

**VENETA PLANNING
STAFF REPORT and FINAL ORDER
Temporary Use Permit for Displays, Sales & Events
Veneta Farmers Market
File No. TUP-3-23**

Application Received: March 1, 2023
Complete Determination: March 6, 2023
Notice Mailed/Posted March 6, 2023
Public Comment Period Closes: March 21, 2023
Staff Report Date: March 27, 2023

Referrals Sent: Lane Fire Authority
ODOT – Oregon Department of Transportation
Lane County Transportation Planning
Coos Bay Rail Line
Veneta Public Works
Branch Engineering

BASIC DATA

Applicant: Veneta Downtown Farmers Market
Attn: Marie Pickett
PO Box 504
Veneta, OR 97487

Property Owner: Public Right-of-Way

Property Location: NE corner of Territorial Road and Luther Lane

Map / Tax Lot: Adjacent to 17-05-31-20-00200

Site Address: Adjacent to 88267 Territorial Road, Veneta, OR 97487

Size / Area: Approximately 0.5 acre

Plan Designation: (C) Commercial

Zoning Designation: (HC) Highway Commercial

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 every Saturday, 10 am to 2 pm, from May 6th to October 14th.

BACKGROUND

The Downtown Farmers Market has been held in multiple locations within the city over the years. For the last few years it has been held on Broadway Avenue, however that site is no longer available for use. Consequently, the Farmers Market is requesting to operate in a past location that was previously used around 2012. The subject property is a landscaped, triangular shaped island, that is entirely within the public right-of-way of Territorial Road on the west and Luther Lane on the south. The north side of the landscaped island is adjacent to a private parking lot associated with a shopping center. Territorial Road and Luther Lane are both County Roads under County authority. Surrounding properties are zoned Highway Commercial and Light Industrial.

APPROVAL CRITERIA

Article 7 of the Veneta Land Development Ordinance 493 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."

Veneta Land Development Ordinance No. 493, Section 7.03 describes the general approval criteria for temporary uses. In addition, Section 7.04(1)(A-E) includes specific standards applicable to uses involving temporary displays, sales and events. These criteria are listed below in bold italics. Findings showing compliance with these criteria follow in regular type.

VENETA LAND DEVELOPMENT ORDINANCE NO. 493

SECTION 7.03 APPROVAL CRITERIA

A temporary use may be granted only if:

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

Finding: 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 activity.

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*. 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.



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

Finding: 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.

Lane County Transportation Planning provided comments on the proposal and has requested the following conditions of approval:

1. Per Lane County Code 15.702 parking is not permitted on arterial roads. Neither is parking allowed on collectors without being planned for and approved via a parking study. Consequently, the event shall be managed and signed to prohibit parking on the adjacent roads of Territorial and Luther Lane.
2. All setup and placement of vending stalls and other facilities must be accommodated outside the county ROW.
3. All parking of customers and vendors must be provided off street and preferably in the adjacent commercial parking lot so pedestrian crossing of roadways is minimized.

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

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

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:*

(A) *The temporary activity is located on the same lot for no more than forty-five (45) cumulative days in any calendar year.*

Finding: The Farmers Market is proposed to be held every Saturday, from May 6 to October 24, which will be 24 times in the calendar year. This criterion is met.

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

Finding: There is adequate parking for the market at the adjacent shopping center. 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 Road.

(C) *Adequate parking facilities are available. The temporary activity does not eliminate parking spaces required by Section 5.20 of this ordinance.*

Finding: The proposed use on the site requires 8 parking spaces for 1440 square feet of retail according to Veneta Land Development Ordinance 5.20. The site has adequate parking with 20 parking spots available for market customers. The actual Farmers Market booths will be located in the grass area and will not occupy any parking spaces.

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

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

(E) Annual events require a renewal permit each year.

Finding: The proposal is consistent with this requirement with the condition that the applicant obtain a Temporary User Permit renewal each year and a Business Registration from the City of Veneta.

SECTION 7.05 PROCEDURE FOR REVIEWING TEMPORARY USE PERMITS

3) The Building and Planning Official or the Planning Commission may attach appropriate and reasonable conditions to the permit that are necessary to secure the public health, safety, and welfare and to maintain compliance with city codes and ordinances. Such clear and objective standards may include but are not limited to:

- A. Setback requirements**
- B. Screening**
- C. Control of points of ingress and egress**
- D. Special provisions for signs**
- E. Landscaping and maintenance of landscaping**
- F. Maintenance of grounds**
- G. Control of noise, vibration, and odors**
- H. Limitation of hours for certain activities**
- I. Limitation of duration of temporary use**
- J. Once approved, the site plan for the temporary use as modified with conditions shall become the official plan.**
- K. If written Notice of Appeal is not filed within fifteen (15) days of the date the Final Order is signed and mailed, the decision becomes final.**
- L. Compliance with conditions imposed in the temporary use permit and adherence to the approved plans is required. The Building and Planning Official may revoke the temporary use permit with any departure from the approved plans or conditions or approval.**
- M. All temporary uses involving a business must comply with Veneta Municipal Code Chapter 5.05, Business Registration.**

