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**FINAL ORDER
MATHEWS – EVENT CENTER
SITE PLAN REVIEW (SR-6-08)**

A. The City of Veneta Building & Planning Official finds the following:

1. The applicant has submitted information required by Section 6.03 of Veneta's Land Development Ordinance No. 461.
2. The Building & Planning Official provided proper notice of limited land use action according to Section 2.13 of the Veneta Land Development Ordinance No. 461.
3. The Building & Planning Official 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. The City of Veneta Building & Planning Official approves the Site Plan Review for the Mathews – Event Center (SR-6-08) with the following conditions of approval:

GENERAL CONDITIONS

- 1) The applicant shall submit a copy of the revised site plan consistent with all conditions of approval to the City.
- 2) The driveway approach shall be surfaced with minimum of six (6) inches of Portland Cement concrete.
- 3) Any future lighting shall comply with the provisions of the Section 15.15 of the Veneta Municipal Code.
- 4) A change of occupancy application shall be submitted and approved by the Building Inspector.

PRIOR TO CONSTRUCTION OF THE PARKING LOT

- 5) The applicant shall provide a storm drainage plan approved by the City Engineer showing the integration of the new facilities with existing facilities and that post-development runoff does not exceed pre-development levels.
- 6) The applicant shall provide a revised landscaping plan that provides sight-obscuring fences or walls and landscaping adequate to provide privacy and separation for the abutting single family use.

- 7) The applicant shall obtain required construction permits for any improvements constructed within the public right-of-way. Construction permits shall be reviewed and signed off by the Public Works Superintendent and/or the City Engineer.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 8) The applicant shall pay all System Development Charges applicable to the development, including any additional water SDC's for the addition of the concession stand and public bathrooms.
- 9) The applicant shall submit a signed and recorded Irrevocable Development Agreement approved by the City Attorney stating that:
 - a) All site areas and unused property shall be maintained in suitable ground cover and kept in a clean, weed-free manner.
 - b) Landscaping, screening and maintenance are the continuing obligation of the property owner.
 - c) Garbage collection areas, service facilities and air conditioning facilities located outside of the buildings shall maintain sight-obscuring screening. Any required sight-obscuring fences and walls must maintain at least 75 percent opacity when viewed from any angle a point 25 feet away from the fence or wall. All wooden materials shall be protected from rot, decay and insect infestation in compliance with Article 5, Section 5.01(1) of the Veneta Land Development Ordinance and Chapter 8.05.090 of the Veneta Municipal Code. Plants forming hedges shall be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.
 - d) The applicant shall submit a signed and recorded Irrevocable Petition for Public Improvements approved by the City Attorney. The petition shall be held against Tax Lot 2200, ensuring that the parcel is included in any local improvement district formed to pay for the cost of improvements necessary to upgrade 5th Street adjacent to the property to City standards. Improvement may include but are not limited to utilities, bike lanes, street lighting and street surface upgrades.
 - e) All required parking spaces will be available for the parking of operable motor vehicles for customers, patrons and employees and not used for storage of vehicles or materials or for parking of trucks not used to conduct daily business.

- f) Maintenance of off-street parking spaces will be the continuing obligation of the property owner.

PRIOR TO CERTIFICATE OF OCCUPANCY OF THE EVENT ROOM (THEATER)

- 10) All uses on the subject property shall be in accordance with the approved site plan.
- 11) The applicant shall pay all outstanding fees due to the city as required by Veneta Municipal Code, Chapter 3.30.010.
- 12) The applicant shall have an inspection completed by Lane County Fire District #1 prior to occupancy and shall provide proof of inspection to the City.

AFTER FINAL APPROVAL OF THE SITE PLAN

- 13) The applicant shall install in accordance with Section 5.12 (9)(a) of the Veneta Land Development Ordinance sight-obscuring fences or walls and landscaping adequate to provide privacy and separation for the abutting single family use in accordance with signed and recorded irrevocable development agreement.
- 14) The applicant shall surface the driveway, driveway approaches and parking lot with six (6) inches of asphaltic concrete or Portland Cement concrete in compliance with the approved storm water management plan for the parcels in accordance with signed and recorded irrevocable development agreement.
- 15) The applicant shall install curbs or bumpers in parking spaces 1-12 and 21-24 in accordance with signed and recorded irrevocable development agreement.

