



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
Phone (503) 368-5343 | Fax (503) 368-4145 | TTY Dial 711
ci.manzanita.or.us

BEFORE THE PLANNING COMMISSION OF THE CITY OF MANZANITA ORDER

APPLICANT: Tillamook County Public Works Department (David McCall).
LOCATION: 34995 Necarney City Road (Township 3 North; Range 10 West; Section 29D; Tax Lot #2000).
ZONING: Special Residential/Recreation Zone (SR-R) and Medium Density Residential Zone (R-2).
REQUEST: Conditional Use application for modifications to the Manzanita Transfer Station.

The above-named applicant SUBMITTED a Conditional Use application to the City for modifications to the modifications to the Manzanita Transfer Station. A public hearing on the above request was held before the Planning Commission on November 21, 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 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, 543 Laneda Avenue, Manzanita, Oregon.

Date: 11-22-2022

City of Manzanita Planning Commission

Karen Reddick-Yurka, Chair

EXHIBIT A

I. BACKGROUND

- A. APPLICANT: Tillamook County Public Works Department (David McCall).
- B. PROPERTY LOCATION: The property address is 34995 Necarney City Road, and the County Assessor places the property within Township 3 North; Range 10 West; Section 29D; Tax Lot #2000. Access to the site is off a County Road located on the east side of Geary Street and located some 200-feet north of Puffin Lane.
- C. PARCEL SIZE: The property contains approximately 9.2 acres.
- D. EXISTING DEVELOPMENT: The site contains structures and improvements of the Manzanita Transfer Station. The site is accessed by an improved County road and served with City water. Sanitary sewer service is not available.
- E. ZONING: The north approximately 6.6 acres of the site is located within the City limits and zoned Special Residential/Recreation Zone (SR-R). The remaining 2.6 acres is in the County and zoned Medium Density Residential Zone (R-2).
- F. ADJACENT ZONING AND LAND USE: Property to the north and northwest is located within the City and includes the driving range and large undeveloped parcels. To the southeast and south are large parcels located in the County and zoned R-2. Residential Mixed Density (RMD) zoned land is on County land located to the east and contains a large residential development.
- G. REQUEST: The applicant is requesting approval of a Conditional Use application for modifications to the Manzanita Transfer Station.
- H. DECISION CRITERIA: This application will be evaluated against the following Sections of Ordinance 95-4: Conditional Use (Sections 5.010 to 5.039 and 5.070 to 5.076); Special Residential/Recreation Zone (Section 3.030) and the Medium Density Residential Zone (Section 3.010).

II. APPLICATION SUMMARY

- A. Tillamook County is the owner of the Manzanita Transfer Station. This facility has operated as an open burn site, a landfill; and as a municipal solid waste (MSW) transfer station and recycling facility since 1981. The transfer station had been operated by various contracted/franchised entities. Since January 2019, Tillamook County Solid Waste Department (SWD) operated the facility under DEQ Solid Waste Disposal Site Permit #342.
- B. The solid waste transfer activities take place on the south side of the site, approximately evenly divided between both zones. A large recycling building is in

the south-central portion of the site with a smaller storage and maintenance building located just to the east. North of the recycling building is the debris disposal area containing two covered concrete pads. Staff parking is located to the west of this disposal area. The emergency supply building was formerly used for neighborhood emergency preparedness planning but is now used to store water. The site also contains an attendant shack for customers along with various miscellaneous structures. A “Ring Road” within the site effectively surrounds the improvements to provide access to the various facilities.