Finding: The Farmers market will be required to adhere to conditions of approval. Lane County Transportation Planning provided comments on the proposal and has requested the following conditions of approval:

1. Per Lane County Code 15.702 parking is not permitted on arterial roads. Neither is parking allowed on collectors without being planned for and approved via a parking study. Consequently, the event shall be managed and signed to prohibit parking on the adjacent roads of Territorial and Luther Lane.
2. All setup and placement of vending stalls and other facilities must be accommodated outside the county ROW.

3. All parking of customers and vendors must be provided off street and preferably in the adjacent commercial parking lot so pedestrian crossing of roadways is minimized.

Other conditions of approval will be added requiring a portable toilet, fire extinguisher and a sign permit. Therefore, with imposition of conditions, the proposal satisfies the requirements of Veneta Land Development Ordinance No. 493, Section 7.05(3) - Procedure for Reviewing Temporary Use Permits.

PUBLIC COMMENT

None received as of the date of this staff report.

ADDITIONAL STAFF FINDINGS

The Veneta Planning Official finds the following:

1. Required notice was provided in accordance with Section 11.06(2) of Veneta Land Development Ordinance 493.
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 Type II procedures in Section 11.06 of the Veneta Land Development Ordinance 493, for making an Administrative Decision on a temporary use permit.

PLANNING OFFICIAL DECISION

The Veneta Planning Official APPROVES this request by the Veneta Downtown Farmers Market for a Temporary Use Permit for displays, sales and events with the following conditions:

CONDITIONS OF APPROVAL

1. The temporary use permit shall expire on December 31, 2023 and must be renewed in order to continue beyond this date.
2. Per Lane County Code 15.702 parking is not permitted on arterial roads. Neither is parking allowed on collectors without being planned for and approved via a parking study. Consequently, the event shall be managed and signed to prohibit parking on the adjacent roads of Territorial and Luther Lane.
3. All setup and placement of vending stalls and other facilities must be accommodated outside the county ROW.
4. All parking of customers and vendors must be provided off street and preferably in the adjacent commercial parking lot so pedestrian crossing of roadways is minimized.
5. The 20 foot clear vision triangle area at Luther Lane and Territorial shall remain clear of all vehicles.

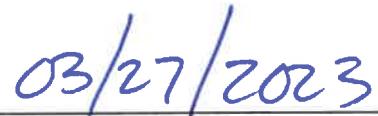
6. All garbage/trash shall be removed at the end of every market.
7. The site shall be maintained in a clean manner free of trash and debris.
8. The applicant shall renew this temporary use permit on an annual basis.
9. Provide a minimum of one currently serviced 5-pound dry chemical fire extinguisher rated 2A:10BC.
10. One portable toilet is required and shall be located away from buildings or flammable materials and shall be securely locked when the market is not in operation
11. Obtain a sign permit as necessary prior to erecting or placing any signs upon the property.

CONCLUSION

Based on the findings and conditions of approval, the Veneta Planning Official grants conditional approval of the temporary use application (City File No. TUP-3-23). 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.



Matt Laird
Veneta Planning Official



Date

EXHIBITS

- A. Applicants Submittal

VENETA
oregon

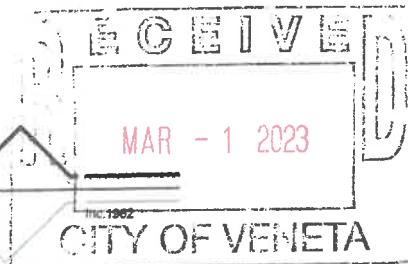


EXHIBIT "A"

Temporary Use Application

PO Box 458 * Veneta, OR 97487 * 541-935-2191 * Fax 541-935-1838 * www.venetaoregon.gov

Planning Authorization: _____
Submission Date: 3/1/23
Planning File #: TUP-3-23

Renewal (if applicable): NA
Previous File #: NA

Temporary Use Permits 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 privilege not shared by other property in the same zone. RETAIL SALES are permitted only in Commercial or Industrial/Commercial zones.

Garage Sales are permitted only in residential zones in accordance with Veneta Municipal Code Chapter 5.15 and do not need a permit.

Temporary Use Renewal Permits shall be subject to review by the Building & Planning Official one (1) year from the date of approval. Public notice requirements may be waived for renewal of Temporary Use Permits at the discretion of the Building & Planning Official provided that no formal complaints have been filed regarding the temporary use or there have been no changes made to the site plan or activities from the time of initial approval.

