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PLANNING COMMISSION MEETING/PUBLIC HEARING MINUTES

Monday, June 29, 2020, 6:30 p.m.

Online meeting: Zoom

Meeting ID: 845-9617-3592

Meeting password: 315717

I. CALL TO ORDER

Planning Commission Chair Nathan Findling called the Public Hearing to order and opened the Public Hearing for an application for a conditional use permit to build a structure in the C-1 zone at 6:41 p.m. Present were Commissioners Nathan Findling, James Buker, and Roger Cooper, City Engineer/Planner Pro-Tem Blake Lettenmaier. Citizens present were Jay Harrison, Ahna Ortiz, Dale Mohr. Others were present but did not identify themselves. Derek "Dirk" Sigurdson was present representing the applicant. Commissioner Parker was having technical difficulties, it is noted she could hear the meeting but could not talk therefore she appeared by email via Chair Findling.

II. PUBLIC HEARING - CONDITIONAL USE APPLICATION - DEREK "DIRK" SIGURDSON (CU-2020- 03)

PUBLIC HEARING OF AN APPLICATION FOR CONDITIONAL USE TO BUILD A STRUCTURE IN THE C-1 ZONE. THE PURPOSE OF THE PROPOSED STRUCTURE IS TO CREATE A BOAT SHOP WITH LIVING QUARTERS.

Chair Findling 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. The decision that will be made here tonight is going to be whether or not the Planning Commission should approve the requested conditional use."

"A copy of the staff report describing the proposed use has been available to the public since June 27th, 2020, 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 June 3rd, 2020, and through public posting at various locations in town on May 29th, 2020. Notice was provided to property owners within 250 feet of the location of the proposed use by posted mail in conformance with the City's municipal code on May 29th, 2020. Notice of this hearing was publicly posted at various locations throughout town prior to this meeting."

"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 to the authority of the Garibaldi City Planning Commission in approving or denying a request for conditional use within the City of Garibaldi."

Chair Findling states the next topic which would be ex-parte contact.

Jay Harrison noted an objection to the jurisdiction of Cm. Cooper due to a conflict of interest because of conversations regarding the proposed construction and also there was discussion of purchasing property. He goes on to say he feel this engagement is in financial favor of the application and should excuse Cm. Cooper from any decision or discussion, nothing personal.

Cm. Cooper replies that his inquiry was for a completely different project and basis and it had nothing to do with the current application.

Jay Harrison withdraws the opposition.

Chair Findling asks if any of the Commissioners have had any ex-parte contact, all state there was none. Cm. Cooper confirms his inquiry was for a completely different project that never went forward because the property was already pending sale. Chair Findling asked if the property was not pending would he be interested. Cm Cooper states he would not.

Chair Findling states that "it is now Blake's turn".

City Planner Lettenmaier begins to summarize his staff report. He notes that there is no address for the property at the current time because there is no building and addresses are not assigned to vacant lots. It used to have an address when there was an eatery on it.

He goes on to say "this is conditional use to build a structure in the C-1 zone. The purpose of the proposed structure is to create a boat shop with living quarters above. Request for a conditional use permit to construct a boat building business on this street level and a residential use on the second level of the proposed structure in the C-1 zone. The purpose of the proposed structure will be to provide a 3,648 square foot structure that will have approximately 1,824 square feet at the street level for commercial boat building business, and 1,824 square feet on the second story for residential living quarters. The lot used to have a diner look located on it, until it was torn down and since then it has remained a vacant lot. The substantive criteria under review for this request are specified in Garibaldi Municipal Code, chapter 18.25. The commercial zone C-1 chapter 18.185 conditional uses and the Garibaldi Comprehensive Plan. Conditional uses that are permitted include boat dealers, cabinet or woodworking shops, contractor storage, repair or sale shops, tire retreading, welding or machine shops. Staff finds the proposed use implicitly falling into the conditional use as permitted in the Garibaldi Municipal Code. As stated in the application, items B and D conditionally permitted uses match the use being proposed coupled with the conditionally permitted use A above boat dealers. Staff is recommending the Planning Commission makes the determination of approving or not approving this application. Should the Planning Commission approve this application staff recommends approving the conditions of approval as found on page eight of the staff report."

He goes on to explain, "what I just summarized in the word implicitly was used on purpose because there's a little bit of a gray zone here. The conditional uses permitted do not speak to boat manufacturing businesses. But if you combine A, B and D, you sort of get a boat manufacturing business, although it's not explicitly said, and that's

why staff is not making a recommendation of approval or disapproval and it's going to lay it on the Planning Commission's hands to make that such interpretation.

