Section 5.12 – Landscaping

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

- 1) *Provisions for landscaping, screening and maintenance are a continuing obligation of the property owner and such areas shall be maintained in a clean, weed free manner.*
- 2) *Site plans indicating landscape improvements shall be included with the plans submitted to the Building and Planning Official or Planning Commission for approval. Issuance of a Building permit includes these required improvements which shall be completed before issuance of a Certificate of Occupancy.*
- 3) *Minimum Landscaped Area. The minimum percentage of required landscaping is as follows:*
 - A. *Residential and Residential-Commercial Zones: 20% of each lot for residential developments, 10% for commercial or mixed use.*
 - B. *Community Commercial and Broadway Commercial Zones: 10% of the site.*
 - C. *Highway Commercial Zone: 10 % of the site.*
 - D. *Industrial Zones (IC, LI, MI): 5% of the site.*

- E. When the above requirements conflict with landscaping requirements found elsewhere in this ordinance, the standard which maximizes landscaped area shall apply.
- 4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
 - A. One tree, minimum 2" caliper.
 - B. Four 5-gallon shrubs or accent plants.
- 5) Minimum percentage Ground Cover. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsections (6)(F) & (G), below), shall have ground cover plants that are sized and spaced to achieve 75% coverage of the area not covered by shrubs and tree canopy.
- 6) Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
 - A. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.
 - B. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, and drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand on the City's water supply.
 - C. Plant Establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of two (2) years to ensure viability.
 - D. Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soils amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical and compacted soils shall be amended and/or aerated as necessary prior to planting.
 - E. "Invasive" plants. shall be removed during site development and the planting of new invasive species is prohibited. Lists of locally invasive species are available through the local USDA extension office.
 - F. Hardscape features. May cover up to ten percent (10%) of the required landscape area; except in the Downtown Area where publicly accessible hardscape features may cover up to eighty percent (80%) of the required landscape area, subject to approval through Site Plan Review. Swimming pools, sports courts, and similar active recreation facilities, as well as paving for parking and access, may not be counted toward fulfilling the landscape requirement.
 - G. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
- 7) Multi-family sites and parking lots shall be screened from abutting single-family land

uses by a combination of sight-obscuring fences, walls and landscaping adequate to provide privacy and separation for the abutting land use.

- 8) *Garbage collection areas, service facilities and air conditioning facilities located outside the building shall have sight-obscuring screening. Mechanical equipment, lights, emissions, shipping/receiving areas, and garbage collection areas for industrial, commercial, and public facility uses shall be located away from residential areas, schools, and parks.*
- 9) *When a sight-obscuring fence, wall, or hedge is required under the provisions of this ordinance, it must meet the following provisions:*
 - A. *In order to be "sight-obscuring", fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges shall be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting. Creative use of deciduous hedge materials may be proposed to provide screening in conjunction with wider planting areas. Deciduous hedges may be approved on a case by case basis as the sole discretion of the Planning Official.*
 - B. *Fences and walls must be maintained in a safe condition and opacity must be maintained. Wooden materials shall be protected from rot, decay and insect infestation. Plants forming hedges must be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.*
- 10) *When adjacent land uses are of a different type and the proposed use may impact the adjacent land uses, the Building and Planning Official or Planning Commission may require sight-obscuring fencing, walls, and/or landscaping. In order to provide appropriate buffering and screening, the Building and Planning Official or Planning Commission may increase the required yard dimension.*
- 11) *All stormwater detention facilities shall be landscaped according to City standards.*

Findings: The applicant meets the 5% landscape coverage requirement for industrial zones through existing vegetation on Tax Lot 4100. However, the proposed landscaping of the area between the sidewalk along Loten Way and the front of the chain link fence is unclear and the applicant has not indicated that any shrubs or groundcover species will be planted there. Non-plant ground covers are only allowed to be used if they cover no more than 25% of the area to be landscaped and if they are confined to areas underneath plants. Therefore, a condition of approval is needed to confirm that the landscaping will be in conformance with the standards laid out in Section 5.12.

Conclusion: A condition of approval is needed to confirm that the landscaping will be in conformance with the standards laid out in Section 5.12.

Condition of Approval: Prior to construction, a Final Landscape Plan shall be submitted and approved by the City showing the placement of shrubs, groundcover species and landscaping in the area between the back of the sidewalk along Loten Way and the chain link fence. All landscaping will be in conformance with Veneta Land Development Ordinance 493 Article 5, Section 5.12.

Section 5.02 – Access

All lots shall be provided with access according to the standards of Article 6, Section 6.04 of the Veneta Land Division Ordinance.

Findings: Access to the site is achieved through a proposed driveway approach leading onto Tax Lot 3900. Staff also notes the proposed truncated dome panels in the sidewalk on either side of the crossing are not typically required when in the right-of-way at a private driveway.

Conclusion: Criterion is met.

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 applicant has proposed 16 street trees of the species *Quercus Ruba* (common name Northern Red Oak), which is found on the City's adopted tree list and will be a minimum of 2-inch caliper at the time of planting. However, Veneta Municipal Code (VMC) Section 8.10.120, Subsection 3 states: "To encourage a diversity of species when four or more trees are required as mitigation, no more than 25 percent of trees planted as mitigation shall be of any one species. Use of native trees where appropriate is encouraged." The applicant has proposed only one species and will need to meet this requirement. The proposed street trees will be within planting strips within the street right-of-way with a planting area greater than 16 square feet. Proposed street trees are spaced 30 feet apart.

Conclusion: A condition of approval requiring that the applicant plant no more than 25% of the same species of tree is required to meet the standards laid out in VMC Section 8.10.120, Subsection 3. This condition of approval will also require the applicant to select species from the City's adopted tree list so that these criteria can be met.

Condition of Approval: Selection of street tree species shall meet the standards laid out in Veneta Municipal Code Section 8.10.120 and Veneta Land Development Ordinance 493 Section 5.28.

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 Land Development Ordinance No. 493 and other applicable provisions of City ordinances. In the event that a particular criterion is not or cannot be feasibly met with the current evidence in the record, staff will indicate so and shall be grounds for denial.

Conclusion: Criterion is met.

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

Findings: The site is located off of Loten Way, which ends in a cul-de-sac and thus does not

have any through-traffic, and overall has minimal traffic. The proposed use includes the addition of sidewalk where the site fronts Loten way, increasing the safety of pedestrians and cyclists. There will be no threat to future street right-of-way.

Conclusion: Criterion is met.

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

Findings: Not applicable as the applicant does not propose any signage.

Conclusion: Criterion is not applicable to the request.

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

Findings: There is no current or proposed use of water, sewer, or other facilities on the site.

Conclusion: Criterion is not applicable.

- 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: No drainage facilities required. Existing drainage patterns are maintained.

Conclusion: 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 potential emissions and nuisance characteristics of the proposed use include dust and fugitive emissions arising from the use of a compacted gravel surface. A condition of approval stating that the City may require the applicant to water the site to mitigate dust and fugitive emissions addresses this concern and would restrict the extent of the emissions and potential nuisance characteristics to a level that is reasonably compatible with the Industrial-Commercial zoning of the site itself, the Industrial-Commercial zoning of adjacent land uses and the Medium-Industrial zoning of the land uses to the north of the site.

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

- G. Where the applicant has requested an adjustment to Site Plan Review criteria (Type II Site Plan Review) pursuant to the Veneta Land Development Ordinance, the applicant shall identify all applicable criteria in this ordinance*

and specifically address each adjustment

Findings: Not applicable to this request.

Conclusion: The criterion is not applicable to this request.

- 2) *Alternatives to the Commercial and Mixed Use Design Standards of Section 5.13, or Residential Design Standards of Section 5.29 or Off Street Parking Location Standards Section 5.20(3)(c) may be granted by the Planning Commission following a public hearing where the Commission finds that the alternative design:*
 - A. *Meets the purpose and intent of the applicable design standard being adjusted*
 - B. *Conforms with the design guidelines provided in Section 5.13 or 5.29 as applicable*
 - C. *Promotes pedestrian safety, convenience and comfort*
 - D. *Contains architectural features substituting for code required features which are consistent with the overall design intent and composition of the building.*
 - E. *Maintains or enhances compatibility between new development and existing uses, including aesthetics and privacy for residential uses.*

Findings: Section 5.13 and 5.29 do not apply to industrial uses.

Conclusion: Criteria are not applicable to the proposed use.

Article 8 – Conditional Use Permits

Section 8.10 – General Standards of Approval.

A conditional use may be granted only if:

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

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

The purpose of the Industrial-Commercial Comprehensive Plan designation is to:

- Provide areas suitable for limited manufacturing, warehousing, and commercial activities which have minimal emissions or nuisance characteristics.
- Ensure that sufficient lands are available to encourage immediate industrial and commercial development in Veneta.
- Protect lands in large parcels which will be needed for future industrial and commercial development.
- Permit light and medium industrial uses which have minimal environmental impacts and are developed in an attractive industrial setting.
- Prohibit heavy industry producing high traffic volumes, noise and/or pollutants.
- Permit commercial uses to supplement industrial uses and/or to provide needed

- retail, automotive repair, welding or other commercial uses that are compatible with industrial uses
- Permit residential living quarters as a conditional use in conjunction with a mini-warehouse, or by occupying no more than 50% of the same building in which a business is housed.

