

VENETA PLANNING STAFF REPORT

Witty Temporary Use (TEMP-2-09)

Application Date: February 27, 2009
Notice Posted: March 25, 2009
Notice Mailed: March 25, 2009

Referrals Sent: March 26, 2009

City Engineer

Public Works

Lane County Fire District

BASIC DATA:

Property Owner/
Applicant: Jeff Witty
1574 Coburg Rd #382
Eugene, Oregon 97401

Property Location: 88272 Huston Rd.
Veneta, Oregon 97487

Assessors map & lot: 17-05-31-1, Tax Lot 1900

Plan Designation: Commercial (C)

Zoning: Highway Commercial (HC)

REQUEST:

The request before the Veneta Building & Planning Official is for approval of a temporary use permit to allow continued use of an existing dwelling on the property during the construction of a new manufactured dwelling to be used as a residential living quarters for the mini-storage facility.

BACKGROUND & PROPERTY CHARACTERISTICS:

The property is located near the intersection of Huston and Wildwood Roads. The Planning Commission approved four self storage buildings on this site in 1991 and the

then property owners announced that the buildings would be constructed in phases. An amended site plan was required for any new construction on the site. Site plan amendments were submitted by the applicant and approved by City in 2005, 2006 & 2007. There is currently a small residential dwelling on the property which is being replaced by a new manufactured home. Use of a single-family dwelling as residential living quarters in the Highway Commercial zoning district is allowed by Veneta Land Development Ordinance 461, Article 4, Section 4.06 (2) addressed below.

The Veneta Building and Planning Official approves the Witty- Emerald Secure Storage temporary use permit (Temp-2-09) with the following conditions of approval:

- (1) The applicant shall connect the new dwelling to an approved water supply and sewage disposal system prior to issuance of a temporary or permanent certificate of occupancy.
- (2) The construction of the new dwelling and the demolition of the existing dwelling, and site clean-up shall be completed, prior to final certificate of occupancy and no later than 1 year from the date of final approval.

APPROVAL CRITERIA:

Veneta Land Development Ordinance No. 461

Section 4.06 HIGHWAY COMMERCIAL (HC)

In the HC zone, the following regulations shall apply:

- (1) *Purpose. To provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area.*

The proposal is consistent with the Highway Commercial Zoning District.

- (2) *Permitted Uses. In an HC (C1) zone, the following uses and their accessory uses are permitted subject to the site plan review provisions of Article 6 provided, all operations except off-street parking and temporary activities associated with an established business shall be conducted entirely within an enclosed building:*

(b) Rental storage units, may include a residential living quarters

The proposed use including a residential living quarters is a permitted use for the Highway Commercial Zoning District.

- (4) *Yards.* Except as provided in Articles 5, 6 and 8, in an HC zone, no yards are required except as follows:
- (a) *No front yards are required.*
 - (b) *Back and side yards abutting a residential zone shall be ten (10) 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.*

The proposal is consistent with the provisions of this section. The new dwelling is approximately 30 feet from the northern property line abutting a residential zoning district. No trees are proposed to be removed as part of the development.

- (5) *Pedestrian Access.* A sidewalk shall provide safe, convenient pedestrian access from the street to the building entrance. If the sidewalk crosses the driveway, it shall be raised or marked in a manner that calls attention to the sidewalk.

There are no sidewalks proposed or required as part of the construction of the new dwelling; therefore the provisions of this section are not applicable.

Article 7 of the Veneta Land Development Ordinance 461 regulates temporary uses. The purpose of a temporary use is *“to allow the establishment of specified uses on a short-term basis in certain, specified land use zoning districts. No temporary use permit can be granted which would have the effect of permanently rezoning or granting a privilege not shared by other property in the same zone.”*

Section 7.03 of the Land Development Ordinance 461 lists the general approval criteria for temporary uses. Criteria applicable specifically to a second dwelling on property during construction or demolition of dwelling are listed in item Section 7.04, Subsection (4). These criteria are listed below in italics. The findings showing compliance with the criteria follow in bold type.