He highlights the points in the staff report that are significant. He notes that the setback will be dictated by the Uniform Fire Protection Code and that will be through the building permit process.

City Planner Lettenmaier goes on to say, "Looking at the comprehensive plan when it comes to air and water quality policies, the proposed project does not knowingly adversely impact air and water quality. Staff recommends the applicant address any such adverse impacts of the bulk building process, i.e. grinding, welding, painting, etc. and provide appropriate mitigation measures. Hazards - staff recommends the applicant address any such adverse impacts of the boat building process, i.e. grinding, welding, painting, etc. and provide appropriate mitigation measures. Public Facilities - there's an existing drainage culvert that runs diagonally, allegedly runs diagonally, across the property. That shall be removed and a new drainage system designed by a licensed and registered engineer in the State of Oregon that does not go underneath any such proposed building.

Chair Findling interjects and asks what he means by "allegedly". Lettenmaier explains that it's not our property and it hasn't been dug up with a backhoe to see if it's really there. We can look at the inlet and outlet and assume it runs in a straight line.

Lettenmaier continues his report and states "Economy...staff believes that the proposed project will supply construction and boosting the local economy during operations. With that being said, staff recommends that the Planning Commission members move to approve or not approve the application to authorize or not authorize a conditional use permit to construct a boat shop with living quarters based upon information in the application as presented within the staff report subject to the recommended conditions of approval herein should the Planning Commission move to approve."

Lettenmaier concludes by saying "that summarizes the application".

Chair Findling asks the Commissioners if they had any questions regarding the report. He goes on to say that Cm. Parker asks, "What will the setback be and what do you recommend?"

Lettenmaier responds, "The setbacks to the residential zone, which is north of the lot will be 15 feet. The setback on the west side of the building adjacent to another commercial lot/business is proposed to be five feet. But again, this is the setback that I said would be dictated by the Uniform Fire Protection Code." He goes on to explain that different types of buildings have greater setbacks but all of that is up for the building community development department, the building official and the fire chief to make those determinations based upon the insurance services office in New York that regulates those provisions.

Chair Findling states that Cm. Parker would also like to know what is the commercial business on the west side. Lettenmaier responds that he believes it is a vacation rental.

Jay Harrison states "actually, there is a vacation rental and a full time rental...the house has been occupied as a residence for over 90 years". Ahna Ortiz states "it's been a

residence for me for 40 years”.

Chair Findling mentions he notices that Dale Mohr’s hand is raised and explains there is a part coming up to discuss public comment or question or objections or testimony to or for it. He asks if it was something other than any of those and unmutes him to hear his response.

Lettenmaier reminds Chair Findling that this time is for questions of him regarding the proposed application.

Dale Mohr states that this format does not work well for him. Chair Findling states there will be time for public comment but first they must get through the Commissioners’ questions for the application.

Chair Findling continues to relay Cm. Parker’s questions and ask Lettenmaier to explain the light fixtures.

Lettenmaier responds, “It is recommended in the conditions of approval should the Planning Commission approve the application that all light fixtures will conform with the Illuminating Engineering Society full cutoff fixtures required by dark sky regulations”.

Chair Findling notes that he does not see any more questions from Cm. Parker at this time, and states “I’m going to move on. I now ask the City Planner Pro Tem to relay any correspondence or inquiry received to date. If you have submitted written testimony or are present and would like to speak, please hold your comment until I ask for the oral testimony.”

Chair Findling asks Lettenmaier if he had received any written correspondence. Lettenmaier responds that he has received three written correspondences - one from Ahna Ortiz and Jay Harrison, one from Larry (not audible), and one from Dale Mohr. Lettenmaier reads them all into the record per instruction from Chair Findling.

Chair Findling asks if there are any other questions before proceeding? He notes that Cm. Parker had two more questions and states she would like to know if those aforementioned lights will come on by movement and what is the sound buffering material being proposed?

Lettenmaier responds, “I don't know the answer to that. That is something that if you wanted to make it a condition of approval that you could recommend that that be a condition of approval as a Commission” and goes on to state that he does not know what the sound buffering material they are proposing is.

There were no additional questions. Chair Findling moves the hearing forward and reads the following, “the decision that will be made here tonight is whether or not the Planning Commission will approve 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 10 days of the date that final order is signed. When staff has prepared the final order and I have signed it, the applicant will be notified along with anyone else who has requested or that 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 the process?”.

Chair Findling noting no hands were raised, moves forward by reading the following, “Planning Commission calls for the Applicant to present any testimony regarding their application. Please keep in mind that the Commission may ask questions of the Applicant but members of the public in attendance should save any testimony for the public comment”.

