



PLANNING COMMISSION MEETING AGENDA NOTES

Monday, September 19, 2016 – 5:00 p.m.

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

Within this packet you'll find a revised narrative for the original application, exhibits and staff reports all relevant to the application by Paul Daniels for a 26-unit multi-family housing proposal. Please refer to the staff report and the comments below. In the packet you'll find:

- Meeting agenda 1
- Addendum to the Original Staff Report on the Conditional Use Request 2
- Original Proposed Site Plan 3
- Amended Proposed Site Plan 4
- Applicant Letter Requesting an Alternative Proposed Development 5
- Amended Applicant Narrative..... 6 – 19
- Revised Legal Description 20 – 25
- Draft Final Order for Conditional Use Request..... 26 – 33
- Proposed Zone Change Ordinance with Exhibits..... 34 – 42
- Draft Minutes from September 6, 2016 Planning Commission Meeting and Hearing..... 43 - 47

I. CALL TO ORDER

Commission Chair Joe Wrabek should call the meeting to order. Please note time for the record.

II. OLD BUSINESS

A. Conditional Use and Zone Change Application – Paul Daniels (GLAD): This is the only item on the agenda for this special meeting. As discussed during the public hearing held on September 6, 2016, the question before the Planning Commission is whether to allow a conditional use for a multi-family development as proposed by Paul Daniels. In the packet you'll find a draft set of minutes from that hearing referencing the hearing. Since the hearing, the applicant has entered into an agreement with two of the neighboring property owners regarding the original application. Based on this agreement, the applicant is proposing modifications to his original proposal that include increasing the number of units from 24 to 26, increasing the site area through the purchase of an additional portion of lot 490, reduction of height in the buildings on the north side of the property, an increase in the number of buildings located on the site. One building and portion of another building will be reduced from the proposed 35-foot-high three story structures to 27-foot-high two story structures. All of this is addressed in the applicant's revised narrative, and the applicant has submitted new legal

descriptions to the city to demonstrate compliance with the city's criteria for the modifications to the original application. Please refer to the addendum to the staff report for a summary of the proposed changes.

A change in the recommendation to the council regarding the zone change is also required. Staff has verified that DLCD is satisfied with the proposed change, all the original conditions still apply, and the proposed changes are consistent with the city's zoning code and Comp Plan.

Staff has prepared a final order for consideration of the Planning Commission, based on the application, testimony received during the hearing and the staff report as amended. Staff's opinion is that the application is approvable in its original form as well as its amended form, and that commission approve the application as amended.

If a member wishes to make a motion approving the application, I would suggest a **MOTION to approve the request for the conditional use for a multi-family development by Paul Daniels and Garibaldi Leasing and Development as originally presented and as amended and presented to the commission tonight, with the conditions described in the recommendation section of Planner's staff report provided to the commission on September 6, 2016, along with the report addendum presented to the commission tonight, and direct authorize the Chair to sign a final order as presented to the commission tonight.**

Also, we'll need a second **MOTION to make a recommendation to the Garibaldi City Council to approve the applicant's amended request for a zone change from R-1 to C-1 as described in the amended application and staff report.**

III. ADJOURNMENT

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

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

SPECIAL PLANNING COMMISSION MEETING AGENDA **Monday, September 19, 2016 – 5:00 P.M.**

Council Chambers, Garibaldi City Hall, 107 6th Street, Garibaldi, Oregon

- I. CALL TO ORDER
- II. OLD BUSINESS
 - A. Conditional Use and Zone Change Application – Paul Daniels / Garibaldi Leasing and Development
- III. 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

STAFF REPORT ADDENDUM

Case File: #CU-2016-02

Date Filed: 8-29-2016

Hearing Date: 9-6-2016

Continuation: 9-19-2016

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

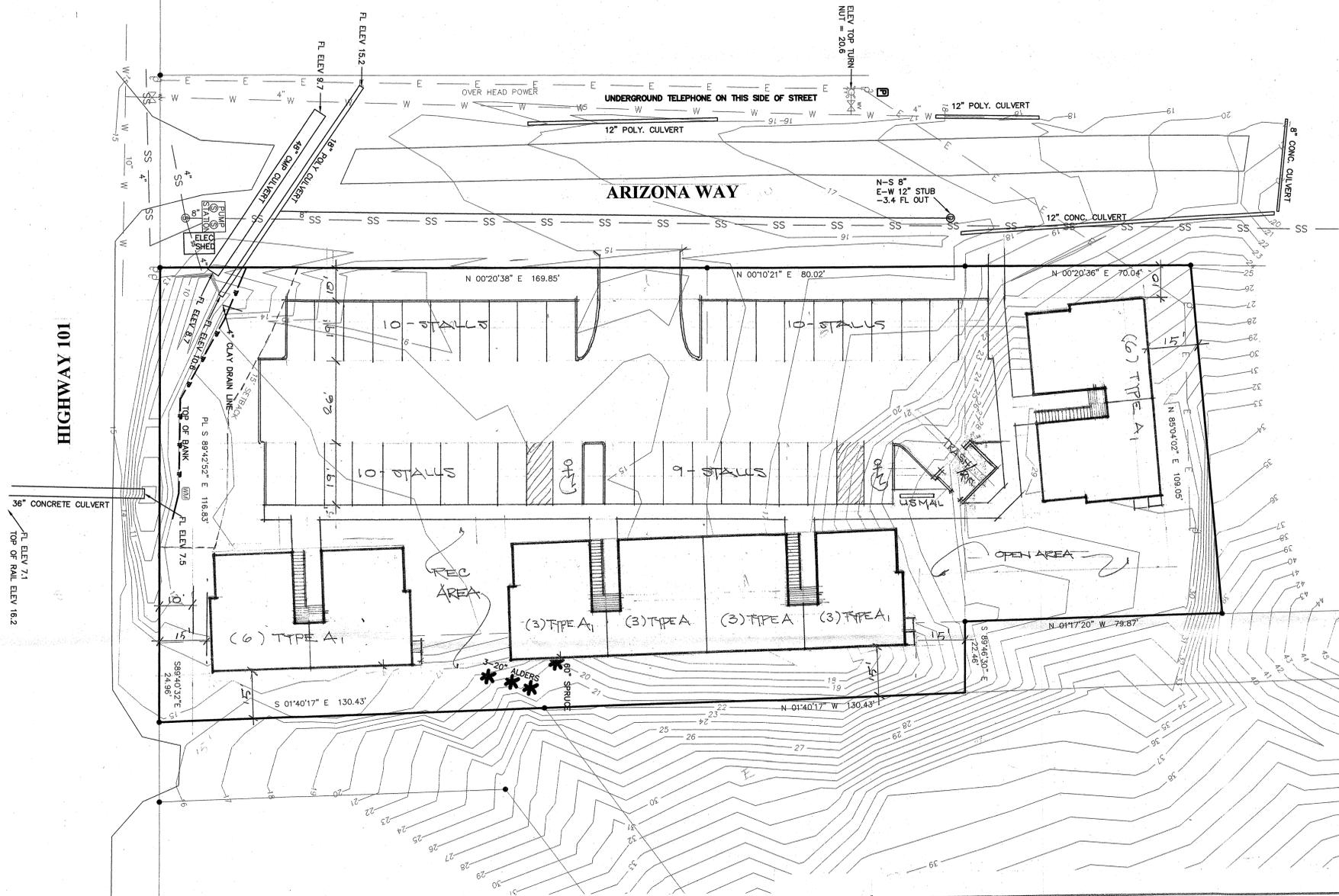
APPLICANT: Garibaldi Leasing and Development, Inc.