- C. Since resuming operation of the site, the quantity of collected MSW has exceeded the capacity. Concerns with safety and operational logistics resulted in the relocation of yard debris collection from the “Yard Debris” area to a Z-wall area east of the MSW Z-walls, utilizing timber-constructed Z-walls that were previously installed on the site. The capacity of this area is not adequate for the quantity of yard debris currently collected. Furthermore, repairs need to be made to these original Z-walls (along the yard debris collection area).
- D. The applicant is now proposing the construction of four new Z-walls located to the west of the current MSW Z-walls (see Drawings 4 and 5). These will be staggered and include a concrete pad at each location. Two of the sites will contain a 384 square foot canopy that will cover a portion of the concrete pad and extend approximately 12-feet into the debris site. The canopy will be 13-feet in height on the pad (see Drawing 10).
- E. The new construction would occur over the current employee parking area. Employee parking will be relocated to an unused area, likely in the northeast area of the developed property, on a rocked surface. The new Z-walls will allow the County to repair the existing, old timber-constructed Z-walls without hindering capacity. Repairs to these Z-walls are planned and will eventually be re-used at some future date; however, the repairs are not part of this request. No other improvements are planned at this time. The SWD believes this will not only provide additional capacity for MSW and yard debris, but also additional space for the public to access both MSW and yard debris disposal services.
- F. The property is split-zoned SR-R and R-2. SR-R Section 3.030(3)(a) conditionally permits “government use such as a fire station”. In addition, Subsection (4)(c) of the zone requires the Planning Commission to use the Planned Development procedures in Section 4.136 when evaluating an application. The R-2 zone Section 3.010(2)(f) conditionally permits a “government structure including utility substation.” The Transfer Facility is currently owned and operated by a government entity - Tillamook County Solid Waste Depart – and serves a public purpose. Therefore, the Commission concludes the Transfer Station is a conditionally permitted use in both zones. Per Section 5.020, a conditional use is subject to a public hearing and review by the Planning Commission and will apply to both zones simultaneously.

III. COMMENTS

A. The City mailed notice of the public hearing and requested comments from affected agencies. Several responses were submitted and are noted below:

1. Nehalem Bay Wastewater Agency - The Manzanita Transfer Station, located at 34995 Necarney City Rd is not currently hooked up to the Nehalem Bay Wastewater Agency sewer system. The property location is more than 800' from the closest sewerage connection point.

According to Nehalem Bay Wastewater Ordinance 2002-1 and the Department of Environmental Quality Administrative Rule 340-71-160, if the nearest sewerage connection point for a single-family dwelling on the property is more than 300 feet, a septic exception will be granted (as long as the septic system is approved by Tillamook County). For a proposed subdivision or group of two to five single family dwellings or other establishment with the equivalent projected daily sewage flow, the nearest sewerage connection point from the property to be served is not further than 200 feet multiplied by the number of dwellings or dwelling equivalents.

When the area is further developed, and the sewer is extended within 300 feet of the aforementioned property, the sewer extension would accommodate an extension to the property line. Once this extension is in place, the existing septic system would not be able to be improved or replaced. Any improvement or renovation would require the hook up to the sewer system.

2. Nehalem Bay Fire & Rescue District - After reviewing the application for improvements to the Manzanita Transfer Station, the following items were noted to bring the facility within compliance of current fire code and county guidelines.
 - Dump Road is a fire access road which requires a minimum of a 26' roadway width and load rating of 75,000 GVW. The same requirement applies to Ring Road.
 - The current entrance area does not meet the minimum turning radius of fire apparatus defined in the OFC of a 50' outside turning radius and 30' inside turning radius. The same is true for the far East portion of the "Ring Road", where at least one parking spot will need to be removed to allow for minimum turning radius of fire apparatus.
 - Access Control Device (gate) must be updated to meet the requirements of the TCFDB Road Access Guidelines.
 - A subsequent letter dated November 15, 2022, recommended the improvement width be reduced to 20-feet.

3. Manzanita Development Services - Currently the Manzanita Transfer Station does not meet the requirements of the following:
 - Manzanita Comp Plan- Page 27, #4. All roof drains will be required to flow into properly constructed drywells, except in areas where it can be shown that the water table is too high for this to be done effectively, in which case other methods shall be employed.
 - Manzanita Zoning Ordinance 95-4, Section 4.155. The grading and contouring of the site, and on-site drainage facilities, shall be designed so there is no adverse effect on neighboring properties or public rights-of-way.

