City Hall, PO Box 708, Garibaldi, OR 97118
Office: (503) 322-3327 | Fax: (503) 322-3737
City Manager email: john@ci.garibaldi.or.us

GARIBALDI CITY COUNCIL PUBLIC HEARING & SPECIAL MEETING AGENDA

Wednesday, September 7, 2016 6:30 p.m.
Council Chambers, Garibaldi Meeting Hall

I. CALL TO ORDER

II. PUBLIC HEARING –ZONE CHANGE APPLICATION – PAUL DANIELS – GARIBALDI LEASING AND DEVELOPMENT

III. NEW BUSINESS

A. Zone Change Application – Paul Daniels / Garibaldi Leasing and Development

IV. ADJOURNMENT

+ Supporting documents for this agenda are available at City Hall
+ This notice has been posted at City Hall, City Reader Board, Post Office and Library

CITY OF GARIBALDI, OREGON
LAND USE AND ZONE CHANGE PUBLIC HEARING NOTICE

The City of Garibaldi Planning Commission will conduct a public hearing on Tuesday, September 6, 2016, at 6:30 pm in the Council Chambers at 107 6th Street Garibaldi, Oregon 97118, to consider a request from Paul Daniels for a Conditional Use Permit for a 24-unit multi-family dwelling, and to consider a recommendation to the Garibaldi City Council to change the land use zoning of the subject property from R-1 (Residential) to C-1 (Commercial). The City Council of Garibaldi will hold a public hearing on Wednesday, September 7, 2016, at 6:30 p.m. in the Council Chamber at 107 6th Street, Garibaldi, Oregon 97118, to consider the recommendation of the Garibaldi Planning Commission on the subject zone change described above. The subject properties are located on the north side of Garibaldi Avenue and the east side of Arizona Way and are identified on Tillamook County Assessor's Map #1N 10 22BB as tax lots 1100, 1200, 1300, and a southern portion of 490. The substantive criteria under review for this request are specified in Garibaldi Municipal Code Chapter 18.15 Medium Density Residential Zone; Chapter 18.25 Commercial Zone; Chapter 18.90 Access Requirements; Chapter 18.110 Multifamily or Apartment Siting Criteria; Chapter 18.125 Automobile Parking Standards; Chapter 18.170 Riparian Vegetation; Chapter 18.185 Conditional Uses; Chapter 18.200 Land Use District Map and Text Amendments; Chapter 18.210 Administrative Provisions; Chapter VIII Ordinances of the City of Garibaldi Charter; and the City of Garibaldi Comprehensive Plan. A copy of the application materials and supplemental information is available for inspection at no cost during regular business hours at Garibaldi City Hall located at 107 6th Street in the City of Garibaldi, Oregon 97118. A staff report on the application and draft ordinance amending the Garibaldi Zoning Map will be available for inspection at least seven (7) days before the hearing and may be obtained at a reasonable cost from the City of Garibaldi. All interested parties are invited attend the public hearing and to provide testimony on the matter. The Garibaldi Community Hall is handicapped accessible. Any person requiring special accommodations to attend the meeting should contact the Recorder's Office by August 30, 2016. Written testimony may also be addressed to the Garibaldi Planning Commission, Garibaldi City Hall, at 107 6th Street, Garibaldi, Oregon 97118. In raising an issue, the relevant Garibaldi Municipal Code, Comprehensive Plan, or other relevant criteria to which the issue is directed must be specified. Failure to raise an issue in person or by letter precludes appeal to the Garibaldi City Council or the Oregon Land Use Board of Appeals on that issue. The Garibaldi Planning Commission and/or Garibaldi City Council reserves the right to continue the public hearing to another date and time. If the hearing is continued, no further public notice will be provided. For additional information concern this zone change request you may contact City Hall staff at (503) 322-3327.

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City Manager email: john@ci.garibaldi.or.us

CITY COUNCIL MEETING AND PUBLIC HEARING AGENDA NOTES

Wednesday, September 7, 2016 – 6:30 p.m.

Council Chambers, Garibaldi City Hall
107 6th Street, Garibaldi OR, 97118

Below this section you'll find a step-by-step process for the meeting. This is just relevant to the planning commission hearing and special meeting. Within this packet you'll find the application, exhibits and staff reports all relevant to the application. Here's what's in the packet:

- An Ordinance to Change the Zoning of Land ..... 1 - 2
- Exhibit A of the Ordinance – Staff Report ..... 3 – 12
- Staff Report for the Conditional Use Permit Request ..... 13 - 19
- Appendix to the CU Staff Report ..... 20 - 31
- Application Form for a Conditional Use Request ..... 32 - 34
- Application Form for a Zone Change Request ..... 35 - 36
- Applicant's Narrative for the Conditional Use and Zone Change Request ..... 37 - 50
- TPR Analysis for the Application ..... 51 - 52
- Applicant's Riparian Vegetation Plan ..... 53 - 54
- Survey, Legal Description and Tax Assessor's Map – Provided by Applicant ..... 55 - 65
- Site Plan with Cross Section 66
- Geotechnical Investigative Report ..... 67 - 104

I. CALL TO ORDER

Mayor McCarthy should call the meeting to order. Please note time for the record.

II. PUBLIC HEARING OF ZONE CHANGE APPLICATION BY PAUL DANIELS*:* The Mayor should start by opening the public hearing and saying following: *"This is a quasi-judicial hearing of the Garibaldi City Council to consider an application for a change of zoning within the City of Garibaldi. The decision that will be made here tonight is going to be whether or not the City Council should act on the requested zone change.*

"A copy of the staff report describing the proposed use has been available to the public since August 29, 2016, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through publication in the Headlight Herald on August 17, 2016, and through public posting at various locations in town. Notice was provided to property owners within 200 feet of the location of the proposed use by posted mail in conformance with the City's municipal code.

"This hearing is an opportunity for the public to comment on the proposed use. I would like

to ask those present if there is any objection to the jurisdiction of this council or any of its members? This question is specific to the authority of the Garibaldi City Council in approving or denying a request for change of land use zoning within the City of Garibaldi." Wait to see if there is a response. If there is, advise the person making the response that they have to address the question that was just asked. If they get off topic, cut them off, and ask the question again. There can't be any confusion about what the issue is, so just make sure that any public present understands what you're asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn't a legitimate objection to the jurisdiction of the council.

"Hearing no objections to the jurisdiction of this council, I would like to ask if any member of this council has any conflict of interest or bias regarding the matter before the commission tonight." There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is definitely the time to ask. If any member of the council has talked to Mr. Daniels, you should mention that and summarize the conversation. You don't need to recuse yourself for conversations about the application, but you should mention that before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the council will be able to make a decision tonight.

"At this time I'll have the City Manager, who is functioning as the planner pro tem for this application, summarize his staff report and relay any correspondence or inquiry received to date." I'll go through the report, note the effect of the requested use, and make any other comments on the application relevant to the council's decision tonight. if there are any questions please ask so we can get them out of the way during the hearing. Once we're done the Mayor should ask if there are any other questions of the council before proceeding.

"The decision that will be made tonight is whether or not the city council will approve of the zone change request. The decision to approve or deny the change will be adopted through a final order and an ordinance that staff has prepared, and the ordinance has been available for inspection at City Hall for the last seven days. Any appeal to the decision made here tonight must be submitted to the City Manager within ten days of the date that the final order is signed. Once the final order has been signed and ten days have passed, and assuming there are no appeals on the decision made here tonight, the ordinance shall go into effect. The applicant will be notified along with anyone else that requests or is required to be notified within five days of the date that the final order is signed. Are there any questions about this process?" You may get a few questions at this point. You can let Blake and I answer any of these questions.

PUBLIC COMMENT - *"The city council will now call for public testimony. If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, the objection needs to address relevant facts or information from the City's municipal code, the City's comprehensive plan, the Planner's staff report or relevant State law. Any material produced in relation to support or opposition*

to the proposed use must be submitted to the Recorder to be included in the record. Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion. Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing. Comments are limited to three minutes. Persons wishing to speak must first be recognized by the Mayor, and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is." I'll hand the sign-in sheet to the Mayor and she can start going through the names. You'll want to take general comments first, proponents second and opponents last. The applicant gets three minutes to respond to each opponent. If the applicant gives new information during his rebuttal, the opponent that he addressed gets an additional three minutes to respond. Once someone starts talking you'll want to make sure they don't get interrupted. If a person has a specific objection to the proposed use, they need to make that objection at this time.

"Are there any questions from the council about comments received at this time?" This gives the council members a chance to clarify anything they've heard. Since we are still in the public hearing I would suggest that the commission stay on topic with what has been said during the public comment.

"Is there a request to keep the record open?" If such a request is made, the council needs to leave the record open for at least seven days. If this happens, the Mayor should set a date to reconvene and the hearing will be concluded at that time. There are no special noticing requirements for reconvening. Once this is done the Mayor can close the public hearing. Please state the time for the record. I would also suggest that the Chair re-arrange the agenda and move to New Business to address this application before any other business.

II. NEW BUSINESS

A. Conditional Use and Zone Change Application – Paul Daniels (GLAD): Assuming that someone has not asked to keep the record open, the commission can deliberate on this request. The proper way to do this is for a commissioner to make a motion first, get a second, and then discuss the decision. You can also discuss the application before there is a motion, but the chair should make sure to ask if there is any more discussion after the second on the motion. I would recommend that the chair mention to those present that commission deliberation is closed to public comment. That does not mean that a commission member can't ask a question of the applicant, an opponent or proponent, or staff. If a member does wish to question someone other than a commission member I would suggest that member announce to the chair they have a question for a specific person.

If a member wishes to make a motion approving the application, I would suggest a MOTION to approve the request for a zone change by Paul Daniels and Garibaldi Leasing and Development based on the staff report presented, and to authorize the Mayor to sign the final order as soon as it's prepared by

staff.

Also, we'll need a second motion to approve the ordinance. There are three ways to adopt an ordinance, and the way I would suggest is to read the title twice. I would suggest a council member make a MOTION to adopt an ordinance by title. The title of the ordinance, which has been provided to the council seven days prior to this meeting and which has been available at City Hall for inspection in that time, is "An ordinance amending the Garibaldi Comprehensive Plan Map and the Garibaldi Zoning Map to change the land zone designation for a portion of property located at tax lots 1200, 1300 and a portion of 490 of Tillamook county tax assessor map 1N1022BA in conformance with the Garibaldi Comprehensive Plan, Garibaldi Municipal Code Title 18, Statewide Planning Regulations, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)." Again, the title of the ordinance is "An ordinance amending the Garibaldi Comprehensive Plan Map and the Garibaldi Zoning Map to change the land zone designation for a portion of property located at tax lots 1200, 1300 and a portion of 490 of Tillamook county tax assessor map 1N1022BA in conformance with the Garibaldi Comprehensive Plan, Garibaldi Municipal Code Title 18, Statewide Planning Regulations, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)."

III. ADJOURNMENT

No motion is necessary, simply adjourn and state the time for the record.

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CITY OF GARIBALDI

ORDINANCE NO. 324

AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE DESIGNATION FOR A PORTION OF PROPERTY LOCATED AT TAX LOTS 1200, 1300 AND A PORTION OF 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1022BA IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR)

WHEREAS, the Garibaldi City Council has adopted a Comprehensive Land Use Plan and a Land Zoning Ordinance, most recently amended July 29, 2013, in conformance with Oregon Revised Statutes and Oregon Administrative Rules regulating Statewide Planning Goals; and,

WHEREAS, Garibaldi Leasing and Development, owners of certain property located at Tax Lot 1200, 1300 and a portion of 490 of Tillamook County Tax Assessor Map 1N1022BA, have proposed to change the Comprehensive Plan and Garibaldi Zoning designation of a portion of the property from Medium Residential (R-1) to Commercial (C-1); and,

WHEREAS, the Garibaldi Planning Commission held a duly noticed public hearing on September 6, 2015 on the proposed amendments; and,

WHEREAS, the Garibaldi Planning Commission has deliberated this proposal and has recommended that the Garibaldi City Council approve the proposed Comprehensive Land Use Plan and Zoning Map change; and,

WHEREAS, the Garibaldi City Council held a duly noticed public hearing on September 7, 2017 on the proposed Comprehensive Land Use Plan and Zone Map amendment as recommended by the Garibaldi Planning Commission's Findings, Conclusions, and Recommendation attached to this Ordinance as **Exhibit A**; and,

WHEREAS, following the public hearing, the Garibaldi City Council deliberated and found that the proposed changes met the relevant and required criteria and accepted the recommendation of the Garibaldi Planning Commission and its findings,

NOW, THEREFORE, THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

Section 1. The City of Garibaldi Comprehensive Plan Map and Garibaldi Land Use Zoning Map as amended through Ordinance 320 shall be amended so that the properties located on Tax Lots 1200, 1300 a portion of the property located at Tax Lot 490 of Tillamook County Tax Assessor Map 1N1022BA, and as this portion is described in a certain document attached to this Ordinance as **Exhibit A,** formerly designated as Medium Residential (R-1) will be changed to the designation of Commercial (C-1).

Section 2. The Planning Official shall make such changes to the City of Garibaldi Comprehensive Plan Map and the City of Garibaldi Zoning Map as are required to implement this amending ordinance.

Section 3. The Planning Official shall keep a record of this amendment in a place convenient to the public to memorialize this amending ordinance.

Section 4. This ordinance shall take effect on the thirteenth day after its adoption by council.

ADOPTED by the Council and **APPROVED** by the Mayor this 7th day of September, 2016.

_____
Hon. Suzanne McCarthy, Mayor

ATTEST:

_____
John O'Leary, City Manager/Recorder

Attached: **Exhibit A**

Case File:#ZC-2016-01
Date Filed: 8/29/2016
Public Hearing Date: 9/6/2016

STAFF REPORT

City of Garibaldi Planning Commission Action

APPLICANT: Garibaldi Leasing and Development, Inc.

REQUEST AND PROCESS: Garibaldi Leasing and Development (GLAD) has submitted a request for a zone map amendment (zone change) from R-1 (Medium Density Residential) to C-1 (Commercial) on properties described below. The request requires a public hearing before the Garibaldi Planning Commission, and the decision of the Planning Commission will serve as a recommendation to the Garibaldi City Council for consideration at a subsequent public hearing.

REPORT OF FACTS:

Property Size, Location, and Legal Description: The subject properties consists of approximately 0.47 acre, and is located at the north of Garibaldi Avenue an east of Arizona Way in Garibaldi. The properties are identified on Tillamook County Assessor's Map #1N-10-22 BA as tax lots 1200 and 1300 and a portion of lot 490 from approximately 107 feet north of Hwy 101 N north right-of-way to approximately 250 feet north of Hwy 101 N. The submitted application materials include a narrative and findings, a transportation planning rule analysis, a riparian vegetation plan, an accessor map and recorded property deeds, a site plan and site plan outlining open space areas of the properties. Exhibit "A" attached shows the subject property requesting zone change.

Physical Site Features: The property has various slopes with frontage on Hwy 101 N, Arizona Way and Halverson Drive. The site is mostly undeveloped with a manufactured home on the northern most portion of the property. Some wetlands exist on the central and eastern portion of the property and a small portion of the southwest corner of the property has Hobson Creek running through it. The site is physically separated from the industrial uses to the south by Hwy 101 N which is an ODOT scenic highway. Jurisdiction of Arizona Way is a matter of interest to the City and the City's official comments for the record regarding this issue are provided as Exhibit "B" to this report. The subject property consists of slopes both below and above 20%. The applicant has submitted a Geologic Site Investigation Report as an addendum to the original submittal.

Surrounding Land Use: Surrounding land use includes the adjacent residential properties (north, east & west), vacant commercial property (south) and a closed industrial auto wrecking & towing service (south).

Adjacent Zoning:

I-1 Industrial	(South)
C-1 Commercial	(South)
R-1 (Downtown)	(North, East & West)

Utilities and Public Facilities / Infrastructure: Existing City water and sewer services are available to the property. Electricity is provided by Tillamook P.U.D. Fire protection services are provided by the City, and police services are provided by contract with the Tillamook County Sheriff's Department. The subject properties front Arizona Way and rear Halvorson Lane, which are a paved street to the west and a graveled road to east respectively.

Agency Comments:

1. Oregon Department of Land Conservation: The City has provided DLCD with official written notice of the proposed zone change. No official written comments from that agency have been received by the City to-date, but preliminary communications between City staff and DLCD representatives indicated that the agency had no objections to the proposal. Any comments provided by DLCD after the date of this report will be entered into the record and provided to the Planning Commission prior to the public hearing.

2. Garibaldi Public Works: The City Engineer and Systems Operator have provided written comments directed toward the effects on transportation facilities, as required during the course of the Planning Commission's review. Those comments are attached to this report as Exhibit "B".

EVALUATION OF THE REQUEST:

Applicable Criteria:

Applicable criteria for zone map amendments are specified in the Garibaldi Municipal Code Chapter 18.200. Procedure for amendments is specified in Garibaldi Municipal Code Chapter 18.210, Administrative Provisions.

Staff comments are provided in italic font

18.200.010 Amendments – Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. [Ord. 290 § 3(9.010), 2006.]

18.200.030 Quasi-judicial amendments.

A. Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the public hearing procedure, as governed by the zoning ordinance. The approval authority shall be as follows:

1. The planning commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments;

2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and

3. The planning commission shall make a recommendation to the city council on a land use district change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.

Staff Comment: The request involves a quasi-judicial amendment. Garibaldi's Comprehensive Plan Map and Zone Map consist of one official map adopted by the Garibaldi City Council earlier in 2013. This current zone change process requires the Planning Commission to review the request, and then recommend to the Garibaldi City Council a final decision on the matter.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the statewide planning goals;

Staff Comment: Statewide Planning Goal 10 requires that the City accommodate needed housing types, such as multifamily. The City currently has a surplus of R-1 land and will still have a surplus with this zone change. The proposal is consistent with the statewide planning goals because it maintains its minimum supply of residential zoning in compliance with Goal 10.

2. Approval of the request is consistent with the comprehensive plan;

Staff Comment: The Garibaldi Comprehensive Plan includes several policies that may be applicable, including the following that would support the proposed zone change:

<u>Procedural Policy A</u>: "The development and amendment of the Comprehensive Plan shall be coordinated with the plans and programs of other jurisdictions and agencies that have an impact on land use in the City. These jurisdictions include: the City of Garibaldi, Tillamook County, and the State Highway Department."

<u>Procedural Policy B:</u> " A change in the Comprehensive Plan shall occur only after the Planning Commission and the City Council have each held a public hearing. Public notices shall be published at least ten days prior to the public hearing dates".

<u>Community Development Pattern Policy A</u>: The City will protect existing residential neighborhoods from conflicting or inappropriate land uses. Where non-residential land uses are located in residential areas, the City will require that measures be taken to minimize the impact of such uses on adjacent residential areas".

Staff Comment: The zone change will help preclude the potential for non-residential land use being located in this residential area.

Economy Policies:

d. Maintain an adequate supply of vacant commercial, industrial and waterfront development property to provide for the economic growth of the community.

Staff Comment: The most recent buildable lands inventory indicates that the City has a projected 20-year surplus of 33.5 acres of C-1-zoned land thereby maintaining an adequate supply of vacant commercial property.

g. Encourage residents, businesses and civic organizations to shop locally.

h. Encourage, support and assist existing businesses.

Staff Comment: The more people who live in town, the more chance that businesses will be utilized and supported.

3. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period;

Public facilities and services are available at the site as indicated above in this report. The City Engineer and System Operator have provided comments applicable to transportation facilities and their adequacy as related to the request. Those comments are attached to this report and identified as Exhibit "B".

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.

Staff Comment: Allowing the zone change provides for Multi-family residential use next to current residential use. It is efficient use of the property with the increased density. Furthermore, if the half of the property that is already zoned commercial were developed commercially such use would likely generate more traffic in this residential area.

Based on these considerations, a finding can be made that the proposed zone change would be in the public interest.

5. The amendment conforms to the Transportation Planning Rule provisions under GMC 18.200.060. [Ord. 290 § 3(9.030), 2006.]

Staff Comment: The proposed development does not significantly affect Arizona Way as a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the traffic impact study provisions. Trip generations from Multi-Family residences are less than that of commercial developments.

18.200.040 Conditions of approval for quasi-judicial amendments.
A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. A legislative amendment may only be approved or denied. [Ord. 290 § 3(9.040), 2006.]

18.200.045 Land use district map and text amendments.
A final quasi-judicial order shall be issued after approval of the action by either the planning commission or city council. The order should include the name of the applicant, mailing address of the applicant, map and tax lots of the affected property, type of request, property's zoning, brief description of the applicant's reason for the request, review of the public meetings, hearings and notices dealing with the request, review of the adopted findings of fact, review of any conditions associated with the request and whether those conditions shall be met before the approval is effective, date the approval is effective, appeal options by affected parties, and signatures of the planning commission chair and secretary (or mayor and city recorder). [Ord. 304 Art. V(1), 2008.]

Staff will prepare findings, conclusions, and a final order that documents the decision of the Planning Commission after the public hearing.

18.200.050 Record of amendments.
The city recorder shall maintain a record of amendments to the text of this code and the land use districts map in a format convenient for public use. [Ord. 290 § 3(9.050), 2006.]

18.200.060 Transportation Planning Rule compliance.
A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the traffic impact study provisions. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the city's transportation system plan ("TSP"); or

2. Change the standards implementing a functional classification system; or

3. As measured at the end of the planning period identified in the city's comprehensive plan, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the city's comprehensive plan; or

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the city's comprehensive plan.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C of this section, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

4. Amending the planned function, capacity or performance standards of the transportation facility; or

5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

Staff Comments: The City Engineer and Systems Operator has reviewed the proposal and evaluated the effects of it on the City of Garibaldi's transportation facilities, and finds the request to meet the applicable standards necessary for approval. The findings are attached to this report and identified as Exhibit "B".

Chapter 18.210.010 Administrative Provisions.

Chapter 210 regarding Administrative Provisions (process) is extensive and therefore is attached to this report and identified as Exhibit "C". Staff would direct the Planning Commission to focus on

the substantive criteria identified above in this report, and refer to the Administrative Provisions in the attachment if there is a need for guidance on the process in arriving at a decision.

STAFF SUMMARY AND CONCLUSION:

Garibaldi Leasing and Development, Inc. (GLAD) has proposed an amendment to the City's Comprehensive Plan and Zone Map, to change the existing R-1 Residential Zone to a C-1 Commercial Zone on approximately 0.47 acres of GLAD-owned property. The request is a precursor for projected development that is allowed as a conditional use in the Commercial Zone, but may not be permitted in the Residential Zone.

Procedures established by the Garibaldi Zoning Code requires the Planning Commission to review the application at a public hearing and weigh it against the criteria outlined above, or other criteria to which a party believes to be applicable. The above report identifies the substantive criteria including appropriate comments to help guide the Planning Commission in arriving at a decision on the matter.

At the public hearing, all interested parties are invited to attend and to provide testimony directed to the applicable criteria. At the close of the public hearing, the Planning Commission should consider all of the facts, the testimony presented including written and oral testimony, the existing and proposed zoning designations and their land uses, the applicable criteria, and then determine an appropriate recommendation to the City Council for further review and a final decision in response to the request.

At the end of the public hearing, and in consideration of relevant issues, the Planning Commission should make a decision initiated by a motion to recommend approval or denial of the proposed amendment. The motion should articulate generally the findings as related to the criteria.

