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PLANNING COMMISSION MEETING/PUBLIC HEARING MINUTES

Monday, July 27, 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 6:31 p.m. Present were Commissioners Nathan Findling, James Buker, Roger Cooper, and Judith Parker, City Engineer/Planner Pro-Tem Blake Lettenmaier, City Manager Geoff Wullschlager, and City Recorder Laura Schmidt. Citizens present were Jay Harrison, Ahna Ortiz, Dale Mohr, and Larry Susanka. Others were present but did not identify themselves. Derek "Dirk" Sigurdson was present representing the application.

II. CONSENT CALENDAR

1. Approval of Minutes - Planning Commission Public Hearing Extension 05/27/2020.

Chair Findling asked for any additions, deletions, or changes made to the minutes. Commissioner Cooper reminded Chair Findling that the pledge of allegiance had not been done, Chair Findling then led the pledge of allegiance.

There were no changes to the minutes, although Chair Findling asked that his questions regarding School district #56 stating that they would not promote the new school structure for other than school events be reflected in the minutes. Commissioner Cooper made the motion to approve the minutes as amended, seconded by Commissioner Buker. 3 Aye's, 1 abstention, 0 Nay's. Minutes approved as amended.

2. Approval of Minutes - Planning Commission Public Hearing 06/29/2020.

Chair Findling asked if there were any additions, deletions, or changes to the minutes as presented. Commissioner Parker stated that she that she had a few. Starting with the first page, she was not identified as attending the meetings as she was having technical issues. She stated that she entered when the Chair asked if there was any ex-parte contact. She also stated that there was no consistency of her attending by email. She also stated that she could hear the meeting, but not talk due to the technical problems.

She went on to state that she was not in favor of the term "chimed in", on page 17. of the packet. She stated that she felt it did not sound professional. She wanted it changed to another word. She also stated that this term makes it sound like it was an opinion, being levied by the City Planner Pro-Tem. City Manager Wullschlager stated that the minutes are usually adjusted for inconsistencies, not matters of taste. Commissioner Parker went on to state that she feels the editing needs to be improved. City Manager Wullschlager went on to state that given the number of meetings the City has been handling, that minutes are now a full-time job and that the City Recorder has produced close to 100 pages of minutes in the last three months. The Commission had chosen to change the term "chimed in" to "interjected".

Commissioner Buker made a motion to approve the minutes as amended, 2nd Chair Findling. 4 Aye's and 0 Nay's.

III. 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 public hearing extension (second) of the meeting held on June 29th, 2020 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 22nd, 2020, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the original hearing was 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 the original hearing was publicly posted at various locations throughout town prior to this meeting. The City and the Planning Commission are under no requirement to publish notice of the hearing extension, as a time and place certain were declared at the adjournment of the last meeting considering this application. Regardless, notice has been placed online on the City's website, official Facebook page, and at various locations throughout town prior to this hearing extension in the public interest."

"This hearing extension 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."

There were no objections to the jurisdiction of the commission or its members.

Chair Findling went on to state the following: "Hearing no objections to the jurisdiction of this commission, I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight."

There were no conflicts of interest declared.

Chair Findling then stated: "At this time, I'll ask the members of the Planning Commission if they would like the City Planner Pro-Tem to summarize, clarify, or revisit any part of the Planner's staff report that was delivered on originally on June 29th, 2020." There were no new questions.

Chair Findling then stated: "I now ask the City Planner Pro-Tem to relay any correspondence or inquiry received to date. If you have submitted written testimony, and you are present and would like to speak, please hold your comments or further testimony until I ask for oral testimony."

City Manager Wullschlager stated that a new letter was received from Jay Harrison and Ahna Oritz, and that they had planned on presenting it themselves during oral testimony. Chair Findling then asked if there were any other question before the Planning Commission proceeded, to which there were none.

Chair Findling then stated the following:

"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.

Chair Findling then stated:

"The Planning Commission now 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 public testimony."

Chair Findling asked the applicant if he had anything more to add. Mr. Sigurdson stated that he has enjoyed the process and has appreciated the work of the Planning Commission. He then stated he had no further testimony.