Since Tillamook County is currently working with DEQ on a Stormwater Pollution Control Plan, my recommendation would be to allow them to do a temporary berm on the Southwest corner of the property to contain the runoff from the property. Once a determination has been made by DEQ, my recommendation is to require the County to present the findings along with a permanent solution to address runoff from the property to be reviewed and approved by the City Engineer.
4. Manzanita Public Works - After review of the site information for improvements only item needed for correction is by City ordinance a Reduced Pressure Backflow Assembly.

B. No other comments were received at the time of the hearing.

IV. 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: As noted, Zoning Ordinance identifies government facilities as conditionally permitted uses in the SR-R and R-2 zones.

- 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. Comprehensive Plan policies are addressed in Section V., of this report.

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: The MTS was established in 1981 and been in continual use. Existing improvements indicate the site can accommodate the activity. Compliance with SR-R and R-2 development standards will be reviewed in Sections V., and VI., respectively. For addressing this criterion, the proposal conforms to those standards.

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 is accessed by an improved roadway. However, the NBF&RD recommended surface improvements and revised turning radii to ensure emergency vehicles can access the site.

The applicant agreed to the improvements but requested the timing be postponed to coincide with other County road projects and asphalt plant operations. The Commission agreed and allowed the road paving must be completed by 2024 and the interior roadway by 2023.

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 pre-existing development and effectively surrounded and screened by a vegetative buffer. The new Z-wall improvements effectively replace existing dilapidated Z-walls and address existing capacity issues at the site. The applicant noted the improvements by themselves will not generate additional activity but simply ensure the site can address existing demand. Further, these improvements are located at least 75-feet from any adjacent property line.

- 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: The effective purpose of the site remains unchanged, but the proposed improvements will allow the SWD to meet current demand. However, recommended conditions follow agency comments. These include fire access improvements, compliance with DEQ requirements, and City Public Works requirement for a backflow assembly. These are noted at the end of this report. In addition, the site contains trailers approved only as a temporary use. These trailers will need to be removed.

City staff originally requested the applicant install an in-ground septic system. The applicant requested the soil was not conducive to the improvement. Further, given the limited number of employees the existing portable toilets appear adequate. The Commission agreed and allowed continued use of the portable toilets.

- 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 proposal and Commission review conform to this requirement. Further, a conditional use is a requirement in both zones.

- 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 agency involved and existing funding, bonding is likely not required.

- 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 5.070 to 5.076 regarding solid waste sites 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. As noted, in addition to the conditional use requirements noted above, the proposal needs to conform with requirements in Section 5.070 to 5.076. Section 5.070 introduces the applicable provisions. The remaining items are reviewed in the following Sections:

1. Section 5.071 - Plans and specifications submitted to the Planning Commission for approval must contain sufficient information to allow the Planning Commission to consider and set standards pertaining to the following:
 - (a) The most appropriate use of the land.
 - (b) Setback from the property line.
 - (c) The protection of pedestrians and vehicles through the use of fencing.
 - (d) The prevention of the collection and the stagnation of water at all stages of the operation.
 - (e) The rehabilitation of the operation including sand re-vegetation.

FINDING: The applicant provided sufficient information to address these factors. As noted, this is a pre-existing use and previous findings indicate the site is suitable for the use and the proposed improvements. The Commission requested an updated site plan be included with the building permit and that identifies the boundaries and setbacks.

2. Section 5.072 - Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which are injurious or substantially annoying to persons or other uses in the vicinity.

FINDING: This subsection does not apply as the proposal does not involve mining equipment. However, improvements to the access road and "Ring Road" servicing the facilities will be required to address the concerns of the Fire District.

3. Section 5.073 - Open pit or sand and gravel excavating, or processing shall not be permitted nearer than 50 feet to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 feet to the right-of-way line of an existing or platted street or an existing public utility right-of-way.

FINDING: This subsection does not apply as the proposal does not involve open pit mining, excavating, or processing of raw materials.