C. IT IS HEREBY ORDERED THAT the City of Veneta Building & Planning Official approves with conditions the Site Plan Review for Mathews – Event Center (SR-6-08) based on the information presented in the following findings of fact:

Site Plan Review and Veneta Municipal Code, 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 No. 461 based on the findings and conditions of approval addressed in the findings below.

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

The proposal is consistent with the provisions of this section and does not affect traffic congestion or pedestrian, bicycle or vehicular safety. The right-of-way has already been established; therefore future right-of-way is protected.

- (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 or lighting proposed as part of the site plan amendment. Any future signs in the future shall be in compliance with Section 5.15 of the Veneta Land Development Ordinance.

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

The proposal is consistent with the provisions of this section. All water, sewer and utilities have been established by previous uses of the site.

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

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant shall provide a storm drainage plan approved by the City Engineer showing the integration of the new parking lot facilities with existing facilities and that post-development runoff does not exceed pre-development levels.

- (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 proposal is consistent with the provisions of this section. The site is located in the Residential-Commercial Zoning District and will not interfere with adjacent land uses. The extent of traffic, emissions, and potential nuisance characteristics are compatible with the zoning district requirements for Section 4.04 of the Veneta Land Development Ordinance No. 461.

Veneta Land Development Ordinance No. 461

ARTICLE 4 USE ZONES

SECTION 4.04 RESIDENTIAL-COMMERCIAL (RC)

In a RC zone, the following regulations shall apply:

- (1) *Purpose. To provide areas suitable and desirable for a mixture of residential and commercial uses with provisions for associated public service uses, and other uses under controlled conditions.*
- (2) *Permitted Uses. In a RC zone, the following uses and their accessory uses are permitted. As described in Section 6.01, some development activities or changes in use, including those on properties located within subzones or properties with physical characteristics which may be affected by the development, may require a Site Plan Review.*
- (b) *All uses allowed as permitted uses in Section 4.05(2) of the Community Commercial Zone.*

The proposal is consistent with the purpose and permitted uses of the Residential-Commercial Zoning District. The existing structures on the property have been historically used for commercial uses and will continue to serve in a commercial capacity.

- (4) *Yards. Except as provided in Articles 5, 6 and 8, in a RC zone, no yards are required except as follows:*
- (c) *Yards shall be landscaped as provided in Section 5.12.*

The proposal is consistent with the provisions of this section as addressed in the findings of Section 5.12 below.

- (d) *See Section 5.09 for additional setbacks on designated streets, or construction of new streets.*

There are no additional setback requirements for the proposed site plan; therefore the provisions of this section are not applicable.

- (f) *See Veneta Tree Felling Ordinance for possible setback exemptions for the preservation of heritage trees.*

There are no trees existing on either parcel; therefore the provisions of this section are not applicable.

- (5) *Lot Coverage. One hundred percent lot coverage will be allowed when minimum parking standards, loading space and required yards are provided, and all performance standards are met.*

The proposal is consistent with the provisions of this section. There are no required yard and no new additions or modifications to existing building footprints are being proposed; therefore the lot coverage has not changed.

- (6) *Off-Street Parking and Loading. Off-street parking shall be provided as specified in Section 5.20 of this ordinance.*

See findings in Section 5.20 addressed below.

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 the provisions of this section with the condition of approval that prior to the issuance of building permits the applicant submit a signed and record an irrevocable development agreement approved by the City Attorney stating:

- a) **All site areas and unused property shall be maintained in suitable ground cover and kept in a clean, weed-free manner.**
- b) **Landscaping, screening and maintenance are the continuing obligation of the property owner.**

- c) **Garbage collection areas, service facilities and air conditioning facilities located outside of the buildings shall maintain sight-obscuring screening. Any required sight-obscuring fences and walls must maintain at least 75 percent opaque when viewed from any angle a point 25 feet away from the fence or wall. All wooden materials shall be protected from rot, decay and insect infestation in compliance with Article 5, Section 5.01(1) of the Veneta Land Development Ordinance and Chapter 8.05.090 of the Veneta Municipal Code. Plants forming hedges shall be replaced within six (6) months after dying or becoming diseased to the point that the opacity required is not met.**

- (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.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan.

- (3) *Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible. Particular attention shall be focused on preserving native and heritage trees.*

There are no existing trees, plant material or special site features on the project site; therefore the provisions of this section are not applicable.

