

WALDPORr PLANNING COMMISSION
March 25, 2024
MEETING NOTICE AND AGENDA

THE WALDPORr PLANNING COMMISSION WILL MEET ON MONDAY, MARCH 25, 2024 AT 2:00 P.M. AT WALDPORr CITY HALL, 355 NW ALDER STREET TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. REVIEW OF MINUTES
 - A. JANUARY 22, 2024
 - B. FEBRUARY 26, 2024
3. CITIZENS' OPENING COMMENTS
4. ACTION ITEMS AND NEW BUSINESS
 - A. Public Hearing – Case File #1-CU-PC-24
Applicant: Robert Conway
Application: Conditional Use to Operate a Metal Shipping Container Sales and Rental Business in the Planned Industrial Zone (I-P),
Taxlots #13-11-31-BA-00200, 00300, 00400, 00500, 00600.
3340 S. Crestline Drive
 - B. Public Hearing – Case File #3-CU-PC-24
Applicant: John Larson
Application: Conditional Use to Construct and Operate Storage and Shops for a Construction Business in the Planned Industrial Zone (I-P),
Taxlot #13-11-31-BA-01400.
 - C. Other Business
5. PLANNER UPDATES
6. CITIZENS' CLOSING COMMENTS
7. COMMISSION COMMENTS AND RECOMMENDATIONS
8. ADJOURNMENT

Attachments:

- Staff Reports – Conditional Use
- Planner's Log

Notice given this 20th day of March 2024

NOTE: The City Council Meeting Room is accessible to all individuals. Pursuant to Order 20-16, comments prior to the meeting may be emailed to: reda.eckerman@waldport.org. The public is also encouraged, if they see fit, to mail written testimony to the City. Comments may be mailed to PO Box 1120, Waldport, OR, 97394. Comments must be received no later than 1:30 pm on the day of the meeting to be considered.

WALDPORT PLANNING COMMISSION

January 22, 2024

MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Barham called the meeting to order at 2:00p.m. Chair Barham and Commissioners Schlosser, Crall, Campbell, and Buck then answered the roll. Commissioner Miklic was excused. A quorum was present.
2. MINUTES: The Commission considered the minutes from the November 27th, 2023 meeting. Commissioner Campbell moved to approve the minutes as presented. Commissioner Crall seconded and the motion carried unanimously.
3. CITIZEN'S OPENING COMMENTS: None.
4. ACTION ITEMS AND NEW BUSINESS:

A. Waldport Development Code Review

City Planner presented a comprehensive review of proposed changes to the entire TITLE 16 DEVELOPMENT CODE.

Members of the Planning Commission provided comments/edits. The edited document will be presented to the Planning Commission in the near future and be included in a more comprehensive code text change package.

5. PLANNER UPDATES: Mr. White reviewed his written report.
6. CITIZENS' CLOSING COMMENTS: None.
7. COMMISSION COMMENTS AND RECOMMENDATIONS: None.
8. ADJOURNMENT: At 4:00 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,
Jaime White, City Planner

Approved by the Planning Commission this _____ day of _____, 2024.

Signed by the Chair this _____ day of _____, 2024.

Steve Barham, Chair

WALDPORT PLANNING COMMISSION

February 26, 2023

MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Barham called the meeting to order at 2:00p.m. Chair Barham and Commissioners Schlosser, Miklic, Crall, and Campbell, then answered the roll. Commissioner Buck was excused. A quorum was present.
2. CITIZEN'S OPENING COMMENTS: None.
3. ACTION ITEMS AND NEW BUSINESS:
 - A. Public Hearing - Case File #2-CU-PC-24, Conditional Use to build and operate a public park and related facilities (Southworth Park). Applicant – City of Waldport.

Chair Barham opened the public hearing at 2:05 p.m., calling for abstentions, ex parte contact, conflicts of interest, bias. None were announced. There were no objections to any member of the Commission participating in the hearing.

Staff Report: City Planner White reviewed the staff report, explaining that this was a conditional use application to build and operate a public park with facilities within the Retail Commercial Zone (C-1). The public hearing announcement had been mailed to surrounding property owners, posted on the City's website, and published in the Newport News Times. No comments had been made prior to the public hearing. The conditional use, if approved, would be good for two years and would expire at the end of the two-year period unless substantial construction has taken place and the conditions of approval have been fulfilled. A maximum of two one-year extensions can be granted by the Planning Commission.

Applicant Presentation: Mr. Dann Cutter, City Manager, addressed the Commission and provided a brief explanation of the proposed development and answered the Commissioners' questions. Mr. Cutter explained that the layout provided was preliminary and there have been some changes based on site conditions such as drainage patterns, utility locations, and City Council input. Those changes include:

- Moving the restroom (4-stall) location further south near the Pickleball courts.
- Including a fence around the playground structure
- Including fire/emergency access to the interior of the park from the south ring road
- Identifying a location in the ball fields for potential Life Flight pad.
- Conceptual engineering for future bicycle pump track
- Metal storage containers for sports and maintenance equipment located

behind the gymnasium.

Proponents: Candi Claussen provided verbal comments. She was in favor of the park but expressed the following concerns:

- Does not understand the current zoning of C-1. If it was previously the site of a public school, then why is it C-1 now?
- City liability for the bicycle track and other facilities.
- Security of park at night
- Drainage
- Increased taxes due to increased maintenance.
- Recreation/community center – open to the public? Available for rent? Increased taxes due to increased maintenance?
- What will happen to the community garden?
- Parking requirements for future improvements such as the library?

Opponents: None.

Rebuttal: Mr. Cutter provided the following:

- Mr. Cutter provided a history of the site including the FEMA grant to relocate the school. Mr. Cutter reiterated that the City was not the grant recipient, all FEMA grant funding went to the school district.
- Funding for the park is from an Oregon State Parks and Recreation Department Grant - Local Government Grant Program. Local funding comes from City reserves and transient tax.
- The zoning has been in place for many years. Regardless of zoning, schools and public parks are allowed in almost all zones including the C-1 zone.
- Existing perimeter and building lights will be improved and cameras will be installed. Adjustments will be made as construction is completed and facilities opened to the public.
- The City is covered by recreational immunity on all aspects of the park.
- The gymnasium will be undergoing renovations in the near future. The plan is to have a community center open to the public including a gymnasium, restrooms, meeting rooms, kitchen, etc. At this time the city does not “rent” space for private events such as family reunions or weddings.
- At this time, the City does not propose any changes to the community garden.
- All future development, i.e. library, will go through the land use process including providing sufficient parking and applying for all required permits.