4. Section 5.074 - Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding 1 foot horizontal for 1 foot vertical.

FINDING: This subsection does not apply as the proposal does not involve mining or processes that require slope improvements.

5. Section 5.075 - An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

FINDING: This subsection does not apply as the proposal does not involve open pit operations. Vehicle access is regulated however by the gated entrance which will need to be upgraded to Fire District standards.

6. Section 5.076 - A rock crusher, washer or sorter shall not be allowed. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

FINDING: This subsection does not apply as the proposal does not involve mining operations. However, the improvements are designed to address existing demand at the site and by themselves do not generate additional harmful activity.

V. SR-R ZONE DEVELOPMENT PROVISIONS

- A. As noted, in addition to the conditional use requirements, planned unit development procedures in Section 4.136 are used to evaluate development proposals in the SR-R zone. Applicable provisions are reviewed in the following subsections:

1. Section 4.136.1., reviews the purpose of a planned development. Briefly, a "planned development" permits the application of greater freedom of design in land development than may be possible under a strict interpretation of the provisions of this Ordinance.

FINDINGS: The planned unit development approach is a requirement for the proposed project.

2. Section 4.136.2., establishes the following standards and requirements:
 - (a) A planned development may include any uses and conditional uses permitted in any underlying zone. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards that most nearly portray the character of the zone in which the greatest percentage of the planned development is proposed.

- (b) The developer may aggregate the dwellings in this zone in "cluster" or multiple- dwelling structures so long as it does not exceed the density limits of the Comprehensive Plan.
- (c) Assurances such as a bond or work agreement with the City may be required to ensure that a development proposal as submitted is completed within the agreed upon time limit by the developer and the Commission.

FINDINGS: In compliance with item "(a)" above, the proposal would expand an existing government facility, a use conditionally permitted in the zone. The application does not involve dwellings so that provisions in item "(b)" do not apply. Bonding, per item "(c)" is an option available to the City.

- 3. Section 4.136.3 addresses the Planned Unit Development Procedure. The following procedures shall be observed in applying for and acting on a planned development:

- (a) An applicant shall submit 10 copies of a preliminary development plan to the Planning Commission for study at least 10 days prior to the public hearing at which it will be discussed. In addition to publicizing the public hearing, the City Manager shall notify all property owners within 250 feet of the proposed development by mail. The preliminary plan shall include the following information:
 - (1) A map of existing conditions showing contour lines, major vegetation, natural drainage, streams, water bodies and wetlands.
 - (2) Proposed land uses, lot coverages, building locations and housing unit densities.
 - (3) Proposed circulation pattern indicating the status of street ownership.
 - (4) Proposed open space uses.
 - (5) Proposed grading and drainage pattern.
 - (6) Geologic hazards study where required.
 - (7) Proposed method of water supply and sewage disposal.
 - (8) Relation of the proposed development to the surrounding area and the Comprehensive Plan.

FINDINGS: The application includes a map of existing conditions and the building locations (1)(2); density measurements were not required. The traffic pattern was identified (3) and open space provisions were unnecessary for the project (4). Grading and drainage information was provided (5) and it was determined a geological report was not required (6). Water is available to the site and the applicant will be required to install septic (7). Plan policies are addressed below (8) and in relation to adjacent land, this is a preexisting use.

- (b) Prior to discussion of the plan at a public hearing, the City Manager shall distribute copies of the proposal to appropriate City agencies or staff for study and comment.

FINDINGS: Per this item, said plans were distributed prior to the meeting and were available to the public to review.

- (c) The Planning Commission shall consider the preliminary development plan at a meeting, at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the Planning Commission shall seek to determine that:

- (1) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.

FINDINGS: Compliance with these requirements is reviewed in item "B" below. Although not requested, modification of the area coverage is addressed.

- (2) Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, particularly with regard to dune stabilization, geologic hazards and storm drainage.