- (5) *All other site areas and unused property shall be maintained in suitable ground cover or kept in a clean, weed-free manner.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to issuance of building permits the applicant submit a signed and recorded irrevocable development agreement that states:

- (a) **All other site areas and unused property shall be maintained in suitable ground cover or kept in a clean, weed-free manner.**
- (6) *Multiple-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.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant provide a revised landscaping plan in accordance with Section 5.12 (9)(a) of the Veneta Land Development Ordinance including sight-obscuring fences or walls and landscaping adequate to provide privacy and separation for the abutting land use.

- (7) *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.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of building permits, the applicant submit a signed and recorded irrevocable development agreement stating that:

- (a) **Garbage collection areas, service facilities and air conditioning facilities located outside of the buildings shall maintain sight-obscuring screening. Any required sight-obscuring fences and walls must maintain at least 75 percent opaque when viewed from any angle a point 25 feet away from the fence or wall.**

- (8) *All commercial and industrial uses shall provide landscaping as part of the development plan. Landscaping shall cover all required yards and the entire open space of the property, exclusive of walks, drives, parking areas and buildings and shall be permanently maintained by the property owner. Landscaping shall primarily consist of ground cover, trees, shrubs and other living plants.*

Minimum number of trees and shrubs acceptable per 1,000 square feet of yard and open-space area is as follows:

- (a) *One tree at least six (6) feet in height.*
(b) *Four 1-gallon shrubs or accent plants.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant shall landscape both parcels in accordance with the approved site plan.

- (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 must be of an evergreen species which will meet and maintain year-round the same standard within three (3) years of planting.*
- (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.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to issuance of building permits, the applicant submit a signed and recorded irrevocable development agreement that states:

- (a) All wooden materials shall be protected from rot, decay and insect infestation in compliance with Article 5, Section 5.01(1) of the Veneta Land Development Ordinance and Chapter 8.05.090 of the Veneta Municipal Code. Plants forming hedges shall 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.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan the applicant shall install in accordance with Section 5.12 (9)(a) of the Veneta Land Development Ordinance sight-obscuring fences or walls and landscaping adequate to provide privacy and separation for the abutting single family use.

- (11) *All detention ponds shall be designed according to guidelines adopted by resolution of the City Council. Deviations from the guidelines may be allowed at the discretion of the City when the applicant has shown that the alternative will provide increased aesthetic, pollution reduction and/or flow control benefits over those provided by adhering to the adopted guidelines.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant provide a drainage plan approved by the City Engineer.

SECTION 5.14 IMPROVEMENT REQUIREMENTS

All applicants for land development shall comply with all public improvement requirements specified in Article 7 of the Veneta Land Division 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 SFR, GR, CR, CC, IC, and I 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.*

The proposal is consistent with the provisions of this section. The site is currently connected to water and sewer.

- (2) *Agreement for Improvements. 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 and shall repair existing streets and other public utilities damaged in the development or execute and file with the city an agreement between the owner of the land and the city specifying the period within which required improvements and repairs shall be completed. If the 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 attorney fees necessary to collect said amounts from the land developer.*

The Site Plan Review is consistent with the provisions of this section. However, sidewalk improvements at this time are not suggested considering the probable reconfiguration of the downtown streets from 5th to Territorial and the absence of sidewalks along the remainder of 5th Street on neighboring properties. As a condition of approval prior to the issuance of building permits, the applicant shall submit a sign and recorded an Irrevocable Petition for Public Improvements approved by the City Attorney, held against Tax Lot 2200, ensuring that the parcel shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade 5th Street adjacent the property to City standards including but not limited to utilities, bike lanes, street lighting and street surface upgrades.

- (3) *Specifications for Improvements. All improvements shall comply with the Public Improvement Specifications of Veneta Ordinances in addition to the standard of this ordinance. If the City does not have adopted standards or specifications, the*

developer shall submit proposed improvement standards and specifications to the City for approval by the City Engineer.

The proposal is consistent with the provisions of this section. All of the provisions of the Land Development Ordinance have been met or can be met with conditions of approval.

- (4) *Improvements within a Public Right-of-way.* A construction permit shall be required for all improvements constructed within a public right-of-way. The City Engineer shall have the authority to approve, disapprove, or modify construction permits and plans in accordance with Veneta Ordinances.

