

**CITY OF VENETA
PLANNING OFFICIAL
NOTICE OF DECISION**

DATE MAILED: February 13, 2023

IN THE MATTER OF: File No. TUP-1-23
Request for a Temporary Use Permit for Outdoor Storage
(not involving sales)

APPLICANT: Scott Akin

OWNER: Rene VanWolput

On February 13, 2023, the Veneta Planning Official approved, with conditions, the application for a Type II Temporary Use Permit for Outdoor Storage (not involving sales) pursuant to the Veneta Land Development Ordinance No. 493. (VLDO). The Planning Official found the proposed development does meet the criteria listed in Section 7.04.4 of the VLDO.

Materials concerning this decision, including the staff report and final order dated February 13, 2023 and a list of persons receiving notice, are available for review during the regular office hours of 9:00 a.m. to 5:00 p.m. Monday through Friday at Veneta City Hall located at 88184 Eighth Street; Veneta, OR. Copies may will be provided at a reasonable cost at Veneta City Hall. For additional information contact Matt Laird, Community Development Director, (541) 935-2191 or email: mlaird@ci.veneta.or.us

A decision of the Veneta Planning Official may be appealed to the Veneta Planning Commission within 12 days of this notice. Reference Section 11.06.5 of the VLDO. If no appeal is received during the appeal period, the decision will become final on February 27, 2023.

CONDITIONS OF APPROVAL

1. The temporary use permit shall expire in 180-days and may be eligible for one 180-day renewal extension. The temporary outdoor storage use must be discontinued (1) year from the original date of approval, at the time of temporary use permit expiration.
2. No commercial use or business use is authorized with this permit.
3. No residential use or occupancy is allowed as part of this permit.
4. Any gravel or mud tracked out onto the street must immediately be cleaned up.

**VENETA PLANNING
STAFF REPORT & FINAL ORDER**

**File No. TUP-1-23
Temporary Use Permit for
Outdoor Storage (not involving sales)**

Application Received Date: January 12, 2023
Complete Determination: January 18, 2023
Notice Mailed/Posted: January 19, 2023
Public Comment Period Closes: February 10, 2023
Staff Report Date: February 13, 2023

Referrals Sent: Veneta Public Works Director (Kyle Schauer)
Veneta City Engineer (Lane Branch, P.E.)

BASIC DATA

Property Owner: Rene VanWolput
25573 Hwy 36
Cheshire, OR 97419

Applicant: Scott Akin
PO Box 1450
Veneta, OR 97487

Assessors Map/Tax lot No.: Map: 17-06-36-14 Tax Lots: 00300 & 00400

Site Address: 24909 W. Broadway Ave, Veneta, OR 97487

Area: Tax Lot 300 = .26 acre Tax Lot 400 = .24 acre

Plan Designation: (C) - Commercial

Zoning Designation: (BC) Broadway Commercial

REQUEST

The request before the Planning Official is for approval of a temporary use permit for outdoor storage (not involving sales) per Veneta Land Development Ordinance No. 493, Section 7.04(4) - Outdoor storage (not involving sales).

BACKGROUND

The subject property has a history of industrial use that has now ended. Improvements on the site include an older industrial storage building and the majority of the site is gravel. The building and a fenced, graveled area behind the building, are proposed with this application to be used for temporary storage. The property is currently two tax lots with each one having frontage and an existing driveway approach onto West Broadway Avenue. West Broadway Avenue is classified as a Minor Collector per Figure 9 of the adopted Veneta Transportation System Plan. Surrounding land uses include an existing unbuilt portion of the 6th street public right of way to the east. The west side is adjacent to an existing vacant parcel, also owned by the property owner, but not included with this application. To the north is another unbuilt public right of way and the railroad owned by the Port of Coos Bay. Finally, To the south is West Broadway Avenue and across the street is a storage unit complex.

APPROVAL CRITERIA

Article 7 of 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 privilege not shared by other property in the same zone”*. In addition, Section 7.04(4)(A-F) includes applicable standards for temporary uses involving outside storage not involving retail sales.

