

NOTICE OF PUBLIC HEARING ADJOINING LAND OWNERS

The Condon City Planning Commission will conduct a public hearing beginning at 6 p.m. on Tuesday, November 21, 2017 in the City Council Chambers of the Condon City Hall. The purpose of the Public Hearing is to consider a Site Plan Review §152.412 and a Conditional Use Permit §152.501 for a proposed propane tank and office structure for Morrow County Grain Growers. The subject property is zoned M-1 Industrial. The property is legally described by the Gilliam County Assessor's Map 04S 21E 10AC Tax Lot 500.

Both proponents and opponents of this issue will be given opportunity to submit written testimony or speak before the Commission. Failure to raise a specific issue during the local review process may preclude an appeal to the City Council or Land Use Board of Appeals based on this issue. Staff report and other documentation will be available no later than November 14, 2017 at City Hall, 128 S. Main Street, or at www.cityofcondon.com

Any questions should be directed to Kathryn Greiner, City Administrator, at (541) 384 2711. All interested parties are urged to attend.

Kathryn Greiner
City Administrator



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AGENDA
CITY OF CONDON PLANNING COMMISSION
128 SOUTH MAIN STREET, CITY HALL
Tuesday November 21, 2017 ~ 6 P.M.

- 1) Oath of Office to Rachel Weinstein & Dawn Parm
- 2) Call Meeting To Order/Roll Call
- 3) **PUBLIC HEARING** – Conditional Use Permit and Site Plan Review for Morrow County Grain Growers #567
- 4) Approval of Minutes of November 15, 2016 Planning Commission Hearing & Meeting
- 5) Correspondence/Other
- 6) Next Meeting – December 19, 2017 If Necessary
- 7) Adjourn Meeting

Agenda prepared and distributed November 14, 2017



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STAFF REPORT

Conditional Use Permit and Site Plan Review
for Morrow County Grain Growers Propane Station and Office
November 14, 2017

PREPARED BY: Nick Kraemer, City Planner

PROCEDURE TYPE: Quasi-Judicial

PROPERTY LOCATION: Gilliam County Assessor's Map 04S 21E 10AC Tax Lot 500
ZONING DISTRICT: Industrial "M-1" zone

REQUEST: This is a request to be implemented in two phases:
Phase 1: Install a propane station to fill MCGG Propane trucks. The station includes a 18,000 gallon propane storage tank which is 9' diameter by 40' length.
Phase 2: Construct an office to support Morrow County Grain Growers operations. The proposed office is 20' by 10'.

At this time, MCGG is proceeding with Phase 1 and will provide more details prior to construction of Phase 2

NOTIFICATION: Notice of application and an invitation to comment has been advertised in the newspaper, mailed to the applicant and property owners within 100 feet.

COMMENTS RECEIVED: No comments have been received.

RECCOMENDATION: **Approval** with conditions based on the following findings of fact.

REVIEW CRITERIA:

The City of Condon Zoning Ordinance Article 4 –
Supplemental Provisions - Site Plan Review & Article 5
Conditional Uses

SECTION 152.305 – M-1 Industrial. (A) *Conditional Uses. Permitted with approval of the Planning Commission.*

FINDING #1: The requested uses are allowed as a conditional use in the M-1 Industrial Zone. All permitted/conditional uses in the M-1 zone also require site plan approval. **Criterion Met.**

SECTION 152.501 – Standards for Granting Conditional Uses.

(A) *The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.*

FINDING #2: The requested use is allowed as a conditional use in the M-1 Industrial Zone and is consistent with the intent of the Comprehensive Plan. **Criterion Met.**

(B) *Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.*

FINDING #3: The subject property is located in the Industrial Zone and surrounded primarily by existing Industrial uses.

The requested uses proposed in Phase I will not have negative impacts on surrounding properties. The scale of the development is compatible with surrounding buildings. The proposed facility must complete the required permitting with the Office of the State Fire Marshall and maintain the required permits to operate the LPG filling station. Landscaping and vegetative buffers are not compatible with the LPG operations in Phase 1 - so they will not be required with Phase 1.

For Phase II - no details were provided about the size and type of office building proposed. This information will need to be provided prior to building permits being issued for Phase II. Landscaping and vegetative buffers will also be required as conditions of approval for Phase II to minimize impacts of the proposed building and parking area.

Criterion met with conditions.

(C) *The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.*

FINDING #4: The subject property is located in the Industrial Zone and surrounded primarily by existing Industrial uses - most of which do not include landscaping or fencing/screening. Extensive Landscaping is not compatible with a LPG filling station - so I am recommending that the landscaping minimum be applied at implementation of Phase 2. Details about the landscaping, parking areas, stormwater management and building design will be addressed as conditions of approval. **Criterion met with conditions.**

(D) *The proposal will preserve assets of particular interest to the community.*

FINDING #5: Criteria not applicable.

