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PLANNING COMMISSION MEETING & PUBLIC HEARING MINUTES

Monday, July 13, 2020 - 6:30 p.m.

ZOOM CONFERENCE

I. PLEDGE OF ALLEGINCE

II. CALL TO ORDER

Chair Nathan Findling called the Planning Commission Meeting to order at 6:40 p.m. Present were Commissioners Nathan Findling (herein after "Chair Findling"), James A. Buker, Judith Parker and Roger Cooper. City Manager - Geoff Wullschlager (herein after "City Manager"), City Planner Pro-Tem - Blake Lettenmaier and City Administrative Assistant 2 - Laura Schmidt were also present.

Public present on record: Jay Harrison and Ahna Ortiz. Others were present but did not identify themselves.

Derek "Dirk" Sigurdson was present as the Applicant (herein after "Applicant").

III. CONSENT CALENDAR - June 10, 2020 Hearing Minutes

Cm. Parker noted that vote was transposed, should have been 3 Nays and 2 Yays.

Cm. Buker stated "they quoted me as saying half of Kelso disappeared in the landslide that I mentioned. They actually lost a whole community, but it wasn't the entire half of town. It was just that one community inside of Kelso... roughly 140 homes".

Chair Findling had corrections as follows:

- Page 4- reach the code instead of read the code.
- Page 6 - the word natural, natural didn't show any emphasis to show that it was natural
- Page 8 - noted he wasn't sure what it meant by computed Community Development pattern but supposed it was plausible.
- Page 9 - an issue edited in the final order that said Chair Findling asked about changing the findings
- Page 21 - use the applicant's direct quote

Chair Findling made a **MOTION** to approve the June 10 meeting minutes as amended. **ALL** in favor. **MOTION PASSED UNANIMOUSLY.**

IV. PUBLIC COMMENT - NONE

V. AGENDA NOTES (OPENING OF PUBLIC HEARING)

Chair Findling opened the extension hearing by reading the following: *"This is a quasi-judicial public hearing extension of the meeting held on June 29, 2020 of the Garibaldi Planning Commission to consider an application (PAGES 38. - 48.) 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."

Hearing none, Chair Findling moved forward and read the following from the script *"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."*

Cm. Parker noted there was previously a discussion on a buried tank that is on the property. She questioned if there had been any other research done on that, what kind of a tank was, was it hazardous. She also asked how it affects this project or how it could affect it.

City Planner Pro-Tem responded that no research had been done and that it was solely the applicant's responsibility to deal with it and it could be dealt with. He also said he didn't know what the original statement was based upon and that this

information was not pertinent to the application.

Cm. Parker expresses additional concern that the applicant should be aware of what is there and that it could be an obstacle that could be an impediment to this project, if approved.

City Planner Pro-Tem again stated that it was the applicant's responsibility and that there is nothing in the code or applicable criteria that she was speaking to.

Chair Findling confirmed by saying, "so it will be up to the applicant".

Cn. Parker questioned City Planner Pro-Tem as follows, "you're saying that you are aware of it, but it's not your responsibility to deal with?"

City Planner Pro-Tem responded by saying he never said he was aware of it. He stated he had said that he did not know where the speculation came from.

Chair Findling stated that he believed it was a historical reference, not a visual reference. He also noted that Jay had his hand raised and noted since he was the one who initially brought it up that he may be able to clarify the history. Jay stated it was in the Southwest corner under where the restaurant was and if you walked the property you would trip in a hole where it is.

Chair Findling confirmed with City Planner Pro-Tem that it will be up to the applicant if any issues arise from the heating tank.

Cm. Parker commented with regard to page 8, item number 9 of the staff report that reads "the applicant shall address any such adverse impacts of the boat building process, i.e. grinding, welding, painting, etc. and provide appropriate mitigation measures." She questioned and asked for an explanation of what an appropriate mitigation measure would be when addressing all those different types of activities and if they are limited in some way.

City Planner Pro-Tem clarified that he said mitigation "measures" not "measure" and that it would be up to the planning commission to decide what those measures would be as well as the limitations. In terms of grinding, something related to decibels of noise. He noted that the applicant provided in his submittal decibels of noise and how he proposed to mitigate those. City Planner Pro-Tem suggested for issues with the fumes from welding or painting a scrubber/filter/exhaust be recommended.