The proposed use of outdoor storage is not a heavy industrial use and would not produce high traffic volumes, noise and/or pollutants. The proposed use does not contain any structures, and would ensure that the land is available for current and future industrial and commercial development. The proposed use is of storage of industrial vehicles and materials with minimal environmental impacts. The landscaping proposed by the applicant and required by the conditions of approval will ensure that the site is developed into an attractive industrial setting. The proposed use is an expansion of an existing outdoor storage yard, and might result in an increase in traffic, but is not expected to produce more than a minimal amount of emissions or nuisance characteristics compared to existing conditions.

Conclusion: The criterion is met.

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

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

Conclusion: The criterion is met.

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

Findings: The outdoor storage use will be screened through the use of existing and proposed chain link fence with opaque slats, mitigating the negative aesthetic effects of the outdoor storage use. The removal of trees as part of the proposed development will be mitigated through the replanting of trees in the planters located in the right-of-way on Loten Way. There are no other anticipated potential negative impacts of the proposed use on adjacent properties and on the public.

Conclusion: The criterion is met.

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

Findings: The proposed use is located off of Loten Way, which ends in a cul-de-sac and thus has

no through traffic and experiences little traffic otherwise. The proposed use, an expansion of an existing outdoor storage yard, might result in an increase in traffic, but it is not expected to be more than the current street conditions can handle. No other public facilities currently serve or are proposed to serve the proposal.

Conclusion: The criterion is met.

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

Findings: The site size and dimensions are adequate to serve the proposed use. The site is in an area of primarily industrial uses. The proposed use includes a driveway curb cut off of Loten Way which will serve as the sole access to the site. The site will be graded and will be a permeable compacted gravel lot, mitigating stormwater runoff.

Conclusion: The criterion is met.

Article 8, Section 8.11(12) – Special Standards Governing Certain Conditional Uses (Standards for commercial or industrial uses with open display or storage outside the building).

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

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

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

Conclusion: The criterion is not applicable.

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

Findings: No sales of commercial merchandise proposed. Any outdoor storage will be screened through the use of existing and proposed chain link fencing with opaque slats installed.

Conclusion: The criterion is met.

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

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

Conclusion: The criterion is not applicable to the request.

D. Unless a condition of approval specifies otherwise or the decision of the Planning Commission is appealed this decision will become effective twelve (12) days after the City mails the notice of decision. A decision of the Planning Commission may be appealed to the City Council within twelve (12) days of the date the notice of decision is mailed, in accordance with Section 11.07(7) of the VLDO. 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
Chair, Veneta Planning Commission


Date

Exhibit B

Modified narrative to classify this development as a:

OUTSIDE SALES/DISPLAY/STORAGE > 180 days

As per a meeting on June 7, 2023, with City of Veneta Community Development Director Mat Laird & Associate Planner Daniel Findlay

ADDITIONAL and MODIFIED NARRITIVE

June 9, 2023

This Narrative will illustrate revisions by ~~strikethrough~~ text for deleted or modified language and **red text** for added language.

The following is a narrative for applicable Sections of the Veneta Land Development Ordinance No. 493 **and the Veneta Comprehensive Plan** for the proposed ~~Lot~~ ~~Way-off-street parking~~ **Outdoor Sales/Display/Storage > 180 days** project. This Narrative presents the Ordinance Sections and sub-sections as needed for this proposed site development. Responses to each section, sub-section, etc. is illustrated in bold Italic text and within parenthesis as follows:

VENETA LAND DEVELOPMENT ORDINANCE No. 493

Article 4 USE ZONES

Table 4.3 (IC) General Development Standards in Commercial & Industrial Zones

Min lot size – None
(Meets standard)

Min. Lot Width
(Meets standard)

Minimum Setbacks
Off-Street Parking – 0
(Within the standard)

Table 4.4 (IC) Permitted & Conditional Uses in Commercial & Industrial Zones

~~Parking Lots (stand-alone; not associated with a use) – SPR~~

(A Site Plan Review is prepared and is submitted.) (Per table 4.4: Outdoor Sales/Display/Storage > 180 days – (CUP) Conditional use Permit)

4.08 Industrial – Commercial (IC)

~~(6) Off Street Parking and Loading. Off street parking shall be provided as specified in Section 5.20.~~

~~(See comments under Section 5.20 in this review)~~

~~(3) Conditional Use. The following uses and accessory uses are permitted, subject to the provisions of Article 6, Site Plan Review and Article 8, Conditional Uses.)~~

Article 5 SUPPLEMENTARY PROVISIONS

5.02 Access

All lots shall be provided with access according to the standards of Article 6, Section 6.04 of the Veneta Land Division Ordinance **(See Site Plans C1.1 and C1.2 for street driveway and driveway curb cut)**

5.12 Landscaping

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

- 2) Site Plans indicating landscaping improvements shall be included with the plans submitted to the Building and Planning Commission for approval...
(A revised Landscape Plan has been prepared that illustrates landscaping.)
- 3) Minimum Landscape Area. The minimum percentage of landscaping is as follows:
 - D. Industrial Zones (IC, LI, MI): 5% of the site
(Total development site square footage is approximately 74,744 square feet @ 5% = 3,737 square feet of required landscaping.)
- 4) Minimum number of trees and shrubs acceptable per 1,000 square feet of landscaped area:
 - A. One tree, minimum 2" caliper.
(3,737 square feet / 1000 = 4 trees. Street trees will be utilized to meet this standard. There are (17) - street trees, (9) – of which are replacement trees which leave (8) – trees which are more than sufficient to meet this standard.)
 - B. Four 5-gallon shrubs or accent plants.
(3,737 / 1000 / 4 = 250 shrubs. There are approximately 169 208 proposed shrubs in the street landscaping strip. Since this development

is proposed to be used for parking for no more than approximately 6 trucks and/or trailers it seems excessive asking for 250 shrubs. It is requested that the 169 208 proposed shrubs be utilized as the required shrub count.)

- 5) Minimum percentage Ground Cover. All landscape areas, 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.
(Groundcover plantings are in the street landscape strip and are planted as per the Plant Schedule and plant location drawings. See revised Sheet L1.1 and L1.2.)
- 6) Landscape Materials. Permitted landscape materials include trees, shrubs, and ground cover plants, non-plan ground covers, and outdoor hardscape features, as described below “Coverage” is based on the projected size of the plants at maturity, i.e., typically (3) – or more years after planting.
 - A. Existing vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements.
(No existing non-invasive vegetation is used for landscape requirements)
 - B. Plant selection. A combination of deciduous & evergreen trees, shrubs, & ground covers shall be used for all planted areas, the selection of which shall be based on local climate, soil, exposure, water availability, & drainage conditions. Applicants are encouraged to select native plants which are drought tolerant to reduce the demand in the City’s water supply.
(Please see the revised Plant Schedule on sheet L1.1.)
 - C. Plant establishment. Unless a certified landscape architect specifically recommends otherwise, all new landscaping shall be irrigated for a minimum of (2) – years to ensure viability.
(Acknowledged)
 - D. Soil amendment. When new vegetation (including sod) is planted, topsoil shall be added and/or soil amended or aerated as necessary, to allow for healthy plant growth. Compaction of the planting area shall be minimized whenever practical & compacted soils shall be amended and/or aerated as necessary prior to planting.
(Landscape areas shall utilize new topsoil.)

- E. Invasive plants, shall be removed during site development and the planting of new invasive species is prohibited. List of locally invasive species are available from the local USDA extension office.
(N.A.)

- 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 & shall be confined to area underneath plants. Non-plant ground covers cannot be substituted for ground cover plants.
(N.A.)

5.20

Off-Street Parking Requirements

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

~~(The proposed off-street parking is not associated with any use or structure; therefore Section 5.20 is not applicable.)~~

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

- A. Storage areas shall be located behind buildings to minimize the visibility of approved storage. **(There are no proposed buildings)**
- B. Except for the sales of commercial merchandise, any outdoor storage shall be surrounded by a sight-obscuring fence, wall or landscaping. **(The existing and proposed chain-link fence and gate adjoining Loten Way and lot 3800 shall be installed with opaque slates. See revised Site Plan.)**
- C. Display of commercial merchandise must not encroach on any required yards, parking spaces or vehicle circulation areas. Additional setbacks may be required by the Planning Commission. **(There is no proposal for any Display of commercial merchandise on or in the proposed development.)**

5.28

Street Trees

5.28(1) Species selection. Trees shall be selected from the City's adopted tree list and shall be appropriate for the planning location based on criteria found therein.
(Please see revised Landscape Plans.)

5.28(2) Caliper size. All trees shall be a minimum of 2-inch caliper at the time of planting.

(Proposed trees are of 2" diameter caliper. Please see Landscape Plans.)

5.28(3) Spacing and location. Street trees shall be placed within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strip, except when utility easements occupy these areas. Street tree placing 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 barrier. All street trees shall be placed outside utility easements and clear vision areas.

(Please see Landscape plan for requirements of this sub-section.)

5.28(4) Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site condition, including available space, overhead clearance, soil conditions, exposure & desired color & appearance. The following it should guide to tree selection by developers and approval by the city:

D. Use species with similar growth characteristics on the same block for design continuity. ***(Proposed tree species are the same as are similar to existing Loten Way street tree species.)***

6) Maintenance. Maintenance of street trees shall be the responsibility of the adjacent property owner. ***(Acknowledged)***

A. Standards. All trees located within the public right-of-way must be pruned to National Arborist Association Pruning Standards for Shade Trees. ***(Acknowledged)***

B. Adjacent Property Owners to Maintain Trees. Every adjacent property owner of any tree overhanging any street or right-of-way within the city, including trees within the right-of-way, shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet, six inches (13'6") over the street, and/or eight (8) feet above the sidewalk. Said owners shall remove all dead, diseased, or dangerous trees; or broken or decayed limbs which constitute a menace to public safety. ***(Acknowledged)***

C. Adjacent Property Owners Liable. The owner of property abutting trees on a right-of-way shall be liable for injury, damage, or loss to persons or property caused by the property owner's negligent failure to comply with subsection (b) of this section.

