CITY OF GARIBALDI, OREGON

City Hall — 107 6th St. — Box 708 — Garibaldi, Oregon 97118
Phone (503) 322-3327 — FAX (503) 322-3737 -- E-mail city@ci.garibaldi.or.us

APPLICATION FOR CONDITIONAL USE

DATE OF APPLICATION _____

APPLICANT INFORMATION

APPLICANT NAME(S) _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

STREET ADDRESS (if different) _____

TELEPHONE: Home _____ Work _____

APPLICANT STATUS

[Check ONE of the blanks below.]

☐ 1. I am the OWNER of the property. *[If there is more than one owner, ALL OWNERS must sign.]*

☐ 2. I am the PURCHASER of the property, under a duly recorded contract of sale.

☐ 3. I am LESSEE of the property, authorized by the owner to make this application.

☐ 4. I am the AGENT of the owner, authorized by the owner to make this application.

[NOTE: If applicant is not the owner of the property, the owner(s) need to fill out and sign the "OWNER CONSENT" portion of this application.]

OWNER'S NAME AND ADDRESS (if applicant is not the owner):

_____

_____

LEGAL DESCRIPTION OF PROPERTY

[Use LOT(S), BLOCK(S), and SUBDIVISION for platted land, or METES-AND-BOUNDS description for unplatted land (land that is not part of a recorded subdivision). ALSO include TAX LOT(S) and MAP NUMBERS from assessor's office (or your tax statement). Attach an extra page if necessary.]

ZONING INFORMATION

PRESENT ZONING _____

ATTACHMENTS

In order to process this application, the City will need, in addition to this application form:

- o Applicant's statement *[see "APPLICANT'S STATEMENT," below].*
- o A plot plan showing the proposed location and dimensions of what you need the conditional use to be able to do (and ALSO the location and dimensions of the other improvements on the property. *[Basically, show everything you can--parking lots, driveways, trees, bordering streets and structures--to give the Planning commission a "snapshot" of what it all looks like and what you want to do.]*
- o An application fee of $ 420 ($ 525 in the Commercial zone) pursuant to resolution 2008-09.

MAILING LIST

Section 11.020 of the zoning ordinance requires notice by first-class mail to every landowner within 200 feet of the outside boundaries of the subject property, at least 20 days in advance of the Planning Commission's hearing on your application. In addition, notice is published in the Tillamook paper 20 days or more in advance of the hearing. *The City* prepares the mailing list from the City's landuse database, and sends out the notices. This "noticing" is the primary cost your application fee is paying for (and that's why the fee is not refundable).

APPLICANT'S STATEMENT

Attach a statement summarizing why you think it's a good idea for the Planning Commission to grant the conditional use. (In "planner's language," this is called "proposed findings of fact.") By law, the Planning Commission is not allowed to say just "yes" or "no" in land-use matters—they have to say *why* they said "yes" or "no.") Your statement should attempt to give them "hooks" to hang a "yes" decision on.

APPLICANT'S CERTIFICATION

As the applicant(s) and owner(s) of the property described herein, I/we realize that this application rests upon the above answers and accompanying data, and do hereby affirm and certify under penalty of perjury that the foregoing statements and answers are in all respects true and correct to the best of my/ our knowledge.

Signature(s) *Printed/Typed Name* *Date*

_____

_____

OWNER CONSENT *[if applicant is not the owner of the property]*

I/we, as owner(s) of the abovedescribed property, hereby authorize and consent to this application.

Signature(s) *Printed/Typed Name* *Date*

_____

_____

OFFICE USE ONLY

APPLICATION RECEIVED *[date]* _____ BY: _____

APPLICATION FEE OF $ _____ RECEIVED *[date]* _____ RECEIPT NO. _____

SCHEDULED FOR PLANNING COMMISSION HEARING *[date]* _____

ABOUT CONDITIONAL USES

CONDITIONAL USES are governed by Article 6 of the Garibaldi Zoning Ordinance, as amended. Different conditional uses are allowed in different zones; you'll find these listed in Sec. 3.010(2) for the Residential zone, 3.020(2) for the Resource/Open Space zone, 3.030(2) for Commercial, 3.040(2) for Industrial, 3.050(2) for Water-Dependent (WD-1), 3.060(2) for Waterfront Development (WD-2), 3.080(3) for Estuary Natural, 3.106(3) for Estuary Conservation 1, 3.108(3) for Estuary Conservation 2, and 3.110(3) for Estuary Development. In addition to requiring compliance with standards specifically applicable to the use that is proposed, the City has the ability to impose such restrictions on the use as are considered necessary to protect adjacent property, an identified resource, or the City as a whole.

If the use you are proposing is not on the list of conditional uses allowed in the zone where your property is located, you can't apply for a conditional use. You need to apply for either (1) a zone change or (2) a change in the text of the zoning ordinance.