Application.....\$350 (non-refundable)
 Technical Review/Public Notice.....\$350 (deposit)

Renewal

Application Fee (Renewal only).....\$200 annually (non-refundable)

Applicant Name: <u>Veneta Downtown Farmers Market</u>	Phone: <u>541-636-7624</u>		
Mailing Address: <u>P.O. Box 504</u>			
City/State/Zip: <u>Veneta, Oregon 97487</u>			
Property Owner Name: <u>City of Veneta</u>	Phone: <u>541-935-2191</u>		
Mailing Address: <u>P.O. Box 458</u>			
City/State/Zip: <u>Veneta, Oregon 97487</u>			
Assessor's Map Number (Township, Range, Section, Quarter Section)	Tax Lot(s)	Site Address	Zone
<u>1705312000200</u>	<u>#200</u>	<u>88267 Territorial Rd.</u>	<u>HC</u>

PRIOR TO PREPARING AN APPLICATION, applicants should check with City Staff to make sure they have the most updated versions of the Veneta Comprehensive Plan, Land Development Ordinance, and Land Division Ordinance. Ordinances are available on the City website, www.venetaoregon.gov

Approval will be based on the general criteria listed in the Veneta Land Development Ordinance, Article 7, Section 7.03 (1) through (3) as well as specific criteria, depending upon the type of use, listed in Section 7.04. (Check the type of use and submit a written statement and plans supporting the criteria listed in the applicable subsections of the Veneta Land Development Ordinance, Section 7.03 & 7.04)

- Temporary displays, sales, and/or event [Section 7.04, subsection (1)]
- Mobile food and flower vendor or other kiosks [Section 7.04, subsection (2)]
- Second dwelling on property during construction or demolition of dwelling [Section 7.04, subsection (3)]
- Outdoor Storage (not involving sales) [Section 7.04, subsection (4)]
- Manufactured dwelling as a temporary office in the commercial or industrial zone during construction of a permanent structure.
- Other (explain): Farmers Market will run 24 weeks, May 6 – October 14

Every Saturday 10am To 2pm

Required Submittals:

(Veneta Land Development Ordinance, Article 7, Section 7.02)

- A completed application Form (signed by the applicant and property owner).
- A Statement explaining the request.
- Site plan showing location of any proposed structures, activity area, and parking with respect to property lines and existing buildings, parking areas and landscaping.
- Drawings or photos showing proposed structures.
- Any other information needed to describe the proposed use in sufficient detail for the Building and Planning Official to determine how the proposed use meets the approval criteria.
- Veneta Land development Ordinance, Article 4 & 5 for zoning information, including but not limited to required setbacks, parking, signs traffic flow and special setbacks.

Approval Criteria:

(Veneta Land Development Ordinance, Article 7)

- The temporary use is not inconsistent with the purpose of the zoning district in which it is placed.
- The temporary use will not have a significant adverse impact on the surrounding uses.
- The temporary use shall comply with the applicable criteria listed in Section 7.04.

Note: Temporary Use Renewals are subject to review and approval by the Building and Planning Official on an annual basis per Veneta Land Development Ordinance No. 493, Section 7.06. Public Notice requirements may be waived for a renewal of Temporary Use Permits at the discretion of the Building and Planning Official provided that:

- (a) No formal complaints have been filed regarding the temporary use.
- (b) There have been no changes made to the site plan or activities from the time of initial approval as verified by the Building and Planning Official

I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HEREWITH ARE TRUE, COMPLETE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature:

Hmpickett

2/27/13

Property Owner's Signature:

Statement Explaining Request for Use of Luther Lane and Territorial Rd. Property for 2023 Veneta Downtown Farmers Market

The Veneta Downtown Farmers Market Board is requesting use of this property because the previous farmers market location belonging to St. Vincent de Paul is slated for development and will become unavailable to us beginning this year. The Veneta Downtown Farmers Market Board has researched all known available properties for relocation in the 2023 season and has found the grassy triangle on Luther Lane and Territorial Rd. to be the best option. This location has proved in the past to be highly successful to the farmers market as well as beneficial to surrounding businesses, and we are hoping to make use of this property again.



The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but it is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

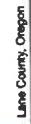
N
0 100 200 400
Feet



Veneta Downtown Farmers Market
TUP-3-23
Lane County, Oregon



2023 Veneta Farmers Market



Lane County, Oregon



0 50 100 200
Ft

The information on this map was obtained from digital databases on the Lane County Regional Geographic Information System. Care was taken in the creation of the map, but is provided "as is". Lane County makes no representations or warranties, expressed or implied, concerning the accuracy or content of the data. The data is provided "as is" and is subject to change. Lane County is not responsible for any damages, losses, or expenses resulting from the use of this map. There are no warranties, expressed or implied, accompanying this product. However, notifications of errors will be appreciated.