(Acknowledged)

D. Notification. The City may serve notice on the adjoining property owner to prune, remove, or otherwise treat any tree on a right-of-way as conditions may require. Any such notice shall be governed by the standards below. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.

(Acknowledged)

1. Notice to Prune or Remove. Should any property owner fail to maintain adjacent trees as per Section 7 of this ordinance, the City

shall order such person or persons, within ten days of mailing of such notice, to so prune or remove such trees.

(Acknowledged)

2. **Notice Required.** The notice required herein shall be served by mailing a copy of the order to the last known address of the property owner, by certified mail.

(Acknowledged)

3. **Failure to Comply.** When a person to whom a notice is directed shall fail to comply within this specified time, it shall be lawful for the city to cause the trees in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.

(Acknowledged)

- E. **Debris Removal.** The person working on trees on a street, highway, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Community Development Director, or designee. The acceptable standard shall be a broom clean finish or better.

(Acknowledged)

- F. **City Tree Maintenance.** The city shall have the right to plant, prune, maintain, and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of such areas. The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, natural gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said tree is in accordance with this ordinance.

(Acknowledged)

- G. **City Held Harmless.** The city of Veneta shall not be liable for injury, damage, or loss to the person or property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city from all claims for loss and damage arising from the owner's negligent failure to comply with Section 7 of this ordinance.

(Acknowledged)

Article 6 SITE PLAN REVIEW

6.02 Filing Copies of Site Plan

- 1) Applications for a Site Plan Review or amendment shall include:

- A. Fifteen (15) copies of the site plan, narrative, improvement plans and other supplementary data for review and action.
(Meets standard)
- B. A reproducible 11"x17" black and white copy of the proposed site plan map.
(Meets standard)
- C. Electronic copies of all materials including maps in PDF format.
(Meets standard)
- D. All maps shall be 18"x24" folded to 8 1/2" x 11" in size as shown in figure 6.02(a). The Building and Planning Official may allow submittal of 11x17 maps when larger format is not necessary for clarity.
(Meets standard)

6.03 Required Information on Site Plan

- 1) Site Plan:
 - A. Vicinity Map. A Scaled vicinity map clearly showing their relationship of the proposed site to surrounding developments, tax lots, streets, storm drainage(s), sewer, water and other required public facilities.
(A vicinity Map has been prepared. A Horizontal Control Plan has been prepared that illustrates existing sewer and water underground lines and other utilities.)
 - B. Development Plans. A development plan shall include the following items in accordance with Article 5:
 - 1. Building and Land Use Plans.
 - a. Location of all proposed buildings and existing buildings which will remain on the site. *(N.A.)*
 - b. Floor elevations. *(N.A.)*
 - c. Preliminary architectural plans showing one or all the following for new buildings and major remodels in conformance with Section 5.13 or 5.29 of this ordinance: *(N.A.)*
 - i. Building elevations with building height and widths dimensioned, and materials labeled. *(N.A.)*
 - ii. Building materials, colors and type; a materials sample board may be required. *(N.A.)*
 - iii. The name of the architect or designer. *(Please see drawing title block.)*
 - d. Existing land uses adjacent to the property. *(The subject property(s) are bordered on the south by Hwy 126 right-of-way, on the west by Hope Lane right of way on the north by IC land use and on the east by IC land use.)*

- e. The phases, if any, of development construction. Such phases shall be clearly marked on the plan. **(N.A.)**
- 2. Parking and Traffic Flow Plans. **(The proposed off-street parking is not associated with any use. N.A.) (Development complies with Section 5.20 (12) see notes elsewhere in this revision.)**
 - a. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking. **(The proposed off-street parking is not associated with any use. N.A.) (N.A.)**
 - b. Location, arrangement and dimensions of truck loading and unloading spaces, if any. **(The proposed off-street parking is not associated with any use. N.A.) (N.A.)**
 - c. Location of bikeways, pedestrian walkways, malls and trails **(No bikeways, malls, trails or pedestrian ways are proposed save the street sidewalk.)**
 - d. Traffic flow pattern showing the circulation of vehicles within and adjacent to the site, including fire equipment access and turnarounds. **(Traffic flow patterns for Loten Way and the proposed driveway apron are indicated on the site plan by direction arrows. Since trucks and trailers are parked and move at random throughout the development site, there are no set parking or traffic flow direction arrows for vehicles throughout the development site. Trucks with trailers and/or trailers can be long in length, therefore their required turning radius will allow for large areas for access between other parked trucks with trailers and/or parked trailers. These wide travel lanes and large radius will easily allow for circulation of fire equipment throughout the proposed parking development. Since trucks with trailers and/or parked trailers can be that may be loaded, gravel traveled areas as well as parked areas will be sufficiently compacted to withstand the weight of any fire equipment.) (N.A.)**
 - e. Stacking and queuing areas that involve queuing of vehicles, loading and unloading of goods, materials, or people shall provide an area for vehicle stacking in accordance with Section 5.20(15) of this ordinance. **(The proposed off-street parking is not associated with any use. N.A.) (N.A.)**
 - f. Location of all existing and proposed streets, public ways, railroad, and utility rights-of way within and immediately adjacent to the development. **(Please see Site Plan and narrative in 1)B 2.d above.)**
 - g. A Traffic Impact Analysis if required under Section 5.27 of this ordinance. **(N.A.)**
- 3. Landscaping and Site Improvements.
 - a. Location and type of all landscaping proposed for the development, including irrigation systems in conformance with

Section 5.12 of this ordinance. ***(Please see the Landscaping Plans.)***

- b. Location, height and materials of all walls, fences and screen plantings. Elevation drawings of typical walls and fences shall be included. ***(Please see revised Site Plan.)***
- c. Location, size, height and means of illumination of all proposed signs and lighting. ***(There are no means of illumination planned for the development site. Please see the site Plan for existing streetlights)***
- d. Open space to be maintained and controlled by the owners of the property but not included in the development. ***(Acknowledged)***
- e. Areas proposed to be dedicated or reserved for public parks, playgrounds, school sites, public buildings and others to be reserved or dedicated to the public. ***(N.A.)***

4. Utility Plans.

- a. Existing and proposed contour map of the site. ***(Please see Grading Plan.)***
- b. Location, flow elevations and capacities of all existing and proposed storm drainage facilities designed and constructed in accordance with Section 5.16 of this ordinance. ***(The existing off-street parking for Lot 3900 has been utilized for several years and there have been no incidences of overflowing water on the existing gravel surface or off the gravel surface. The low sloped gravel surface of this existing site seems sufficient to absorb water introduced by average or above average rainfall. The proposed gravel surface for Lots 0400 and partial Lot 0410 will maintain the same gravel surface and surface slope as the existing. Therefore, it is suggested that both existing and proposed gravel surfaces will be sufficient to act as a storm drainage facility.)***
- c. Location of all existing and proposed water mains. ***(Please see the Horizontal Control Plan.)***
- d. Location, flow elevations and certified capacities of all existing and proposed sewer lines. ***(Sewer lines located in Loten Way are shown on the Horizontal Control Plan for reference. Since there is no utilization of any sewer for the proposed development, existing sewer lines are not indicated with certified capacities.)***
- e. Location of all other underground facilities, including phone, electricity, and cable television. ***(Underground electricity lines and vaults; phone lines and pedestals are indicated on the Horizontal Control Plan.)***

5. Emissions or Potential Hazards. Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use including approvals of all regulatory agencies having jurisdiction. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use

including, but not limited to surface or groundwater pollution, noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference. Misrepresentations or omissions of required data shall be grounds for termination of a Certificate of Occupancy. All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to construction, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies. Any such other data as may be necessary to permit the Planning Commission to make the required findings. ***(The proposed off-street parking does not create any hazards as per this section.)***

6. Tree Removal Plans. If development of the proposed plan will require removal of trees as defined by Veneta Municipal Code 8.10, detailed tree removal plans are required. Plans shall be in conformance with VMC 8.10. ***(Trees to be removed are indicated on the Site Plan. A Tree Removal permit shall be filed for: Douglas fir trees exceeding 18" D.B.H. and Madrone tree(s) exceeding 6: D.B.H. as per Veneta Municipal Code 8.10.)***
- 2) Additional Information. Prior to the end of the completeness review period, the Building and Planning Official may require an applicant to submit studies, reports or exhibits prepared by qualified professionals to show compliance with applicable criteria addressing specific site features or impacts including but not limited to:
 - A. Stormwater ***(Acknowledged)***
 - B. Steep Slopes ***(Acknowledged)***
 - C. Wetlands ***(Acknowledged)***
 - D. Flood Plains ***(Acknowledged)***
- 3) Deed Restrictions and easements. The applicant shall submit copies of all existing and proposed restrictions or covenants and any proposed easements. ***(Acknowledged)***
- 4) Building Orientation and Design. All new or remodeled commercial, mixed-use, or residential buildings that require a site plan review or site plan amendment shall comply with the commercial or residential design standards in Article 5 of this ordinance. ***(N.A.)***
- 5) Program Elements.
 - A. Narrative statement documenting how each required criteria in the land development ordinance Veneta Land Development Ordinance No. 493 94 have been met, including those criteria that are required in accordance with Section 6.03(1) above. ***(Please see this document.)***
 - B. A completed environmental assessment may be required by the Planning Commission or Building and Planning Official if it finds that a potential hazard, nuisance or emissions exists, existed or will be created by the development and has not been adequately addressed in the development plans and program. ***(Removal of cut soil will be loaded***

onto soil removal trucks to an off-site location. The soil removal trucks will be loaded in different locations as the cut soil is excavated, therefore there will not be a single location where trucks may be loaded. Plastic protection fencing shall protect existing trees and existing tree root canopy from disturbance by earth moving equipment. All excavation work and soil removal will be done during dry weather.)