Chair Findling asked if any of the Commissioners had any questions for the applicant, of which there were none.

Chair Findling then read the following statement:

"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 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 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. By a majority decision, the Planning Commission may request that the record for this hearing be held open for at least seven days for a second extension of hearing; however, this request must be made prior to the close of this hearing, and is subject to the requirements of ORS 227.178, and ORS 197.763. The City received and deemed the application complete on May 13th, 2020."

"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."

Chair Findling then reminded those in attendance to raise their virtual hand if they had testimony to offer.

He then called for testimony in support. City Manager Wullschlager asked those in attendance to waive their hands at the screen if they could not access the virtual hand.

Chair Findling then asked for neutral testimony to which there was none.

Chair Findling then called for testimony in opposition and called on Mr. Jay Harrison.

Mr. Harrison stated that Mr. Mohr and Mr. Susanka were together at Mr. Mohr's home (to offer testimony) in opposition and that they were having trouble logging into the meeting. City Manager Wullschlager conveyed that he had provided Mr. Susanka with a packet with the login information and that they could call in as well with the call information on the packet. Ms. Anna Ortiz stated that she would call next door to help them. Chair Findling called a recess at 6:54 for ten minutes.

Chair Findling called the meeting back into session at 7:04 p.m. but did not proceed immediately with testimony as Mr. Mohr and Mr. Susanka were still attempting to log into the meeting.

The meeting was again recessed at 7:10 p.m. due to technical difficulties experienced by Mr. Mohr and Mr. Susanka.

At 7:15 p.m. Chair Findling gavelled the hearing back into session.

Jay Harrison 107 7th St. Mr. Harrison read his letter which is as follows:

"Planning Commission Meeting July 27th

After reviewing the PowerPoint from Mr. Sigurdson that was presented at the last meeting, our research has discovered some differences. On page 11 of the presentation,

he lists the pounding as 95db. From the Department of Defense website, it lists hammering a nail at 120-140db. If we compare pounding aluminum to hammering a nail, and take the average of 130db and add that to his chart, we find a significant difference. If we take these same figures and use the "Sound Attenuation over distance calculator" he presented for grinding on page 10, the resulting level is 102db. Not 71db as stated. Huge difference. 85db can cause permanent damage. Also, the dB level stated for grinding at 95db is for a "free running" 4" grinder. A noise level presented that's not applied to the grinding of material.

Let's be realistic, there is going to be unwanted noise that the neighbors are not wanting to hear. Our home is occupied 7 days a week and our guest home is occupied most days of the week and not just weekends. A lawnmower or weed eater once a week is a different story.

To summarize, having this building block the view of the east side of our home, sight blockage backing out of our driveway and having this building block Larry's view on the north will have a major impact on our property. He no longer will be able to see past his front porch.

Having the noise that will be generated from the aluminum boat manufacturing business will have a major impact on our property, Larry's property and Dale's. Having the code changed and this development will adversely affect all three of our property values which will have a major impact on our properties, by an average of 10%. Putting that into real dollars, that's \$30-\$35,000 dollars at a minimum just for our property.

Garibaldi Municipal Code 18.25.020 does not list a business that pertains to what Mr. Sigurdson has presented. We object to the change.

Garibaldi Municipal Code 18.25.030 does not list a business that pertains to what Mr. Sigurdson has presented. We object to the change.

Garibaldi Municipal Code 18.185.020.B states:"

City Manager Wullschlager paused the reading of the letter at this point to mute everyone in the meeting as there was background discussion. He then indicated to Mr. Harrison that he had the floor.

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

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

All three neighbors have objected and have stated that this will impact them in a major way. This is reason enough to deny this application. "

Ms. Ahna Ortiz then asked the Planning Commission to consider the fact that once they make a decision that there is the chance that an irreversible impact will be made on the City of Garibaldi. She then thanked the Planning Commission for their time.

Chair Findling then offered the opportunity for rebuttal to Mr. Sigurdson.