REQUEST: The applicant is requesting to amend his original application to the city dated August 9, 2016, for a conditional use approval of a multi-family development. This amended application has been developed in cooperation with adjacent property owners to alleviate certain concerns raised during the public hearing which did not relate to the criteria or standards of the city relevant to the original application. The following is a brief summary of such changes.

1. The building heights for the northerly units were changed from 3-story to 2-story, which reduces the heights of these structures from 35' to 27'.
2. An additional portion of land identified in the application as lot 490 was purchased to accommodate proposed changes in the application, and the total square feet of the site has increased from 42,600 to 44,500.
3. There is 16,769 square feet of open space (permeable surface) provided in the proposal, which includes the required playground siting. This provides approximately 38% open space in the amended proposal, which is still in excess of the 20% minimum requirement.
4. The combined footprints of all the proposed buildings have increased, which results in the utilization of more surface area in the northeast corner of the development site.
5. The density has increased as a result of the applicant's proposed use of number of units increased from 24 units to 26 units

Staff has reviewed the proposed changes and find that all the relevant criteria and conditions in the city's Comp Plan and Zoning Code appear to be met by both the amended application as well as the original application. While the original application is still approvable, staff considers both options to be viable and would recommend that the commission approve the original application as well as the amended application. Staff has prepared a draft final order for the approval of the conditional use request based on the amended application, as well as a final order regarding the zone change application as it would be amended to accommodate the changes in the requested conditional use.

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



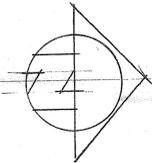
SITE PLAN

1" = 20'-0"

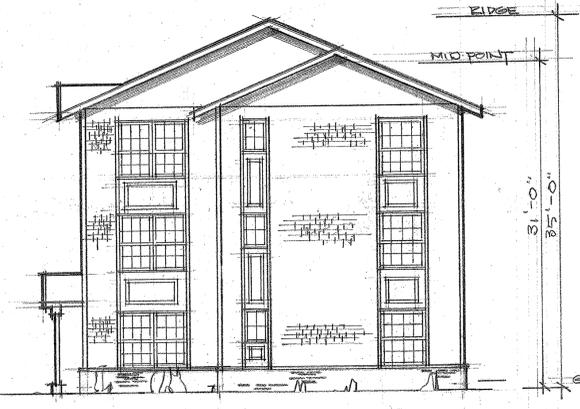
- 24 TOTAL APT UNITS**
 6 TYPE (A) 2 BED/ 2 BATH (994sqft)
 18 TYPE (A-1) 2 BED/ 2 BATH (1022sqft)

- 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)

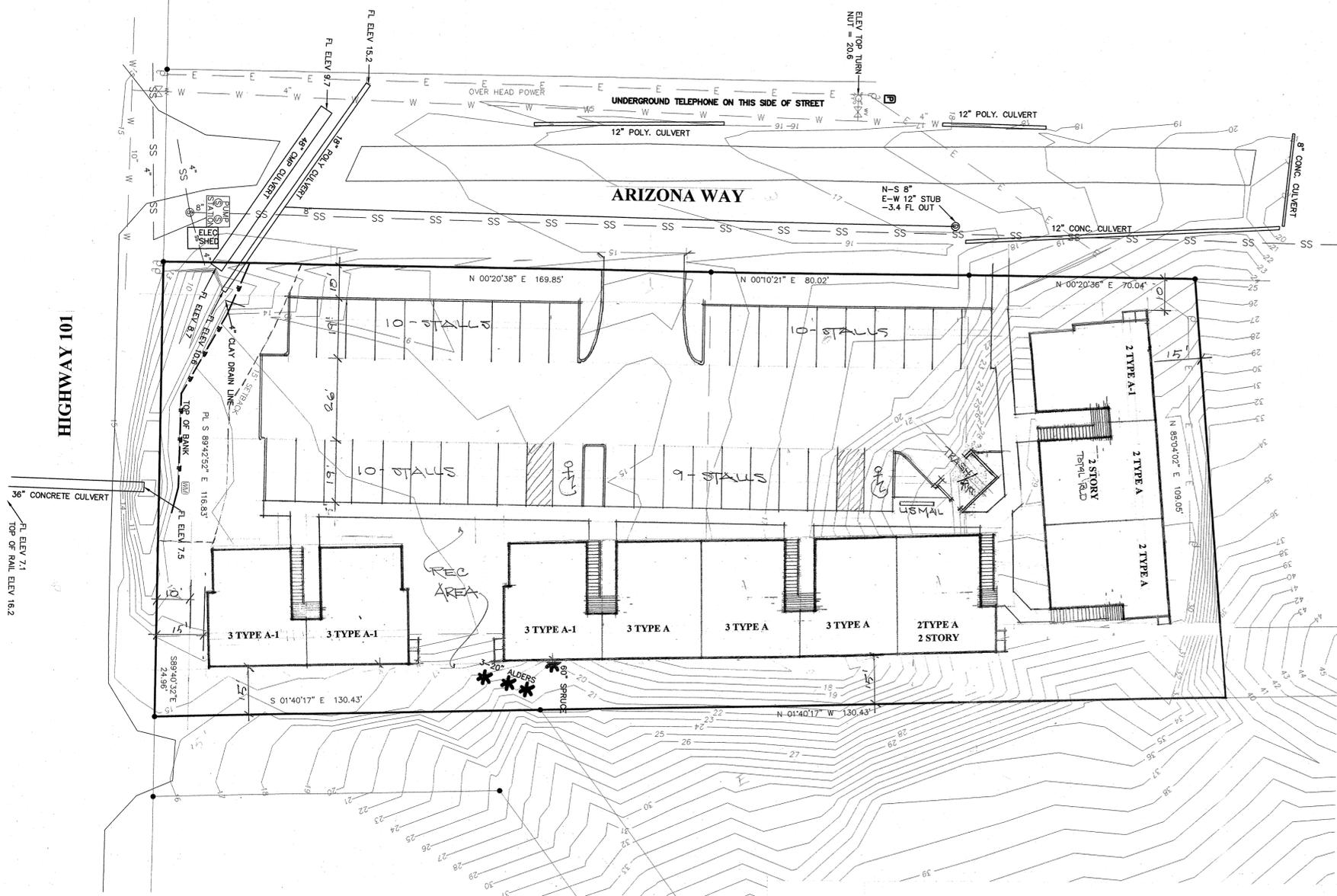


FRONT ELEVATION



VIEW from HIGHWAY 101

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



SITE PLAN

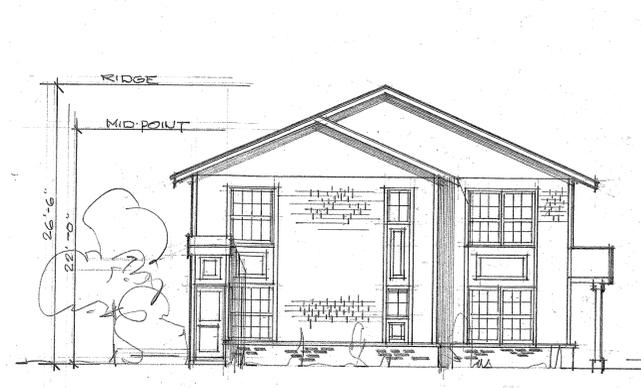
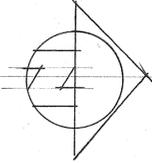
1" = 20'-0"

