

STAFF REPORT

Conditional Use Application

APPLICANT: City of Yachats

REQUEST: The applicant is requesting a conditional use permit to construct a water storage tank. A governmental structure or use of land and public utility facility requires a conditional use permit in the R-1 Residential Zone.

A. REPORT OF FACTS

1. Property Location: The subject property is located at the east end of Crestview Drive; and described on the Lincoln County Assessor's Map 14-12-34AD as Tax Lot 204.
2. Zoning: Residential Zone R-1
3. Plan Designation: Residential
4. Lot Size and Dimensions: The lot totals approximately 16,433 square feet with average dimensions of 98' x 163'.
5. Existing Structures: None.
6. Topography and Vegetation (paraphrased from the geologist report): The site is located on the side of a hill. The terrain surrounding the footprint dips steeply to the west. Therefore, two cut benches were excavated by the City for drilling access. The site was previously covered by scattered fir trees, ferns, salmonberry bushes and duff, similar to the surrounding area. At the time of the geology exploration, most of the ground surface consisted of soil exposed by the recent grading work.
7. Surrounding Land Use: Surrounding lands generally consist of single family dwellings, undeveloped residential zoned land, and forested lands to the east.
8. Proposed Utilities: Water and sanitary sewer facilities are available to the site.
9. Development Constraints: Development constraints include steep slopes.

B. EVALUATION OF REQUEST

1. Applicant's Proposal: The applicant submitted the required application form, engineering plans, Foundation Investigation and Seismic Hazard Study, and letter from the Oregon Health Authority.

2. **Relevant Yachats Municipal Code Criteria (relevant to this application)**

a. **Chapter 9.04.030 Definitions**

“Public utility facility” means a pipe, transmission line, treatment facility, storage facility, substation, tower or other structure designed to provide the public with electricity, gas, heat, steam, water, communication, sewage collection or other similar service.

b. **Chapter 9.12 R-1 Residential Zone**

Section 9.12.030 Conditional uses permitted:

A. Governmental structure or use of land; and public utility facility

Section 9.12.040 Standards

B. Yards. The minimum yard requirements in the R-1 zone shall be as follows:

1. Front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
4. The rear yard shall be a minimum of ten feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.

C. Building Height. No building in the R-1 zone shall exceed a height of thirty (30) feet from finished grade or from natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty (30) percent of the total lot area.

c. **Section 9.52.050 Hazard areas.**

A. Responsibility shall fall on the developer to ensure proper safeguards are taken when developing in any hazard zone whether earthquake, fault lines, landslide, erosion or flood hazard areas. The city accepts no liability. Prior to development the following, but not limited to minimum, shall be required:

3. On slopes of twelve (12) percent and greater: gross excavation or fill of greater than forty (40) cubic yards, removal of more than two thousand five hundred (2,500) square feet of vegetative cover (as measured along the slope), road construction and/or building which entails any fill or excavation on a site shall be subject to conditions, restrictions and recommendations outlined by the site analysis report. This report shall be completed within the past five years by a state of Oregon certified engineering geologist. In addition, the planning commission or its designee may also require that the development adhere to additional standards as provided in writing by the Yachats department of public works. At the completion of the project, the developer shall provide certification from the geological consultant and the Yachats department of public works, stating that the conditions and recommendations of the report and public works have been met.

- d. Chapter 9.52.170 General exceptions to building height limitations.**
Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this title.
- e. Chapter 9.72 Conditional Uses (relevant sections)**
Section 9.72.010 Authorization to grant or deny conditional use permits.
Conditional uses listed in this title may be permitted, enlarged, altered or denied by the planning commission in accordance with the standards and procedures set forth in this chapter.
- A.** In taking action on a conditional use permit application, the planning commission may either permit or deny the application. The planning commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88.
- B.** In permitting a conditional use or the modification of a conditional use, other than a manufactured dwelling, manufactured dwelling park or multifamily dwelling, the planning commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interests of the surrounding city as a whole. These conditions may include, but are not limited to the following:
1. Increasing the required lot size or yard dimensions;
 2. Limiting the height of buildings;
 3. Controlling the location and number of vehicle access points;
 4. Increasing the street width;
 5. Increasing the number of required off-street parking spaces;
 6. Limiting the number, size, location and lighting of signs;
 7. Requiring fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space;
 9. Setting a time limit for which the conditional use is approved;
 10. Regulation of noise, vibration, odors and sightliness;
 11. Requiring surfacing of parking areas;
 12. Regulation of hours of operation and duration of use or operation;
 13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
 14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