SECTION 7.03

APPROVAL CRITERIA

- (1) *The temporary use is not inconsistent with the nature of the zoning district in which it is placed.*

The temporary use of the existing dwelling during the construction of a new dwelling is consistent with the temporary uses permitted in the Highway Commercial zone. The proposed use is a short-term temporary use which is allowed in a commercial zone. The use allows for residents to remain on the property during the construction of a new dwelling. The use will not grant the applicant a privilege not shared by other property in the same zone.

- (2) *The temporary use will not have a significant adverse impact on the surrounding uses.*

The proposed use is consistent with the uses permitted in the Highway Commercial zoning district. The temporary use will not have a significant adverse impact on the surrounding neighborhood.

- (3) *The temporary use shall comply with any applicable criteria listed in Section 7.04.*

The temporary use must meet the criteria for Second Dwelling on Property During Construction or Demolition of Dwelling, which is listed in Section 7.04, Subsection (4) as follows:

SECTION 7.04 ALLOWABLE TEMPORARY USES

- (1) *Second Dwelling on Property During Construction or Demolition of Dwelling. A manufactured home or RV may be used temporarily during construction of a permanent residence. Or, a building permit may be issued for a new residence while an existing home remains occupied to allow for the residents to remain on their lot until the new dwelling is ready to occupy. The following standards must be met for either of these temporary uses:*

- (a) *Any occupied dwelling shall be provided with an approved water supply and sewage disposal system.*

The proposal is consistent with the provisions of this section with the condition of approval that the applicant shall connect the new dwelling to an approved water supply and sewage disposal system.

- (b) *The temporary use (including demolition of building) shall be limited to a maximum of one year unless an extension is approved by the Building and Planning Official.*

The proposal is consistent with the provisions of this section with the condition of approval that the construction of the new dwelling and the demolition of the existing dwelling, and site clean-up shall be completed, prior to final certificate of occupancy and no later than 1 year from the date of final approval.

- (c) *The certificate of occupancy for the new residence shall not be issued until the original dwelling has been demolished and the site cleaned up, or until the manufactured home being used temporarily is removed from the site. The time limit for a temporary certificate of occupancy shall be 60 days.*

The proposal is consistent with the provisions of this section with the condition of approval that prior to the issuance of a final certificate of occupancy, the demolition of the existing dwelling, and site clean-up shall be completed

- (d) *If a manufactured home is to be used as a temporary residence, a building permit for the siting and anchoring of the manufactured home shall be submitted and approved by the building inspector prior to occupancy. Upon expiration of the temporary use, the manufactured home shall not be converted to an accessory use.*

The proposal is consistent with the provisions of this section with the condition of approval that the new dwelling, and site clean-up shall be completed, prior to final certificate of occupancy and no later than 1 year from the date of final approval.

- (e) *RV use shall be limited to not more than 90 days.*

No RV is proposed for use on the subject property; therefore the provisions of this section are not applicable.

EXHIBITS

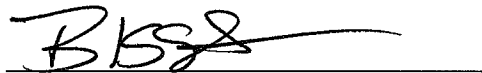
- A. Application
- B. Site Plan

STAFF DECISION

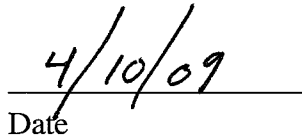
All material relevant to the temporary use, which has been submitted by the applicant, staff, and general public regarding this matter, has been reviewed and the required procedures and standards for taking action on a temporary use permit renewal have been followed.

Based on the findings and conditions of approval, the Veneta Building & Planning Official grants conditional approval of the temporary use application (TEMP-2-09). This conditional approval of the plans shall become final on the date this decision is signed, below.

An appeal of this decision to the Veneta Planning Commission must be filed in writing within fifteen (15) days of the date the findings are signed.



Brian Issa,
Community Services Director



Date