26 TOTAL APT UNITS
 15 TYPE (A) 2 BED/2 BATH (994sqft)
 11 TYPE (A-1) 2 BED/2 BATH (1022sqft)

39 TOTAL PARKING STALLS
 37 STANDARD STALLS
 2 HANDICAPPED STALLS

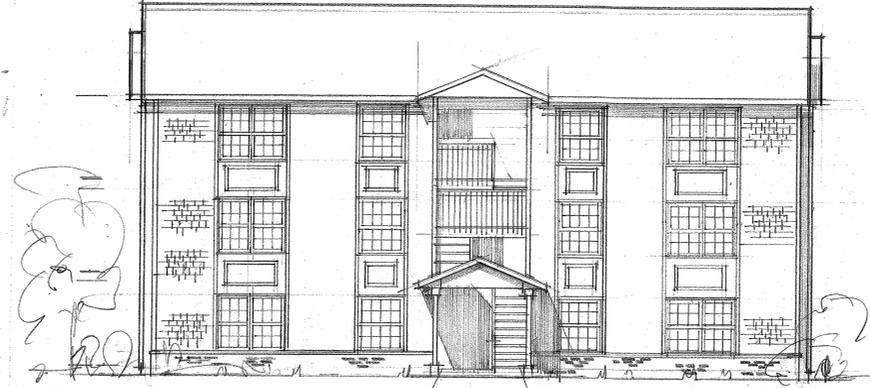
SITE

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



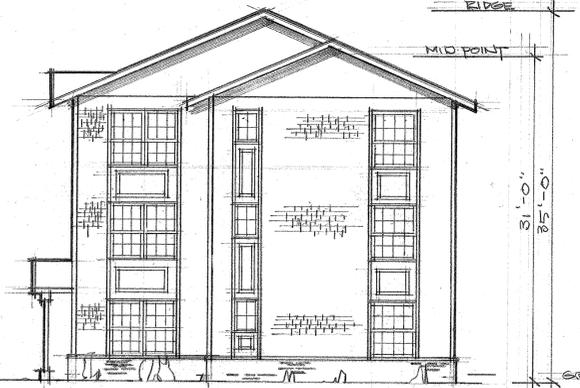
VIEW from ARIZONA WAY

1/8" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"



VIEW from HIGHWAY 101

1/4" = 1'-0"

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

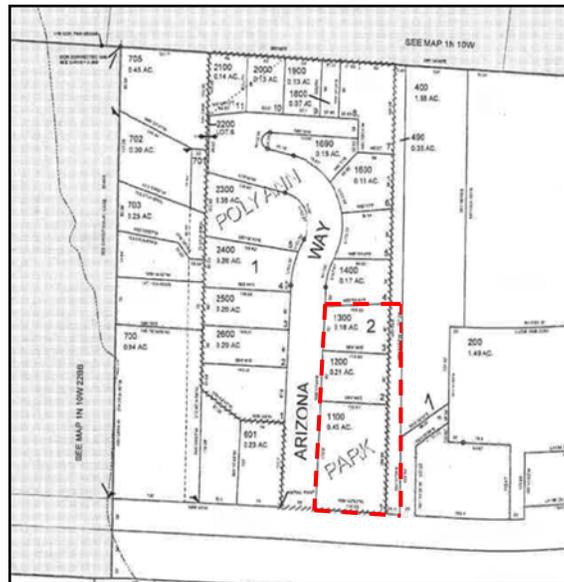
Arizona Way-Garibaldi

Zone Change & Conditional Use

Revised

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 1.02 acres in size and are zoned R-1 and C1. The applicant is proposing to develop the site with 26 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 (the northern 80 feet of Tax Lot 490 as outlined on the site plan), 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 26 multi-family dwellings on the subject properties. The applicant's proposal includes a conditional use and zone change application.

ZONE CHANGE CRITERIA:

The applicant is requesting a zone change to rezone the northern portion (Tax Lots 490 (the northern 80 feet of Tax Lot 490 as outlined on the site plan), 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 26 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 Policies 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.

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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 a 10-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 underutilized. 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:

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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 CRITERIA:

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 3-story 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:

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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 a 10-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.

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Economic Policies:

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The proposal will provide a location for residential uses. The subject property is currently underutilized. 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 26 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 a 10-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 is requesting a conditional use per 18.25.040(C) to allow a greater height than 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 26 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 26 units on the site and is 1.02 acres in size (44,500 square feet in size). See attached survey. Therefore, the required lot size for the 26 unit development is 44,500 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 26 two-bedroom units. Therefore, the applicant is required to provide 39 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 26 units on the site and is 1.02 acres in size (44,500 square feet in size). See attached survey. Therefore, the required lot size for the 26 unit development is 44,500 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. Proposed Buildings 1 and the southern portion of Building 2 are 3-stories in height and are about 35 feet in height. Building 3 and the northern portion of Building 2 are 3-stories in height and are about 27 feet in height. The 3-story 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 1.02 acres in size (44,500 square feet in size/rounded up). 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 26 units on the site and is 1.02 acres in size (44,500 square feet in size/rounded up). Therefore, the required lot size for the 26 unit development is 44,500 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 1.02 acres (44,500 square feet/rounded up) in size. There is about 16,769 square feet of common open space throughout the site that totals 38%. 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 38% 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 sitting 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 26 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 1.02 acres in size. As stated above, there is about 16,769 square feet of common open space throughout the site that totals 38%. 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 38% 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.

In Conclusion: This proposed development takes an underutilized lot and will develop it with 26 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.

BASIS OF BEARING

THE LINE BETWEEN FOUND MONUMENTS NUMBERED 19 AND 27 BEARS NORTH 01°37'34" WEST, THE RECORD VALUE FROM MAP B-2326, TILLAMOOK COUNTY SURVEY RECORDS.

NARRATIVE

THIS IS A DEPENDENT SURVEY OF LOTS 1, 2, AND 3, BLOCK 2, POLLYANN PARK, TILLAMOOK COUNTY PLAT RECORDS, MAP C-361, TILLAMOOK COUNTY SURVEY RECORDS AND A PORTION OF THE BALDOCK TRACT DESCRIBED IN INSTRUMENT #2011-274. THE PURPOSE OF THIS SURVEY IS TO LOCATE THE LOT CORNERS AND TO MONUMENT A PROPOSED BOUNDARY LINE ADJUSTMENT WITH THE BALDOCK TRACT.