Deliberations: Chair Barham closed the Public Hearing at 3:15 p.m. and opened the deliberations. The Commission reviewed the conditions of approval for the proposed use and offered the following comments/concerns:

- The park property consists of three distinct taxlots. Only taxlot #13-11-19-AD-00700 has future development deed restrictions imposed by FEMA. The City intends to consolidate the lots and change the zoning to Public Facility (PF) in the future. Lot consolidation and zone change are NOT part of this Conditional Use Permit.
- Increased facilities mean increased costs to the City. – Chairperson Barham reminded the Commission that increased costs are legitimate concerns but are not considerations for the Commission. The Commission is tasked to evaluate whether or not the application meets the standards and criteria for a conditional use permit as set out by Title 16 of the Development Code.
- Metal storage containers will be placed on the east side of the gymnasium and potentially painted green or other color to blend in with the existing building.
- Invasive plants such as scotch broom. – Disturbed areas will likely be restored to grass either by seeding or hydro mulching to prevent erosion. The City does not propose to address invasive plants as part of this permit, but as part of the regular maintenance program for the park.
- Future parking requirements as park and facilities expand. – Future parking will be addressed on a case-by-case as future facilities are proposed.

Commissioner Campbell moved to approve the request with the proposed conditions from staff. Commissioner Miklic seconded, and the motion carried unanimously.

5. PLANNER UPDATES: Mr. White reviewed his written report.
6. CITIZENS' CLOSING COMMENTS: None.
7. COMMISSION COMMENTS AND RECOMMENDATIONS: None.
8. ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Jaime White, City Planner

Approved by the Planning Commission this _____ day of _____,
2024.

Signed by the Chair this _____ day of _____, 2024.

Steve Barham, Chair

CITY OF WALDPOR
2024 LAND USE & BUILDING PERMIT ACTIVITY
March 25, 2024

Date	Applicant	Type of Activity	Zoning	Location	Description	Status/Comments
2/26/24	1 st Security Bank	Building Permit	DD	13-11-19-BD-03200 425 Hemlock	New Roof – Drive Through	Approved
2/29/24	Kieffer	Building Permit	R-1	13-11-30-BA-08200 1280 SW Forest Pkwy	New Single-Family Residence	Approved
2/29/24	Schlosser	Building Permit	R-1	970 SW Dolores 13-11-19-CD-02900	New Single-Family Residence	Approved
2/29/24	Schlosser	Building Permit	R-1	990 SW Dolores 13-11-19-CD-03000	New Single-Family Residence	Approved
3/7/24	Godfrey	Building Permit	R-1 (Township 13)	13-11-19-DD-00300 610 SW Bird Ave	New Single-Family Residence	Approved
3/14/24	St. Lukes Episcopal	Septic Permit	C-2, SW	13-12-25-AA-01114 1353 SW Pacific Coast Hwy	Major repair – septic system	Approved
3/18/2024	ConKraft Construction	Building Permit Mfg Hm Permit	R-1 (Ocean hills)	13-12-25-AD-02700 1110 SW Ocean Hills Drive	New Mfg Hm & Garage	Approved
3/18/2024	ConKraft Construction	Building Permit Mfg Hm Permit	R-1 (Ocean Hills)	13-12-25-AD-01500 1095 SW Sailfish Loop	New Mfg Hm & Garage	Approved
3/20/2024	Webb	Building Permit	R-1	13-11-19-CC-00136 890 SW Skyline Terrace	New Single-Family Residence	Approved
3/21/2024	Brill; Conkraft Construction	Building Permit Mfg Hm Permit	R-1 (Ocean Hills)	13-12-25-AD-02900 1105 SW Ocean Hills Drive	New Mfg Hm & Garage	In Process

City News

- Southworth Park closed for construction.
- City Council approved dog park in Southworth Park
- New newspaper of record – Yachats News
- SDC changes:
 - Fixed rate of 9% instead of variable rate for 10-year installment.
 - Abeyance of fees for developer.
 - “Un-develop” a property.
- Planter Program – working.
- City Budget Committee Meetings
- Next Planning Commission Meeting – Monday April 22, 2024
 - Two Conditional Use Public Hearings?
 - Code revisions - Map

STAFF REPORT

Conditional Use Permit Application

APPLICANT: Robert Conway (Owner)
Coast Equipment, LLC

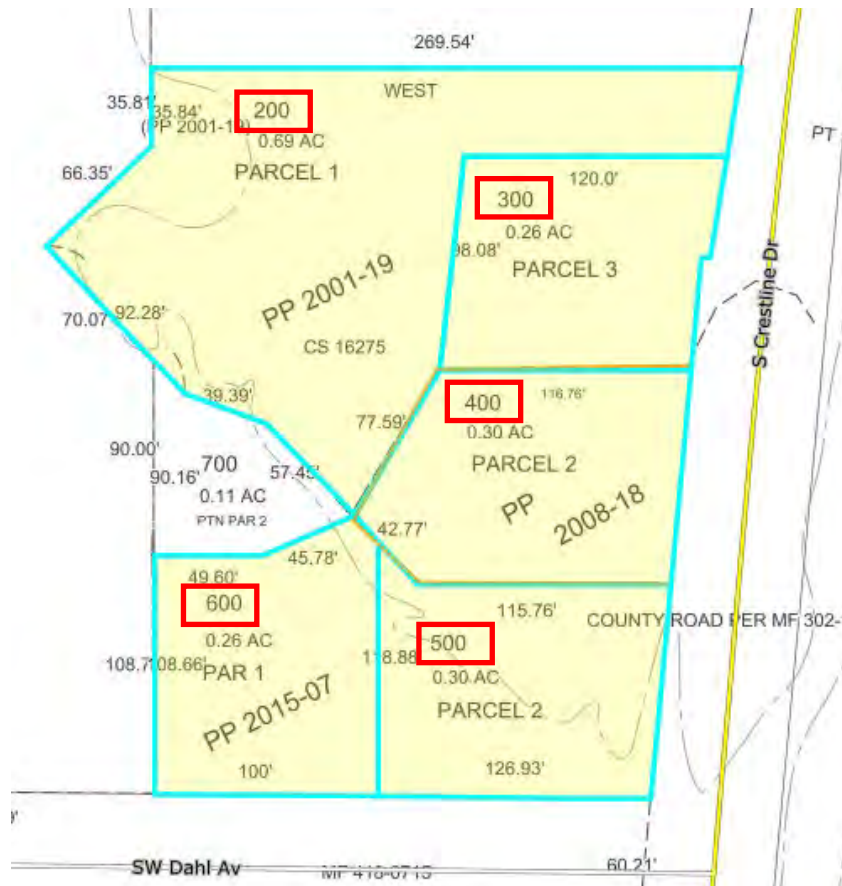
A. REPORT OF FACTS

1. **Applicant's Request:** The applicant is requesting a conditional use permit to operate a Metal Shipping Container Sales and Rental Business in the Planned Industrial Zone (I-P). The metal shipping containers will be stored onsite. The sales and rental business is currently operating on site including storage of the containers.
2. **Property Location:** The subject property is located on the northwest corner of the intersection of SW Dahl Street and S Crestline Drive. The address is 3340 S Crestline Drive, and further identified on Lincoln County Tax Assessor's Map 13-11-31-BA as tax lots 00200, 00300, 00400, 00500, and 00600.



