

CITY of RIDGEFIELD

**STAFF REPORT AND RECOMMENDATIONS
CONDITIONAL USE / SITE PLAN REVIEW / VARIANCE
COMBINED TYPE III REVIEW - (SPR 99 - 11)**

LOW ZONE RESERVOIR

TO:	Mayor, and Members of the Ridgefield City Council and Planning Commission
FROM:	Eric Eisemann
DATE:	August 9, 1999
SUBJECT:	Low Zone Reservoir
LOCATION:	11 th Court, North of Cemetery Road
APPLICANT & PROPERTY OWNER:	City of Ridgefield [Applicant and Owner] 230 Pioneer Street Ridgefield, WA 98642 (360) 887-3557 Wallis Engineering [Applicant's Representative] 119 E. 8 th Street Vancouver, Washington 98660 (360) 695-7041
SITE AREA:	Approximately 25,380 square feet
ZONING DESCRIPTION:	Urban Public (UP)
COMPREHENSIVE PLAN:	Urban Public (UP)
APPLICABLE LAW:	<u>Ridgefield Development Code (RDC)</u> <ul style="list-style-type: none">• RDC 18.260.030 Conditional Uses in Urban Public Zone• RDC 18.310.080 Type III Procedure• RDC 18.350.040 Variances• RDC 18.500, Site Plan Review
STAFF RECOMMENDATION	APPROVE WITH CONDITIONS

1) NARRATIVE

Application Request:

The applicant, the City of Ridgefield, proposes to replace the existing reservoir, built in 1906 and located at 11th Court, north of Cemetery Road, with a new, 400,000 gallon capacity low zone reservoir to be owned and operated by the City of Ridgefield. The new facility will bring the reservoir into compliance with health regulations and increase fire flow. The applicant filed a conditional use permit, SEPA checklist, and variance with the site plan application.

Procedural Facts:

The Ridgefield planning director held several pre-application conferences with Wallis Engineering staff in early April, 1999. [RDC 18.310.030] Wallis Engineering, on behalf of the City of Ridgefield, submitted a site plan review application including a conditional use permit and variance request on July 2, 1999. The planning director reviewed the application materials submitted and asked for further information relating to the site plan and variance request on July 13, 1999. After receiving a set of amended plans and a detailed variance request letter, the planning director found the application for Type III review to be technically complete on July 19, 1999. [RDC 18.310.040.] The City issued public notice on this application on July 27, 1999. [RDC 18.310.080(B) and RDC 18.810.160(B)(1)]

SEPA:

No sensitive lands exist on the site. The applicant provided a SEPA checklist with the application. [RDC 18.810.110(B)] There are no foreseeable significant adverse impacts as a result of the reservoir replacement. The City issued a Determination of Nonsignificance (DNS) in accordance with WAC 197-11-340 on July 27, 1999. [RDC 18.810.080(A)(3)]

2) APPLICABLE CODE REQUIREMENTS: RDC 18.260 Urban Public District; 18.310.080 Type III Procedure; 18.350.040 Variances; and 18.500 Site Plan Review.

RDC 18.260 Urban Public District /Conditional Use

The purpose of the urban public district is to implement the RUACP as it relates to publicly held properties, which serve broad public purposes, such as private airports, hospitals, or waste disposal sites. The urban public district is created to accommodate public and semi-public land uses which are necessary components of modern urban life, but which, because of their scale or probable adverse impacts, require special review and extensive public involvement prior to approval. [RDC 18.260.000]

The applicant proposes to replace an existing low zone reservoir with a new low zone reservoir. This type of use is not permitted outright in the urban public zone but may be allowed conditionally. The existing reservoir has been in its current location since 1906 and was classified as a conditional use at the time Ridgefield established zoning districts. The City currently allows the present reservoir as a conditional use in the Urban Public zone. [RDC 18.260.030(E)] Uses within the UP zoning district are subject to lot requirements found in RDC 18.260 as summarized in Table 1 below.