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction, the applicant shall obtain required construction permits for any improvements constructed within the public right-of-way. Construction permits shall be reviewed and signed off by the Public Works Superintendent and/or the City Engineer.

- (5) *Dedication of Street Right-of-way.* Before approval of a building permit, the City may require dedication of additional public right-of-way in order to obtain adequate street widths, in accordance with the Veneta Comprehensive Plan, Land Division Ordinance and any adopted street plans. Dedication shall be considered whenever the existing street width adjacent to or within a development is of inadequate width.

The proposed site plan does not require any additional right-of-way acquisition along Broadway Avenue or 5th Street; therefore the provisions of this section are not applicable.

- (6) *Utility and Drainage Easements.* Before approval of a building permit, the City may require that an easement agreement be executed between the city and the property owner for sewer, water, electric, drainage, storm sewer or other public utility easements wherever necessary. The easements shall be at least fourteen (14) feet wide and located adjacent to lot or parcel lines, except for utility pole tieback easements which may be reduced to six (6) feet in width.

The proposal is consistent with the provisions of this section. No PUE agreements are necessary as part of this site plan review.

- (7) *Waiver.* The City Administrator may waive improvement requirements for construction of sidewalk improvements when a paved street with curbs and gutters is not adjacent to the proposed development. If this requirement is waived, the developer may be required to deposit with the City the cash to cover the cost of improvements based on an estimate approved by the City Engineer or sign an Irrevocable Petition for the future installation of sidewalks.

The Site Plan Review is consistent with the provisions of this section. However, sidewalk improvements at this time are not suggested considering the probable reconfiguration of the downtown streets from 5th to Territorial and the absence of sidewalks along the remainder of 5th Street on neighboring properties. As a condition of approval prior to the issuance of building permits, the applicant shall submit a sign and recorded an Irrevocable Petition for Public Improvements approved by the City Attorney, held against Tax Lot 2200, ensuring that the parcel shall be included in any local improvement district formed to pay for the cost of improvements necessary to upgrade 5th Street adjacent the property to City standards including but not limited to utilities, bike lanes, street lighting and street surface upgrades.

SECTION 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 areas in conformance with the provisions of this section.

(2) Design and improvement requirements for parking lots (not including single-family two-family dwellings).

- (a) All parking lots, driveways, and driveway approaches shall be surfaced with two (2) inches of asphaltic concrete or six (6) inches Portland Cement concrete over approved base or other materials approved by the City Engineer. All parking lots shall be graded so as not to drain storm water over the sidewalk or onto any abutting property.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant shall surface the driveway, parking lots and driveway approaches with six (6) inches of asphaltic concrete or Portland Cement concrete. All grading and paving shall be in compliance with an approved storm water management plan for the parcel.

- (b) Service drives and parking spaces on surfaced parking lots shall be clearly and permanently marked. Parking spaces, except for handicap spaces, shall have a minimum dimension of eighteen (18)' X nine (9)' exclusive of maneuvering and access area. The dimension includes the area in front of the curb stop over which the front of a vehicle would extend. Handicap spaces shall be provided as required by the Oregon State Structural Specialty Code.*

The proposal is consistent with the provisions of this section. All parking spaces have a minimum dimension of 18' x 9' exclusive of maneuvering and access.

- (c) *Parking lots shall be served by a service driveway so that no backing movements or other maneuvering within a street other than an alley shall be required. Design for parking arrangements and turning movements shall be approved by the Building and Planning Official. Two-way driveways shall have a minimum width of twenty (20) feet and a maximum width of 30 feet. One-way driveways shall have a minimum width of twelve (12) feet and a maximum width of sixteen (16) feet.*

The proposal is consistent with the provisions of this section. The proposed site plan has a parking lot that is served by two driveways that allow proper maneuvering, one two-way driveway that is twenty (20) feet in width and a one-way that is fourteen (14) feet in width.

- (d) *Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper so placed to prevent a motor vehicle from extending over the property line.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant install curbs or bumpers in parking spaces 1–12 and 21-24.

- (e) *Service driveways to off-street parking lots shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site. The number of service driveways shall be limited to the minimum that will allow the property to accommodate and service the traffic anticipated.*

The proposal is consistent with the provisions of this section. The service driveways have been designed to provide proper ingress and egress.

