

**CITY OF GARIBALDI  
ORDINANCE NO. 324**

**AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE  
PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE  
LAND ZONE DESIGNATION FOR A PORTION OF PROPERTY  
LOCATED AT TAX LOTS 1200, 1300 AND A PORTION OF 490 OF  
TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1022BA IN  
CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN,  
GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING  
REGULATIONS, OREGON REVISED STATUTES (ORS) AND  
OREGON ADMINISTRATIVE RULES (OAR)**

WHEREAS, the Garibaldi City Council has adopted a Comprehensive Land Use Plan and a Land Zoning Ordinance, most recently amended July 29, 2013, in conformance with Oregon Revised Statutes and Oregon Administrative Rules regulating Statewide Planning Goals; and,

WHEREAS, Garibaldi Leasing and Development, owners of certain property located at Tax Lot 1200, 1300 and a portion of 490 of Tillamook County Tax Assessor Map 1N1022BA, have proposed to change the Comprehensive Plan and Garibaldi Zoning designation of a portion of the property from Medium Residential (R-1) to Commercial (C-1); and,

WHEREAS, the Garibaldi Planning Commission held a duly noticed public hearing on September 6, 2016 on the proposed amendments; and,

WHEREAS, the Garibaldi Planning Commission has deliberated this proposal and has recommended that the Garibaldi City Council approve the proposed Comprehensive Land Use Plan and Zoning Map change; and,

WHEREAS, the Garibaldi City Council held a duly noticed public hearing on September 7, 2016 on the proposed Comprehensive Land Use Plan and Zone Map amendment as recommended by the Garibaldi Planning Commission's Findings, Conclusions, and Recommendation attached to this Ordinance as **Exhibit A**; and,

WHEREAS, following the public hearing, the Garibaldi City Council deliberated and found that the proposed changes met the relevant and required criteria and accepted the recommendation of the Garibaldi Planning Commission and its findings,

- 1 - AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE DESIGNATION FOR A PORTION OF PROPERTY LOCATED AT TAX LOTS 1200, 1300 AND A PORTION OF 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1022BA IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR)

**NOW, THEREFORE, THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:**

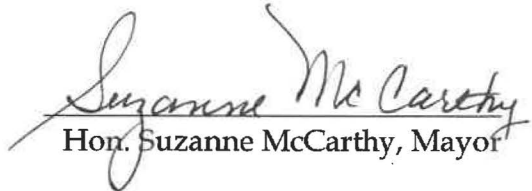
*Section 1.* The City of Garibaldi Comprehensive Plan Map and Garibaldi Land Use Zoning Map as amended through Ordinance 320 shall be amended so that the properties located on Tax Lots 1200, 1300 a portion of the property located at Tax Lot 490 of Tillamook County Tax Assessor Map 1N1022BA, and as this portion is described in a certain document attached to this Ordinance as **Exhibit A**, formerly designated as Medium Residential (R-1) will be changed to the designation of Commercial (C-1).

*Section 2.* The Planning Official shall make such changes to the City of Garibaldi Comprehensive Plan Map and the City of Garibaldi Zoning Map as are required to implement this amending ordinance.

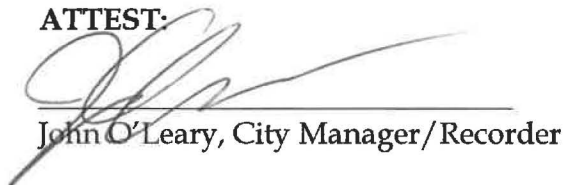
*Section 3.* The Planning Official shall keep a record of this amendment in a place convenient to the public to memorialize this amending ordinance.

*Section 4.* This ordinance shall take effect on the thirteenth day after its adoption by council.

**ADOPTED** by the Council and **APPROVED** by the Mayor this 19<sup>th</sup> day of September, 2016.

  
Hon. Suzanne McCarthy, Mayor

**ATTEST:**

  
John O'Leary, City Manager/Recorder

Attached: **Exhibit A**

2 - AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE DESIGNATION FOR A PORTION OF PROPERTY LOCATED AT TAX LOT 14127 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR)

**Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 2**

- C. The City provided both mailed and published notices of the public hearing to consider the proposed amendment, in accord with Oregon Revised Statutes Chapter 197 and Garibaldi Municipal Code Chapter 18.210.020.
- D. A staff report which provides details of the proposal was issued on August 29, 2016. The report provides an analysis of the proposal including the applicable criteria under review and staff comments to support findings in the event of approval by the Planning Commission. The staff report is a part of the record and incorporated into this document by reference.
- E. The Garibaldi Planning Commission held a public hearing to consider the proposed zone change on September 6, 2016. All interested parties were invited to attend and to provide testimony regarding the request.
- F. Testimony Presented:
  - 1. Proponents of the request provided testimony in support of the zone change.

Applicant emphasized that the proposed use would provide needed housing.

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.
  - 2. Opponents of the request provided testimony against the zone change.

Mike Rebsamen, 206 2<sup>nd</sup> 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.

**Exhibit A -- AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN MAP AND THE GARIBALDI ZONING MAP TO CHANGE THE LAND ZONE FOR TAX LOTS 1200, 1300 AND THE RESIDENTIALLY ZONED SOUTHERN PORTION OF LOT 490 TO A NORTHERN BOUNDARY CREATED BY PROJECTING THE NORTH BOUNDARY LINE OF LOT 1300 TO THE EAST BOUNDARY LINE OF LOT 490 OF TILLAMOOK COUNTY TAX ASSESSOR MAP 1N1021AC IN CONFORMANCE WITH THE GARIBALDI COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR) – Page 4**

2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and

3. The planning commission shall make a recommendation to the city council on a land use district change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the statewide planning goals;

2. Approval of the request is consistent with the comprehensive plan;

3. The property and affected area are presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period;

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and

5. The amendment conforms to the Transportation Planning Rule provisions under GMC 18.200.060. [Ord. 290 § 3(9.030), 2006.]