Submitted by,

John O'Leary,

Garibaldi City Planner Pro Tem

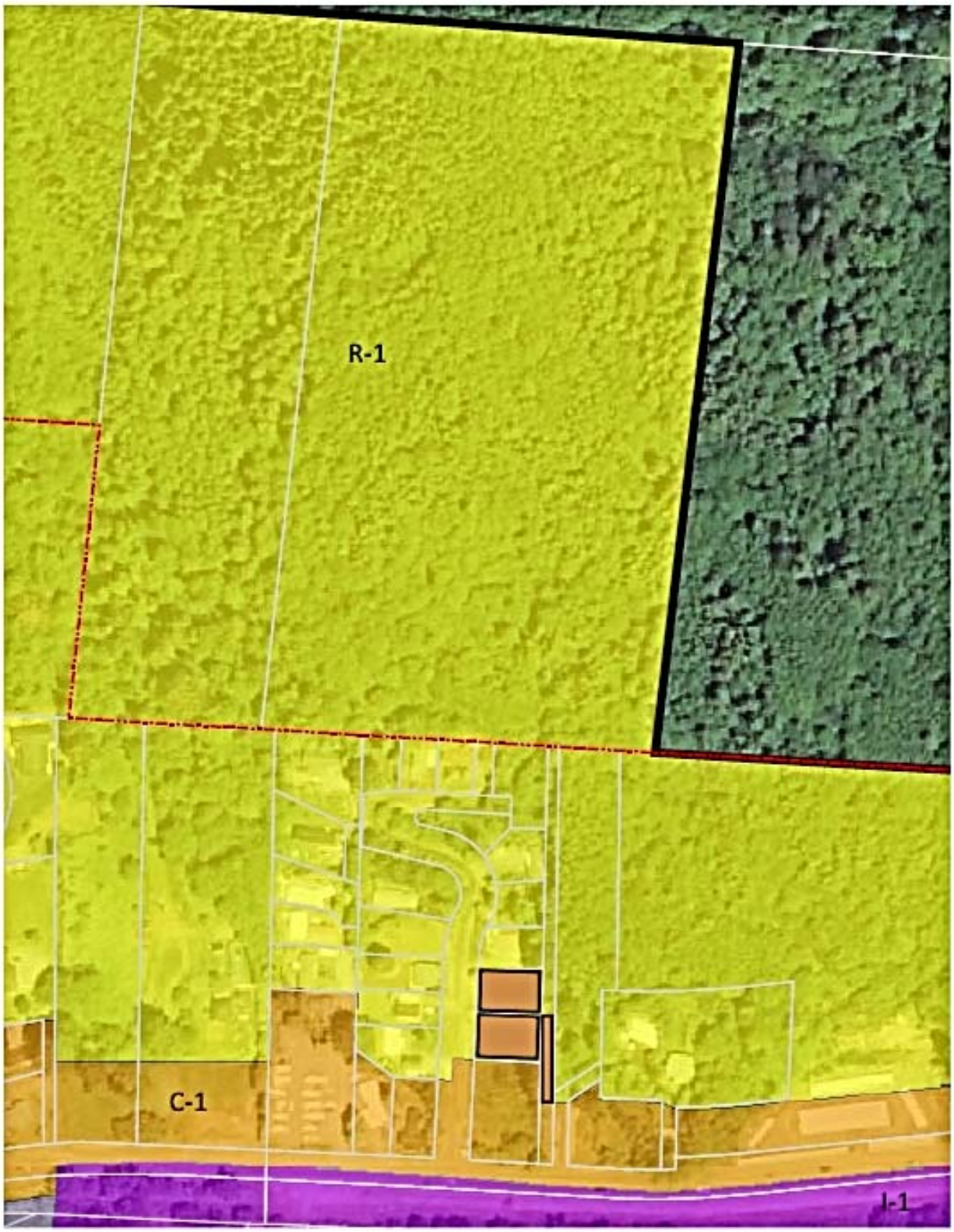


EXHIBIT A
REQUESTED ZONE CHANGE AREA

R-1 TO C-1

Exhibit “B”

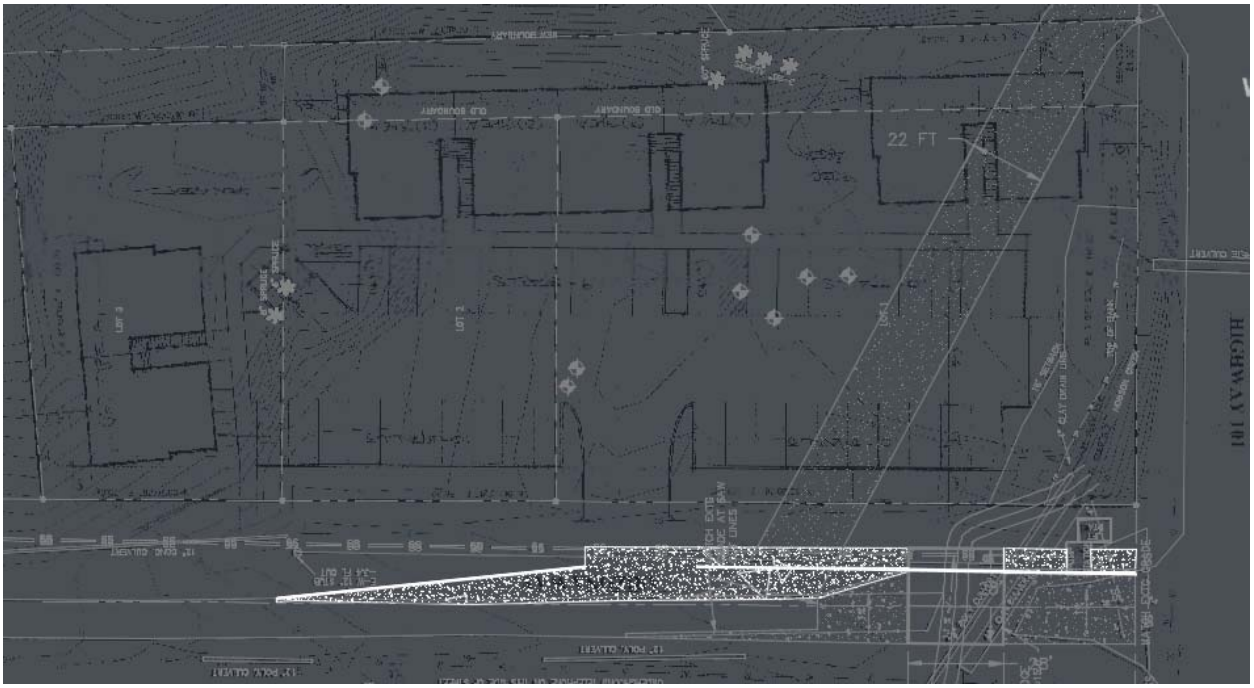
TO: City Manager O’Leary
FROM: Blake Lettenmaier, City Engineer and Martin McCormick, Systems Operator
DATE: August 16, 2016
SUBJECT: Arizona Way - Apartments Development

I have reviewed the proposed project and recommend the following street improvements.

1. Half-street improvements on the east side of Arizona Way from the north end of the access to the Hwy 101 N right-of-way consisting of:

    a. Saw-cutting 1 foot in to the existing pavement edge to provide a clean and sealed pavement joint
    b. Providing paved roadway lane from the saw cut to 11 feet east of the centerline of right-of-way and an additional 6 feet of paved pedestrian shoulder consisting of 3-inch compacted thickness of Class C asphalt over 9 inches compacted thickness of ¾ ”-0” crushed rock over compacted subgrade
    c. Providing 1 foot compacted thickness of ¾”-0” crushed rock should at 2 foot width
    d. Providing the same pavement section and shoulder tapering from the north end of the access to the existing pavement edge 90 feet north
    e. Providing a 4-inch wide painted white fog line 11 feet east of centerline south of the south access to the Hwy 101 N right-of-way and a 4-inch wide painted white fog line from the north end of the access along the edge of pavement to the end of the taper to the north

The above being illustrated below…



STAFF REPORT

Case File: #CU-2016-02
Date Filed: 8-29-2016
Hearing Date: 9-6-2016

City of Garibaldi
Conditional Use Permit Request
(Planning Commission Public Hearing Item)

APPLICANT: Garibaldi Leasing and Development, Inc.

REQUEST: The applicant is requesting conditional use approval to authorize the development of a 24 unit multi-family dwelling in the Commercial Zone, including a parking area, open space, landscaping, and a playground.

A. REPORT OF FACTS:

1. **Property Location**: The property is located at 102, 110 Arizona Way (east side), the property between 102 and 110 Arizona Way (no address assigned) and a portion of the lot east and adjacent to 102 Arizona Way and to the lot between 102 and 110 Arizona Way (west of Halvorson Drive). The Property is further identified on Tillamook County Assessor's Map #1N 10 22BA as tax lots 1100, 1200, 1300 and the southern 143.27 feet (plus or minus) of lot 490.

2. **Zoning Designation**: C-1 (Commercial Zone)

3. **Surrounding Land Use**: Abutting the western north property line are developed lots containing three existing single-family dwellings. Abutting the eastern north property line is an undevelopable lot. These lots are in the R-1 Zone. Adjacent to the west property line is the right-of-way of Arizona Way owned by the City of Garibaldi. Adjacent to the east property line is and undeveloped lot zoned R-1 and the right-of-way of Halvorson Drive owned by the City of Garibaldi. Adjacent to the south property line is the right-of-way of Garibaldi Avenue owned by the State of Oregon.

Land use along Garibaldi Avenue to the west and east consists of commercial uses and residential uses in Commercial Zones. Across Garibaldi Avenue is a closed automobile wrecking and towing business zoned Industrial. Uses to the north are residential, located in the R-1 Zone.

4. **Lot Size**: Survey information indicates that the subject property is 0.98 acres in size.

5. **Existing Structures**: An existing manufactured home structure from previous land use currently occupies the subject most northern portion of property.

6. **Utilities**: Utilities serving the property include electrical power provided by Tillamook P.U.D., with sewer and water services provided by the City of Garibaldi.

7. **Access:** Access to the property is by means of Arizona Way, which is identified by the Garibaldi Transportation System Plan as a local street.

8. **Development Constraints**: The subject property contains no identified natural hazards, historic significance, or special natural resource values that would present a constraint to development of multi-family housing. The development site contains slopes in excess of 20% grade, and a portion of the site is located in the city's Hillside Overlay Zone. This physical condition does not appear to present any significant constraint on the proposed development. The applicant has prepared a geotechnical investigative report, which has identified the site as suitable for the proposed use. This report provides specific analysis and recommendations associated with the geological conditions of the site. Hobson Creek runs through the southwest corner of the property.

B. EVALUATION OF THE REQUEST:

1. Description of the Proposal: The submitted application materials include a detailed description of the proposed multi-family development proposal. Application materials include the following:

- Exhibit - 1, Completed conditional use application form
- Exhibit - 2, Applicant's written narrative, development plan details, responses to applicable criteria
- Exhibit – 3, Transportation Planning Rule analysis
- Exhibit – 4, Riparian Vegetation Plan
- Exhibit – 5, Assessor Map and Recorded Property Deed copies
- Exhibit – 6,Site Plan and Site Plan Outlining Open Space Areas
- Addendum A - Geotechnical Investigation Report

All application materials are part of the case file record, and are available for review or purchase at Garibaldi City Hall. Copies of all application materials have been included in packets for the Garibaldi Planning Commission prior to the public hearing date of September 6, 2016.

2. Agency Comments:

Garibaldi Public Works: The City Engineer and Systems Operator have indicated that adequate water and sewer capacity exist to serve the proposed development.

Garibaldi Fire Department: The Fire Chief hasn't provided any comments at this time. Garibaldi staff will evaluate water infrastructure and vehicular access requirements relevant to the Fire Chief's scope of authority at the time the city receives structural plans, which are not required to approve a conditional use permit. Any requirements for additional municipal water infrastructure can be imposed on the applicant at the time he submits for a land use development permit, which will be required in addition to a conditional use permit or any other permits issued by the city.

3. Relevant Standards:

The applicable Garibaldi Municipal Code (GMC) standards are identified in the attached Staff Report Appendix.

C. STAFF SUMMARY OF SUBSTANTIVE ISSUES & ANALYSIS:
This request is for a 24-unit multi-family dwelling development on property located in the C-1 (Commercial) Zone. The C-1 Zone requires conditional use approval, subject to the applicable standards for conditional uses, the C-1 Zone, special criteria for multi-family dwellings, and parking requirements. The volume of text containing the applicable criteria is quite large, so staff has identified and included all of the criteria in the attached Staff Report Appendix, along with comments where appropriate or necessary to supplement the Applicant's responses/findings.

To facilitate review by the Planning Commission, staff offers the following comments on the following substantive matters under consideration:

C-1 Zoning:
The standards for the C-1 Zone are identified in Section 18.25.040. These standards include limitations on building height (30 feet), density, with landscaping and playground requirements for multi-family housing. The request includes buildings of 35feet in height, 40 percent open space and landscaping, and a 1,110 square-foot playground to meet these standards. The proposal appears to conform to all applicable C-1 Zone standards except the proposed 35 foot building height. The applicant is requesting a conditional use per 18.25.040(C) to allow the greater height. Staff believes the additional 5 feet in height is acceptable in this location, as there are no significant adverse solar access effects, and the use of the three stories is an efficient use of the property.

Conditional Use Permit:
A multi-family housing development may be allowed as a conditional use in the Commercial Zone, unlike other uses that are allowed outright; for example a bowling alley, restaurant, or retail establishment. The criteria for conditional use approval are identified in the Staff Report Appendix, GMC Chapter 18.185.

Conditional use regulations in the GMC contain criteria intended to evaluate a particular land use proposal, in consideration of existing and projected surrounding uses. Conditions may be placed on a development approval, if necessary, to ensure compatibility between proposed and existing uses. Conditional use approval is contingent on the applicant's ability to demonstrate that the applicable criteria under review are met through the development design.

The application materials include responses to each of these criteria for a conditional use permit, on Pages 6-14 of the written narrative. Staff has reviewed the responses to ensure the applicant has addressed each criterion. Additional staff comments pertaining to criteria are included in the Staff Report Appendix.

Multi-family Dwelling Siting Criteria:
GMC Section 18.110.010 identifies specific Criteria for siting of multi-family dwellings. The submitted application materials provide responses to these criteria which relate to structure placement, access, parking arrangement, open space, and adjacent residential zoning. Staff has reviewed the development and it appears that all multi-family siting criteria are met.

Traffic Impacts:
The proposed development requires access from Arizona Way. Arizona Way is identified in the Garibaldi Transportation System Plan as a local street. Pavement widening and pedestrian movement improvements will be required for the street to be capable of carrying the anticipated traffic associated with the use.

GMC Section 18.210.110 states that a traffic impact study may be required if there is an increase in site traffic volume generated by 150 average daily trips (ADT) or more. Based on threshold criteria identified in this section of the GMC, the proposed development will not require a traffic impact study. The applicant had a traffic impact study performed nonetheless and a professional engineer calculated the planned 24 apartments on the site will generate 120 trips each day (see submitted application document Exhibit - 3).

Parking:
The applicant has provided a parking requirement analysis, based on the number of dwelling units and number of bedrooms in each unit, to demonstrate that 26 parking spaces are required. The development plan provides 39 parking spaces, which exceeds the minimum number required in the GMC. Bicycle parking requirements and other standards regarding parking space and land width dimensions appear to be met in the site design.

Based on the submitted plan, it appears that the proposal is in conformance with GMC Chapter 18.125.

D. 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, multi-family housing, the Commercial Zone standards, 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 and Staff Report Appendix 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 Planning Commission Chair.

E. 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. 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 and staff's supplemental findings found in the Staff Report Appendix, 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 the application by Garibaldi Development and Leasing Inc, for Case File #CU-2016-02, to authorize a conditional use permit to develop an 24 unit multi-family residential use, based on the information in the application, as presented within the staff report and the appendix to the staff report, subject to recommended conditions of approval in the Case File Staff Report, and direct staff to prepare a final order for this approval to be signed by the Planning Commission Chair.**

F. 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 application and all attached exhibits. 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 applicant shall meet all requirements of the Garibaldi Public Works Department, for utility connections to sewer and water services.

3. The application shall meet all federal, state and local laws, rules and regulations pertinent to the proposed development, including, and not limited to, the requirements of the Garibaldi Fire Chief, Tillamook County Building Official and the City of Garibaldi Engineer.

4. Those areas of subject property currently zoned R-1 must be re-zoned to C-1. Approval of this conditional use is contingent on the approval of a zone change application to the Garibaldi City Council.

5. All work done within the Hobson Creek Riparian zone will be done in conformance with section 18.170 of the Garibaldi Municipal Code, the Riparian Vegetation Plan submitted by the applicant, and any requirements made by the Oregon Department of Fish and Wildlife.

6. All exterior lighting will be designed and installed in a manner to prevent or minimize glare-light from spilling on neighboring properties. All exterior lighting will be reviewed and approved by city staff in conformance with this condition.

7. Half-street improvements on the east side of Arizona Way from the north end of the access to the Hwy 101 N right-of-way consisting of:

a. Saw-cutting 1 foot in to the existing pavement edge to provide a clean and sealed pavement joint
b. Providing paved roadway lane from the saw cut to 11 feet east of the centerline of right-of-way and an additional 6 feet of paved pedestrian shoulder consisting of 3-inch compacted thickness of Class C asphalt over 9 inches compacted thickness of ¾ ”-0” crushed rock over compacted subgrade
c. Providing 1 foot compacted thickness of ¾”-0” crushed rock should at 2 foot width
d. Providing the same pavement section and shoulder tapering from the north end of the access to the existing pavement edge 90 feet north
e. Providing a 4-inch wide painted white fog line 11 feet east of centerline south of the south access to the Hwy 101 N right-of-way and a 4-inch wide painted white fog line from the north end of the access along the edge of pavement to the end of the taper to the north

The above being illustrated by the following Figure1;

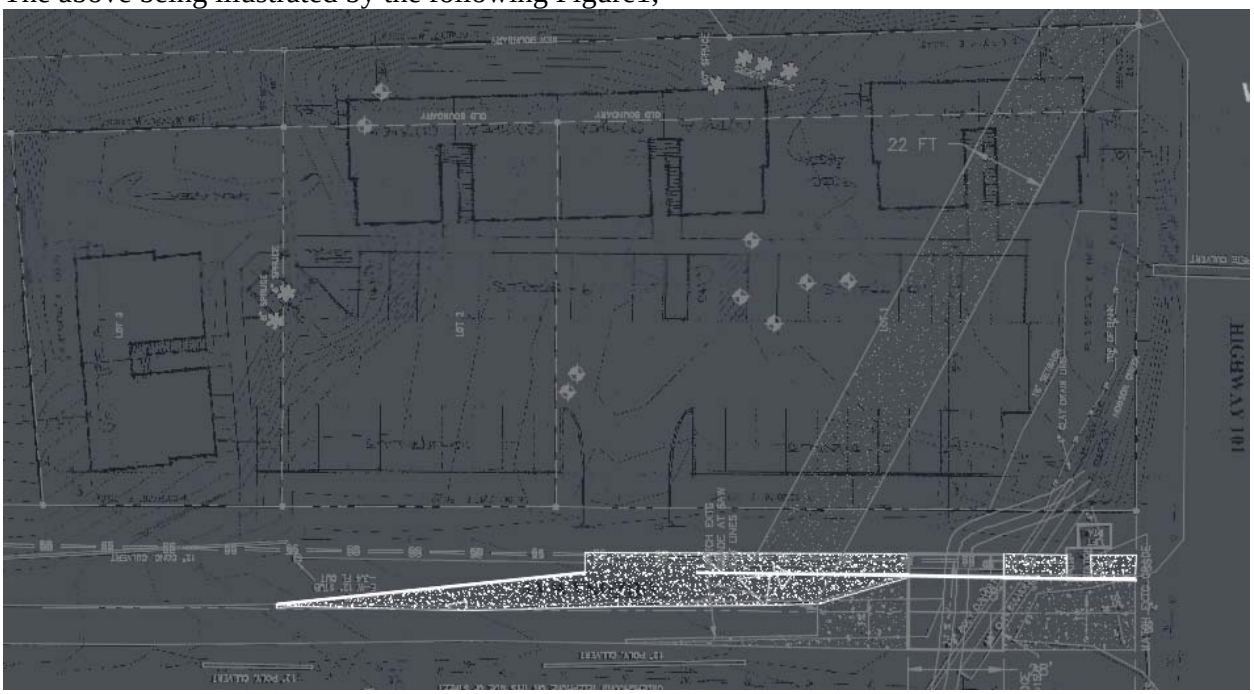


Figure 1.

8. Site pedestrian sidewalks shall connect to sidewalk area shown on Figure 1.

9. The applicant shall provide 39 parking stalls and parking area layout in accordance with the provisions of GMC Chapter 18.125. Parking shall include appropriate provisions for ADA accessibility.

10. All parking spaces and parking area layout shall be clearly identified and marked.

11. The applicant shall provide bicycle parking in accordance with GMC Chapter 18.125. Bicycle parking for customers and visitors shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

12. Parking areas shall have lighting to provide at least two foot-candles of illumination over parking spaces and walkways. Lights shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use. For security, bicycle parking shall be at least as well-lit as vehicle parking.

13. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

14. Landscaping shall be provided in the open space within the development, including trees and shrubs suitable for the size and dimensions of the open space.

15. Any signs shall be in conformance with applicable standards of GMC Chapter 18.120.

16. The proposed 1,110 square-foot playground shall be fenced and screened from adjacent properties.

17. The applicant shall restrict tenant and non-tenant use of off-street parking facilities located on this site to operable motor vehicles. The applicant shall not allow off-street parking facilities on this site to be used for the storage of vehicles or trailers.

Submitted by:
John O'Leary
Garibaldi City Manager, Planner Pro Tem

STAFF REPORT APPENDIX

Garibaldi Land-Use Case File: # CU-2016-02
Garibaldi Development and Leasing Inc., Applicant

Applicable Ordinance Standards

Staff comments are provided in bold and italic font.

Garibaldi Municipal Code

Chapter 18.05
INTRODUCTORY PROVISIONS

18.05.030 Definitions.

As used in this title, the following words and phrases shall mean:

"Dwelling, multifamily" means a building, or portion thereof, designed for occupancy by three or more families living independently of each other.

Chapter 18.25
COMMERCIAL ZONE (C-1)

18.25.010 Purpose.

18.25.020 Uses permitted outright.

18.25.030 Conditional uses permitted.

18.25.040 Standards.

18.25.010 Purpose.

The C-1 zone is intended to allow certain additional uses not allowed along U.S. Highway 101 in the D-1 zone, and to maintain primary commercial uses such as stores, banks and offices beyond the limits of the downtown zone. Large land users and automobile-oriented drive-through uses are intended to be located in the commercial zone. [Ord. 321 § 2, 2014; Ord. 290 § 3(3.030), 2006.]

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:

G. Duplex, triplex or multifamily dwellings, subject to GMC 18.110.010.

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.

Special setback standards apply to multi-family dwellings and are addressed below.

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.

The proposed housing units are 35 feet in height. The proposal appears to conform to all applicable C-1 Zone standards except the proposed 35 foot building height. Staff believes the additional 5 feet in height is acceptable in this location as there are not any significant solar or view adverse effects and the increase in density because of the three stories is an efficient use of the property.

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.

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

This standard can be met as a condition of approval.

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.

Page 6 of the application narrative demonstrate that the density limitations of this standard are met.

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.]

The applicant is proposing to provide landscaping in the 40% open space within the development, exceeding this standard.

Chapter 18.125
AUTOMOBILE PARKING STANDARDS

Sections:

Article I. Generally

18.125.010 Purpose.
18.125.020 Applicability.

Article II. Automobile Parking Standards

18.125.030 Vehicle parking – Minimum standards by use.
18.125.040 Vehicle parking – Minimum accessible parking.
18.125.050 On-street parking.
18.125.060 Shared parking.
18.125.070 Off-site parking.
18.125.080 General parking standards.
18.125.090 Parking stall design and minimum dimensions.
18.125.100 Important cross-references.

Article III. Bicycle Parking Requirements

18.125.110 Background.
18.125.120 Minimum required bicycle parking spaces.
18.125.130 Exemptions.
18.125.140 Location and design.
18.125.150 Visibility and security.
18.125.160 Options for storage.
18.125.170 Lighting.
18.125.180 Reserved areas.
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Article IV. Loading Areas

18.125.200 Background.
18.125.210 Purpose.
18.125.220 Applicability.
18.125.230 Number of loading spaces.
18.125.240 Size of spaces.
18.125.250 Placement, setbacks, and landscaping.

Article I. Generally

18.125.010 Purpose.

The purpose of this chapter is to provide basic and flexible standards for the development of vehicle and bicycle parking. The design of parking areas is critical to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize storm water runoff, and maintain the visual character of the community. This chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. [Ord. 290 § 3(4.060(1)), 2006.]

18.125.020 Applicability.

All development subject to review including development of parking facilities, shall comply with the provisions of this chapter. [Ord. 290 § 3(4.060(2)), 2006.]

Article II. Automobile Parking Standards

18.125.030 Vehicle parking – Minimum standards by use.

The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 18.125.030, Minimum Required Parking by Use, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a land use review. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement includes parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Residential Categories	
Household Living	
Accessory Dwelling	None
Single-Family Dwelling	2 spaces
Duplex	3 spaces per duplex
Multifamily	1 space per studio or 1-bedroom unit
	1.5 spaces/unit per 2-bedroom unit
	2 spaces/unit per 3-bedroom or larger unit

Staff Comment: Page 11 of the application materials include an analysis of the number and types of units in the development, and determined that 26 parking spaces are required using this formula. The development plan includes provision for 39 parking spaces therefore exceeding the minimum number required in the GMC by 13 spaces. This will likely reduce the demand for undesirable parking overflow.

18.125.040 Vehicle parking – Minimum accessible parking.

A. Accessible parking shall be provided for all uses in accordance with the standards in Table 18.125.030; parking spaces used to meet the standards in Table 18.125.040, Minimum Number of Accessible Parking Spaces, shall be counted toward meeting off-street parking requirements in Table 18.125.030;

B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

C. Accessible spaces shall be grouped in pairs where possible;

D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;

E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 18.125.040 – Minimum Number of Accessible Parking Spaces
Source: ADA Standards for Accessible Design 4.1.2(5)

Total Number of	Total Minimum Number of Accessible	Van Accessible Parking	Accessible Parking

Parking Spaces Provided (per lot)	Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Spaces with min. 96" wide access aisle	Spaces with min. 60" wide access aisle
	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1,001 or more	20 plus 1 for each 100 over 1,000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **1 out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

The multi-family development plan requires 26 parking spaces and two ADA accessible parking space. The applicant has elected to provide 11 additional parking stalls to serve the use and ensure that overflow parking is minimized. The Planning Commission may choose to evaluate the applicability of this standard in relation to the additional parking provided in the plan.

18.125.080 General parking standards.

A. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area.

B. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The city may reduce the total parking required accordingly through land use review.

C. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 18.120 GMC.

This standard can be applied at the time of development permit review.

D. Lighting. Parking areas shall have lighting to provide at least two foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

This standard can be applied as a condition of approval

E. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses. [Ord. 290 § 3(4.060(3)(F)), 2006.]

There are no existing or planned residential uses adjacent to the proposed parking area, therefore the proposed design meets this standard.

18.125.090 Parking stall design and minimum dimensions.

All off-street parking spaces shall be improved to conform to city standards for surfacing, storm water management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figure 18.125.090(1), Parking Area Layout, and Figure 18.125.090(2), Disabled Person Parking Requirements, and Table 18.125.120, Minimum Required Bicycle Parking Spaces:

A. Motor vehicle parking spaces shall measure eight feet, six inches wide by 18 feet long or by 16 feet long, with not more than a two-foot overhang when allowed;

B. All parallel motor vehicle parking spaces shall measure eight feet, six inches by 22 feet;

C. Parking area layout shall conform to the dimensions in Figures 18.125.090(1) and (2), and Table 18.125.090, Parking Area Layout, below;

D. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to federal ADA guidelines; and

E. Bicycle parking shall be on a two-foot by six-foot minimum concrete pad per bike, or within a garage or patio of residential use.

Figure 18.125.090(1) – Parking Area Layout

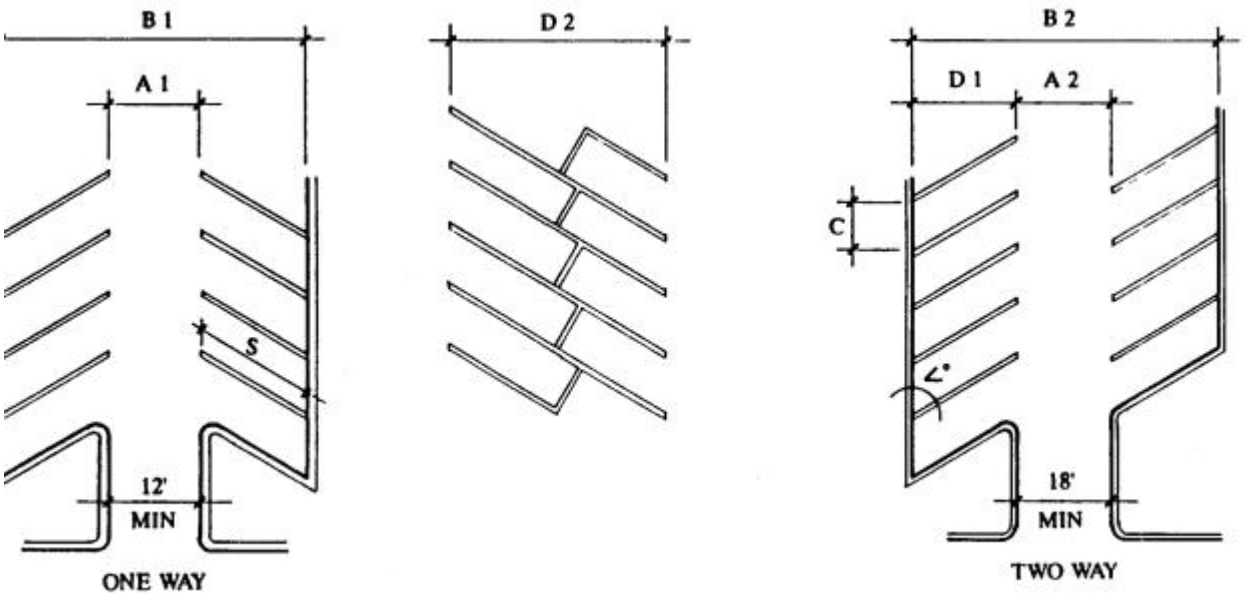


Figure 18.125.090(2) – Disabled Person Parking Requirements

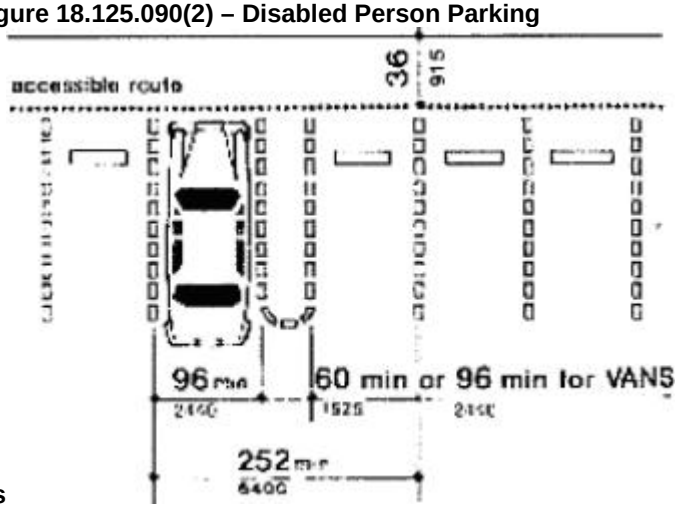


Table 18.125.090 – Parking Area Layout

Standard	Parking Angle <°	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe Length
			Single D1	Double D2	One-Way A1	Two-Way A2	One-Way B1	Two-Way B2	
Space (See Figure 18.125.090(2) for ADA space requirements)	90°	8′-6″	18′	36′	23′	23′	59′	59′	18′
	60°	10′	20′	40′	17′	18′	57′	58′	23′
	45°	12′	18′-6″	37′	13′	18′	50′	55′	26′-6″
	30°	17′	16′-6″	33′	12′	18′	45′	51′	32′-8″
	0°	22′	8′-6″	17′	12′	18′	29′	35′	8′-6″

18.125.100 Important cross-references.

See also Section 2, Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Section 3.1, Access and Circulation, for driveway standards; Section 3.2, Landscaping; and Section 3.5, Surface Water Management. [Ord. 290 § 3(4.060(3)(H)), 2006.]

Article III. Bicycle Parking Requirements

18.125.110 Background.

This article implements part of the Transportation Planning Rule, which requires bicycle parking. (OAR 660-012-0045)

All uses that are subject to site design review shall provide bicycle parking, in conformance with the standards in Table 18.125.120, and GMC 18.125.120 through 18.125.190. [Ord. 290 § 3(4.060(4)), 2006.]

18.125.120 Minimum required bicycle parking spaces.

Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 18.125.120. Where two options are provided (e.g., two spaces, or one per eight bedrooms), the option resulting in more bicycle parking is used.

Table 18.125.120 – Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)

Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units

The applicant proposes 8 bicycle parking spaces, exceeding this standard.

18.125.140 Location and design.

Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. [Ord. 290 § 3(4.060(4)(C)), 2006.]

Application materials indicate that bicycle parking spaces will be located under building stairwells, adjacent to building entrances.

18.125.150 Visibility and security.

Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage. [Ord. 290 § 3(4.060(4)(D)), 2006.]

The proposed bicycle storage areas are in close proximity to building entrances.

18.125.160 Options for storage.

Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building. [Ord. 290 § 3(4.060(4)(E)), 2006.]

18.125.170 Lighting.

For security, bicycle parking shall be at least as well lit as vehicle parking. [Ord. 290 § 3(4.060(4)(F)), 2006.]

This standard can be applied as a condition of approval.

18.125.180 Reserved areas.

Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only. [Ord. 290 § 3(4.060(4)(G)), 2006.]

This standard can be met as a condition of approval.

18.125.190 Hazards.

Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Section 3.1, Access and Circulation). [Ord. 290 § 3(4.060(4)(H)), 2006.]

Article IV. Loading Areas

18.125.200 Background.

The loading area provisions are typical, except that GMC 18.125.250 allows for the use of a street right-of-way loading area under certain conditions. This exception is meant to conserve land for employment uses, particularly in the downtown and main street zones. Some cities' codes prohibit vehicles backing onto a public right-of-way (except single-family uses), so it is important to check for that restriction and allow reasonable exceptions. [Ord. 290 § 3(4.060(5)), 2006.]

18.125.210 Purpose.

The purpose of this article is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas. [Ord. 290 § 3(4.060(5)(A)), 2006.]

18.125.220 Applicability.

This article applies to residential projects with 50 or more dwelling units, and nonresidential and mixed-use buildings with 20,000 square feet or more total floor area. [Ord. 290 § 3(4.060(5)(B)), 2006.]

18.125.230 Number of loading spaces.

A. Residential Buildings. Buildings where all of the floor area is in residential use shall meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.

2. All other buildings: One space.

B. Nonresidential and Mixed-Use Buildings. Buildings where any floor area is in nonresidential use shall meet the following standards:

1. Less than 20,000 square feet total floor area: No loading spaces required.

2. Twenty thousand to 50,000 square feet of total floor area: One loading space.

3. More than 50,000 square feet of total floor area: Two loading spaces. [Ord. 290 § 3(4.060(5)(C)), 2006.]

The above standards for loading areas are not applicable to the proposal.

Chapter 18.185
CONDITIONAL USES

Sections:

18.185.010 Authorization to grant or deny conditional uses.

18.185.020 Conditional use review criteria.

18.185.030 Conditional use procedure.

18.185.040 Specific conditional use standards.

18.185.050 Conditional uses and criteria for certain transportation facilities and improvements.

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.

The submitted written narrative pages 6-11 provide examples of applicable comprehensive plan policy language which address Citizen Involvement Policies, Air, Land and Water Quality Policies, Housing Policies, Public Facilities Policies, Transportation Policies and Economic Policies.

B. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.

The applicant addresses this standard on Pages 9 and 10 of the written narrative. According to the applicant, building design, adequate setbacks, and maintaining a residential use in the residential neighborhood will help to minimize impacts on surrounding properties.

Parking within the development exceeds the minimum required by 11 spaces. This access and parking arrangement avoids causing traffic congestion and overflow parking on the local street.

C. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

The applicant addresses this standard on Page 10 of the written narrative, pointing out that commercial uses otherwise allowed in the C-1 Zone would generate more traffic than the proposed housing units. Examples provided include restaurants, hotel use, retail, or mixed-use developments. A bowling alley is also identified as a use permitted outright in the C-1 Zone.

GMC Section 18.210.110(C) requires a traffic impact study when a proposed use would increase site traffic volume generation by 150 average daily trips (ADT) or more. Using the provided formula of 5 trips per day per apartment in Section 18.210.110(B), the 24 proposed apartment units would generate 120 average daily trips; (24 x 5=120). A traffic impact study is not required for review and consideration of the application; however the applicant did submit a trip generation analysis as Exhibit 3 further showing less traffic impact.

D. Public facilities and services are adequate to accommodate the proposed use.

The City Engineer and Systems Operator have reviewed the proposal and determined that adequate public sewer and water services are available to serve the development.

E. The site's physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use.

The site is presently stable and generally suitable for the proposed apartments development and its associated site improvements provided that the recommendations contained in the Geotechnical Report submitted by the applicant as Addendum A.

As a condition of approval, the recommendations contained in the Geotechnical Report should be required as conditions of approval.

F. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities or other facilities which are required by city ordinances or desired by the applicant.

The application materials include a written plan, with supporting documents including a site plan that illustrates the arrangement of building placement, parking, access, open space, a playground, and other amenities. Staff review of the plan indicates that applicable standards required by the Garibaldi Municipal Code will be met.

18.110.010 Multifamily or apartment siting criteria.

In any zone where a multifamily dwelling, condominium or apartment structure is proposed, the planning commission shall review the plans under the following criteria:

A. The placement of the structure takes advantage of natural features such as streams, shorelines, or hillsides. Existing trees are retained whenever feasible.

Hobson Creeks runs through the southwest corner of the property. There is no development proposed within this area and all structures and pavement area located at least 15 feet from top of bank as noted on the site plan. However, the applicant is providing for the removal of hazardous trees and vegetation within the riparian corridor. A plan has been submitted showing how replanting will be provided to accommodate the removal of trees and vegetation. See applicant's submitted document Exhibit 4.

The subject property consists of a mostly two flat areas separated by a slope running from the northwest corner of the property southeasterly to the east property line of the property. The applicant is proposing grading that will provide a relatively consistent slope over the majority of the property. The applicant is proposing to landscape the development at the time of construction. The Planning Commission may require special landscaping treatment as a condition of approval, including a reasonable requirement for tree provision.

B. Ingress and egress points shall be located so as to minimize impact on any adjacent residential uses. In the downtown area, access shall be limited wherever possible to side streets, rather than Garibaldi Avenue.

There is only one access point located on a side street and not on Garibaldi Avenue. The ingress and egress point is located away from residential uses minimizing impacts on adjacent residential uses. The Applicant has provided written response to this criterion on Page 13 of the written narrative.

C. Parking areas are located to minimize impact on any adjacent residential uses. Parking areas that provide for eight or more vehicles shall be screened from adjacent residential uses by means of a fence or sight-obscuring hedge.

The proposed parking area for the development is located away from adjacent residential uses to the north and east. The parking area is oriented between the proposed housing units and Arizona Way. The Applicant has provided written response to this criterion on Page 13 of the written narrative. The Planning Commission may require parking areas to be screened from adjacent residential uses by means of a fence or sight-obscuring hedge as a condition of approval, including a reasonable requirement for light from vehicle headlights to be blocked from view of residents to the west.

D. In the R-1 zone, a minimum of 25 percent of the lot area shall be devoted to natural open space or landscaping. In the C-1 zone, a minimum of 20 percent of the lot area shall be devoted to natural open space or landscaping for family-oriented developments, and 10 percent of the lot area shall be devoted to natural open space or landscaping for senior citizen/adult handicapped housing. A fenced playground shall be provided for all family-oriented developments.

According to the application, 40 percent of the total development area will be devoted to open space with landscaping.

E. Where the proposed structure is located in a residential zone or abuts a residential zone, the following setbacks shall be met:

1. Front yard: one-story structure, 10 feet; two-story structure, 15 feet;

2. Rear yard: one-story structure, 10 feet; two-story structure, 15 feet;

3. Side yard: one-story structure, five feet; two-story structure, 10 feet.

The proposal includes three-story buildings which abut the adjacent R-1 Zone on the north and east property lines. The submitted plan indicates that these standards will be met.

F. In the downtown core area, multifamily or apartment complexes shall include a commercial use with frontage on U.S. 101.

This standard is not applicable.

G. Vegetation that attains a mature height of six feet may be required in order to screen the development from adjacent dwellings. [Ord. 290 § 3(4.042), 2006.]

The Planning Commission may require this as a condition of approval, if found to be necessary.

18.210.110 Traffic impact study.

A. Purpose. The purpose of this section is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a traffic impact study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact study; and who is qualified to prepare the study.

B. Typical Average Daily Trips. Standards by which to gauge average daily vehicle trips include: 10 trips per day per single-family household, five trips per day per apartment; and 30 trips per day per 1,000 square feet of gross floor area such as a new supermarket or other retail development.

Using this formula, the proposed 24 housing units would generate 120 ADT.

C. When Required. A traffic impact study may be required to be submitted to the city and ODOT with a land use application when the following conditions apply:

1. The development application involves one or more of the following actions:

    a. A change in zoning or a plan amendment designation;

    b. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway;

    c. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation Manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:

        i. An increase in site traffic volume generation by 150 average daily trips (ADT) or more; or

        As indicated above, the proposed use would increase ADT by 120 units, below this threshold volume.

        ii. An increase in ADT hour volume of a particular movement to and from the state highway by 20 percent or more; or

        iii. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

        iv. The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard; or

        v. A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

2. As requested by the planning commission, acting on the recommendation of city staff.

Staff does not recommend a traffic impact study for this proposed use, because it is under the 150 ADT threshold and access does not impact existing local streets as a commercial use would permitted outright. The applicant has provided a trip generation analysis submitted as Exhibit 3.

CITY OF GARIBALDI, OREGON

City Hall — 107 6th St. — Box 708 — Garibaldi, Oregon 97118
Phone (503) 322-3327 — FAX (503) 322-3737 -- E-mail city@ci.garibaldi.or.us

APPLICATION FOR CONDITIONAL USE

DATE OF APPLICATION August 9, 2016

APPLICANT INFORMATION

APPLICANT NAME(S) Garibaldi Leasing + Development Inc
MAILING ADDRESS PO Box 705
CITY Garibaldi STATE OR ZIP 97118
STREET ADDRESS (if different) _____
TELEPHONE: Home _____ Work _____

APPLICANT STATUS

[Check ONE of the blanks below.]

- [✓] 1. I am the OWNER of the property. *[If there is more than one owner, ALL OWNERS must sign.]*
- [✓] 2. I am the PURCHASER of the property, under a duly recorded contract of sale.
- [ ] 3. I am LESSEE of the property, authorized by the owner to make this application.
- [ ] 4. I am the AGENT of the owner, authorized by the owner to make this application.

[NOTE: If applicant is not the owner of the property, the owner(s) need to fill out and sign the "OWNER CONSENT" portion of this application.]

OWNER'S NAME AND ADDRESS (if applicant is not the owner):

VP

LEGAL DESCRIPTION OF PROPERTY

[Use LOT(S), BLOCK(S), and SUBDIVISION for platted land, or METES-AND-BOUNDS description for unplatted land (land that is not part of a recorded subdivision). ALSO include TAX LOT(S) and MAP NUMBERS from assessor's office (or your tax statement). Attach an extra page if necessary.]

See Attached Documents

ZONING INFORMATION

PRESENT ZONING C-1

ATTACHMENTS

In order to process this application, the City will need, in addition to this application form:

- o Applicant's statement *[see "APPLICANT'S STATEMENT," below]*.
- o A plot plan showing the proposed location and dimensions of what you need the conditional use to be able to do (and ALSO the location and dimensions of the other improvements on the property. *[Basically, show everything you can--parking lots, driveways, trees, bordering streets and structures--to give the Planning commission a "snapshot" of what it all looks like and what you want to do.]*
- o An application fee of $ 420 ($ 525 in the Commercial zone) pursuant to resolution 2008-09.

MAILING LIST

Section 11.020 of the zoning ordinance requires notice by first-class mail to every landowner within 200 feet of the outside boundaries of the subject property, at least 20 days in advance of the Planning Commission's hearing on your application. In addition, notice is published in the Tillamook paper 20 days or more in advance of the hearing. *The City* prepares the mailing list from the City's landuse database, and sends out the notices. This "noticing" is the primary cost your application fee is paying for (and that's why the fee is not refundable).

APPLICANT'S STATEMENT

Attach a statement summarizing why you think it's a good idea for the Planning Commission to grant the conditional use. (In "planner's language," this is called "proposed findings of fact.") By law, the Planning Commission is not allowed to say just "yes" or "no" in land-use matters—they have to say *why* they said "yes" or "no.") Your statement should attempt to give them "hooks" to hang a "yes" decision on.

APPLICANT'S CERTIFICATION

As the applicant(s) and owner(s) of the property described herein, I/we realize that this application rests upon the above answers and accompanying data, and do hereby affirm and certify under penalty of perjury that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge.

Signature(s) *Printed/Typed Name* *Date*

VP

OWNER CONSENT *[if applicant is not the owner of the property]*

I/we, as owner(s) of the abovedescribed property, hereby authorize and consent to this application.

Signature(s) *Printed/Typed Name* *Date*

VP

OFFICE USE ONLY

APPLICATION RECEIVED *[date]* _____ BY: _____

APPLICATION FEE OF $ _____ RECEIVED *[date]* _____ RECEIPT NO. _____

SCHEDULED FOR PLANNING COMMISSION HEARING *[date]* _____

ABOUT CONDITIONAL USES

CONDITIONAL USES are governed by Article 6 of the Garibaldi Zoning Ordinance, as amended. Different conditional uses are allowed in different zones; you'll find these listed in Sec. 3.010(2) for the Residential zone, 3.020(2) for the Resource/Open Space zone, 3.030(2) for Commercial, 3.040(2) for Industrial, 3.050(2) for Water-Dependent (WD-1), 3.060(2) for Waterfront Developtment (WD-2), 3.080(3) for Estuary Natural, 3.106(3) for Estuary Conservation 1, 3.108(3) for Estuary Conservation 2, and 3.110(3) for Estuary Development. In addition to requiring compliance with standards specifically applicable to the use that is proposed, the City has the ability to impose such restrictions on the use as are considered necessary to protect adjacent property, an identified resource, or the City as a whole.

If the use you are proposing is not on the list of conditional uses allowed in the zone where your property is located, you can't apply for a conditional use. You need to apply for either (1) a zone change or (2) a change in the text of the zoning ordinance.

Before the Planning Commission can approve a conditional use, they need to "find" that certain requirements of the Zoning Ordinance are being met. For them to do so, you as applicant need to provide answers to the following questions:

1. How is the use you are proposing consistent with the policies of the Garibaldi Comprehensive Plan? (You'll want to read through those policies--there are a lot of them--and address the ones that apply.)

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

3. 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?

4. Do the adjacent streets have the capacity to accomodate the extra traffic your use is going to generate? How do you know this?

5. Are public facilities and services--water, sewer, fire and power--adequate to accomodate your proposed use? Why?

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

7. How do you know there's enough room on the site to accomodate your proposed use?

8. 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 or City ordinances?

If you are applying for a CONDITIONAL USE FOR A NON-WATER DEPENDENT USE IN A SHORELANDS OR WATERFRONT ZONE, also answer the questions below:

9. Show how your proposed use is not going to preclude the allocation of water-dependent uses.

10. Show that sufficient land and water area still exists for water-dependent uses.

11. Show how public access and riparian vegetation (where applicable) is going to be maintained or provided.

12. Show how your proposed use is not going to cause filling of the estuary or adverse water quality impact.

CONDITIONAL USES IN THE ESTUARY ZONES are also subject to the development standards in Sec. 4.010 of the Garibaldi Zoning Ordinance, as amended. The standards deal with aquaculture facilities, energy facilities, log handling and storage, commercial and industrial uses, the siting, design, construction, maintenance and expansion of dikes, the construction or expansion of docks and moorages, dredging or filling in estuarine water, intertidal areas and tidal wetlands, and disposal of dredge materials. Conditional uses in estuary zones are also subject to the procedures in Sec. 4.020. In the Estuary Development (ED) zone, show that the proposed use does not conflict with water-dependent use on the site or in adjacent water-dependent development (WD-1) shorelands.

CITY OF GARIBALDI, OREGON

City Hall — 107 6th St. — P.O. Box 708— Garibaldi, Oregon 97118
Phone (503) 322-3327 — FAX (503) 322-3737 -- E-mail city@garibaldi.or.us

APPLICATION TO CHANGE THE ZONING OF LAND

DATE OF APPLICATION August 9 2016

APPLICANT INFORMATION

APPLICANT NAME(S) Garibaldi Leasing + Development Inc
MAILING ADDRESS PO Box 705
CITY Garibaldi STATE OR ZIP 97118
STREET ADDRESS (if different) _____
TELEPHONE: Home _____ Work _____

APPLICANT STATUS

[Check ONE of the blanks below.]

- [✓] 1. I am the OWNER of the property. [If there is more than one owner, ALL OWNERS must sign.]
- [✓] 2. I am the PURCHASER of the property, under a duly recorded contract of sale.
- [ ] 3. I am LESSEE of the property, authorized by the owner to make this application.
- [ ] 4. I am the AGENT of the owner, authorized by the owner to make this application.

[NOTE: If applicant is not the owner of the property, the owner(s) need to fill out and sign the "OWNER CONSENT" portion of this application.]

OWNER'S NAME AND ADDRESS (if applicant is not the owner):
VP

LEGAL DESCRIPTION OF PROPERTY

[Use LOT(S), BLOCK(S), and SUBDIVISION for platted land, or METES-AND-BOUNDS description for unplatted land (land that is not part of a recorded subdivision). ALSO include TAX LOT(S) and MAP NUMBERS from assessor's office (or your tax statement). Attach an extra page if necessary.]

See Attached Documents

ZONING INFORMATION

PRESENT ZONING C-1 & R-1 PROPOSED ZONING C-1

Does the proposed zone change involve changing the zoning of all or any part of a mobile home park? No

If yes, NAME OF PARK: _____

ADDRESS _____

Which spaces are affected? _____

Exhibit #1

ATTACHMENTS

In order to process this application, the City will need, in addition to this application form:

- o A plot plan showing the proposed location and dimensions of what you need the zone change to be able to do (and ALSO the location and dimensions of the other improvements on the property).

  [Basically, show everything you can—parking lots, driveways, trees, bordering streets and structures—to give the Planning Commission a "snapshot" of what it all looks like and what you want to do.]

- o Applicant's statement *[see "APPLICANT'S STATEMENT," below]*.
- o An application fee of $**200.00** pursuant to Res. 91-12 (adopted 9/9/91).

MAILING LIST

Section 11.020 of the zoning ordinance requires notice by first-class mail to every landowner within 200 feet of the outside boundaries of the subject property, at least 20 days in advance of the Planning Commission's hearing on your application. In addition, notice must be published in the Tillamook paper at least 20 days in advance of the Planning Commission's hearing. *The City of Garibaldi* will prepare the mailing list from the City's landuse database, and send out the notices. This "noticing" is the primary cost your application fee is paying for (and that's why the fee is not refundable).