Mr. Sigurdson replied by stating that the pounding numbers that he gave are a bit different than hammering nails, saying that it is the forming of sheet metal. He stated that this is where the value came from that he was representing. He also said that the decrease in land value can have a different perspective to it in that the current lot is vacant and not very attractive, and by allowing a business to form that is making goods that may be considered interesting or valuable may have the adverse effect. He went on to state that land value at this juncture is indeterminate. He also stated that the sound that would be coming from the building could be mitigated, with the building alone, in addition to being open to make concessions for additional insulation if this was required with sound curtains. He went on to say that he is proposing to perform the loudest aspects of the business at times other than evenings and early mornings. He finished by stating that he wants to work with the neighbors, that he plans on a very small output of products, and that he believes the zone does allow for this kind of business.

Chair Findling stated that Mr. Harrison now had opportunity for rebuttal.

Mr. Harrison stated that he had stated his case. He also stated that this development would block his view as well as that of Mr. Mohr and Mr. Susanka. He went on to state that Mr. Mohr probably had testimony as well.

Mr. Dale Mohr stated that all the properties adjoining the property in question consist of retired people, and that they are not in the position to be at work during daytime hours when the proposed work would take place. He went on to state that he hoped that he and the property owners he was speaking of are not run out of the neighborhood because he feels that this is what is going to happen. He wants to live on his property in peace.

Mr. Larry Susanka stated that the backside of the proposed use would only be 15 ft. back from his property line and then his front door is 5 more ft. from there with a total of 20 ft. between his home and the operation. He also stated that the property in question floods twice a year of which he has pictures of. He stated that whomever builds there will be required to build up, which will allow a 30 ft. building to be built which is higher. He also questioned what would happen with all the flood water.

Chair Findling offered Mr. Sigurdson the opportunity for rebuttal:

Mr. Sigurdson stated that to Mr. Susanka's concerns, there will be an 18 ft. overhang from the side of the outside wall of his building which would make the distance between Mr. Susanka's front door and the back of the building around 33 ft. He also stated that he would be taking all the requisite steps to ensure that the property would not flood which would be a benefit to neighboring properties. He also stated that he does not want anyone to feel like they will be driven out of the neighborhood, and that the amount of noise coming out of the business will be minimal as he plans on only producing 1-3 boats per year with only 1-2 employee. He stated that when compared to a restaurant or other business, his footprint would be minimal and that he doesn't feel that anyone should feel that they would have to move.

Chair Findling offered the opportunity for rebuttal to Mr. Mohr and Mr. Susanka: Mr. Susanka stated that he is convinced that there would be a lot of noise coming out of this proposed business and that he is stuck, at 86 years of age, and that he will not be moving anymore. He also stated that 30 ft. back from the line will consist of parking spaces and other functions that he was not happy about.

Mr. Mohr stated that if this application got approved he felt that he would have to move and asked that those making the decision consider what harm would be done if approved, and what harm would not be done by denying the application.

Chair Findling offered Mr. Sigurdson chance for rebuttal:

Mr. Sigurdson stated that he had nothing else to present.

Chair Findling asked for any other opposition testimony. There was none offered.

Chair Findling asked if there were any questions from the Commission on comments made thus far. There were none from the rest of the body but Chair Findling stated that he had several.

He wanted to know Mr. Lettenmaier's (City Planner Pro-Tem) opinion on the sound calculations now that the commission has had several weeks to review them. Mr. Lettenmaier stated that the literature that everyone has read is correct but that apples to apples is not the right perspective. He said that at 85 dB's he does not feel that this would create hearing loss on an intermittent basis, but possibly if it was continuous.

Chair Findling asked Mr. Sigurdson if he was planning on overhauling work, or whether he planned to build from the ground up. He stated that he would be building boats and then take boats in that he has built for repair. He stated it was not his primary idea to perform refurbishment. He also stated to Chair Findling's question about materials that he is planning on working with aluminum, but that this would not rule out fiberglass or wood in the future. Chair Findling asked if fiberglass was quieter, to which Mr. Sigurdson responded in the affirmative. Mr. Sigurdson did state that aluminum boat building would be the loudest.

Chair Findling thanked City Planner Pro-Tem Lettenmaier and Mr. Sigurdson for their input.

