

BEFORE THE PLANNING COMMISSION

OF

GARIBALDI, OREGON

Applicant/Owner: Paul Daniels, Coastal Housing
Solutions, LLC

) Case File: #CU-2022-01

#SUB-2022-01

) Findings, Conclusions, and

) Final Order

Nature of the Application

The applicant is requesting subdivision and conditional use permits approval to authorize an 18-unit multi-family development and 8-lot single-family detached subdivision in the Medium Density Residential (R-1) and General Commercial (C-1) Zones at 501 Garibaldi Ave.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The property is located at 501 Garibaldi Avenue, along Oregon Coast Highway 101. The property is further identified on the Tillamook County Assessor's Map #1N 10 22BB as tax lot 100.
2. The subject property is split-zoned Medium Density Residential (R-1) and C-1 (General Commercial).



3. Records of the Tillamook County Assessor indicate that the subject property is 3.62 acres in size.
4. The majority of the lot is within the R-1 zoning district. The remaining portion abuts Highway 101 and is zoned C-1. East of the property are smaller single-family residential lots resulting from a prior subdivision, as well as a commercial property that is currently utilized as a RV park. North of the property are large, forested, vacant parcels zoned as R-1. South of the property abuts Highway 101. West of the property is a similarly underutilized and split-zoned R-1 and C-1 parcel.
5. Land use along Garibaldi Avenue to the west consists primarily of commercial uses in the Commercial and Downtown zones. Across Garibaldi Avenue is industrial-zoned land. Uses along Garibaldi Avenue east of the subject property consist primarily of residential uses except for an RV park adjacent to the subject site. Uses to the north are residential, located in the R-1 Zone.
6. On December 13th, 2021, the applicant requested ~~conditional-use~~ approval for a subdivision and conditional use permit approval to authorize an 18-unit multi-family development and 8-lot single-family detached subdivision in the Medium Density Residential (R-1) and General Commercial (C-1) Zones on the subject property. Details of the applicant's proposal including its size, design, and operating characteristics can be found in the submitted application materials, which are incorporated into the record herein by reference.
7. Comments received from Garibaldi Interim Public Works Director Kelly West indicated that City sewer and water services are available to serve the subject property. The Director also indicated that storm water disposal from the development may require approval of the Oregon Department of Environmental Quality.
8. The Garibaldi Fire and Rescue Chief Jay Marugg had reviewed the application and stated for the record that the proposed use meets the requirements of the Oregon Fire Code, though noted that a minimum 10-foot egress between the back of the proposed apartments and the proposed retaining wall would make it easier for Garibaldi Fire & Rescue to respond to any emergencies to the location.



9. A public hearing was held before the Garibaldi Planning Commission on Monday, March 7th, 2022, to consider the request. All interested parties were given an opportunity to attend the hearing and to provide testimony on the matter.

10. Mr. Paul Daniels testified on behalf of Coastal Housing Solutions, LLC (applicant). Mr. Daniels stated that his application was carefully prepared in order to satisfy all applicable standards of the code. He further stated that his development will be well managed including background checks on prospective tenants and a limit on the size of pets to 20 pounds. He estimated that there may be about a dozen children living in the 18 units. Mr. Daniels explained that storm water from the development would be managed by an engineering solution, probably by means of a drywell system on the site. Lastly, Mr. Daniels indicated that he plans to retain a large magnolia tree that stands near the northwest property corner. Lastly, Mr. Daniels emphasized that the development would boost the local economy because tenants would rely on local business to serve their needs.

11. Testimony in support was given in person by one citizen who believed the applications complied with the City's call for orderly development as noted within the GMC.

12. Several persons in attendance provided testimony in opposition to the request. Opponents raised the issue of traffic safety related to turning movements to or from the property, citing limited site distance and visibility of northbound traffic on the highway. There was general opposition concern over the status of the Geotech report because it was conducted after DEQ penalties were cited and mitigated. In addition, some parties speculated that neighborhood streets are insufficient to accommodate traffic circulation resulting from the development. Other opponents voiced concern that the applicant's proposed cyclone fence does not serve to have the least impact on surrounding properties and requested that a wooden fence be required instead of a cyclone fence in order to satisfy that conditional use standard.