FINDINGS: Under LCDC Goal 6 – Air, Water and Land Quality, Policy #8 states the following:

- 8. *The City will cooperate with Tillamook County to provide solid waste facilities, including recycling and transfer facilities, for the Manzanita area.*

This site, improvements and proposal are entirely consistent with this Policy.

LCDC Goal 5 – Parks and Open Space, Policy #18 states the following:

- 18. *The property owned by Tillamook County and presently used as a solid waste transfer center site (the former dump site) should be considered as a recreational facility to serve the regional area. The site could be developed as a soccer field, softball field, or multi-use facility for active recreation requiring a large land area. Planning for this facility should be done on a regional basis.*

This is a potential long-range use of the site but is not germane to the current proposal. Redevelopment of the site for recreational uses will require a cooperative agreement between the City and the County.

In addition, the Development Services Manager identified a related storm water policy. The applicant submitted the necessary DEQ application and will be required to conform to any state requirements.

- (3) The area around the development can be planned to be in substantial harmony with the proposed plan.

FINDINGS: This is a pre-existing use serving the area since 1981. Adjacent development, including residences, has occurred without any apparent impacts to the site or having the site adversely affect the ability to develop adjacent property. Given the location, parcel size, limited access, and surrounding vegetation this relationship is likely to remain compatible.

- (4) The plan can be completed within a reasonable period of time.

FINDINGS: Conditional Use requirements require the project to begin within one-year of the date of final approval. A six-month extension is allowed. Given this is a County project and funds are available, the project should conform to the Conditional Use time requirements along with the time extensions for paving improvements.

- (5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

FINDINGS: An existing County road provides site access. This road will need to be improved to ensure the road can accommodate emergency vehicles.

- (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

FINDINGS: The site does not comply with storm drainage requirements. The applicant submitted a DEQ storm water plan. The Development Services Director recommended they construct a temporary berm on the Southwest corner of the

property to contain the runoff from the property. Once a determination has been made by DEQ, the County would present the findings along with a permanent solution to address runoff from the property. This will be reviewed and approved by the City Engineer.

- d. The Planning Commission shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.

FINDINGS: This is a procedural requirement, whereby the decision and any conditions of approval are determined at the Commission hearing and the applicant is formally notified by the City.

- e. Following this preliminary meeting, the applicant may proceed with his request for approval of the planned development by filing an application for an amendment to this Ordinance.

FINDINGS: It appears the purpose of this provision is to identify the site as a planned development on the City's zoning map (see item "(g)" below). Given the limited nature of the project within a pre-existing use, returning to the Commission with final engineering and building plans would appear unnecessary.

- f. In addition to the requirements of this section, the Planning Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.

FINDINGS: Ultimately this is the Commission's decision. City staff provided a list of conditions for the Commission to consider at the end of this report.

- g. An approved planned development shall be identified on the zoning map with the letters PD in addition to the abbreviated designation of the existing zoning.

FINDINGS: The City assumes this responsibility if the request is approved and development proceeds.

- h. Building permits in a planned development shall be issued only on a basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this Ordinance.

FINDINGS: Design review provisions in Section 4.150 do not apply to the SR-R zone. The applicant submitted plans for the proposed canopies and site improvements. The applicant would be required to substantially conform to the proposal.

B. Development standards in the SR-R zone are found in Section 3.030(4). Each item is reviewed below:

1. (4)(a) - Overall density for the SR-R zone is 6.5 dwelling units per gross acre. Dwellings may be clustered on one portion of a site within the SR-R zone and achieve a maximum density of 13 dwellings per acre where at least 40% of the total lot or parcel area is reserved or dedicated as permanent open space as a public or private park area or golf course. The open space shall be so indicated on the Plan and zoning map, and deed restrictions to that effect shall be filed with the City.

FINDINGS: This subsection does not apply as the proposal does not include a housing component.

2. (4)(b) - Standards other than density in the SR-R zone shall conform to those established in the R-3 zone (Section 3.020) except that the Planning Commission may authorize relaxation of these standards to permit flexibility in design such as cluster development, with respect to lot size, setbacks and lot coverage, but not use.