3340 S Crestline Drive
Lincoln County Tax Assessor's Map 13-11-31-BA Tax Lots
00200, 00300, 00400, 00500, 00600

#1-CU-PC-24 Conway
March 25, 2024 Planning Commission Meeting



3. **Zoning:** Industrial Park I-P
4. **Plan Designation:** Industrial
5. **Lot Size:** Parcel size is shown by taxlot in the table below. The total property size is 0.81 acres.

Taxlot	Area
13-11-31-BA-00200	30,056.40 Sq. ft / 0.69 acres
13-11-31-BA-00300	11,325.60 Sq. ft / 0.26 acres
13-11-31-BA-00400	13,068 Sq. ft / 0.30 acres
13-11-31-BA-00500	13,068 Sq. ft / 0.30 acres
13-11-31-BA-00600	11325.60 Sq. ft / 0.26 acres
TOTAL	78,843.60 Sq. ft / 1.81 acres

6. **Existing Structure:** Three large vehicle storage/workshops/offices exist on site. Two on 13-11-31-BA-00200 and one on 13-11-31-BA-00400.

7. **Topography and Vegetation:** The site is relatively flat, sparsely vegetated, and has recently been cleared on the south portion.
8. **Surrounding Land Use:** The site is in the northeastern most portion of the Industrial Park. The south side of the property is bordered by SW Dahl Avenue with a vacant parcel south of the street. To the east is S Crestline Drive with a large, forested property further to the east. The parcel to the north is a single-family residence. Property to the west is storage units.
The nearest residence is located approximately sixty feet from the north property line.
Other uses in the industrial park include a solid waste transfer station, an indoor marijuana and outdoor hemp grow facility, an artisan cabinet shop, a communications company (Pioneer Telephone), self-storage, warehouses, workshops, the City of Waldport Public Works facility, and the recently approved Lincoln County Animal Shelter.
9. **Utilities:** The following utilities currently serve the subject property:
 - a. Water: Southwest Lincoln County Water District
 - b. Sewer: Onsite septic
 - c. Electricity: Central Lincoln People's Utility District (P.U.D.)
10. **Development Constraints:** None identified.

B. EVALUATION OF REQUEST

1. Relevant Criteria:

Waldport Municipal Code

Title 16 Development Code (applicable to this application, relevant subsections only)

Chapter 16.36 Planned Industrial Zone I-P

Chapter 16.72 Supplementary Regulations

Chapter 16.84 Conditional Uses

Chapter 16.36 Planned Industrial Zone I-P

16.36.010 Uses Permitted Outright

In an I-P zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

1. Residences for caretaker or night watchman;
2. Owner/Manager residence.

16.36.020 Conditional Uses Permitted

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, **wholesaling or storage**; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;

16.36.040 Standards

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in the I-P zone the following standards shall apply:

- A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.
- B. All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.
- C. No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.
- D. No building in the I-P zone shall exceed a height of forty-five (45) feet.
- E. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.
- F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.

Drainage: A plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

Chapter 16.72 Supplementary Regulations

16.72.010 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of two streets.

- A. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting end of the other two sides.
- B. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three and one-half (3 1/2) feet in height measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight (8) feet above grade.
 - 1. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.
 - 2. In all other zones the minimum distance shall be fifteen (15) feet, or, at intersections including an alley, ten (10) feet, except that when an angle of intersections between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

16.72.020 Off-Street Parking And Off-Street Loading Requirements

At the time a new structure is erected, the use of an existing structure is enlarged, or the category of use is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this code.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases or contracts to establish the joint use.
- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot unless otherwise approved by the Planning Commission.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use if determined to be a nuisance by the City Code Enforcement official.
- F. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid the flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances of residents by the erection between the uses, of a sight-obscurer fence or vegetative buffer, of not less than five (5) feet in height, except where vision clearance is required.
- H. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone, on any adjacent building, or on any street or highway.
- I. Off-street parking shall not be allowed in the required front or street side-yard setback areas, with the exception of an approved driveway, in a residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required and shall be enclosed or defined by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4 1/2) feet from the property line.
- K. Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.
- L. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
- M. Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- N. Compact parking spaces may be permitted at a ratio of one (1) space to every three (3) full-sized spaces (See "Parking Space" definition under Section 16.04.030 of this title for dimension requirements).
- O. Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.
- P. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- Q. Required off-street parking must be provided when the category of use of an existing structure is changed, except under the following circumstances:

1. The number of parking spaces required by the code for the new use will be equal to or less than the code requirements for the previous use, and there will be no reduction in the number of parking spaces, or
 2. No additional area is available for new parking spaces and at least seventy-five (75) percent of the number of spaces required for the new use will be provided, with no reduction in the number of parking spaces.
- R. For the purpose of calculating the number of off-street parking spaces required, the total floor area of a structure shall be used.
- S. Off-street parking requirements.
1. Dwelling. Two (2) spaces for each dwelling unit.
 2. Mobile Home Park. Two (2) spaces for each mobile home space.
 3. Motel, Hotel or Resort. One (1) space for each accommodation.
 4. Hospital. Three (3) spaces for each two (2) beds.
 5. Nursing home or similar institution. One (1) space for each three (3) beds.
 6. Church, club or similar place of assembly. One (1) space for each six (6) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly.
 7. Library. One (1) space for each three hundred (300) square feet of floor area.
 8. Skating rink, or similar commercial amusement enterprise. One (1) space for each one hundred (100) square feet of floor area.
 9. Bowling alley. Five (5) spaces for each alley.
 10. Retail Store: One (1) space for each three hundred (300) square feet of floor area.
 11. Eating and drinking establishments. One (1) space for each four (4) seats.
 12. *Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture. One (1) space for each six hundred (600) square feet of floor area.*
 13. Bank, office. One (1) space for each six hundred (600) square feet of floor area.
 14. Instructional classes, such as martial arts or dance studios. One (1) space for each instructor plus one (1) space for each one hundred (100) square feet of floor area.
 15. Schools:
 - a. Pre-school, Kindergarten, Elementary and Junior High: Two (2) spaces per classroom.
 - b. High School: Five (5) spaces per classroom.
 16. Bed and breakfast establishments: One (1) off-street parking space for owners/operators with one (1) additional space for each authorized guest room.
 17. Personal services establishment (i.e. barber, beauty shops). Two (2) off-street parking spaces per each operator station.
 18. Multi-family dwellings. One and one-half (1.5) spaces per dwelling unit

16.72.030 Exterior Lighting

Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face or shine directly onto a lot in a residential zone, street or highway.

Chapter 16.84 Conditional Uses

16.84.010 Purpose

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the city as a whole.

