



City of Manzanita

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BEFORE THE PLANNING COMMISSION OF THE CITY OF MANZANITA ORDER

APPLICANT: Jim Pentz (Pine Grove Properties).
LOCATION: Southwest Corner of Intersection of Highlands and Meadows Drives,
part of Tract "H" of Highlands 2 (3N10W29D – 100).
ZONING: Special Residential/Recreation Zone (SR-R).
REQUEST: Conditional Use to construct a pump station.

The above-named applicant SUBMITTED a Conditional Use application to the City to construction a water pump station. A public hearing on the above request was held before the Planning Commission on June 20, 2022.

THE PLANNING COMMISSION OF THE CITY OF MANZANITA HEREBY ORDERS that the Conditional Use request be APPROVED and adopts the findings of fact and conditions of approval in Exhibit A, attached hereto and by this reference incorporated herein, in support of the decision.

This ORDER may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 20 days of the date specified below. A request for appeal, either as a de novo review or review on the record, must contain the items listed in City Ordinance 95-4, Section 10.160 and may only be filed concerning criteria that were addressed at the initial public hearing. The complete case is available for review at the office of the City Recorder, 167 S 5th Street, Manzanita, Oregon.

Date: 06-22-2022

City of Manzanita Planning Commission

Karen Reddick-Yurka, Chair

EXHIBIT A

I. BACKGROUND

- A. APPLICANT: Jim Pentz (for Pine Grove Properties, Inc.).
- B. PROPERTY LOCATION: Southwest Corner of Intersection of Highlands and Meadows Drives, part of Tract "H" of Highlands 2. The County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #100.
- C. PARCEL SIZE: The property contains approximately 3.68 acres.
- D. EXISTING DEVELOPMENT: The vacant site fronts two streets and is served by public sewer and water.
- E. ZONING: The parcel is zoned Special Residential/Recreation Zone (SR-R).
- F. ADJACENT ZONING AND LAND USE: All adjacent property is zoned SR-R and part of the Highlands development.
- G. REQUEST: The applicant is requesting Conditional Use approval to establish a water pump station.
- H. DECISION CRITERIA: This application will be evaluated against the Conditional Use standards listed in Sections 5.010 to 5.039 and 5.060 of Ordinance 95-4, and the Special Residential/Recreation Zone (SR-R) standards in Section 3.030 of Ordinance 95-4.

II. APPLICATION SUMMARY

- A. The applicant is requesting approval to construct a water pump station to provide and maintain adequate water supplies to the Highlands development. The facility - known as the Highlands Pump Station - features the following:
 - 1. The pump house will be a free-standing structure located on southwest corner of the intersection of Highlands and Meadows Drives, within a portion of the Highlands project identified as Tract "H".
 - 2. The structure will contain approximately 323 square feet of area and be approximately 13-feet in height. The exterior has a shake finish with horizontal clerestory windows below the roofline. Per Public Works Department, the goal of the building exterior was to match the surrounding buildings and eliminate the need for screening.
 - 3. Setbacks will be 15-feet to Highlands Drive, 27+ feet to Meadows Drive and over 100-feet in the remaining yards.

4. There be a garage entrance, with driveway, facing Meadows, allowing access to maintain, repair or replace equipment. Lighting is limited to a single downward facing accent light above the door.
 5. Public Works staff will visit the site approximately once a week to monitor the equipment. There will be no generator at the location as pumps are not for fire protection.
 6. The building will have three pumps that are used to boost water pressure to homes above the Highlands Road area. Two pumps are 1/3HP and the other is 3/4HP. All three pumps use variable frequency drive (VFD) motor controllers.
 7. There is no expectation of pump noise outside of the building. There will be no bulk chemicals stored or used at the site.
- B. Pursuant to Section 3.030(3)(b) a utility substation and lines necessary for public service is a conditionally permitted use within the SR-R zone. Per Section 5.020, this action is subject to a public hearing and review by the Planning Commission.
- C. The City sent notice of this application to area property owners and affected agencies. No comments were submitted.

III. CRITERIA AND FINDINGS – CONDITIONAL USE

- A. Section 5.010 Purpose - In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics or potential disruption of the area in which they are to be located, conditional uses require special considerations, so they may be properly located with respect to the Comprehensive Plan and to the Objectives of this Ordinance.

FINDING: The Zoning Ordinance identifies a utility substation as a conditionally permitted use in the SR-R zone.

- B. Section 5.020 Planning Commission Authority - The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the standards and procedures set forth in Section 5.025 through 5.039 of the goals and policies of the Comprehensive Plan.

FINDING: The scheduled hearing before the Planning Commission conforms to the requirements of this Section.

- C. Section 5.025 Findings - The Planning Commission, in reviewing a request for a Conditional Use Permit, shall find as follows:
1. That the site for the proposed use is adequate in size and shape to accommodate said use and meets all other development and lot requirements of the subject zoning district;

FINDING: Tract H contains 3.68 acres which can readily accommodate the 323 square foot structure. Per Section 3.030(4)(b), the development standards in the R-3 zone [Section 3.020(4)] apply to development within the SR-R zone. Within the R-3 zone, the minimum lot size is 5,000 square feet; the width and depth requirements are 60-feet and 90-feet, respectively; and, the setbacks are 20-feet along the front, 15-feet along a street side, 10-feet from the rear and 5-feet along the side. The 3.68-acre parcel exceeds all area and dimension requirements. The building "front" is over 27-feet to the street and the street side yard is 15-feet, thereby exceeding the minimum setback requirements. The rear and side yard setbacks are well over 100-feet. This building location also complies with the clear-vision requirements in Section 4.020.

2. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;

FINDING: The property fronts two public streets, with a single access to Meadows Drive. Per Public Works Department, only weekly visits are planned to monitor the equipment. The existing street system is more than adequate to accommodate this level of traffic.

3. For uses other than a needed housing type, the proposed use will have no adverse effect on abutting property or the permitted use thereof. In making this determination, the Commission shall consider the proposed location of improvements on site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting and signs.

FINDING: This is a necessary facility to ensure adequate water pressure for domestic needs within the project. The pumping equipment is housed within a structure that is residential in design and will be generally compatible with area residences. The building height is approximately half the 28.5 feet allowed within the Zone. Per Public Works Department, the structure will be able to contain any noise generate by the equipment.

Given this structure will not be occupied, and for reasons of public safety, the site will not include fencing or screening that may provide hiding spaces. Undeveloped areas will remain in natural vegetation. The only lighting will be a downward facing accent light at the door. There are no plans install any signs. In addition, while the driveway is close to the intersection, site access is only weekly therefore does not present a traffic hazard issue.

The Development Ordinance does not include parking space requirements for utility structures. The site plan contains a single space for maintenance vehicles. Given the anticipated limited activity at the site, the inclusion of one parking space should be adequate. The parking space improvement must comply with provisions in Section 4.080 of the Ordinance.

D. Section 5.030 identifies “Standards Governing Conditional Uses” that apply to specific request. Section 5.031 notes that in permitting a new conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area to the City as a whole. These conditions may include but are not limited to:

1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Regulation of time for certain types of uses when their operation may adversely affect privacy or sleep of persons residing nearby or otherwise conflict with other community or neighboring functions.

FINDINGS: Based on previous findings, the proposal meets or exceeds the development requirements. City staff did not recommend additional conditions beyond compliance with submitted proposal.

E. Section 5.032 - In case of a use existing prior to the effective date of this Ordinance and classified in the Ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.

FINDING: This Section does not apply, as this is not a pre-existing use currently classified as a conditional use.

F. Section 5.033 - The Planning Commission may require an applicant to furnish the City with a performance bond or such other form of assurance that the Planning Commission deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.

FINDING: This option may be placed as a condition of approval. However, given the proposed use will effectively become part of the City's infrastructure, bonding would appear unnecessary. However, to ensure the project proceeds and the City assumes operations of the facility, the applicant must provide a suitable easement for the structure and access.

- G. Section 5.034 - In addition to the standards of the zone in which the conditional use is located and the general standards of this Ordinance, specific conditional uses shall meet the standards listed in Section 5.030 through 5.098.

FINDING: Compliance with provisions in 5.060, Public Utility or Communication Facility, is reviewed in item "M." below.

- H. Section 5.035 Conditional Use Procedure - The following procedures shall be followed in applying for action on a conditional use.

FINDING: This Section introduces Sections 5.036 to 5.039.

- I. Section 5.036 - A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Manager. The Planning Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

FINDING: An application was submitted, deemed complete and a hearing scheduled before the Commission.

- J. Section 5.037 - Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing.

FINDING: The scheduled hearing before the Planning Commission conforms to the requirements of this Section.

- K. Section 5.038 - Within 5 days after a decision has been rendered with reference to a request for a conditional use, the City Manager shall provide the applicant with written notice of the decisions of the Planning Commission.

FINDING: This is an administrative requirement which follows the Commission's decision.

- L. Section 5.039 Time Limit on a Permit for a Conditional Use - Authorization of a conditional use shall be void after 1 year unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional 6 months upon request,

provided such request is submitted in writing at least 10 days prior to expiration of the permit.

FINDING: As in "K." above, this is an administrative requirement which follows the Commission's decision.

- M. Section 5.060 - Public Utility or Communication Facility. In considering a conditional use application for such facilities as a utility substation, water storage tank, radio or television transmitter, etc., the Planning Commission shall determine that the site is located as to best serve the intended area with a minimum effect on surrounding property. As far as possible, towers, tanks, poles, overhead wires, pumping stations, and similar gear shall be located, designed, and installed with suitable regard for aesthetic values. This includes fencing and landscaping, and in residential zones, all equipment storage on the site shall be within an enclosed building. In addition, the minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.

FINDING: As stated in previous findings, this facility is necessary to ensure water is available, and at sufficient pressure, to serve the Highlands project. The building housing the pumping equipment is residential in character to minimize visual impacts with potential new residences. All equipment will be located within the building and there will be no outdoor storage of material or equipment. Eliminating fencing and vegetative screening is a safety measure to ensure the site does not contain any hiding spots.

IV. DECISION AND CONDITIONS OF APPROVAL

The Planning Commission finds the proposal complies with the applicable Conditional Use criteria and hereby approves the application subject to the following Conditions:

- A. The developer shall submit engineering plans to the City of Manzanita addressing water, storm water, street improvements and similar private facility improvements. These plans shall be reviewed and approved by the City prior to construction.
- B. The developer shall submit a building permit for construction of the structure, conforming to the applicable building code requirements. The submitted site plan shall substantially conform to the approved layout. While building plans may be simultaneously submitted with engineering plans, building permits shall not be issued until all engineering plans are reviewed and approved.
- C. The developer shall provide a suitable easement to the City of Manzanita to locate the structure, improvements, parking and permitting access for continual maintenance of the pump station.

- D. Prior to operations, the developer shall install a minimum of one off-street parking space consistent with approved building and engineering plans. The space shall be improved per the requirements in Section 4.080 of the Ordinance 95-4.
- E. The structure shall comply with the building permit requirements, conform to the submitted site plan and comply with approved engineering plans. The applicant is advised that modifications to the approved plan may require a new application and decision.
- F. Compliance with these conditions, the requirements of the Manzanita Zoning Ordinance and applicable building code provisions shall be the sole responsibility of the developer.