

REGULAR PLANNING COMMISSION MEETING AGENDA NOTES

Monday, November 28, 2016 – 6:30 p.m.

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

I. CALL TO ORDER

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

II. MINUTES

- A. **Approval of Minutes for the Special Planning Commission Meeting and Public Hearing for September 6, 2016. (PAGES 2 – 6)**
- B. **Approval of Minutes for the Special Planning Commission Meeting for September 19, 2016 (PAGES 7 – 8)** Unless there are any corrections or comments I would recommend a **MOTION to approve both sets of minutes as presented.**

III. NEW BUSINESS

- A. **Review of Regulated Activities – USACE/DSL Joint Permit Application – Garibaldi Leasing and Development (GLAD) – Arizona Way Apartment Development:** The materials in the packet (PAGES 9 – 25) are relevant to the conditionally approved multi-family housing development on Arizona Way. This application to USACE and DSL is necessary for GLAD to remove the existing wetlands and construct the project. This is a regulated activity in the city's code under sections 18.165.020 and 030. Essentially, you have to approve the wetland removal as a land use activity before GLAD can submit for their joint permit. Since you've already approved the conditional use for the apartments, it goes without saying that this is necessary for the project to be constructed as permitted by the commission.

If a member wishes to make a motion approving the application as a regulated activity, I would suggest a **MOTION to approve the land use component of GLAD's US Army Corp of Engineers and Oregon Division of State Lands joint permit application to remove wetlands as described in the application presented to the commission tonight.**

- B. **Review of Regulated Activities – USACE/DSL Joint Permit – City of Garibaldi – Arizona Way Bridge Project:** The material in the packet (PAGES 26 – 37) is to demonstrate compliance with the relevant city land use codes regarding regulated activities. Blake's memo at the front of these documents explains what we are doing and why. This isn't something that the planning commission can really make any decision on due to the restrictions and regulations imposed on the

city with this project; however, staff would ask the commission to make a **MOTION to acknowledge the permit received by the US Army Corp of Engineers and the Oregon Division of State Lands as presented.** This motion will satisfy the requirement of having the planning commission review the regulated activity associated with this project. Please let me or Blake know if you have any questions.

C. **Review of Conditional Use for GLAD – Modification to Approved**

Development: I've included the original site plan (PAGE 38) and a revised site plan for GLAD's multi-family housing development on Arizona Way (PAGE 39). GLAD has received a conditional use from the planning commission for this development with two options; one results in all of the buildings being built at three stories, and the other results in a combination of two and three story buildings. What the applicant is asking for at this time is hybrid of the two options where all the buildings at the north end of the site are two story, all the building along the western property line are three story, and part of the building on the southern end will have a one story section where an office and tenant storage area will be located. The applicant believes that this is going to result in the highest and best use of the site, and the addition of tenant-storage is certainly a good amenity for such a development. Because this was a conditionally approved application, the planning commission needs to review and approve the proposed changes before staff can issue any land use permits that allow for the proposed modification. Assuming the commission is satisfied with the change, I would recommend a **MOTION to approve the proposed changes to the site plan of the conditional use permit issued to GLAD and Paul Daniels for a multi-family housing development as presented and as described in the commission's final order CU-2016-02.**

IV. **ADJOURNMENT**

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

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REGULAR PLANNING COMMISSION MEETING AGENDA **Monday, November 28, 2016 – 6:30 P.M.**

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

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES
 - A. Special Planning Commission Meeting and Public Hearing Minutes – September 6, 2016
 - B. Special Planning Commission Meeting Minutes – September 19, 2016
- III. NEW BUSINESS
 - A. Review of Regulated Activities - USACE/DSL Joint Permit Application – Garibaldi Leasing and Development (GLAD) – Arizona Way Apartment Development
 - B. Review or Regulated Activities - USACE/DSL Joint Permit - City of Garibaldi - Arizona Way Bridge
 - C. Review of Conditional Use for GLAD – Modification to Approved 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



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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



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SPECIAL PLANNING COMMISSION MINUTES

Tuesday September 19, 2016, 5:00 p.m.

Council Chambers, Garibaldi Meeting Hall

I. CALL TO ORDER

Planning Commission Chair Joe Wrabek called the special Planning Commission meeting to order at 5:00 p.m. Present were Commissioners Wendy Brown, Jeff Walters, Jean Watts, and Cm Christie Zerfing, City Manager John O'Leary, City Engineer Blake Lettenmaier, Assistant Recorder Kylie Poklikuha. Roll was called.

II. OLD BUSINESS

A. Conditional Use Permit by Paul Daniels and Garibaldi Leasing and Development, Inc.

O'Leary provided an update on changes made to the original application, noting that the proposal does fit within city codes and the impacts are no different. Subjectively, the height will now impact views less. Hearing no other comments or questions from the commissioners or the public, Chair Wrabek closed the Public Hearing at 5:00 p.m.

MOTION by Cm Watts 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 the Chair to sign a final order as presented to the commission tonight

Seconded by Cm Brown. AYES: Brown, Wrabek, Watts, Zerfing. NAYS: None. ABSTENTIONS: Walters - based on previous recusal. Motion passed.

B. Zone Change Application by Paul Daniels and Garibaldi Leasing and Development, Inc.

MOTION made by Cm Watts 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.

Seconded by Cm Brown. AYES: Brown, Wrabek, Watts, Zerfing. NAYS: None. ABSTENTIONS: Walters - based on previous recusal. Motion passed.

IV. ADJOURNMENT

Meeting adjourned by Chair Wrabek at 8:15 p.m.

Joe Wrabek, Chair

ATTEST:

John O'Leary, City Manager

Memorandum

To: Garibaldi Planning Commission
From: Blake Lettenmaier, Planner-in-Training
Date: November 7, 2016
Subject: Garibaldi Leasing and Development (GLAD) - Arizona Way Apartments -
CORP/DSL Joint Permit Application

Garibaldi Leasing and Development is applying for CORP/DSL Joint Permit due to wetlands on the site. The attached application requires the Planning Commission's review, approval and signature before GLAD can submit the application.

The city is required to review this permit under its zoning ordinance. This is not a public hearing. Fill in a wetland of an excess of 50 cubic yards is an activity specified in Chapter 18.165.020 of the Garibaldi Municipal Code (GMC). They must also meet Section 18.165.030 of the GMC - Procedure for reviewing regulated activities. This specifies a review of state and federal permit notices.

The filling is such a permit notice. Additional information may be available at the commission meeting. GLAD is expected to be present to explain the project to the commission. Staff will also provide any additional information obtained by the meeting date.