16.84.020 Authorization to Grant or Deny Conditional Use Permit.

Conditional uses listed in this code may be permitted, enlarged, or altered upon authorization 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 the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole.
- B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this code, additional conditions which are considered necessary to protect the best interest of the surrounding area or the 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, diking, or other facilities to protect adjacent or nearby property;
 - 8. Designating site for open space;
 - 9. Regulating the hours of operation; and
 - 10. Setting a time limit for which the conditional use is approved.
- D. Modifications of standards listed for each conditional use may be granted if:
 - 1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
 - 2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
 - 3. The purposes of this code are fulfilled.

16.84.030 Procedure For Taking Action On A Conditional Use Application

The procedure for taking action on an application for a conditional use shall be as follows:

- A. 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. The Planning Commission may require other drawings or information necessary to provide an understanding of the proposed use and its relationship to surrounding properties.
- B. Before the Planning Commission may act on a request, it shall hold a public hearing as prescribed in Chapter 16.108 of this title.
- C. The planning commission's decision is final unless it is appealed as prescribed in Chapter 16.108 of this title.

16.84.040 Building Permit For An Approved Conditional Use

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. Any substantial change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use.

16.84.050 Time Limit Of A Conditional Use Permit

Authorization of a conditional use shall be void after two (2) years 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 one (1) year. A maximum of two extensions can be granted.

16.84.060 Revocation Of A Conditional Use Permit

Any permit granted hereunder shall be subject to denial or revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if the conditions of approval are not complied with or are not being maintained, or the conditional use becomes detrimental to public health, safety, or welfare.

- A. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed in Chapter 16.108 of this title. The permit holder shall be required to show cause as why such permit should not be revoked.
- B. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time shall be given for correction. If corrections are not made within the specified time, revocation of the permit shall become effective.
- C. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the Planning Commission may allow a new application if, in its opinion, new evidence or a change in circumstances warrant it.

16.84.070 Standards And Procedures Governing Conditional Uses

- A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:
 1. The site under consideration is suitable for the proposed use, considering:
 - a. The size, design and operating characteristics of the use;
 - b. The adequacy of transportation access to the site; and
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.
 2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above. Mobile home parks are exempt from Sections 16.84.020(A) and 16.84.070(A)(2) of this chapter.

2. **Applicant's Proposal:**

The applicant submitted the application form, fee, and provided a description of the business operation, operating characteristics, and site plan.

Below is paraphrased from the application and supporting documents.

Proposed Use.

The applicant is requesting to use the property for the sale, rental, and storage of metal shipping containers. Tax lot 00400 has an existing vehicle storage/workshop with access from Crestline Drive previously permitted under case file #1-CU-PC-13. Tax lot 00200 has two existing storage/workshop/office structures with access from Crestline Drive. The two structures on tax lot 00200 are currently used for storing fishing gear.

The property is relatively flat and has recently been cleared and graveled on the south portion. There are two stands of trees that will remain. One stand of trees runs east-west along the line dividing tax lot 00400 and 00500. The other stand of trees is on the south property line and runs along SW Dahl Avenue. Both stands of trees will provide sight-obscuring for the stored containers. A new 6-foot chain link fence is proposed along the west property line. A third

access is proposed at the southwest corner consisting of a 40' wide driveway and gate off SW Dahl Avenue.

There will be no regular business hours as most of the business will be done on the phone. There will be no fabrication or modification of containers onsite. Diesel powered forklifts will be used to load/unload and move the containers around the site. The forklifts will be stored and maintained in the existing building. There are no plans for lighting or new buildings at this time.

3. **Public Testimony:**

At the time this staff report was prepared, the City had not received any written testimony.

C. STAFF ANALYSIS

1. **Conditional Uses Permitted in the Industrial Park Zone (16.36.020).** The applicant is requesting a Conditional Use Permit to use the property for the sale, rental, and storage of metal shipping containers within the City's Planned Industrial Zone.

Waldport Development Code Chapter 16.36 Planned Industrial Zone I-P, Section 16.36.020 Conditional Uses Permitted, includes subsection A.

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;

It is staff's opinion that the proposed use is appropriate for the I-P Zone.

2. **Effect on Adjacent Uses.** The Purpose of Conditional Uses states, in part, that consideration of a conditional use includes the effect the proposed use may have on adjoining land uses. This includes but is not limited to such things as traffic, noise, smell, and hours of operation. The Planning Commission will solicit public testimony and determine if there are effects on adjoining land uses.

It is staff's opinion, based on the following sections, that there will be negligible effects on adjoining land uses.

3. **Planned Industrial (I-P) Standards (16.36.040).** The I-P Standards are stated in *italics* and followed by the staff analysis.

- a. *All yards abutting a residential zone shall be a minimum of twenty (20) feet.*

The subject site borders a residential zone to the north. The existing buildings are located fifty feet or greater to the south of the property line. The nearest residence is located sixty feet north of the property line.

It is staff's opinion that this standard has been met.

- b. *All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.*

There are no water features such as streams near the subject site.

- c. *No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.*

Crestline Drive is a designated collector street therefore no structure shall be closer than 30 feet from the centerline of the street. The nearest existing structure is 50' from the edge of Crestline Drive. No new structures are proposed. Therefore, this standard does not apply.

- d. *No building in the I-P zone shall exceed a height of forty-five (45) feet.*

No new structures are proposed. Therefore, this standard does not apply.

- e. *Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.*

The subject site faces Crestline Drive and SW Dahl Avenue. A stand of trees exists along SW Dahl Avenue. Another stand of trees running east-west exists on the interior of the site providing additional sight buffering. The northern property line is heavily vegetated with trees and shrubs providing a buffer between the site and the residence to the north.

A fence is not currently proposed along the Crestline frontage. Stored containers will function as a sight-obscuring buffer from the road.

- f. *Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.*

The applicant is not proposing any site improvements except some minor clearing and gravel. The applicant will not direct water draining from roofs or other non-impervious surfaces associated with the structures into any sanitary sewer facilities or in such a way as to cause damage to other properties.

It is staff's opinion that the Standards for the I-P Zone have been or will be met by the applicant.

4. **Clear Vision Areas (16.72.010).** A clear vision area shall be maintained on the corners of all property at the intersection of two streets.

In the Planned Industrial zone, the clear vision area shall consist of a triangular area, two sides of which are measured along the lot lines from the corner intersection of the street a distance of fifteen (15) feet, and the third side of which is a line across the corner of the lot joining the end of the other two sides.

A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three and one-half (3 1/2) feet in height measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight (8) feet above grade.

5. **Parking (16.72.020).** Conditional Use Permit #1-CU-PC-13 required four parking spots for the vehicle storage structure and use on tax lot 13-11-31-BA-00400. This requirement assumed a ratio of one parking spot for every 600 sq. ft. of floor area.

Since no new structures are proposed, and business is mostly conducted on the phone, it is reasonable to assume the proposed business will have similar parking requirements. Therefore, existing onsite parking should be adequate for this conditional use permit.

New parking and driving surfaces will be constructed of durable and dustless materials (gravel).