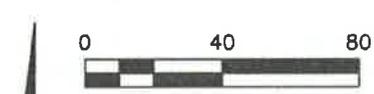
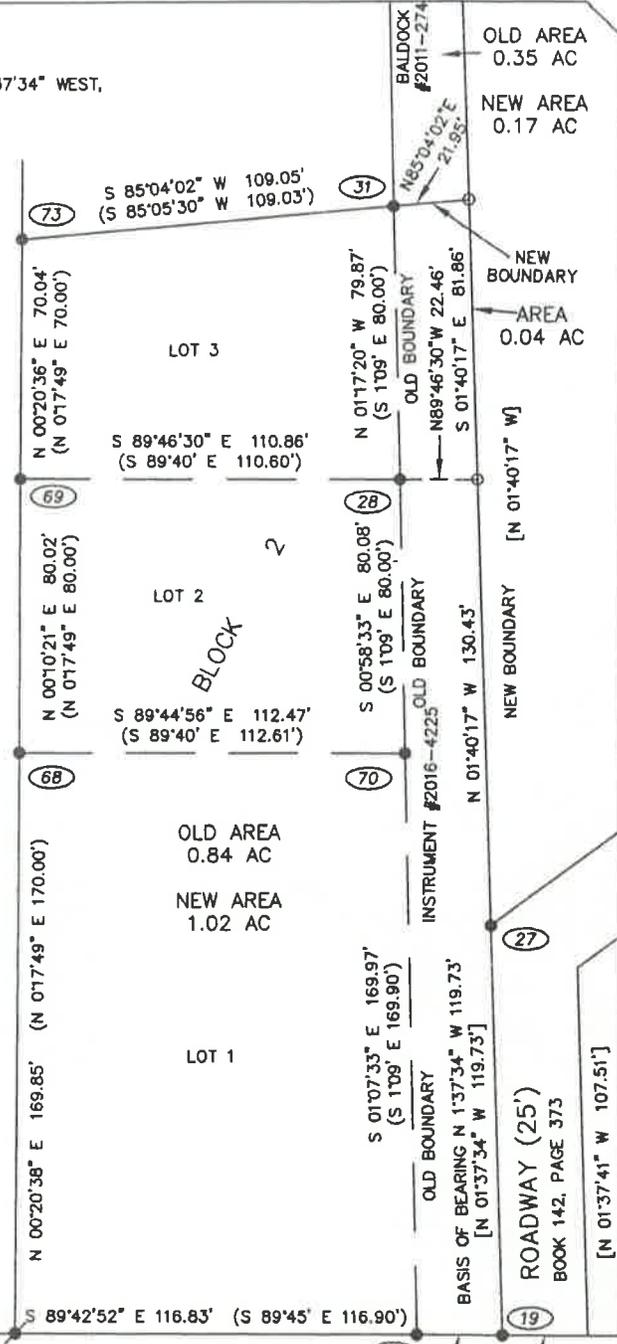
THE EAST LINE OF THE BALDOCK TRACT WAS HELD AS PER MAP B-2326.

LEGEND

- SET 5/8"X40" REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507"
- ⚡ FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "TERRY JONES LS 2507", SEE MAP A-8135, AT POSITION.
- MONUMENT FOUND AS NOTED, HELD.
- [] INDICATES RECORD VALUE FROM MAP B-2326
- () INDICATES RECORD VALUE FROM MAP C-361
- NO [] OR () INDICATES MEASURED VALUE

MONUMENT NOTES

- (19) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A. DUNCAN LS 793", TOP FLUSH WITH GROUND, SEE MAP A-6715, AT POSITION.
- (21) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A. DUNCAN LS 793", TOP FLUSH WITH GROUND, SEE MAP A-6715, AT POSITION.
- (23) FOUND TILLAMOOK COUNTY BRASS CAP IN CONCRETE, 0.3' BELOW GRADE, STAMPED "INITIAL POINT POLLYANN PARK 1991", SEE MAP A-6243, HELD.
- (27) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "A. DUNCAN LS 793", TOP FLUSH WITH GROUND, SEE MAP A-6715, AT POSITION.
- (28) FOUND 1/2" REBAR, TOP FLUSH WITH GROUND, SEE MAP C-361, HELD AS ORIGINAL MONUMENT.
- (31) FOUND 1/2" REBAR, TOP FLUSH WITH GROUND, SEE MAP C-361, HELD AS ORIGINAL MONUMENT.
- (68) FOUND 1/2" REBAR, 1.2' BELOW. STEEL HELD AS ORIGINAL MONUMENT. SEE MAP C-361.
- (69) FOUND 1/2" REBAR, 1.5' BELOW. HELD AS ORIGINAL MONUMENT. SEE MAP C-361.
- (70) FOUND 1/2" REBAR, 0.1' BELOW. HELD AS ORIGINAL MONUMENT. SEE MAP C-361.
- (73) FOUND 1/2" REBAR, FLUSH WITH GRADE. HELD AS ORIGINAL MONUMENT. SEE MAP C-361.



N
SCALE:
1" = 40'

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Terry L. Jones
OREGON
JULY 25, 1991
TERRY L. JONES
2507
RENEWAL DATE: JUNE 30, 2017

PS\ DANPOLLA.DWG
GAR-R-PT.CR5

SURVEY BY:
BAYSIDE SURVEYING
11765 HWY 101 SOUTH

SURVEY FOR:
PAUL DANIELS
LOTS 1, 2, AND 3, BLOCK 2, POLLYANN PARK
TILLAMOOK COUNTY PLAT RECORDS

BAYSIDE SURVEYING

*11765 HWY 101 South
Tillamook, Oregon 97141*

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

AUGUST 11, 2016
LEGAL DESCRIPTION
10 FOOT WIDE EASEMENT

Beginning at a point which is South 89°46'30" East 12.45 feet from the Northeast corner of Lot 2, Block 2, Pollyann Park, Tillamook County Plat Records;

Thence South 89°46'30" East 10.01 feet;

Thence South 01°40'17" East 130.43 feet;

Thence South 01°37'34" East 119.73 feet to the North right-of-way line of Highway 101;

Thence North 89°40'32" West 10.01 feet, along the North right-of-way line of Highway 101;

Thence North 01°38'59" West 250.15 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.

Note:

A non exclusive access easement for ingress and egress but not for utilities, for the sole benefit of the Baldock tract described in Instrument #2011-274, Tillamook County Deed Records less the Garibaldi Leasing and Development tract described in Instrument 2016-4225.

Paul wants to be able to use the property and want that single Baldock tract to be able to use it but no one else.

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

September 9, 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 3, Block 2, Pollyann Park, Tillamook County Plat Records, said corner being monumented with a 1/2 inch rebar;

Thence South 1°17'20" East 79.87 feet to the Southeast corner of said Lot 3, being also the Northeast corner of Lot 2, Block 2, Pollyann Park, 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 1°37'34" West 119.73 feet, along the West line of said roadway;

Thence North 1°40'17" West 212.29 feet to a 5/8 inch rebar;

Thence South 85°04'02" West 21.95 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**

September 9, 2016
LEGAL DESCRIPTION
ADDITIONAL NARROW STRIP

Beginning at the Northeast corner of Lot 3, Block 2, Pollyann Park, Tillamook County Plat Records, said corner being monumented with a 1/2 inch rebar;

Thence North 85°04'02" East 21.95 feet to a point on the East side of the Baldock tract as described in instrument number 2011-274;

Thence along the East line of said Baldock tract, South 1°40'17" East 81.86 feet;

Thence North 89°46'30" West 22.46 feet to a 1/2" rebar at the Southeast corner of said Lot 3;

Thence along the East line of said Lot 3, North 1°17'20" West 79.87 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.

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.