**FINDINGS:**

The Planning Commission finds:

- A. The requested Zone change from R-1 (Residential) to C-1 (Commercial) would increase the projected 20-year surplus of 33.5 acres of C-1-zoned land to 34 acres. Statewide Planning Goal 10 requires that the City accommodate needed housing types, such as multifamily. The City currently has a surplus of R-1 land and will still have a surplus with this zone change. The proposal is consistent with the statewide planning goals

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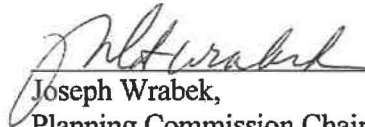
**RECOMMENDATION:**

Based on the Findings and Conclusions above, the Planning Commission recommends to the Garibaldi City Council that the proposed zone map amendment be approved, being a matter of public need and for orderly development within the City.

**RECOMMENDATION APPROVED THIS 19<sup>th</sup> DAY OF SEPTEMBER, 2016.**

ATTEST:

  
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John O'Leary  
Garibaldi City Manager

  
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Joseph Wrabek,  
Planning Commission Chair

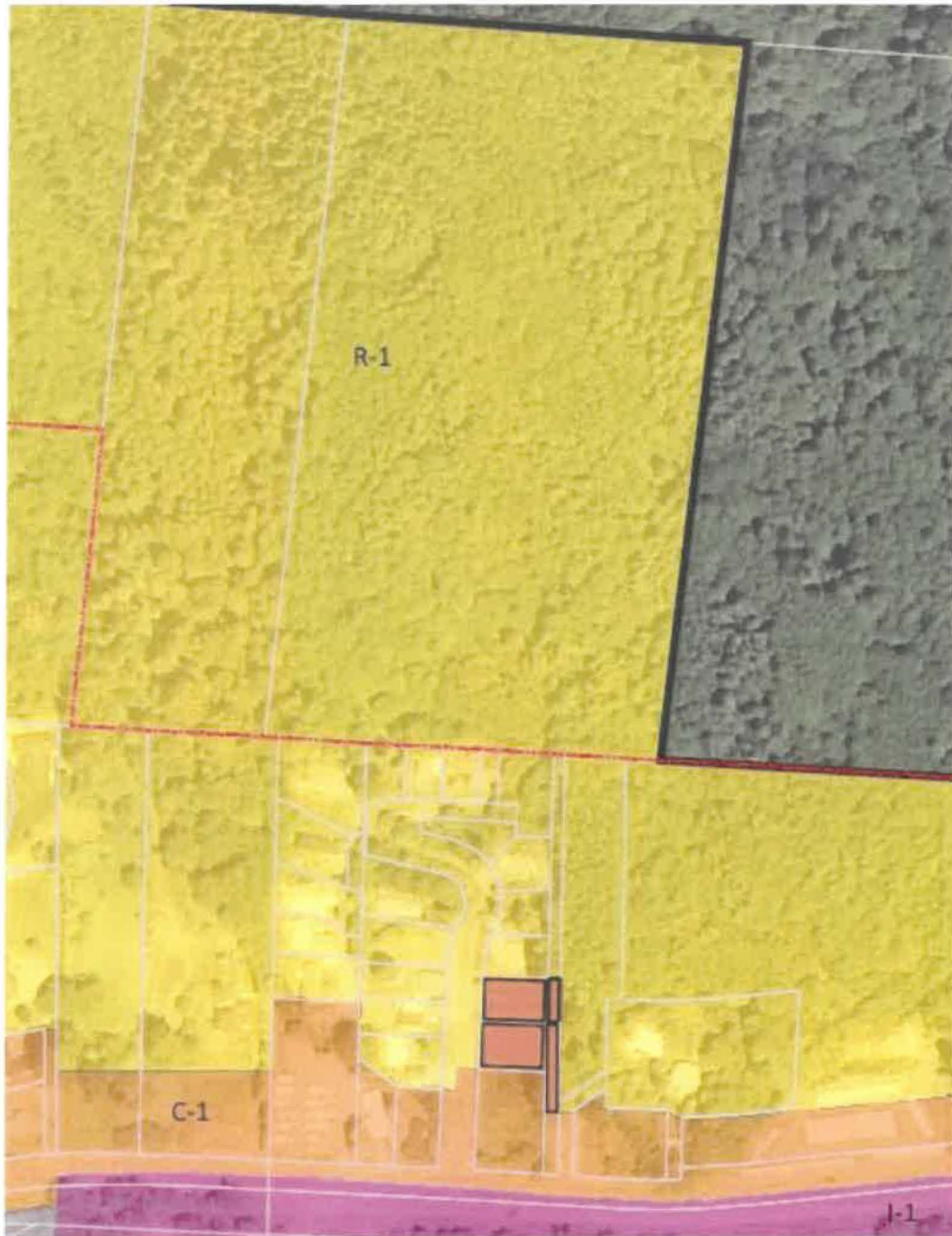


EXHIBIT A  
REQUESTED ZONE CHANGE AREA (AMENDED)

  
R-1 TO C-1