Commissioner Cooper asked City Manager Wullschlager how difficult it would be to change the zoning of the lot to industrial. City Manager Wullschlager stated that it would be very difficult as DLCDC requires any change to be offset somewhere else in town, and that anything abutting residential would have to be transitional such as a buffer of commercial between residential to industrial.

Chair Findling asked the staff present to differentiate the elements of commercial to industrial zoning. City Manager Wullschlager reviewed I-1 General Industrial Zone outright permitted uses. He then brought up C-1 Commercial Zone for comparison.

Chair Findling asked for a last call of questions to the applicant. Chair Findling clarified that in deliberation that the commission should refrain from asking any more questions of the applicant.

Commissioner Parker asked City Manager Wullschlager what the current available inventory was of Industrial land in Garibaldi. City Manager Wullschlager brought up the current zoning map that has an underlay of development on it. City Manager Wullschlager stated that the only available Industrial land in Garibaldi is mostly taken up by the Mill, Garibaldi Public Works, and Merrill's.

He went on to state that Waterfront Development could be made available but that it would be restricted to leasing through the Port of Garibaldi, and that a large piece of WM that is available, but it has a price tag of around 8 million dollars. He also stated that the land at Merrill's that is zoned industrial would most likely be subject to the process of a brownfield process which would take a number of years to get through.

Commissioner Parker asked if there were any new opportunities for industrial expansion to which City Manager Wullschlager stated that there were none given the current lands inventory, and that it was a criterion upon which the Planning Commission could not base a decision. Commissioner Parker stated that she understood.

ADJOURNMENT OF PUBLIC HEARING

Chair Findling called for any final questions before closing the hearing, to which there were none. Public hearing closed at 7:44 p.m. Chair Findling called the regular meeting to order at 7:45.

IV. OLD BUSINESS

A. Consideration of Conditional Use Application - Neah-Kah-Nie School District # 56. (CU-2020-02)

Chair Findling reminded the Commission that they would be revisiting CU-2020-02. Chair Findling stated that they were in receipt of the remanded decision with specific instructions from the City Council, but they were not given a reason for the remand of decision. City Manager Wullschlager stated that when the Council receives an appeal, if they feel that the Planning Commission has not done their job with respect to the measurement of criteria within the Garibaldi Zoning Code and Comprehensive Plan, they can send it back to the Planning Commission to update their findings by way of the instructions from Council. Manager Wullschlager went on to state that the Council concluded that the Planning Commission did not ensure, with respect to CU-2020-02, that the applicant met Garibaldi Comprehensive Plan Goal III. Community Development Pattern, A. Citing the Comprehensive Plan, Manager Wullschlager read: "The City will protect existing residential neighborhoods from conflicting or inappropriate land uses. Where non-residential land uses are located in residential areas, the City will require that measure be taken to minimize the impact of such uses on adjacent residential areas." City Manager Wullschlager stated that the Council felt that the approval of CU-2020-02 at 21' 9 and 1/8" to 23' for building height, did not ensure the minimization of impact to residential properties in the neighboring zone as decided upon by the Council. Manager Wullschlager went on to state that the Council instructed the Commission to refine their Final Order to 21'.

Chair Findling asked if the Planning Commission would get in trouble as he felt the Council did not specify their rationale in their instructions. Chair Findling wanted to

be clear on what the instructions were, and what the criteria was for the Council's decision. Manager Wullschlager reiterated the Goal III., standard A. Manager Wullschlager further explained that the original applicant stated that the minimum height they could build to achieve their goal was 21'. Chair Findling stated that this is not what they said based on his listening of the appeal hearing. Manager Wullschlager stated that this was "what they were shooting for", and that they did not have any supervisors or professional measurements taken to date.

Manager Wullschlager further stated that the opponent of the appeal does have recourse if they want to appeal this decision to the state Land Use Board of Appeals. Chair Findling asked if they attended the Planning Commission meeting. Manager Wullschlager stated they were not in attendance, and that it would not be appropriate for them to speak with respect to testimony, but that they could make public comment at the appropriate time if they would like.