5. 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.
6. On August 9, 2016, the applicant requested conditional use approval for a 24-unit multi-family housing development on the subject property. Details of the applicant's conditional use proposal including its size, design, and operating characteristics can be found in the submitted application materials, which are incorporated into the record herein by reference. An alternate plan was submitted for 26 units on September 12, 2016, in consultation with city staff regarding testimony from the original hearing held on September 6, 2016.
7. Comments received from Garibaldi City Engineer, Blake Lettenmaier, indicate that City sewer and water services are available to serve the subject property.
8. The Garibaldi Fire Chief has reviewed the application and stated for the record that based on the information he received;
 - 1) Arizona Way must meet the current road standards adopted by the city and the County Fire Defense Board. These improvements, at a minimum, must be at least to the furthest point of the driveway. This is recommended for emergency access of fire apparatus.
 - 2) As per the fire code, a fire apparatus must be able to park at these multifamily residences and be able to extend a fire hose 150' to the back of the structure.
 - 3) The FDC, (fire department connection) that is proposed is in an adequate location. However, the existing fire hydrant that is located across the street, shortly beyond the proposed driveway is not adequate. The hydrant is on a 4" main line and is past the driveway. The Fire Chief is recommending a new fire hydrant be installed off of the ten-inch main line along HWY 101. A six-inch hydrant should be installed on the North/ West corner of Arizona way and HWY 101 jct.
 - 4) The topography of the back side of the North side and the East side are sloped to the point that an emergency rescue could not be performed in the event of a window rescue or for firefighter access for roof ventilation operations. I recommend leveling off and terracing the back sides of the unlevelled ground to enable the above for safe firefighter operations.
9. A public hearing was held before the Garibaldi Planning Commission on Tuesday, September 6, 2016 to consider the request. All interested parties were given an

opportunity to attend the hearing and to provide testimony on the matter. The hearing was closed and the record held open until September 19, 2016.

Relevant Criteria, Garibaldi Municipal Code:

Chapter 18.25, Commercial (C-1) Zone
Chapter 18.80, Hillside Overlay Zone
Chapter 18.90, Access Requirements
Chapter 18.95, Clear Vision Areas
Chapter 18.105, Dual Use of Required Open Space
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 18.210, Administrative Provisions

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

Findings:

The Garibaldi Planning Commission adopts by reference the proposed findings as presented in the submitted application materials and the Case File CU-2016-02 Staff Report, to support a determination that the applicable criteria as identified above are satisfied. In addition, the Planning Commission finds:

1. Multi-family dwellings are allowed conditionally the Commercial Zone. The original proposal for a 24-unit multi-family development and the revised proposal for a 26-unit multi-family development both meet applicable standards of the Commercial Zone (GMC § 18.25), Multi-Family and Apartment Siting Requirements (GMC § 18.110), Automobile Parking Standards (GMC § 18.125), Hillside Overlay Zone requirements (GMC § 18.80), Riparian Vegetation standards (GMC § 18.170), Clear Vision Area standards (GMC § 18.95), Dual Use of Required Open Space (GMC § 18.105), Access Requirements (GMC § 18.90), Conditional Use standards (GMC § 18.185), and Administrative Provision (GMC § 18.210).
2. The proposed building heights of 35 feet are permissible as a conditional use, and the applicant has demonstrated conformance with the criteria in GMC § 18.185 for issuance of a conditional use permit for the proposed use with structural heights in excess of 30 feet.
3. The Garibaldi Comprehensive Plan identifies the need for multi-family developments and projects 19 multi-family units in the Commercial Zone by 2025. The proposal is consistent with this projection.

4. The application materials identify relevant Garibaldi Comprehensive Plan goals and policies consistent with the request.
5. The proposed building placement and setbacks from the adjacent R-1 (Residential) Zone meet the specific setback standards for multi-family housing as identified in Garibaldi Municipal Code Section 18.110.010, and meet or exceed all other requirements for development setbacks where the C-1 and R-1 zones interface.
6. Ingress and egress to/from the property is by means of a new driveway off of Arizona Way. Arizona Way is identified by the Garibaldi Transportation System Plan as a local street and is presumed to be adequate after improvements described in the application to accommodate vehicular traffic generated by the development are made.
7. Garibaldi Municipal Code Section 18. 210.110 requires a traffic impact study when new development results an increase in site traffic volume generation by 150 average daily trips (ADT) or more. The proposed development would generate 130 ADT with 26 units and therefore a traffic impact study is not required.
8. Other uses allowed outright in the Commercial Zone include retails stores, indoor amusement including a bowling alley, banks, hotels, and other high-intensity uses. The proposed multi-family development will not generate excessive traffic when compared to the traffic generated by these other use types which do not require conditional use approval.
9. Garibaldi Municipal Code Section 18.125.030 requires 39 off-street parking spaces to serve the development as amended. The applicant has proposed to provide 39 off-street parking spaces, including accommodation for handicapped accessible spaces and bicycle parking. The proposed parking will reduce the demand for overflow parking to the surrounding neighborhood.

Conclusions:

The record and findings support the conclusion that:

1. Substantial evidence in the record demonstrates that the proposed use of the subject property as a multi-family development meets the applicable standards of Garibaldi Municipal Code Chapter 18.25, Commercial Zone. Building heights of 35 feet are approvable as a conditional use.
2. Substantial evidence in the record demonstrates that the proposed use of the subject property meets the applicable standards of Garibaldi Municipal Code Chapter 18.80, Hillside Overlay Zone.
3. Substantial evidence in the record demonstrates that the proposed use meets the applicable standards of Garibaldi Municipal Code Chapter 18.90, Access Requirements.

4. Substantial evidence in the record demonstrates that the proposed use meets the applicable standards of Garibaldi Municipal Code Chapter 18.95, Access Requirements.
5. Substantial evidence in the record demonstrates that the proposed use of the subject property as a multi-family development meets the applicable standards of Garibaldi Municipal Code Chapter 18.105, Dual Use of Required Open Space.
6. Substantial evidence in the record demonstrates that the proposal satisfies the specific standards for multi-family housing developments, including setbacks, open space, parking, play area, vision screening and natural conditions, as identified in Garibaldi Municipal Code Chapter 18.110, Multifamily or Apartment Siting Criteria.
7. Substantial evidence in the record demonstrates that the proposal satisfies the automobile parking standards identified in Garibaldi Municipal Code Chapter 18.125.
8. Substantial evidence in the record demonstrates that the proposed use of the subject property meets the applicable standards of Garibaldi Municipal Code Chapter 18.170, Riparian Vegetation.
9. Substantial evidence in the record demonstrates that the proposed use satisfies the specific standards for conditional uses as identified in Garibaldi Municipal Code Chapter 18.185.
10. Substantial evidence in the record demonstrates that the proposed, application for the proposed use and process of the application by the City meets the applicable standards of Garibaldi Municipal Code Chapter 18.210, Administrative Provisions.