It is staff's opinion that 1 spot for each 600 square feet of floor area adequately represents the parking needs. The existing onsite parking will be adequate for this conditional use permit.

6. **Exterior Lighting (16.72.030).** The applicant is not proposing any new exterior lighting.
7. **Fencing (16.72.040.B).** The applicant is proposing a 6-foot chain link fence along the west property line.

A 6-foot chain link fence meets the development code standards.

8. Other Considerations.

- There are no wetlands/creeks/riparian areas on or near the site.
- There are no slopes over 20% on or near the site. In fact, the site and surrounding areas are fairly level.
- The site is not in a flood hazard area.
- The site has not been identified as a geological natural hazard area.

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 signature. If the request is denied, the action must be based on reasons related to orderly development and the best interests of the surrounding area or the city as a whole.

If the request is approved, staff offers recommended conditions, which may be added to or amended at the Commission's discretion:

1. **Conditional Use.** The use shall be for the sales/rentals/storage of metal shipping containers. The use shall not create a public nuisance or be detrimental to public health, safety, or welfare.
2. **Required Permits.** The applicant shall obtain all permits required to operate the sales/rentals/storage business.
3. **Future Development.** Future development shall occur in accordance with I-P standards, i.e., building setbacks and height, screening of outdoor storage, fencing, lighting, and parking.
4. **Visibility.** Existing vegetative buffers along the north and south property lines shall provide visual screening of storage from the adjacent streets and residential property. Existing vegetation shall be replaced as required with new vegetation or a sight-obscuring fence.

A clear vision area will be maintained at the intersection of Crestline Drive and SW Dahl Avenue as described in Section 17.72.010 of the Waldport Development Code.

5. **Time Limit.** This conditional use shall be void after two (2) years unless substantial construction pursuant thereto has taken place and all conditions of approval have been fulfilled. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

Submitted by,

Jaime White,
City Planner

Enclosures: Site Photos



SW Dahl Ave

S Crestline Dr

















COAST EQUIPMENT LLC

VERGREEN

3240







COAST EQUIPMENT LLC

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SESU 214352 22G1

SESU 214706 22G1

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STAFF REPORT

Conditional Use Permit Application

APPLICANT: Thi White (Owner)
John Larson, J&J Residential LLC (Agent/Applicant)

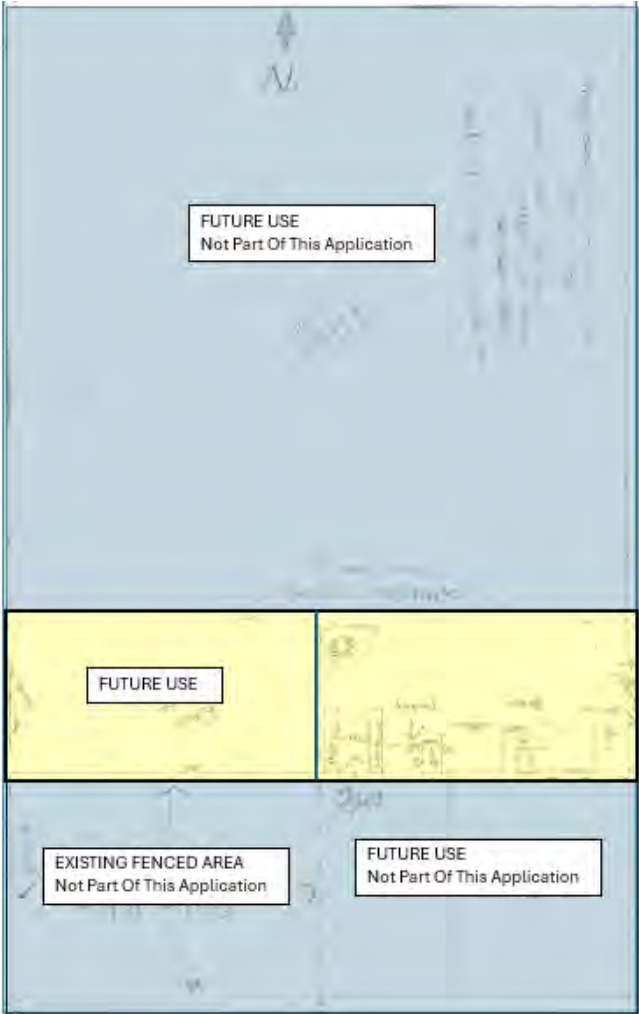
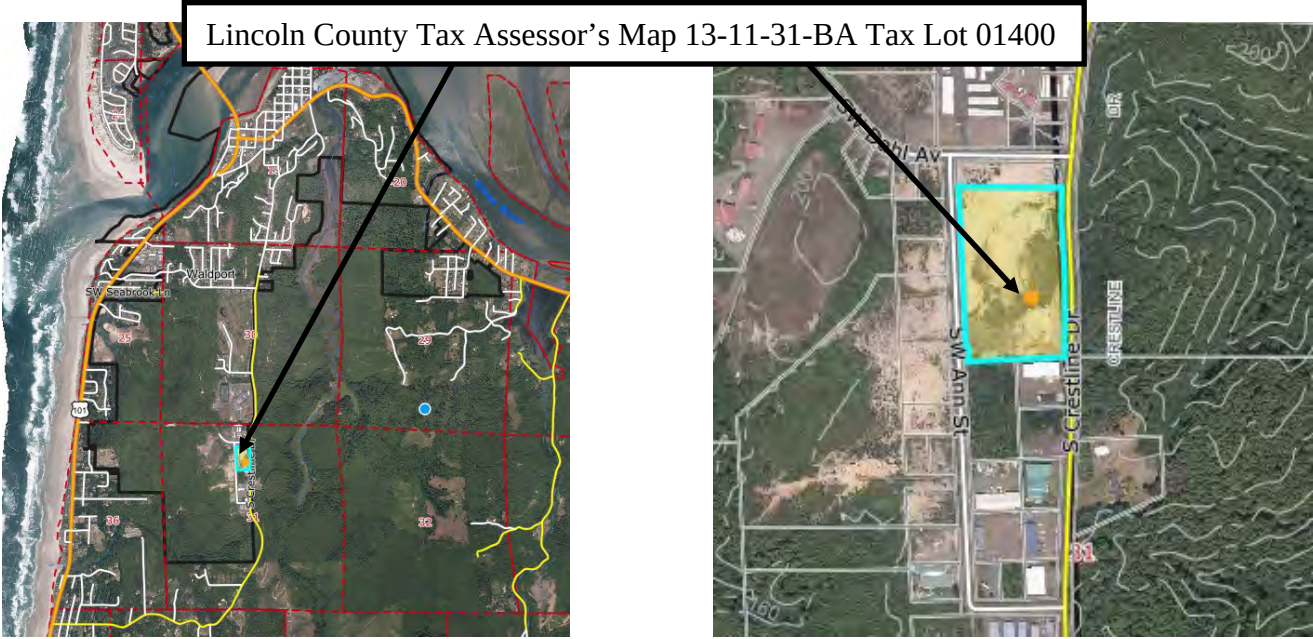
A. REPORT OF FACTS

1. **Applicant's Request:** The applicant is requesting a conditional use permit to construct two 30'x 40' buildings (2,400 square feet) and two metal storage containers (40 feet in length) in the Planned Industrial Zone (I-P). Site development includes a 6' chain link fence around the perimeter with an access driveway off Crestline Drive and a future access driveway off Ann Street. The buildings will be used for workshops, offices, and storage of equipment and vehicles.