Section 9.72.040 Time limit on a conditional use permit.

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed six months on request.

Section 9.72.050 Standards and procedures governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this title, conditional uses shall meet the following standards:

- C. Standards for public utility facilities such as electric substation or transformer, public water supply reservoir or pumping station, or public sewage disposal plant or pumping station; radio or television tower or transmitter; or governmental structure or use of land:
 - 1. In a residential zone, all equipment and material storage shall be within an enclosed building;
 - 2. Workshops shall not be permitted in a residential zone;
 - 3. Public utility facilities shall be screened and provided with landscaping;
 - 4. The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

3. **Public Testimony Received:** At the time this staff report was prepared, the City had not received any written testimony.

C. STAFF ANALYSIS

1. **Request and Recent History of Property.** The applicant is requesting a conditional use permit to construct a water storage tank. A governmental structure or use of land; and public utility facility requires a conditional use permit in the R-1 Residential Zone.

In 2011, the Planning Commission approved a 2-lot partition that created the subject tax lot. The partition approval included a 20 foot wide access easement from the end of Crestview Drive through tax lot 202 to tax lot 204.

2. **R-1 Standards.** If approved, the structure should at minimum, meet R-1 residential standards. The R-1 standards and proposed water storage facility are identified in the table below:

	R-1 Standard	Proposed Water Storage Tank
Min. Front Yard	20'	35'
Min. Rear Yard	10'	29'
Min. North Side Yard	1' for every 3' of bldg. height 14'-4" w/ 43' bldg ht.	20'
Min. South Side Yard	1' for every 3' of bldg. height 14'-4" w/ 43' bldg ht.	±100'
Max. Building Height	N/A*	N/A*
Max. Lot Coverage	30%	6%

- * Chapter 9.52.170 General exceptions to building height limitations states, in part, that projections such as domes and other similar objects not used for human occupancy are not subject to the building height limitations of this title.
- 3. **Hazard Area.** Per Chapter 9.52.050, a geotechnical analysis report shall be provided for proposed development on slopes 12% and greater. The applicant had a geotechnical report prepared for the proposed development. Design and construction shall adhere to recommendations of the geologist, including but not limited to observations and inspections during construction.
- 4. **Public Utility Facility Conditional Use Standards**
Conditional Use Section 9.72.050.C identifies four standards that public utility facilities shall meet. The standards are identified below in *italics* and followed by a staff response.
 - 1. *In a residential zone, all equipment and material storage shall be within an enclosed building;*
Staff Response: All equipment and material storage shall be within an enclosed building.
 - 2. *Workshops shall not be permitted in a residential zone;*
Staff Response: No workshop is proposed.
 - 3. *Public utility facilities shall be screened and provided with landscaping;*
Staff Response: Fencing and landscaping shall be provided to screen the facility.
 - 4. *The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.*
Staff Response: The lot exceeds the minimum lot size.
- 5. **Building Permit.** Yachats Municipal Code Section 9.72.030 states that building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission. The Planning Commission should consider that this requirement is satisfied with this proposed application unless a substantial change to this plan occurs.

D. CONCLUSIONS

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

- 1. This Conditional Use approval is based on the approved site plan and meeting R-1 Residential standards, i.e. minimum 20' front yard, 10' rear yard, side yards of 1' for every 3' of building height, and maximum 30% lot coverage. The proposed 43' high water storage tank meets the general exception for building height because it is a dome structure not used for human occupancy.