Joint Permit Application

This is a joint application, and must be sent to both agencies, who administer separate permit programs. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Date Stamp

	U.S. Army Corps of Engineers Portland District		Oregon Department of State Lands
Corps Action ID Number		DSL Number	

(1) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Contact Name	Paul Daniels		Robert Sweeney
Business Name	Garibaldi Leasing & Development Inc. (GLAD)		Environmental Management Systems Inc. (EMS)
Mailing Address 1	PO Box 736		408 SE International Way suite B112
Mailing Address 2			
City, State, Zip	Garibaldi, OR 97118		Milwaukie, OR 97222
Business Phone	503-812-8909		503-353-9691
Cell Phone			
Fax			
Email	danielpaul353@yahoo.com		bob@envmgtsys.com

(2) PROJECT INFORMATION

A. Provide the project location.

Project Name 102 Arizona Way	Tax Lot # 490,1100,1200,1300	Latitude & Longitude* 45.563194,-123.899055	
Project Address / Location 102 Arizona Way	City (nearest) Garibaldi	County Tillamook	
Township 01N	Range 10W	Section 22BA	Quarter/Quarter

Brief Directions to the Site

From Tillamook, travel N on HWY101 for 9 miles to Arizona Way (on right). Site is on the right.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

River / Stream Non-Tidal Wetland Lake / Reservoir / Pond
 Estuary or Tidal Wetland Other Pacific Ocean

Waterbody or Wetland Name**	River Mile	6th Field HUC Name	6th Field HUC (12 digits)
Wetland 1 & Wetland 2	NA	Tillamook Bay Frontal Pacific Ocean	171002030800



(2) PROJECT INFORMATION

C. Indicate the project category. (Check all that apply.)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Commercial Development | <input type="checkbox"/> Industrial Development | <input checked="" type="checkbox"/> Residential Development |
| <input type="checkbox"/> Institutional Development | <input type="checkbox"/> Agricultural | <input type="checkbox"/> Recreational |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Restoration | <input type="checkbox"/> Bank Stabilization |
| <input type="checkbox"/> Dredging | <input type="checkbox"/> Utility lines | <input type="checkbox"/> Survey or Sampling |
| <input type="checkbox"/> In- or Over-Water Structure | <input type="checkbox"/> Maintenance | <input type="checkbox"/> Other: |

* In decimal format (e.g., 44.9399, -123.0283)

** If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").

(3) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

The purpose is to construct 3, three-story multi-family apartment buildings with 26 two bedroom apartment units (and associated parking) to meet demand for affordable multi-family housing in Garibaldi, Tillamook County, Oregon.

The project site includes Tax Lots 490, 1100, 1200, & 1300 on the Garibaldi County assessor's map 01N10W22BA (attached).

The project will meet growing need for long-term rental housing in the Garibaldi area. The need for additional housing was indicated by the 2006 City of Garibaldi Comprehensive Plan (sec VI), which describes a relative lack of affordable multi-family housing. Much of the available housing in the vicinity is used for short-term vacation rental. This project will provide needed housing for permanent residents of the Garibaldi area.

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical and biological characteristics of each wetland or waterway. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

Wetland 1 is delineated as a freshwater intermittent riverine system. The hydrogeomorphic sub-classification is riverine flow-through. The channel of this system was characterized by the steep banks that were dominated by trees and shrubs. The channel floor was dominated by *Lysichiton americanum* (Skunk Cabbage) with *Athyrium filix-femina* (Ladyfern) and *Equisetum arvense* (Common Horsetail). Surface water was present in this area and the soils presented a strong hydrogen sulfide smell when disturbed. The upland area was distinguished by high topographical setting and the high provenance of FACU plants such as *Sambucus racemose* (red elderberry), *Polystichum munitum* (Sword Fern), and *Pteridium aquilinum* (Bracken Fern). This wetland is presumed to continue up the hillside, off of the property, in a northeastern direction.

Water from Wetland 1 flows in a southwestern direction downslope until it meets Wetland 2, a palustrine emergent wetland system (Cowardin). The hydrogeomorphic sub-classification is slope. This wetland is a relatively flat area that receives water from the surrounding hillsides by way of Wetland 1. The water from the riverine system (Wetland 1) slows and fans out across this wide area on the property, before meeting Hobson Creek along the southern border of the property. Wetland 2 is characterized by the emergent hydrophytic plants in the herb stratum such as *Equisetum arvense* (Common Horsetail), *Phalaris arundinacea* (Reed Canary Grass), and *Conium maculatum* (Poison Hemlock). The boundary was easily discernable by the large *Rubus armeniacus* (Himalayan Blackberry) *Sambucus racemose* (Red Elderberry) and *Rubus spectabilis* (Salmonberry) that surrounded the area, as well as topography changes. No surface water was present in this wetland at the time of the site-visit, but a high water table was noted.

Hobson Creek is culverted across Arizona Way on to the property, which is then culverted off the property across HWY 101 where it eventually meets Miami Cove, as confirmed by Blake Lettenmaier, City of Garibaldi City Engineer.

The soils observed during field investigation were generally consistent with mapped soil units by NRCS for this area.

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

B. Describe the existing navigation, fishing and recreational use of the waterway or wetland.

The wetland within the subject site is not utilized for recreation, navigation, or fishing.

(5) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterway or wetland.

Off-Site Alternatives

The goal of the project is to provide 26 two bedroom apartments within the city of Garibaldi. All four tax lots in the subject site are within the urban growth boundary. See the attached City of Garibaldi zoning map for further information.

Undeveloped land within the Urban Growth Boundary is extremely limited. The subject site, comprised of four adjoining parcels, was purchased as the only land available for development of the needed housing units.

Because of this limited availability, no off-site alternatives were available for comparison.

On-Site Alternatives

All building designs have been completed to meet City of Garibaldi building and housing codes.

Parking proposed is the minimum allowed under city code.

The buildings have been designed to the maximum height allowed by city of Garibaldi.

Minimization

In order to create the desired, and needed number of units, there are no practical onsite building alternatives for avoiding impact to Wetland 1 or 2.

A stormwater swale will be placed along the eastern property line (see attachment). Jute matting, rocks and check dams will provide energy dissipation, significantly reducing erosion, and sediment transport. This will minimize effects downstream from loss of retention by the wetlands.

(6) PROJECT DESCRIPTION

A. Briefly summarize the overall project including work in areas both in and outside of waters or wetlands.

The project will consist of building three, three story apartment buildings and associated parking.

Construction of the buildings and parking areas will permanently impact 0.14 acres of Wetland 1 & 2.

B. Describe work within waters and wetlands.

(6) PROJECT DESCRIPTION

Wetland Impact: Construction of the two southern-most apartment buildings will require 2' of fill, totaling 1300 cubic yards. This will include the entirety of Wetland 1 and Wetland 2 within the bounds of the property.

Changes to Hydrologic Characteristics: The existing hydrologic regime of the onsite wetlands is seasonal southerly flow from the surrounding hillsides resulting in seasonal saturation and inundation. No surface water was present during the 2016 wetland delineation, however hydrologic indicators were observed in the form of channelization. Construction will fill the existing flow routes. A stormwater detention swale will be installed in the northwest corner of Tax Lot 490 to detain runoff from upslope, which will then be routed to its current outlet, a culvert under Hwy 101.

Rare, Threatened, and Endangered Species: The water resources on the site do not have significant woody vegetation or native plant communities. In addition, ORWAP functional assessment of the wetlands indicate that they are not providing habitat for rare, threatened, or endangered species.

Cultural Resources: A cultural resources survey has not been completed for the site. There are no existing buildings on the site. If cultural remains are encountered during the project, all construction activities will cease and the Oregon State Historic Preservation Office will be notified to evaluate the discovery and recommend subsequent courses of action.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Construction Access and Equipment: Construction equipment will be specific to the selected contractor, but will most likely include dump trucks, backhoes, excavators, bulldozers, roller compactors, water trucks, and cement trucks. All necessary construction stockpiling and access will occur in upland areas along Arizona Way, Highway 101, and Halvorson Drive to the east.