The property is 6.22 acres in size with Crestline Drive to the east and Ann Street to the west. The applicant is requesting to use a portion of the property for the storage and maintenance of construction materials and equipment for his construction business, J & J Residential LLC. The applicant will occupy roughly one acre (40,000 sq. ft.) which might be partitioned from the main parcel in the future.

The property has an existing fenced in area in the SW corner with access from Ann Street. The property is relatively flat and sparsely vegetated.

2. **Property Location:** The subject property is located between SW Ann Street and S Crestline Drive, and Further identified on Lincoln County Tax Assessor's Map 13-11-31-BA as tax lot 01400.



3. **Zoning:** Industrial Park I-P
4. **Plan Designation:** Industrial
5. **Lot Size:** The total lot size is 6.2 acres. The proposed development will occupy approximately 1.0 acre (40,000 sq. ft.).
6. **Existing Structure:** None.
7. **Topography and Vegetation:** The site is relatively flat, sparsely vegetated, and has recently been cleared where the improvements are proposed. The southwest portion (approximately 0.7 acres) is currently being used to store several tow trucks and has a 6-foot perimeter fence.
8. **Surrounding Land Use:** The south side of the property is bordered by a vacant parcel and the South Lincoln Resources facility. The parcel to the north is vacant.

Other uses in the industrial park include a solid waste transfer station, an indoor marijuana and outdoor hemp grow facility, an artisan cabinet shop, a communications company (Pioneer Telephone), self-storage, warehouses, workshops, the City of Waldport Public Works facility, and the recently approved Lincoln County Animal Shelter.

No residences are currently located, nor projected to be sited, near the subject property. The subject property is surrounded by I-P zoning.

9. **Utilities:** The following utilities currently serve the subject property:
 - a. Water: Southwest Lincoln County Water District
 - b. Sewer: The applicant is proposing a black water holding tank.
 - c. Electricity: Central Lincoln People's Utility District (P.U.D.)
10. **Development Constraints:** None identified.

B. EVALUATION OF REQUEST

1. Relevant Criteria:

Waldport Municipal Code

Title 16 Development Code (applicable to this application, relevant subsections only)

Chapter 16.36 Planned Industrial Zone I-P

Chapter 16.72 Supplementary Regulations

Chapter 16.84 Conditional Uses

Chapter 16.36 Planned Industrial Zone I-P

16.36.010 Uses Permitted Outright

In an I-P zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

1. Residences for caretaker or night watchman;
2. Owner/Manager residence.

16.36.020 Conditional Uses Permitted

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- D. Automobile, truck or trailer sales, service, storage, rental or repair;
- K. Implement, machinery, heavy equipment sales, service, storage, rental or repair;
- M. Lumber or building materials sales and storage;
- O. Plumbing, heating, electrical or pain contractor's storage, repair or sales shop;

16.36.040 Standards

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in the I-P zone the following standards shall apply:

- A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.
- B. All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.
- C. No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.
- D. No building in the I-P zone shall exceed a height of forty-five (45) feet.
- E. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.
- F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.
Drainage: A plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

Chapter 16.72 Supplementary Regulations

16.72.020 Off-Street Parking And Off-Street Loading Requirements

At the time a new structure is erected, the use of an existing structure is enlarged, or the category of use is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this code.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases or contracts to establish the joint use.
- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot unless otherwise approved by the Planning Commission.

- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use if determined to be a nuisance by the City Code Enforcement official.
- F. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid the flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances of residents by the erection between the uses, of a sight-obscuring fence or vegetative buffer, of not less than five (5) feet in height, except where vision clearance is required.
- H. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone, on any adjacent building, or on any street or highway.
- I. Off-street parking shall not be allowed in the required front or street side-yard setback areas, with the exception of an approved driveway, in a residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required and shall be enclosed or defined by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4 1/2) feet from the property line.
- K. Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.
- L. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
- M. Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- N. Compact parking spaces may be permitted at a ratio of one (1) space to every three (3) full-sized spaces (See "Parking Space" definition under Section 16.04.030 of this title for dimension requirements).
- O. Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.
- P. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- Q. Required off-street parking must be provided when the category of use of an existing structure is changed, except under the following circumstances:
 - 1. The number of parking spaces required by the code for the new use will be equal to or less than the code requirements for the previous use, and there will be no reduction in the number of parking spaces, or
 - 2. No additional area is available for new parking spaces and at least seventy-five (75) percent of the number of spaces required for the new use will be provided, with no reduction in the number of parking spaces.
- R. For the purpose of calculating the number of off-street parking spaces required, the total floor area of a structure shall be used.
- S. Off-street parking requirements.
 - 1. Dwelling. Two (2) spaces for each dwelling unit.

2. Mobile Home Park. Two (2) spaces for each mobile home space.
3. Motel, Hotel or Resort. One (1) space for each accommodation.
4. Hospital. Three (3) spaces for each two (2) beds.
5. Nursing home or similar institution. One (1) space for each three (3) beds.
6. Church, club or similar place of assembly. One (1) space for each six (6) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly.
7. Library. One (1) space for each three hundred (300) square feet of floor area.
8. Skating rink, or similar commercial amusement enterprise. One (1) space for each one hundred (100) square feet of floor area.
9. Bowling alley. Five (5) spaces for each alley.
10. Retail Store: One (1) space for each three hundred (300) square feet of floor area.
11. Eating and drinking establishments. One (1) space for each four (4) seats.
12. *Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture. One (1) space for each six hundred (600) square feet of floor area.*
13. Bank, office. One (1) space for each six hundred (600) square feet of floor area.
14. Instructional classes, such as martial arts or dance studios. One (1) space for each instructor plus one (1) space for each one hundred (100) square feet of floor area.
15. Schools:
 - a. Pre-school, Kindergarten, Elementary and Junior High: Two (2) spaces per classroom.
 - b. High School: Five (5) spaces per classroom.
16. Bed and breakfast establishments: One (1) off-street parking space for owners/operators with one (1) additional space for each authorized guest room.
17. Personal services establishment (i.e. barber, beauty shops). Two (2) off-street parking spaces per each operator station.
18. Multi-family dwellings. One and one-half (1.5) spaces per dwelling unit

16.72.030 Exterior Lighting

Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face or shine directly onto a lot in a residential zone, street or highway.

