

GARIBALDI ORDINANCES

ORDINANCE NO. 102

AN ORDINANCE AMENDING ORDINANCE NO. 90 WHICH PROVIDES SUBDIVISION AND LAND PARTITIONING PROCEDURES AND STANDARDS FOR THE CITY OF GARIBALDI.

Whereas, the City of Garibaldi has created a Planning Commission; and,

Whereas, the City of Garibaldi desires that the Planning Commission have authority in subdivision land partitioning matters within the City of Garibaldi;

THEREFORE, THE CITY OF GARIBALDI DOES ORDAIN AS FOLLOWS:

Garibaldi Ordinance No. 90 is amended to read as follows:

Section 1. Section 4:23 will read as follows:

(23) Commission means the City Planning Commission.

Section 2. Section 5 is amended to read as follows:

Section 5. Appeal to Council Authorized.

Appeal may be made by any city official or interested party to the City Council from any decision, determination or requirement of the Planning Commission, city engineer or city recorder issued pursuant to the provisions of this ordinance. The appeal and hearing procedure shall be as follows:

(1) Appeal may be made to the City Council from any decision or a requirement of the Planning Commission or city recorder. Written notice of the appeal must be filed with the city recorder within 10 days for a minor partition, and within 30 days for a major partition or subdivision, after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

(2) Within 60 days following the filing of an appeal, the City Council shall set a time and hold a hearing on the appeal and shall give notice to the Planning Commission or officer and applicant. The hearing may, for good cause, be continued by the City Council. Following the hearing, the Council may overrule or modify the decision or requirement made by the Planning Commission or officer if the decision of the City Council complies with the intent and purpose of these requirements. The disposition of the appeal shall be final.

(3) The City Council may also consider any action or ruling of the Planning Commission on its own initiative provided two (2) or more members of the City Council file a written request for such consideration with the city recorder within 15 days after the Planning Commission has rendered its decision. Such request shall be treated as an appeal in Section 5(2).

Section 3. Section 6 is amended to read as follows:

(1) Ten copies of a tentative plan and a statement of any proposed subdivision shall be submitted to the city recorder at least 30 days prior to the meeting of the Commission at which consideration is desired, together with an initial fee of \$50.

A. remains unchanged.

B. Upon completion of technical evaluation, the total fee less the initial \$50 shall be computed by the city staff and notification sent to the subdivider five days prior to the date set for Commission consideration of that preliminary plat.

C. The Commission shall not consider any preliminary plat until the total filing fees are paid.

D. Regardless of Commission action, the filing fees are non-refundable.

Section 4. Section 7 is amended to read as follows:

Section 7. PRELIMINARY REVIEW. The city recorder shall transmit one copy of the tentative plan to the Commission and the city engineer, and additional copies to the city departments and other agencies, such as the county and affected special districts, as he deems necessary. Each city department, upon receipt of a copy of the tentative plan, shall examine the plan for conformance with the requirements coming within the authoritative scope of the department, and within a reasonable time thereof, shall make a written report to the city recorder. The city recorder shall prepare a report on the plan for submission to the Commission. The report shall include information on the Comprehensive Plan and zoning in the area and on the location in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, electric conduits, or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections together with any other data pertinent to the review of the plan.

Section 5. Section 10 is amended to read as follows:

Section 10. PARTIAL DEVELOPMENT. If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 6. Section 13 is amended to read as follows:

Section 13. PLANNING COMMISSION DETERMINATION. The Commission shall determine whether the tentative plan is in conformity with the provisions of law and of this ordinance. The Commission may approve the tentative plan as submitted, or as it may be modified. If the Commission does not approve the plan, it shall express its disapproval and its reasons therefor. The action of the Commission shall be noted on three copies of the tentative plan. One copy shall be returned to the subdivider, one shall be transmitted to the city engineer, and the other retained by the city recorder,

together with a memorandum setting forth the action of the Commission. The Commission action is subject to appeal as provided in Section 5.

Section 7 Section 19(3) is amended to read as follows:

(3) If the engineer determines that full conformity has been made, he shall so certify and transmit the plat to the Commission.

Section 8. Section 20 is amended to read as follows:

Section 20. FINAL APPROVAL OF PLANNING COMMISSION. The Commission shall examine the plat to determine whether it conforms with the tentative plan and with all changes permitted and all requirements imposed as a condition of its acceptance. If the Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him the opportunity to make the change. If the Commission determines that the plat conforms to all requirements, it shall approve the plat. Final approval of the subdivision shall take place only after installation of improvements or filing of an agreement and bond as required in Section 21 and Section 22. After approval of the Commission and City Council, the filing of an agreement and bond or installation of improvements, the subdivider shall obtain the signatures of the chairman of the Commission and the Mayor, and shall record the plat within 90 days after the last signature has been obtained. The approval of the plat does not constitute an acceptance by the public of the dedication of any street or other easement shown on the plat.