Order

It is ORDERED by the Garibaldi Planning Commission that Case File #CU-2016-02 be APPROVED subject to the following conditions:

1. Approval is based upon the original submitted plan (24 units) and the alternate submitted plan (26 units). Any substantial change in the approved plans 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 applicant shall provide 36 parking stalls for the 24-unit plan and 39 parking stalls for the 26-unit plan and parking area layout in accordance with the provisions

- of GMC Chapter 18.125. Parking shall include appropriate provisions for ADA accessibility.
4. All parking spaces and parking area layout shall be clearly identified and marked.
 5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. 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.
 11. 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. Fencing or shrubs shall be placed to prevent headlights from glaring off-site.
 12. Any signs shall be in conformance with applicable standards of GMC Chapter 18.120.
 13. The proposed 1,110 square-foot playground shall be fenced and screened from adjacent properties.
 14. The proposed development shall maintain a managerial office in Garibaldi. The applicant currently owns and manages another apartment site in Garibaldi, and this conditional use recognizes that both site will be operated under the same management. This conditional use allows for management of both sites from the managerial office located at the applicant's primary apartment site under the

condition that both sites are owned and operated by the same individual. Any change in ownership that results in this site being owned and operated by another individual who does not have a managerial office located in Garibaldi shall be required to operate a manager's office at this location.

15. 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.
16. Site pedestrian sidewalks shall connect to sidewalk area shown on Figure 1.

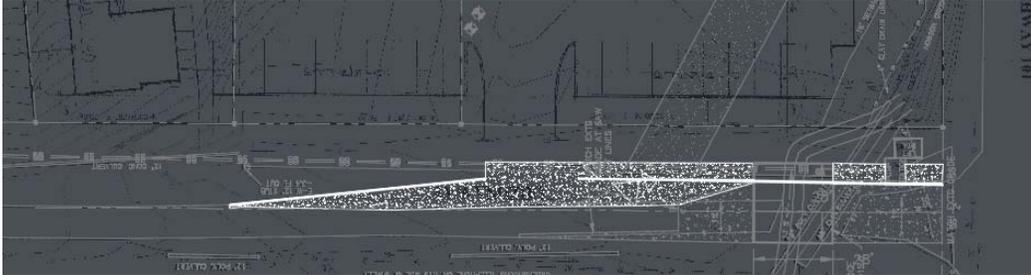


Figure 1.

17. The applicant shall meet all requirements of the Garibaldi City Engineer, for street improvements to Arizona Way. 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 as illustrated in Figure 1. and 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

This ORDER was presented to and approved by the Garibaldi Planning Commission Chair this _____ day of September, 2016.

Joe Wrabek, Chair
Garibaldi Planning Commission

**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, 2016 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, 2016 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,

- 1 - 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)

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 19th day of September, 2016.

Hon. Suzanne McCarthy, Mayor

ATTEST:

John O'Leary, City Manager/Recorder

Attached: **Exhibit A**

2 - 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 LOT 14127 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR)

Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 1

**CITY OF GARIBALDI
PLANNING COMMISSION**

IN THE MATTER OF

A request from Garibaldi Leasing and Development for a zone map amendment affecting approximately 0.51 acres of land)	FINDINGS, CONCLUSIONS, AND RECOMMENDATION
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NATURE OF THE REQUEST:

The City of Garibaldi Planning Commission has received and considered a request from the Garibaldi Leasing and Development, for a zone map amendment (zone change) from R-1 (Residential), to C-1 (Commercial) on Garibaldi Leasing and Development-owned property described below.

RELEVANT FACTS:

The following is a summary of the background and facts found to be relevant to this decision:

- A. On August 9, 2016 the City of Garibaldi received a completed application from the Garibaldi Leasing and Development, to request a zone change from Residential (R-1), to Commercial (C-1) affecting approximately 0.47 acres. The applicant amended their application by purchasing additional property containing 0.04 acres. All application materials are a part of the record and incorporated into this document by reference.
- B. The amended subject property is described on a survey and legal description prepared by Bayside Surveying and dated September 9, 2016, which was included in the application materials. The surveyed land consists of a portion of tax Lot 490, tax Lot 1200 and tax Lot 1300 on Tillamook County Assessor’s Map #1N 10 22 BA, and intended for development by the Garibaldi Leasing and Development.

Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 2

- C. The City provided both mailed and published notices of the public hearing to consider the proposed amendment, in accord with Oregon Revised Statutes Chapter 197 and Garibaldi Municipal Code Chapter 18.210.020.
- D. A staff report which provides details of the proposal was issued on August 29, 2016. The report provides an analysis of the proposal including the applicable criteria under review and staff comments to support findings in the event of approval by the Planning Commission. The staff report is a part of the record and incorporated into this document by reference.
- E. The Garibaldi Planning Commission held a public hearing to consider the proposed zone change on September 6, 2016. All interested parties were invited to attend and to provide testimony regarding the request.
- F. Testimony Presented:
1. Proponents of the request provided testimony in support of the zone change.

Applicant emphasized that the proposed use would provide needed housing.

Carol Lee North, 503 E Garibaldi Ave. – proponent. Noted the need for high end apartments in the Garibaldi. No criteria cited.

Linda Richards, 103 Arizona Way – proponent. Expressed concern over storm water drainage on the development site, and stated that she felt the applicant’s geo-hazard report requirements should be followed. No criteria cited.

Jean Cailliau, 509 E Garibaldi Ave. – proponent. Expressed the need for a good on-site manager for the property. No criteria cited.
 2. Opponents of the request provided testimony against the zone change.

Mike Rebsamen, 206 2nd Street – opponent. Questioned the permeable space percentage and set back. Commented on the requirement for full-cutoff light fixtures. O’Leary noted that this condition was a recommendation from staff to the planning commission based on the impact of the exterior lighting utilized on the multi-family. Expressed opposition to the application. No criteria cited.

Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 3

Randy Baldock, 116 Arizona Way – opponent. Expressed his opinion that this development doesn't fit into the surrounding neighborhood. No criteria cited.

Nicholas V. Bloom, 114 Arizona Way – opponent. Stated that he had not received information about this project in a timely manner. Noted that he would have liked to see a report on the noise impact and an estuaries report. No criteria cited.

SUBSTANTIVE CRITERIA:

a) Garibaldi Municipal Code Chapter 18.200, Land Use District Map and Text Amendments:

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.]

18.200.020 Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed by the planning commission and city council and shall conform to the Transportation Planning Rule provisions in GMC [18.200.060](#), as applicable. [Ord. 290 § 3(9.020), 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;

Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 4

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.

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;
2. Approval of the request is consistent with the comprehensive plan;
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;
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; and
5. The amendment conforms to the Transportation Planning Rule provisions under GMC [18.200.060](#). [Ord. 290 § 3(9.030), 2006.]

FINDINGS:

The Planning Commission finds:

- A. The requested Zone change from R-1 (Residential) to C-1 (Commercial) would increase the projected 20-year surplus of 33.5 acres of C-1-zoned land to 34 acres. 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

Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 5

because it maintains its minimum supply of residential zoning in compliance with Goal 10. Therefore, the request is consistent with Goal 10 of the Statewide Planning Goals.

- B. The zone change will help preclude the potential for non-residential land use being located in this residential area.
- C. If zoned C-1, the proposed use described by the applicant would provide needed North Coast housing as identified by the Oregon Department of Land Conservation and Development.
- D. Public facilities and services are available at the site. The City Engineer and System Operator have provided comments applicable to transportation facilities and their adequacy as related to the request. Those staff comments are adopted by reference as findings to support an approval of the request.
- E. Planning staff comments provided in the staff report address applicable Garibaldi Comprehensive Plan policies that support the request. Those staff comments are adopted by reference as findings to support an approval of the request.