Veneta Land Development Ordinance No. 493, Section 7.03 describes the general approval criteria for temporary uses. Criteria applicable to temporary outside storage is listed as item (4) of Veneta Land Development Ordinance No. 493, Section 7.04. These criteria are listed below in *italics*. Findings showing compliance with these criteria follow in regular type.

VENETA LAND DEVELOPMENT ORDINANCE NO. 493

SECTION 7.03 APPROVAL CRITERIA

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

Finding: Section 4.05(1) of VLDO 493 states the purpose of the Broadway Commercial (BC) zone is:

“Create a pedestrian friendly environment within the downtown area with a mixture of land uses that provides direct, safe, and convenient access from residential areas to commercial services, public spaces, and transit connections while maintaining access for automobiles and bikes.”

Staff finds that the proposed temporary use is consistent with the purpose of the BC Zone for the following reasons: 1. The site has a history of industrial use; 2. The site is located at the west end of Broadway Avenue that has not yet transitioned to the downtown concept plan; 3. The site is adjacent to vacant lots on each side of it, the railroad behind, and storage units across the street; 4. The use is temporary and will not be allowed to continue longer than 1 year maximum with an extension; 5. The purpose includes a mixture of land use types, of which this is one, and this use will not conflict with any adjacent properties or with others enjoying the surrounding area. This criterion is satisfied.

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

Finding: Surrounding land uses include an existing unbuilt portion of the 6th street public right of way to the east, with an industrial storage building on the other side. The west side is adjacent to an existing vacant parcel, also owned by the property owner, but not included with this application. To the north is another unbuilt public right of way and the railroad owned by the Port of Coos Bay. Finally, To the south is West Broadway Avenue and across the street is a storage unit complex. The closest residential unit is located at 24914 6th street and it is approximately 175 feet from the fenced area.



Staff finds the proposed temporary use will not have a significant adverse impact on the surrounding uses as it is a temporary use, and should be very quiet with personal items screened from view and stored behind a sight obscuring fence. Furthermore, staff finds it is necessary to condition the proposal to meet all of the standards found in VLDO 493, Section 7.04(4). The applicant will not have the option to make this use permanent because it is not listed as an allowed use in the BC zone, it can only be allowed on a temporary basis, not to exceed 180 days, with one possible 180-day extension, for a maximum of 360 days total.

Notice of the proposal was sent to adjacent property owners within three-hundred (300) feet of the subject property. No public comment was received as of the date of this staff report and close of the public comment period from the public or neighboring property owners.

Therefore, with the imposition of the condition as described above, the proposal satisfies the requirements of Veneta Land Development Ordinance No 493, Section 7.03(2) - Approval Criteria.

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

SECTION 7.04 ALLOWABLE TEMPORARY USES

4) Outdoor Storage (not involving sales). Temporary outdoor storage not exceeding 180 days may be permitted in all industrial and commercial zones. All outdoor storage areas must meet the following criteria:

A. The storage does not encroach on the required setbacks of the lot.

Finding: The subject property is zoned Broadway Commercial (BC) and the minimum setbacks for the zone are 0 in the front, side and rear, reference Table 4.3 of VLDO 493. The applicant has submitted a proposed site plan depicting the location of the outdoor storage area in relation to property lines. The applicant is proposing the fenced outdoor storage to be approximately 30' from the front and side property lines and 0' from the rear property line. Therefore, the proposal satisfies the requirements of Veneta Land Development Ordinance No 493, Section 7.04(A) - Outdoor Storage (not involving sales).

B. Adequate parking facilities are available. The temporary outdoor storage does not eliminate parking spaces required by Section 5.20 of this ordinance.