(E) *The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.*

FINDING #6: The requested use is a viable use and will meet a need in the community.
Criterion Met.

SECTION 152.412 – Site Plan Review Criteria.

(A) *Natural Features. Where existing natural or topographic features are present, they shall be used to enhance the development; (i.e., the use of small streams in the landscaping design, rather than culvert and fill)..*

FINDING #7: The subject property does not contain any significant existing natural or topographic features. The site is generally flat and no major cut/fill is proposed with this development. **Criterion met.**

(B) *Trees. Existing trees shall be left standing except where necessary for building placement, sun exposure safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses..*

FINDING #8: The subject property contains very little existing vegetation or trees. The submitted plans do not include any landscaping detail. As a condition of approval, for Phase II the applicant must submit a landscaping plan with sufficient detail to show that 15% - at a minimum - of the office development will be devoted to landscaping. **Criterion met with conditions.**

(C) *Grading. The grading and contouring of the site shall take place and on-site surface drainage and on-site storage of surface water facilities are constructed when necessary, so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan may be required.*

FINDING #9: No major grading or cut/fill is proposed with this development. Any disturbed areas should be managed to prevent erosion and measures should be taken to avoid impacts from dust to neighboring property owners. No stormwater management detail was provided with the application. The stormwater must be maintained on-site and must not impact neighboring properties. Phase 1 does not include any major grading/paving - so I am recommending that a construction erosion plan/stormwater management plan be deferred to the time of implementation of Phase 2. These plans must be submitted to the City and approved prior to Phase 2 be constructed. **Criterion met with conditions.**

(D) *Public Facilities. Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. On-site detention or treatment of stormwater may be required.*

FINDING #10: Phase 1 of the proposed use does not require water, sewer or stormwater utilities. Phase 1 will only require power hookup via nearby power pole. Phase 2 of the proposal may require connections to City utilities and they are available in this area and adequate capacity exists. The streets in this area no improvements such as sidewalks and curbs. The size of the proposed development and number of trips/visits to the site for the proposed use does not warrant installation further street and intersection improvements. Stormwater run-off from the site shall be maintained on-site. The applicant must meet Fire Protection/ Safety Standards required through the LPG Permitting process through the Office of the State Fire Marshall. **Criterion Met with conditions.**

(E) *Traffic. The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).*

1. *On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.*
2. *The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between the existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.*
3. *Access to all state highways will require a permit from ODOT. Access spacing and location shall address the states Access Management policies. Frontage improvements, such as curb and sidewalk to ADA standards, may be required by ODOT as a condition to access.*
4. *Traffic Impact Report – The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within 20 days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.:*

FINDING #11: The proposed use will not produce a significant number of trips per day. This is not a high-traffic industrial use and the business will have generate much less than 400 trips per days on average. Phase 1 is expected to generate 1-3 truck trips per day. Phase 2 will generate 5-10 trips per day. No traffic impact analysis will be required. For Phase 2 - a parking area plan must be submitted prior to construction. The state highway is a block away and accessed via E Frazer and E Well Street. No improvements to these streets or access is recommended. **Criteria met with conditions.**

(F) *Storage. All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.*

FINDING #12: The site plan does not show any detail about storage areas and/or garbage collection. In Phase 1 - the LPG tank and station shall be secured in a way that meets State Fire Marshall Permit standards and protects public safety. Screening of the LPG tank is not required - as this could be a safety hazard and there are no visual impacts in this Industrially zoned area. For Phase 2 - any storage areas and the garbage collection areas must be shown on a revised site plan - these areas must be screened. If large amounts of outdoor storage become part of the use of the property - the City can require sufficient screening to be installed. **Criteria met with conditions.**

(G) *Equipment Storage. Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of Section 5-1-3 of the Municipal Code relative to noise.*

FINDING #13: The proposal does not include any large equipment storage or mechanical equipment that would generate significant noise. For Phase 2 - any equipment storage areas must be shown on a revised site plan - these areas must be screened. If large amounts of outdoor storage become part of the use of the property - the City can require sufficient screening to be installed. **Criterion met conditions.**

(H) *The following criteria shall be applied to the maximum extent possible without causing significant adverse impacts on the operating efficiency of the proposed use:*

1. **Compatibility.** *The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity. Use of materials shall promote harmony with surrounding structures and sites.*

FINDING #14: The proposal is compatible with other industrial development in this area in regards to scale and height. No information was provided about materials or design for Phase 2 office building - applicant will need to submit this detail to the City prior to obtaining building permits for Phase 2. **Criteria Met with more information.**