C. A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this. **(There shall be no "stages" in this development.)**

D. If the site plan calls for tree removal which would require a tree removal permit pursuant to Veneta Municipal Code Chapter 8.10.030, a tree removal permit, together with the required filing fee, must be submitted. **(Trees to be removed are indicated on the Site Plan. A Tree Removal permit shall be filed for: Douglas fir trees exceeding 18" D.B.H. and Madrone tree(s) exceeding 6: D.B.H. as per Veneta Municipal Code 8.10.)**

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. **(See below)**
- 2) The proposed use is consistent with the purposed zoning district. **(The proposed use is consistent with the Industrial-Commercial (I-C) zoning district)**
- 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. **(There are no potential negative impacts associated adjacent properties or the public with the proposed development.)**
- 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. **(Acknowledged.)**
- 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. **(Meets requirement standards.)**

VENETA COMPREHENSIVE PLAN

IV. COMPREHENSIVE PLAN MAP AND LAND USE DESIGNATIONS

PLAN DESIGNATIONS:

INDUSTRIAL/COMMERCIAL (IC)

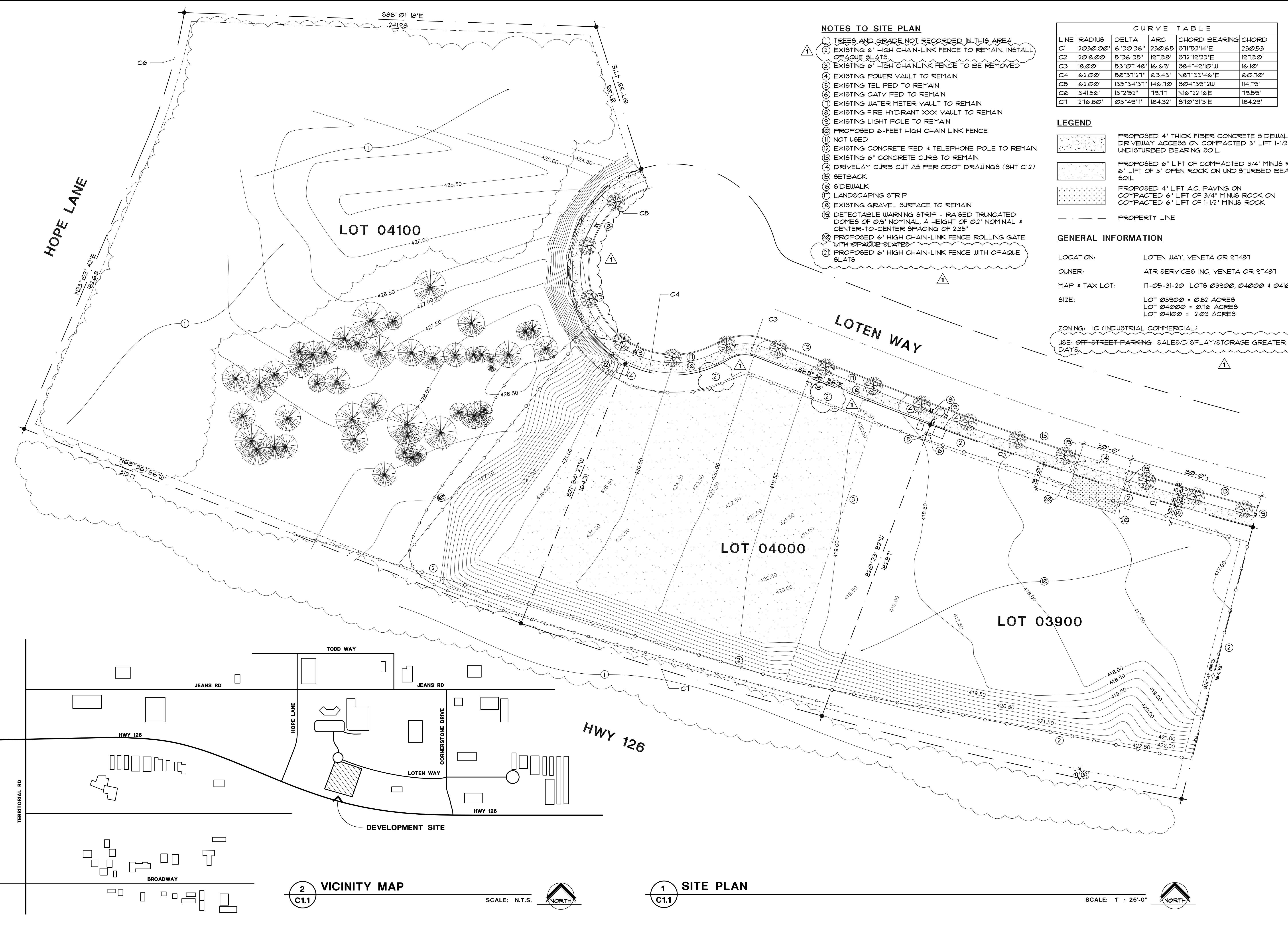
Purpose of Plan Designation:

- Provide areas suitable for limited manufacturing, warehousing and commercial activities which have minimal emissions or nuisance characteristics. **(Proposed development produces no more emissions or nuisance characteristics than those existing on Loten Way or surrounding properties.)**
- Ensure that sufficient lands are available to encourage immediate industrial and commercial development in Veneta. **(Meets the requirement standards.)**
- Protect lands in large parcels which will be needed for future industrial and commercial development. **(Meets the requirement standards.)**
- Permit light and medium industrial uses which have minimal environmental impacts and are developed in an attractive industrial setting. **(The proposed development is in conjunction with light to medium industrial use and has a minimal environmental impact and will be developed in an existing attractive industrial setting.)**
- Prohibit heavy industry producing high traffic volumes, noise and/or pollutants. **(The proposed development will not introduce any more traffic volume than that traffic volume that already exists on Loten Way or Cornerstone Drive. The proposed truck parking or short-term storage of trucks or trailers will not introduce any more noise than that which already exists on the site, streets or surrounding area(s). Any pollutants (truck exhaust, etc.) shall be no greater than that which already exists on Loten Way or surrounding properties.)**
- 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 **(N.A.)**
- Permit residential living quarters as a conditional use in conjunction with a miniwarehouse, or by occupying no more than 50% of the same building in which a business is housed. **(N.A.)**



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LOTEN WAY-OFF-STREET-PARKING

SITE DESIGN REVIEW / CUP

LOTEN WAY

DATE: 04-01-2023

PROJ. #: 202303

C11



LOTEN WAY-OFF-STREET-PARKING

SITE DESIGN REVIEW / CUP

VENETA OREGON

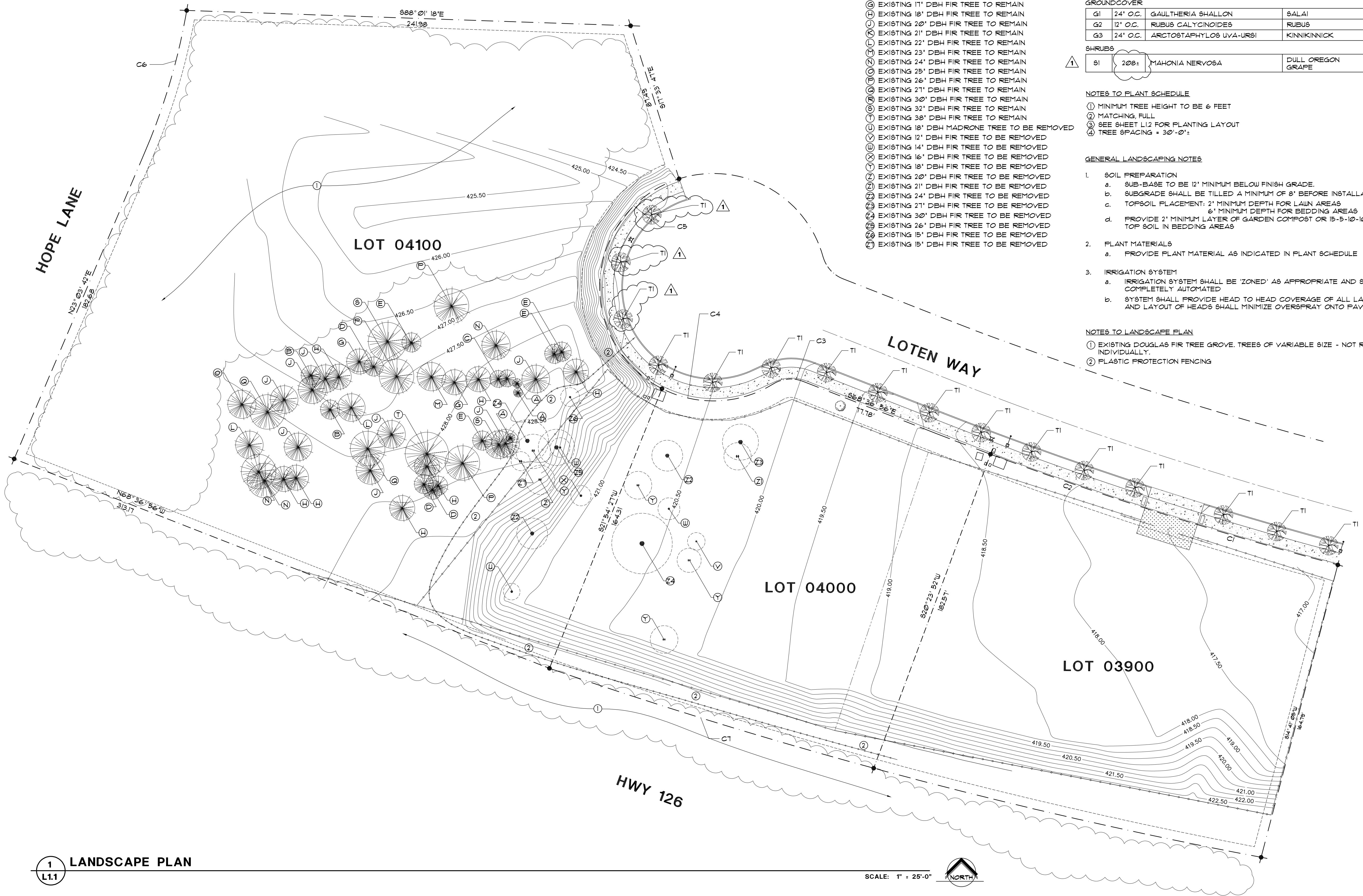
SALES/DISPLAY/STORAGE GREATER THAN 180 DAYS