Chapter 16.84 Conditional Uses

16.84.010 Purpose

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the city as a whole.

16.84.020 Authorization to Grant or Deny Conditional Use Permit.

Conditional uses listed in this code may be permitted, enlarged, or altered upon authorization 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 the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole.
- B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this code, additional conditions which are considered necessary to protect the best interest of the surrounding area or the 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, diking, or other facilities to protect adjacent or nearby property;
 8. Designating site for open space;
 9. Regulating the hours of operation; and
 10. Setting a time limit for which the conditional use is approved.
- D. Modifications of standards listed for each conditional use may be granted if:
1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
 2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
 3. The purposes of this code are fulfilled.

16.84.030 Procedure For Taking Action On A Conditional Use Application

The procedure for taking action on an application for a conditional use shall be as follows:

- A. 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. The Planning Commission may require other drawings or information necessary to provide an understanding of the proposed use and its relationship to surrounding properties.
- B. Before the Planning Commission may act on a request, it shall hold a public hearing as prescribed in Chapter 16.108 of this title.
- C. The planning commission's decision is final unless it is appealed as prescribed in Chapter 16.108 of this title.

16.84.040 Building Permit For An Approved Conditional Use

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. Any substantial change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use.

16.84.050 Time Limit Of A Conditional Use Permit

Authorization of a conditional use shall be void after two (2) years 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 one (1) year. A maximum of two extensions can be granted.

16.84.060 Revocation Of A Conditional Use Permit

Any permit granted hereunder shall be subject to denial or revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if the conditions of approval are not complied with or are not being maintained, or the conditional use becomes detrimental to public health, safety, or welfare.

- A. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed in Chapter 16.108 of this title. The permit holder shall be required to show cause as why such permit should not be revoked.
- B. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time shall be given for correction. If corrections are not made within the specified time, revocation of the permit shall become effective.
- C. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the Planning Commission may allow a new application if, in its opinion, new evidence or a change in circumstances warrant it.

16.84.070 Standards And Procedures Governing Conditional Uses

- A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use, considering:
 - a. The size, design and operating characteristics of the use;
 - b. The adequacy of transportation access to the site; and
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.
 - 2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above. Mobile home parks are exempt from Sections 16.84.020(A) and 16.84.070(A)(2) of this chapter.

2. Applicant's Proposal:

The applicant submitted the application form, fee, and provided a description of the business operation, operating characteristics, and site plan.

Below is paraphrased from the application and supporting documents.

Proposed Use.

The applicant is requesting to use a portion of the property for the storage and maintenance of construction materials and equipment for his construction business, J & J Residential LLC. The property is 6.22 acres in size with Crestline Drive to the east and Ann Street to the west. The applicant will occupy roughly one acre (40,000 sq. ft.) which might be partitioned from the main parcel in the future.

The property has an existing fenced in area in the SW corner with access from Ann Street. The property is relatively flat and sparsely vegetated. The applicant proposes two 30'x40' buildings (2,400 sq. ft.), one 12'x20' attached office (240 sq. ft.), one 10'x12' attached storage room (120 sq. ft.), and two metal storage containers (40' long). The storage containers will be set 20' apart and will be covered by a roof structure as part of a future phase.

The buildings will be pole barn style with wood framing and metal sides and roof. One building will be used as a mechanic's shop and the other building will be used for storage and construction type work. The mechanic's shop will have a catch basin in the floor for oil and fluid spills and oil/water separator. Oil storage will be in 55-gallon drums and disposed of as needed. Parking areas will be graveled. Site will have security lights and cameras on the buildings.

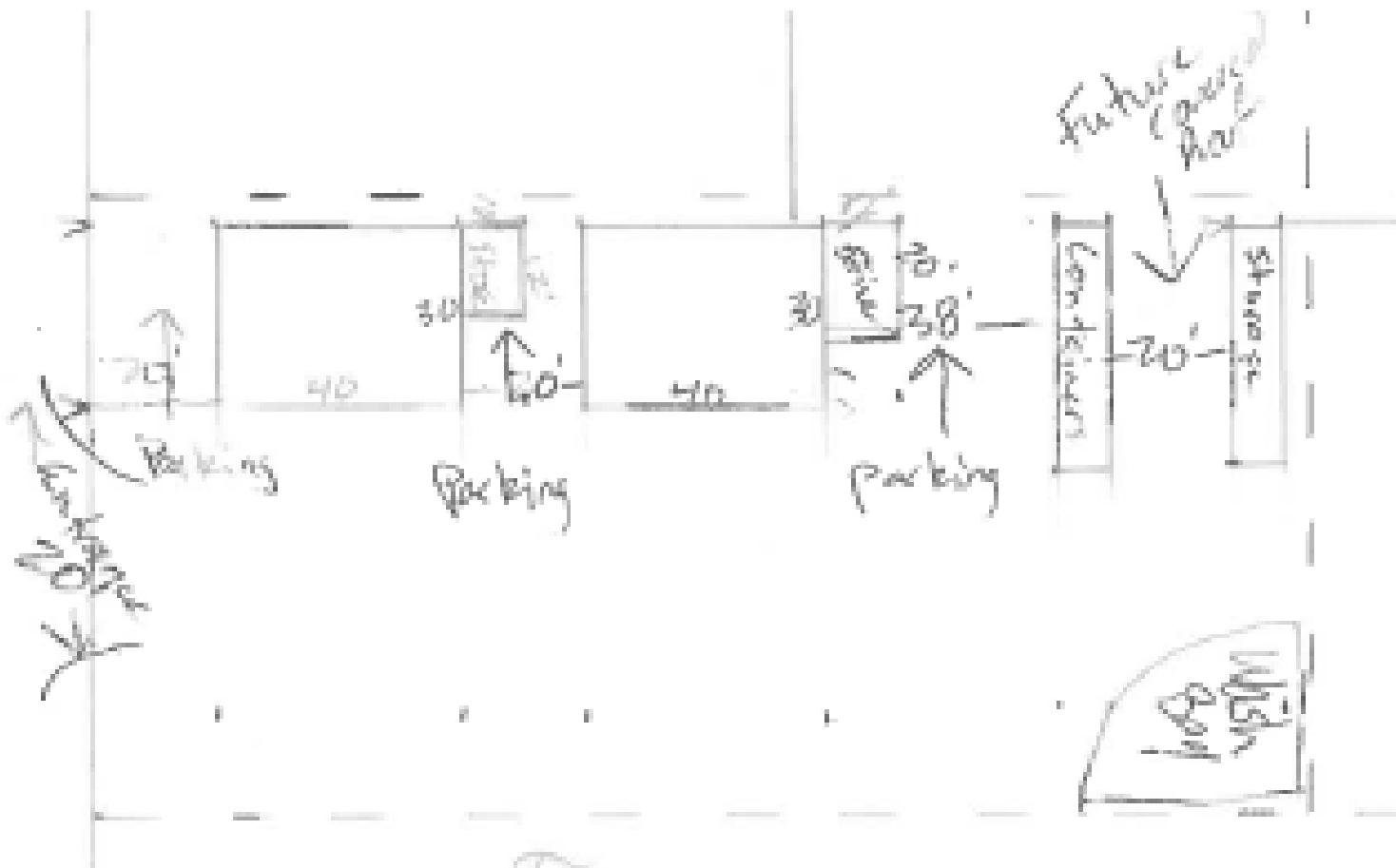
Site development includes a 6' chain link fence topped with 3 strands of barbwire around the perimeter with an access driveway off Crestline Drive and future access driveway off Ann Street.