CONCLUSIONS:

The Planning Commission concludes:

- A. The proposed amendment to the Garibaldi Zone Map is in the interest of the public, because it will allow needed development.
- B. The proposed zone map amendment is consistent with Statewide Planning Goal 10 because it maintains its minimum supply of Residential (R-1-Zoned) lands.
- C. The proposed zone map amendment is consistent with the Garibaldi Comprehensive Plan Policies pertaining to Procedures and the Community Development Pattern.
- D. The proposed amendment satisfies the Garibaldi Municipal Code requirements for quasi-judicial zone map amendments.

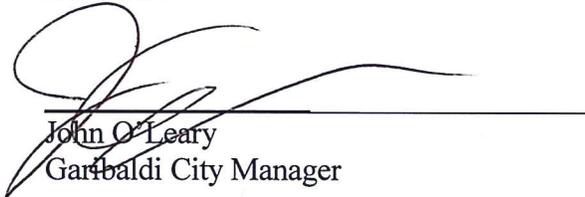
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RECOMMENDATION:

Based on the Findings and Conclusions above, the Planning Commission recommends to the Garibaldi City Council that the proposed zone map amendment be approved, being a matter of public need and for orderly development within the City.

RECOMMENDATION APPROVED THIS 19th DAY OF SEPTEMBER, 2016.

ATTEST:



John O'Leary
Garibaldi City Manager



Joseph Wrabek,
Planning Commission Chair

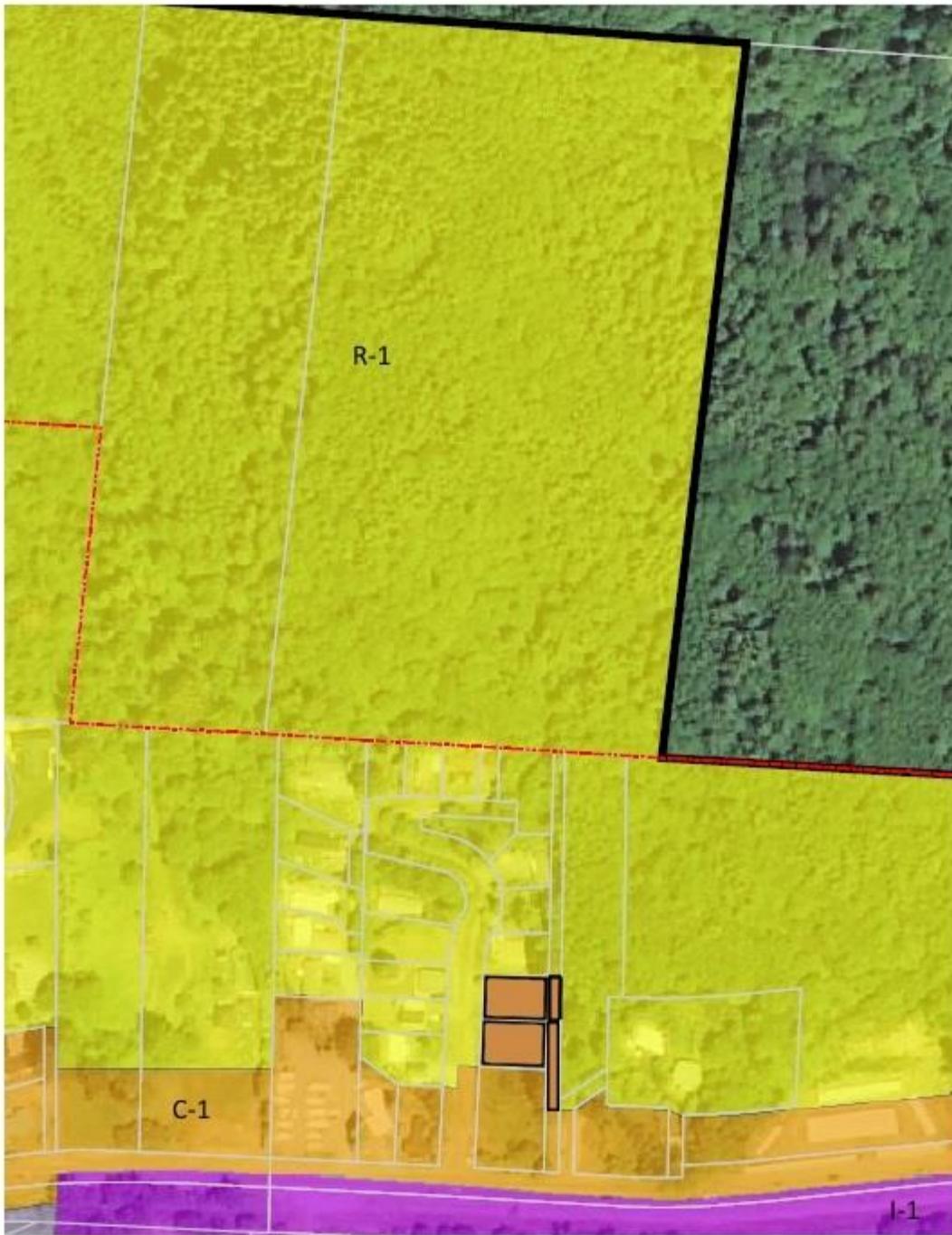
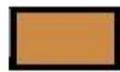


EXHIBIT A
REQUESTED ZONE CHANGE AREA (AMENDED)



R-1 TO C-1



P.O. Box 708 / 107 6th Street
Garibaldi, OR 97118
Phone: (503) 322-3327
Fax: (503) 322-3737

Email: city@ci.garibaldi.or.us
Website: www.ci.garibald.or.us

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PLANNING COMMISSION PUBLIC HEARING MINUTES

Tuesday September 6, 2016, 6:30 p.m.

Council Chambers, Garibaldi Meeting Hall

I. CALL TO ORDER

Planning Commission Chair Joe Wrabek called the regular Planning Commission meeting to order and opened the Public Hearing for an application for a conditional use permit for Paul Daniels at 6:30 p.m. Present were Commissioners Wendy Brown, Jeff Walters, and Jean Watts, City Manager John O'Leary, City Engineer Blake Lettenmaier, Assistant Recorder Kylie Poklikuha and Randy Baldock, Nicholas V. Bloom, Jean Cailliau, Carolee North, Mike Rebsamen, James S Schneider, Linda Vincent, Richard Vincent, and Pat Wingard (OLCD). Roll was called; Cm Christie Zerfing was excused.

II. A. PUBLIC HEARING - CONDITIONAL USE PERMIT BY PAUL DANIELS AND GARIBALDI LEASING AND DEVELOPEMENT, INC.

Chair Wrabek noted that all attendees wishing to speak should sign the attendee sheet and note whether they were speaking for or against the project.

Chair Wrabek read aloud the following statement: "This is a quasi-judicial hearing of the Garibaldi Planning Commission to consider an application for a conditional use in the C-1 Zone within the City of Garibaldi, and to request that portions of the subject property currently zoned R-1, be changed to C-1. The decision that will be made here tonight is going to be whether or not the Planning Commission should approve the requested conditional use and make a recommendation to the city council 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 commission or any of its members? This question is specific the authority of the Garibaldi City Planning Commission in approving or denying a request for conditional use within the City of Garibaldi.”