**#1-CU-PC-16 Conditional Use Permit Application
City of Yachats South Water Tank
April 19, 2016 Planning Commission Meeting**

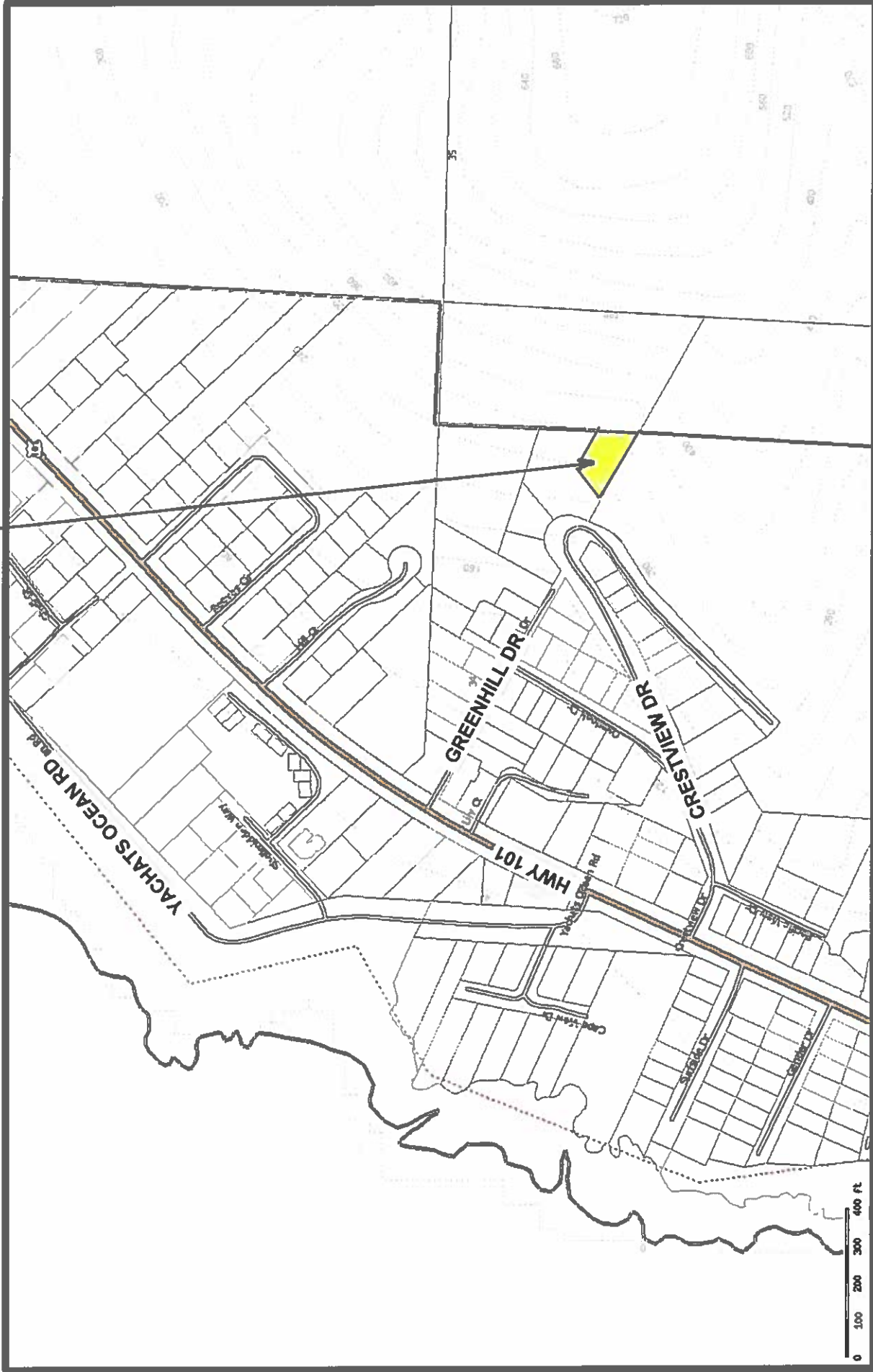
2. Design and construction shall be in conformance with geologist recommendations identified in the submitted Foundation Investigation and Seismic Hazard Study.
3. The proposed development shall adhere to all public facility conditional use standards, i.e. all equipment and material shall be within an enclosed building, there shall be no workshop, and fencing and landscaping shall be provided to screen the facility.
4. Prior to building construction, a building permit shall be issued for the approved plan. Any substantial change in the plan shall require review and approval by the Planning Commission.

