

# STAFF REPORT

## Sigurdson Boat Shop with Living Quarters (CU 2020-03)

**REVIEWER:** Blake Lettenmaier, Planner Pro Tem

**REVIEW BODY:** Planning Commission

**DATE & TIME:** June 29, 2020 at 6:30 p.m.

**PLACE:** City Community Hall, City Hall, 107 Sixth Street, Garibaldi (*Virtual Meeting with Zoom login*)

**APPLICANT:** Derek Sigurdson  
14718 99<sup>th</sup> Place  
Bothell, Washington 98011

**OWNER:** Robert Bruce Clark  
17476 SW Shadyfir Loop  
Beaverton, Oregon 97006

**SITE LOCATION:** 1040 Garibaldi Avenue  
T. 1N, R. 10W, S. 21BD, Tax Lot 07500

**CASE FILE/SUBJECT:** **CU 2020-03: Conditional Use to build a structure in the C-1 Zone. The purpose of the proposed structure is to create a Boat Shop with Living Quarters.**

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### I. APPLICANT'S REQUEST

A request for a Conditional Use permit to construct a boat building business on the street level and a residential use on the second level of the proposed structure in the C-1 zone.

The purpose of the proposed new structure will be to provide a 3,648 square foot structure that will have 1,824 square feet on the street level for a commercial boat building business and 1,824 square feet on the second story for residential living quarters.

**II. BACKGROUND**

The lot used to have a diner located on it until it was tore down. Since then it has remained a vacant lot.

**III. APPLICABLE REGULATIONS**

The substantive criteria under review for this request are specified in Garibaldi Municipal Code (GMC) Chapter 18.25; Commercial Zone (C-1), Chapter 18.185; Conditional Uses and the Garibaldi Comprehensive Plan.

**IV. STAFF RECOMMENDATION**

Staff prepared the following report based on the proposed structure and applicable regulations, as detailed below.

Staff finds that an interpretation of the GMC needs to be made as to whether or not the proposed use (boat building shop portion) is consistent with that of conditional uses permitted in the GMC, specifically;

18.25.030 Conditional uses permitted.

In a C-1 zone, the following conditional uses and accessory uses are permitted, subject to the requirements of GMC 18.25.040 and Chapter 18.185 GMC:

- A. Boat dealers...
- B. Cabinet or woodworking shops, ...contractor storage, repair or sales shops.
- D. Tire retreading, welding or machine shops.

Staff finds the proposed use implicitly falling into the conditional uses permitted in the GMC. As stated in the application, items B and D conditionally permitted uses match the use being proposed coupled with the conditionally permitted use A above. Staff is recommending the Planning Commission makes the determination of approving or not approving this application (CU 2020-03). Should the planning commission approve this application, staff recommends conditions of approval as found on page 8 of this staff report.

**V. SECTION 18.25 APPROVAL CRITERIA, STATEMENT OF FACT/FINDINGS AND CONCLUSIONS**

The following is a list of the approval criteria applicable to the request. According to Chapter 18.25.030 of the City of Garibaldi Municipal Code a Boat Building Shop proposed in the C-1 zone must be evaluated against the applicable approval criteria (GMC 18.185 and GMC 18.25.040). Each criterion is followed by findings or justification statements.

**APPROVAL CRITERION 1.**

*In a C-1 zone, the following conditional uses and accessory uses are permitted, subject to the requirements of GMC 18.25.040 and Chapter 18.185 GMC:*

- A. ...boat dealers...

*B. Cabinet or woodworking shops, ...contractor storage, repair or sales shops.*

*D. Tire retreading, welding or machine shops.*

**STATEMENTS OF FACT AND FINDINGS:**

Items A, B and D above are assumed to be the most analogist terms in the GMC for the proposed structure and its commercial use. The proposed new structure will be a 3,648 square foot structure that will have 1,824 square feet on the street level for a commercial boat building business and 1,824 square feet on the second story for residential living quarters.

**CONCLUSION:** As proposed, items A, B and D above combined represent the proposed use and this criterion is implicitly satisfied.

**APPROVAL CRITERION 2.**

*18.25.040 Standards.*

*In a C-1 zone, the following standards shall apply:*

*A. Minimum lot size: none.*

*B. Yards and Setbacks. For residential uses, the requirements shall be the same as in the R-1 zone. The minimum yard depth for portions of the property abutting a residential zone will be 15 feet. The Uniform Fire Protection Code shall govern adjacent commercial uses. The minimum setback requirements for commercial structures shall be established by applicable building codes.*

*C. Building Height. Maximum building height shall be 30 feet. Maximum building height allowed outright shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under Chapter 18.185 GMC.*

**STATEMENTS OF FACT AND FINDINGS:**

The provisions A through C are met as stated and shown in the application noting the Uniform Fire Code will be applied during the building permit process should the Planning Commission approve this application. The proposed structure complies with the lot sizes and setbacks as shown on the site plan. The building height is 30'-0" as stated in the application.