Chair Findling asked if it was allowable to speak to the other Commissioners, to which Manager Wullschlager confirmed. Chair Findling asked for Commissioner Buker to offer his thoughts. Manager Wullschlager reminded everyone that they were live as there were discussions in the background.

Commissioner Buker stated that he was not unable to unmute himself. Manager Wullschlager let Commissioner Buker know that he had the floor. Commissioner Buker had no further comments to make other than he was not able to unmute himself.

Manager Wullschlager reminded Commissioner Parker that all Commissioners were live. Chair Findling asked what the options were for the Commission at this juncture. Manager Wullschlager explained that there weren't really any options. He went on to state that the Planning Commission could choose to not follow the directive from the City Council but that this would create an almost guaranteed LUBA appeal. Manager Wullschlager further explained that this remanded decision from the Council was not an ask but a directive from the Council as they are the upper body. Chair Findling stated that this was not how a remand worked. Manager Wullschlager stated that this was how a remanded decision works. Chair Findling stated that a remand asks for information clarification of the Commission, or if the Council pushes it back to the Commission, they need permission from the applicant. Manager Wullschlager explained that it works like the court system, wherein if a higher court sends a decision back down to a lower court, it is with instructions for the lower body to modify their decision. In this case the Council has instructed the Planning Commission to change the Final Order, as approved by the City Attorney.

Commissioner Cooper asked what the original ask was for height. Chair Findling reported that it was 21' 9 and 1/8". He went on to state that the Planning Commission had given the applicant wiggle room as contractors can be inexact, and based on the fact that the school district must go with the lowest bid which can have an effect on quality, which was the Planning Commission's basis for wiggle room. He then stated that it is now back to the Planning Commission because the Council wants it dropped "9".

Chair Findling asked Commissioner Parker for any input, to which she replied she cannot vote due to missing the first hearing extension. Chair Findling asked Manager Wullschlager if this was correct to which he agreed. Chair Findling asked Commissioner Cooper for his input, and he stated that he did not have a problem with

the 21' change to be made to the Final Order. He went on to ask, "What difference will it make to set their construction criteria to that?" He also stated that he felt the Planning Commission got pushed up on height to the "Would be sloppiness of the contractor." Chair Findling stated that he recalled that height was also a concern as the school district was worried about children accessing the roof by climbing or jumping upon it. Chair Findling went on to state that as it is a school district, they don't have unlimited funds for redesign. Chair Findling then asked for Commissioner Buker's input. Commissioner Buker stated that the Commission has received an order and he felt that it was legal thus leaving the Commission with few options. Chair Findling asked if approved at the current juncture, would the application then go back to the Council to which City Manager Wullschlager said no. Chair Findling then asked if the applicant would need to start the application process over again. Manager Wullschlager stated that if they wanted to they could, but they could also accept the amended decision or appeal it to LUBA. Chair Findling discussed all the calculations and work to date by the school district and asked what wasn't complete. City Manager Wullschlager stated that they did not have a storm drainage plan as of current. Manager Wullschlager then stated that the at the current moment it was not a matter of deliberating the application and its factors as presented, but a matter of amending the decision and Final Order at the direction of the City Council. Chair Findling stated that what would be decided at the current juncture could have impacts on the City, those that appeal it, and on the landowners. Manager Wullschlager stated that the applicant had a conceptual design done by an architect with an estimation at 21' 9 and 1/8". City Manager Wullschlager also stated that the problem for the school district at this point is that they could meet any height requirement by digging down, but that this would be cost prohibitive to the school district. Chair Findling stated that this could also present problems for their ADA requirements. Manager Wullschlager stated that he did not know if this would scrap the project, but that Architect Fanjoy stated that they could go down to 21' and still proceed with the project. Chair Findling stated that if they could do it at 21' he would not have a problem with it. Manager Wullschlager stated that the Planning Commission could choose not to abide by the Council's directive but then the application would end up in LUBA which is a slow process. Chair Findling stated that if the application could be done at 21' he would be fine with it. Manager Wullschlager stated that this was not the decision before the Planning Commission, the instructions given were to amend the decision and Final Order. Chair Findling asked for Commissioner Cooper's thoughts, to which Commissioner Cooper stated that there was no decision to be made given the directions of the Council.