Applicant goes on to present his application by stating the following “Hello everyone, thanks for giving me the opportunity to present a conditional use application. I am excited about possibility of building a boat shop in Garibaldi. I grew up in Seaside, and currently live in Bothell, Washington, and I’m eager to move back to the coast and start this business. While traveling to Tillamook for football, basketball and baseball in high school, I always enjoyed seeing the bay and the three graces while going through Garibaldi. More recently, I’ve been making fishing trips to the area and have really grown to love the town and the area. I think the appeal of a small town like Garibaldi can be enhanced by businesses that build and create. In an efficient village like Garibaldi it’s even more enhanced by building and creating products that support the fishing industry. I lived in Santa Cruz, California for some time and always thought it was great to see the local surfboard shops selling their boards to the local professional surfers. Similarly, I hope that my boat shop can at some point be a place where local fishermen and charter captains come and get the boat of their dreams.

The proposal is for a building that consists of approximately 3600 square feet of shop space, taking up the entire first floor, a second story residential unit approximately 1800 square feet is also contained in the proposal. A boat shop in many ways is similar to a number of uses that are called out conditionally allowed in the C-1 zone. Two that are most similar would be woodworking shops and welding or machine shops. Those two applications would most certainly cause the same concern from neighboring properties. Most likely being the issue of sound. I can understand how neighbors would want to make sure that sound from the business doesn't negatively impact their quality of life, especially since properties bordering are residential and a commercial property that is used as a residence.

I did quite a bit of research into sound pollution from metal welding, cutting and grinding, although there substantially more costs, I am proposing that the external walls and roof be built with prefabricated insulated panels with an R-value that will significantly reduce any emitted sound from the boat building process. The specification for those types of panels indicates that sound from the frequencies of metal grinding, which has the biggest potential for sound pollution, can be reduced by approximately 40 decibels. The result will be that the sound emanating from the building during the time of the loudest manufacturing processes, or when they're occurring, will be similar to that of an indoor conversation between people.

Another concern that I didn't address in my application, related to welding, is the emission of fumes. This may change, but I plan on building welded aluminum boats. The primary welding process for aluminum boats is BIG and/or TIG, which are two of the more cleaner welding processes. To conform to OSHA requirements the shop will include a fume extractor. The type of extractor that I plan to use collects welding fumes directly at the welding source. Rather than venting the fumes outside, the extractor filters the fumes and collects the potentially harmful byproducts ensuring that virtually no hazardous particles leave the building.

Similarly, the bulk painting process, especially if sprayed as opposed to rolled, can emit potentially harmful VOCs. I plan to use the same fume extractor as used during welding if it can support both welding fumes and VOCs. This is something that I'm still researching. If the welding fume extractor doesn't support VOCs, then an additional extractor will be added. The proposal includes a residential unit that I plan to live in with my family and so the fumes from the welding and painting process isn't just a concern for the neighbors but also something that is a significant concern for me as well. It's an area where I fully intend to take extra precaution to ensure the safety for my family, workers at the shop, and neighbors.

Something else that is important to note is my intent is not to create a major manufacturing operation at this location. In reality, the size of the building wouldn't support that anyway. I plan to build a small-scale shop where I manufacture a single boat at a time and do a significant amount of building process myself. There are a lot of parts of the building process that are relatively quiet - fairing, painting, rigging as examples. As a result, a large portion of the shops operation time will produce very little noise impacting the neighbors at all.

In summary, I think that a small-scale craft boat shop would be a great addition to the town. From my perspective, Garibaldi is an ideal spot for this business. It'd be an honor for me to join the rich fishing heritage of the town. I'm confident that any possible negative impacts of the manufacturing process can be mitigated and that this business can be one that the community would be proud to call its own. Thank you."

Chair Findling asks if the Commissioners have any questions for the Applicant. He states he has a couple from Cm. Parker to relay. Cm. Cooper asks for confirmation that the boats would be aluminum and the applicant confirms they would be. Cm. Cooper then asks how long they would be and Applicant responds that the building can support up to about 30 feet.

Chair Findling goes on to relay Cm. Parker's questions (noting she was communicating by email) by stating that she would like to know a few things: how long the Applicant has been a boat builder, how long/big they're going to be (he notes this has been answered), and if the cutoff lights will go on and off by rain or by movement.

Applicant responds by saying, "I built a kayak once in my childhood and that's the bulk of my experience, jokingly, I'm not currently a boat builder. I'm a mechanical engineer. I have a degree in mechanical engineering. I've always kind of built things and this is a craft that I want to learn and basically build a business ..."