Erosion Control: Throughout construction, best management practices will be used to minimize erosion and siltation associate with sediment runoff. Practicable erosion control measures, such as silt fencing installed downgradient of impact areas, bio bags, straw wattles, and erosion control seeding will be used. Erosion control measures will be installed prior to the commencement of construction and will be properly maintained throughout the duration of construction.

D. Describe source of fill material and disposal locations if known.

No off-site fill is expected, however, any necessary additional fill material will come from an approved native upland source and will meet the engineering structural fill requirement for the building design.

Similarly no off-site disposal is planned. However, if necessary, any such disposal will occur in an approved disposal site.

(6) PROJECT DESCRIPTION

E. Construction timeline.

What is the estimated project start date?	Fall 2016
What is the estimated project completion date?	Summer 2017
Is any of the work underway or already complete? If yes, describe.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

F. Fill Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Fill Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Wetland 1	60	7.2	4	0.01	66	permanent	Base rock/native soil
Wetland 2	148	38.2	1	0.13	210	permanent	Base rock/native soil

G. Total Fill Volumes and Dimensions

Fill Impacts to Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Fill to Wetlands	180	0.14	276
Total Fill Below Ordinary High Water			
Total Fill Below Highest Measured Tide			
Total Fill Below High Tide Line			
Total Fill Below Mean High Water Tidal Elevation			

H. Removal Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Removal Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
Wetland 1	12	6	5	0.002	13.3	Permanent	Native Soil

I. Total Removal Volumes and Dimensions

Removal Impacts to Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Removal to Wetlands	12	0.002	13.3
Total Removal Below Ordinary High Water			
Total Removal Below Highest Measured Tide			
Total Removal Below High Tide Line			
Total Removal Below Mean High Water Tidal Elevation			

* If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").
 ** Indicate the days, months or years the fill or removal will remain. Enter "permanent" if applicable. For DSL, permanent removal or fill is defined as being in place for 24 months or longer.
 *** Example: soil, gravel, wood, concrete, pilings, rock etc.

(7) ADDITIONAL INFORMATION

- Are there any [state](#) or [federally](#) listed species on the project site? Yes No Unknown
- Is the project site within designated or proposed critical habitat? Yes No Unknown
- Is the project site within a national [Wild and Scenic River](#)? Yes No Unknown
- Is the project site within the [100-year floodplain](#)? Yes No Unknown
- * If yes to any of the above, explain in Block 4 and describe measures to minimize adverse effects to these resources in Block 5.
- Is the project site within the [Territorial Sea Plan \(TSP\) Area](#)? Yes No Unknown
- * If yes, attach TSP review as a separate document for DSL.

(7) ADDITIONAL INFORMATION				
Is the project site within a designated Marine Reserve ?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes, certain additional DSL restrictions will apply.				
Will the overall project involve construction dewatering or ground disturbance of one acre or more?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
* If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).				
Is the fill or dredged material a carrier of contaminants from on-site or off- site spills?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Unknown
Has the fill or dredged material been physically and/or chemically tested?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
*If yes, explain in Block 4 and provide references to any physical/chemical testing report(s).				
Has a cultural resource (archaeological) survey been performed on the project area?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unknown
* If yes, provide a copy of the survey with this application. Do not describe any resources in this document.				
Identify any other federal agency that is funding, authorizing or implementing the project.				
Agency Name	Contact Name	Phone Number	Most Recent Date of Contact	
NA				
List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application. For example, certain activities that require a Corps permit also require 401 Water Quality Certification from Oregon DEQ.				
Approving Agency	Certificate/ approval / denial description		Date Applied	
NA				
Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)				
<input type="checkbox"/> Work proposed on or over lands owned by or leased from the Corps				
<input type="checkbox"/> State owned waterway				
DSL Waterway Lease #				
<input type="checkbox"/> Other Corps or DSL Permits				
Corps #				
DSL #				
<input type="checkbox"/> Violation for Unauthorized Activity				
Corps #				
DSL #				
<input checked="" type="checkbox"/> Wetland and Waters Delineation				
Corps #				
DSL # 2016-0332				
<input checked="" type="checkbox"/> A wetland / waters delineation has been completed (if so, provide a copy with the application)				
<input type="checkbox"/> The Corps has approved the wetland / waters delineation within the last 5 years				
<input checked="" type="checkbox"/> DSL has approved the wetland / waters delineation within the last 5 years				

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION
<p>A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.</p> <p>The unavoidable direct permanent impacts proposed by the project include the filling of a total of approximately 0.14 acres of REM & PEM wetland.</p>
<p>B. For temporary removal or fill or disturbance of vegetation in waterways, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction.</p>

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

No Temporary wetland impacts are proposed by the project.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

- Permittee-responsible Onsite Mitigation
 Permittee-responsible Offsite mitigation
 Mitigation Bank or in-lieu fee program
 Payment to Provide (not approved for use with Corps permits)

D. Provide a brief description of mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

A total of 0.14 acres of REM & PEM wetland will be permanently impacted. The applicant will purchase 0.14 credits from the Wilson Trask Nestucca ILF, which is the only local ILF/mitigation bank option. Purchase of the ILF credits will meet DSL's general requirements as defined in OAR 141-085-0680 (3)(d).

The existing wetland is of low quality and function. The use of ILF credits will ensure that higher functioning wetlands will be preserved in place of the low-functioning wetland to be removed.

Onsite mitigation was not practical given lack of available land.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: Wilson Trask Nestucca ILF
 Type of credits to be purchased: PEM

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

- Yes. Submit the plan with this application and complete the remainder of this section.
 No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description NA	Mitigation Site Address	Tax Lot #	
County	City	Latitude & Longitude (in DD.DDDD format)	
Township	Range	Section	Quarter/Quarter

(9) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

<input checked="" type="checkbox"/> Pre-printed mailing labels of adjacent property owners attached	Project Site Adjacent Property Owners	Mitigation Site Adjacent Property Owners
---	--	---

Contact Name
Address 1
Address 2
City, ST ZIP Code

Randy Baldock
15845 S. Wilshire Circle
Oregon City, OR 97045

Contact Name
Address 1
Address 2
City, ST ZIP Code

Nicholas Bloom
20200 SW Brightwood Ct
Aloha OR 97003

Contact Name
Address 1
Address 2
City, ST ZIP Code

Mr Merrill
PO Box 66
Garibaldi OR 97118

Contact Name
Address 1
Address 2
City, ST ZIP Code

Delores Caillaiu
PO Box 4
Garibaldi OR 97118

Contact Name
Address 1
Address 2
City, ST ZIP Code

James Schneider
19919 SE Borges Rd

Contact Name
Address 1
Address 2
City, ST ZIP Code

Tom & Carolee North
PO Box 545
Garibaldi OR 97118

Contact Name
Address 1
Address 2
City, ST ZIP Code

Harold & Jan Stern
PO Box 95
Garibaldi OR 97118

Contact Name
Address 1
Address 2
City, ST ZIP Code

Royce Perigo
PO Box 600
Garibaldi OR 97118

Contact Name
Address 1
Address 2
City, ST ZIP Code

Vincent & Linda Richard
PO Box 211
Garibaldi OR 97118

**(10) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

- I have reviewed the project described in this application and have determined that:
- This project is not regulated by the comprehensive plan and land use regulations.
 - This project is consistent with the comprehensive plan and land use regulations.
 - This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained:
 - Conditional Use Approval
 - Development Permit
 - Other Permit (see comment section)
 - This project is not consistent with the comprehensive plan. Consistency requires:
 - Plan Amendment
 - Zone Change
 - Other Approval or Review (see comment section)

An application has has not been filed for local approvals checked above.