- (f) *All off-street parking lots within or abutting residential districts or uses shall be provided with a sight-obscuring fence, wall or hedge as approved by the Building and Planning Official to minimize disturbances to adjacent residents.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of

final approval of this site plan, the applicant install the required site-obscuring fences or walls as proposed in the revised landscaping plan to provide privacy and separation for the abutting single family use.

- (g) *A grading structure and drainage plan shall be submitted to the City Building and Planning Official and approved by the City Engineer.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to construction of the parking lot, the applicant shall submit to the City a grading and drainage plan approved by the City Engineer.

- (h) *Parking lots shall be provided with landscaping as provided in Section 5.12 and other suitable devices in order to divide the parking lot into sub-units to provide for pedestrian safety, traffic control and to improve the appearance of the parking lot. A minimum of one shade tree per sixteen (16) parking spaces shall be provided in planter islands distributed throughout the lot. A maximum of twenty (20) spaces shall be allowed between planter islands.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant sign and record an irrevocable development agreement stating that within 1 year from the date of final approval of this site plan, the applicant shall plant all required landscaping as outline in an approved revised landscaping plan.

- (i) *Parking lot lighting must comply with Veneta Municipal Code Chapter 15.15*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant comply with all lighting requirements of Chapter 15.15 of the Veneta Municipal Code Chapter.

(3) *Location standards for parking lots*

- (b) *Off-street parking areas shall not be located in a required front yard.*

The proposal is consistent with the provisions of this section. No front yard setbacks are required and the parking areas have already been established.

- (c) *Parking lots and loading docks for new commercial, public, and semi-public buildings shall be located to the side or rear of the building.*

The proposal is consistent with the provisions of this section. The buildings on the property are pre-existing.

- (4) *Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons and employees only and shall not be used for storage of vehicle or materials or for the parking of trucks used in conducting the business or for repair or servicing.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to issuance of building permits, the applicant sign and record an irrevocable development agreement stating that:

- (a) **All required parking spaces shall be available for the parking of operable motor vehicles for customers, patrons and employees and not used for storage of vehicles or materials or for the parking of trucks used to conduct daily business.**

- (5) *The provision and maintenance of off-street parking spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show parking space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking area required by this ordinance.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to issuance of building permits, the applicant submit a signed and recorded irrevocable development agreement that states that:

- (a) **The maintenance of off-street parking spaces shall be the continuing obligation of the property owner.**

- (6) *Should the owner or occupant of a lot or building change the use of the property to a use which increases the off-street parking requirements, it shall be unlawful and a violation of this ordinance to begin to maintain such altered use until the required increase in off-street parking is provided.*

The proposal is consistent with the provisions of this section. Any changes in use or changes that increase off-street parking requirements shall require a site plan amendment in accordance with Article 6 of the Veneta Land Development Ordinance.

- (7) *In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

The proposal is consistent with the provisions of this section. The current gross floor area is approximately 8,023 sq. ft. and is broken down as follows:

Building #1 – 3,583 square feet

Retail Space

Approximately 1,343 square feet

1 Space per 200 square feet

7 Spaces

Average between uses – 17 Spaces

Other Assembly

Approximately 911 square feet

1 Space per 35 square feet

26 Spaces

Activity Area

Approximately 1,343 square feet

Library/Reading Area

3 Spaces

Average between uses – 8 Spaces

Dance Hall

8 Spaces

Total requirements for Building #1 – 25 Spaces

Building #2 – 2,640 square feet

Theatre

Approximately 2,640 square feet

1 Space per 100 square feet

26 Spaces

Total requirements for Building #2 – 26 Spaces

Building #3 – 1,800 square feet

Library/Reading Room

Approximately 1,800 square feet

1 Space per 400 square feet

5 Spaces

Total requirements for Building #3 – 5 Spaces

The required parking for all three buildings with activities occurring at the same time would be 56 spaces. If all the uses happen to occur simultaneously, the existing on-street parking available could account for an

additional 19 spaces. Considering the likely hood that all of uses will not happen concurrently the combination of the proposed 27 off-street spaces and on-street parking shall be considered sufficient.