REVISED:
06-09-2023

DATE: 04-01-2023

PROJ. #: 202303

L11



PLANT SCHEDULE					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	MIN. SIZE	REMARKS
TREES					
T1	16	QUERCUS RUBRA	NORTHERN RED OAK	2" CAL.	①④
					1
GROUNDCOVER					
G1	24" O.C.	GAULTHERIA SHALLON	SALAL	1 GAL	②③
G2	12" O.C.	RUBUS CALCINOIDES	RUBUS	1 GAL	②③
G3	24" O.C.	ARCTOSTAPHYLOS UVA-URSI	KINNICKINICK	1 GAL	②③
SHRUBS					
S1	208±	MAHONIA NERVOSA	DULL OREGON GRAPE	5 GAL ± 3" O.C. ±	

NOTES TO PLANT SCHEDULE

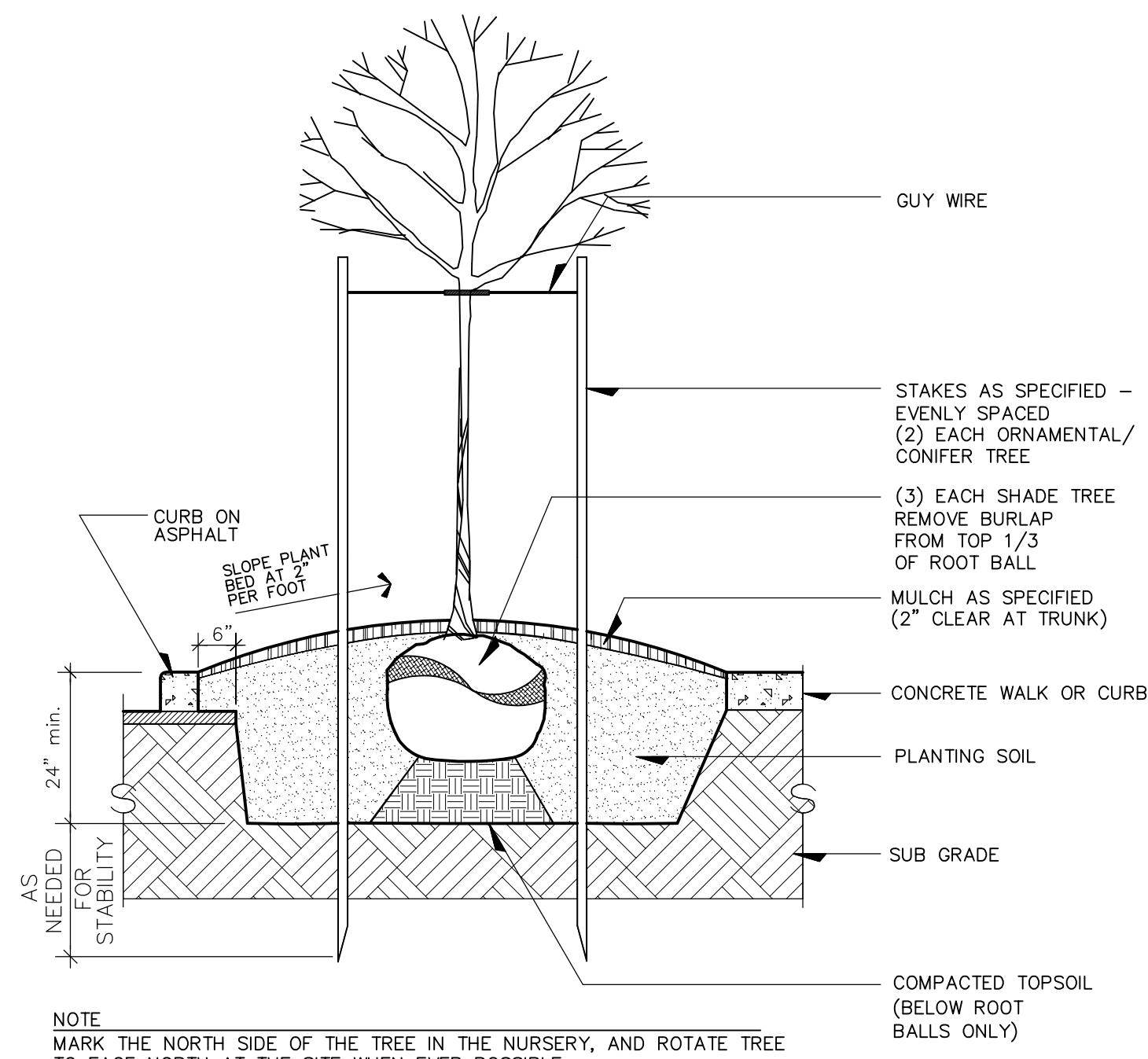
- ① MINIMUM TREE HEIGHT TO BE 6 FEET
- ② MATCHING, FULL
- ③ SEE SHEET L12 FOR PLANTING LAYOUT
- ④ TREE SPACING = 30'-0"

GENERAL LANDSCAPING NOTES

1. SOIL PREPARATION
 - a. SUB-BASE TO BE 12' MINIMUM BELOW FINISH GRADE.
 - b. SUBGRADE SHALL BE TILLED A MINIMUM OF 8' BEFORE INSTALLATION OF TOPSOIL.
 - c. TOPSOIL PLACEMENT: 2' MINIMUM DEPTH FOR LAWN AREAS
6' MINIMUM DEPTH FOR BEDDING AREAS
 - d. PROVIDE 2" MINIMUM LAYER OF GARDEN COMPOST OR 15-5-10 FERTILIZER OVER TOP SOIL IN BEDDING AREAS
2. PLANT MATERIALS
 - a. PROVIDE PLANT MATERIAL AS INDICATED IN PLANT SCHEDULE
3. IRRIGATION SYSTEM
 - a. IRRIGATION SYSTEM SHALL BE 'ZONED' AS APPROPRIATE AND SHALL BE COMPLETELY AUTOMATED
 - b. SYSTEM SHALL PROVIDE HEAD TO HEAD COVERAGE OF ALL LANDSCAPED AREAS AND LAYOUT OF HEADS SHALL MINIMIZE OVERSPRAY ONTO PAVED AREAS