FINDINGS: Compliance with applicable provisions in the R-3 zone is reviewed in item "C.", below. For this criterion, the layout meets or exceeds the minimum standards.

3. (4)(c) - The Planning Commission shall use the procedure set forth in Section 4.136 of this Ordinance (Planned Development) in order to evaluate development proposals in this area.

FINDINGS: The Commission hearings comply with requirement.

4. (4)(d) - The maximum lot coverage in the SR-R zone shall not exceed 40%. Less lot coverage may be required in steeply sloping areas or areas with drainage-problems. In all cases the property owner must provide the City with a storm drainage plan which conducts storm runoff into adequately sized storm drains or approved natural drainage as approved by the Public Works Director.

FINDINGS: Specifics were not provided by the applicant. A majority of the site is within the R-2 zone which comprises 28% of the site. Overall, the estimated the lot coverage would not exceed 40%. The Commission notes this is not a housing development but serves a specific function to assist in removing waste from the community along with recycling material. As the Commission is granted the authority to modify these standards, the Commission concludes lot coverage is not germane to the proposal.

5. (4)(e) - In areas without a high-water table, a dry well capable of absorbing the storm runoff shall be provided in accordance with City standards.

FINDINGS: Compliance with this requirement can be addressed when engineering plans are submitted. Also see findings in Section 3(c)(6) above.

- C. Applicable development standards in the R-3 zone are found in Section 3.020(3). Each item is reviewed below:

1. (3)(a) - The minimum lot size shall be 5,000 square feet for single family or duplexes, plus 2,500 square feet for each additional dwelling unit.

FINDINGS: There are no minimum area requirement for non-residential uses. At 6.6 acres (and 9.2 acres total), the project greatly exceeds the identified minimum parcel size requirement.

2. (3)(b) - The minimum lot width shall be 40 feet, except on a corner lot it shall be 60 feet.

FINDINGS: The parcel is 500-feet in width.

3. (3)(c) - The minimum lot depth shall be 90 feet.

FINDINGS: The SR-R property depth is 570-feet (800-feet total).

4. (3)(d) - The minimum front yard shall be 20 feet, or the average setback of buildings within 100 feet of both sides of the proposed building on the same side of the street, whichever is less. For purposes of determining the average setback of buildings, vacant lots within 100 feet of both sides of the proposed building on the same side of the street shall be included and shall be assumed to have a building placed 20 feet from the front lot line to the nearest part of the building. In no case shall the front yard setbacks be less than 12 feet.

FINDINGS: Based on submitted plans, staff estimated no structure is closer than 60-feet to a property line.

5. (3)(e) - The minimum side yard setback shall be 5 feet for the portion of the building at the setback line up to 10 feet in height as measured vertically from average finished grade to the highest point of that portion of the building and shall be 8 feet for any portion of the building where this height is exceeded; except that a roof with a pitch of less than or equal to 8 in 12 may extend upward from the 5-foot setback line to the 8-foot setback line. The street side yard setback of a corner lot shall be 12 feet.

FINDINGS: Based on submitted plans, staff estimated no structure is closer than 60-feet to a property line.

6. (3)(f) - The maximum building or structure height shall be 28 feet, 6 inches. However, if more than one-half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building or structure.

FINDINGS: Existing structures are pre-existing. Based on submitted plans, the new canopies will not exceed this height limitation.

7. (3)(g) - The minimum rear yard setback shall be 10 feet.

FINDINGS: Based on submitted plans, staff estimated no structure is closer than 60-feet to a property line.

8. (3)(h) - The maximum lot coverage in the R-3 zone shall not exceed 55%. Less lot coverage may be required in steeply sloping areas or areas with drainage problems. In all cases, the property owner must provide the City with a storm drainage plan which conducts storm runoff into adequately sized storm drains or approved natural drainage as approved by the Public Works Director.

