

**FINAL ORDER
COMSPAN COMMUNICATIONS
SITE PLAN REVIEW (SR-1-08)**

A. The City of Veneta Planning Department finds the following:

1. The applicant has submitted information required by Section 6.03 of Veneta's Land Development Ordinance No. 461.
2. The City provided proper notice of public hearing according to Section 2.11 of the Veneta Land Development Ordinance No. 461.
3. The City of Veneta Planning Department followed the required procedure and standards for approving site plans as required by Section 2.06 and 6.05 of Veneta's Land Development Ordinance No. 461.

B. Conditions of Approval:

1. When the surrounding residential properties are developed, the City shall provide the necessary screening of the site.
2. The applicant shall submit drainage calculations to the City Engineer showing mitigation for any new impervious surfaces to ensure that peak flows for a 10 year storm do no increase above predevelopment levels.
3. The applicant shall pay any SDC fees attributable to the increase in impervious surface area.
4. The applicant shall submit plans to Lane County Fire District showing compliance with NFPA 58 International Fuel Gas Code and the 2007 Oregon Fire Code including a minimum of 10 feet of distance between the pressure relief and any source of ignition as well as a the installation of a 2A:10BC fire extinguisher prior to the issuance of building permits.

C. IT IS HEREBY ORDERED THAT the City of Veneta Planning Department approves the Site Plan Review for Comspan Communications (SR-1-08) based on the information presented in the Staff Report and the following findings of fact:

Site Plan Review, applicable criteria. Ordinance language is in italics. Findings are in bold.

The Veneta Land Development Ordinance No. 461

Article 6

SITE PLAN REVIEW

Section 6.04

REQUIRED FINDINGS

After examination of the site and prior to approval of plans, the Commission or Building and Planning Official must make the following findings:

- (1) *That all provisions of city ordinances are complied with.*

The proposal is consistent with all applicable provisions of the City of Veneta Land Development Ordinance Number 461.

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

The proposal will not have a significant increase in traffic and no future street right-of-way is affected.

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

There are no proposed signs to be installed within the project area. A 70 watt light with a photo cell will be installed over the entrance of the building. Any other lighting will require the additional approval from the City of Veneta.

- (4) *That adequate water, sewer and utilities for the proposed use are available.*

The proposed use is self contained and will operate on propane and a generator. There are no water or sewer facilities proposed for the project.

- (5) *The drainageways are protected and drainage facilities provided.*

The proposed use consists of a 12' x 18' building that will not have an impact on the drainage of the entire parcel. No drainage facilities are necessary.

- (6) *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.*

The proposed use is located within the City's Public Works yard away from any residential structures and is therefore reasonably compatible with the land use district. The proposed generator will be operated by propane and will not have an effect on or in the ground.

Veneta Land Development Ordinance No. 461

SECTION 4.10 PUBLIC FACILITIES AND PARKS (PFP)

In a PFP zone, the following regulations shall apply:

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

The proposal is consistent with this zoning purpose because the proposed site is already used as a city facility and a cellular site and is surrounded by residential land. The addition of a telecommunications facilities hut on the site will concentrate like facilities in one location and provides a new type of service needed in a growing community.

- (2) *Permitted Uses. In a PFP zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6.*

(a) *Educational institutions.*

(b) *Government buildings.*

(c) *Parks.*

(d) *Low impact recreational and transportation facilities such as playgrounds, sports fields, bicycle and pedestrian ways.*

(e) *Nature preserves.*

(f) *Cemeteries.*

(g) *Community Centers*

(h) *Museums and interpretive centers.*

(i) *Commercial horticulture.*

- (j) *Public structures or uses of land for public utilities such as:*
 - 1. *Electric substations or transformers.*
 - 2. *Public or community sewage disposal plant or pumping station.*
 - 3. *Radio, television or cell tower or transmitter.*
 - 4. *Telephone exchange.*
 - 5. *School bus garage.*
 - 6. *Shop or storage yard.*

The proposed use is a permitted use for the Public Facilities and Parks zone.

- (5) *Except as provided in Articles 5, 6 and 8, in a PFP zone, yards shall be as follows:*
 - (a) *Front yards abutting a residential zone shall be a minimum of twenty (20) feet.*
 - (b) *Back and side yards abutting a residential zone shall be a minimum of five (5) feet.*
 - (c) *Yards shall be landscaped as provided in Section 5.12.*
 - (d) *See section 5.09 for additional setbacks on designated streets.*
 - (e) *Yard requirements are in addition to any planned road right-of-way widths in order to permit the eventual widening of streets, or construction of new streets.*
 - (f) *See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.*

The proposal is consistent with the yard requirement of this zoning district. Additional setbacks are provided in Section 5.09 and 5.12 and are addressed below in Article 5, Supplementary Provisions. No trees are proposed to be removed as part of the development.

- (8) *For additional requirements see Article 5 – Supplementary Provisions*

Article 5 SUPPLEMENTARY PROVISIONS

Section 5.12 LANDSCAPING

All yards 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.*

The proposal is consistent with this standard because the proposed telecommunication facility hut is located in a wooded area which provides a natural screen. The City of Veneta will provide maintenance services. As a condition of approval, as the surrounding residential properties are developed, the City shall provide additional screening if tree removal on adjacent parcels removes the natural screen.

- (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 dimensions.*

The proposal is consistent with this standard because the existing trees on and around the subject site provide a natural screen. As stated in the Final Orders for SR-1-07, the City will provide maintenance services to the site. As a condition of approval, when the surrounding residential properties are developed, the City shall provide the necessary screening.

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

The proposal is consistent with this requirement because the telecommunication facility hut is a passive use that will not generate traffic beyond the occasional service vehicle that will use the existing service drive.

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

The proposal is consistent with this requirement because no signs or lighting are proposed.

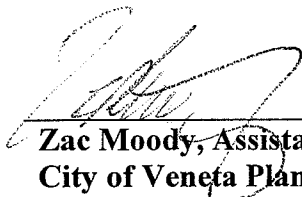
- (4) *That adequate water, sewer and utilities for the proposed use are available.*

The proposal is consistent with this requirement with the condition of approval that no water or sewer utilities are required.


- (5) *That drainageways are protected and drainage facilities provided.*

The proposal is consistent with this requirement with the condition of approval that the applicant submit stormwater detention plans to the City for approval to mitigate any new impervious surfaces and to ensure that peak flows for a 10 year storm do no increase above predevelopment levels.

- D. This approval shall become final on the sate this decision and supporting findings of fact are signed. An Administrative decision may be appealed to the Planning Commission within 15 days after the final order has been signed and mailed. An appeal of the Planning Commission's decision must be submitted to the City Council within 15 days of the Commission's decision becoming final. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.**



**Zac Moody, Assistant Planner
City of Veneta Planning Department**



Date