Local planning official name (print)	Title	City / County (circle one)
--------------------------------------	-------	----------------------------

Signature	Date
-----------	------

Comments:

(11) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon coastal zone](#), the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development (DLCDC) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact DLCDC at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name	Title
------------------	-------

Signature	Date
-----------	------

(12) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing [fee](#) does not guarantee permit issuance.

To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed

\$

Applicant Signature

Print Name
Paul Daniels

Title
Property Owner

Signature

Date

Authorized Agent Signature

Print Name
Robert Sweeney

Title
President EMS

Signature

Date

Landowner Signature(s)

Landowner of the Project Site (if different from applicant)

Print Name

Title

Signature

Date

Landowner of the Mitigation Site (if different from applicant)

Print Name

Title

Signature

Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on [state-owned submerged and submersible lands](#), DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name

Title

Signature

Date

(13) ATTACHMENTS

- Drawings (items in bold are required)**
 - Location map with roads identified**
 - U.S.G.S topographic map**
 - Tax lot map**
 - Site plan(s)**
 - Cross section drawing(s)**
 - Recent aerial photo**
 - Project photos
 - Erosion and Pollution Control Plan(s), if applicable
 - DSL/Corps Wetland Concurrence letter and map, if approved and applicable**
- Pre-printed labels for adjacent property owners (Required if more than 5)
- Restoration plan or rehabilitation plan for temporary impacts
- Mitigation plan
- Wetland functional assessment and/or stream functional assessment
- Alternatives analysis
- Biological assessment (if requested by Corps project manager during pre-application coordination.)
- Stormwater management plan (may be required by the Corps or DEQ)
- Other:
 -
 -

Send Completed form to:

U.S. Army Corps of Engineers
ATTN: CENWP-OD-GP
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373

Counties:
Baker, Clackamas,
Clatsop, Columbia,
Gilliam, Grant, Hood
River, Jefferson, Lincoln,
Malheur, Marion, Morrow,
Multnomah, Polk,
Sherman, Tillamook,
Umatilla, Union,
Wallowa, Wasco,
Washington, Wheeler,
Yamhill

OR

U.S. Army Corps of Engineers
ATTN: CENWP-OD-GE
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868

Counties:
Benton, Coos, Crook,
Curry, Deschutes,
Douglas Jackson,
Josephine, Harney,
Klamath, Lake, Lane,
Linn

Send Completed form to:

DSL - West of the Cascades:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Phone: 503-986-5200

OR

DSL - East of the Cascades:

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
Phone: 541-388-6112

Send all Fees to:
Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Pay by Credit Card by Calling 503-986-5253

INSTRUCTIONS FOR PREPARING THE JOINT APPLICATION

This is a joint application, and must be sent to both agencies, who administer separate permit processes. For more complete instructions, contact the Corps and/or DSL or refer to online resources:

- [DSL's Removal-Fill Guide](#); or,
- The Corps' "Permitting 101" video: <http://www.nwp.usace.army.mil/Missions/Regulatory.aspx>

General Instructions and Tips

- Provide the information in the appropriate blocks of the application form. If you need more space, provide a summary in the space provided and attach additional detail as an appendix to the application.
- Not all items on the application form will apply to all projects.
- For most applications, binding and section dividers are not necessary and require additional handling.

The information requested on the form is necessary for the agencies to begin their review. For complex projects or for those that may have more than minimal impacts, additional information may be necessary to complete the evaluation and make a permit decision. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Section 1. Applicant and Landowner Contact information

Applicant: The applicant is the responsible party. If the applicant is an agency, business entity or other organization, indicate the name of the organization and a person that has the authority to sign the application.

Authorized Agent: An authorized agent is someone who has permission from the applicant to represent their interests and supply information to the agencies. An agent can be a consultant, an attorney, builder, contractor, or any other person or organization. An authorized agent is optional.

Landowner: Provide landowner information if different from the applicant. The landowner must also sign the application.

Section 2. Project Information

Provide location information. Latitude and longitude can be found by zooming in to your respective project location and reading off the coordinates displayed on the bottom of the map.

Provide information on wetlands and waterways within the project area. Indicate the category of activities that make up your project.

Section 3. Project Purpose and Need

Explain the purpose and need for the project. Also include a brief description of any related activities needed to accomplish the project objectives.

The following items are required by DSL, as applicable:

- If the removal-fill would satisfy a public need and the applicant is a public body, include any pertinent findings regarding public need and benefit.
- If the project involves fill in the estuary for a non-water dependent use, explain how the project is for public use and/or satisfies a public need.
- If the project is located within a [marine reserve or marine protected area](#), explain how the project is needed to study, monitor, evaluate, enforce or protect the designated area.

Section 4. Description of Resources in Project Area

Territorial Sea: For activities in the [Territorial Sea](#) (mean lower low water seaward 3 nautical miles), provide a separate evaluation of the resources and effects determination.

For each wetland, include:

- Whether the wetland is freshwater or tidal, and the [Cowardin class](#) and [Hydrogeomorphic \(HGM\) class](#).
- Source of hydrology and direction of flow (if any).
- Dominant plant species by layer (herb, shrub, tree).
- A functional assessment of the wetland to be impacted (for impacts greater than 0.2 acre, DSL requires use of [ORWAP](#) or [HGM](#)), should be attached as a separate document.
- Identify any vernal pools, bogs, fens, mature forested wetland, seasonal mudflats, or native wet prairies in or near the project area.
- Refer to wetland delineation report if available, and provide copies to agencies (if not previously provided).
- Describe existing uses, including fish and wildlife use (type, abundance, period of use, significance of site).

For rivers, streams, other waterways, lakes and ponds, include a description of, as applicable:

- Streamflow regime (e.g., perennial year-round flow, intermittent seasonal flow, ephemeral event-driven flow). If flow is ephemeral, provide [streamflow assessment](#) data sheet or other information that supports your determination.
- Field indicators used to identify the Ordinary High Water Mark (OHWM).
- Channel and bank conditions.
- Type and condition of riparian (streamside) vegetation.
- Channel morphology (structure and shape).
- Stream substrate.
- Assessment of the functional attributes including hydrologic, geomorphic, biological and chemical and nutrient related functions.
- Fish and wildlife (type, abundance, period of use, significance of site).

Section 5. Alternatives to Avoid and Minimize Impacts to Waters

Provide a brief explanation describing how impacts to waters and wetlands are being avoided and minimized on the project site. For DSL, the alternatives analysis must include:

- Project-specific criteria that are needed to accomplish the stated project purpose.
- A range of alternative sites and designs that were considered with less impact.
- An evaluation of each alternative site and design against the project criteria and a reason for why the alternative was not chosen.
- If the project involves fill in an estuary for a non-water dependent use, a description of Alternative non- estuarine sites must be included.

Section 6. Project Description

Overall Description. Provide a brief description of the overall project, including:

- All associated work with the project both outside and within waters or wetlands.
- Total ground disturbance for all associated work (i.e, area and volume of ground disturbance).
- Total area of impervious surfaces created or modified by the project, if applicable.