Table 1: Summary of Applicable Standards and Recommended Findings

RDC Section	Issue	RDC Standard	Proposal	Findings
RDC 18.260.030(E)	Conditional Use in UP District	Similar Uses	Conditional Use Permit	See discussion on page 2.
RDC 18.260.050	Height Restrictions	35 feet	Approximately 25 feet	This standard has been met.
RDC 18.260.060	Size Limitations	No Limitations	Approximately 25,380 square feet	This standard has been met.
RDC 18.260.070(A)	Setbacks	From Streets: 25' Side & Rear: 20'	This standard has been met.	This standard has been met.
RDC 18.260.070(B)	Landscaping	Minimum 25% of site must be landscaped	Variance Requested	See discussion on page 4.
RDC Table: 18.500.050(E)	Screening & Buffering	Type L3 (Industrial, et al.)	Variance Requested	See discussion on page 4.
RDC Diagram: 18.500.050(C)	Walls /Fences/Berms	Symbol S-1	Variance Requested	See discussion on page 4.

3) ANALYSIS

RDC 18.500 Site Plan Review

Basic site plan review is required for proposals, which will create more than 1,000 square feet of impervious surface. [RDC 18.500.030(A)] This proposal will result in the excavation of approximately 200 cubic yards of material for the construction of the new reservoir and alter approximately 4,000 square feet of earth temporarily. Upon completion, this project will create 15% less impervious space than the current reservoir.

Approval of new conditional uses and major alterations of existing conditional uses in the Urban Public zone are reviewed under Type III procedure. [RDC.340.040(B)] The applicant is requesting a variance to RDC.500.050(E)(3), RDC Table 18.500.050(B), and RDC Diagram 18.500.050(C). Variances must be processed via a Type III procedure. [RDC 18.350.040]

RDC 18.500.050(C) Implementation of Required Capital Facilities Plan projects

There are no roads, parks, trails, sewer or water lines, or other improvements identified in the Ridgefield Capital Facilities Plan (RCFP) which are impacted by the proposed low zone reservoir. The planning director recommends that the Planning Commission find that the proposed development is consistent with the RCFP.

RDC 18.500.050(D) Compliance with City engineering standards

The City consulting engineer, Wallis Engineering, prepared the project application and will supervise the construction of the reservoir to ensure that the project conforms with adopted City Engineering Standards for Public Works. All construction activity shall comply with these adopted engineering standards.

RDC 18.720 Off-street Loading and Parking

Parking facilities are not evident on the site plan. The applicant has stated that the only traffic demand generated by the reservoir use, after construction, will be monthly and intermittent special inspection and maintenance activity - approximately 16 one-way vehicle trips per year. Parking spaces for a reservoir are not specifically addressed in the RDC. Uses not specifically listed shall furnish parking as required by the approval authority, in conformance with RDC 18.720.030(F). A parking demand of two (2) to four (4) vehicle trips per month does not necessitate a need for permanent parking spaces at the site. The gravel access road identified on the site plan provides sufficient parking area for maintenance vehicles when attending the reservoir. The planning director recommends that the Planning Commission find that adequate off-site parking is available along the private gravel road indicated on the site plan.

Fire District Review.

Mr. Larry Bartel, Clark County Fire Protection District 12, indicated that comments on behalf of the Fire District are not necessary for this proposal.

Public Works Review.

Wallis Engineering consulted with Mr. Paul Snoey, Superintendent of Public Works, in preparation of the project application.

City Engineer's Review.

The City consulting engineer, Wallis Engineering, prepared the application.