- (11) *Space requirements for off-street parking shall be listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building primary to the use but shall exclude any space within a building used for off-street parking, loading or service functions not primary to the use. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. A reduction in the number of required spaces is allowed if evidence is provided to show that a reduced amount of parking is sufficient and will not cause any detrimental impacts to on-street parking or other parking areas. For example, an employer working with LTD to provide bus passes to employees or who offers van pools may need fewer parking spaces for employees.*

<u>USE</u>	<u>SPACE REQUIREMENT</u>
<u>Place of Public Assembly</u>	
(b) Library, reading room	One (1) space per 400 square feet of floor area of main auditorium not containing fixed seats.
(f) Other public assembly	One (1) space per six (6) seats or eight feet of bench length, or one (1) space for each 35 square feet of floor area for assembly room not containing fixed seats.
<u>Commercial Amusement</u>	
(a) Stadium, arena, theater	One (1) space per four (4) seats or eight (8) feet of bench length.
(c) Dance Hall, skating rink	One (1) space per 100 square feet of floor area, plus one (1) space per two (2) employees.

<u>Commercial</u>	
(a) Retail store except as provided in subsection (b) of this subsection	One (1) space per 200 square feet of floor area designated for retail sales.

The proposal is consistent with the provisions of this section. The current gross floor area and associated uses have been calculated above. The required parking for these uses if operated concurrently is 56 parking spaces. The proposed site plan is also near the west end of downtown that will be going through a series of redevelopment projects in the near future as part of the Downtown Master Plan adopted in June 2006. The redevelopment will encourage more on-street type parking and have additional planned off-street parking. These plans in addition to the proposed amount of parking spaces will provide adequate parking for all of the uses within the structure. The parking standards can be met by using both on and off-street parking.

- (12) *Accessible Parking Spaces.* Parking shall be provided for disabled persons, in accordance with the Americans with Disabilities Act. Accessible parking is included in the minimum number of required parking spaces listed above.

Minimum Number of Accessible Parking Spaces

<i>Total Number of Parking Spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)</i>	<i>Van Accessible Parking Spaces with min. 96" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
25 to 50	2	1	1

The proposal is consistent with the provisions of this section. The applicant has proposed two (2) accessible parking spaces with van accessibility.

- (14) *Off-Street Loading.* In any zone, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales or as a hotel, hospital, mortuary, laundry, dry cleaning establishment or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained at least 1 off-street loading space, plus 1 additional such loading space for each additional 20,000 square feet of gross floor area.

- (a) *Said loading space shall be provided with access, driveways and surfacing in the same manner as for off-street parking, except that each space shall be ten (10) feet wide and 25 feet long, with a height clearance of at least fourteen (14) feet. In the case where service vehicles of the truck and trailer category are utilized, the Planning Commission may require additional length for required off-street loading spaces to accommodate up to a maximum overall length of 50 feet.*

The existing buildings total less than 10,000 square feet; therefore the provisions of this section are not applicable.

SECTION 5.21 BICYCLE PARKING

Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, changes of use, and building expansions and remodels. Bicycle parking spaces provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide, and seven feet high. Bicycle parking shall not interfere with pedestrian circulation.

- (2) *Non-Residential Parking. There shall be a minimum of one bicycle space for every seven motor vehicle spaces. At least ten percent of all bicycle parking spaces shall be sheltered. Bicycle parking provided in outdoor areas shall be located near the building entrance, similar to vehicle parking spaces, unless existing development on site precludes that option. Fractions shall be rounded to the nearest whole number.*

The proposal is consistent with the provisions of this section. The applicant has proposed four (4) bicycle parking spaces within building #3.

SECTION 5.22 PEDESTRIAN 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.*
- (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.*

The proposal is consistent with the provisions of this section with the condition of approval that within 1 year of the approval of the proposed site plan, the applicant shall pave the proposed parking area and provide the proposed pedestrian access between buildings 1 & 3.

SECTION 5.23 TRANSIT FACILITIES


The table below shows the transit amenities that may be required. Determination of specific requirements will be made on a case by case basis for each development by weighing the following factors in consultation with the Lane Transit District:

- Expected transit ridership generated by development
- Level of existing or planned service adjacent to development
(Planned service is defined as service which will be established within five years after the completion of the development.)
- Location of existing transit facilities
- Proximity to other transit ridership generators

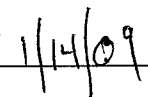
The proposal does generate the required amount of traffic trips to require transit facilities; therefore the provisions of this section are not applicable.

- D. This approval shall become final on the date this decision and supporting findings of fact are signed by the Building & Planning Official, below. An Administrative decision may be appealed to the Planning Commission within 15 days after the final order has been signed and mailed.

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.



Brian Issa
Community Services Director



Date