[NOTE: If the zone change involves changing the zoning of all or any part of a mobile home park, the tenants of the park must be notified in addition to all landowners within 200 feet. The applicant is responsible for providing the names and addresses of the tenants so the City can notify them.]

APPLICANT'S STATEMENT

Attach a statement summarizing why you think it's a good idea for the Planning Commission to grant the zone change. (In "planner's language," this is called "proposed findings of fact.") By law, the Planning Commission is not allowed to say just "yes" or "no" in land-use matters—they have to say *why* they said "yes" or "no." Your statement should attempt to give them "hooks" to hang a "yes" decision on.

Sec. 9.025 of the zoning ordinance requires the Planning Commission and City Council, before they can approve a zone change, to "find" that the proposed change is (1) consistent with the Garibaldi Comprehensive Plan, and (2) required to meet a land use need. You should make sure your statement specifically addresses both points.

APPLICANT'S CERTIFICATION

As the applicant(s) and owner(s) of the property described herein, I/we realize that this application rests upon the above answers and accompanying data, and do hereby affirm and certify under penalty of perjury that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge.

Signature(s) *Printed/Typed Name* *Date*

VP

OWNER CONSENT *[if applicant is not the owner of the property]*

I/we, as owner(s) of the abovedescribed property, hereby authorize and consent to this application.

Signature(s) *Printed/Typed Name* *Date*

VP

OFFICE USE ONLY

APPLICATION RECEIVED *[date]* _____ BY: _____

APPLICATION FEE OF $ _____ RECEIVED *[date]* _____ RECEIPT NO. _____

SCHEDULED FOR PLANNING COMMISSION HEARING *[date]* _____

SCHEDULED FOR CITY COUNCIL HEARING *[date]* _____

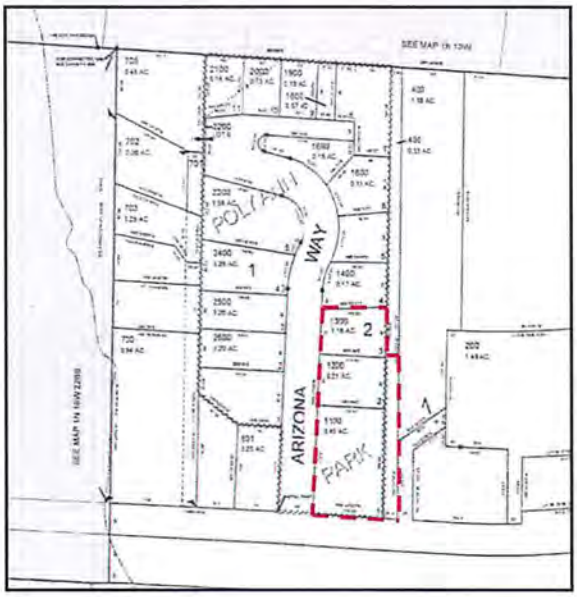
[RINGO:\PAPERS\ZCG-FORM.P65–Revised 9/5/01]

Arizona Way-Garibaldi

Zone Change & Conditional Use

SITE:

The subject properties are located on the north side of Hwy 101 and along the east side of Arizona Way (01N10W22BA/Tax Lots 490, 1100, 1200, and 1300). The subject properties total about 0.98 acres in size and are zoned R-1 and C1. The applicant is proposing to develop the site with 24 multi-family dwelling units. Multi-family dwellings are permitted with Conditional Use approval under 18.25.030(G) in the R-1 and C1 zone. However, the R-1 has height restrictions that would make development of the site difficult. Therefore, the applicant is requesting a zone change to rezone Tax Lots 490 (from 106.89 feet north of Hwy 101 N north right-of way to 250.17 feet north of Hwy 101 N north right-of-way),1200 and 1300 to C-1.



VICINITY INFORMATION:

The subject property is vacant. The surrounding properties are developed with single family dwellings to the north, west, and east.

PROPOSAL:

The applicant is proposing to develop 24 multi-family dwellings on the subject properties. The applicant's proposal includes a conditional use and zone change application.

EXHIBIT #2

ZONE CHANGE CRITERIA:

The applicant is requesting a zone change to rezone the northern portion (Tax Lots 490 (from 106.89 feet north of Hwy 101 N north right-of way to 250.17 feet north of Hwy 101 N north right-of-way)), 1200 and 1300) of the subject property from R-1 to C-1 and develop the site as shown on the attached site plan.

1) The proposed use is consistent with the policies of the comprehensive plan.

The proposed development is consistent with the policies of the comprehensive plan. The applicable Policies of the Comprehensive Plan are addressed as follows:

The intent of the comprehensive plan is to project the goal of the most desirable pattern of land use in the area taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed.

Citizen Involvement Policies A, B, C, D, and E:

The City's adopted Comprehensive Plan Goals and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Garibaldi. The City's Plan is acknowledged to be in compliance with this Policy. Notice of the proposal will be provided to property owners and public agencies. The notice will identify the applicable criteria. A public hearing to consider the request will be held before the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

These procedures meet the requirements of the policies for citizen involvement in the land use planning process.

Air and Water Quality Policies A, B, C, D, E, and F:

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Policy.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to develop the site is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system requirements. Upon development, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality. Prior to development, the applicant will obtain all required State, Federal, and local permits.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site as stated in previous meetings with the applicant.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact. A Traffic Impact Analysis is not required for this level of development. However, a TPR memo dated, July 6, 2016 from the applicant's Traffic Engineer has been provided. See attached.

The site is vacant. The proposed development will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6. Therefore, the proposal complies with the Air and Water Quality Policies.

Parks and Recreation Policies (2) a, b, e:

The City's adopted Comprehensive Plan Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. There are recreation opportunities located across the street, where fishing and clamming are available. This area provides recreational areas for the residents. At the time of development, the proposal will provide improved public pedestrian connections via hard-surfaced sidewalks the will connect to the existing pedestrian circulation. The beach sites provide adequate parks and recreation within the area. However, at the time of development, the multi-family development on the site will have common open space areas for the residents.

The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Therefore, the proposal complies with the Parks and Recreation Policies.

Housing Policies (5) a, d, e, i, and j:

The City has projected a need for residential units in the City's "Future Land Needs" to address State Land Use Goals 10 by establishing population projections. According to Table 6 (Projected Future New Housing Units and Land Needs by Housing Type and Zoning Designation), Garibaldi is in need of 157 attached and/or multi-family units within the R-1, C-1, and WD zoned residential land in order to help fill the deficit for multi-family housing. Garibaldi is in need of 53 attached and/or multi-family units in the C-1 zone. This proposal will help provided 24 needed multi-family units. See page 15 of the Garibaldi Comprehensive Plan.

This proposal will also provide a needed multi-family housing type in this part of Garibaldi. This will not be low income housing. These will be market value rental units.

The development will also be located in an area in close proximity to existing and proposed services. The ocean and beaches are located within walking distance. Restaurants and the local markets are located within walking distance from the site as well. Commercial services are currently available to the west of the site in the downtown area.

The existing neighborhood consists of single family housing (north, east, and west). The surrounding properties to the west and east are zoned R-1 and C-1. The properties to the north are zoned R-1. In order to provide an alternative housing pattern while being consistent with the

neighborhood, the proposed development will provide a higher density of needed housing in this area. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards and provide the required setbacks along property lines.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal. Therefore, the Housing Policies have been met.

Public Facilities Policies (2) a, b, c, e, f, j, l, n, o, p, and q:

The City's adopted Comprehensive Plan, residential, and Transportation Goal and Polices and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

In order to assure compliance and prior to building permits, the applicant will work with the Fire Department and all other required agencies.

Sidewalks are or will be provided throughout the site for pedestrian circulation. The location along a major transportation corridor facilitates vehicle access, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, bicycle, and pedestrian circulation systems will be designed to connect to the existing street and sidewalk systems.

The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of these policies are met.

Transportation Policies E, F, G, I and J:

The City's adopted Comprehensive Plan Transportation Goals and Policies implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located along Arizona Way and Hwy 101. The major streets are in place due to previous development.

The subject property includes Tax Lots 1100, 1200, 1300 and the southern portion of Tax Lot 490. The development of multi-family units on this site is a safer and more convenient way to develop the site. The multi-family development will provide one driveway within and throughout the site onto Arizona Way. The northern portion of Tax Lot 490 will have a10-foot easement which will allow access to and from this remainder of the property. The development along with the easement will not create any traffic issues within the area. A Traffic Impact Analysis is not required for this level of development. However, a memo dated July 6, 2016 from the applicant's Traffic Engineer has been provided.

No access will be taken on to Hwy 101.

Therefore, these policies have been met.

Economic Policies:

The proposal will have a positive impact on the economy of the City of Garibaldi. The Conditional Use will allow the underdeveloped property to be developed, which will create employment along with a housing type that is needed and will bring in tax money to the City.

The proposal will provide a location for residential uses. The subject property is currently underultized. The site will offer economic diversification because it will provide for the expansion of new residential. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents. The site is currently unproductive and returns little value to the City. Redevelopment contributes to the economic base of the urban area, which is consistent with the economic policies. Therefore, these policies have been met.

2) Land Use Needs.

Housing Policies (5) a, d, e, i, and j:

The City has projected a need for residential units in the City's "Future Land Needs" to address State Land Use Goals 10 by establishing population projections. According to Table 6 (Projected Future New Housing Units and Land Needs by Housing Type and Zoning Designation), Garibaldi is in need of 157 attached and/or multi-family units within the R-1, C-1, and WD zoned residential land in order to help fill the deficit for multi-family housing. Garibaldi is in need of 53 attached and/or multi-family units in the C-1 zone. This proposal will help provide 24 needed multi-family units. See page 15 of the Garibaldi Comprehensive Plan.

This proposal will also provide a needed multi-family housing type in this part of Garibaldi. This will not be low income housing. These will be market value rental units.

The development will also be located in an area in close proximity to existing and proposed services. The ocean and beaches are located within walking distance. Restaurants and the local markets are located within walking distance from the site as well. Commercial services are currently available to the west of the site in the downtown area.

The existing neighborhood consists of single family housing (north, east, and west). The surrounding properties to the west and east are zoned R-1 and C-1. The properties to the north are zoned R-1. In order to provide an alternative housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in this area. In order to maintain the character of the neighborhood, the site will be developed in

compliance with required Design Standards and provide the required setbacks along property lines.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal. Therefore, the Housing Policies have been met.

CONDITIONAL USE CRITIERIA:

The subject property is zoned C-1 (as requested with a zone change), multi-family dwellings are allowed in the C-1 zone with a Conditional Use permit under 18.25.030(G). Furthermore, the proposed multi-family buildings will be about 35 feet in height, under 18.25.040(C) the maximum allowed building height in the C-1 zone is 30 feet. Buildings exceeding 30 feet in height shall require a Conditional Use permit. The proposed buildings will be over 30 feet in height. Therefore, the applicant is requesting a Conditional Use to exceed the maximum building height and to allow apartments on the site.

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

The proposed development is consistent with the policies of the comprehensive plan. The applicable Policies of the Comprehensive Plan are addressed as follows:

The intent of the comprehensive plan is to project the goal of the most desirable pattern of land use in the area taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed.

Citizen Involvement Policies A, B, C, D, and E:

The City's adopted Comprehensive Plan Goals and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Garibaldi. The City's Plan is acknowledged to be in compliance with this Policy. Notice of the proposal will be provided to property owners and public agencies. The notice will identify the applicable criteria. A public hearing to consider the request will be held before the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

These procedures meet the requirements of the policies for citizen involvement in the land use planning process.

Air and Water Quality Policies A, B, C, D, E, and F:

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Policy.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to develop the site is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system requirements. Upon development, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality. Prior to development, the applicant will obtain all required State, Federal, and local permits.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site as stated in previous meetings with the applicant.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact. A Traffic Impact Analysis is not required for this level of development. However, a memo dated, July 6, 2016 from the applicant's Traffic Engineer has been provided. See attached.

The site is vacant. The proposed development will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6. Therefore, the proposal complies with the Air and Water Quality Policies.

Parks and Recreation Policies (2) a, b, e:

The City's adopted Comprehensive Plan Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. There are recreation opportunities located across the street, where fishing and clamming are available. This area provides recreational areas for the residents. At the time of development, the proposal will provide improved public pedestrian connections via hard-surfaced sidewalks that will connect to the existing pedestrian circulation. The beach sites provide adequate parks and recreation within the area. However, at the time of development, the multi-family development on the site will have common open space areas for the residents.

The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Therefore, the proposal complies with the Parks and Recreation Policies.

Housing Policies (5) a, d, e, i, and j:

The City has projected a need for residential units in the City's "Future Land Needs" to address State Land Use Goals 10 by establishing population projections. According to Table 6 (Projected Future New Housing Units and Land Needs by Housing Type and Zoning Designation), Garibaldi is in need of 157 attached and/or multi-family units within the R-1, C-1, and WD zoned residential land in order to help fill the deficit for multi-family housing. Garibaldi is in need of 53 attached and/or multi-family units in the C-1 zone. This proposal will help provided 24 needed multi-family units. See page 15 of the Garibaldi Comprehensive Plan.

This proposal will also provide a needed multi-family housing type in this part of Garibaldi. This will not be low income housing. These will be market value rental units.

The development will also be located in an area in close proximity to existing and proposed services. The ocean and beaches are located within walking distance. Restaurants and the local markets are located within walking distance from the site as well. Commercial services are currently available to the west of the site in the downtown area.

The existing neighborhood consists of single family housing (north, east, and west). The surrounding properties to the west and east are zoned R-1 and C-1. The properties to the north are zoned R-1. In order to provide an alternative housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in this area. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards and provide the required setbacks along property lines.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal. Therefore, the Housing Policies have been met.

Public Facilities Policies (2) a, b, c, e, f, j, l, n, o, p, and q:

The City's adopted Comprehensive Plan, residential, and Transportation Goal and Polices and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

In order to assure compliance and prior to building permits, the applicant will work with the Fire Department and all other required agencies.

Sidewalks are or will be provided throughout the site for pedestrian circulation. The location along a major transportation corridor facilitates vehicle access, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, bicycle, and pedestrian circulation systems will be designed to connect to the existing street and sidewalk systems.

The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new

development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of these policies are met.

Transportation Policies E, F, G, I and J:

The City's adopted Comprehensive Plan Transportation Goals and Policies implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located along Hwy 101. The major streets are in place due to previous development.

The subject property includes Tax Lots 1100, 1200, 1300 and the southern portion of Tax Lot 490. The development of multi-family units on this site is a safer and more convenient way to develop the site. The multi-family development will provide one driveway within and throughout the site onto Arizona Way. The northern portion of Tax Lot 490 will have a10-foot easement which will allow access to and from this remainder of the property. The development along with the easement will not create any traffic issues within the area. A Traffic Impact Analysis is not required for this level of development. However, a memo dated July 6, 2016 from the applicant's Traffic Engineer has been provided.

No access will be taken on to Hwy 101.

Therefore, these policies have been met.

Economic Policies:

The proposal will have a positive impact on the economy of the City of Garibaldi. The Conditional Use will allow the underdeveloped property to be developed, which will create employment along with a housing type that is needed and will bring in tax money to the City.

The proposal will provide a location for residential uses. The subject property is currently underultized. The site will offer economic diversification because it will provide for the expansion of new residential. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents. The site is currently unproductive and returns little value to the City. Redevelopment contributes to the economic base of the urban area, which is consistent with the economic policies. Therefore, these policies have been met.

B. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.

The proposed development benefits the public by permitting the site to be utilized in accordance with specific development standards that reflects the character of the existing neighborhood. The traffic impacts are minimal and the level of impacts for this development is so low it does not require a TIA (Traffic Impact Analysis). This proposal will also allow for the advantageous use of land that is currently serviced by public facilities. A 24 unit multi-family apartment development provides an excellent transition and a different type of housing in the area where there is existing well-established single family housing.

As stated above, the subject property includes Tax Lots 1100, 1200, 1300 and the southern portion of Tax Lot 490. The development of multi-family units on this site is a safer and more convenient way to develop the site. The multi-family development will provide one driveway within and throughout the site onto Arizona Way. The northern portion of Tax Lot 490 will have a10-foot easement which will allow access to and from this remainder of the property. The development along with the easement will not create any traffic issues within the area.

The proposal will benefit the public by making use of vacant land for a low-impact multi-family development that will not affect the residential neighborhood. The proposed use will enhance an established neighborhood by developing buildings with compatible design.

The proposed buildings will provide more than adequate setbacks to provide a buffer from adjacent residential uses to the east, north, and west. The building height exceeds the maximum 30 feet allowed. The buildings will be 35 feet in height. Therefore, the applicant I s requesting a conditional use per 18.25.040(C) to allow a greater height then allows. All setbacks meet the standards set out in the Code. These standards are established in order to minimize impacts to adjacent uses. The building design, height, and setbacks will help minimize any impacts to the surrounding properties.

C. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

The permitted uses in the C-1 zone would generate a lot more traffic than the proposed 24 unit apartment development. The proposed driveway into the development will be located along the west property line. The development (Tax Lots 1100, 1200, 1300, and the southern portion of Tax Lot 490) will have direct access onto Arizona Way as shown on the site plan. A TIA is not needed for this level of development. Therefore, this is a low traffic impact development compared to the amount of traffic some of the permitted uses such as a retail use, hotel, restaurant, or mixed-use development would generate on the site.

D. Public facilities and services are adequate to accommodate the proposed use.

The submitted plans show that the proposed buildings can be serviced by the infrastructure to support the development and will be designed to City standards.

Prior to construction of the site, the applicant will provide plans that identify all existing and proposed utilities. The plans will show how all required utilities will be connected to existing or relocated to provide services to the proposed development.

The applicant will obtain all required permits prior to construction.

E. The site's physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use.

The surrounding properties are mostly fully developed. This is an infill lot that can accommodate this low impact development. This site is not susceptible to natural hazards. The topography of the site has been taken into consideration in determining the location of the buildings. There is a stream that runs through the southwest corner of the site. A riparian

setback has been provided and no structures are located within the riparian corridor. The riparian corridor was taken into consideration when design the site.

F. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities or other facilities which are required by city ordinances or desired by the applicant.

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 applicant is proposing 24 units on the site and is 0.98 acres in size (42,600 square feet in size). See attached survey. Therefore, the required lot size for the 24 unit development is 41,500 square feet. The proposed lot meets the minimum lot size requirement.

As shown on the site plan, the proposed use has been designed to provide an appropriate access point along the west property line, the required setbacks, and required utilities.

In order to provide a buffer from the adjacent existing single family dwellings to the north and east, the parking areas are located in front of the buildings within the interior of the site.

Multi-family parking requirements are determined by unit type, 1 space per 1 bedroom units and 1.5 spaces per 2 bedroom units. The proposal is for 24 two-bedroom units. Therefore, the applicant is required to provide 26 vehicle parking spaces on-site. The applicant has provided 39 vehicle parking spaces. Therefore, exceeding the parking requirements.

37-Standard parking spaces
2-Handicapped parking spaces

All parking stalls will meet the parking stall design standards under 18.125.090. All standard stalls will be 8.6' by 18'.

As shown on the site plan, all buildings are setback to meet or exceed the minimum setback requirements.

The proposed development is located on a lot that is of adequate size to accommodate this development while meeting or exceeding the requirements set forth in the code. See attached site plan.

Chapter 18.25.040 Standards

A. 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 applicant is proposing 24 units on the site and is 0.98 acres in size (42,600 square feet in size). See attached survey. Therefore, the required lot size for the 24 unit development is 41,500 square feet. The proposed lot meets the minimum lot size requirement.

B. The proposed development provides the required setbacks as shown on the site plan.

North (adjacent R-1 zone):	15-foot setback
West (adjacent Arizona Way):	10-foot setback

South (adjacent Hwy 101): 15-foot setback

East (adjacent C-1 and R-1 zones): 15-foot setback

C. The proposed buildings are 3-stories in height and are about 35 feet in height. The buildings exceed the maximum 30 foot height allowed. Therefore, the applicant is requesting a conditional use to allow a greater height than allowed.

D. There are no sales or services proposed, therefore this criteria is not applicable.

E. The proposed development provides 39 on-site vehicle parking spaces where only 37 vehicle parking spaces are required. See attached site plan.

37-Standard Stalls
2-Handicapped Stalls

Eight (8) bicycle parking spaces have also been provided on-site. The bicycle parking spaces are screened and covered under the stairwells.

F. The subject property is 0.98 acres in size (42,600 square feet in size). The minimum lot size is determined by the number of units proposed. 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 applicant is proposing 24 units on the site and is 0.98 acres in size (42,600 square feet in size). Therefore, the required lot size for the 24 unit development is 41,500 square feet. The proposed lot meets the minimum lot size requirement.

G. Multi-family developments in the C-1 zone require a minimum of 20% open space on the site. The subject property is 0.98 acres (42,688 square feet) in size. There is about 17,472 square feet of common open space throughout the site that totals 40%. All open space areas are for the use of the residents. The applicant has provided a 1,110-square foot play area located in the southern portion of the development as well. The play area will be screened and/or fenced in as required.

Therefore, there is 40% open space provided within the development and this criteria has been met.

Chapter 18.110
Multifamily or Apartment Siting Criteria

A. Hobson Creeks runs through the southwest corner of the property. There is no development proposed within this area and all structures and pavement area located at least 15 feet from top of bank as noted on the site plan. However, the applicant is providing the removal of hazardous trees and vegetation within the riparian corridor. A plan has been provided showing how replanting will be provided to accommodate the removal of trees and vegetation. See attached plan and memo dated August 8, 2016, from Environmental Management Systems, Inc.

The location of the site and the siting of the buildings will allow residents to have a view of the ocean located to the south of the site.

The subject property does have a slope to it, but is not considered a hillside lot. The layout of the buildings as shown on the site plan take the topography of the site into consideration. To provide design appeal and safety, adequate walkways will be provided on the site as well. There is only one access point located on the west portion of the site. The access point is located away from any residential uses. Therefore, minimizing any impacts on adjacent residential uses.

B. All parking areas are located away from the residential uses along the north and east of the site. The proposal is for 24 units and will be providing 39 on-site parking spaces. All parking areas will be located in front of the building for safe and easy access for residents.

C. Multi-family development in the C-1 zone requires a minimum of 20% open space on the site. The subject property is 0.98 acres in size. As stated above, there is about 17,472 square feet of common open space throughout the site that totals 40%. All open space areas are for the use of the residents. The applicant has provided a 1,110-square foot play area located in the southern portion of the development as well. The play area will be screened and/or fenced in as required.

   Therefore, there is 40% open space provided within the development and this criteria has been met.

D. The proposed development provides the required setbacks as shown on the site plan.

North (adjacent R-1 zone):	15-foot setback
West (adjacent Arizona Way):	10-foot setback
South (adjacent Hwy 101):	10-foot setback for the one-story building
East (adjacent C-1 and R-1 zones):	15-foot setback

E. The subject property is not located within the downtown core area. Therefore, this criteria is not applicable.

F. At the time of building permits, the applicant will provide a landscape plan if applicable.

Chapter 18.170
Riparian Vegetation

Hobson Creek runs through the southwest corner of the property. There is no development proposed within this area and all structures and pavement area located at least 15 feet from top of bank as noted on the site plan. However, the applicant is providing the removal of hazardous

trees and vegetation within the riparian corridor. A plan has been provided showing how replanting will be provided to accommodate the removal of trees and vegetation. See attached plan and memo dated August 8, 2016, from Environmental Management Systems, Inc. The memo outlines a Riparian Vegetation Plan for removal and replanting of trees and vegetation within the riparian corridor on the subject property. The attached memo addresses the code requirements under Chapter 18.170. Therefore, this criteria has been met.

<u>In Conclusion</u>: This proposed development takes an underutilized lot and will develop it with 24 multifamily units that meet or exceed Code requirements. The development will create visually appealing buildings that add to the character of the neighborhood, while providing a needed housing type.

As shown above and on attached materials, the applicant's findings and site plan meet the Code requirements and therefore approval is warranted.

ASSOCIATED TRANSPORTATION ENGINEERING & PLANNING INC.
A.T.E.P., Inc.
1155 13th St. S.E.
Salem, OR. 97302
Tel.: 503-364-5066
FAX: 503-364-1260
e-mail: kbirky@atepinc.com

Date: July 6, 2016
To: Ms Brandie Dalton, Planner
MultiTech Engineering Services, Inc.
From: Karl Birky, PE, PTOE
Re: TPR Analysis for Arizona Way Apts

The intent of this letter is to address the Transportation Planning Rule (TPR) aspects of your application to permit construction of 24 apartments units in Garibaldi, Oregon. The site, tax lots 1100, 1200 and 1300 of tax map 01N 10W 22BA are in the NE quadrant of the Hwy 101 at Arizona Way intersection in Garibaldi. Access to the apartments will be on Arizona Way. Parcel 1100 is zoned C-1 and parcels 1200 and 1300 are zoned R-1. Your application requests changing the zoning of parcels 1200 and 1300 to C-1. The proposed zone change will allow the apartments to be built with the height variance the developer needs for the buildings. When a city considers changing the zoning of a parcel, it is required to determine that no "significant effect" will occur to the transportation system.