Before the Planning Commission can approve a conditional use, they need to "find" that certain requirements of the Zoning Ordinance are being met. For them to do so, you as applicant need to provide answers to the following questions:

1. How is the use you are proposing consistent with the policies of the Garibaldi Comprehensive Plan? (You'll want to read through those policies--there are a lot of them--and address the ones that apply.)

2. How are the location, size, design and operating characteristics of the proposed use going to let it have a minimal impact on surrounding properties?

3. How does the likely increase in traffic from your proposed use compare with the increase that would happen from a normal ("permitted") use of the property?

4. Do the adjacent streets have the capacity to accomodate the extra traffic your use is going to generate? How do you know this?

5. Are public facilities and services--water, sewer, fire and power--adequate to accomodate your proposed use? Why?

6. How are the physical characteristics of the property--topography, soils, and the like--appropriate for the use you are proposing?

7. How do you know there's enough room on the site to accomodate your proposed use?

8. Do you have adequate access points, on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities and/or other facilities as required either by your use or City ordinances?

If you are applying for a CONDITIONAL USE FOR A NON-WATER DEPENDENT USE IN A SHORELANDS OR WATERFRONT ZONE, also answer the questions below:

9. Show how your proposed use is not going to preclude the allocation of water-dependent uses.

10. Show that sufficient land and water area still exists for water-dependent uses.

11. Show how public access and riparian vegetation (where applicable) is going to be maintained or provided.

12. Show how your proposed use is not going to cause filling of the estuary or adverse water quality impact.

CONDITIONAL USES IN THE ESTUARY ZONES are also subject to the development standards in Sec. 4.010 of the Garibaldi Zoning Ordinance, as amended. The standards deal with aquaculture facilities, energy facilities, log handling and storage, commercial and industrial uses, the siting, design, construction, maintenance and expansion of dikes, the construction or expansion of docks and moorages, dredging or filling in estuarine water, intertidal areas and tidal wetlands, and disposal of dredge materials. Conditional uses in estuary zones are also subject to the procedures in Sec. 4.020. In the Estuary Development (ED) zone, show that the proposed use does not conflict with water-dependent use on the site or in adjacent water-dependent development (WD-1) shorelands.

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LAND USE APPLICATION CHECKLIST

APPLICANT _____ **FILENAME** _____

TYPE OF ACTION _____ DATE FILED _____

DATE FEE PAID _____ AMOUNT $_____ RECEIPT NO. _____

SCHEDULED FOR PLANNING COMMISSION ACTION *[date]* _____

SCHEDULED FOR CITY COUNCIL ACTION *[date]* _____

THIS FILE INCLUDES THE FOLLOWING:

EXHIBIT NO.		**PROVIDED BY APPLICANT**
		APPLICATION
		OWNER'S STATEMENT *[if owner different from applicant]*
		APPLICANT'S STATEMENT
		PLOT PLAN

LEGAL DESCRIPTION OF SUBJECT PROPERTY

GENERATED BY CITY

		MAILING LIST of all landowners within 200 feet
		NOTICE TO LANDOWNERS
		PUBLISHED NOTICE in *Headlight-Herald*
		POSTED NOTICE
		NOTICE TO DLCD *[required for zone change]*
		AFFIDAVIT OF NOTICE
		PLAT MAP
		STAFF REPORT *[if any]*

ADDITIONAL EXHIBITS RECEIVED BY PLANNING COMMISSION

		_____
		_____
		_____
		_____

FILENAME _____

ADDITIONAL EXHIBITS RECEIVED BY PLANNING COMMISSION

		_____
		_____
		_____
		_____

PLANNING COMMISSION DECISION *[date]* _____

☐ APPROVE ☐ DENY ☐ APPROVE WITH CONDITIONS

FINDINGS OF FACT, CONCLUSIONS & ORDER NO. _____ DATE _____

DEADLINE FOR APPEAL *[date]* _____

APPEAL FILED BY _____ DATE _____

COMPLETE PORTION BELOW IF CITY COUNCIL ACTION REQUIRED

COUNCIL HEARING SCHEDULED FOR *[date]* _____

☐ APPEAL ☐ OTHER _____

ADDITIONAL EXHIBITS RECEIVED BY CITY COUNCIL

		_____
		_____
		_____
		_____
		_____
		_____
		_____
		_____

CITY COUNCIL DECISION *[date]* _____

☐ APPROVE ☐ DENY ☐ APPROVE WITH CONDITIONS

FINDINGS OF FACT, CONCLUSIONS & ORDER NO: _____ DATE _____

ORDINANCE NO. _____ DATE ENACTED _____ EFFECTIVE _____

DATE NOTICE OF ADOPTION/DENIAL SENT TO DLCD _____