**CONCLUSION:** As proposed, these criteria are adequately satisfied noting the Uniform Fire Code will be applied during the building permit process should the Planning Commission approve this application.

**APPROVAL CRITERION 3.**

*Continuation of 18.25.040 Standards.*

*D. Outdoor sales and service areas not requiring conditional use approval shall be approved by the planning commission. Such areas shall not exceed 400 square feet. The planning commission may require that such areas be enclosed by fencing or landscaping where appropriate.*

**STATEMENTS OF FACT AND FINDINGS:**

This criterion is not applicable.

**CONCLUSION:** As proposed, this criterion is not applicable.

**APPROVAL CRITERION 4.**

*Continuation of 18.25.040 Standards.*

*E. All uses shall meet the parking and sign requirements of this title.*

**STATEMENTS OF FACT AND FINDINGS:**

*According to Table 18.125.030 – Minimum Required Parking by Use – two parking spaces are required for a single-family dwelling and one parking space is required for Retail Sales and Service (1,824 SF) for a total of three spaces. The applicant has proposed four parking spaces. No on-street parking is proposed. No sign is proposed.*

**CONCLUSION:** As proposed, this criterion is adequately satisfied.

**APPROVAL CRITERION 5.**

*Continuation of 18.25.040 Standards.*

*F. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwellings (four dwelling units or more) shall be 10,000 for the first three units and 1,500 for each unit thereafter. The planning commission may allow up to 50 percent additional dwelling units (up to 39 dwelling units per acre) for senior citizen or adult disabled housing.*

*G. There shall be no minimum yard requirements for housing developments in the C-1 zone. Senior citizens and/or adult disabled housing shall provide a minimum of 10 percent of the lot area in maintained landscaping. Family-oriented housing developments shall provide a minimum of 20 percent of the lot area in maintained landscaping. In addition, such developments shall provide a fenced playground which, in the view of the planning commission, is capable of serving the number of projected children. [Ord. 321 §§ 11 – 14, 2014; Ord. 290 § 3(3.030(3)), 2006.]*

**STATEMENTS OF FACT AND FINDINGS:**

These criteria are not applicable.

**CONCLUSION:** As proposed, these criteria are not applicable.

**APPROVAL CRITERION 6.**

*18. 185.020 Conditional use review criteria.*

*Before a conditional use is approved, findings will be made that the use will comply with the following standards:*

*A. The proposed use is consistent with the policies of the comprehensive plan.*

CITIZEN INVOLVEMENT: The conditional use process notifies property owners within 200 feet of the project property and publishes a public notice in the local newspaper, both advising of a public hearing and citizen involvement.

COMMUNITY DEVELOPMENT PATTERN: The proposed project is a commercial land use located in a commercial zone. Mixed use in the commercial zone is consistent with the plan.

AIR AND WATER QUALITY POLICIES: The proposed project does not knowingly adversely impact air and water quality. Staff recommends the applicant address any such adverse impacts of the boat building process, i.e., grinding, welding, painting, etc. and provide appropriate mitigation measures.

RECREATION & OPEN SPACE RESOURCES: Not applicable.

HOUSING: The proposed project does add one living quarter to the housing goal.

HAZARDS: Not applicable.

ENERGY: The proposed project does not significantly impact energy policies.

URBAN GROWTH BOUNDARY: Not applicable

PUBLIC FACILITIES: 9. The existing drainage culvert shall be removed, and a new drainage system designed by a licensed and registered engineer in the State of Oregon.

TRANSPORTATION: The proposed project land use does not negatively impact existing or planned transportation facilities. Staff recommends no on-street parking.

COASTAL SHORELANDS: Not applicable

ECONOMY: The proposed project will supply construction work and aid in boosting the local economy during operations.

Items B through H from application

*B. How are the location, size, design and operating characteristics of the proposed use going to let it have a minimal impact on surrounding properties.*

The main potential operating impact to the surrounding properties would be sound pollution from grinding and welding of metal. It is anticipated that approximately 15% of the operating time of the business will include these activities. The amount of sound from this work can reach approximately 100dB inside the building. To minimize the impact to surrounding properties the building will be built with insulated panels that reduce the outside sound by

approximately 36 dBs. 60 dBs is similar to that of a normal conversation. In comparison 90 dBs is similar to the sound of a lawn mower.

An additional impact would be the delivery of supplies to the shop. Because it's anticipated that only 2-3 boats will be produced per year this impact will be very minimal. It's expected that once every 3-4 months there would be a large delivery of materials. The building is being built to have an overhead door facing 10th Street so that deliveries can be made without impacting traffic on highway 101. The overhead door height and length of the building will allow deliveries to be made without much impact to traffic on 10th.

*C. How does the likely increase in traffic from your proposed use compare with the increase that would happen from a normal {"permitted"} use of the property?*

The increase in traffic as a result of this conditional use would be significantly less than the increase in traffic as a result of permitted use since it will be used for boat building as opposed to retail. The building will be built with large windows on the highway 101 side to invite people to walk by and observe the building process. This may increase the pedestrian traffic on the sidewalk along highway 101 slightly. One to two employees or contractors may work at the location. This traffic increase is insignificant.