The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development of streets and roads in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" impact the transportation system that has developed and is being planned for the future in cities and in the state. For instance the rule would not allow a fast food restaurant in a residential neighborhood because it would generate much more traffic than is expected in a residential neighborhood. There are instances where a zone change is desired, needed and adopted by the City with a cap (or limit) on the number of expected trips the planned and future use(s) can generate. Generally, cities and traffic engineers use the ITE Trip Generation Manual to determine the trip generation of a variety of uses. The City of Garibaldi Municipal Code estimates a single family home generates 10 trips per day and an apartment generates 5 trips per day (GMC 18.210.110). The ITE Trip Generation Manual estimates a Fast-Food Restaurant with Drive-Through Window (ITE 934) generates 496.12 trips per thousand sq. ft. (ksf) on a typical weekday and a Drive-in Bank (ITE 912) generates 148.15 trips/ksf.

The R-1 zone allows single family homes on 5 ksf lots. Lots 1200 and 1300 are 0.39 acres or 17-ksf. 3 single family homes could theoretically be built on the lots and would generate 30 trips per day. The C-1 zone on lot 1100 could be developed (assuming 30% coverage) with a 3-ksf Fast-Food Restaurant with Drive-Through Window which would generate 1488 trips per day and a 1.8-ksf Drive-in Bank which would generate 267 trips per day. The total number of theoretical trips that could be generated from allowed uses on tax lot 1100 is 1755 trips per day. The total number of trips that could be generated from allowed uses on all 3 tax lots is 1785 and the City might chose to limit the trip generation from the 3 lots

Exhibit #3

(tax lots 1100, 1200 and 1300) in the future to 1785 trips per day or limit the trip generation from tax lots 1200 and 1300 to 30 trips per day in the future. The planned 24 apartments on the site will generate 120 trips each day. The proposed "trip cap" will not affect the proposed apartment project and will protect the City from future uses on the site that might exceed the present trip generating potential of allowed uses from the 3 parcels.

The proposed zone change will allow the developer to build apartments on the 3 lots. The 1785 trips per day cap or limit on the 3 lots will protect the City in the future if the apartments are removed and high trip generating uses are proposed on the site that exceed the City's transportation system capacity. There will be no significant affect on the City of Garibaldi transportation system from changing the zoning of tax lots 1200 and 1300 to C-1 if a trip generation cap is placed on future uses on the combined tax lots 1100, 1200 and 1300.

I thank you for asking ATEP, Inc to provide this analysis. I can be reached at 503-364-5066 if there is additional information you might find helpful and that I can provide.

REGISTERED PROFESSIONAL ENGINEER
19348PE
OREGON
JULY 22, 1997
KARL BIRKY
12/31/2017

ENVIRONMENTAL
MANAGEMENT
SYSTEMS, INC.

OR: 503-353-9691
OREGON COAST: 503-322-2700
FAX: 503-353-9695
WA: 360-735-1109
www.envmgtsys.com
4080 SE International Way
Suite B112
Milwaukie, OR 97222

August 8, 2016

Garibaldi Leasing and Development
PO Box 736
Garibaldi, Oregon 97118

REGARDING: Riparian Vegetation
102 Arizona Way, Garibaldi, Oregon 97118

Mr. Daniels,

As requested, EMS has reviewed the City of Garibaldi's Municipal Code with regards to the riparian area located at 102 Arizona Way in Garibaldi, Oregon and provides the following riparian vegetation plan for your use. This plan should be submitted with the building plan to the City of Garibaldi for approval.

Sincerely,

Caitlin Bradach

Project Manager

ENVIRONMENTAL MANAGEMENT SYSTEMS, INC.

Exhibit #4

ENVIRONMENTAL
MANAGEMENT
SYSTEMS, INC.

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Riparian Vegetation Plan

102 Arizona Way, Garibaldi

A fifteen foot buffer from the bank of Hobson Creek will be observed. All structures and uses of the property will be located outside this buffer except for where direct water access is required in conjunction with a water-dependent use; or access to a lot where the proposed access is the only reasonable alternative; or for the purpose of structural shoreline stabilization; or trails or other pedestrian walkways that provide access to the water (as stated in the City of Garibaldi Zoning Ordinance 18.170.010 B, August 2014).

All trees, six inches in diameter, four and one-half feet above grade, and 50 percent of the understory vegetation shall be retained within the areas listed with the following exceptions:

Nuisance plants and noxious weeds such as Rubus armeniacus (Himalayan Blackberry), Hedera helix (English ivy), Convolvulus arvensis (field bindweed), Rubus spectabilis (Salmon Berry), Conium maculatum (poison hemlock), and Prunus laurocerasus (cherry laurel) shall be removed from the riparian area buffer area (as stated in the City of Garibaldi Zoning Ordinance 18.170.010 C and 18.15.00 D, August 2014).

All hazardous trees in the riparian area will also be removed to prevent potential injuries due to loss of limbs from the trees (as stated in the City of Garibaldi Zoning Ordinance 18.170.010 C, August 2014).

Native plant species conducive to wetland habitat will be planted to restore the riparian area. These plants include species such as Cornus sericea (Redosier Dogwood), Physocarpus (Ninebark), Ceanothus cuneatus (Buckbrush), and/or Lonicera involucrata (twin berry). All vegetation planted in the riparian area will maintain a clear vision area to HWY 101 (as stated in the City of Garibaldi Zoning Ordinance 18.95.010, August 2014).

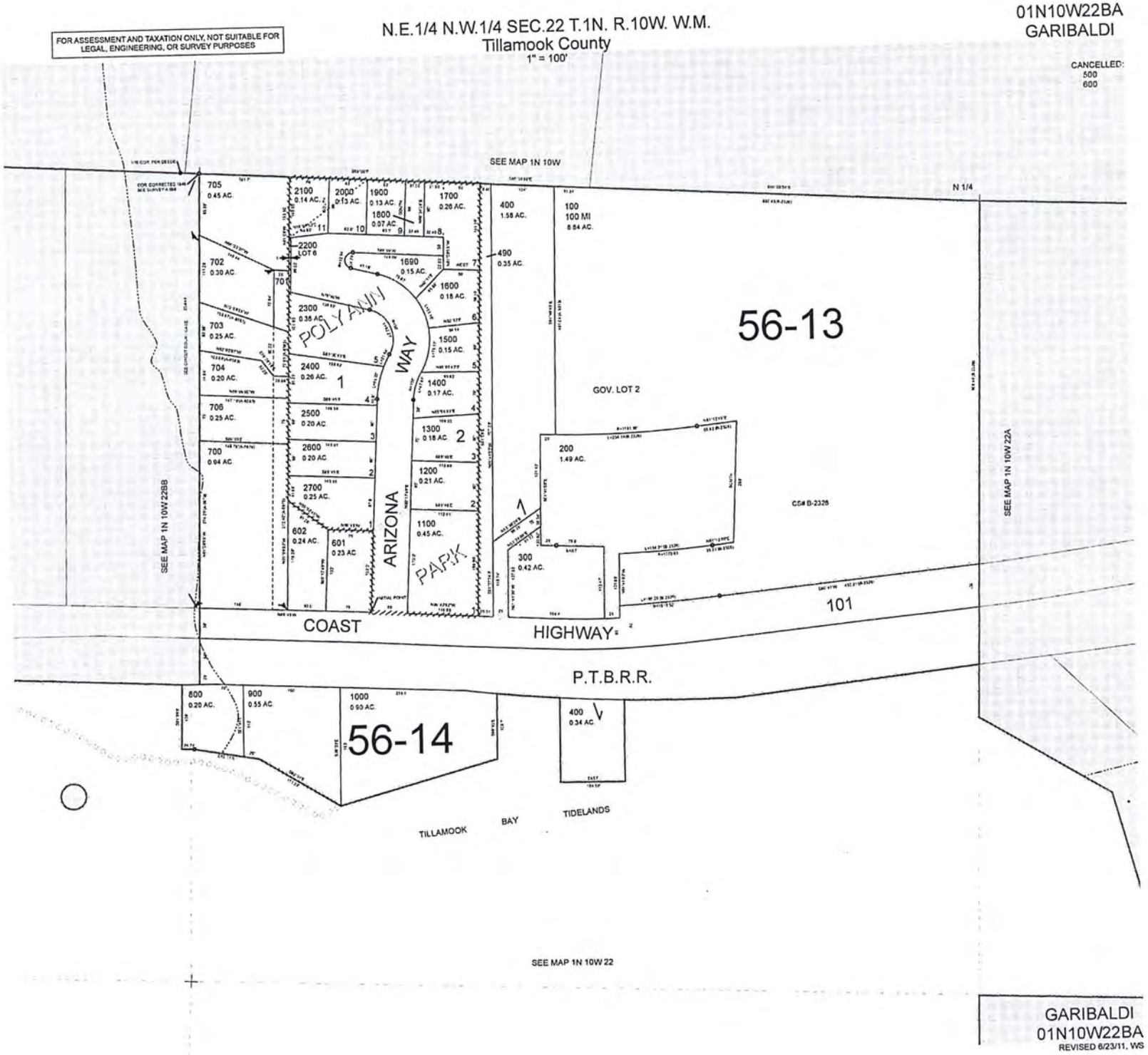

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES
N.E.1/4 N.W.1/4 SEC.22 T.1N. R.10W. W.M.
Tillamook County
1" = 100'
01N10W22BA
GARIBALDI
CANCELLED:
500
600
SEE MAP 1N 10W
N 1/4
56-13
GOV. LOT 2
CS# B-2326
POLYANN WAY
ARIZONA PARK
COAST HIGHWAY
101
P.T.B.R.R.
56-14
TILLAMOOK BAY
TIDELANDS
SEE MAP 1N 10W 22B
SEE MAP 1N 10W 22A
SEE MAP 1N 10W 22
GARIBALDI
01N10W22BA
REVISED 6/23/11, WS

Exhibit #5

BAYSIDE SURVEYING

11765 HWY 101 South
Tillamook, Oregon 97141

Terry L. Jones
503-842-5551
Fax 503-842-5552

JULY 13, 2016
LEGAL DESCRIPTION
NARROW STRIP

Beginning at the Northeast corner of Lot 2, Block 2, Pollyann Park, Tillamook County Plat Records, said corner being monumented with a 1/2 inch rebar;

Thence South 00°58'33" East 80.08 feet to the Southeast corner of said Lot 2, being also the Northeast corner of Lot 1, Block 2, Pollyann Park, said corner being monumented with a 1/2 inch rebar;

Thence South 01°07'33" East 169.97 feet to the Southeast corner of said Lot 1, said corner being on the right-of-way line of Highway 101;

Thence South 89°40'32"East 24.96 feet, along the right-of-way line of Highway 101 to the Southwest corner of that roadway described in Book 142, Page 373, Tillamook County Deed Records;

Thence North 01°37'34" West 119.73 feet, along the West line of said roadway;

Thence North 01°40'17" West 130.43 feet to a 5/8 inch rebar;

Thence North 89°46'30" West 22.46 feet to the Point of Beginning.

This description is based on Map by this firm dated July 6, 2016, and on file at the Tillamook County Surveyor's Office.

BAYSIDE SURVEYING

11765 HWY 101 South
Tillamook, Oregon 97141

Terry L. Jones
503-842-5551
Fax 503-842-5552

JULY 13, 2016
LEGAL DESCRIPTION
TOTAL TRACT

LotS 1, 2, AND 3, Block 2, Pollyann Park, Tillamook County Plat Records;

Together with the following tract:
Beginning at the Northeast corner of Lot 2, Block 2, Pollyann Park, Tillamook County Plat Records, said corner being monumented with a 1/2 inch rebar;

Thence South 00°58'33" East 80.08 feet to the Southeast corner of said Lot 2, being also the Northeast corner of Lot 1, Block 2, Pollyann Park, said corner being monumented with a 1/2 inch rebar;

Thence South 01°07'33" East 169.97 feet to the Southeast corner of said Lot 1, said corner being on the right-of-way line of Highway 101;

Thence South 89°40'32"East 24.96 feet, along the right-of-way line of Highway 101 to the Southwest corner of that roadway described in Book 142, Page 373, Tillamook County Deed Records;

Thence North 01°37'34" West 119.73 feet, along the West line of said roadway;

Thence North 01°40'17" West 130.43 feet to a 5/8 inch rebar;

Thence North 89°46'30" West 22.46 feet to the Point of Beginning.

This description is based on Map by this firm dated July 6, 2016, and on file at the Tillamook County Surveyor's Office.

NN

PETER L. DILLENBURG - AND
TAMERA DILLENBURG - 110 ARIZONA
WAY - GARIBALDI, OREGON 97118
Grantor's Name and Address

BESSIE A. DAVIDSON
501 7TH St. GARIBALDI, OREGON
97118
Grantee's Name and Address

After recording, return to (Name, Address, Zip):
Bessie A. Davidson
P.O. Box 37
Garibaldi, Oregon 97118

Until requested otherwise, send all tax statements to (Name, Address, Zip):
Bessie A. Davidson
P.O. BOX 37
Garibaldi, Oregon 97118

STATE OF OREGON, } ss.

Tillamook County, Oregon
10/19/2005 11:36:13 AM **2005-009408**
DEED-DBS
$5.00 $11.00 $10.00 - Total = $26.00

00038884200500094080010012

I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Tassi O'Neil, Tillamook County Clerk

By _____, Deputy.

SPACE F F RECORD

ment was _____, ecorded in _____ : _____ /reception id County. ty affixed. _____

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Peter L. Dillenburg and Tamara Dillenburg, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Bessie A. Davidson, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in _____ County, State of Oregon, described as follows, to-wit:

LOT 3, BLOCK 2, POLLYANN PARK,
IN TILLAMOOK COUNY,OREGON,
ACCORDEING TO THE OFFICIAL PLAT THEREOF,
RECORDED IN BOOK 3, PAGE 43, PLAT RECORDS

OFFICIAL SEAL
PAULA TYLER
NOTARY PUBLIC-OREGON
COMMISSION NO. 370813
MY COMMISSION EXPIRES JULY 22, 2007

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $76,500.00 ① However, the ~~actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐~~ the whole (indicate which) consideration.① (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on _____; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Peter L. Dillenburg
Peter L. Dillenburg

Tamara Dillenburg
Tamara Dillenburg

STATE OF OREGON, County of Tillamook) ss.
This instrument was acknowledged before me on October 17, 2005,
by Peter L. Dillenburg and Tamara Dillenburg.
This instrument was acknowledged before me on _____,
by _____
as _____

OFFICIAL SEAL
PAULA TYLER
NOTARY PUBLIC-OREGON
COMMISSION NO. 370813
MY COMMISSION EXPIRES JULY 22, 2007

Paula Tyler
Notary Public for Oregon
My commission expires 07-22-07

AFTER RECORDING
RETURN TO:
Randy F. Baldock, Trustee
of the Randy F. Baldock Trust,
Dated October 20, 2010, and
Patricia A. Baldock, Trustee
of the Patricia A. Baldock Trust,
Dated October 20, 2010,
15845 S. Wilshire Circle
Oregon City, OR 97045

SEND TAX STATEMENTS TO:
Randy F. & Patricia A. Baldock
15845 S. Wilshire Circle
Oregon City, OR 97045

Tillamook County, Oregon 2011-000274
01/14/2011 10:27:12 AM
DEED-DQUIT
$15.00 $11.00 $16.00 $10.00 - Total = $52.00

00102762201100002740030034

I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Tassi O'Neil, Tillamook County Clerk

QUITCLAIM DEED

RANDY BALDOCK and PATRICIA BALDOCK as tenants by the entirety, hereinafter called GRANTORS, conveys unto RANDY F. BALDOCK, trustee of the RANDY F. BALDOCK TRUST dated October 20, 2010, GRANTEE, an undivided one-half interest, and to PATRICIA A. BALDOCK, trustee of the PATRICIA A. BALDOCK TRUST dated October 20, 2010, GRANTEE, an undivided one-half interest, in the following real property situated in Tillamook County, Oregon, to wit:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $NIL. This transfer is being made for estate planning purposes.

TO HAVE AND TO HOLD the same unto the said GRANTEES and GRANTEES' heirs, successors and assigns forever.

And grantors hereby covenants to and with GRANTEES and GRANTEE'S heirs, successors and assigns, that GRANTORS are lawfully seized in fee simple of the above granted premises, free from all encumbrances except those of record or those of an obvious nature, and that GRANTORS will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 12 day of January, 2011.

Randy Baldock
RANDY BALDOCK

Patricia Baldock
PATRICIA BALDOCK

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on January 12, 2011, by RANDY BALDOCK and PATRICIA BALDOCK.

OFFICIAL SEAL
LAURIE J COOK
NOTARY PUBLIC - OREGON
COMMISSION NO. 430391
MY COMMISSION EXPIRES AUGUST 31, 2012

Laurie J Cook
Notary Public for Oregon
My Commission Expires: 8-31-2012

Exhibit A

LEGAL DESCRIPTION:

Beginning at the Southeast corner of Lot 1, Block 2, POLLYANN PARK, in Government Lot 2, Section 22, Township 1 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon; thence along the North sideline of Highway 101, South 89° 45' 00" East 25.01 feet to a 5/8 inch iron bar at the Southwest corner of that tract conveyed to the City of Garibaldi by Deed recorded in Book 142, Page 373, Tillamook County Deed Records; thence North 01° 41' 00" West 707.29 feet to the Northwest corner of that tract conveyed to Berry by Deed recorded in Book 232, Page 396, Tillamook County Deed Records; thence South 89° 59' 37" West 18.46 feet to a 5/8 inch iron bar at the Northeast corner of Lot 7, Block 2, POLLYANN PARK; thence Southerly along the East line of POLLYANN PARK, 707.24 feet (map C-361 = South 1° 09' East 707.16) to the point of beginning.

After Recording Return To:
Key Title Company
2310 First Street, Suite 2
PO Box 760
Tillamook OR 97141-0760

Send Tax Statements To:
Leroy M. Godfrey
P.O. Box 287
Garibaldi OR 97118

Title Order No. 13-23919
Escrow No. 13-23919

Tax Account No. R1N10 22BA 00400, R1N10 22BA 01100, R1N10 22BA 01200

WARRANTY DEED
(ORS 93.850)

Roxane Vike, Personal Representative for the Estate of Charlotte I. Berry and Suzanne M. Roberts, Personal Representative for the Estate of Charlotte I. Berry, Grantor, conveys and warrants to **Leroy M. Godfrey, an estate in fee simple, Grantee,** the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

13-23919

The true consideration for this conveyance is $75,000.00.

Dated this 11th day of December, 2002.

CHARLOTTE I. BERRY

Roxane Vike
By: Roxane Vike, Pers. Rep.

CHARLOTTE I. BERRY

Suzanne M. Roberts Personal Representative
By: Suzanne M. Roberts, Pers. Rep.

State of OR, County of Tillamook)ss.

This instrument was acknowledged before me on December 16, 2002 by Roxane Vike, as Pers. Rep., of Charlotte I. Berry.

Leanne L. White
Notary Public

My commission expires: 2/25/05

OFFICIAL SEAL
LEANNE L WHITE
NOTARY PUBLIC-OREGON
COMMISSION NO. 342988
MY COMMISSION EXPIRES FEB 25, 2005

OFFICIAL SEAL
LEANNE L WHITE
NOTARY PUBLIC-OREGON
COMMISSION NO. 342988
MY COMMISSION EXPIRES FEB 25, 2005

State of OR, County of ~~Tillamook~~ Union (ss.))ss.

This instrument was acknowledged before me on December 17, 2002 by Suzanne M. Roberts, as Pers. Rep., of Charlotte I. Berry.

Sandi Stevens
Notary Public

My commission expires: 10/24/04

OFFICIAL SEAL
SANDI STEVENS
NOTARY PUBLIC-OREGON
COMMISSION NO. 337034
MY COMMISSION EXPIRES OCT. 24, 2004

EXHIBIT 'A'

Legal Description:

Parcel 1

Lot 1, Block 2, Pollyann Park, in Tillamook County, Oregon, according to the official plat thereof recorded in Book 3, page 43, Plat Records.

Parcel 2

Lot 2, Block 2, Pollyann Park, in Tillamook County, Oregon, according to the official plat thereof recorded in Book 3, page 43, Plat Records.

Parcel 3

Commencing at a point 30 rods East of the Southwest corner of Lot 2, Section 22, Township 1 North, Range 10 West of the Willamette Meridian; said point being the Southeast corner of the land deeded to Augusta Miller in Book "C" at page 469, Deed Records; running thence East 104.0 feet; thence North 1001.0 feet; thence West 104.0 feet; thence South to the point of beginning.

EXCEPTING HOWEVER that portion of subject described property lying South of North line of State Highway.

EXCEPTING THEREFROM the following: That tract conveyed to City of Garibaldi by deed recorded May 12, 1954, in Book 142, page 373; that tract conveyed to Opal Lillian Halverson, by deed recorded in Book 142, page 375; that tract described as beginning at a point which is South 598.62 feet and East 591.24 feet from the Northwest corner of Government Lot 2 of Section 22, Township 1 North, Range 10 West of the Willamette Meridian and running thence East 25.0 feet; thence South 01°41' East 117.29 feet to the Northerly right of way line of the Oregon Coast Highway 101; thence Westerly along the right of way 25 feet more or less to a point which is South 01°41' East from the point of beginning; and running thence North 01°41' West to the point of beginning; that tract described as beginning at a point which is South 598.2 feet and East 591.24 feet from the Northwest corner of Government Lot 2, Section 22, Township 1 North, Range 10 West of the Willamette Meridian, which is also the Northwest corner of that certain tract conveyed to Byron Carson, et ux, by deed recorded December 5, 1966 in Book 205, page 19, thence South 01°41' East along the West line of said Carson tract 117.29 feet, more or less, to its Southwest corner which is also a point on the Northerly right of way line of the Oregon Coast Highway 101; thence Westerly along the aforementioned North line to the Southeast corner of that certain tract of land conveyed to the City of Garibaldi by deed recorded in Book 142, page 373, thence Northerly and Northeasterly along the East line of that City of Garibaldi tract to a point which is due West from the point of beginning; thence due East to the point of beginning.

That portion of the following described property lying South of the Southern Pacific Railroad; Assessor's tract No. 790, Section 22, Township 1 South, Range 10 West of the Willamette Meridian, described as follows: Commencing at a point known as Gus Trimpter's Southeast corner (as described in Book "D" at Page 335 deed records); running thence Easterly along meander line 104-1/2 feet to a stake; thence North 409-1/2 feet to a stake; thence West 104-1/2 feet to the Gus Trimpter's tract East line; thence Southerly along East line of the Gus Trimpter's tract 409-1/2 feet to a point of beginning being part of Lot 2, Section 22, Township 1 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon.

LESS right of way of the Southern Pacific Railway and State Highway.

EXCEPTING THEREFROM the East 25 feet of said premises as conveyed to Opal Lillian Halverson by deed recorded May 12, 1954 in Book 142, page 376, Deed Records.

Subject to:

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

Title No. 13-23919 Escrow No. 13-23919

An Easement created by instrument, including the terms and provisions thereof,

In favor of:	City of Garibaldi
For:	sewer
Recorded:	September 16, 1974
Book:	237 Page: 891
in Tillamook County, Oregon.	
Affects:	Parcel 1

02415644

I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

DEC. 30 3 16 PM '02

BOOK 442 PAGE 764

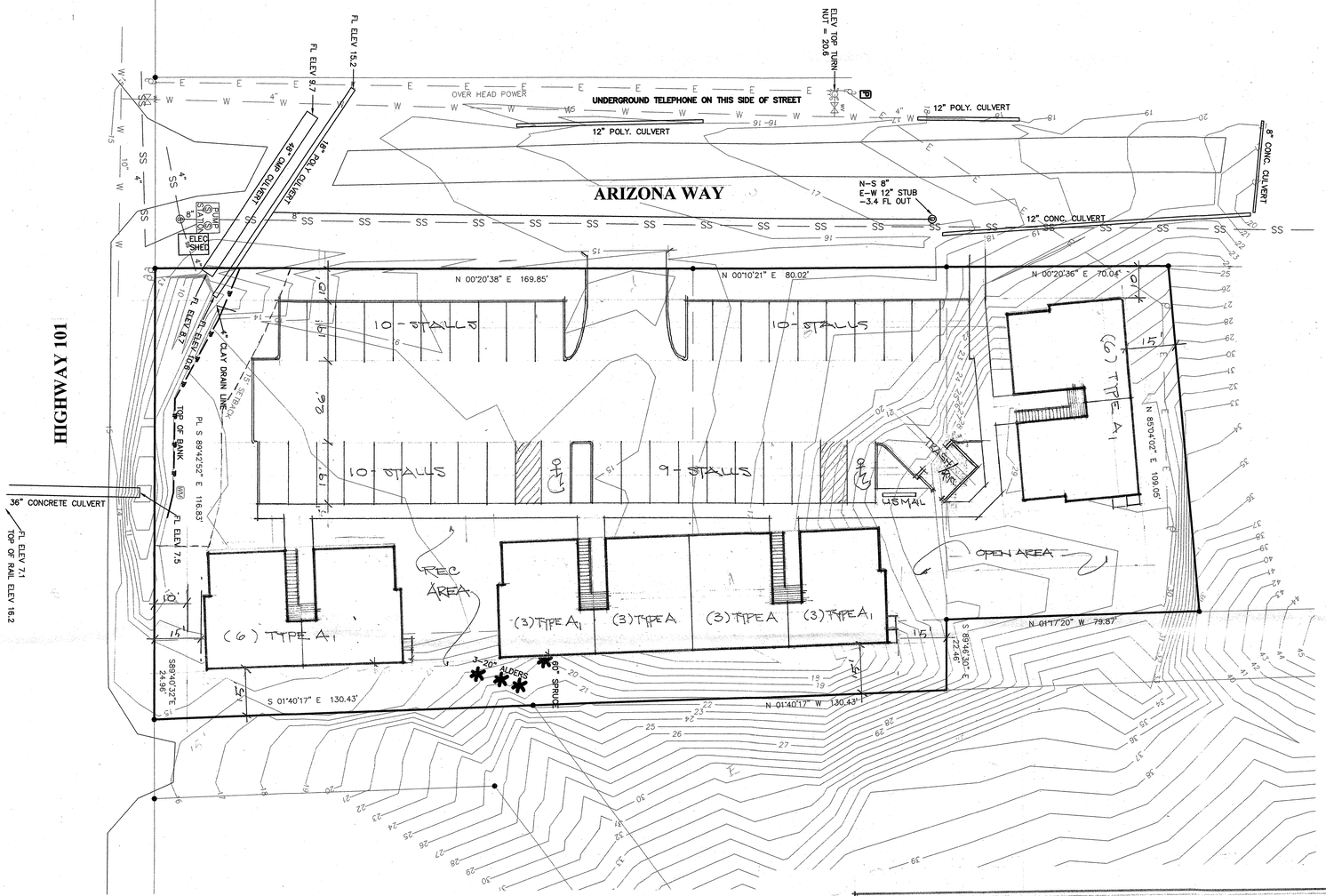
Witness my hand and seal affixed.