FINDINGS: Per requirements of the SR-R zone, the lot coverage limitation is 40%. A majority of the site is within the R-2 zone which comprises 28% of the site. Again, this is not a housing development but serves a specific function to assist in waste removal and recycling. The Commission concludes this limitation is not directly applicable to the request.

9. (3)(i) - In areas of the City without a high-water table, a dry well capable of absorbing the storm runoff of the impervious surfaces of the property shall be provided in accordance with City standards.

FINDINGS: Compliance with this requirement can be addressed when engineering plans are submitted. Also see findings in Section 3(c)(6) above.

- D. The planned unit development provisions do not specifically address parking requirements as these are usually considered as development progresses (e.g., a residential planned development). It is appropriate to address parking at this juncture. This is a pre-existing use with 15 spaces available for customer use (one will need to be removed to address Fire District concerns). Other uses on the site provide temporary parking for cardboard and glass recycling. Further, the project installs four new dump sites as a replacement for two existing spaces. Vehicles temporarily park at these spaces to unload and then leave the site. Permanent parking for these spaces is therefore not required.

The Ordinance does not specify parking requirements for a Transfer Station. The closest comparison to current parking standards may be bulk merchandise stores [Section 4.090.3(g)]. This requires one space per 600 square feet of area. The two large buildings contain approximately 9,200 square feet thereby requiring 15.33 spaces. Per Section 4.080.1., the Commission may make an interpretation as to appropriate parking. On balance, there appears to be more than adequate parking – and unloading – space available to accommodate to use, even if one space is lost. Any provision for an ADA space is part of the building permit requirements.

VI. R-2 ZONE DEVELOPMENT PROVISIONS

A. Specific development standards in the R-2 zone are found in Section 3.010(3) and are reviewed below:

1. Section 3.010(3)(a) - The minimum lot size shall be 5,000 square feet for single family or duplexes, and shall not be less than 2,500 square feet per dwelling unit.

FINDINGS: The entire site exceeds 9.2 acres and the R-2 zoned portion contains approximately 2.6 acres.

2. Section 3.010(3)(b) The minimum lot width shall be 40 feet.

FINDINGS: The portion zoned R-2 is 230-feet in width.

3. Section 3.010(3)(c) The portion within the minimum lot depth shall be 90 feet.

FINDINGS: The portion zoned R-2 is 500-feet in depth.

4. Section 3.010(3)(d) The minimum side yard setback shall be 5 feet for the portion of the building at the setback line up to 10 feet in height as measured vertically from average finished grade to the highest point of that portion of the building and shall be 8 feet for any portion of the building where this height is exceeded; except that a roof with a pitch of less than or equal to 8 in 12 may extend upward from the 5 foot setback line to the 8 foot setback line. The street side yard setback of a corner lot shall be 12 feet.

FINDINGS: As previously noted, no structure is within 60-feet of a property line.

5. Section 3.010(3)(e) The maximum lot coverage in the R-2 zone shall not exceed 40%. Less lot coverage may be required in steeply sloping areas or areas with drainage problems. In all cases the property owner must provide the City with a storm drainage plan which conducts storm runoff

into adequately sized storm drains or approved natural drainage as approved by the Public Works Director.

FINDINGS: Lot coverage was previously addressed.

6. Section 3.010(3)(f) The minimum rear yard setback shall be 10 feet.

FINDINGS: As previously noted, no structure is within 60-feet of a property line.

7. Section 3.010(3)(g) Front yard setbacks: In lots in an R-2 zone, buildings hereafter constructed shall be placed at least 20 feet from the street line to the nearest part of the building, or the average setback of buildings within 100 feet of both sides of the proposed building on the same side of the street, whichever is less. For purposes of determining the average setback of buildings, vacant lots within 100 feet of both sides of the proposed building on the same side of the street shall be included and shall be assumed to have a building placed 20 feet from the front lot line to the nearest part of the building. In no case shall front yard setbacks be less than 12 feet.

FINDINGS: As previously noted, no structure is within 60-feet of a property line.