*D. Do the adjacent streets have the capacity to accommodate the extra traffic you use is going to generate? How do you know this?*

Yes, from observation the amount of traffic on 10th is very minimal and other than the deliveries mentioned before there will be a very small increase in vehicle traffic.

*E. Are public facilities and services--water, sewer, fire and power--adequate to accommodate you proposed use? Why?*

Yes, the use of utilities will be similar to that of a single family residential unit. Power use may be slightly above average from welding but not significantly.

*F. How are the physical characteristics of the property--topography, soils, and the like--appropriate for the use you are proposing?*

The property is flat providing a good foundation for a larger building that can accommodate both a living quarters and a boat shop. The soil has not been analyzed, but based on previous use as a restaurant and nearby similar buildings it is expected that the soil will be adequate with minimal work to support the building.

*G. How to you know there's enough room on the site to accommodate your proposed use?*

A preliminary site plan has been developed that locates a 48'x76' by 30' tall building with 15' set back from the residential property on the east and 5' setup backs from the commercial property on the north. A 48'x76' building is long and wide enough to provide sufficient space for building the size of boats that are expected to be built, while also including space for approximately 1800 sq ft of living.

*H. Do you have adequate access points , on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities and/or other facilities as required either by your use of City ordinances?*

Yes, 15' setback from residential and 5' setbacks from commercial. The overhead door and driveway on 10th will accommodate deliveries with minimal impact to traffic. The south side of the building will provide sufficient parking for employees (2 spots). Additional parking is available under the east side overhang (2 spots). Note: See email amendment to the application on bearings.

## **VI. STAFF SUMMARY AND CONCLUSION**

The Planning Commission should carefully consider the request including the application materials, written testimony on record, and testimony presented at the public hearing. After considering the application materials and testimony as it relates to the applicable criteria, the Planning Commission will need to make a decision on the request.

If the Planning Commission determines that the proposal meets the applicable standards of the Garibaldi Municipal Code pertaining to conditional uses, Commercial Zone standards and criteria, parking standards, and other applicable criteria, it can move to approve the request. A motion to approve the request can rely on those responses/proposed findings offered in the application materials to support the decision.

If necessary, the Planning Commission can continue the public hearing in order to obtain additional information to facilitate a decision on the matter. If the hearing is continued, the public hearing should be given a date, time and place certain to avoid the need for additional public hearing notice.

A decision to approve or deny the request will be subject to a 10-day appeal period that will begin after written findings and a Final Order to support the decision have been signed by the Acting Planning Commission Chair.

## **STAFF RECOMMENDATION**

Staff has reviewed the application materials and believes that the application demonstrates that the proposal is in conformance with the substantive criteria pertinent to the request should the proposed conditions of approval be executed. The Planning Commission can make a motion that application be approved, with reliance on the applicant's submitted materials, written narrative responses to the criteria, staff's findings and the proposed conditions of approval to support a determination that the applicable criteria have been met.

A motion to deny the request should set forth the general facts and rationale for the decision and direct staff to prepare the final order for the decision.

Staff recommends that a Planning Commission member MOVE to approve or not approve the application by Dirk Sigurdson, for Case File #CU-2020-03, to authorize or not authorize a conditional use permit to construct a Boat Manufacturing Shop with Living Quarters, based on the information in the application, as presented within the staff report, subject to recommended conditions of approval in herein should the planning commission MOVE to approve, and, if approved, direct staff to prepare a final order for this approval to be signed by the Acting Planning Commission Chair.

## **VII. RECOMMENDED CONDITIONS OF APPROVAL**

In the event of an approval, staff recommends the following conditions be incorporated into the decision. Additional or amended conditions of approval may be necessary to ensure that the use will be consistent with the City's land-use ordinances, and to ensure compatibility with adjacent or nearby uses.

1. Approval is based upon the submitted plan. Any substantial change in the approved plan shall be submitted to the City of Garibaldi as a new application for a conditional use.
2. The maximum building height shall be limited to 30'-0" above the average existing grade elevation as defined in GMC 18.05.030 Definitions.
3. All work in the City's public right-of-way shall conform to GMC Chapter 13.30 Public Engineering Standards. All work in the ODOT's public right-of-way shall conform to Oregon Standard Specifications for Construction 2018 as published by the Oregon Department of Transportation.
4. All outdoor lighting shall be Illuminating Engineering Society (IES) full cutoff fixtures required by dark sky regulations.
5. The existing drainage culvert shall be removed and a new drainage system designed by a licensed and registered engineer in the State of Oregon.
6. The proposed building shall meet all requirements of the Uniform Fire Code.
7. On-street parking is not allowed.
8. A separate sign permit will be needed for any signage.
9. The applicant shall address any such adverse impacts of the boat building process, i.e., grinding, welding, painting, etc. and provide appropriate mitigation measures.
10. All requirements of GMC Chapter 18.95 Clear Vision Areas shall be met.

Submitted by:

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