Relevant Criteria, Garibaldi Municipal Code:

Chapter 17.10, Subdivisions of Land-Tentative Plan

Chapter 17.25, General Regulations and Design Standards

Chapter 17.30, Improvements

Chapter 18.15, Residential (R-1) Zone

Chapter 18.25, Commercial (C-1) Zone

Chapter 18.80, Hillside Overlay Zone

Chapter 18.90, Access Requirements

Chapter 18.95, Clear Vision Areas

Chapter 18.185, Conditional Uses

Chapter 18.110, Multifamily or Apartment Siting Criteria

Chapter 18.125, Automobile Parking Standards

Chapter 18.185, Conditional Uses

The relevant criteria text is included in the staff report and incorporated into these findings by reference.

Findings:

The Garibaldi Planning Commission adopts by reference the proposed findings as presented in the submitted application materials and the Case File #CU-2022-01 and SUB-2022-01 Staff Report, to support a determination that the applicable criteria as identified above are satisfied. In addition, the Planning Commission finds:

1. The applicant provided a tentative plan and other supplementary materials in accordance with the requirements of these standards.
2. A preliminary plan was reviewed on October 27, 2021, with the applicant's consultant team and city staff per GMC 17.10.010.B.
3. A public hearing before the Planning Commission took place on March 7, 2022, in accordance with the requirements of GMC 17.10.020.B.
4. The applicant is not proposing to utilize the partial development or phasing allowances of 17.10.050.
5. The applicant has provided a composite utility plan and other materials that adequately describe the proposed improvements and public utilities proposed to be installed. The



applicant has indicated that no HOA is being proposed; thus, restrictive covenants to that effect are not applicable. Staff finds that the criteria for review and approval for subdivision- preliminary plat are satisfied.

6. The portion of the subject site where the applicant proposes a multi-family development is within the C-1 zone. Pursuant to 18.25.030 Conditional uses permitted, subsection G. conditionally authorizes multifamily dwellings subject to GMC 18.110.010, GMC 18.25.040, and GMC 18.185.020.
7. Staff finds that the proposal is consistent with the Garibaldi Comprehensive Plan. The proposal appears to be designed in a manner that minimizes impacts on surrounding properties with respect to location, size, design, and operating characteristics.
8. As further described in later findings related to the applicable development standards of the R-1 and C-1 zoning districts, the site's physical characteristics and existing nearby infrastructure are generally adequate to serve the proposed development.
9. The internal proposed street named "Public Road 2" on the applicant's provided plans should be extended to the western boundary of the subject property to allow for future connections.
10. The fire truck turnaround proposed appears to comply with the applicable requirements of the Oregon Fire Code.
11. The property contains frontage on Highway 101, which is maintained by the Oregon Department of Transportation. The applicant will be required to work with ODOT to complete all required improvements.
12. The applicant provided a transportation impact study (TIS) adequately assessing the transportation impacts of the proposal. The TIS indicates that a total of 900 trips are shown to be generated by this proposal (420 eastbound & 480 westbound).
13. The site's layout is generally appropriate given the site's topographical and resource-related constraints.



14. Compliance with applicable development standards (e.g., access points, on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities and other facilities) are discussed in the next section of this report and can be met as conditioned.
15. The subject site is split-zoned R-1 and C-1. The applicant is proposing seven (7) single-family residential lots on the R-1 portion of the subject site – residential homes are an outright permitted use of the R-1 zone pursuant to 18.15.020.G. Similarly, the applicant is proposing an 18-unit multi-family development, which is a conditional use pursuant to GMC 18.25.030.G. The conditional use criteria with associated staff findings are discussed in the previous section of this report.
16. The applicable development standards of the R-1 and C-1 zoning districts appear to be met as shown on the provided plans.
17. The applicant's multi-family development portion of the proposal includes 18 one-bedroom apartments. Pursuant to GMC Table 18.125.030, 18 parking spaces and one ADA parking are required. Similarly, the applicant's single-family residential portion of the proposal requires two spaces per single-family dwelling per GMC Table 18.125.030. The applicant has indicated that at least two spaces are being provided per single-family residential lot. The applicant's plan appears to comply with the applicable parking standards of GMC 18.125.
18. The applicant is proposing bicycle parking that appears to comply with the applicable development standards at GMC 18.125 Article III Bicycle Parking Requirements.
19. The applicant indicated in their narrative responses that open space equaling 20% of the multi-family lot is proposed; however, 20% landscaping is required, not just open space.
20. The site contains natural resources that are adequately distanced from the location of development as proposed. It also contains slopes in excess of 20% located between Lot 1 (a multi-family lot) and the remaining lots (single-family residential lots), subjecting the proposal to the additional criteria of the Hillside Overlay Zone (GMC 18.80). The applicant provided a Geotechnical Report in conformance with the requirements of this chapter concluding that the development was appropriate given the topography and soil composition of the site.