NOTES TO LANDSCAPE PLAN

- ① EXISTING DOUGLAS FIR TREE GROVE. TREES OF VARIABLE SIZE - NOT RECORDED INDIVIDUALLY.
- ② PLASTIC PROTECTION FENCING

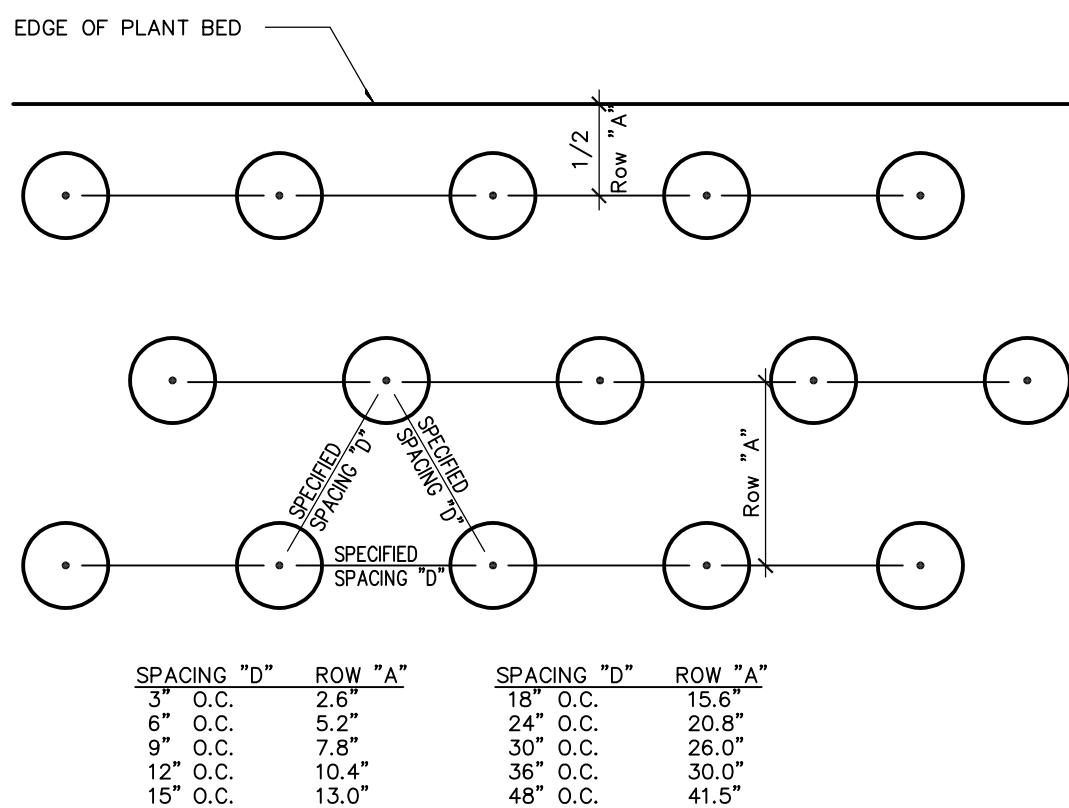


1 STREET TREE PLANTING
L1.2 SECTION

SCALE: 1/2" = 1'-0"
DLA Inc. COPYRIGHT 2006

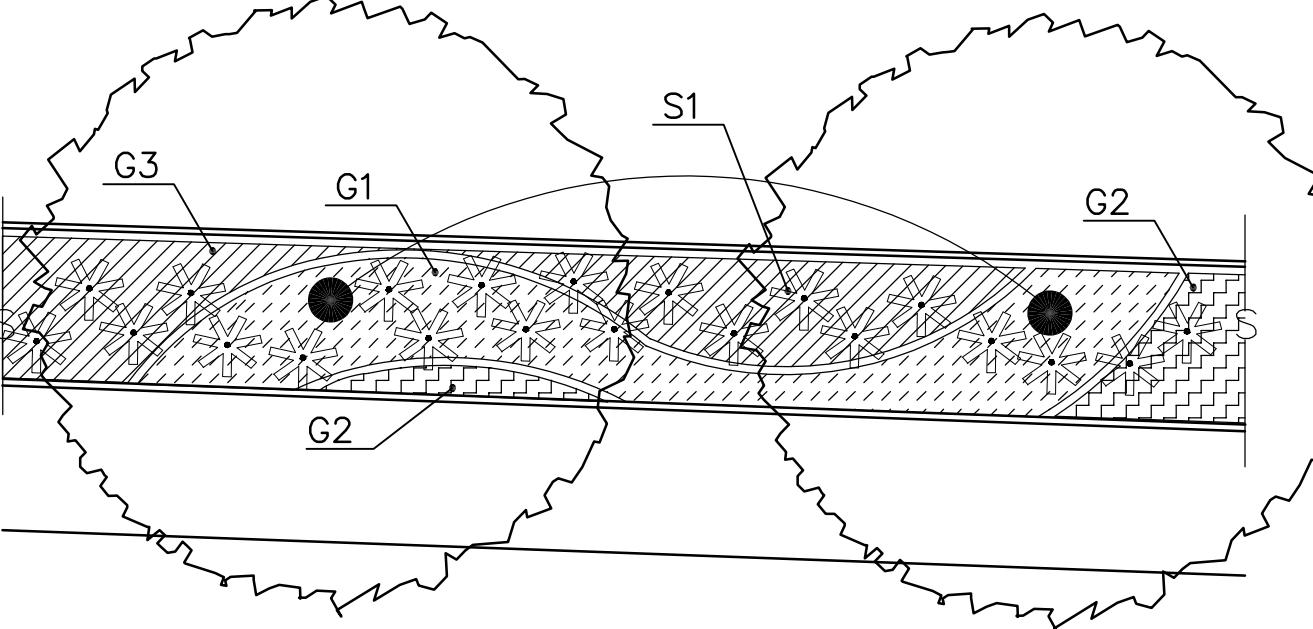
2 TYPICAL SHRUB & GROUNDCOVER PLANTING
L1.2 PLAN

SCALE: 1/8" = 1'-0"
DLA Inc. COPYRIGHT 2006



3 GROUNDCOVER SPACING DIAGRAM
L1.2 SECTION

N.T.S.
DLA Inc. COPYRIGHT 2006



LOTEN WAY OFF-STREET PARKING
SITE PLAN REVIEW
LOTEN WAY

REVISED:

DATE: 04-01-2023

PROJ. #: 202303

L1.2

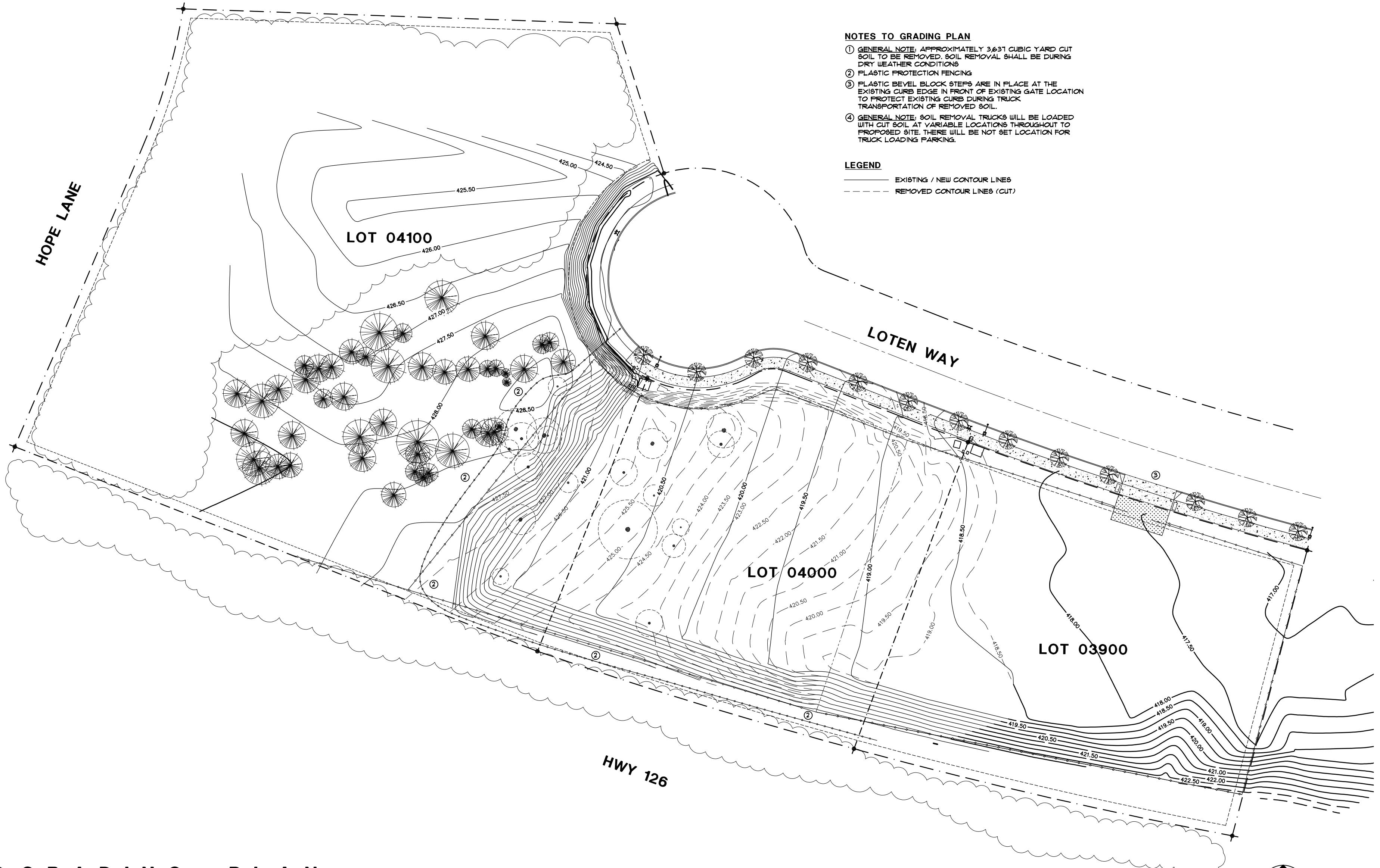
24244B SERTIC ROAD
PO BOX 219 VENETA OR 97487
(541) 935-6010 FAX: (541) 935-3331
E-MAIL: john@jdaarchitectsata.com