TASSI O'NEIL, COUNTY CLERK

TILLAMOOK COUNTY CLERK STATE OF OREGON

DEPUTY

DWARR	20.00
A&T	10.00
ADMIN	1.00
OLISF	1.00
PLCP	9.00



SITE PLAN

1" = 20'-0"

24 TOTAL APT UNITS

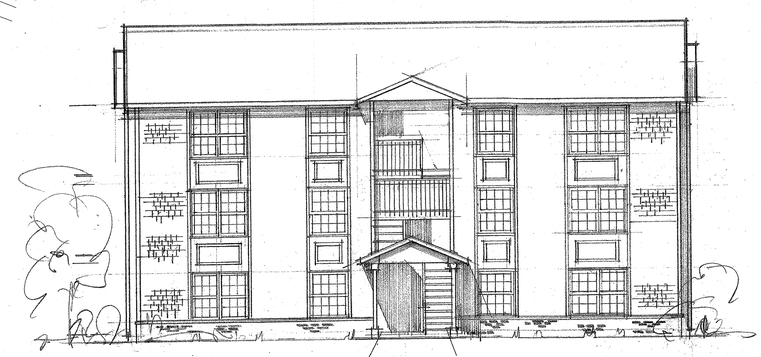
- 6 TYPE (A) 2 BED/ 2 BATH (994sqft)
- 18 TYPE (A-1) 2 BED/ 2 BATH (1022sqft)

39 TOTAL PARKING STALLS

- 37 STANDARD STALLS
- 2 HANDICAPPED STALLS

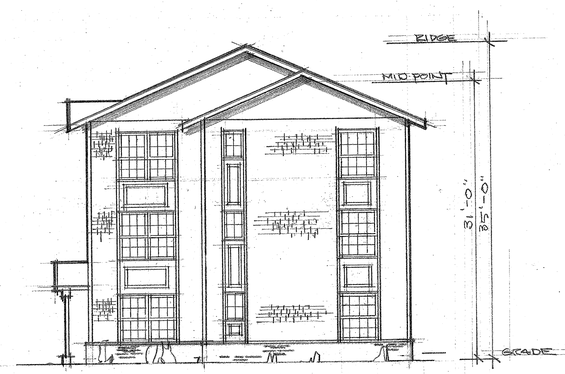
SITE

- 1 US MAIL BOX AREA
- 1 TRASH/RECYCLE
- 1 REC AREA
- 1 OPEN SPACE
- 8 BICYCLE spaces covered (2 under ea stairwell)



FRONT ELEVATION

1/4" = 1'-0"



VIEW from HIGHWAY 101

1/4" = 1'-0"

24 UNIT APARTMENT COMPLEX
HIGHWAY US 101 & Arizona Way
GARIBALDI, OR

Exhibit #6

REDMOND GEOTECHNICAL SERVICES

Geotechnical Investigation and Consultation Services

Proposed Arizona Way Apartments Development Site

Tax Lot No's. 1100, 1200 and 1300

Arizona Way

Garibaldi (Tillamook County), Oregon

for

Multi/Tech Engineering Services, Inc.

Project No. 1001.049G
August 8, 2016

Addendum "A"

REDMOND GEOTECHNICAL SERVICES

August 8, 2016

Mr. Jeremy Grenz
Multi/Tech Engineering Services, Inc.
1155 13th Street SE
Salem, Oregon 97302

Dear Mr. Grenz:

Re: Geotechnical Investigation and Consultation Services, Proposed Arizona Way Apartments Development Site, Tax Lot No's. 1100, 1200 and 1300, Arizona Way, Garibaldi (Tillamook County), Oregon

Submitted herewith is our report entitled "Geotechnical Investigation and Consultation Services, Proposed Arizona Way Apartments Development Site, Tax Lot No's. 1100, 1200 and 1300, Arizona Way, Garibaldi (Tillamook County), Oregon". The scope of our services was outlined in our formal discussions with Mr. Jeremy Grenz of Multi/Tech Engineering Services, Inc. on June 21, 2016. Verbal authorization of our services was provided by Mr. Jeremy Grenz of Multi/Tech Engineering Services, Inc. on June 28, 2016.

During the course of our investigation, we have kept you and/or others advised of our schedule and preliminary findings. We appreciate the opportunity to assist you with this phase of the project. Should you have any questions regarding this report, please do not hesitate to call.

Sincerely,

Daniel M. Redmond, P.E., G.E.
President/Principal Geotechnical Engineer

REGISTERED PROFESSIONAL ENGINEER
12369
OREGON
July 15, 1983
DANIEL M. REDMOND
Exp. 12-31-16

PO BOX 20547 • PORTLAND, OREGON 97294 • FAX 503/286-7176 • PHONE 503/285-0598

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ATTACHMENTS

Figure No. 1 - Site Vicinity Map
Figure No. 2 - Site Exploration Plan
Figure No. 3 - Perimeter Footing/Retaining Wall Drain Detail

APPENDIX

Appendix A – Test Pit Logs & Laboratory Test Results

GEOTECHNICAL INVESTIGATION & CONSULTATION SERVICES
PROPOSED ARIZONA WAY APARTMENTS DEVELOPMENT SITE
TAX LOT NO'S. 1100, 1200 AND 1300
ARIZONA WAY
GARIBALDI (TILLAMOOK COUNTY), OREGON

INTRODUCTION

Redmond Geotechnical Services, LLC is please to submit to you the results of our Geotechnical Investigation report at the site of the proposed new Arizona Way Apartments development located generally to the north of Garibaldi Avenue (US Highway 101) and to the east of Arizona Way in Garibaldi (Tillamook County), Oregon. The general location of the subject site is shown on the Site Vicinity Map, Figure No. 1. The purpose of our geotechnical investigation and consultation services at this time was to explore the existing subsurface soils and/or groundwater conditions across the subject site and assess the presence and/or degree of the existing site conditions with regard to the proposed new apartment site development. Additionally, we have provided appropriate geotechnical design and/or construction recommendations with regard to construction of the new apartment buildings and their associated site improvements.

PROJECT DESCRIPTION

We understand that present plans are to construct new multi-family apartment structures at the subject property. Based on a review of the proposed site development plan, we understand that the proposed development of the site will consist of the construction of three (3) or more new apartment buildings. The new apartment structures are generally anticipated to be two-story structures constructed with wood framing and will range in size from about 2,500 to 5,000 square feet.

Support of the new apartment structures is anticipated to consist primarily of conventional shallow some continuous (strip) footings although some individual (spread) column footings may also be required. Additionally, we understand that one (1) or more of the proposed apartment structures may require the use of a partial below grade retaining wall. Structural loading information, although unavailable at this time, is anticipated to be fairly typical and light for this type of two-story wood-frame structure and is expected to result in maximum dead plus live continuous (strip) and individual (spread) column footing loads on the order of about 1.5 to 2.5 kips per lineal foot (klf) and 10 to 25 kips, respectively.

Other associated site improvements for the project will include new paved surfaces for automobile parking and drive areas.

GARIBALDI QUADRANGLE
OREGON—TILLAMOOK CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

SCALE 1:24 000

KILOMETERS: 1 .5 0 1 2
METERS: 1000 0 1000 2000
MILES: 1 .5 0 1
FEET: 1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10 000

CONTOUR INTERVAL 40 FEET
SUPPLEMENTARY CONTOUR INTERVAL 20 FEET
CONTROL ELEVATIONS SHOWN TO THE NEAREST 0.1 FOOT
OTHER ELEVATIONS SHOWN TO THE NEAREST FOOT

SITE VICINITY MAP

Project No. 1001.049.G	ARIZONA WAY APARTMENTS	Figure No. 1

SCOPE OF WORK

The purpose of our geotechnical investigation studies was to evaluate the overall site subsurface soil and/or groundwater conditions underlying the site with regard to the proposed new Arizona Way Apartments development at the site and any associated impacts or concerns with respect to the new multi-family construction as well as provide appropriate geotechnical design and construction recommendations for the project. Specifically, the geotechnical investigation study included the following scope of work items:

1. Review of available and relevant (pertinent) geologic maps and/or geotechnical reports for the subject area.

2. A detailed site reconnaissance of the subject property as well as a subsurface exploration program of the soil and groundwater conditions underlying the site by means of four (4) exploratory test pit excavations. The exploratory test pits were excavated to depths ranging from about five (5) to six (6) feet beneath existing site grades at the approximate locations as shown on the Site Exploration Map, Figure No. 2.

3. Laboratory testing to help evaluate and identify pertinent physical and engineering properties of the subsurface soils encountered relative to the planned re-development of the site. The laboratory testing consisted of tests to help evaluate the natural (field) moisture content and dry density, gradational and Atterberg Limits properties as well as direct shear strength, consolidation and "R"-value tests.

4. A literature review and engineering evaluation and assessment of the regional seismicity to evaluate the potential ground motion hazard(s) at the subject site. The evaluation and assessment included a review of the regional earthquake history and sources such as potential seismic sources, maximum credible earthquakes, and reoccurrence intervals as well as a discussion of the possible ground response to the selected design earthquake(s), fault rupture, landsliding, liquefaction, and tsunami and seiche flooding.

5. Engineering analyses utilizing the field and laboratory data as a basis for furnishing recommendations for foundation support of the proposed new multi-family apartment structures. Recommendations include maximum design allowable contact bearing pressure(s), depth of footing embedment, estimates of foundation settlement, lateral soil resistance and/or lateral earth pressures, and foundation subgrade preparation as well as recommended foundation setbacks from slopes. Additionally, construction and/or permanent subsurface water drainage considerations have also been prepared. Further, our report includes recommendations regarding site preparation, placement and compaction of structural fill materials, suitability of the on-site soils for use as structural fill, criteria for import fill materials, and preparation of foundation and floor slab subgrades.

SITE CONDITIONS

Site Geology

The subject site is underlain at depth by sedimentary rock deposits (Tsd) of Oligocene and upper Eocene age. Characteristics include marine shale siltstone, sandstone, and conglomerate, in places partly composed of tuffaceous and basaltic debris; interbeds of arkosic, glauconitic, and quartzose sandstone. Forminifers are referable to the Reugian and Zemorrian Stages (see Marine Sedimentary Rocks - units Toes and Toem of Wells and others, 1983). Includes Bastendorff Formation of Baldwin (1974).

Surface Conditions

The subject proposed new Arizona Way Apartments development property is comprised of three (3) separate tax lots (TL's 1100, 1200 and 1300) and is generally rectangular in shape encompassing a total plan area of approximately 0.84 acres. The subject property is roughly bounded to the south by Garibaldi Avenue (US Highway 101), to the east and north by existing single-family and/or residential properties, and to the west by Arizona Way.

At the time of our study, the central and southerly portions of the subject property (TL's 1100 and 1200) was generally unimproved and void of existing structures. However, the northerly portion of the subject site (TL 1300) contains an existing mobile home structure and is also believed to contain some existing underground utility services. Additionally, a seasonal drainage basin and Hobson Creek border and/or traverses the easterly and southwesterly portions of the subject property, respectively.

Surface vegetation across the site generally consists of a light to moderate growth of grass and weeds. Topographically, the subject site is characterized as gently to moderately sloping terrain (i.e., 5 to 20 percent) descending downward towards the south with overall topographic relief across the entire site is estimated at about thirty (30) feet and is estimated to lie between about Elevation 10 feet to Elevation 40 feet.

Subsurface Soil Conditions

Our understanding of the subsurface soil conditions underlying the subject site was developed by means of four (4) exploratory test pits excavated to a depth of between five (5) and six (6) feet beneath existing site grades on July 6, 2016 with track-mounted excavating equipment. The location of the exploratory test pits were located in the field by marking off distances from existing and/or known site (land) features and is shown in relation to the proposed new apartment structures and/or their associated site improvements on the Site Exploration Map, Figure No. 2. Detailed logs of the test pit explorations, presenting conditions encountered at each location explored, are presented in the Appendix, Figure No's. A-5 and A-6.

The exploratory test pit excavations were observed by staff from Redmond Geotechnical Services, LLC who logged the test pit explorations and obtained representative samples of the subsurface soils encountered at the site. All subsurface soils encountered at the site and/or within the exploratory test pit excavations were logged and classified in general conformance with the Unified Soil Classification System (USCS) which is outlined on Figure No. A-4.

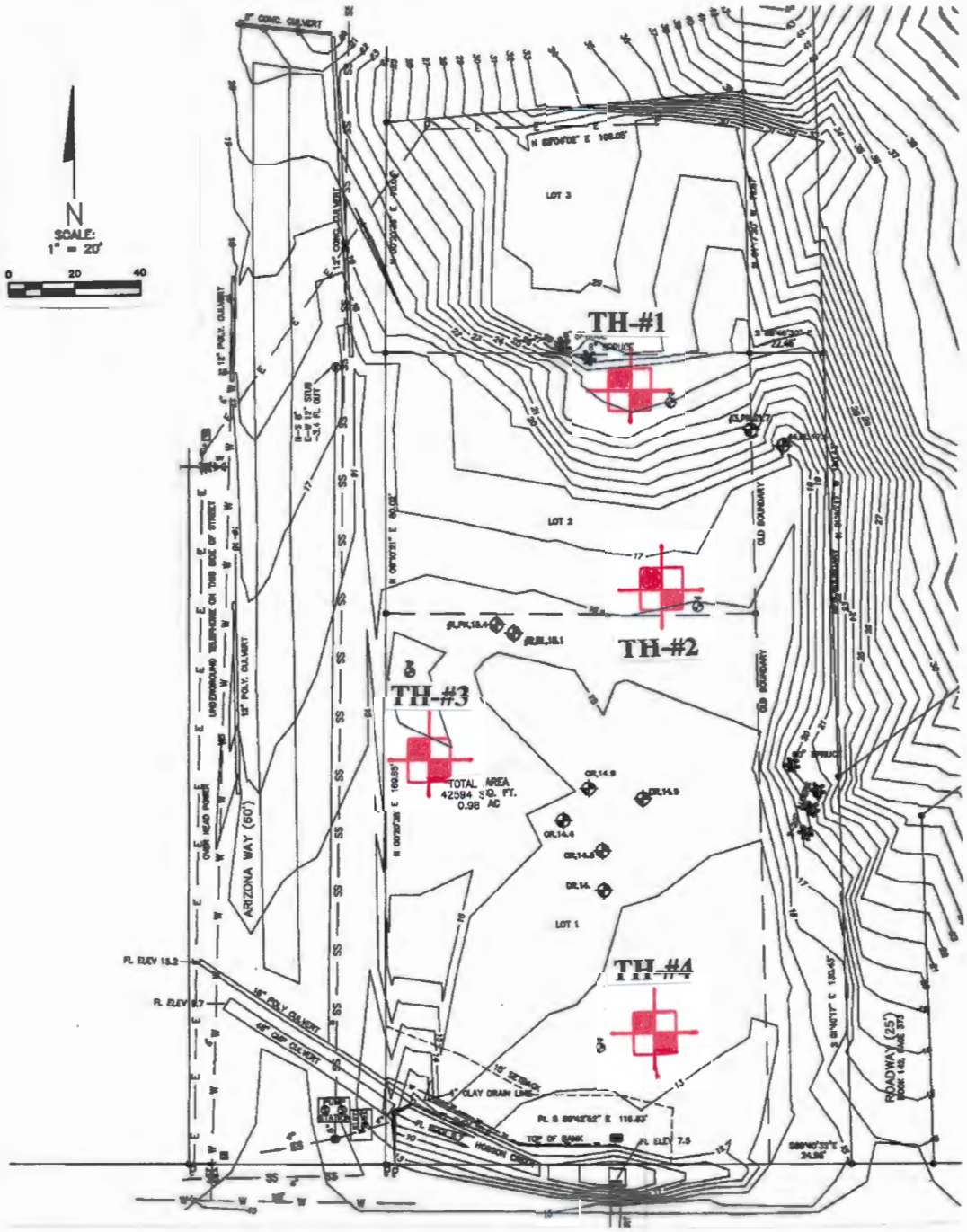
The test pit explorations performed at the subject property revealed that the subject site is underlain by surficial topsoil materials and underlying native sedimentary soil deposits of Oligocene and upper Eocene age. Specifically, the subsurface soils underlying the project area consist of a upper (surficial) layer of topsoil materials comprised of dark brown, very moist to wet, soft, organic, clayey, sandy silt which extends to a depth of approximately 1.0 feet (12 inches) beneath existing surface grades. The existing topsoil materials are best characterized by relatively low strength and moderate to high compressibility. The surficial topsoil materials were inturn underlain by sedimentary soil deposits generally comprised of an upper unit of medium brown, very moist, medium stiff to medium dense, slightly clayey, sandy silt to silty sand to depths of about 3.0 to 6.0 feet beneath existing surface grades. These upper slightly clayey, sandy silt to silty sand subgrade soils are best characterized by relatively low to moderate strength and moderate compressibility. These upper slightly clayey, sandy silt subgrade soils were found to be underlain at depth by medium to orangish-brown, very moist to wet, medium dense, slightly clayey, silty and sandy gravel to gravelly sand to the maximum depth explored of about 6.0 feet beneath existing site grades. These slightly clayey, silty and sandy gravel to gravelly sand soil deposits are best characterized by relatively moderate strength and low to moderate compressibility. In addition to the above, localized surficial fill and very soft silty clay soil materials were also encountered at the site in test holes TH-#2 and TH-#3 and consisted of about 2 feet of moderately compacted, clayey and sandy silt and 3 feet of very soft, slightly sandy, silty clay, respectively.

Groundwater

Groundwater was encountered within one (1) of the exploratory test pit explorations at the time of our field work (TH-#2) at a depth of about two (2) feet beneath existing surfaces grades.

LABORATORY TESTING

Representative samples of the on-site subsurface soils were collected at selected depths and intervals from the test pit excavations and returned to our laboratory for further examination and testing and/or to aid in the classification of the subsurface soils as well as to help evaluate and identify their engineering strength and compressibility characteristics. The laboratory testing consisted of visual and textural sample inspection, moisture content determinations, maximum dry density, gradation analyses and Atterberg Limits tests as well as direct shear strength, consolidation and "R"-value tests. Results of the various laboratory tests are presented in the Appendix, Figure No's. A-7 through A-12.



LEGEND

TH-#4 Indicates approximate location of exploratory test hole excavation

SITE EXPLORATION PLAN

Project No. 1001.049.G	**ARIZONA WAY APARTMENTS**	Figure No. 2

SEISMICITY AND EARTHQUAKE SOURCES

The seismicity of the southwest Washington and northwest Oregon area, and hence the potential for ground shaking, is controlled by three (3) separate fault mechanisms. These include the Cascadia Subduction Zone (CSZ), the mid-depth intraplate zone, and the relatively shallow crustal zone. Descriptions of these potential earthquake sources are presented below.

The CSZ is located offshore and extends from northern California to British Columbia. Within this zone, the oceanic Juan de Fuca Plate is being subducted beneath the continental North American Plate to the east. The interface between these two (2) plates is located at a depth of approximately 15 to 20 kilometers (km). The seismicity of the CSZ is subject to several uncertainties, including the maximum earthquake magnitude and the recurrence intervals associated with various magnitude earthquakes. Anecdotal evidence of previous CSZ earthquakes have been observed within coastal marshes along the Washington and Oregon coastlines. Sequences of interlayered peat and sands have been interpreted to be the result of large Subduction Zone earthquakes occurring at intervals on the order of 300 to 500 years, with the most recent event taking place approximately 300 years ago. A recent study by Geomatrix (1995) suggests that the maximum earthquake associated with the CSZ is moment magnitude (Mw) 8 to 9. This is based on an empirical expression relating moment magnitude to the area of fault rupture derived from earthquakes that have occurred within subduction zones in other parts of the world. An Mw 9 earthquake would involve a rupture of the entire CSZ. As discussed by Geomatrix (1995) this has not occurred in other subduction zones that have exhibited much higher levels of historical seismicity than the CSZ, and is considered unlikely. For the purpose of this study an earthquake of Mw 8.5 was assumed to occur within the CSZ.

The intraplate zone encompasses the portion of the subducting Juan de Fuca Plate located at a depth of approximately 30 to 50 km below western Washington and western Oregon. Very low levels of seismicity have been observed within the intraplate zone in western Oregon and western Washington. However, much higher levels of seismicity within this zone have been recorded in Washington and California. Several reasons for this seismic quiescence were suggested in the Geomatrix (1995) study and include changes in the direction of subduction between Oregon, Washington, and British Columbia as well as the effects of volcanic activity along the Cascade Range. Historical activity associated with the intraplate zone includes the 1949 Olympia magnitude 7.1 and the 1965 Puget Sound magnitude 6.5 earthquakes. Based on the data presented within the Geomatrix (1995) report, an earthquake of magnitude 7.25 has been chosen to represent the seismic potential of the intraplate zone.

The third source of seismicity that can result in ground shaking within the Oregon and southwest Washington area is near-surface crustal earthquakes occurring within the North American Plate. The historical seismicity of crustal earthquakes in this area is higher than the seismicity associated with the CSZ and the intraplate zone. The 1993 Scotts Mills (magnitude 5.6) and Klamath Falls (magnitude 6.0), Oregon earthquakes were crustal earthquakes.

Liquefaction

Seismic induced soil liquefaction is a phenomenon in which loose, granular soils and some silty soils, located below the water table, develop high pore water pressures and lose strength due to ground vibrations induced by earthquakes. Soil liquefaction can result in lateral flow of material into river channels, ground settlements and increased lateral and uplift pressures on underground structures. Buildings supported on soils that have liquefied often settle and tilt and may displace laterally. Soils located above the ground water table cannot liquefy, but granular soils located above the water table may settle during the earthquake shaking.

Our review of the subsurface soil test pit logs from our exploratory field explorations (TH-#1 through TH-#4) indicates that the site is generally underlain by medium stiff, clayey, sandy silt and/or medium dense, silty sand to sandy silt and/or sandy gravel soil deposits to a depth of at least 6.0 feet beneath existing site grades. Additionally, groundwater was generally not encountered at the site during our field exploration work at depths of at least 6.0 feet below existing surface grades.

As such, due to the cohesive characteristics of the underlying clayey silt subgrade soils as well as the medium dense nature of the subgrade silty sand to sandy silt and/or sandy gravel deposits beneath the site, it is our opinion that the native subgrade soil deposits have a very low potential for liquefaction during the design earthquake motions previously described.

Landslides

No ancient and/or active landslides were observed at and/or are known to be present on the subject site. Additionally, the subject site is characterized as gently to moderately sloping terrain. As such, the risk of slope instability at the site resulting in landslides and/or lateral earth movements does not appear to present a potential geologic hazard for this project.

Surface Rupture

Although the site is generally located within a region of the country known for seismic activity, no known faults exist on and/or immediately adjacent to the subject site. As such, the risk of surface rupture due to faulting is considered negligible.

Tsunami and Seiche

A tsunami, or seismic sea wave, is produced when a major fault under the ocean floor moves vertically and shifts the water column above it. A seiche is a periodic oscillation of a body of water resulting in changing water levels, sometimes caused by an earthquake. Tsunami and seiche are considered a potential hazard at this site because the proposed apartment development is near to the coast and/or immediately adjacent to a significant body of water (Tillamook Bay).