Chair Wrabek asked if there were any objections to the jurisdiction of the Planning Commission or its members to hear the matter at this time. Hearing no objections, Chair Wrabek asked if any commissioners declared conflict of interest or bias. Cm Walters excused himself due to a possible business relationship with Mr. Daniels regarding firewood. Chair Wrabek asked if any commissioner had ex parte contacts to declare. Hearing non, Chair Wrabek read the following statement: “At this time I’ll have the City Manager summarize the Planner’s staff report and relay any correspondence or inquiry received to date.” O’Leary reported on the request, described the project site then summarized the Planner’s staff report. O’Leary reviewed the application and noted that no public agencies have commented on the plan.

Outstanding substantive issues: O’Leary noted that it is a conditional use for height as well as multifamily siting. The buildings will be 35 feet tall; however, the base floor elevation will be 10 feet below existing grade, so the structures will have the same characteristics of a 24-foot-high building constructed on the existing grade. He noted that all criteria have been met for permeable ground surface relating to storm water control, and that all utilities necessary for this development are available including water, wastewater, storm water, electrical and transportation. O’Leary also noted that the applicant has provided Geo Hazard report identifying existing ground conditions, which makes recommendations on construction and development. O’Leary explained that the parking requirements for multi-family siting have been addressed by the application, and that no transportation impact study is required for this application; however, the applicant has provided an engineer’s report on the proposed development’s effect relating to state’s transportation rules. O’Leary stated the application appears to address all the criteria of the city’s Comp Plan and zoning code.

O’Leary noted that the commission’s decision to approve the conditional use should be based upon a finding that all the criteria have been or can be satisfied. A motion to deny the request should be based upon a finding that the proposal does not or cannot satisfy the criteria required for a conditional use. The recommendation of staff is to approve the conditional use application as presented, noting that it appears that all substantive criteria have been satisfied. There were no questions from the commissioners.

Chair Wrabek read aloud the following statement: “The decision that will be made tonight is whether or not the Planning Commission will approve of the requested use. The decision to approve or deny the use will be adopted through a final order that staff will prepare after the meeting tonight. Any appeal to the decision made here tonight must be submitted to the City Recorder within ten days of the date that the final order is

signed. Once staff has prepared the final order and I have signed it, the applicant will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?"

There were no questions from the commissioners or public.

Presentation by Paul Daniels of Garibaldi Leasing, Inc. Daniels stated his opinion that this application fits the need for additional housing in Garibaldi, and did not add any additional information to his application in his comments. No questions to Mr. Daniels from the commissioners.

Chair Wrabek then opened the floor to public testimony.

Chair Wrabek read aloud the following statement: "The Planning Commission 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 chair, 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."

Proponent testimony:

Carol Lee North, 503 E Garibaldi Ave. – proponent. Noted the need for high end apartments in the Garibaldi. No criteria cited.

Linda Richards, 103 Arizona Way – proponent. Expressed concern over storm water drainage on the development site, and stated that she felt the applicant's geo-hazard report requirements should be followed. No criteria cited.

Jean Cailliau, 509 E Garibaldi Ave. – proponent. Expressed the need for a good on-site manager for the property. No criteria cited.

Opponent testimony:

Mike Rebsamen, 206 2nd Street – opponent. Questioned the permeable space percentage and set back. Commented on the requirement for full-cutoff light fixtures. O'Leary noted that this condition was a recommendation from staff to the planning commission based on the

impact of the exterior lighting utilized on the multi-family. Expressed opposition to the application. No criteria cited.

Randy Baldock, 116 Arizona Way – opponent. Expressed his opinion that this development doesn't fit into the surrounding neighborhood. No criteria cited.

Nicholas V. Bloom, 114 Arizona Way – opponent. Stated that he had not received information about this project in a timely manner. Noted that he would have liked to see a report on the noise impact and an estuaries report. No criteria cited.

Chair Wrabek asked the audience if anyone would like to request the record be held open for at least seven days. Discussion. Commission approved request for record to be left open for ten days with the hearing to reconvene September 19, 2016, City Council Room, 5:00pm. Hearing no other comments or questions from the commissioners or the public, Chair Wrabek closed the Public Hearing at 7:30 p.m.

B. PUBLIC HEARING - ZONE CHANGE APPLICATION BY PAUL DANIELS AND GARIBALDI LEASING AND DEVELOPEMENT, INC.

Chair Wrabek opened the Public Hearing for the proposed zone change at 7:40 p.m.

O'Leary summarized the staff report on a zone change from R-1 to C-1 required for the conditional use application previously heard. Criteria for changing the code is in the city's Comp Plan, and noted that this decision is based on what fits within the community. O'Leary noted that the proposed zone change is consistent with all city and state planning goals. O'Leary explained that the proposed use is residential in nature and the effect of the zone change would not change the functional character of the surrounding area. O'Leary explained that the greatest impact of this change would be to attain the highest residential density at this location. There were no questions from the commissioners.

Presentation by Paul Daniels of Garibaldi Leasing, Inc. Daniels reiterated his previous statements and did not provide any new information to his application. No questions to Mr. Daniels from the commissioners.

Proponent testimony:

Carol Lee North, 503 E Garibaldi – proponent. No criteria cited.

Linda Richards, 103 Arizona Way – proponent. No criteria cited.

Jean Cailliau, 509 Arizona Way – For. Glad it is a not a motorcycle shop and hopes to see a good manager on site. No criteria cited.

Patrick Wingard (Oregon Land Use Agency), 4301 3rd Street, Tillamook – Wingard commented that the Oregon Department of Land Conservation

and Development supports the proposed zone change, stating that the application does appear to meet the state's land use planning goals. Noted the need for additional housing on the North Oregon Coast.

Opponent testimony:

Mike Rebsamen, 206 2nd Street – opponent. Objected to the proposed height and expressed opposition to the application. no criteria cited.

Randy Baldock, 116 Arizona Way – opponent. Expressed opposition the zoning change. No criteria cited.

Nicholas V. Bloom, 114 Arizona Way – opponent. Expressed opposition to the application, no criteria cited.

Chair Wrabek closed the Public Hearing at 7:59 p.m.

MOTION to by Chair Wrabek to recommend to the Garibaldi City Council to approve the applicant's request for a zone change from R-1 to C-1 as described in the application and the staff report. Seconded by Cm Brown. AYES: Brown, Wrabek, Watts. NAYS: None. ABSTENTIONS: Walters – based on previous recusal. Motion passed.

Chair Wrabek reconvened the regular meeting at 8:05 p.m.

III. NEW BUSINESS

A. Port of Garibaldi - Review of Regulated Use – Transient Dock Ramp. O'Leary provided a brief staff report on the request by the Port of Garibaldi for a permit to relocated and reconstruct an existing gang-way (pedestrian dock access) on the port's property.

MOTION Made by Cm Walters to approve a permit application by the Port of garibaldi for the replacement and relocation of a gangway for the port's transient dock as presented, and to direct staff to administer the permit in conjunction with all state and federal agencies with relevant jurisdiction. Seconded by Cm Watts. AYES: Brown, Wrabek, Walters, Watts. NAYS: None. Motion passed.

IV. ADJOURNMENT

Meeting adjourned by Chair Wrabek at 8:06 p.m.

Joe Wrabek, Chair

ATTEST:

John O'Leary, City Manager