E = Electric
S = Storage

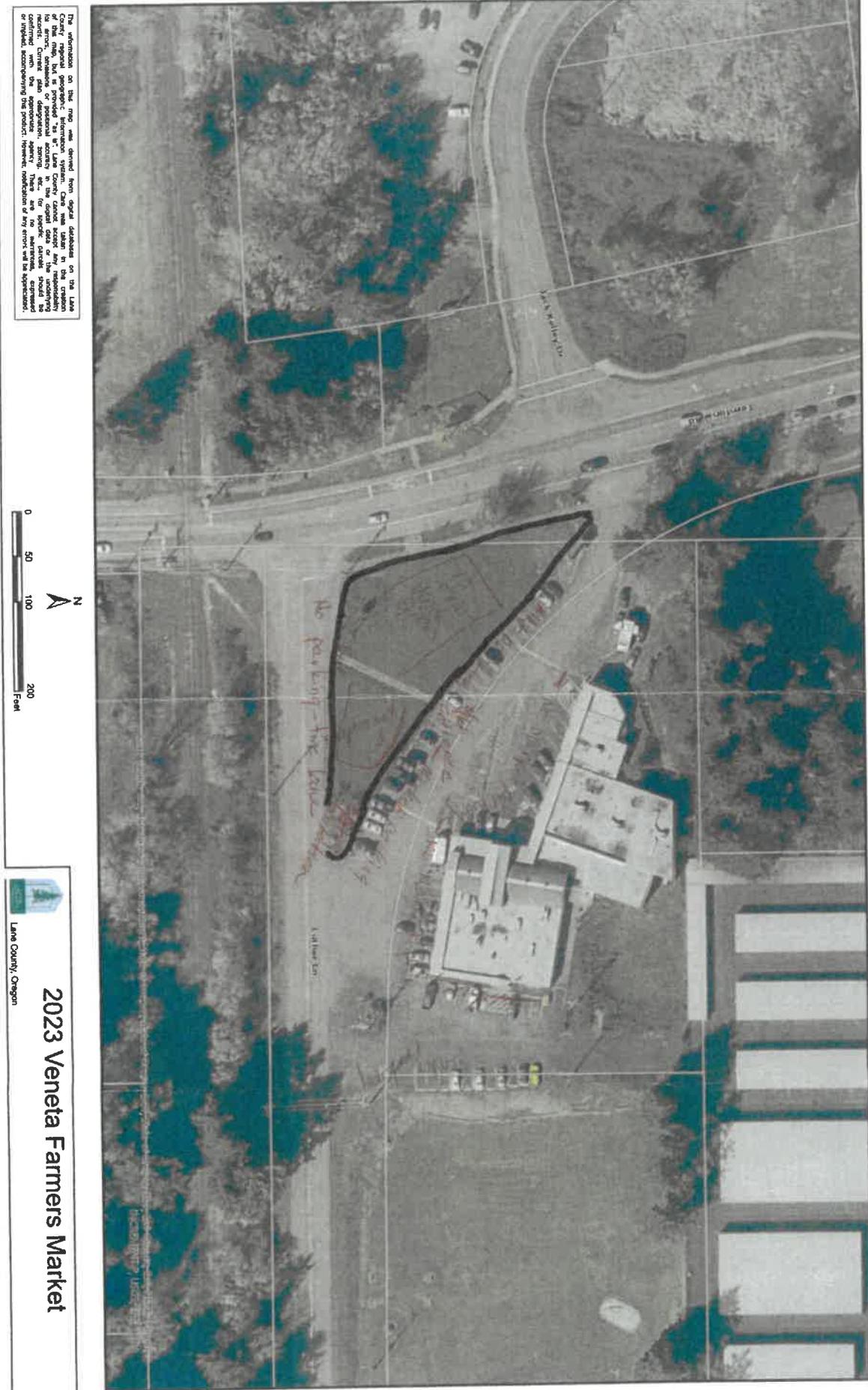
Sharing parking with current active business sites in town
Farmers Market protects the use of the 2 (opposite) spots along the side of the triangle

The information on this map was derived from digital databases on the county of Lane, Oregon, but is provided "as is" Lane County cannot accept any responsibility for errors, omissions or potential inaccuracy in the digital data or the underlying resources. Current data, interpretation, analysis, and conclusions are the responsibility of the map producer. The map producer is responsible for any errors or omissions, accompanying this product. No warranty, indemnification or any other form of liability is expressed or implied.

0
50
100
200
N
A
Scale: 1:10,000 Feet

2023 Veneta Farmers Market

Lane County, Oregon



Sharing parking with current active businesses along the side of the friends
Fire Lane - overrides the use of the 20(approx) spots along the side of the friends

E = Electric
S = Storage

