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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

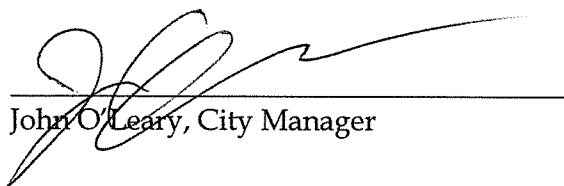
A. Port of Garibaldi - Review of Regulated Use - Transient Dock Ramp. O'Leary provided a brief staff report on the request by the Port of Garibaldi for a permit to relocated and reconstruct an existing gang-way (pedestrian dock access) on the port's property.

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.

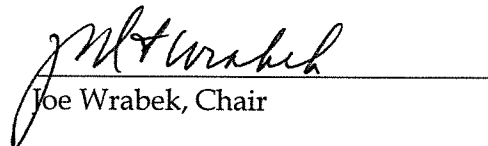
IV. ADJOURNMENT

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

ATTEST:



John O'Leary, City Manager



Joe Wrabek, Chair