Flooding and Erosion

Stream flooding is a potential hazard that should be considered in lowland areas of Tillamook County and Garibaldi. The FEMA (Federal Emergency Management Agency) flood maps should be reviewed as part of the design for the proposed new apartment structures and/or their associated site improvements. Elevations of structures on the site should be designed based upon consultants reports, FEMA (Federal Emergency Management Agency), and Tillamook County requirements for the 100-year flood levels of any nearby creeks and/or streams such as the Miami River and Tillamook Bay.

CONCLUSIONS AND RECOMMENDATIONS

General

Based on the results of our field explorations, laboratory testing and engineering analyses, it is our opinion that the site is presently stable and generally suitable for the proposed new Arizona Way Apartments development and its associated site improvements described herein provided that the recommendations contained within this report are properly incorporated into the design and construction of the project.

The primary features of concern at the site and/or for the project are 1) the presence of existing undocumented fill materials at the site, 2) the presence of the existing very soft silty clay subgrade soils beneath the site, 3) the presence of the existing northerly site improvements at the site, 4) the presence of the existing seasonal drainage basin and Hobson Creek which border the easterly and southerly portions of the site, and 5) the moisture sensitivity of the underlying native clayey silt subgrade soils.

With regard to the presence of existing undocumented fill materials at the site, we are of the opinion that the existing fill materials are presently unsuitable for direct support of the planned new apartment structures and/or any of the associated site improvements. As such, all existing fill materials present beneath the planned new site improvements should be removed in their entirety down to an approved native subgrade soil and/or replaced with properly compacted structural fill.

In regard to the presence of existing very soft silty clay subgrade soils beneath the site, much of the central and/or southerly portions of the site appear to have been impacted by surface water runoff from the northeast resulting in the deposition of a 2 to 3 feet thick layer of very soft silty clay. Additionally, the very soft silty clay subgrade soils were also found to contain organics such that they are considered unsuitable for direct support of any of the proposed site improvements. As such, we recommend that all of the very soft silty clay subgrade soils be removed in their entirety down to an approved firm silty and/or sandy subgrade soil.

With regard to the existing site northerly improvements at the site, it appears that removal of the existing site improvements will be required in order to construct the proposed new site improvements. As such, we are of the opinion that close monitoring by the Geotechnical Engineer may be required to ensure that the removal of old foundation remnants and/or utility services have been properly performed.

In regard to the existing seasonal drainage basin and Hobson Creek which border the easterly and southerly portions of the site, implementation of adequate storm water facilities will be required to properly collect and/or control surface water runoff both during and following construction.

With regard to the moisture sensitivity of the underlying native clayey silt subgrade soils, we are generally of the opinion that all site grading and earthwork operations be scheduled (if possible) for the drier summer months which is typically late June through September.

The following sections of this report provide specific recommendations regarding subgrade preparation and grading as well as foundation, retaining wall and floor slab design and construction for the new Arizona Way Apartments project.

Site Preparation

As an initial step in site preparation, we recommend that the proposed new Arizona Way Apartments site area(s) and its associated structural and/or site improvement area(s) be stripped and cleared of any existing improvements, any existing undocumented fill materials, surface debris, existing vegetation, topsoil materials, and/or any other deleterious materials present at the time of construction. In general, we envision that the site stripping to remove existing vegetation and topsoil materials will generally be about 12 inches. Additionally and as previously noted, areas requiring deeper removals, such as the existing undocumented fill materials and/or very soft silty clay subgrade soils, will be encountered and should be evaluated at the time of construction by the Geotechnical Engineer. The stripped and cleared materials should be properly disposed of as they are generally considered unsuitable for use/reuse as fill materials.

Following the completion of the site stripping and clearing work and prior to the placement of any required structural fill materials and/or structural improvements, the exposed subgrade soils within the planned structural improvement area(s) should be inspected and approved by the Geotechnical Engineer and possibly proof-rolled with a half and/or fully loaded dump truck. Areas found to be soft or otherwise unsuitable should be over-excavated and removed or scarified and recompacted as structural fill. During wet and/or inclement weather conditions, proof rolling and/or scarification and recompaction as noted above may not be appropriate.

The on-site native sandy, clayey silt subgrade soil materials are generally considered suitable for use/reuse as structural fill materials provided that they are free of organic materials, debris, and rock fragments in excess of about 6 inches in dimension. However, if site grading is performed during wet or inclement weather conditions, the use of some of the on-site native sandy, clayey silt subgrade soil materials will be difficult at best.

In this regard, during wet or inclement weather conditions, we recommend that an import structural fill material be utilized which should consist of a free-draining (clean) granular fill (sand & gravel) containing no more than about 5 percent fines. Representative samples of the materials which are to be used as structural fill materials should be submitted to the Geotechnical Engineer and/or laboratory for approval and determination of the maximum dry density and optimum moisture content for compaction.

In general, all site earthwork and grading activities should be scheduled for the drier summer months (June through September) if possible. However, if wet weather site preparation and grading is required, it is generally recommended that the stripping of topsoil materials be accomplished with a tracked excavator utilizing a large smooth-toothed bucket working from areas yet to be excavated. Additionally, the loading of strippings into trucks and/or protection of moisture sensitive subgrade soils will also be required during wet weather grading and construction. In this regard, we recommend that areas in which construction equipment will be traveling be protected by covering the exposed subgrade soils with a geotextile fabric such as Mirafi 140N followed by at least 12 inches or more of crushed aggregate base rock. Further, the geotextile fabric should have a minimum Mullen burst strength of at least 250 pounds per square inch for puncture resistance and an apparent opening size (AOS) between the U.S. Standard No. 70 and No. 100 sieves.

All structural fill materials placed for support of the new apartment structures should be moistened or dried as necessary to near (within 3 percent) optimum moisture conditions and compacted by mechanical means to a minimum of 92 percent of the maximum dry density as determined by the ASTM D-1557 (AASHTO T-180) test procedures. Structural fill materials should be placed in lifts (layers) such that when compacted do not exceed about 8 inches. Additionally, all fill materials placed within five (5) lineal feet of the perimeter (limits) of the proposed apartment structure(s) should be considered structural fill. All aspects of the site grading should be monitored and approved by a representative of Redmond Geotechnical Services, LLC.

Foundation Support

Based on the results of our investigation, it is our opinion that the subject site is suitable for support of the proposed new two-story apartment structures provided that the following foundation design recommendations are followed. The following sections of this report present specific foundation design and construction recommendations for the planned new Arizona Way Apartments structures.

Shallow Foundations

In general, conventional shallow continuous (strip) footings and individual (spread) column footings may be supported by approved native (untreated) medium stiff, clayey silt and/or medium dense, silty sand subgrade soil materials and/or by properly placed and compacted structural fill soils based on an allowable contact bearing pressure of up to 2,000 pounds per square foot (psf). This recommended allowable contact bearing pressure is intended for dead loads and sustained live loads and may be increased by one-third for the total of all loads including short-term wind or seismic loads.

In general, continuous strip footings should have a minimum width of at least 16 inches and be embedded at least 18 inches below the lowest adjacent finish grade (includes frost protection). Individual column footings (where required) should be embedded at least 18 inches below grade and have a minimum width of at least 24 inches.

Total and differential settlements of foundations constructed as recommended above and supported by approved native subgrade soils or by properly compacted structural fill materials are expected to be well within the tolerable limits for this type of lightly loaded two-story wood-frame structure and should generally be less than about 1-inch and 1/2-inch, respectively.

Allowable lateral frictional resistance between the base of the footing element and the supporting subgrade bearing soil can be expressed as the applied vertical load multiplied by a coefficient of friction of 0.35 and 0.45 for native silty subgrade soils and/or import gravel fill materials, respectively. In addition, lateral loads may be resisted by passive earth pressures on footings poured "neat" against in-situ (native) subgrade soils or properly backfilled with structural fill materials based on an equivalent fluid density of 250 pounds per cubic foot (pcf). This recommended value includes a factor of safety of approximately 1.5 which is appropriate due to the amount of movement required to develop full passive resistance.

Floor Slab Support

In order to provide uniform subgrade reaction beneath concrete slab-on-grade floors, we recommend that the floor slab area be underlain by a minimum of 6 inches of free-draining (less than 5 percent passing the No. 200 sieve), well-graded, crushed rock. The crushed rock should help provide a capillary break to prevent migration of moisture through the slab. Additional moisture protection, where needed, can be provided by using a 10-mil polyolefin geo-membrane sheet such as StegoWrap.

The base course materials should be compacted to at least 95 percent of the maximum dry density as determined by the ASTM D-1557 (AASHTO T-180) test procedures. Where floor slab subgrade materials are undisturbed, firm and stable and where the underslab aggregate base rock section has been prepared and compacted as recommended above, we recommend that a modulus of subgrade reaction of 200 pci be used for design.

Retaining/Below Grade Walls

Retaining and/or below grade walls should be designed to resist lateral earth pressures imposed by native soils or granular backfill materials as well as any adjacent surcharge loads. For walls which are unrestrained at the top and free to rotate about their base, we recommend that active earth pressures be computed on the basis of the following equivalent fluid densities:

Non-Restrained Retaining Wall Pressure Design Recommendations

Slope Backfill (Horizontal/Vertical)	Equivalent Fluid Density/Sand (pcf)	Equivalent Fluid Density/Gravel (pcf)
Level	35	30
3H:1V	60	50
2H:1V	90	80

For walls which are fully restrained at the top and prevented from rotation about their base, we recommend that at-rest earth pressures be computed on the basis of the following equivalent fluid densities:

Restrained Retaining Wall Pressure Design Recommendations

Slope Backfill (Horizontal/Vertical)	Equivalent Fluid Density/Sand (pcf)	Equivalent Fluid Density/Gravel (pcf)
Level	45	35
3H:1V	65	60
2H:1V	95	90

The above recommended values assume that the walls will be adequately drained to prevent the buildup of hydrostatic pressures. Where wall drainage will not be present and/or if adjacent surcharge loading is present, the above recommended values will be significantly higher.

Backfill materials behind walls should be compacted to 90 percent of the maximum dry density as determined by the ASTM D-1557 (AASHTO T-180) test procedures. Special care should be taken to avoid over-compaction near the walls which could result in higher lateral earth pressures than those indicated herein. In areas within three (3) to five (5) feet behind walls, we recommend the use of hand-operated compaction equipment.

Pavements

Flexible pavement design for the project was determined on the basis of projected (anticipated) traffic volume and loading conditions relative laboratory subgrade soil strength ("R"-value) characteristics. Based on a laboratory subgrade "R"-value of 34 (Resilient Modulus = 6,722 psi) and utilizing the American Association of State Highway and Transportation Officials (AASHTO) 1993 "Design of Pavement Structures" manual, we recommend that the asphaltic concrete pavement section(s) for the new Maps Credit Union development areas consist of the following:

	Asphaltic Concrete Thickness (inches)	Crushed Base Rock Thickness (inches)
Automobile Parking Areas	2.5	8.0
Automobile Drive Areas	3.0	9.0

Note: Where heavy vehicle and/or truck traffic is anticipated and/or required such as those required for fire and/or garbage trucks, we recommend that the automobile drive area pavement section be increased by adding 1.0 inches of asphaltic concrete and 3.0 inches of aggregate base rock. Additionally, for wet weather construction, we recommend a minimum gravel base rock thickness of at least 12 inches in all areas. Further, the above recommended flexible pavement section(s) assumes a design life of 20 years.

Pavement Subgrade, Base Course and Asphalt Materials

The above recommended flexible pavement section(s) were based on the design assumptions listed herein and on the assumption that construction of the pavement section(s) will be completed during an extended period of reasonably dry weather. In addition, it assumes that any undocumented fill soil materials exposed at the design subgrade elevation(s) will be removed as recommended. All thicknesses given are intended to be the minimum acceptable. Increased base rock sections and the use of a geotextile fabric may also be required during wet and/or inclement weather conditions and/or in order to adequately support construction traffic and protect the subgrade during construction. Additionally, the above recommended pavement section(s) assume that the subgrade will be prepared as recommended herein, that the exposed subgrade soils will be properly protected from rain and construction traffic, and that the subgrade is firm and unyielding at the time of paving. Further, it assumes that the subgrade is graded to prevent any ponding of water which may tend to accumulate in the base course.

Pavement base course materials should consist of well-graded 1-1/2 inch and/or 3/4 inch minus crushed aggregate having less than 5 percent fine materials passing the No. 200 sieve. The base course and asphaltic concrete paving materials should conform to the requirements set forth in the latest edition of the Oregon Department of Transportation, Standard Specifications for Highway Construction. The base course materials should be compacted to at least 95 percent of the maximum dry density as determined by the ASTM D-1557 (AASHTO T-180) test procedures. The asphaltic concrete paving materials should be compacted to at least 92 percent of the theoretical maximum density as determined by the ASTM D-2041 (Rice Gravity) test method.

Excavation/Slopes

Temporary excavations of up to about four (4) feet in depth may be constructed with near vertical inclinations. Temporary excavations greater than about four (4) feet but less than eight (8) feet should be excavated with inclinations of at least 1 to 1 (horizontal to vertical) or properly braced/shored. Where excavations are planned to exceed about eight (8) feet, this office should be consulted. All shoring systems and/or temporary excavation bracing for the project should be the responsibility of the excavation and/or grading contractor.

Permanent cut and/or fill slopes (if required) should be constructed no steeper than about 2H to 1V.

Surface Drainage/Groundwater

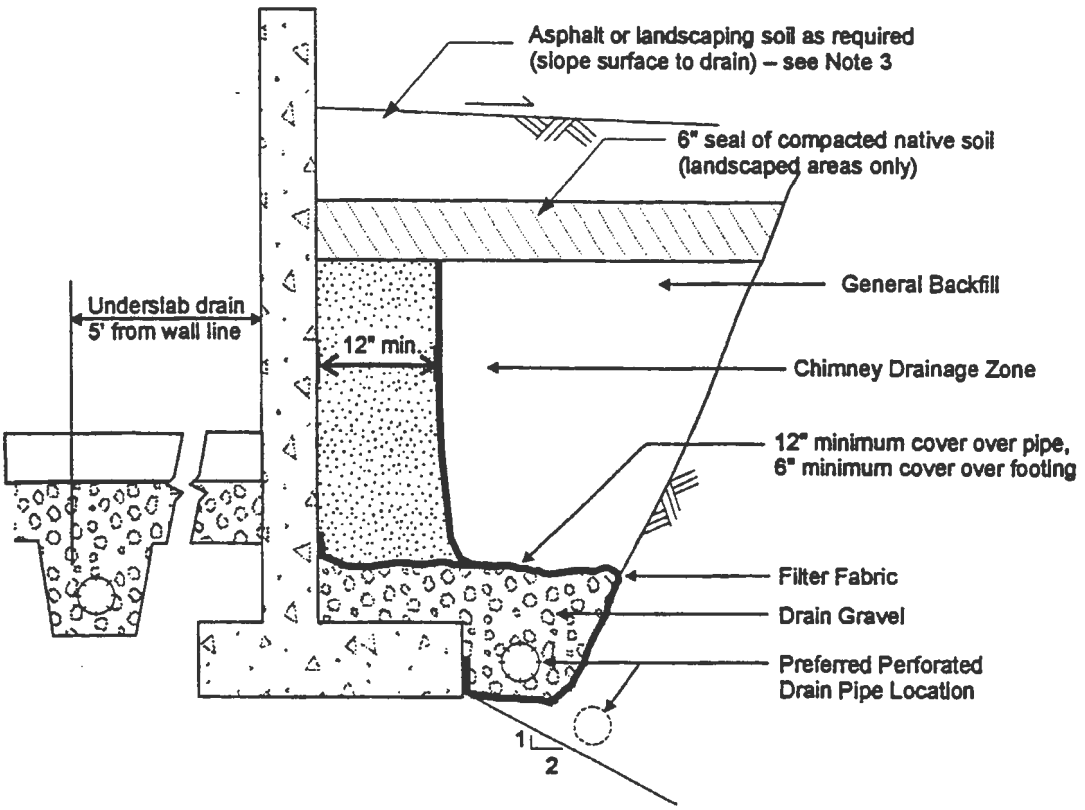
We recommend that positive measures be taken to properly finish grade the site so that drainage waters from the apartment buildings and landscaping areas as well as adjacent properties or buildings are directed away from the new apartment structures foundations and/or floor slabs. All roof drainage should be directed into conduits that carry runoff water away from the new apartment structure(s) to a suitable outfall. Roof downspouts should not be connected to foundation drains. A minimum ground slope of about 2 percent is generally recommended in unpaved areas around the apartment structure.

Groundwater was encountered at the site in one (1) of the exploratory test pits (TH-#2) at the time of excavation at a depth of about two (2) feet beneath existing surface grades. Additionally, the easterly and southerly portions of the site are bounded by an existing seasonal drainage basin and Hobson Creek, respectively. Further, although groundwater elevations in the area may fluctuate seasonally and may temporarily pond/perch near the ground surface during periods of prolonged rainfall, based on our current understand of the site grading required to bring the subject site to finish design grades, we are of the opinion that an underslab drainage system is generally not required for the proposed new apartment structure(s). However, we are generally of the opinion that a perimeter footing/foundation drainage system should be utilized around the perimeter of the proposed apartment structure(s). Additionally, a foundation drain is recommended for any other below grade footings and/or retaining walls. A typical recommended perimeter footing and/or retaining wall footing drain detail is shown on Figure No. 3.

Seismic Design Considerations

Structures at the site should be designed to resist earthquake loading in accordance with the methodology described in the latest edition of the 2014 State of Oregon Structural Specialty Code (OSSC) and/or Amendments to the International Building Code (IBC). The maximum considered earthquake ground motion for short period and 1.0 period spectral response may be determined from the Washington Structural Specialty Code and/or Figures 1613 (1) and 1613 (2) of the 2009 National Earthquake Hazard Reduction Program (NEHRP) "Recommended Provisions for Seismic Regulations for New Buildings and Other Structures" published by the Building Seismic Safety Council. We recommend Site Class "D" be used for design per Table 1613.5.2.

Using this information, the structural engineer can select the appropriate site coefficient values (F_a and F_v) from Tables 1613.5.3 (1) and 1613.5.3 (2) of the IBC to determine the maximum considered earthquake spectral response acceleration for the project. However, we have assumed the following response spectrum for the project:



SCHEMATIC - NOT TO SCALE

NOTES:

1. Filter Fabric to be non-woven geotextile (Amoco 4545, Mirafi 140N, or equivalent)
2. Lay perforated drain pipe on minimum 0.5% gradient, widening excavation as required. Maintain pipe above 2:1 slope, as shown.
3. All-granular backfill is recommended for support of slabs, pavements, etc. (see text for structural fill).
4. Drain gravel to be clean, washed ¾" to 1½" gravel.
5. General backfill to be on-site gravels, or ¾"-0 or 1½"-0 crushed rock compacted to 92% Modified Proctor (AASHTO T-180).
6. Chimney drainage zone to be 12" wide (minimum) zone of clean washed, medium to coarse sand or drain gravel if protected with filter fabric. Alternatively, prefabricated drainage structures (Miradrain 6000 or similar) may be used.

PERIMETER FOOTING/RETAINING WALL DRAIN DETAIL		
Project No. 1001.049.G	ARIZONA WAY APARTMENTS	Figure No. 3

Table 1. 2012 IBC Seismic Design Parameters

Site Class	S_S	S_1	Fa	Fv	S_{MS}	S_{M1}	S_{DS}	S_{D1}
D	1.324	0.671	1.000	1.500	1.324	1.006	0.882	0.671

Notes: 1. S_S and S_1 were established based on the USGS 2012 mapped maximum considered earthquake spectral acceleration maps for 2% probability of exceedence in 50 years.

2. Fa and Fv were established based on2012 IBC tables 1613.5.3 (1) and 1613.5.3 (2) using the selected S_S and S_1 values.

Storm Water Infiltration

We understand that consideration is being given to possible collection and disposal of storm water on the subject apartment development site. While specific details regarding storm water collection and/or disposal are still unknown at this time, we envision that disposal of storm water will likely be performed below the existing site and/or ground surface elevations rather than in open near surface infiltration ditches and/or swales. In this regard, although field infiltration testing was not performed at the site during this phase of the investigation, we are of the opinion that only limited subsurface storm water infiltration is likely beneath the site due to the presence of the existing easterly seasonal drainage basin and the existing southerly Hobson Creek. As such, we are of the opinion that an allowable infiltration rate of less than 1.0 inches per hour (in/hr) is likely for design an on-site storm water infiltration system. However, we recommend that field testing be performed following the construction of a storm water infiltration system to verify that the above assumed infiltrate is appropriate for the project.

Erosion Control

During our field exploration program, we observed soil types that would generally be considered highly susceptible to erosion. In our opinion, the primary concern regarding soil erosion potential will likely occur during and/or immediately following construction in areas that have recently been stripped and cleared of surface vegetation. Erosion at the site during construction can be minimized by implementing a project erosion control plan which should include the judicious use of straw bales and silt fences. If used, these erosion control devices should be in place and remain in place throughout all of the site grading and earthwork operations. Erosion and sedimentation of exposed sandy subgrade soils can also be minimized by quickly re-vegetating exposed areas of soil and by staging (if possible) construction such that large areas of the site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture or hydroseeded with an approved seed-mulch-fertilizer mixture.

CONSTRUCTION MONITORING AND TESTING

We recommend that **Redmond Geotechnical Services, LLC** be retained to provide construction monitoring and testing services during all earthwork operations for the proposed new Arizona Way Apartments development. The purpose of our monitoring services would be to confirm that the site conditions reported herein are as anticipated, provide field recommendations as required based on the actual conditions encountered, document the activities of the grading contractor and assess his/her compliance with the project specifications and recommendations. It is important that our representative meet with the contractor prior to grading to help establish a plan that will minimize costly over-excavation and site preparation work. Of primary importance will be observations made during site preparation, structural fill placement, footing excavations and construction.

CLOSURE AND LIMITATIONS

This report is intended for the exclusive use of the addressee and/or their representative(s) to use to design and construct the proposed new Arizona Way Apartments structures and/or their associated site improvements described herein as well as to prepare any related construction documents. The conclusions and recommendations contained in this report are based on site conditions as they presently exist and assume that the explorations are representative of the subsurface conditions between the explorations and/or across the study area. The data, analyses, and recommendations herein may not be appropriate for other structures and/or purposes. We recommend that parties contemplating other structures and/or purposes contact our office. In the absence of our written approval, we make no representation and assume no responsibility to other parties regarding this report. Additionally, the above recommendations are contingent on Redmond geotechnical Services, LLC being retained to provide all site inspections and construction monitoring services associated with all aspects of the site grading, earthwork operations, and foundation preparation work for this project. Redmond Geotechnical Consultants, LLC will not assume any responsibility and/or liability for any engineering judgment, inspection, and/or testing performed by others.

It is the owners/developers responsibility for insuring that the project designers and/or contractors involved with this project implement our recommendations into the final design plans, specifications and/or construction activities for the project. Further, in order to avoid delays during construction, we recommend that the final design plans and specifications for the project be reviewed by our office to evaluate as to whether our recommendations have been properly interpreted and incorporated into the project.

If during any future site grading and construction, subsurface conditions different from those encountered in the explorations are observed or appear to be present beneath excavations, we should be advised immediately so that we may review these conditions and evaluate whether modifications of the design criteria are required. We also should be advised if significant modifications of the proposed site development are anticipated so that we may review our conclusions and recommendations.

LEVEL OF CARE

The services performed by the Geotechnical Engineer for this project have been conducted with that level of care and skill ordinarily exercised by members of the profession currently practicing in the area under similar budget and time restraints. No warranty or other conditions, either expressed or implied, is made.

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APPENDIX A

TEST PIT LOGS & LABORATORY TEST RESULTS

APPENDIX

FIELD EXPLORATIONS AND LABORATORY TESTING

FIELD EXPLORATION

Subsurface conditions at the site were explored by excavating four (4) exploratory test pits on July 6, 2016. The approximate location of the test pit explorations are shown in relation to the proposed new Arizona Way Apartments structures and their associated site improvements on the Site Exploration Map, Figure No. 2.

The test pits were excavated using track-mounted excavating equipment in general conformance with ASTM Methods in Vol. 4.08, D-1586-94 and D-1587-83. The test pits were excavated to depths ranging from about 5.0 to 6.0 feet beneath existing site grades. Detailed logs of the test pits are presented on the Log of Test Pits, Figure No's. A-5 and A-6. The soils were classified in accordance with the Unified Soil Classification System (USCS), which is outlined on Figure No. A-4.

The exploration program was coordinated by a field engineer who monitored the excavating and exploration activity, obtained representative samples of the subsurface soils encountered, classified the soils by visual and textural examination, and maintained continuous logs of the subsurface conditions. Disturbed and/or undisturbed samples of the subsurface soils were obtained at appropriate depths and/or intervals and placed in plastic bags and/or with a thin walled ring sample.

Groundwater was encountered within one (1) of the exploratory test pits (TH-#2) at the time of excavating at a depth of two (2) feet beneath existing surface grades.

LABORATORY TESTING

Pertinent physical and engineering characteristics of the soils encountered during our subsurface investigation were evaluated by a laboratory testing program to be used as a basis for selection of soil design parameters and for correlation purposes. Selected tests were conducted on representative soil samples. The program consisted of tests to evaluate the existing gradational characteristics and Atterberg Limits properties as well as direct shear strength, consolidation and "R"-value tests of the native clayey, sandy silt, silty sand and silty clay subgrade soils.