Work within Waters and Wetlands. Provide a description of the proposed work within waters and wetlands, including:

- Each removal or fill activity proposed in waters or wetlands, as well as any construction or maintenance of in-water or over-water structures.
- The number and dimensions of in-water or over-water structures (i.e., pilings, floating docks) proposed within waters or wetlands.

Fill Material and Disposal. Provide a description of fill material and procedure for disposal of removed material, including:

- The source(s) of fill materials (if known).
- Locations for disposal area(s) for dredged material, if applicable. If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If using an upland disposal area that is not a DEQ-regulated landfill, a [Solid Waste Letter of Authorization](#) or a [Beneficial Use Determination](#) from DEQ may be required.

Construction Methods. Describe how the removal and/or fill activities will be accomplished including the following:

- Construction methods, equipment to be used, access and staging areas, etc.
- Measures you will use during construction to minimize impacts to the waterway or wetland. Examples may include isolating work areas, controlling construction access and using specialized equipment or materials. Attach work area isolation and/or erosion and pollution control plans, if applicable.

Construction Timing. Provide the proposed start and completion date for the project. Describe project work that is already complete, if applicable.

Summary of removal and fill activities. Summarize the dimensions, volume and type/composition of material being placed or removed in each waterbody or wetland. Describe each impact on a separate row. For

instance, if two culverts are being removed from Clear Creek, use two rows. Add extra rows if needed, or include an attachment.

The DSL and the Corps use different elevations for determining whether an activity in tidal waters is regulated by the State's Removal-Fill law, the Clean Water Act, and/or the Rivers and Harbors Act. DSL regulates activities below the highest measured tide. The Clean Water Act applies below the high tide line. The Rivers and Harbors Act applies below the mean high water.

Section 7. Additional Information

Any additional information you provide helps the reviewer(s) understand your project and the other approvals or reviews that may be required.

Section 8. Site Restoration/Rehabilitation and Compensatory Mitigation

Site Restoration/Rehabilitation. For temporary disturbance of soils and/or vegetation in waterways, wetlands or riparian (streamside) areas, discuss how you will restore the site after construction. This may include the following:

- Grading plans to restore pre-existing elevations.
- Planting plans and species list (native species only) to replace vegetation in riparian or wetland areas.
- Maintenance and monitoring plans to document restoration to wetland condition and/or vegetation establishment.
- Associated erosion control for site stabilization.

Compensatory Mitigation. Describe your proposed compensatory mitigation approach, or explain why you believe compensatory mitigation is not required. If proposing permittee-responsible mitigation for permanent impact to wetlands, see OAR 141-085-0705 and 33 CFR 332.4(c) for plan requirements. For permanent impact to waters other than wetlands, see OAR 141-085-0765 and 33 CFR 332.4(c) for plan requirements.

Section 9. Adjacent Property Owners for Impact and Mitigation Site(s)

Names and addresses for properties that are adjacent to the project site and permittee responsible mitigation site (if applicable), are required. "Adjacent" means those properties that share or touch upon a common property line or are across the street or stream. If more than 5, attach pre-printed labels. A list of property owners may be obtained by contacting the county tax assessor's office.

Section 10. City/County Planning Department Land Use Affidavit

This section is required to demonstrate land use compatibility for removal fill permits and water quality certifications. Provide this form to your local planning official for them to complete and sign.

Section 11. Coastal Zone Certification

Your signature for this statement is required for projects within the coastal zone (generally, west of the summit of the Coast Range).

Section 12. Signatures

The application must be signed by the responsible party, landowner and agent, as identified in section 1.

Section 13: Attachments

Project Drawings. A complete application must include a location map, site plan, cross-section drawings and recent aerial photo. All drawings should be clear, legible and formatted for 8.5 by 11 printing. Use the fewest number of sheets necessary for your drawings or illustrations. While illustrations need not be professionally prepared, they should be clear, accurate, and contain all necessary information, as follows:

Location maps (with subject property identified):

- Location map with roads identified
- U.S.G.S. Topographic map
- Tax lot map (with subject tax lot(s) identified)

Site plan(s), including:

- Entire project site and activity areas
- Existing and proposed contours

- Location of ordinary high water, wetland boundaries or other jurisdictional boundaries (include wetland delineation report if not previously provided)
- Identification of temporary and permanent impact areas within waterways or wetlands
- Map scale or dimensions and north arrow
- Location of staging areas and construction access
- Location of cross section(s), as applicable
- Location of mitigation area, if applicable

Cross section drawing(s), including:

- Existing and proposed elevations
- Identification of temporary and permanent impact areas within waterways or wetlands
- Ordinary high water and/or wetland boundary or other jurisdictional boundaries
- Map scale or dimensions

[Recent Aerial photo](#)

- 1:200, or if not available for your site, highest resolution possible

DSL Wetland Concurrence (map and letter)



LEGEND

-  EMERGENT WETLAND
-  RIVERINE WETLAND
-  UPLAND OBSERVATION POINT
-  WETLAND OBSERVATION POINT

THIS DOCUMENT IS NOT A SURVEY.
 LOCATIONS OF SITE FEATURES ARE
 APPROXIMATE.



Memorandum

To: Garibaldi Planning Commission
From: Blake Lettenmaier, Planner Pro Tem
Date: November 22, 2016
Subject: City of Garibaldi - Arizona Way Bridge - CORP/DSL Joint Permit Application

The City applied for and received a Nationwide Permit from the CORP and a General Authorization from DSL due to working in waters of the State and removing more than 50 cubic yards of material on the site. The attached applications required the Planning Commission's review and approval before the City could submit the application. However, since this was an emergency project, they were submitted prior to your review and approval. We seek your review and approval at this time to formalize the process and to not jeopardize Funding by FEMA or IFA.

The city is required to review this permit under its zoning ordinance. This is not a public hearing. Fill in a wetland of an excess of 50 cubic yards is an activity specified in Chapter 18.165.020 of the Garibaldi Municipal Code (GMC). They must also meet Section 18.165.030 of the GMC - Procedure for reviewing regulated activities. This specifies a review of state and federal permit notices.

The filing is such a permit notice. Additional information may be available at the commission meeting.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

September 21, 2016

Regulatory Branch
Corps No.: NWP-2016-405

Mr. Blake Lattenmaier
City of Garibaldi
107 Sixth Street
Garibaldi, Oregon 97118
Email: blake@ci.garibaldi.or.us

Dear Mr. Lattenmaier:

The U.S. Army Corps of Engineers (Corps) received City of Garibaldi's request for Department of the Army authorization to replace a culvert with a bridge. The project is located in Hobson Creek near Garibaldi, Tillamook County, Oregon. The site is located at latitude 45.56312° and longitude -123.89931°.

The project places 72 cubic yards in 968 square feet below the Ordinary High Water (OHW) of Hobson Creek to replace an existing undersized culvert with a bridge. The project is designed to improve fish passage and minimize flood risk.

Hobson Creek will be restored alongside the existing piped location. Approximately 88 lineal feet of stream will be excavated and lined with 12- to 18-inch rock and topped with stream simulation material. A new bridge measuring 28-foot by 28-foot will be constructed over the new channel. The bridge supports will be protected with 3/4-inch minus rock. The existing culvert will be removed and disposed in upland. The project is shown on the enclosed drawings (Enclosure 1).