8. Section 3.010(3)(h) The maximum building or structure height shall be 28 feet, 6 inches. However, if more than one-half of the roof area has a roof pitch of less than 3 in 12, the building or structure height shall not exceed 24 feet. The height of a stepped or terraced building shall be the maximum height of any segment of the building or structure. For all lots south of Laneda Avenue abutting the ocean shore, the maximum building or structure height shall be 24 feet.

FINDINGS: The only new structures are the proposed canopies. Based on submitted Drawing #10, these will not exceed the 28'-6" height limitation.

9. Section 3.010(3)(i) In areas of the City without a high-water table, a dry well capable of absorbing the storm runoff of the impervious surfaces of the property shall be provided in accordance with City standards.

FINDINGS: Compliance with this requirement can be addressed when engineering plans are submitted. Also see findings in Section 3(c)(6) above.

VII. DECISION AND CONDITIONS OF APPROVAL

Based on the above findings, the Planning Commission finds the application complies with the applicable decision criteria and APPROVES the request subject to the following Conditions:

- A. The approval shall be limited to the installation of the four Z-walls, two canopies and associated ancillary improvements. Modifications involving a change in proposed use, substantial revisions to the building design, additional development of the site, or similar modifications shall require approval by the Planning Commission to proceed.
- B. The applicant shall submit building plans for the individual structures. The plans shall substantially conform to the approved layout as to location, orientation, and design. In addition, the applicant shall submit a site plan to scale that identifies the property boundaries, the structures on the site, and their setbacks.
- C. Prior to receiving a final certificate of completion for associated improvements, the applicant shall complete the following:
 - 1. The applicant shall install an approved Reduced Pressure Backflow Assembly in compliance with Manzanita Department of Public Works standards.
 - 2. The applicant shall install a temporary berm on the Southwest corner of the property to contain the runoff from the property. Design and installation of the berm shall be approved by the Manzanita Development Services Department. Alternatively, the Manzanita Development Services Department may accept the existing improvements as being sufficient as a temporary berm.
- D. The following development conditions shall apply:
 - 1. By September 2024, the road accessing the site shall be improved to a minimum 20' roadway width and load rating of 75,000 GVW. Prior to construction, engineering plans for improvements in the public right-of-way shall be submitted to Tillamook County Public Works for review and approval.
 - 2. By September 2023, access improvements on the site shall include the following:
 - a. The entrance shall be improved to meet the minimum turning radius of fire apparatus defined in the Oregon Fire Code of a 50' outside turning radius and 30' inside turning radius. This requirement shall also apply to the far East portion of the "Ring Road", where at least

- one parking spot shall be removed to allow for minimum turning radius of fire apparatus.
- b. The interior "Ring Road" shall be improved, or evidence presented, to a minimum 20' roadway width and load rating of 75,000 GVW.
 - c. The Access Control Device (gate) shall be updated to meet the requirements of the Tillamook County Fire Defense Board Access Guidelines.
 - d. Plans and improvements shall be reviewed by the Nehalem Bay Fire & Rescue District prior to construction and/or improvements. The applicant is advised engineering plans may be required for interior improvements.
3. Upon receiving approval from the State Department of Environmental Quality (DEQ) for stormwater runoff, the applicant shall return with engineering plans addressing the DEQ requirements. The plans shall be reviewed and approved by the City Engineer and improvements installed within one year of receiving DEQ approval.
 4. Existing temporary trailers shall be removed within six-months of the date of the final approval of this decision. The County must notify the Manzanita Development Services Department when the trailers have been removed. This condition will be met when it is confirmed by the City of Manzanita Building Official.
- E. Unless otherwise specifically modified by this decision, development of the site shall continually comply with applicable provisions in Ordinance 95-4.
- F. Compliance with these conditions, the requirements of the Manzanita Zoning Ordinance, Nehalem Bay Wastewater Agency, Nehalem Bay Fire & Rescue, Tillamook County, and applicable building code provisions shall be the sole responsibility of the applicant.