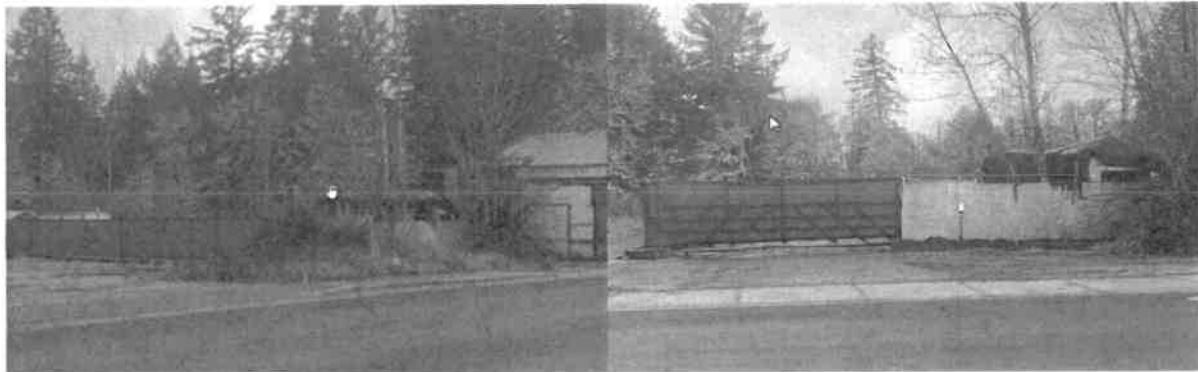
Finding: Staff finds that the majority of the site is graveled and could be used for parking, however, there is no striped parking spaces identified on the property. The proposed land use (temporary outdoor storage not involving sales) does not require any off-street parking. Therefore, this criterion has been satisfied

C. The materials being stored will not cause any contamination of stormwater runoff.

Finding: No contamination is expected from the types of materials that are proposed to be stored on the site. The applicant mentions the following items will be stored: Household goods and garage things such as toolboxes, motor home and fifth wheel trailer covered with tarps, other various titled vehicles will be tarped on trailers, two Sea Doo's on a trailer covered with tarp, and a boat on a trailer covered with a tarp. No earth movement or grading is allowed on the site without an additional permit. The applicant will utilize the two existing approaches for ingress/egress onto West Broadway Ave. The concrete driveway approach and graveled drive areas will minimize any tracking of mud from the property onto adjoining streets. If gravel and/or mud are tracked onto the street, the applicant will be required to immediately clean it up. This will become a condition of approval. With this condition, the criterion is satisfied.

D. The materials being stored shall be screened from view with sight-obscuring fence or landscaping in compliance with Section 5.12 (9) of the Veneta Land Development Ordinance.

Finding: The applicant has installed a temporary six (6) foot tall chain link fence and has utilized some older portions of existing chain link fencing on the property. The newer temporary fencing has a green fabric attached to it to make it sight-obscuring. The older existing fencing contains white plastic slats.



Staff finds the existing fencing and proposed temporary fencing is adequate to provide a sight-obscuring fence as required by this standard. Therefore, with the imposition of the following condition, the proposal satisfies the requirements of Veneta Land Development Ordinance No 493, Section 7.04(D) - Outdoor Storage (not involving sales).

E. The materials do not create an attractive nuisance as defined in the Veneta Municipal Code.

Finding: The applicant is proposing to store the following items: Household goods and garage things such as toolboxes, motor home, fifth wheel trailer covered with tarps, other various titled vehicles will be tarped on trailers, two Sea Doo's on a trailer covered with tarp, and a boat on a trailer covered with a tarp.

The Veneta Municipal Code (VMC) describes the following as "attractive nuisances" per VMC 8.05.050 - Attractive nuisances:

"(a) Unguarded machinery, equipment or other devices which are attractive, dangerous and accessible to children; (b) Lumber, logs or piling placed, or stored, in a manner so as to be attractive, dangerous and accessible to children; (c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children."

Staff finds the materials proposed to be stored will not create an attractive nuisance as defined in VMC 8.05.050 - Attractive nuisances. Specifically, items stored will not be accessible as the applicant is proposing to fence in the materials for safety and security as shown on the submitted Site Plan.

Therefore, the proposal satisfies the requirements of Veneta Land Development Ordinance No 493, Section 7.04(E) - Outdoor storage (not involving sales).