Dry Density and Moisture Content Determinations

Density and moisture content determinations were performed on both disturbed and relatively undisturbed samples from the test pit exploration in general conformance with ASTM Vol. 4.08 Part D-216. The results of these tests were used to calculate existing overburden pressures and to correlate strength and compressibility characteristics of the soils. Test results are shown on the test pit log at the appropriate sample depths.

Maximum Dry Density

One (1) maximum dry density test was performed on a representative sample of the existing clayey, sandy silt subgrade soils in general conformance with ASTM Vol. 4/08 Part D-1557-78. The test was conducted to facilitate classification of the soils and for correlation purpose. The test results appear on Figure No. A-7.

Atterberg Limits

Liquid Limit (LL) and Plastic Limit (PL) tests were performed on a representative sample of the upper native clayey silt subgrade soils in accordance with ASTM Vol. 4.08 Part D-4318-85. The test results were used to help facilitate classification of the soils and to determine engineering strength properties. The test results are shown graphically on Figure No. A-8.

Gradation Analysis

Gradation analyses were performed on a representative sample of the underlying sandy, clayey silt subsurface soils in accordance with ASTM Vol. 4.08 Part D-422. The test results were used to help classify the soil in accordance with the Unified Soil Classification System (USCS). The test results are shown graphically on Figure No. A-9.

Direct Shear Strength Test

One (1) Direct Shear Strength test was performed on an undisturbed and/or remolded sample at a continuous rate of shearing deflection (0.02 inches per minute) in accordance with ASTM Vol. 4.08 Part D-3080-79. The test results were used to determine engineering strength properties and are shown graphically on Figure No. A-10.

Consolidation Test

One (1) Consolidation test was performed on an undisturbed and/or remolded sample of the native silty clay subgrade soil to help assess the compressibility characteristics of the near surface silty clay subgrade soils in general conformance with ASTM Vol. 4.08 Part D-2435-90.

Conventional loading increments of 100, 200, 400, ... 12,800 psf were applied after the 100 percent time of primary consolidation was identified and defined for each loading increment. The sample was unloaded and allowed to rebound after the completion of the loading sequence. Deflection versus time readings were recorded for all load increments from 100 to 12,800 psf. The deflection corresponding to 100 percent primary consolidation was plotted on the consolidation strain versus consolidation pressure curve, which is presented on Figure No. A-11.

"R"-value Tests

One (1) "R"-value test was performed on an a near surface sandy silt subgrade soils in general conformance with ASTM Vol. 4.08 Part D-2844. The test results were used to help evaluate the subgrade soils supporting performance capabilities when subjected to traffic loading. The test results appear on Figure No. A-12

The following figures are attached and complete the Appendix:

Figure No. A-4	Key To Exploratory Boring Logs
Figure No's. A-5 and A-6	Log of Test Pits
Figure No. A-7	Maximum Dry Density Test Results
Figure No. A-8	Atterberg Limits Test Results
Figure No. A-9	Gradation Test Results
Figure No. A-10	Direct Shear Strength Test Results
Figure No. A-11	Consolidation Test Results
Figure No. A-12	"R"-Value Test Results

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravels or gravel-sand mixtures, little or no fines.
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	Well graded sands, gravelly sands, little or no fines.
			SP	Poorly graded sands or gravelly sands, little or no fines.
		SANDS WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%		ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.
			OL	Organic silts and organic silty clays of low plasticity.
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.
			CH	Inorganic clays of high plasticity, fat clays.
			OH	Organic clays of medium to high plasticity, organic silts.
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils.

DEFINITION OF TERMS

U.S. STANDARD SERIES SIEVE: 200, 40, 10, 4

CLEAR SQUARE SIEVE OPENINGS: 3/4", 3", 12"

SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		

GRAIN SIZES

SANDS, GRAVELS AND NON-PLASTIC SILTS	BLOWS/FOOT†
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

RELATIVE DENSITY

CLAYS AND PLASTIC SILTS	STRENGTH‡	BLOWS/FOOT†
VERY SOFT	0 - 1/4	0 - 2
SOFT	1/4 - 1/2	2 - 4
FIRM	1/2 - 1	4 - 8
STIFF	1 - 2	8 - 16
VERY STIFF	2 - 4	16 - 32
HARD	OVER 4	OVER 32

CONSISTENCY

†Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1-3/8 inch I.D.) split spoon (ASTM D-1586).

‡Unconfined compressive strength in tons/sq. ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D-1586), pocket penetrometer, torvane, or visual observation.

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KEY TO EXPLORATORY TEST PIT LOGS
Unified Soil Classification System (ASTM D-2487)

ARIZONA WAY APARTMENTS
Garibaldi, Oregon

PROJECT NO.	DATE	
1004.049.G	8/08/16	Figure A-4

BACKHOE COMPANY: BUCKET SIZE: 24 inches DATE: 7/06/16

DEPTH (FEET)	BAG SAMPLE	DENSITY TEST	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	SOIL CLASS. (U.S.C.S.)	SOIL DESCRIPTION
						TEST PIT NO. TH-#1 ELEVATION 25'±
0					ML	Dark brown, very moist, soft, organic, clayey, sandy SILT (Topsoil)
	X			22.7	ML	Light gray with medium brown mottling, very moist to wet, medium stiff, clayey, sandy SILT
5						
						Total Depth = 6.0 feet No groundwater encountered at time of exploration
10						
15						
						TEST PIT NO. TH-#2 ELEVATION 16'±
0					ML	Dark brown, very moist to wet, very soft, highly organic, clayey, sandy SILT (Topsoil)
	X	X	82.2	44.7	CL	Light gray, wet to saturated, very soft, slightly sandy, silty CLAY with log at 2'
5	X			20.1	SM	Medium brown, wet, medium dense, clayey, silty SAND
						Total Depth = 6.0 feet Seepage encountered at 2 feet at time of excavation
10						
15						

LOG OF TEST PITS

PROJECT NO. 1001.049.G | ARIZONA WAY APARTMENTS | FIGURE NO. A-5

BACKHOE COMPANY: | BUCKET SIZE: 24 inches | DATE: 7/06/16

DEPTH (FEET)	BAG SAMPLE	DENSITY TEST	DRY DENSITY (pcf)	MOISTURE CONTENT (%)	SOIL CLASS. (U.S.C.S.)	SOIL DESCRIPTION
						TEST PIT NO. TH-#3 ELEVATION 15'±
0					ML	FILL: Medium brown, very moist, poorly to moderately compacted, clayey, sandy SILT
	X			19.7	ML	NATIVE GROUND: Dark brown, very moist, soft, organic, clayey, sandy SILT (Old Topsoil)
5					ML/ SM	Gray with orangish-brown mottling, very moist, medium stiff to loose, clayey, sandy SILT to silty SAND
						Total Depth = 6.0 feet No groundwater encountered at time of exploration
10						
15						
						TEST PIT NO. TH-#4 ELEVATION 13.5'±
0					ML	Dark brown, very moist, soft, organic, clayey, sandy SILT (Topsoil)
	X			18.1	SM	Medium brown, very moist, loose, slightly clayey, silty SAND
5					GM/ SM	Orangish-brown, very moist to wet, medium dense, slightly clayey, silty and sandy GRAVEL to gravelly SAND
						Total Depth = 5.0 feet No groundwater encountered at time of exploration
10						
15						

LOG OF TEST PITS

PROJECT NO. 1001.044.G	ARIZONA WAY APARTMENTS	FIGURE NO. A-6

MAXIMUM DENSITY TEST RESULTS

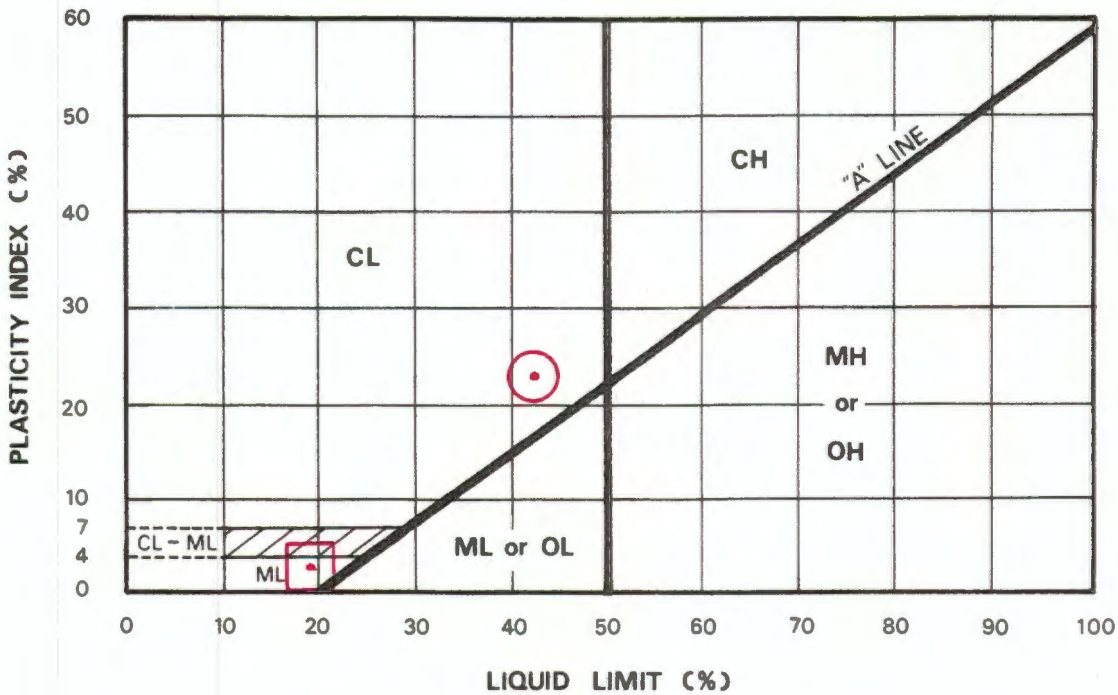
SAMPLE LOCATION	SOIL DESCRIPTION	MAXIMUM DRY DENSITY (pcf)	OPTIMUM MOISTURE CONTENT (%)
TH-#1 @ 2.5'	Light gray with medium brown mottling, clayey, sandy SILT (ML)	102.0	18.0
TH-#2 @ 2.0'	Light gray, sandy, silty CLAY (CL)	88.0	30.0

EXPANSION INDEX TEST RESULTS

SAMPLE LOCATION	INITIAL MOISTURE (%)	COMPACTED DRY DENSITY (pcf)	FINAL MOISTURE (%)	VOLUMETRIC SWELL (%)	EXPANSION INDEX	EXPANSIVE CLASS.
TH-#2	30.0	84.0	46.6	0.054	54.0	Medium

MAXIMUM DENSITY & EXPANSION INDEX TEST RESULTS

PROJECT NO.: 1001.044.G	ARIZONA WAY APARTMENTS	FIGURE NO.: A-7



KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	NATURAL WATER CONTENT %	LIQUID LIMIT %	PLASTICITY INDEX %	PASSING NO. 200 SIEVE %	LIQUIDITY INDEX	UNIFIED SOIL CLASSIFICATION SYMBOL
⊡	TH-#1	2.5	22.7	19.8	3.7	65.8		ML
⊙	TH-#2	2.0	44.7	43.3	22.7	----		CL

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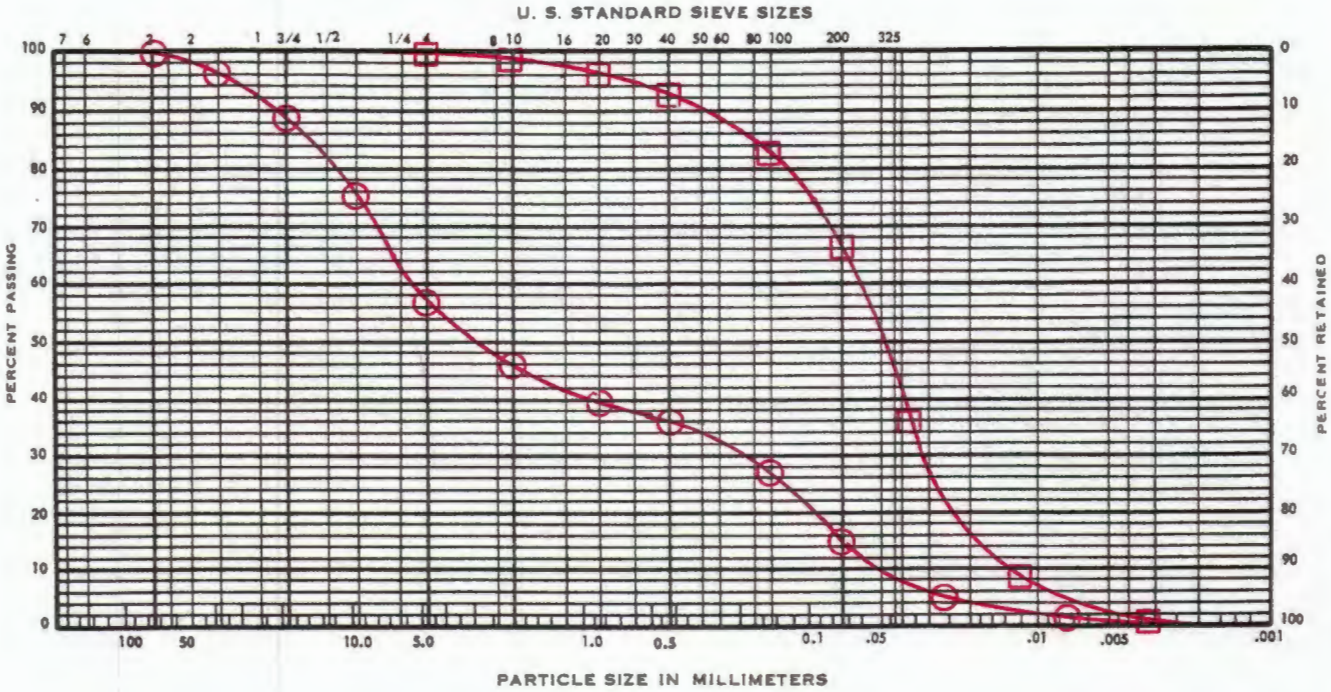
PLASTICITY CHART AND DATA

ARIZONA WAY APARTMENTS
Garibaldi, Oregon

PROJECT NO.	DATE	Figure
1001.044.G	8/08/16	A-8

UNIFIED SOIL CLASSIFICATION SYSTEM

(ASTM D 422-72)



COBBLES	GRAVEL		SAND			SILT AND CLAY
	COARSE	FINE	COARSE	MEDIUM	FINE	

KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	ELEV. (feet)	UNIFIED SOIL CLASSIFICATION SYMBOL	SAMPLE DESCRIPTION
⊟	TH-#1	2.5		ML	Light gray with brown mottling, clayey, sandy SILT
⊖	TH-#4	2.5		GM/SM	Orangish-brown, slightly clayey, silty and sandy GRAVEL to gravelly SAND

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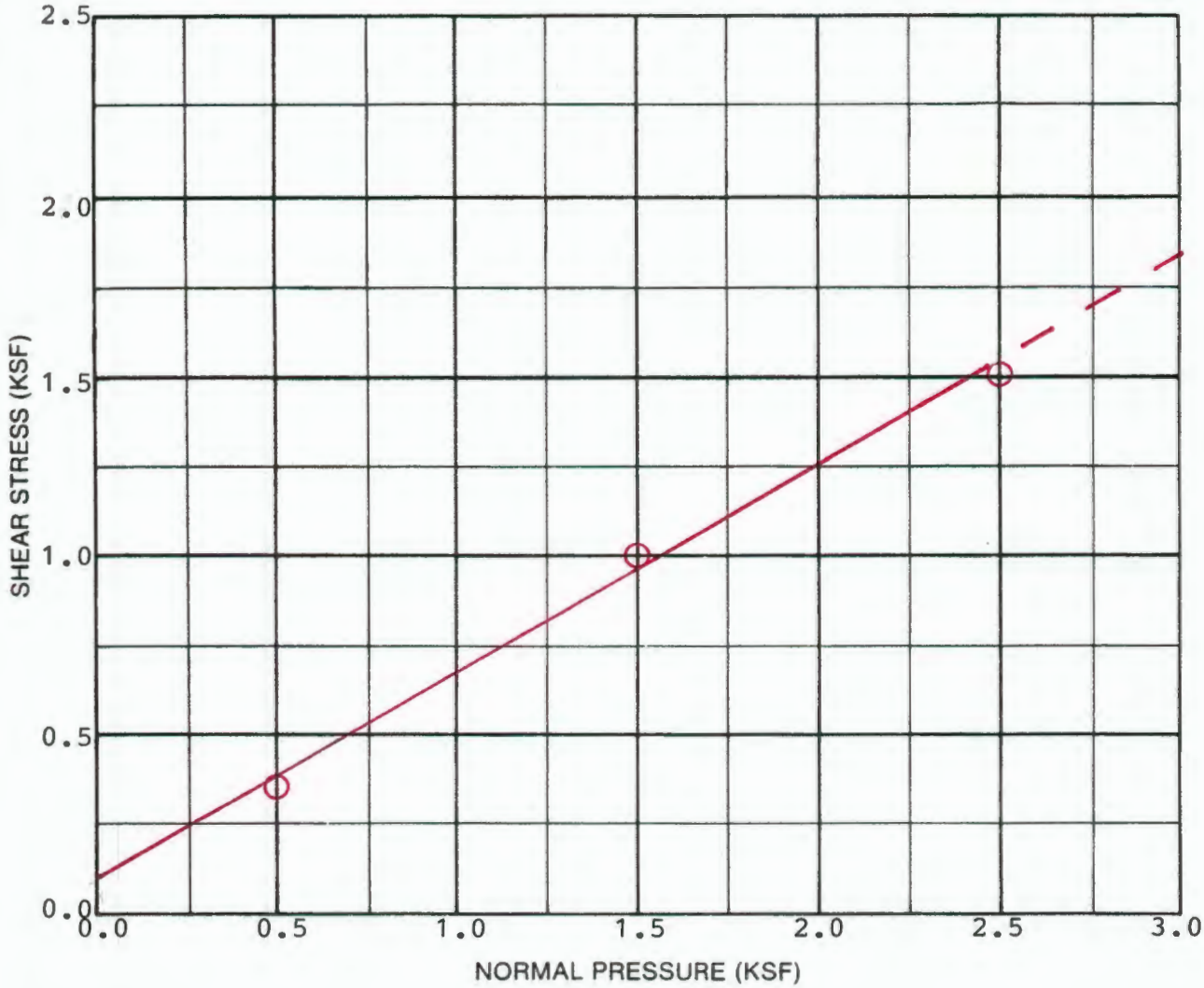
GRADATION TEST DATA

ARIZONA WAY APARTMENTS
Garibaldi, Oregon

PROJECT NO.	DATE	FIGURE
1001.044.G	8/08/16	A-9



SAMPLE DATA	
DESCRIPTION:	Gray with brown mottling, clayey, sandy SILT (ML)
BORING NO.:	TH-#1
DEPTH (ft.): 2.5	ELEVATION (ft):
TEST RESULTS	
APPARENT COHESION (C):	100 psf
APPARENT ANGLE OF INTERNAL FRICTION (Φ):	28°

TEST DATA				
TEST NUMBER	1	2	3	4
NORMAL PRESSURE (KSF)	0.5	1.5	2.5	
SHEAR STRENGTH (KSF)	0.3	1.0	1.5	
INITIAL H_2O CONTENT (%)	18.0	18.0	18.0	
FINAL H_2O CONTENT (%)	18.3	16.1	13.3	
INITIAL DRY DENSITY (PCF)	95.0	95.0	95.0	
FINAL DRY DENSITY (PCF)	95.2	97.7	102.4	
STRAIN RATE: 0.02 inches per minute				

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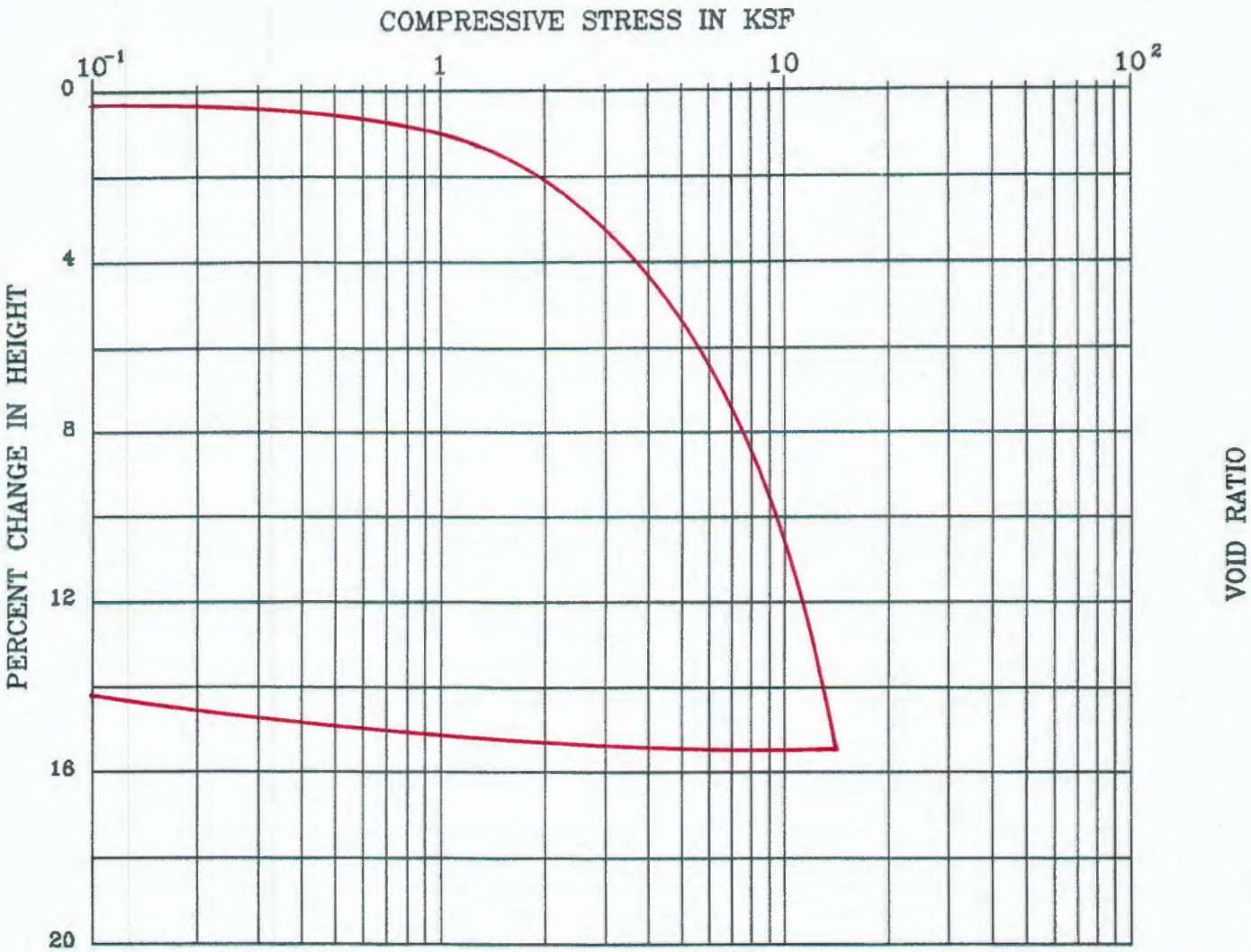
DIRECT SHEAR TEST DATA

ARIZONA WAY APARTMENTS
Garibaldi, Oregon

PROJECT NO.	DATE	
1601.044.G	8/08/16	Figure A-10



BORING	: TH-#2	DESCRIPTION	: sandy, silty CLAY (CL)
DEPTH (ft)	: 2.0	LIQUID LIMIT	: 43.3
SPEC. GRAVITY	: 2.5 (assumed)	PLASTIC LIMIT	: 20.6

	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	PERCENT SATURATION	VOID RATIO
INITIAL	44.7	82.2	88.1	
FINAL	29.9	94.1	94.4	

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CONSOLIDATION TEST DATA

ARIZONA WAY APARTMENTS
Garibaldi, Oregon

PROJECT NO.	DATE	Figure A-11
1001.044.G	8/08/16	

RESULTS OF R (RESISTANCE) VALUE TESTS

SAMPLE LOCATION: TH-#3

SAMPLE DEPTH: 3.0 feet bgs

Specimen	A	B	C
Exudation Pressure (psi)	221	326	427
Expansion Dial (o.ooo1")	0	0	1
Expansion Pressure (psf)	0	0	3
Moisture Content (%)	17.1	13.5	10.5
Dry Density (pcf)	95.7	100.3	104.4
Resistance Value, "R"	22	35	44
"R"-Value at 300 psi Exudation Pressure = 34			

SAMPLE LOCATION:

SAMPLE DEPTH:

Specimen	A	B	C
Exudation Pressure (psi)			
Expansion Dial (0.0001")			
Expansion Pressure (psf)			
Moisture Content (%)			
Dry Density (pcf)			
Resistance Value "R"			
"R"-Value at 300 psi Exudation Pressure =			