Chair Findling asked for City Planner Pro-Tem Lettenmaier to make a statement that he had asked to make earlier.

City Planner Pro-Tem Lettenmaier added that to the Final Order amendment, he was asking for the amendment to read: "Certification and verification of the final height of the structure at 21 ft. by a licensed registered professional land surveyor in the state of Oregon." Chair Findling responded with an affirmative agreement.

Chair Findling asked for Commissioner Buker's input. Commissioner Buker stated that he agrees with Commissioner Cooper, as the Commission has been given an order by the City Council.

City Manager Wullschlager stated that the motion should state the following: "Motion to approve the City Council's recommendation, with the recommendation of the City Planner."

Chair Findling made a motion to approve. Second Commissioner Buker. Vote: 3 Aye's, 0 Nay's, 1 Abstention. Motion passes. Chair Findling added that he would like to enter the proviso into the record stating that "That's actually what the Neah-kah-nie school district said they can do. That, if they said it could be 21' 9 and 1/8", and they couldn't do anything lower than that, then heaven help us." He stated he wanted this direct quote in the record.

V. NEW BUSINESS

Chair Findling moved on to New Business, consideration of CU 2020-03. Chair Findling asked Commissioner Buker to start.

Commissioner Buker stated that there was argument made that the use is implicitly allowed with the current zoning, but he noted that it is not explicitly allowed. With this in mind, Commissioner Buker stated that he felt it doesn't meet the requirements of the zone under the "implicit" argument in the current zoning.

Commissioner Cooper stated that he doesn't disagree with this position, but he said that the presentation offers something that might be more welcomed in this neighborhood than some of the outright permitted uses.

Commissioner Parker stated that she really was endeared to the idea as presented as she would like to see a small business go into the area, but that at the same time she did not feel that it met the test of three of the Comprehensive Plan Goals, nor did it go well with two of the Municipal Codes. She stated that while she liked the idea she did not feel it was the right location. She offered to cite the code and the plan goals. She went on to state that she was not in agreement with the Staff Report in the following manner:

Chapter III. Community Development Pattern

Part A. She stated that this is a problem where you have the C-1 abutting the R-1. She stated that she was thinking "What if this was me?", or "What if it was my property to the north of this proposed project?" and continued by saying "I would not be very comfortable, nor on the west side either with only five feet from the back of the building." in reference to living next to the proposed use. She said she felt there was a conflict there with the building itself.

She also cited Part E. of Community Development discussing reducing impacts on the residential zone, and she felt that this has not been done and the staff report does not reflect this.

Chapter IV. Air and Water Quality Policies

Under Air and Water Quality Goal, Part. F. she felt that under water table areas that there are problems as this area has historical water issues including flooding. She also cited the fact that there is an underground tank, and this concerns her, and the DEQ concern regarding underground storage tanks. She felt that this could be an issue as there has not been a lot of talk about how this will impact things and the implications of it.

Chapter IX. Economy

She also cited chapter 8. Goal 9. Economy.: She stated that the staff report only stated "That the proposed project will supply construction work and aid in boosting the local economy during operations." She stated that, "When you read this part of the plan it speaks to jobs and that's where you can find the buildable lands that provide the jobs and such, but there are no jobs created by this project. Sure, you might bring in some money to the construction company that builds it, and the people that occupy the building when they're there, but he just talked about it this evening employing one to two people. Well this is a hobby; this is not a commercial venture to me from how it's been explained. So, I don't see any full-time jobs coming out of this either. He also talks about two to three boats a year, well starting off with a couple of boats that are for personal people and such, again where is the job viability there? And then he's starting to talk about wood, and aluminum and fiberglass boats, it's really good and that's, I think, that's why I like the idea, I think it's great. The biggest impact here is the community and that takes me into the municipal codes which:"

Code 18.05.020: Purpose - This was a red flag for her as she felt the project would not conserve and stabilize the value of surrounding properties. She stated, "That they are not going to have light and air around them, especially when some of these properties are only five feet from their line." She felt it did not meet this provision of the code either. She then cited the section of the code that states community facilities such as water supply and sewer are required to have adequate provision and based on the water flooding, possible stormwater problems, and the underground storage tank she felt the application failed to meet code. In closing she stated that the project as proposed failed to meet the section of the code that requires promotion of the public health, safety, convenience and public welfare of the community due to the fact that we have heard from people who state that they will have to move, and leave the area, some having been there for forty years. She went on to state that the project will turn things around to dovetail and fit the application into an area where it doesn't need to be based on the idea that are many other places in the City where it would be better suited.