Applicant goes on to explain in regards to the lighting question that that level of detail in the planning process has not happened yet and that the property is currently in the pending sale state until approval or denial of this application.

Chair Findling clarifies the building use and then relays Cm. Parkers last question, which was if the Applicant looked at other properties. Applicant responds that he briefly looked at a property across the street but it potentially had drainage issues and it was not a big lot, so he concluded that he would not be able to build the appropriate building there.

Chair Findling notes that Cm. Buker has his hand raised. Cm. Buker questions if

repairs would be part of the business. Applicant responds that it would be.

Chair Findling moves the hearing forward by reading the following, "The planning Commission will now call for any 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 the 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 of 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 for an extension of hearing. However, this request must be made prior to the close of the hearing and is subject to requirements of ORS 227.118 and ORS 197.763 which requires the governing body of a city or its designee to take final action on the applicant for permit, including resolution of all appeals within 120 days after the application is deemed complete. The city received and deemed application complete on May 13, 2020. Comments at all limited to three minutes, keep them concise.

Persons wishing to speak must be recognized by the chair, must state the name and address. If you're representing another person or entity, please state who that is and what your connection to that person or entity is."

Chair Findling noting as there are not hands raised, he will start with proponents of the application first and states, "if you have testimony that is supporting the application positively, then put your hand up now".

Cm. Parker states that she does not think that lights going on and off because of rain would be good for neighbors and that she's not comfortable with the Applicant's lack of experience. She says too big, start smaller.

Chair Findling notes he does not see any proponent testimony, so he moves forward to take opponents testimony and states "please keep in mind that the Applicant gets three minutes to respond to each. If the applicant gives any new information during the rebuttal, then the person who proposed the opposition also gets three minutes."

Chair Findling notes that Jay Harrison has his hand up and unmutes him so he can give his testimony.

Mr. Harrison notes that City Planner read his initial statement, but he had a few things to reiterate and cover. He expresses they oppose the Application. He references GMC 185.020(B) and states he believe this business will have a substantial impact on surrounding properties and that noise issues need to be addressed more clearly. He raises the question "should we require the doors be closed during grading"? He goes on to say that he feels the building design will not allow proper drainage and the flooding will increase even with a new drainage system.

He then references staff report page 2 item 2 and notes that it states there has not been a soil analysis done and that there is an oil tank underground where the restaurant once stood. Mr. Harrison disagrees and states that a soil analysis has been done in that area and contents have been leached into the soil, something seriously needs to be considered. He requests that any drainage engineering design include all adjoining

property owners, he suggests that this may have to include all the houses on 10th and 11th Street starting from the top of Acacia. He feels his property will be negatively impacted with a 5-foot setback in the application. He strongly objects to any building being within five feet of a residence. The requested residential 15-foot setback for any building design is a minimum.

Mr. Harrison goes on to state, in accordance with GMC 18.210.110 regarding section C(1)(b) that a traffic impact study may be required and he recommends one be done. He expresses concern that the design will block the line of sight of anyone backing out of his driveway.

Mr. Harrison concludes by saying “before the board could approve this application, we respectfully ask you to take a hard look, listen to the neighbors, look at the noise, the chemicals, the site blockage and also the traffic beyond what the property owner proposes and consider the adjoining residences impact”.

The Applicant responds by stating he understand the concerns and he focused a lot on the sound and fumes. He believes that there's a lot of technology that will allow him to build a property that, with regard to fume extraction and sound absorption, does not have negative impacts to the to the surrounding neighborhoods. He goes on to explain that in regard to the line of sight issue he cannot comment on as he does not know what those regulations are. He notes that in the City Planner's staff report it indicated that there needs to be some sort of traffic analysis. With regard to the drainage and flooding issues he states it is also a big concern to him as well. He states he thinks that by putting in a new system it could address a lot of the issues that the neighbors are having and improve things. He concludes that quite a bit of time and work will go into making sure that that's the case.

City Planner Lettermaier interjected with regard to the sight distance, and states, “we have a sight distance triangle enforcement in our code and speaking to both the opponent and to the Applicant, I would look at the southeast corner of (the proposed) building and the overhang portion there...that the southeast corner of that overhang would not be allowed to have a post supporting the overhang at the very southeast corner of the overhang, but if that could be engineered to have a structural cantilevered element to that end of the overhang the rest of the midpoint in the west end of the overhang could have posts but that furthermore most east corner would have to have a cantilever support”.

