

VENETA PLANNING STAFF REPORT

Ormsby Temporary Use (Temp-6-07) - Renewal

Application Date: October 25, 2007
Notice Posted: October 29, 2007
Notice Mailed: November 2, 2007
Staff Report Date: November 21, 2007
Related Files: Temp-3-01, Temp-4-03, Temp-7-04, Temp-5-05, Temp-4-06

BASIC DATA

Applicant: Ron Ormsby
24044 High Pass Road
Junction City, OR 97448

Property Owner: Polen Futures LLC
2197 Olympic Street
Springfield, OR 97477

Property Location: 88315 Territorial Road
(Northeast corner of the Territorial Road/Hwy 126 intersection)

Assessors map & lot: 17-06-36-11, tax lots 400 & 500

Plan Designation: Commercial

Zoning: Highway Commercial

REQUEST

The request before the Planning staff is for renewal of a temporary use permit to use the vacant half of the property located at 88315 Territorial Road (tax lot 500) for outdoor sales of Christmas trees from November 23, 2007 through the end of December 2007.

BACKGROUND

The building located at 88315 Territorial Road (tax lot 400) is currently being used for retail sales. The south half of the property (tax lot 500) is vacant. Tax lots 400 and 500 have not been partitioned through the City of Veneta and; therefore, are considered one legal building lot which is located in the Highway Commercial zone. The applicant has had annual renewals for a temporary use permit to sell Christmas trees at this location since December 2001. The City has received no written complaints regarding this use.

APPROVAL CRITERIA

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 temporary displays, sales, and events are listed in Section 7.04, Subsection (1). These criteria are listed below in italics. Findings showing compliance with these criteria follow in regular type.

Section 7.03

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

The property is zoned Highway Commercial. The purpose of the zoning district is to “*provide services to accommodate travelers and to provide large scale commercial services needed to serve the Fern Ridge area*”.

Retail sales is an allowed use in the Highway Commercial zone. The seasonal sale of Christmas trees provides a commercial service for highway travelers as well as area residents.

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

The proposed use is consistent with the Commercial plan designation.

The City has received no comments from the public or neighboring property owners with regard to the applicant’s request for a temporary use permit to sell Christmas trees. The applicant has had temporary use permits for the sale of Christmas trees on this parcel of land in the past; and, the City has received no complaints from the public or other agencies with regard to the sale of Christmas trees on this property.

The temporary use will not create any additional impacts on the surrounding neighborhood. Based on the parking requirements in the Veneta Land Development Ordinance 461, Article 5, Section 5.20, the combination of retail uses on both tax lots should not generate any more traffic than was generated by the existing restaurant. A retail store requires one (1) space per 200 square feet of floor area designated for retail sales. The building is 1112 square feet which would require 12 parking spaces. The site has 42 marked parking spaces plus two additional handicap spaces. More than adequate parking is available on-site to serve both retail uses. No changes have been proposed to the existing ingress and egress driveways. Conditions requested by ODOT are still applicable in that no signing or goods shall be allowed on ODOT right-of-way. Compliance with the Veneta Sign Code is required as a condition of approval.

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

The temporary use must meet the criteria listed for temporary displays, sales, and events listed in Section 7.04, Subsection (1) as follows:

Section 7.04

(1) *Temporary displays, sales, and events. Temporary displays, sales and events may be permitted in all commercial and public facilities and park zones. They are also allowed in the rural residential zone for horticulturally-related activities. All activities must meet the following criteria:*

(a) *The temporary activity is located on the same lot for no more than 90 days in any calendar year.*

The temporary use will be operated for less than 90 days, from the end of November 2007 to the end of December 2007.

(b) *The proposed temporary activity does not result in vehicular traffic congestion and adequate pedestrian and bicycle access is provided.*

The site plan maintains the same circulation on site that is used for the existing building. Entering or exiting the parking spaces does not require maneuvering in a public street. Territorial Road currently has a good level of service and can handle additional traffic.

Pedestrians can access the tree lot via sidewalks on Territorial Road. Bicycles can access the tree lot via the bike lane on Territorial Road.

(b) *Adequate parking facilities are available. The temporary activity does not eliminate parking spaces required by the applicable city ordinances unless the business or businesses using such required spaces are closed for business on the day(s) of the temporary activity.*

According to Section 5.20 (11) of the Land Development Ordinance, the previous use of the building as a eating or drinking establishments required twice the number of parking spaces as required for retail sales. No changes are proposed for the parking lot; therefore, the amount of parking meets the requirement for both the temporary tree sales lot and the existing retail store.

(d) *The temporary activity does not encroach on the required setbacks of the lot.*

The property does not abut any residential zone so no setbacks are required. The tax lot on which the tree lot will be located is vacant and no physical changes are being made to the property which would affect setbacks.

(e) *The temporary activity meets all state and county health rules and regulations and all necessary permits have been obtained from other agencies.*

Conditions of approval include those requested by the Lane County Fire District and compliance with the City's sign code and lighting ordinances.

(f) *Annual events require a new permit each year.*

The applicant has obtained a new temporary use permit each year.

- (g) *Temporary activities involving tents, tarps, or sales out of vehicles will last no more than two (2) consecutive days.*

The applicant has not proposed the use of tents, tarps, or vehicles.

CONDITIONS OF APPROVAL:

1. The total sign area for all building signs and portable signs to accommodate both the temporary use and the retail store shall not exceed 6% of the building's ground floor footprint. Temporary signs for the tree lot may only be displayed for 30 days. Portable and temporary signs are not permitted within the public right-of-way.
2. No display or sale of Christmas trees is allowed within the state right-of-ways along Territorial Road and Hwy 126.
3. The applicant shall comply with the Veneta outdoor lighting ordinance, Veneta Municipal Code Chapter 15.15.
4. All trees and display items, signs, or other materials shall be removed by 5:00 p.m. on December 31, 2007.
5. There shall be at least one fire extinguisher, rated at 2A:10BC, in an easily accessible location for the lot attendant.
6. Tree displays shall remain orderly with proper clearance in the aisles for foot traffic. Areas shall be kept clear at the end of the aisles for exiting.
7. A means for contacting 9-1-1 shall be available on-site.
8. If the lot attendant remains on-site for 24-hours, warming fires and generators shall be kept a minimum of 20 feet away from all combustibles.
9. If extension cords are used, they shall be protected from damage by being placed out of traffic lanes.
10. Contact Heather Hill at the Lane County Fire District No. 1 (935-2226) prior to opening to schedule an inspection.
11. The applicant must obtain a new permit each year.

EXHIBITS

- A. Applicant's Application and Narrative Statements
- B. Proposed Site Plan for Temporary Use

STAFF DECISION

The Veneta Planning Official finds the following:

1. Required notice was provided in accordance with Section 2.13 of the Veneta Land Development Ordinance 461.
2. The Veneta Planning Official reviewed all material relevant to the temporary use which has been submitted by the applicant, staff, and general public regarding this matter.
3. The Planning Official followed the required procedures and standards for taking action on a temporary use permit.

Based on the findings and conditions of approval, the Veneta Planning Official grants conditional approval of the temporary use application (TEMP-6-07). This conditional approval shall become final on the date this decision is signed, below. A Planning Official's decision may be appealed to the Planning Commission within 15 days after the staff report has been signed and mailed.

Brian Issa,
Community Services Director

Date