This letter verifies your project is authorized under the terms and limitations of Nationwide Permit (NWP) No. 14 (Linear Transportation Projects). Your activities must be conducted in accordance with the conditions found in the Portland District NWP Regional Conditions (Enclosure 2) and the NWP General Conditions (Enclosure 3). You must also comply with the Oregon Department of Environmental Quality (DEQ) Water Quality Certification Conditions (Enclosure 4), Oregon Department of Land Conservation and Development (DLCD) Coastal Zone Management Concurrence Conditions (Enclosure 5), and the project specific conditions lettered (a) through (f) below. **Failure to comply with any of the listed conditions could result in the Corps initiating an enforcement action.**

a. Prior to starting the authorized activities, you shall notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch that the work has started. Notification shall be provided by telephone at (503) 808-4383 or sent by e-mail to cenwp.notify@usace.army.mil and the email subject line shall include: Corps No. NWP-2016-405 and Tillamook County.

b. Permittee shall have a Qualified Professional Archeologist meeting the requirements of 36 Code of Federal Regulations Part 61 Appendix A present to monitor for archeological objects during all portions of the project-related earthmoving disturbances.

c. Permittee shall implement the Inadvertent Discovery Plan (Enclosure 6) and immediately notify the U.S. Army Corps of Engineers, Portland District, Regulatory Branch and State Historic Preservation Office if at any time during the course of the authorized work, human remains or cultural resources are discovered and keep the Corps notified of the status of the consultation if required.

d. Within 90 days of completing earthmoving disturbances, the permittee shall submit a brief monitoring report (one paper copy and one CD) prepared by the professional archeologist(s) that performed the monitoring to the address on the permit letterhead that describes the monitoring activities. The monitoring report shall include the following components: the permit number; name(s) and qualification(s) of archeologist(s) that did the monitoring; topographic and aerial map showing area monitored; dates of monitoring; description of activities monitored to include depth; description of cultural material identified or lack thereof; and photos of the monitoring activities.

e. Permittee shall notify the Confederated Tribes of the Grand Ronde one week prior to start of construction. Contact Mr. Breece Edwards at 503-879-2084.

f. Permittee shall take the necessary precautions to prevent any petroleum products, chemicals, or deleterious or toxic materials from entering waterways during construction to prevent the introduction of contaminants or pollutants into the aquatic ecosystem.

We direct your attention to NWP Regional Condition 16 (Enclosure 2) and General Condition 29 (Enclosure 3) requires the transfer of this permit if the property is sold, and NWP General Condition 30 requires you to submit a signed certificate when the work is completed. A "Compliance Certification" is provided (Enclosure 7).

We have prepared a Preliminary Jurisdictional Determination (JD), which is a written indication that wetlands and waterways within your project area may be waters of the United States (Enclosure 8). Such waters have been treated as jurisdictional waters of the United States for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. If you believe the Preliminary JD is inaccurate, an Approved JD may be requested, which is an official determination regarding the presence or absence of waters of the United States. The enclosed *Notification of Administrative Appeal Options and Process and Request for*

Appeal describes options regarding Preliminary and Approved JDs (Enclosure 9). If you will like an Approved JD, one must be requested prior to starting work within waters of the United States. Once work within waters of the United States has been started, the opportunity to request an Approved JD will no longer be available.

This authorization does not obviate the need to obtain other permits where required. Permits, such as those required from the Oregon Department of State Lands (ODSL) under Oregon's Removal /Fill Law, must also be obtained before work begins. The DEQ water quality certification conditions (Enclosure 4) require you to obtain DEQ approval of your stormwater management plan prior to initiating construction. Please contact the 401 Water Quality Certification Coordinator, Oregon Department of Environmental Quality, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon, 97201-4987, by telephone at (503) 229-6030, or visit <http://www.deq.state.or.us/wq/sec401cert/removalfill.htm>.

The nationwide permits expire on March 18, 2017. This verification is valid until March 18, 2017 unless the NWP is modified or revoked prior to that date. If you commence or are under contract to commence this activity before the date the NWP expires, is modified, or revoked, you will have 12 months from the date of the expiration, modification, or revocation to complete the activity under the present terms and conditions of the current NWP.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

If you have any questions regarding this NWP verification, please contact Mr. Brad Johnson at the letterhead address, by telephone at (503) 808-4383, or e-mail: Brad.A.Johnson2@usace.army.mil.

FOR THE COMMANDER, JOSE L. AGUILAR, COLONEL, CORPS OF ENGINEERS,
DISTRICT COMMANDER:


Digitally signed by
YBALLE.DOMINIC.P.1260129267
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=YBALLE.DOMINIC.P.1260129267
Date: 2016.09.21 12:57:58 -07'00'

For Shawn H. Zinszer
Chief, Regulatory Branch

Enclosures

cc:

Oregon Department of State Lands (DeBlasi)
Oregon Department of Environmental Quality (Nayar)
Oregon Department of Land Conservation and Development (Snow)

Corps ID No: NWP-2016-405

REQUEST FOR PERMIT TRANSFER PER GENERAL CONDITION 29

When the structures or work verified by this nationwide are still in existence at the time the property is transferred, and/or a new party obtains this permit verification, the terms and conditions of this permit will continue to be binding on the new permittee. The new permittee should sign and date below to accept the liabilities associated with complying with the terms and conditions of this permit verification, and to validate its transfer.

PERMIT TRANSFEREE:

Signature DATE

Name (Please print)

Street Address

City, State, and Zip Code

NEW OWNER (if applicable):

Signature DATE

Name (Please print)

Street Address

City, State, and Zip Code

AUG 17 2016

DEPARTMENT OF STATE LANDS

DSL USE ONLY		DSL No. <u>59346 - Revised</u>	
Issue Date: <u>9-07-16</u>	Expiration Date: <u>9-07-2019</u>		
In-Water Work Period: <u>November 15-</u>		to <u>February 1</u>	
<input checked="" type="checkbox"/> Eligible <u>9-07-16</u>	<input type="checkbox"/> Incomplete _____	<input type="checkbox"/> Ineligible _____	
Date	Date	Date	
RC Signature: <u>[Signature]</u>			

**GENERAL AUTHORIZATION ELIGIBILITY VERIFICATION FORM
AND
NOTICE FOR EXEMPTION OF CERTAIN
VOLUNTARY HABITAT RESTORATION ACTIVITIES**

1. RESPONSIBLE PERSON CONTACT INFORMATION		
Name (print) Blake Lettenmaier	Affiliation (company or agency) City of Garibaldi	
Mailing address or PO Box PO Box 708		
City Garibaldi	State OR	Zip Code 97118
Phone number 503-322-3327	Cell or alternate number	
E-mail blake@ci.garibaldi.or.us	Fax number 503-616-7912	

2. LANDOWNER INFORMATION (if different than responsible party)		
Name (print)		
Mailing address or PO Box		
City	State	Zip Code
Phone number	E-mail	