Applicant responds by saying “or it just be shorter...if it wasn't able to be cantilevered. Just make that overhang partial of the building not the entire width.”

City Planner Lettenmaier responds by saying “that would work too. We got to have that 15 by 15 foot triangle at that corner there”.

Chair Findling asks for additional opposition testimony noting that Dale Mohr had attempted to speak earlier and asked if he had anything thing to say in addition to his letter.

Mr. Mohr states he has a lot of little things to say and explains the location of his property in relation to the proposal and asks the Applicant to consider requesting the property to be solely residential and to build a nice house with a nice view.

Chair Findling interjects and states that it's a good hypothetical question, but it doesn't necessarily go towards his specific application, as he hasn't put it in as an alternative that he just wants to make it a residential use. Chair Findling asks the Applicant to clarify and the Applicant states that he is not considering that at all and for further clarification he states that he does not currently own the property and is just looking into purchasing it.

There is a brief discussion on the lack of interest of a Jack in the Box or Taco Bell being put into the proposed site.

Chair Findling notes that he does not see any additional opposition testimony at this time and gives a last call. City Planner Lettenmaier notes that the Applicant should be offered a chance to respond to the assertion of building of a Jack in the Box.

Applicant states he would also be opposed to a Jack in the Box there as well. He notes that is why a small-scale business like he is proposing would be something that would fit in well in Garibaldi, as it is not a chain, it's a craft business.

Mr. Mohr responds by questioning how many are attending this online meeting and Chair Findling responds that there were 11 in attendance. Mr. Mohr goes on to express his desire that these meetings be in person to discuss projects like this. He also notes that he put a suggestion in the mailbox to have a moratorium on zoom meetings and that his suggestion did not make it into the record.

Chair Findling replies by stating that it was requested in Mr. Harrison's letter to keep the record open and that City staff can make sure to get his request into the record for the next meeting.

Mr. Buker interjects, "I don't believe the state is allowing that" in regards to having a moratorium on zoom meetings.

Chair Findling responds by stating "we would have to send a request to DLC...and they're really pretty strict on what we can and can't..."

City Planner Lettenmaier states that it would be the Governor that would have to make an executive order to waive the 120-day limit to come to a decision on a land use action and that it is not up to the city, the city has to follow the state rules.

Applicant responds by stating his only concern is that he is in the middle of the purchase process and there are dates to adhere to.

Chair Findling mentions that requests like these can only be considered when there are not live applications such as this one and although people desire for in person meetings it is not possible at this time. Chair Findling asks if anyone had anything else.

Mr. Harrison states he had one more question with regard to the comment he made about the waste oil tank that's underground at the proposed site and if the Applicant was aware of it and what was going to be done about it.

Applicant states that he wasn't aware of that and that any building that is built there would have the same concerns or issues. He states he is not aware of the regulations around the removal of it, but will follow any guidelines required.

Chair Findling concludes opposition testimony and moves on to neutral testimony, to which there is none.

Chair Findling requests a motion from the Commissioners to keep the record open as requested by Jay Harrison and Dale Mohr.

Cm. Buker motions to keep the record open and Chair Findling seconds.

All Commissioners vote to keep the record open until the 13th of July. The next meeting will be on July 13 at 630 p.m. as a continuation of this hearing.

VI. ADJOURNMENT OF PUBLIC HEARING

Chair Findling closes the land use hearing and adjourns at 7:47p.m. and opens the Regular Planning Commission Meeting at 7:48 p.m.

IV. CONSENT CALENDAR

Minutes from June 10, 2020 CU - 2020-02 Extension

Chair Findling makes a motion to push the minutes review until next month. Cm. Buker seconds. Ayes: Findling, Buker and Cooper.

V. OLD BUSINESS: NONE


VI. NEW BUSINESS

A. Consideration of Conditional Use Application - Derek "Dirk" Sigurdson (CU-2020-03)

There was no further consideration of application CU 2020-03 as there had been an extension to the hearing applied.

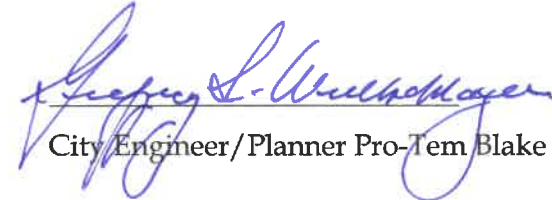
V. ADJOURNMENT

Chair Findling adjourned the meeting at 7:50 p.m.



Chair: Nathan Findling

ATTEST:



City Engineer/Planner Pro-Tem Blake Lettenmaier

Transcription: Laura Schmidt