RDC 18.350 VARIANCE REQUEST

RDC 18.500 .050(E) Screening and Buffering

The applicant is requesting a variance from three (3) code sections as they relate to screening and buffering around the proposed reservoir. The City requires screening and buffering to separate (1) dissimilar uses and (2) the proposed use and the street. More specifically, screening and buffering must be located on a perimeter of a lot and may not extend into an existing or dedicated public or private street right-of-way. [RDC 18.500 .050(E)(1-3)] Uses within the Urban Public District are subject to a minimum landscaping lot area coverage requirement of 25 percent. [RDC 18.260.070(B)]

The variance process provides the ability to modify an RDC numeric standard by more than 20%. [RDC 18.350.010(B)] As a direct consequence of meetings with surrounding neighbors, the applicant proposes to create a more open landscape plan rather than the linear screening and buffering called for in the development code. The applicant is seeking variances from three (3) RDC requirements listed below:

1. RDC 18.500.050(E)(3)

The applicant shall locate screening and buffering on the perimeter of a lot or parcel, extending to the lot or boundary line. The applicant shall not locate required buffering on any portion of an existing or dedicated public or private street or right-of-way. In case of overlapping types of buffers, the higher type shall prevail.

Applicant's Response. The applicant is requesting a variance to the location and installation of landscaping for the site due to the reservoir's location among a community of homes. The residents surrounding the site do not want standard screening, but the ability to landscape and produce a natural environment.

2. RDC Table 18.500.050(B) Screening and Buffering Standards

Screening and buffering standards in the RDC indicate that the applicant must provide the appropriate L3 standard landscaping. [See Table RDC 18.500.050(B)]

RDC Table 18.500.050(B) Screening and Buffering Standards

Screening and Buffering Type	Primary Action	Required Plant Units in Separation in Feet on Center	Structure Description
L3	Industrial or Commercial /Res. Parking /Res. Storage /Com /Ind.	Street trees @ 25' & dense shrubbery & lawn or ground cover	& S1 or S2

Applicant Response. The preliminary ideas do not adhere to the Standards requirements of 25 feet on center trees, filled in by dense shrubs and groundcover planted in row-like arrangement. The applicant wishes to deviate from these standards; the applicant will plant shrubs, which will provide sufficient visual screening of the reservoir for the neighboring residents.

3. RDC Diagram 18.500.050(C) Structure Description: Walls /Fences /Berms

Table RDC 18.500.050(C) below indicates that a level S-1 or S-2 fencing is required.

RDC Diagram 18.500.050(C) Structure Description

Symbol	Height	Material
S-1	6 feet	Site Obscuring Fence
S-2	6 feet	Wall: Cement, Block, Rock, Brick, Concrete, wood, etc.

Applicant Response. The applicant is requesting a variance to the requirement of a six-foot high site obscuring perimeter fence. Fencing of any kind is unattractive and would be detrimental to the feel and aesthetics of the neighboring residential community.

RDC.350.050 Decision Criteria for Variances

The burden of proof is on the applicant to demonstrate compliance with the decision criteria in this section. Any decision granting a variance request shall be in writing and supported by findings of fact and conclusions demonstrating that the decision standards for adjustments in RDC 18.350.030 and all the criteria below have been satisfied. The following points demonstrate the applicant's justification for the variance request according to RDC 18.350.030 and RDC 18.350.050.

18.350.030 Decision Standards for Adjustments

A. There are topographic or built conditions, such as steep slopes, wetlands, water areas, structures, streets, utilities, lotting patterns, street patterns or similar conditions which justify departure from strict adherence to the standard to be modified.

Applicant's Response. Steep slopes exist on the north and west sides of the site. These slopes would not allow for an effective perimeter-screening fence. If a 6-ft. sight-obscuring fence were to enclose the property, the highest grade would be at the same level as the top of the 6-ft. fence.

Finding: The planning director concludes that due to the topography of the site and nature of the use to be screened, a perimeter sight-obscuring fence is ineffective in screening the particular use from nearby residences. The planning director recommends that the Planning Commission allow the applicant to eliminate the requirement of the six-foot sight-obscuring fence and plant shrubs and trees as an alternative as indicated on the site plan.

B. No significant adverse impacts to neighboring properties or to the environment will result from the modification; the cumulative affects of more than one adjustment shall be considered in this regard.

Applicant's Response. A 6-ft. sight-obscuring fence would be uncharacteristic to the residential neighborhood.