Code: 18.185.020 She stated, "Above All we are not protecting the neighborhood and we are not minimizing the effects or the impacts." She stated that the application failed to meet the minimum impact on surrounding properties clause of the code. She concluded by stating she was not in favor of this project where it was proposed.

Chair Findling stated that this was unfortunate as the City should want to work with innovation like this project proposes. He went on to state that with respect to views, this was "caveat emptor" as while there are line of site requirements in project proposals, the Community Development Plan does not give carte blanche to caveat emptor. He stated that if it did, the first set of apartments would have never been built. He stated that this does not affect his decision, but that the hard part is differentiating between commercial and industrial. He stated that industrial uses under 18.30.020A. General Industrial Zone, outright permitted uses, allows for fabrication of semi-finished or raw materials. He concluded that to him this proposal fits into industrial zoning.

Commissioner Buker stated that the applicant has an "agile" background and that with this, the proposal has the chance of going from small to being increased. Chair Findling

stated that it has the indications of a startup.

Chair Findling stated that the Commission has to take the application as is, and it cannot be molded and shaped.

Commissioner Cooper stated that the application is on a Commercial lot, but he doesn't disagree with the application as an industrial application.

Commissioner Buker agreed with this finding.

Commissioner Parker stated that having Commercial within Residential, is more on the historical scale. She stated that all the residents are aged. She also stated that the plan doesn't address new commercial uses. She stated that if this application were permitted that it would set off a chain of events, and that the applicant needs to look to other properties that are more appropriate to industrial uses.

Chair Findling asked for any staff comments. Manager Wullschlager stated that "Whatever decision is being made, make sure that it complies with the Comp. Plan and the Garibaldi Municipal Code."

Chair Findling asked if there was any other discussion or if anyone was ready to vote.

Chair Findling made a motion to approve the application. Commissioner Cooper 2nd.
Vote: 1 Aye. 3 Nay's.

Commissioner Buker made a motion to decline the application, 2nd Chair Findling.
Vote: 3 Aye's, 0 Nay's.

A conversation then took place on voting procedure.

Chair Findling motioned to decline the application, Commissioner Buker 2nd. Vote: 4
Aye's, 0 Nay's. Motion passes. Application CU- 2020-03 is not approved.

A conversation then took place about next month's meeting. Commissioner Parker stated that her schedule would be somewhat compromised for the next month's meeting. When it was stated that it was on the 24th she felt that she would be able to attend.

Commissioner Parker then asked what the procedure would be for the Daniel's appeal. Manager Wullschlager explained the process to the Commission regarding, uphold, uphold with amendments, remand with amendments, or they can overturn with stated criteria.

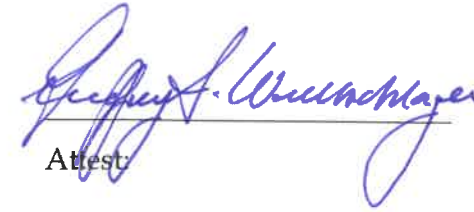
The conversation continued on voting procedure and the upcoming Council re-vote on the Daniel's appeal. The Commission then asked what the Commission would have to demonstrate; how the application did not meet the Comprehensive Plan or City Zoning Code if the decision gets remanded to them. The Commission also asked if they could recess in future public hearings and decisions before a decision is made, to which the City Manager stated, this was up to the Commission.

V. ADJOURMENT

Chair Findling adjourned the meeting at 9:01 p.m.



Chair: Nathan Findling



Attest:

Transcription: Geoff Wullschlager