3. PROJECT LOCATION INFORMATION

County: Tillamook		Nearest City: Garibaldi	
Physical address or description: Near Hwy 101 N and Arizona Way			
<input checked="" type="checkbox"/> Stream	Name of stream Hobson Ck	Tributary of Tillamook Bay	River mile 0.075
Is this <u>designated essential salmon habitat</u> (ESH)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<input type="checkbox"/> Wetland	Cowardin Class	HGM	
LATITUDE AND LONGITUDE (In Decimal Degrees, example: DD.DDDDDD) LEGAL DESCRIPTION FOR PROJECT (Check the description that applies and enter information below)			
<input checked="" type="checkbox"/> Project with single removal-fill site. Provide the information for the removal-fill site under "Start." <input type="checkbox"/> Project with multiple removal-fill sites. Provide the following for the project center point "Start." <input type="checkbox"/> Linear project. Provide the following information for the project start point <u>and</u> end point.			
Start point Latitude: <u>45.56312</u>		Start Longitude: <u>-123.89931</u>	
Township: <u>1N</u> Range: <u>10W</u> Section: <u>22</u> ¼ - ¼ Section: <u>NE-NW</u> Tax lot(s): _____			
End point Latitude: _____		End point Longitude: _____	
Township: _____ Range: _____ Section: _____ ¼ - ¼ Section: _____ Tax lot(s): _____			

4. PROJECT INFORMATION

Anticipated project dates: Start (mo) <u>AUG</u> (yr) <u>2016</u> Completion (mo) <u>DEC</u> (yr) <u>2016</u>

5. ACTIVITIES FOR THIS PROJECT. Check all that apply.

- Minimal Disturbance within ESH Waters *No Fee*
- Piling Placement and Removal in Non-Tidal Waters *No Fee*
- Temporary Impacts to Non-tidal Wetlands *Fee May Apply*
- Waterway Bank Stabilization *No Fee*
- Certain Transportation-Related Activities *Fee May Apply*
- Removing and Disposing of Sediment Behind Tidegates and Hydraulically Closed Perimeters *Fee May Apply*
- Waterway Habitat Restoration *No Fee*
- Wetland Ecosystem Restoration *No Fee*
- Notice for Exemption of Certain Voluntary Habitat Restoration Activities *No Fee*

RESOURCE GAINS AND LOSSES SHEET
for
**Temporary Impacts to Non-Tidal Wetlands, Wetland Ecosystem
Restoration and Waterway Habitat Restoration**

Waterway Habitat Gains:

- In-stream habitat improvement: Total stream length treated: 0.017 miles
- Stream miles opened that were previously inaccessible to migrating fish: 0.017
- Restored side channels and alcoves: 0.017 stream miles
- Riparian upland vegetation planting: 0.017 stream miles

Wetland Habitat Gains:

Expected Results	Acres		Cowardin Class	HGM Class
Restoration/Reestablishment (Restore functions to former wetland)	0.0014	of		
		of		
		of		
Enhancement/Rehabilitation (Repair functions to a disturbed wetland)	0.0014	of		
		of		
		of		
Creation (Create a new wetland from upland)		of		
		of		
		of		
Temporary Wetland Impacts		of		
		of		

DSL USE ONLY	
RC Confirmed? <input checked="" type="checkbox"/>	RGL # <u>59346- revised</u>
RC Initials: <u>CEJ</u>	RGL Data Entry Initials: _____

General Authorization for Temporary Disturbance to Non-Tidal Wetlands

OAR 141-089-0700 through 141-089-0715

Project purpose (Check all that apply):

- Construction staging
- Placement or maintenance of utility lines
- Constructing temporary access
- Other. Describe: REPLACE NON FISH PASSABLE CULVERT WITH BRIDGE

Eligibility (All must apply):

- Project will consist of 0.2 acres or less of temporary impacts to wetlands
- Project will not permanently convert wetlands to upland
- Project will not convert forested or shrub wetlands within the project site to different Cowardin Class

Area and Volume:

_____ acres of (select cowardin) Cowardin Class (select HGM) HGM wetland

Fill 130 cubic yards + Removal 30 cubic yards = 160 cubic yards disturbance

For Complete Notification you must attach the following:

- Current Delineation: A copy of a valid, Department approved delineation map and concurrence letter for Wetland Delineation Number: WD-_____.
- Fee Due: \$250.00 (If 50 cubic yards or more of total disturbance).
- Project Description: Brief description of the project and construction methods to be used. Provide sufficient detail to demonstrate compliance with restoration of ground contours and vegetation, required timing for rectification, post construction reporting, protection of ground surface, prevention of hydraulic piping, and stockpiling of topsoil.
- Resource characteristics: Description of the biological and physical characteristics of the wetland or waterway. Include HGM and Cowardin Class and current land use. Indicate if any wetland type of conservation concern is within the project area. (For help see: http://www.oregon.gov/DSL/PERMITS/docs/wetland_cons_concern.pdf.)
- Project location map: Sufficient detail to allow person to drive to the site from the nearest city/town or major highway intersection. Show boundaries of the *entire project*.
- Project area photo(s): Photo(s) of existing conditions required for all activity areas.
- Plan view drawing(s): Include existing and proposed contours, scale, jurisdictional wetland boundary (if delineated), clear identification of areas proposed for removal or fill, location of cross-section(s). *Do not use "typical" drawings.*
- Cross-section drawing(s): Include existing and proposed elevations, horizontal and vertical scale; jurisdictional wetland boundary (if delineated). *Do not use "typical" drawings.*

DSL Use Only: DSL Determination <u>Eligible</u> Date <u>9-07-16</u> RC Initial <u>CES</u>
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General Authorization for Certain Transportation-Related Activities

OAR 141-089-0740 through 141-089-0755

Project purpose (Check all that apply):

- Investigation drilling of test holes and borings
- Culvert replacement for fish passage that exceeds maintenance allowance
- Culvert replacement has approved by ODFW fish passage plan
- Large wood relocation into wetlands, below HMT or below OHW
- Garbage, trash and rubble removal to maintain transportation structure

Fill 130 cubic yards + Removal 30 cubic yards = 160 cubic yards disturbance

For Complete Notification you must attach the following:

- Fee Due: \$250.00 (when more than 50 cubic yards total disturbance). ↖ ?
- ODFW Signed Fish Passage Plan for Road Crossing is attached for culvert replacement.
- Project Description: Description of project and construction methods to be used. Provide sufficient detail to demonstrate project will not adversely affect woody vegetation and will comply the general conditions for all General Authorizations.
- Resource characteristics: Description of the biological and physical characteristics of the wetland or waterway. Include HGM and Cowardin class and current land use. Indicate if any [wetland type of conservation concern](http://www.oregon.gov/DSL/PERMITS/docs/wetland_cons_concern.pdf) is within the project area. (For help see: http://www.oregon.gov/DSL/PERMITS/docs/wetland_cons_concern.pdf.)
- Project location map: Sufficient detail to allow person to drive to the site from the nearest city/town or major highway intersection. Show boundaries of the *entire project*.
- Project area photo(s): Photo(s) of existing conditions required for all activity areas.
- Plan view drawing(s): Include existing and proposed contours, scale, jurisdictional boundaries (ordinary high water line or wetland boundary if delineated), clear identification of areas proposed for removal or fill, location of cross-section(s).
- Cross-section drawing(s): Include existing and proposed elevations, horizontal and vertical scale; jurisdictional boundaries (ordinary high water line or wetland boundary if delineated); proposed water elevation.