Section 9. Section 24 is amended to read as follows:

Section 24. MINIMUM STANDARDS. The minimum standards for design and improvements in a major land partitioning shall conform to Sections 44 through 55. The Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any one of the following conditions exist. (1, 2, 3 remain unchanged.)

Section 10. Section 28 is amended to read as follows:

Section 28. SUPPLEMENTAL DATA WITH TENTATIVE MAP. The following may be required by the Commission to supplement the map of a major partition. (1, 2, 3 remain unchanged.)

Section 11. Section 29 is amended to read as follows:

Section 29. PRELIMINARY REVIEW OF TENTATIVE MAP. The provisions of Section 7, paragraph (1) of this ordinance shall apply to the review of a major partition by the Commission.

Section 12. Section 30 is amended to read as follows:

Section 30. COMMISSION DETERMINATION. Review by the Commission shall conform to the requirements of Section 13.

Section 13. Section 36 is amended to read as follows:

Section 36. FINAL APPROVAL OF PLANNING COMMISSION. Final approval of a major partition by the Commission shall be made pursuant to the provisions of Section 20.

Section 14. Section 40 is amended to read as follows:

Section 40. MINIMUM STANDARDS. The minimum standards for design and improvements in a minor land partitioning shall conform to Sections 45 through 54. The Commission may impose all or any of the requirements of Section 55 upon a minor land partitioning.

Section 15. Section 42 is amended to read as follows:

Section 42. ACTION BY CITY RECORDER AND PLANNING COMMISSION.

(1) Upon such filing, the city recorder shall make an investigation of the proposed minor partition. Within thirty days he shall transmit to the Commission his written report and recommendation, including the reports and recommendations of the city engineer, city planner or other affected agencies.

(2) After receipt of the city recorder's report, the Commission shall take action on the proposal at a regular meeting.

(3) Within ten days after the meeting, the Commission shall by letter express its approval or disapproval of the map. If the map is rejected, the reasons shall be stated in writing.

(4) remains unchanged.

(5) The city recorder shall maintain a file properly indexed for all applications and plans. One copy of such shall be marked "file copy" and shall be permanently filed. Each such permanent copy shall show the date of filing, the name of the person filing same, and the amount of the fee paid. In addition, there shall be a record of the action of the Commission and any appeal from any decision thereof and the ultimate decision on the application with appropriate dates.

(6) remains unchanged.

(7) Appeal of the Commission's decision shall be in accordance with Section 5.

Section 16. Section 43 is amended to read as follows:

Section 43. PRINCIPLES OF ACCEPTABILITY. A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

The city engineer shall submit to the Commission specifications to supplement the standards in this ordinance, based on acceptable engineering practices applicable to streets, drainage facilities, sidewalks, sewer, water, or other public facilities.

Section 17. Section 44 is amended to read as follows:

(1) B. Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical.

(2) Street Widths. Street widths shall conform with city standards, except where it can be shown by the land divider, to the satisfaction of the Commission, that existing conditions such as the topography or the small number of lots or parcels served and the probable future traffic development are such as to justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the Commission, taking into consideration the zoning designations imposed by the zoning ordinance, the Comprehensive Plan, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public need and trends, and the public safety and welfare.

(1), (1)A, (3), (4), (5), (6), (7), (8), (9) and (10) remain unchanged.

Section 18. Section 50 is amended to read as follows:

Section 50. LAND FOR PUBLIC PURPOSE.

The Commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision or appropriate areas within the subdivision for a period not to exceed one year providing the city has an interest or has been advised of interest on the part of the State Highway Commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

Section 19. Section 51 is amended to read as follows:

Section 51. UNSUITABLE LAND. The Commission may refuse to approve a subdivision or partition when the only practical use which can be made of the property proposed to be subdivided or partitioned is a use prohibited by this code or law, or, if the property is unfit for human habitation or occupancy by the county or state health authorities.

Section 20. Section 56 is amended to read as follows:

Section 56. VARIANCE APPLICATION. When necessary, the Commission may recommend to the City Council conditional variances to requirements and regulations of this ordinance. Application for a variance shall be made by a petition of the subdivider or partitioner

stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan of the subdivision or tentative map of the partition. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the Commission and the City Council shall find after a public hearing that:

(1), (2), (3), and (4) remain unchanged.

Section 21. Section 57 is amended to read as follows:


Section 57. VARIANCE PROCEDURE.

(1) In recommending any variance under the provisions of this section, the Commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance recommended and the conditions designated. A report and recommendation for approval or disapproval of a variance application shall be submitted to the City Council.


(2) The City Council shall consider the report and recommendations of the Commission and shall make a written report of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted or denied and the conditions designated.

(3) The city shall keep the findings on file as a matter of public record.

Passed this 10th day of August, 1981, by the City Council, and approved by the Mayor this 10 day of August, 1981.

  
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Russell Curnutt, Mayor

ATTEST:

  
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Betty Osborne, City Recorder