21. The maximum lot coverage area of GMC 18.80 for Lot 1 appears to comply with the applicable criteria. Maximum lot coverage for the single-family lots shall be reviewed prior to building permit issuance.
22. The applicant's on-site stormwater conveyance and drainage system are designed to filtrate to a small onsite wetland on the southwest portion of the subject site. Staff finds that stormwater should be conveyed in a manner more appropriate for the scale of development proposed.
23. The proposed multi-family development on Lot 1 complies with the applicable criteria of Chapter 18.110 – Multifamily or Apartment Siting Criteria. The placement of the main structure takes advantage of surrounding natural features while also giving consideration to site constraints. Curb cuts to Highway 101 are minimized through the creation of a public street internal to the site whereby lots take access and building setbacks appear to comply with this Chapter.
24. As measured on the applicant's provided plans, all lots meet the access requirements of GMC 18.90. Each lot abuts a street for at least 25 feet except for Lots 4 and 5; however, these lots abut an easement as proposed and will abut Public Road 2 as required by the extension of this road per conditions of approval contained in this report.
25. A condition of approval will be included in this report to ensure that the required clear vision areas of GMC 18.95 are maintained throughout building permit issuance and subsequent site development.
26. The size, width, shape and orientation of building sites are appropriate for the location of the land division considering all environmental features and for the type of development and use contemplated and conform to the standards of the zone in which they are located. The lines of lots and parcels run at right angles to the street upon which they face, as far as is practicable.
27. All lots contain adequate solar access in accordance with GMC 17.25.130.

Conclusions:

The record and findings support the conclusion that:

1. Substantial evidence in the record demonstrates that the proposed use satisfies the specific standards for subdivisions as identified in Garibaldi Municipal Code Chapter 17.10.
2. Substantial evidence in the record demonstrates that the proposed use satisfies the general regulations and design standards identified in Garibaldi Municipal Code Chapter 17.25.
3. Substantial evidence in the record demonstrates that the proposed use satisfies the specific standards for required improvements as identified in Garibaldi Municipal Code Chapter 17.30.
4. Substantial evidence in the record demonstrates that the proposed use satisfies the requirements of the R-1 Zoning District as identified in Garibaldi Municipal Code Chapter 18.15
5. Substantial evidence in the record demonstrates that the proposed use satisfies the requirements of the C-1 Zoning District as identified in Garibaldi Municipal Code Chapter 18.25
6. Substantial evidence in the record demonstrates that the proposal satisfies the specific standards for property within the hillside overlay zone as identified in Garibaldi Municipal Code Chapter 18.80.
7. Substantial evidence in the record demonstrates that the proposal satisfies the specific standards for access requirements as identified in Garibaldi Municipal Code Chapter 18.90.
8. Substantial evidence in the record demonstrates that the proposal satisfies the specific standards for clear vision areas as identified in Garibaldi Municipal Code Chapter 18.95.
9. Substantial evidence in the record demonstrates that the proposal satisfies the specific standards for multi-family housing developments, including setbacks, as identified in Garibaldi Municipal Code Chapter 18.110.



10. Substantial evidence in the record demonstrates that the proposal satisfies the automobile parking standards identified in Garibaldi Municipal Code Chapter 18.125.
11. Substantial evidence in the record demonstrates that the proposal satisfies the conditional use standards identified in Garibaldi Municipal Code Chapter 18.185.

Order

It is ORDERED by the Garibaldi Planning Commission that Case File #CU-2022-01 be APPROVED subject to the following conditions:

1. Within one year after approval of the tentative plan, the subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must request an extension of the tentative plan approval from the planning commission. The planning commission may grant a one-year extension where it finds conditions have not changed from the time of the initial approval.
2. All street names shall be approved by the planning commission for conformance with the established pattern and to avoid duplication and confusion.
3. All proposed streets shall comply with the city's adopted transportation system plan.
4. Extend the internal public street access identified as "Road 2" in the applicant's plans set to the west boundary of the site for the purpose of future subdivision interconnectivity (GMC 17.25.020.D).
5. Work with Oregon Department of Transportation to complete the construction of required public improvements, or submit a legal and enforceable document, contract or assurance to ensure public improvement completion. The applicant shall improve upon the proposed stormwater conveyance and drainage system when working with ODOT to complete the necessary public improvements.
6. The applicant shall be responsible for reimbursing the City for the reasonable costs associated with inspection of public works improvements.

