

**Town of Yacolt**

**Conditional Use Permit Application**

**Staff Report**

**July 7, 2014**

#### A. Applicant Information:

Name: Colleen Groff

 C/O Verizon

 604 E Hoag Street Yacolt, WA. 98675

 415.457.6581

 Alternate # 214.385.8766

Date: June 13, 2014

Company that Applicant is Representing Verizon Satellite Division

**B. Summary**:

This application is for the expansion of a third dish facing southeast at the current facility located at the complex located at 604 E Hoag Street commonly known as MCI complex The current zoning of the property is light industrial. This property is owned by Lucky and Charlie Witt. This request is consistent with the existing zoning and use.

The proposed project is to install one additional satellite dish antenna. A 9 meter diameter dish antenna mounted on 15”square foundation at the current site location.

**C. Site History**:

 Since the late 1970’s the Witt family has been working with and leasing property to MCI/Verizon. There have been at least two expansions since the satellite dish complex was constructed. Originally five acre parcel was leased to MCI and then it was later expanded to a total of 10 acres. Easements for egress and ingress, utilities, and transmission easements for the trajectory of the dishes are recorded across a portion of Yacolt Recreational Area.

**D. Procedure**:

The Town of Yacolt’s Zoning Ordinance #371 governs the zoning and permitting process for the proposed development.

**E. Application Requirements**:

A conditional use permit under Ordinance #371 requires the applicant to submit a Conditional Use Permit Application; a SEPA application; and a site plan. (Section 7C, Ordinance #371)

Application and Review Fees: The application fee for a Conditional Use Permit is $500 pursuant to Section 18D, Ordinance #371.

**F. Application Status**:

The Applicant filed its Conditional Use Permit Application on June 13, 2014. The Application included all required documents. Staff determined that the Application was complete. The Applicant has paid the required application fee.

A public hearing on the Conditional Use Permit Application is scheduled for the Town Council’s regular meeting on July 21, 2014. A Notice of Application has been published in the Reflector providing between 14 and 30 days’ notice of the public hearing as required by Section 15B of Ordinance #371.

**G. Public Notice, Meetings and Comments**:

The following is a list of public meetings and notices related to the proposed project:

1. Town Council Meeting regarding the filing of the Conditional Use Permit was on

 July 7, 2014

2. Public Hearing notice for Conditional Use Permit Application published in the Reflector on July 9th and 16th 2014.

3. Public Hearing notice posted on Hoag property on July 7, 2014.

4. Public Hearing notice posted on Town website in calendar of events on July 7, 2014.

5. Public Hearing posted on Town reader boards on July 7, 2014

6. Public Hearing on Conditional Use Permit for Hoag Street location scheduled for July 21, 2014.

**H. Town Council Authority**:

The Town Council has the authority to “approve, approve with conditions, disapprove, or revoke conditional use permits” according to the terms of the Ordinance. (Section 7B, Ordinance #371)

The Town Council may impose conditions that it finds necessary to protect the best interests of the surrounding property or neighborhood, or the community as a whole. For example, these conditions may include requirements affecting the required lot size; controlling the location and number of vehicular access points to the property; limiting the number of signs; limiting the coverage or height of structures because of obstructions to view and reduction of light and air to adjacent property; requiring screening and landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area; and requirements under which any future enlargement or alteration of the use shall be first reviewed by the Town so that any appropriate new conditions may be imposed.

 In order to grant any conditional use, the Town Council must find that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community. (Section 7F, Ordinance #371)

**I. Impact on Area:**

The proposed facility does not add any strain to the Town’s infrastructure or create any additional environmental issues.

**J. Staff Recommendations and Comments**:

If the Town Council approves this location, staff recommends approval of the site is reasonable. The request is only an expansion of the existing system and will not significantly change the appearance of the complex. The addition of the extra dish will be difficult to see as the placement is protected from the housing areas by trees. Verizon has determined that no additional trajectory easements will be needed so there will be no additional requirements which could affect neighboring properties.

**Specific Staff Recommendations**:

1. The existing foliage should be retained to provide as much screening as possible.

2. Staff recommends that the Conditional Use Permit be approved for a fixed period of two years.

3. The contractor/ property owner should be responsible for upgrading the site to meet current codes and ordinance. This would also include Clark County Building codes and Clark County Public Health codes. All contractors shall have current Yacolt business licenses.

4. Staff recommends that the Conditional Use Permit be approved for fixed period of two years.

5. All utilities developed to serve the site should be underground.

**L. Attachments**:

 1. Conditional Use Permit Application;

2. SEPA application; and,

3. Site plan.

**Ordinance #371 - Key Procedural Steps:**

Developments allowed as a conditional use under Ordinance #371 may be permitted subject to the Town Council first granting a conditional use permit. (Section 7A, Ordinance #371) The Town Council has the authority to “approve, approve with conditions, disapprove, or revoke conditional use permits” according to the terms of the Ordinance. (Section 7B, Ordinance #371)

Some of the key elements of the procedure for considering a Conditional Use Application are summarized below:

1. The Mayor or another Town official prepares a report which is submitted to the Town Council and made available to the applicant prior to the public hearing. (Section 7D, Ordinance #371)

2. Before a conditional use is permitted, the proposed conditional use shall be considered by the Town Council at a public hearing, held after proper notice. (Section 7E, Ordinance #371; Section 15A, Ordinance #371)

3. The Town Council is required to render a decision on the conditional use permit application within sixty (60) of the filing date of the application. (Section 7F, Ordinance #371).

4. Prior to public hearings, a SEPA threshold determination of Environmental Significance, Non-Significance, or Mitigated Non-Significance shall be made by the Town and circulated for comment 15 days prior to a decision on the proposed development. (Section 15C, Ordinance #371)

5. No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this section until five (5) days after the approval of the conditional use by the Town Council. (Section 7G, Ordinance #371)

6. Upon receiving an application for a development, the Town shall have no more than 28 days to determine whether or not the application is technically complete. A written decision on a development proposal shall be rendered within 120 days following the receipt of a technically complete application.

**Building Permit Conditions, (Section 16A, Ordinance #371)**:

Initial application for a building permit shall be made to the Town Clerk on a form supplied by the Town. An initial application shall be considered by the Town Council. Following approval of an initial building permit application by the Town Council, the Mayor shall consider issuance of a certification of compliance with zoning and other pertinent local regulations. The initial building permit application filed with the Town and the zoning certification of compliance shall be submitted to the Clark County Building Division by the applicant. The applicant shall provide the County with any additional required information on forms provided by the County. No construction shall be undertaken on the project in question, until such date stated on the building permit for the project issued by the County.