

**VENETA PLANNING STAFF REPORT
& FINAL ORDER
Temporary Use Permit – Veneta Farmers Market (Temp-5-07)**

Application Date: May 9, 2008
Notice Posted: May 9, 2008
Notice Mailed: May 9, 2008
Staff Report Date: May 27, 2008
Referrals Sent: Lane County Fire District #1
 ODOT
 Veneta Public Works

BASIC DATA

Applicant: City of Veneta Urban Renewal Agency
Property Owner: Lee Kelly
Property Location: SW corner of Broadway and Territorial Highway
Assessors map & lot: 17-06-36-14 Taxlot 1900
Area: 12,744 sq.ft.
Plan Designation: Commercial (C)
Zoning Designation: Community Commercial (CC)

REQUEST

The request before the Planning Official is for approval of a temporary use permit for establishment of a weekly farmer's market to be held from 2-6pm Friday afternoons until approximately September 26, 2008.

BACKGROUND

The property has access onto Territorial Hwy on the east and West Broadway on the south. Territorial Highway is a state highway of district importance classified as a principal arterial. Surrounding properties are also zoned Community Commercial with Our Daily Bread to the south and a Qwest switching station to the west.

CONDITIONS OF APPROVAL:

1. All garbage/trash shall be removed at the end of every market.
2. Obtain any necessary sign permits prior to erecting or placing any signs upon the property that does not already have a valid permit. No signs shall be placed within the rights-of-way.
3. The site shall be maintained in a clean manner free of trash and debris.
4. The applicant shall renew this temporary use permit on a regular basis.
5. Provide a minimum of one currently serviced 5-pound dry chemical fire extinguisher rated 2A:10BC.
6. Portable toilet shall be located away from buildings or flammable materials and shall be securely locked when the market is not in operation.

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/or events are listed as item (1) in Section 7.04. 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 Veneta Comprehensive Plan.*

The purpose of the Commercial land use designation is to provide areas suitable and desirable for all types of commercial development intended to meet the business needs of area residents and highway travelers and ensure that sufficient lands are available to encourage commercial development in Veneta.

A weekly farmers market on the above-described property is consistent with Veneta's Comprehensive Plan policy for commercial areas. The proposed use is likely to draw additional foot and vehicle traffic to the downtown area contributing to an environment which encourages commercial development.

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

The property is zoned Community 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. The proposed use is similar to the permitted uses include (a) retail stores or shops. The temporary activity of selling local produce is an allowed use that provides a useful service for area residents.

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

The proposed use is consistent with the commercial designation. The City has received no comments from the public or neighboring property owners with regard to the request for the proposed use. Adequate parking is provided and no adverse impacts are anticipated.

- (4) *The temporary use shall comply with any applicable criteria listed below.*

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

- (3) *Stationary food vending and espresso/coffee stands. Stationary food vending and espresso/coffee stands may be permitted in all commercial zones for a period not to exceed one (1) year.*

The proposed use is stationary in that it is not out of vehicles or mobile carts. Vendors will sell food from stands erected on the site and will remove the stands after each event. As a condition of approval, the applicant shall renew the temporary use permit on an annual basis.

- (a) *The use must comply with Section 7.04(1)(b), (c), (d), (e), and all other applicable standards in this section.*

The proposal complies with these requirements as detailed below.

- (b) *The use may be required to connect to sewer and water if and when available.*

Connection to sewer and water are not required at this time. Mobile restroom facilities will be provided onsite.

- (c) *No extension cords shall be used to provide electricity.*

No electricity is needed for the proposed events

- (d) *Permits may be renewed annually.*

The approved permit must be renewed on an annual basis.

SECTION 7.04 ALLOWABLE TEMPORARY USES

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

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

The applicant has provided adequate parking and traffic congestion is not likely to occur. On street parking is encouraged in the downtown area to create a lively pedestrian environment suited to the small scale commercial development envisioned for this area. Adequate pedestrian and bicycle access is provided via the sidewalks and bike lanes on Territorial and Broadway.

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

The proposed use on the site requires 11 parking spaces for 2,016 square feet of retail according to Veneta Land Development Ordinance 5.20. The applicant has provided adequate parking providing 11 parking spots for the 11 required. 7 of these spots will be on street parking which is allowed by VLDO 5.20(10) and 4 will be on site.

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

No yard setbacks are required in the CC zone for properties that do not abut residential properties.

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

The proposal is consistent with this requirement with the condition that the applicant obtain a Business registration from the City of Veneta.

EXHIBITS

- A. Applicants Submittals

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-3-08). This conditional approval of the plans 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.

Zac Moody,
Veneta Planning Official

Date