7. The applicant shall install a 6-foot wooden privacy fence along the perimeter of the eastern property line to help mitigate impacts to neighboring properties to the east.
8. The applicant shall complete improvements in accordance with the submitted traffic impact study's recommendations and shall work with the Oregon Department of Transportation (ODOT) to comply with all necessary requirements.
9. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than 10 feet on each side of rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary
10. Improvement work shall not be commenced until plans and permits have been checked for adequacy and approved by the city. All plans shall be prepared in accordance with requirements of the city. Improvement work shall not be commenced until the city has been notified and if work has been discontinued for any reason, it shall not be resumed until the city has been notified. All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction to warrant such changes.
11. All underground utilities and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
12. A map showing all public improvements as built shall be filed with the city recorder upon completion of the improvements.
13. Structures specified as necessary by the city, for drainage, access and public safety, shall be installed.
14. A sidewalk shall be installed on the west side of Public Road 1 (as identified on the applicant's Site Plan). Curbs shall be installed on both sides of Public Road 1.
15. Storm water facilities, or ground water recharge facilities of design, layout and location approved by the city, shall be installed.
16. Water mains and fire hydrants of design, layout and locations approved by the city shall be installed.
17. All utilities shall be installed underground, including Internet and electricity.
18. Street lighting of an approved type shall be installed on all streets at locations approved by the city.

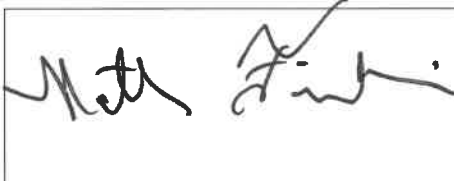

19. All streets shall be legibly marked with street name signs, not less than two in number at each intersection, according to specifications furnished by the public works superintendent.
20. Street trees shall be required by the city. The number, kind and location shall be determined by the planning commission in accordance with solar access provisions.
21. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city.
22. Damage to public streets related to the development of the subdivision or minor partition, as determined by the public works superintendent, shall be repaired by the applicant.
23. Facilities such as storm water detention areas, bioswales, drywells, ditches, ponds, manmade wetlands, and similar water quality measures shall be incorporated into the development to meet federal or state storm water quality standards.
24. Building plans shall be reviewed for compliance with the applicable development standards of the GMC and to ensure that the proposed plans are generally consistent with that which has been submitted in support of this land use permit request.
25. The applicant shall ensure that all applicable parking standards of GMC 18.125 are met, particularly as it relates to the multi-family dwelling development. The proposed multi-family parking lot shall be lit and screened in accordance with GMC 18.125.080.D. and E.
26. The applicant indicated in their narrative responses that they are proposing more than 20% open space for the multi-family lot; however, a 20% landscaped area is required. The applicant shall submit materials demonstrating compliance with this and all other applicable standards in the Garibaldi Municipal Code related to landscaping requirements.
27. Any signs proposed shall comply with the standards of GMC 18.120 Sign Requirements.
28. The clear vision area requirements of GMC 18.95 shall be maintained throughout development of the site.
29. All conditions of approval must be completed within two years of the date of this approval or the approval is void, unless specifically modified by an approved phased construction schedule, approval of an extension, or unless the applicant/owners provides assurances otherwise.
30. The applicant/owners agree to waive their right to remonstrate against the formation of a local improvement district or other mechanism to construct future improvements to the streets, storm water, water and sewer systems that may be assessed against the subject property.



31. After Planning Commission approval, the Developer must submit separate construction plans that meet all Conditions of Approval. These plans must be approved by the City and all relevant City and Agency permits must be obtained.
32. Upon completion of construction of structures 16 feet or higher, the applicant shall submit to the city's planner an elevation certificate affirming the height standard.

2 This ORDER was presented to and approved by the Garibaldi Planning Commission Chair this 2nd day of April, 2022.

1:55 pm

	Nathan Findling, Chair Garibaldi Planning Commission
	Juliet Hyams Garibaldi City Manager