Finding: Currently, there are no fences of the type described in RDC in the neighborhood. The planning director concludes that a site-obscuring fence is uncharacteristic of the surrounding neighborhood and recommends that the Planning Commission allow the applicant to deviate from the screening and buffering standards to plant shrubs and trees as an alternative to a sight obscuring fence as indicated on the site plan.

C. The adjustment is consistent with sound engineering principles, and will be safe, practical, and efficient.

Applicant's Response. Eliminating the requirement of a 6-ft. fence in no way jeopardizes the structural soundness of the property or project.

Finding: The planning director recommends that the elimination of the fencing requirement does not jeopardize the structural soundness of the proposed low zone reservoir and recommends that the Planning Commission allow the applicant to deviate from the screening and buffering standards to plant shrubs and trees as an alternative to a sight obscuring fence as indicated on the site plan.

- D. *The modification is not contrary to the purpose section of this chapter, or to any policy or provision of the RUACP or CFP.*

Applicant's Response. The applicant wishes to maintain the existing residential neighborhood character with as few encumbrances as possible. A 6-ft. sight-obscuring fence will be an encumbrance to the character of the neighborhood. The purpose of this section is to protect the well being of the citizens of Ridgefield and provide them with the best possible environment. It is in this interest exactly that the request is being brought.

Finding: The purpose of the Urban Public (UP) district is to implement the RUACP as it relates to publicly held properties and properties which serve broad public purposes, such as private airports, hospitals, or waste disposal sites created to benefit the public. The UP district can accommodate public and semi-public land uses which are necessary components of modern urban life, but which, because of their scale or probable adverse impacts, require special review and extensive public involvement prior to approval. [RDC 18.260]

Efficient provision of potable water is a primary necessity of urban life and is an essential ingredient of the RUACP and the RCFP. The planning director concludes that this modification is not contrary to the purpose section of this chapter or to any policy or provision of the RUACP or CFP. The planning director recommends that the Planning Commission allow the applicant to eliminate the fencing requirement to plant shrubs and trees as an alternative to a sight obscuring fence as indicated on the site plan.

- E. *There are no other remedies prescribed in this title or the engineering standards to alleviate the practical problem identified in subsection A of this section.*

Applicant's Response. The applicant indicates that the only options are to:

1. Install a much larger fence, which would require its own variance, or;
2. Lower the existing grade of the property and structure, which is not in accordance with sound engineering principles.

Finding: Due to the slope of the land, raising the height of the sight obscuring fence to effectively screen the structure is not an effective or practical screening method, nor is a giant fence in character with the surrounding neighborhood. Lowering the existing grade of the property and structure is not a practicable alternative given the cost of such a project and the increased potential for erosion. The planning director recommends that the Planning Commission allow the applicant to eliminate the six feet sight obscuring fencing requirement, as it is the only reasonable alternative to RDC requirements.

- F. *The proposed adjustment is the minimum necessary to resolve the identified problem.*

Applicant's Response. As shown by evidence above, this is not the only valid alternative.

Finding: The two alternatives (1) raising the height of the sight obscuring fence or (2) lowering the existing grade of the property and structure below the sight line are uncommon, unattractive, and impractical alternatives. The planning director recommends that the Planning Commission allow the applicant to eliminate the six feet sight obscuring fencing requirement, as it is the only reasonable alternative to RDC requirements to resolve the identified problem.

G. *The proposed adjustment is no greater than 20 percent of the relative numeric standard.*

Applicant's Response. The request is greater; therefore, a variance to this requirement is requested.

Finding: The request is to reduce the applicable fence and landscaping numeric requirements by more than 20%, therefore a variance is required.

18.350.050 Decision Criteria for Variances

A. *Unusual circumstances or conditions apply to the property and / or to the intended use that do not apply generally to other property in the same vicinity or district.*

Applicant's Response. This project is for a public facility upgrade, a water reservoir, within a residential neighborhood. The intended use of this facility is not similar to the surrounding properties.