Future phases for the west portion of the site will include either storage units or workshops available for rent.

Storm Drainage. The applicant shall prepare and submit a plan for drainage that meets the requirements of 16.28.030 (approved by the Director of the Waldport Public Works). The applicant will not direct water draining from roofs or other non-impervious surfaces associated with the shops into any sanitary sewer facilities or in such a way as to cause damage to other properties.

Central Oregon Coast Fire and Rescue District. The applicant will work with the District to make sure the proposed facility meets the District's needs. Final engineering/architectural plans will incorporate the District's needs.

SITE PLAN



3. **Public Testimony:**

At the time this staff report was prepared, the City had not received any written testimony.

C. STAFF ANALYSIS

1. **Conditional Uses Permitted in the Industrial Park Zone (16.36.020).** The applicant is requesting a Conditional Use Permit to construct several structures for the storage and maintenance of construction materials and equipment for his construction business within the City's Planned Industrial Zone.

Waldport Development Code Chapter 16.36 Planned Industrial Zone I-P, Section 16.36.020 Conditional Uses Permitted, includes subsections A, D, K, M, and O.

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- D. Automobile, truck or trailer sales, service, storage, rental or repair;
- K. Implement, machinery, heavy equipment sales, service, storage, rental or repair;
- M. Lumber or building materials sales and storage;
- O. Plumbing, heating, electrical or pain contractor's storage, repair or sales shop;

It is staff's opinion that the proposed use is appropriate for the I-P Zone.

2. **Effect on Adjacent Uses.** The Purpose of Conditional Uses states, in part, that consideration of a conditional use includes the effect the proposed use may have on adjoining land uses. This includes but is not limited to such things as traffic, noise, smell, and hours of operation. The Planning Commission will solicit public testimony and determine if there are effects on adjoining land uses.

It is staff's opinion, based on the following sections, that there will be negligible effects on adjoining land uses.

3. **Planned Industrial (I-P) Standards (16.36.040).** The I-P Standards are stated in *italics* and followed by the staff analysis.

- a. *All yards abutting a residential zone shall be a minimum of twenty (20) feet.*

The subject site does not border a residential zone.

- b. *All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.*

There are no water features such as streams near the subject site.

- c. *No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.*

Crestline Drive is a designated collector street therefore no structure shall be closer than 30 feet from the centerline of the street. The nearest proposed structure is 70' from the edge of Crestline Drive.

- d. *No building in the I-P zone shall exceed a height of forty-five (45) feet.*
Proposed structures are shown on the site plan. Proposed height is 22'. No building shall exceed a 45-foot height.
- e. *Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.*
The subject site faces Crestline Drive and SW Ann Street. All outdoor storage abutting or facing a street shall be screened with a sight-obscuring fence or a buffer strip of vegetation.
- f. *Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.*
Upon a conditional use approval, the applicant shall prepare and submit a plan for drainage that meets the requirements of 16.28.030 (approved by the Waldport Public Works Operations Superintendent). The applicant will not direct water draining from roofs or other non-impervious surfaces associated with the structures into any sanitary sewer facilities or in such a way as to cause damage to other properties.

It is staff's opinion that the Standards for the I-P Zone have been or will be met by the applicant.

4. **Parking (16.72.020).** The Code does not specify the required number of parking spaces for workshops or storage therefore the number of parking spaces shall be determined by the Planning Commission.

Similar uses identified in the code are below:

- Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture. One (1) space for each six hundred (600) square feet of floor area.
- Bank, office. One (1) space for each six hundred (600) square feet of floor area

Other permitted facilities in the I-P Zone have provided parking at 1 spot per 600 square feet.

The proposed improvements include 2,760 square feet of floor area resulting in a parking requirement of five (5) spots.

Parking and driving surfaces will be constructed of durable and dustless materials (gravel). Parking will be provided on site and adjacent to buildings.

It is staff's opinion that 1 spot for each 600 square feet of floor area adequately represents the parking needs and is consistent with similar facilities in the area.

6. **Exterior Lighting (16.72.030).** The applicant is proposing exterior lighting attached to the buildings.

Lights will not face or shine directly onto residential lots or streets.

7. **Fencing (16.72.040.B).** The applicant is proposing a 6-foot chain link fence topped with barbwire.

Chain link fence topped with barbwire is typical of developed lots in the industrial park. Barbwire requires Planning Commission approval.

8. Other Considerations.

- There are no wetlands/creeks/riparian areas on or near the site.
- There are no slopes over 20% on or near the site. In fact, the site and surrounding areas are fairly level.
- The site is not in a flood hazard area.
- The site has not been identified as a geological natural hazard area.

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 signature. If the request is denied, the action must be based on reasons related to orderly development and the best interests of the surrounding area or the city as a whole.

If the request is approved, staff offers recommended conditions, which may be added to or amended at the Commission's discretion:

1. **Conditional Use.** The use shall be for the maintenance and storage of construction equipment and materials as well as for a business office. The use shall not create a public nuisance or be detrimental to public health, safety, or welfare.
2. **Required Permits.** The applicant shall obtain all permits required to build and operate the maintenance/storage/office facility.
3. **Future Development.** Future development shall occur in accordance with I-P standards, i.e., building setbacks and height, screening of outdoor storage, fencing, lighting, and parking.

Future development on the western portion of the site will require a new conditional use permit as required by the Waldport Development Code.

4. Development shall occur in accordance with the submitted plan.
5. **Fence.** A 6-foot chain link fence topped with barbwire, consistent with other properties in the industrial park, will be permitted.
6. **Final Plans.** Final plans will be submitted to the City for review and approval. Final plans will include, but not be limited to:
 - Review and approval by Central Oregon Coast Fire and Rescue District.
 - Utilities including water, sewer, storm drainage.
 - Onsite improvements including sidewalk, landscaping, lighting, fencing, signage, grading and drainage, and erosion control as applicable.
 - Parking lot layout will accommodate requirements for Phase 1 (five spots total including one ADA van accessible spot) .
7. **Time Limit.** This conditional use shall be void after two (2) years unless substantial construction pursuant thereto has taken place and all conditions of approval have been fulfilled.

However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

Submitted by,

Jaime White,
City Planner

Enclosures: Site Photos
 Applicant's Narrative
 Site Plan

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