Discussion was had regarding decibels of grinding (22 to 35) and pounding (36 to 49) as compared with talking (60).

With no further questions from the Planning Commission, Chair Findling moved to the next phase of the hearing by reading the script as follows:

"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 Planner Pro-Tem stated he had received an email from the applicant stating some of his qualifications in relationship to Commissioner Parker's questioning last meeting. Chair Findling relayed that they would be basing the application based on the criteria not necessarily the applicant's resume.

In addition to that City Planner Pro-Tem stated he had received an email as additional written testimony provided by Jay Harrison and Ahna Ortiz that was included in the packet. Chair Findling stated that as it was already part of the packet it would not need to be read into the record as it already was part of the record. He then continued to the public testimony portion of the hearing by reading the following from the script:

"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 realized after reading this that he missed a few steps prior to this section, which included allowing the Applicant to provide his testimony. Chair Findling wanted it noted for the record that he had a long personal day and opened the floor to the Applicant.

Applicant stated he wanted to touch on some things that came out of the last meeting and give a little overview and explanation about his capability of producing boats. Chair Findling responded by stating that it was not necessary as it was not "shark tank" and it was about how he used the land as opposed to if he

was any good at it.

Applicant goes on to give a quick overview of himself and his business background as well as his business and construction plan for the location.

Cm. Parker responded by saying, "I want to thank Dirk for such a good presentation. It really has answered a lot of things that I've had on my mind. It's very thorough and I appreciate it very much. Thank you."

Cm. Cooper asked if there were any plans for sound insulation above the ceiling above the perceived production area and the garage door.

Applicant responded that the roof insulation would block out the sound better than the wall insulation and that he wasn't 100% sure on the garage door but that it would be insulated as well. He also noted that if that didn't do a good enough job, he would have the insulating screens too.

Chair Findling asked for clarification regarding R-13, 17 and 36 and the applicant explains. He also stated that it was not a percentage reduction, but a total value for a reduction.

Chair Findling asked for proponent testimony, hearing none he then asked for opponent testimony.

Jay Harrison began with his opponent testimony and requested another extension of the hearing as there were new items presented by the Applicant that he had not seen and wanted time to study further. He stated that he did not agree with the sound levels comparisons. He also reiterated that the three surrounding property owners have strongly opposed this facility. He noted that multiple neighbors will have views that will be blocked. He also mentioned that the noise of the filtration system for the welding and the painting had not been addressed. He expressed his annoyance with the applicant's proposal to build a facility five feet from the property line since the house built in the 20's was right at the property line.

Ahna Ortiz read, into the record, her letter respectfully asking the board to deny the application.

Jay Harrison mentioned he had one more thing to add, which was a rebuttal against the chart that talked about noise and noted it was listed at 10 meters (30 feet). As the house would be only 5 feet away, he expressed that he felt the building could not be built that close.

Applicant responded that the calculation of the 30 feet was done by using the distance from where the manufacturing will occur to the property line, as

opposed to just the edge of the building. In rebuttal to additional opponent testimony, he also commented that he did not feel as though the reverberation from the mountains would be an issue and there would be no filtration noise at all.

Jay Harrison noted that they are well aware of the noises such as the train and the old mill. Ahna Ortiz noted that she did not think the reference to the brewery was a good example.

Applicant noted that it is going to be a small-scale shop where these loud sounds will not happen very often. The main focus will be the interiors, and a very small fraction of the time will be spent on building these.

Jay Harrison asked, "what do you feel about building your building so close to the house?" and noted he would like to see a greater setback because it is "a residential area".

Applicant responded if there was flexibility from the city with the setback at corner of the lot he would be willing to move it that direction and that the other option would possibly be to not have the overhang, which he did not really want to do.

City Planner Pro-Tem interjected a point of order and stated that the five-foot setback on the West will be governed by the fire code and it could potentially be more than that. The required setback on the East, he believed, was zero unless providing a 3-foot setback for a sidewalk, but since there are no sidewalks on 10th Street it wouldn't be an issue. He concluded that it could be reduced on the east side to increase the setback on the west side.

Jay Harrison made a comment about a concern with the line of sight from his driveway.