Finding: The only other use in this UP zone is the City cemetery. All other nearby uses are single-family. The applicant wishes to maintain as much of the existing site conditions as possible. Currently, no similar sight-obscuring fence exists in the nearby neighborhood. A fence of the type described in Table RDC 18.500.050(C) is uncharacteristic of the surrounding residential property. The planning director recommends that the Planning Commission find that the proposed use is dissimilar to other uses in the district and area and that the requirements for the sight-obscuring fence is not characteristic of the neighborhood.

B. *The proposed variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by the owners of other properties in the same vicinity or district.*

Applicant's Response. A fence of the type described in Table RDC 18.500.050(C) is uncharacteristic of the surrounding residential property and will lessen the aesthetic value of the neighborhood.

Finding: Other uses in the vicinity are not required to install sight-obscuring fences. The applicant has met with the neighbors who would benefit from a sight-obscuring fence and the neighbors have joined with the applicant in seeking a variance to this code requirement. Therefore, the planning director recommends that the Planning Commission find that variance will preserve the right to not install sight-obscuring fences that other property owners in the area enjoy.

C. *The authorization of the proposed variance would not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located.*

Applicant's Response. To preserve as much property value for this community is the intent of this variance.

Finding: The proposed variance to eliminate the fencing requirement and deviate from the screening and buffering standards is supported by the surrounding property owners and is therefore, not materially detrimental to the public welfare or injurious to property in the neighborhood or surrounding area. The planning director recommends that the Planning Commission find that the requested variance will not be materially detrimental to the welfare of residents of the surrounding area.

D. *The granting of the proposed variance is necessary to realize specific goals and policies of the RUACP, CFP, and will not adversely affect any goal or policy in the RUACP and CFP.*

Applicant's Response. The intended goal of this variance is to protect the interest and value of the residents who are neighbors of the reservoir.

Finding: The RUACP & CFP are based upon several cornerstone premises, one of which is that the City shall provide efficient potable water to all areas within the UGB. The City must upgrade the low zone reservoir to fulfill the aspirations of the RUACP. Although the reservoir could be built without the requested variance, the screening and buffering standards which are the subject of this variance request will not effectively screen and buffer the reservoir from the surrounding residential neighbors. Therefore, the planning director recommends that the Planning Commission find that the proposed variance to the applicable screening and buffering standards will not adversely affect any goal or policy in the RUACP and CFP.

4) RECOMMENDATIONS FOR APPROVAL

The planning director recommends the Ridgefield Planning Commission find that the application for a low zone reservoir satisfies, or with conditions can satisfy, the applicable approval standards of the RDC and City Engineering Standards. Therefore, the planning director recommends the Planning Commission approve the conditional use, site plan, and variance dated July 2, 1999 with the following conditions:

1. Unless otherwise specified herein, at all times the developer shall comply with all applicable plans, policies, regulations, and standards adopted at the time of this application, including but not limited to, the Ridgefield Urban Area Comprehensive Plan (RUACP), the Ridgefield Capital Facilities Plan (RCFP), the Ridgefield Development Code (RDC), the Ridgefield Engineering Standards for Public Works (Engineering Standards), current water and sanitary sewer plans, the Stormwater Management Manual for the Puget Sound Basin, etc.
2. Development may commence at the time the City issues construction or development permits.
3. Landscaping shall be provided in accordance with the site plan dated July 2, 1999 and shall be installed and maintained by the City in accordance with RDC 18.500.
4. If the number of vehicle trips increases to the point where 10 or more vehicle trips to the site occur daily during a work year, the City shall install designated parking spaces, in accordance with then applicable REC requirements, to accommodate the number of trips then generated.

Appeal Rights

If the applicant or any person living within three hundred feet of the residence feels aggrieved by the decision to grant or deny the occupation permit, then the aggrieved party may appeal the decision to the City Council. A written appeal must be filed with the City Clerk within 14 working days after written notice of the decision is mailed. [RDC 18.310.100.]

Eric L. Eisemann,
Consulting Planning Director

Date

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