F. After one (1) year, the temporary use permit period expires. The use shall then either be converted to a permanent use through Conditional Use Permit review in compliance with the standards of Article 8, or be discontinued.

Finding: The temporary use permit will be valid for 180 days and subject to one renewal extension of 180 days. The applicant will not have the option to make this use permanent because it is not listed as an allowed use in the BC zone, it can only be allowed on a temporary basis, not to exceed 180 days, with one possible 180-day extension, for a maximum of 360 days total. Staff finds it is necessary to condition the proposal to require the applicant to discontinue the temporary outdoor storage use after a maximum of one (1) year. Therefore, with imposition of conditions, the proposal satisfies the requirements of Veneta Land Development Ordinance No 493, Section 7.04(F) - Outdoor Storage (not involving sales).

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: Staff finds the applicant has adequately screened the exterior storage area and exceeds the setbacks for the BC zone. It should be noted that this temporary use permit for exterior storage is for personal items not associated with a business, and that no commercial activity is authorized by this land use permit. Furthermore, no residential use of the property is allowed either temporary or permanent without an additional land use process. The proposal has been adequately limited in terms of duration of temporary use per the findings and conditions described in Veneta Land Development Ordinance No. 493, Section 7.04(F) - Outdoor Storage (not involving sales). 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 2.13 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 procedures and standards for taking action on a temporary use permit.

STAFF DECISION

The Veneta Planning Official APPROVES this request for a Temporary Use Permit for Outdoor Storage (Not Involving Sales) with the following conditions:

CONDITIONS OF APPROVAL

1. The temporary use permit shall expire in 180-days and may be eligible for one 180-day renewal extension. The temporary outdoor storage use must be discontinued (1) year from the original date of approval, at the time of temporary use permit expiration.
2. No commercial use or business use is authorized with this permit.
3. No residential use or occupancy is allowed as part of this permit.
4. Any gravel or mud tracked out onto the street must immediately be cleaned up.

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-1-23). 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

RECEIVED

Inc. 1962

JAN 12 2023

Temporary Use Application

PO Box 458 * Veneta, OR 97487 541-935-2101 * Fax 541-935-1838 * www.venetaoregon.gov

Planning Authorization: M
Submission Date: 1/12/2023
Planning File #: TUP-1-23

Renewal (if applicable): N
Previous File #: old

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: SCOTT AKIN
Mailing Address: D.D. Box 1450
City/State/Zip: VENETA OR 97487
Phone: 541-935-0247

Property Owner Name: LENE Vawol put
Mailing Address: 25573 Hwy 36
City/State/Zip: CHESHIRE, OR 97419
Phone: 541-337-5284

Assessor's Map Number (Township, Range, Section, Quarter Section)	Tax Lot(s)	Site Address	Zone
<u>17-06-36-13</u>	<u>300</u> <u>400</u>	<u>24909</u> <u>W. Broadway Ave.</u> <u>Veneta, OR</u>	<u>BC</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

TO: Town of Veneta OR
Per property at 24907 Broadway

Proposed use

I Scott Akin would like to use the above property for storage

Where I currently live, the land owners have recently sold the property. I need to vacate by the end of

January 2023. As a result, I have things I need to store. As I will be living in a small camp trailer until I can find another place to live.

Things I am storing are as follows:

- ① Household goods & misc garage things.
ie: toolboxes & etc.
- ② Motorhome & 5th wheel trailer will be stored on concrete pads with tarps covering them.
- ③ Various titled vehicles will be tarped, on trailers and on back of property
- ④ 2 sea doos stored on their trailer and tarped. Same as my boat. Behind the building



24909 W. Broadway

Lane County, Oregon



The information on this map was derived from digital databases on the Lane County digital geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot assume any responsibility for the accuracy of the data or its use. The data is provided "as is" for use in the planning, design, construction, operation, maintenance, and/or decommissioning of facilities, structures, or other developments. Zoning, zoning changes, and other regulations, requirements, and/or restrictions are not warranties, expressed or implied, accompanying this product. However, confirmation of any errors will be appreciated.