Submitted by,

Larry Lewis,
City Planner

Enclosures: Vicinity Map
Water Storage Tank Site Plan
Water Storage Tank - Elevation

Tax Lot 204

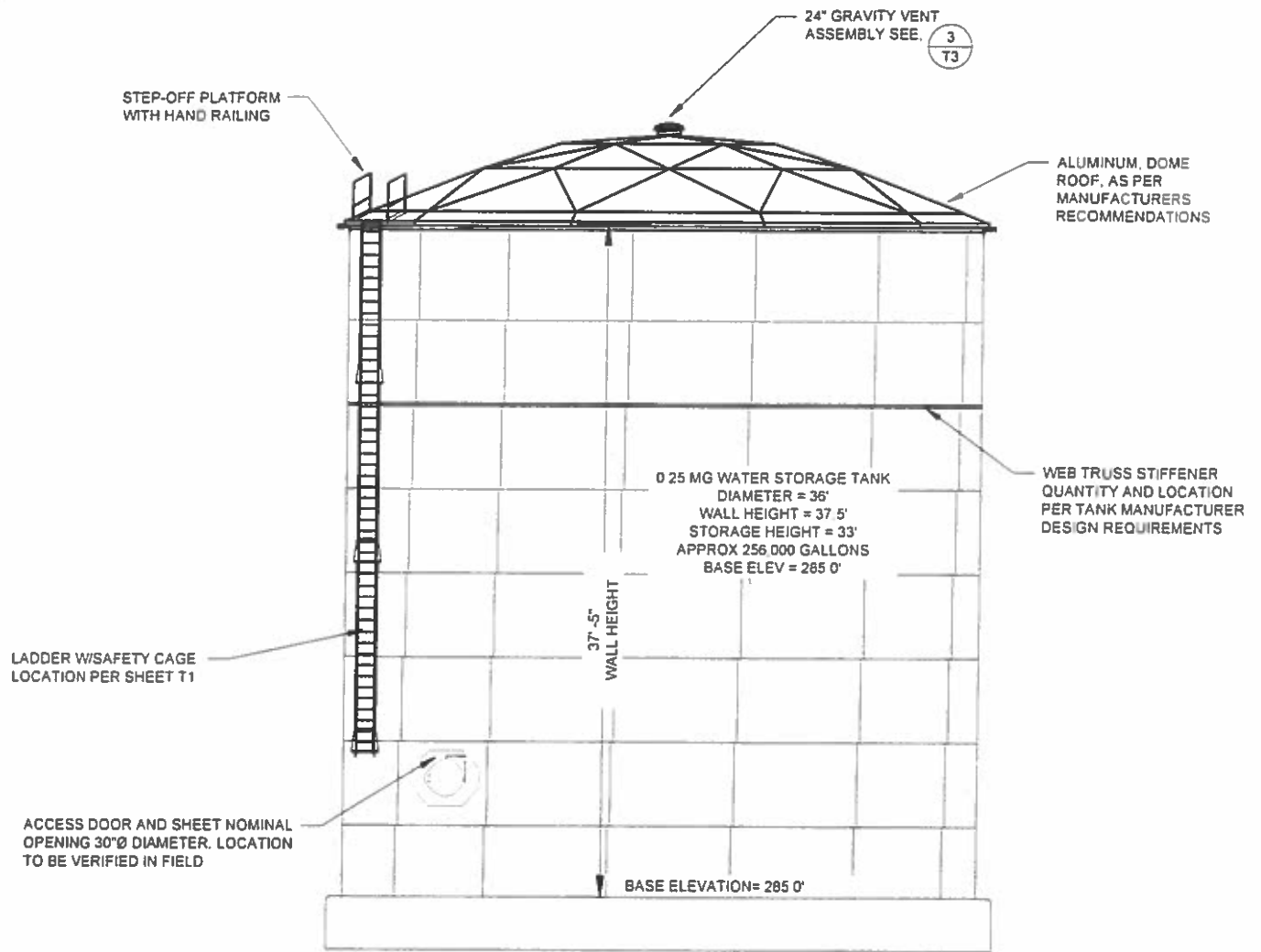


Printed 03/29/2016

Lincoln County government use only. Use for any other purpose is entirely at the risk of the user.