Note: Drawings must contain sufficient information to demonstrate compliance with the conditions and eligibility requirements of the applicable General Authorization. Do not use "typical" drawings.

DSL Use Only:

DSL Determination Eligible Date 9-07-16 RC Initial CES

6. Signature

By signing below, I understand:

- The information provided herein is, to the best of my knowledge and belief, true, complete, and accurate.
- I am responsible for complying with the requirements and conditions set forth in the applicable administrative rules for General Authorizations and for Voluntary Habitat Restoration activities.
- This approval does not authorize trespass on the lands of others. The responsible party shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
- If this is state-owned submerged or submersible land, there may be additional easements, royalties and/or other requirements by DSL's [Aquatic Resource Management Program](#).
- This approval does not authorize any work that is not in compliance with local zoning or other local, state or federal regulation pertaining to the operations described herein. The responsible party shall obtain necessary approvals and permits before proceeding under this authorization.
- All work done under this authorization must comply with OAR Chapter 340, Standards of Quality for Public Waters of Oregon.
- When listed species are present, the responsible party must comply with the State Endangered Species Act and the Federal Endangered Species Act.
- Violations of the terms and conditions of this authorization are subject to administrative and/or legal action, which may result in revocation of the approval or damages. The responsible party is responsible for the activities of all contractors or other operators involved in work done at the site or under this approval.
- The Department of State Lands may, at any time, by notice to the responsible party, revoke or modify this approval if it determines the project scope or conditions of the General Authorization are insufficient to minimize individual or cumulative environmental effects in accordance with OAR 141-085.
- Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this approval.
- In issuing this authorization, the Department of State Lands makes no representation regarding the quality or adequacy of the approved project design, materials, construction, or maintenance except to approve the project's design and materials, as set forth herein, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapter 196 and related administrative rules.
- Responsible person shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the approved improvements.
- When approval from ODFW for Fish Passage is required, written authorization must be received from ODFW prior to ground disturbing activities.
- A permit from the U.S. Army Corps of Engineers may also be required.

Signature		Date	8-17-2016
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Landowner signatures: For project work proposed on [state-owned submerged and submersible lands](#), DSL will coordinate and provide signatures below. A signature by the Department of State Lands for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for authorization to conduct removal-fill activities on such lands. This signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied.

DSL Proprietary Coordinator /Type Name:

Title:

DSL Proprietary Coordinator Signature:

Date:

Please mail completed form to DSL at the appropriate regional office for your project location:

DSL – West of the Cascades:

Department of State Lands
775 Summer Street, Suite 100
Salem, OR 97301-1279
Phone: 503-986-5200 Fax: 503-378-4844

OR

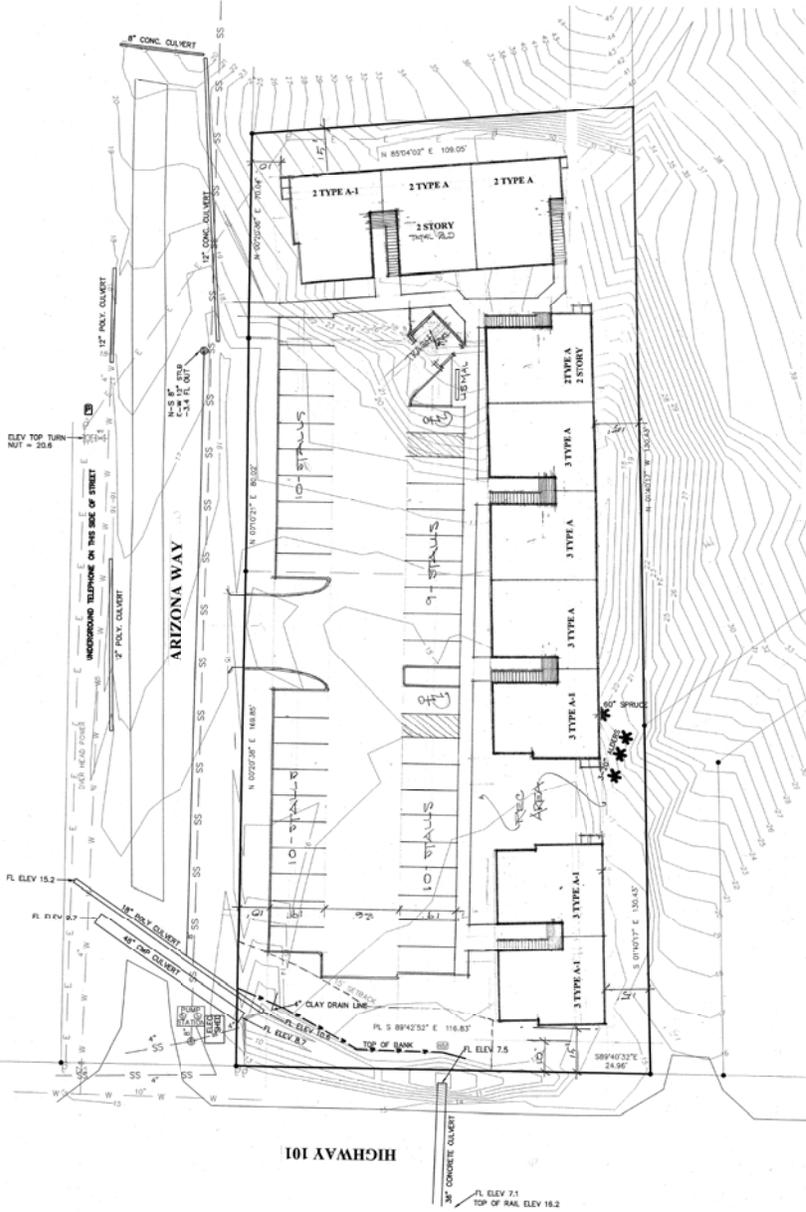
DSL - East of the Cascades:

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
Phone: 541-388-6112 Fax: 541-388-6480

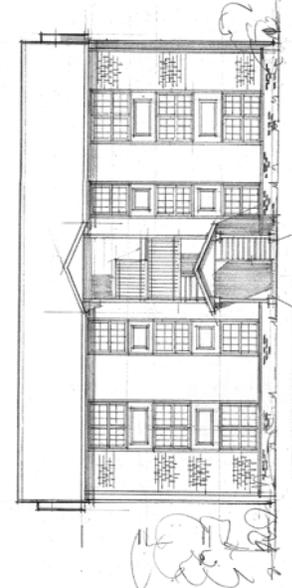


SITE PLAN
1" = 20'-0"

- 26 TOTAL APT UNITS**
 15 TYPE (A) 2 BED/2 BATH (094sqft)
 11 TYPE (A-1) 2 BED/2 BATH (102sqft)
- 39 TOTAL PARKING STALLS**
 37 STANDARD STALLS
 2 HANDICAPPED STALLS
- SITE**
 1 US MAIL BOX AREA
 1 TRASH/BICYCLE
 1 REC AREA
 1 OPEN SPACE
 12 BICYCLE spaces covered (2 under ea stairwell)



VIEW from HIGHWAY 101
1/4" = 1'-0"



FRONT ELEVATION
1/4" = 1'-0"



VIEW from ARIZONA WAY
1/4" = 1'-0"

Proposed Changes to Approved Site Plan

Two Story Structures

Three Story Structures

Proposed one-Story Section

