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September 28, 2021

TEMPORARY USE PERMIT STAFF REPORT – TUP-21-01 – AMD 01

Application Number: TUP-21-03
Applicant: David Lynn
Property Owner: City of John Day
Subject Property: 433 W. Patterson Bridge Road
Map: 13S31E22D Tax Lot: 2700
Requested Action: Temporary RV Residence and Temporary Business Location (Type III)

PROJECT DESCRIPTION AND BACKGROUND

Dave Lynn, the owner of Cascade Clutch & Performance, applied for a Temporary Use Permit to allow him to operate his business at the above referenced location and hook up an RV for residential use during the construction of a permanent location. The original permit was issued by the City Planning Official to allow the applicant to utilize the shop for both purposes for a maximum duration of six (6) months (see Application & Decision for TUP-21-01, Exhibit A).

Mr. Lynn has applied to extend the use of a trailer or recreational vehicle, which was delayed due to materials shortages related to COVID-19 (see Amendment 01 to Application TUP-21-01, Exhibit B).

REVIEW PROCESS

As governed by Section 5-4.1.030, the City may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, for a period up to six months. Temporary uses exceeding six months may be approved by the Planning Commission through a Type III procedure.

Staff has reviewed the application pursuant to the Code and the requirements for a temporary use application.

The application was deemed technically complete (ready for review) on September 15, 2021. The City must make a final decision, including a final city council decision on any appeal, within 120 days, or by January 15, 2022.

Public Notification

The City of John Day mailed public hearing notices to the applicant and property owners within 100-feet of the subject site 20 days before the hearing date. At least 14 business days before the hearing, notice of the hearing was printed in The Blue Mountain Eagle.

No responses were received following the public notice.

Burden of Proof

The applicant has the burden of demonstrating that the proposal meets all applicable Code requirements. The applicant is also responsible for complying with building code requirements and applicable state or federal requirements. It is the Planning Commission's responsibility to interpret the Code based on findings of fact.

TEMPORARY USE PERMIT APPROVAL CRITERIA & FINDINGS

This proposal is governed by section C of Chapter 5-4.9—Temporary Building, Trailer, Kiosk, or Structure. The following 11 criteria (in *italics*) must be met by the applicant prior to permit approval. Findings are in **bold**.

1. *The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located;*

Finding(s): The trailer is located within the existing structure or adjacent to it. The parcel is a 14-acre lot owned by the City of John Day and is well within the approved setbacks.

2. *The primary use on the property to be used for a temporary trailer is already developed;*

Finding(s): The property is undergoing redevelopment subject to the design standards of the Innovation Gateway Area Plan overlay zone, but is an existing approved use within the General Industrial zone and meets the current zoning requirements.

3. *Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Section 5-3.1.020 - Vehicular Access; and*

Finding(s): Ingress from Patterson Bridge Road is adequate to serve the proposed use and is in the process of being improved with access to and from Valley View Drive and 7th Street.

4. *There is adequate parking for the customers or users of the temporary use as required by Chapter 5-3.3 - Parking;*

Finding(s): The 14-acre area is more than adequate to park the RV.

5. *The use will not result in vehicular congestion on streets;*

Finding(s): No municipal streets run through the property currently. The new road between Valley View Drive and Patterson is under construction but will not affect the use of the property.

6. *The use will pose no impediment or hazard to pedestrians in the area of the use;*

Finding(s): No hazards to pedestrians exist from a parked RV.

7. *The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;*

Finding(s): No adverse impacts have been experienced during the first six months of use and no comments have been received from adjoining property owners notified for the original application or this extension.

8. *The building complies with applicable building codes;*

Finding(s): The building meets current codes and is structurally sound.

9. *The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and*

Finding(s): The RV can connect to both water and septic from the property.

10. *The length of time that the temporary building will be used does not exceed 6 months under a Type II procedure. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit using a Type III procedure; and*

Finding(s): The application is requesting an additional 6-9 months due to delays in building his new shop/office.

11. *Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.*

Finding(s): No conditions are requested.

CONCLUSION AND STAFF RECOMMENDATION

Based on the foregoing analysis and findings, staff recommends approval of TUP-21-01 AMD 01. It is the applicant's responsibility to demonstrate compliance with the conditions of approval.

PLANNING COMMISSION MOTION

After hearing the applicant's presentation and any public testimony, the Planning Commission must allow the applicant an opportunity to rebut any opposing testimony. Then the Commission will close the hearing and deliberate. The following motion is suggested:

"I move to approve the Temporary Use Application TUP-20-01 Amendment 01 based on the findings and subject to the conditions of approval contained in the staff report [as amended]."

The staff report may be amended during the course of the hearing. The Commissioner making the motion should list any additional conditions of approval or changes to staff's proposed conditions of approval in his/her motion.

Respectfully submitted this 27th day of September, 2021



Nicholas Green, City Manager/City Planning Official
City of John Day

Enclosure(s)

Exhibit A. TUP-21-01 Application & Notice of Decision

Exhibit B. TUP-21-01 Amendment 01 Application