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.

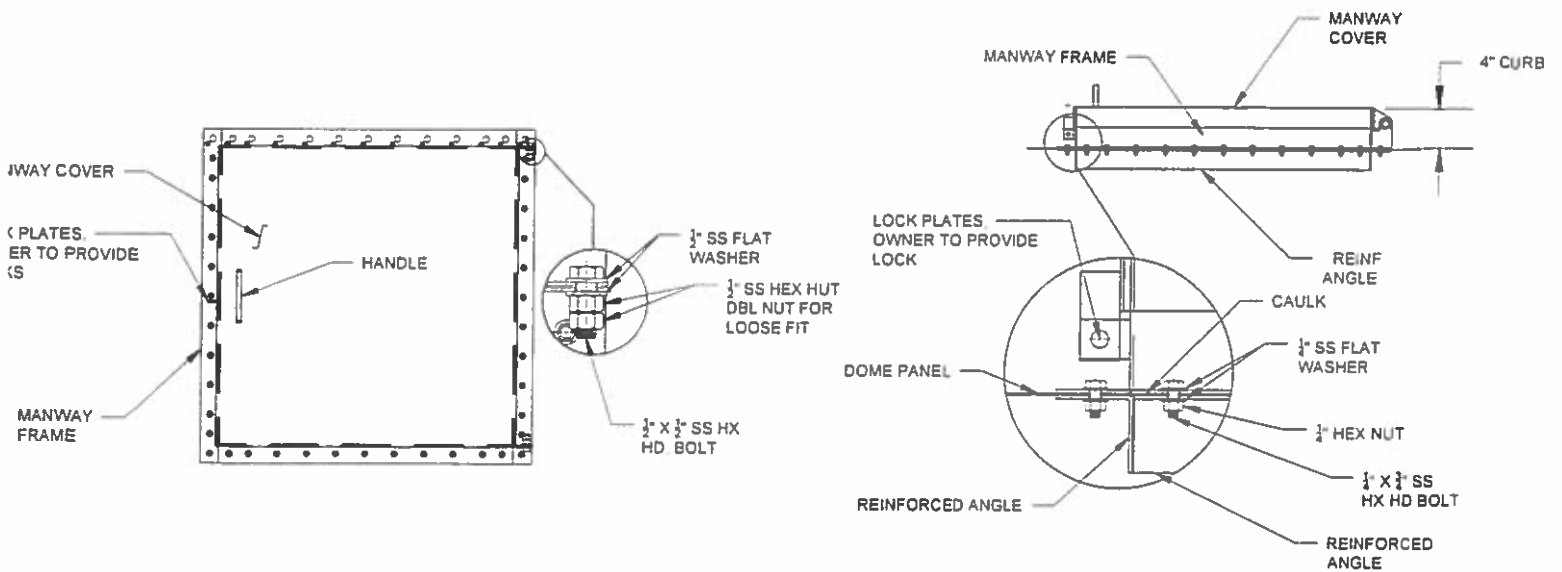




$\frac{1}{T4}$

WATER STORAGE TANK - ELEVATION

VERTICAL SCALE: 1" = 10'
 HORIZONTAL SCALE: 1" = 10'



$\frac{2}{T4}$

30" SQUARE ALUMINUM MANWAY

NOT TO SCALE