2. **Design.** *Monotony design in single or multiple projects shall be avoided. Variety of detail, form and siting shall be used to provide visual interest.*

FINDING #15: The proposal includes a basic structure to serve the business needs of the existing industrial uses in the area - design standards to promote visually interest are not onerous in the Industrial zone. Again a landscaping plan will be required as a condition of approval - as landscaping can reduce impacts on neighboring properties and create some visual appeal. **Criteria met with conditions.**

3. **Orientation.** *Buildings shall have their orientation toward the street rather than the parking area.*

FINDING #16: Phase 1 shows adequate orientation to accommodate LPG trucks. Not shown for Phase 2. Further detail shall be provided for Phase 2 prior to issuance of building permits. **Criteria met with conditions.**

4. **Parking.** *Parking areas shall be located behind the buildings or on one or both sides.*

FINDING #17: No parking area is proposed for Phase 1 outside of the LPG truck fill area. Not shown for Phase 2. Further parking area detail shall be provided prior to approval of Phase 2. **Criteria Met with conditions.**

(1). OFF STREET PARKING REQUIREMENTS: Off-Street parking shall be provided as follows: 1 space per employee+ 1 space per 700 square feet of parking serving area

FINDING #18: No parking area is proposed for Phase 1 outside of the LPG truck fill area. No detail was provided regarding surface of this area. This is not a retail facility and it is estimated that only 1-3 trucks will access the site per day. I would recommend that gravel surface be allowed for Phase 1 - but it must be maintained as a dustless gravel surface and adequately management stormwater in this area.

No parking areas are shown for Phase 2. Further detail shall be provided for Phase 2 prior to issuance of building permits. The parking plan should be sufficient to meet the off street parking requirements stated above for Wholesale Industrial uses (above). The parking area must be a durable and dustless surface. In addition, the parking area must include a bumper rail or curb to separate the driving areas from landscaping and pedestrian areas. **Criterion met with conditions.**

(4). GENERAL LANDSCAPING STANDARDS: (C) Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot. (G) Minimum landscaping as a percent of gross site area shall be as follows: Industrial 15%

FINDING #19: The site plan does not show any details for landscaping. As discussed above - the LPG tank area is not compatible with landscaping - so I am recommending that no landscaping is required for Phase 1. Phase 2 will require landscaping and must meet the minimum landscaping requirement of 15% of the gross site area - which includes the parking area for Phase 2. A portion of the area directly adjacent to the parking area must be dedicated to landscaping to improve the visual appearance of this area and maintain safety. Landscaping plan must be submitted for Phase 2 prior to issuance of building permits. **Criterion met with conditions.**

SECTION 152.304 – INDUSTRIAL “M-1” STANDARDS:

FINDING #20: Phase 1 meets the 35 foot height maximum for the zone. The applicant needs to provide more detail about the setback to the property line for Phase 1. The proposed uses have no City setback requirements but must be located on private property and meet State Fire Marshall Code Requirements. Phase 2 details about building height, design and setbacks must be submitted to City prior to issuance of building permits. **Criteria met with conditions.**

CONDITIONS OF APPROVAL:

- 1) The proposed facility must complete the required permitting with the Office of the State Fire Marshall and maintain the required permits to operate the LPG filling station.
- 2) Applicant must meet all State Building Code requirements and obtain building permits for both phases.
- 3) Grading - any areas of site grading should be replanted to prevent erosion and measures should be taken to avoid impacts from dust to neighboring property owners during construction.
- 4) Stormwater run-off from the site shall be maintained on-site.
- 5) For Phase 1: Applicant must provide fencing or other forms of security that protect public safety and meet State Fire Marshall requirements.
- 6) For Phase 1: The applicant needs to provide more detail about the setback to the property line for Phase 1.
- 7) For Phase 2: No details were provided about the size and type of office building proposed. This information will need to be provided prior to building permits being issued for Phase II.
- 8) For Phase 2: A parking area plan must be submitted to the City showing that parking area requirements are met. The parking area must be a durable and dustless surface. In addition, the parking area must include a bumper rail or curb to separate the driving areas from landscaping and pedestrian areas.
- 9) For Phase 2: Applicant must submit a landscaping plan with sufficient detail to show that 15% - at a minimum - of the development will be devoted to landscaping.
- 10) For Phase 2: A construction erosion plan/stormwater management must be submitted to the City and approved for proposed building and parking areas.
- 11) For Phase 2: Applicant must submit updated site plan to City showing outside storage areas and proposed screening for these areas. If large amounts of outdoor storage become part of the use of the property - the City can require sufficient screening to be installed.
- 12) No signs are proposed with this application and any additional signage must be applied for separately with the City.