City Planner Pro-Tem responded by stating that the applicant needed to maintain the 15 by 15 foot sight vision triangle at 10th Street. He informed that the rules for sight distance are 15 feet back from the edge of pavement. Chair Findling asked him if that would be addressed and he responded that yes, they would have to meet the code. He also reminded them that they have to be addressing code and criteria.

Chair Findling asked if there were any neutral testimonies. Hearing none he asked the Commissioners if they had any questions for the Applicant.

Cm. Parker asked the Applicant if he would consider working during set hours to help mitigate the concern with the neighbors having an Airbnb and people trying

to enjoy the Oregon Coast and not be kept awake from the noise.

Applicant responded that yes, he would if it is perceived that the noise reduction was not working the way intended, he would see what time frames worked for the neighbors.

Chair Findling asked City Planner Pro-Tem if there was an issue regarding the four doors aiming out towards U.S. Highway 101. He responded that he didn't see that as an issue but noted ODOT would not allow him to block the road. The applicant followed up by stating those would not be for vehicle access, but more as a place for people to view the boats or open up during an open house.

Chair Findling asked City Planner Pro-Tem regarding sound calculations if he would need time to confirm them or if it would be a condition of approval. City Planner Pro-Tem stated the condition could be some sort of maximum decibel level. He also noted that if the Planning Commission chose to make that a condition there is nothing in the code or criteria in regard to noise other than garage type work in between the hours of 10PM and 7AM, basically noise cannot occur during quiet hours.

Chair Findling asked, "Do you have any plans for any kind of pure commercial activity in that shop like retail, or like accessories or even a sales office or anything? I'm assuming that on the west side where the lack of manufacture or the manufacturing would not take place. I asked not for marketing, but for what would be conditional, like commercial zoned activity?" Applicant responded that he did not currently have plans for that. There would be no other sales other than the boats.

Chair Findling asked if any of the Commissioners had anything else and they did not. He then restated that Jay and Ahna had requested to keep the record open for a second time, and that it required a majority vote to keep it open. City Manager stated a point of order and explained that it must be motioned by the Planning Commission as a request by the Planning Commission to keep it open.

Chair Findling made a MOTION to keep the record open. Cm. Buker seconded.

AYES: Cooper, Parker and Findling; NAYS: Buker. Motion PASSED 3 AYES to 1 NAY.

Chair Findling stated the record would be kept open until 8am on the July 27th and the hearing would be extended until the regular Planning Commission meeting at 6:30 p.m. on July 27th.

VI. ADJOURNMENT OF PUBLIC HEARING

Chair Findling adjourns the hearing at 7:57 p.m. and reconvened the regular Planning Commission meeting at 7:58 p.m.

VII. OLD BUSINESS:

Nothing listed to discuss. Cm. Parker asked what the status on the Daniels' application was. City Manager confirmed the appeal hearing for that application would be before the city council's on the 22nd of July. Chair Findling confirmed with City Manager that there were no more applications on the horizon that would need a quasi-judicial review from the Planning Commission. Chair Findling stated this meant they could finally begin Citizens Advisory Committee discussions. Cm. Parker asked for an update and if there was any interest. City Manager stated two applications had been received but that was not enough to create a quorum. A discussion was had regarding how the CAC worked and when/how the announcement was posted. They also discussed having someone come in to help the Planning Commission on the update of the comprehensive plan, specifically to discuss the first steps. City Manager stated as they had been swamped with hearings lately nothing had been planned, but he could schedule it for new business for the next meeting. Chair Findling asked about filling Cm. Karna Inman's empty Commissioner seat and City Manager responded that he had received no interest.

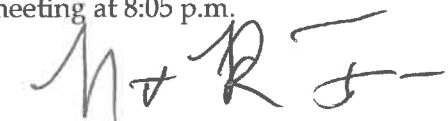
VIII. NEW BUSINESS:

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

No consideration or vote taken as it was extended to July 27th.

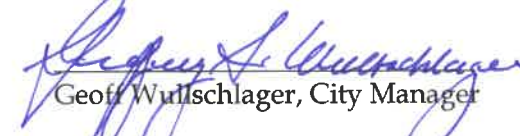
IX. ADJOURNMENT

Chair Findling adjourns the meeting at 8:05 p.m.



Nathan Findling, Planning Commission Chair

ATTEST:



Geoff Wullschlager, City Manager

Transcription: Laura Schmidt