JOHN L DEMERS
ARCHITECT AIA

VENETA OREGON

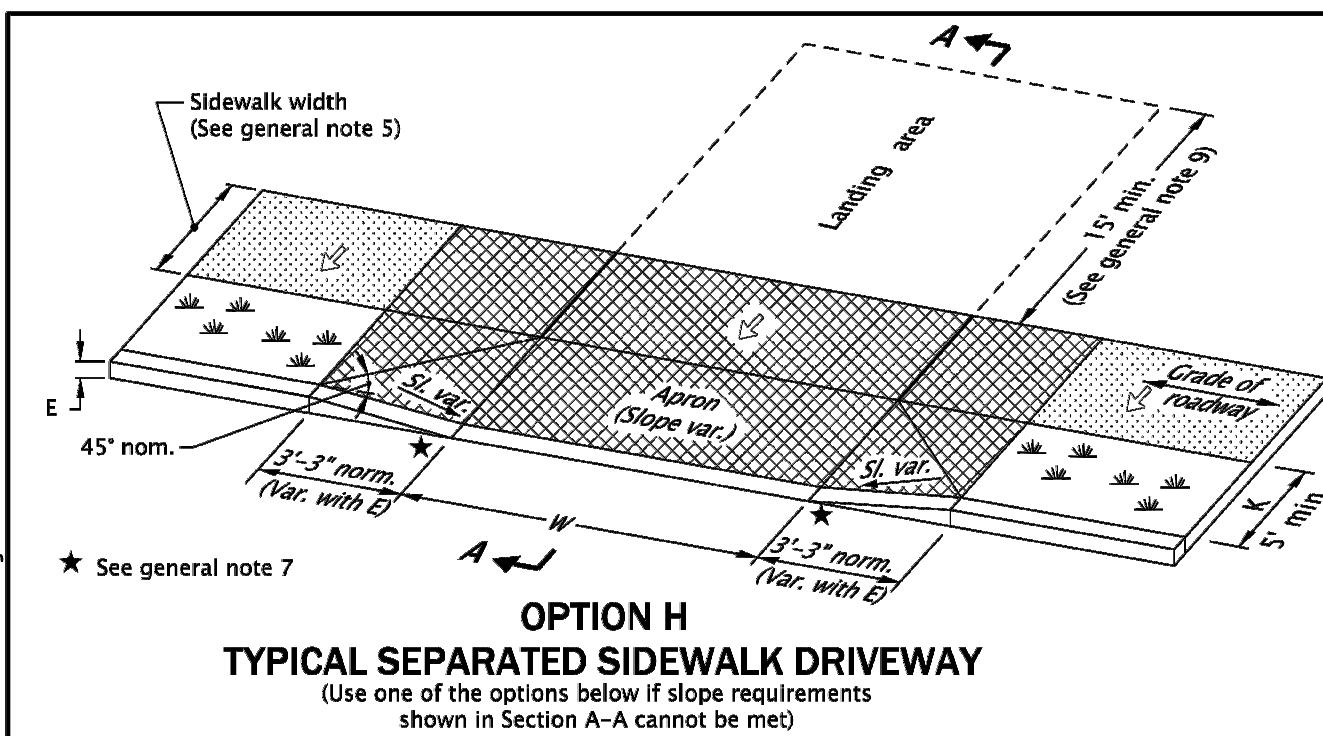
1 G R A D I N G P L A N
C2.1



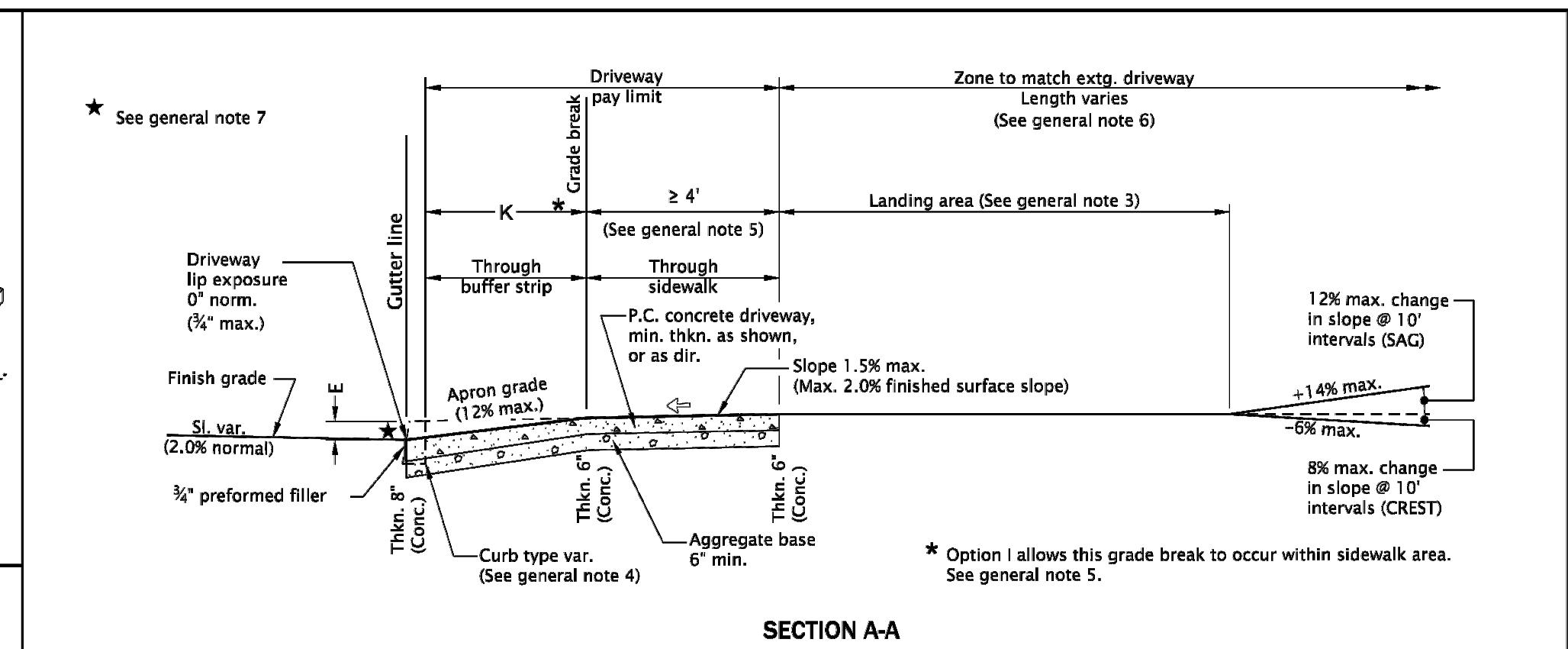
2424B SERTIC ROAD
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E-MAIL: johnd@jdarchitects.com

JOHN DEMERS
ARCHITECT AIA
VENETA, OREGON
LOTEN WAY

20-JUL-2020



OPTION H
TYPICAL SEPARATED SIDEWALK DRIVEWAY
(Use one of the options below if slope requirements shown in Section A-A cannot be met)



SECTION A-A

GENERAL NOTES FOR ALL DETAILS ON THIS SHEET:

1. Details are based on applicable ODOT Standards.
2. Only use details allowed by jurisdiction.
3. The following dimensions are as shown on plans, or as directed: driveway width, driveway slope, sidewalk width, buffer strip width, curb exposure, driveway lip exposure, landing area length and width. See project plans for details not shown.
4. Curb, gutter, and sidewalk types varies, see plans.
See Std. Dwg. RD700 & RD701 for curb details.
See Std. Dwg. RD721 for sidewalk details.
See Std. Dwg. RD722 for joint details.
5. A greater than or equal 4' unobstructed clear passage with cross slope 1.5% max. (Max. 2.0% finished surface slope) is required behind driveway apron.
6. Where existing driveway is in good condition, and meets slope requirements, construct only as much landing area as required for satisfactory connection with new work.
7. Check the gutter flow depth at driveway locations to assure that the design flood does not overtop the back of sidewalk at driveway. If overtopping occurs place an inlet at upstream side of driveway or perform other approved design mitigation.
8. Construct a full depth expansion joints with 1#2" (In) preformed joint filler at ends of each driveway. Tooled joints are required at all driveway slope break lines.
9. 15' min. of the driveway behind the sidewalk should be surfaced to prevent tracking of gravel onto the sidewalk.
10. Any dimensions except those of general note 5 may be amended by local agencies for their use.

LEGEND:

	Sidewalk	W Width of driveway
	Driveway pay limit (See project plans for details not shown)	K Buffer strip width
	Cross slope 1.5% max. (Max. 2.0% finished surface slope) (Normal sidewalk cross slope)	E Curb exposure
	Running slope 7.5% max. (Max. 8.3% finished surface slope)	NOTE: This drawing is to be used by local agencies to assist them in the design of driveways on their facilities.

All materials shall be in accordance with the current Oregon Standard Specifications.		
OREGON STANDARD DRAWINGS		
SEPARATED SIDEWALK DRIVEWAYS OR ALLEYS (OPTIONS H, I & J) LOCAL JURISDICTIONS		
2021		
DATE	REVISION	DESCRIPTION
CALC. BOOK NO. N/A		SDR DATE 20-JUL-2020 RD740

Effective Date: June 1, 2023 – November 30, 2023

LOTEN WAY OFF-STREET PARKING**SITE PLAN REVIEW**

REVISED:

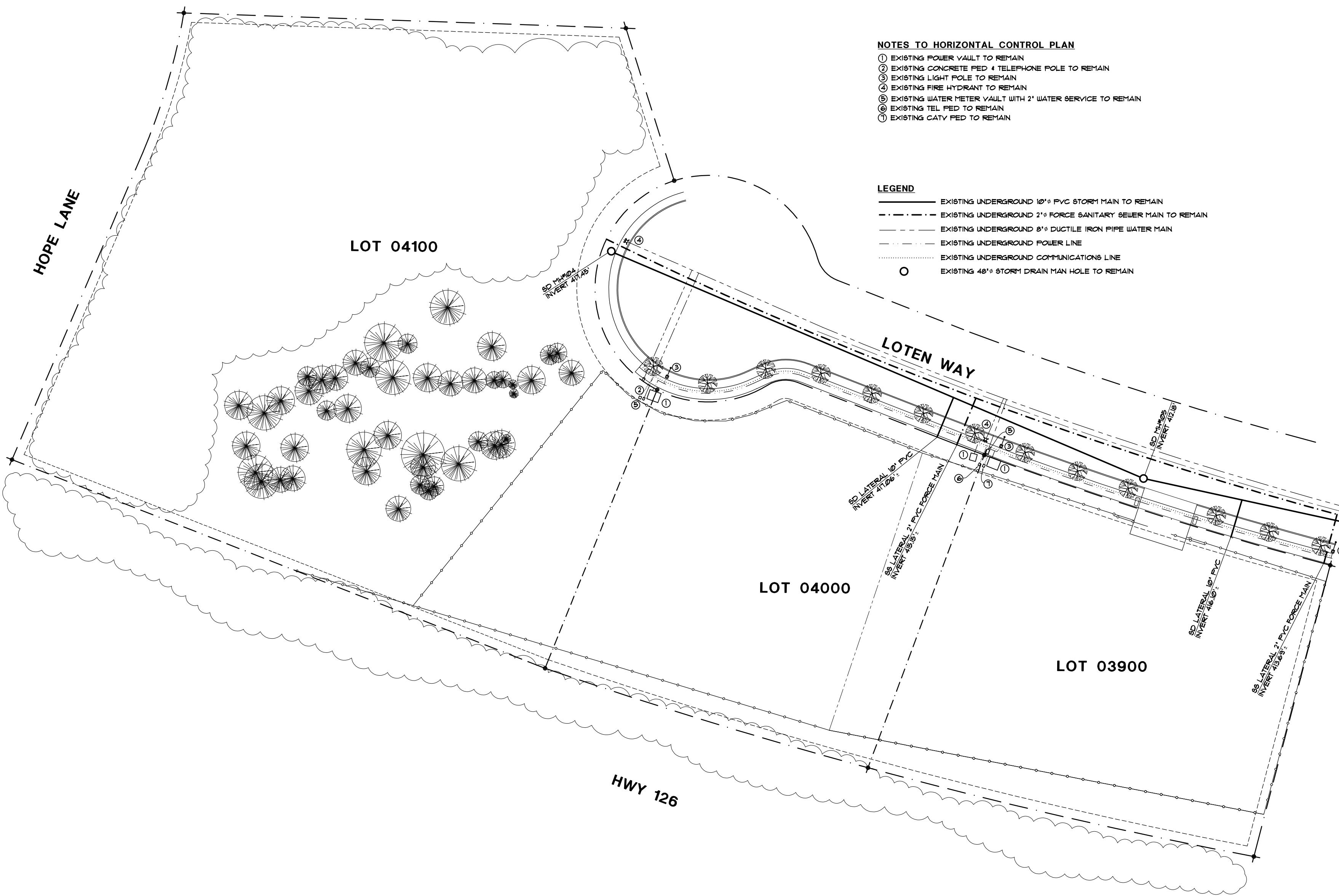
DATE: 04-01-2023

PROJ. #: 202303

C1.2

2424B SERTIC ROAD
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VENETA OREGON
JOHN L DEMERS
ARCHITECT AIA



LOTEN WAY OFF-STREET PARKING

SITE PLAN REVIEW

LOTEN WAY

VENETA, OREGON

REVISED:

DATE: 04-01-2023

PROJ. #: 202303

C3.1

2424B SERTIC ROAD
PO BOX 219 VENETA, OR 97487
(541) 935-6010 FAX: (541) 935-3331
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Type 'B' Tree Removal Application

PO Box 458 * Veneta, OR 97487 * 541-935-2191 * Fax 541-935-1838 * www.venetaoregon.gov

Date Received: 5/10/2023

TP #: 23-12

Application Fee..... **\$150.00**

Applicant Name: <u>John L. Demers, Architect ALA</u>	RECEIVED	Phone: <u>541.935.6010</u>	
Mailing Address: <u>PO Box 219</u>	MAY 10 2023		
City/State/Zip: <u>Veneta OR 97487</u>	CITY OF VENETA		
Property Owner Name: <u>ATR Services Inc</u>	Phone: <u>541.935.3626</u>		
Mailing Address: <u>PO Box 876</u>			
City/State/Zip: <u>Veneta OR 97487</u>			
Assessor's Map Number (Township, Range, Section, Quarter Section) 17-05-31-20	Tax Lot(s) 3900, 4000 & 4100	Site Address Loten Way	Zone IC

Please provide a brief description of the trees proposed for removal, including common name, health and diameter at breast height (dbh @ 4 1/2' above grade) or circumference. (Note: dead trees do not count towards the three allowed removals, but should be indicated to allow verification of tree condition by City Staff.)

The letter (Z1,2,ect.) in the table below, indicates the label of the tree to be removed on the Landscape Plan

Tree #	Common Name	Health	DBH or Circ
1 (Y)	Douglas Fir	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Dead	18" DBH
2 (Z)	Douglas Fir	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Dead	20" DBH
3 (Z1)	Douglas Fir	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Dead	21" DBH
4 (Z2)	Douglas Fir	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Dead	23" DBH
5 (Z3)	Douglas Fir	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Dead	27" DBH
6&7(Z4)	Douglas Fir	<input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Dead	30" DBH
8 (Z5)	Douglas Fir	<input checked="" type="checkbox"/> Good	26" DBH
9 (U)	Madrone	<input checked="" type="checkbox"/> Good	18" DBH

Please provide a brief explanation of why tree removal is necessary:

Trees removed for proposed soil sloped grade changes and grade for proposed gravel surface

Would you like to receive assistance from the tree fund to plant a new tree? Yes No

Please provide an accurate map drawn to scale which shows:

1. The shape and dimensions of the property and the location of any existing and proposed structures, improvements, easements and setbacks.
2. The location of all impacted trees on the site including critical root zones (CRZ), species and/or common name, and diameter at breast height (dbh).

See attached sheet L1.1_Landscape Plan for tree location, removal, protection, etc.

All trees to be removed shall be identified by a method obvious to a site inspector, such as tagging, painting or flagging, in addition to clear identification on construction or application documents.

Please provide a brief explanation of what tree protection measures will be taken in conformance with Veneta Municipal Code (VMC) 8.10.130 must be outlined to address protection of the tree trunks, canopy and soils within the CRZ during and after the tree removal process. Examples of tree protection methods include mulching, irrigation, protective fencing, etc.

Plastic protection fencing will be installed surrounding any earth removal and to protect existing trees

& existing tree root canopies. Fencing to be installed before any construction work and removed thereafter. (Please see attached L1.1_Landscaping plan, Note #2.)

Please provide a brief description of the proposed tree replacement program with a detailed explanation including the number, size, species and any necessary activities to ensure viability including, but not limited to, mulching and irrigation.

All trees that require a tree removal permit will be replaced by (9) of the 13 proposed street trees.

If tree removal is proposed on common areas governed by Covenants, Conditions and Restrictions (CC&Rs), a copy of the application CC&Rs, including any landscaping provisions must be included with this application.

I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HEREWITHE ARE TRUE, COMPLETE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature: 

Property Owner's Signature: 

Staff Comments:

Veneta Building & Planning Official

Date

TYPE "B" TREE REMOVAL

A person seeking to remove three or more trees shall apply to the City of Veneta for a Type "B" Tree Removal Permit. There is a \$150.00 processing fee for a Type "B" tree removal permit.

Application for a Tree Removal Permit shall be made before removing or transplanting trees, except in emergency situations as provided in Veneta Municipal Code (VMC) 8.10.040.

By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property upon 24 hours notice as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.

An applicant must apply for a Type B permit to remove trees when any of the following conditions are met:

(a) The applicant proposes to remove more than three trees within a 12-month period, independent of an application for site development review; or (b) The applicant proposes to remove a tree or trees which were preserved as part of a previous land use permit or planted as mitigation for previous tree removal; or (c) The applicant proposes to remove a heritage tree; or (d) The proposed tree removal is for clearing of a home site on a lot subsequent to land division approval. All trees removed for home sites prior to occupancy shall be mitigated according to the standards of this chapter.

Approval Criteria. Tree removal or transplanting pursuant to a Type B permit shall be limited to instances where the applicant has applied for a Type B permit in accordance with subsection (1) of this section, has provided complete and accurate information as required by VMC 8.10, and where the proposal includes provisions for mitigation and tree protection in accordance with VMC 8.10.120 and 8.10.130. If the site is undeveloped and larger than one acre, the applicant shall preserve at least 25 percent of the total tree canopy area on the site.

In order for us to process your permit, please fill out and submit the attached form to Veneta Administrative Services. Your permit will be processed within ten (10) days of receipt.

Depending on availability of funds, you may be eligible to receive a voucher towards purchase of a new tree to be planted on your property. Please check the appropriate box on the attached form if you would like to participate with this program.

Definition of "Significant tree" is: any of the following as well as trees which have been planted or individually preserved as part of a previous tree removal permit.

Any tree	18" or more dbh	Red alder	6" or more dbh
Douglas fir	18" or more dbh	Ponderosa pine	6" or more dbh
Big leaf maple	12" or more dbh	Western red cedar	6" or more dbh
Chinquapin	12" or more dbh	California black oak	6" or more dbh
Oregon ash	8" or more dbh	Oregon white oak	6" or more dbh
Pacific dogwood	6" or more dbh	Madrone	6" or more dbh

Definition of "Heritage tree" is: any of the following which are not hazardous trees as defined above.

Oregon white oak	18" or more dbh
Madrone	18" or more dbh
Douglas fir	48" or more dbh
Any other tree	36" or more dbh