

**CITY OF GARIBALDI
ORDINANCE NO. 291**

**AN ORDINANCE AMENDING SUBDIVISION ORDINANCE NO. 215
AND REPEALING ORDINANCE NO. 90.**

WHEREAS, the City Council approved at their May 16, 2005 Regular Meeting to pursue a DLCD Comp Plan Update grant to help the City properly define economic and housing opportunities; and

WHEREAS, the City ultimately received the grant and the City Improvement Advisory Committee (CIAC) was formed at the October 17, 2005 Regular City Council Meeting to workshop the Comp Plan Update and additional projects; and

WHEREAS, between November 2, 2005 and May 15, 2006, the CIAC, Planning Commission and City Council (committees) held a total of nine public meetings to discuss changes to the City's Comp Plan, Zoning Ordinance and Subdivision Ordinance; and

WHEREAS, it was determined by these committees and staff that a process should be included within the Subdivision Ord. to allow for property line adjustments and to correct various scrivener's errors; and

WHEREAS, Ord. 215 stated in its title that Ord. 90 would be repealed, but no Section within Ord. 215 actually repealed Ord. 90; now, therefore,

THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

SECTIONS

- 1 *Renumbering*
- 2 *Amendment*
- 3 *Repeal*
- 4 *Severability*
- 5 *Adoption*

Section 1. RENUMBERING: Renumber Sections 5 through 56 to 6 through 57 of Ordinance No. 215.

Section 2. AMENDMENT: Add "Section 5. PROPERTY LINE ADJUSTMENT" to include:

"Section 5. PROPERTY LINE ADJUSTMENTS: A Property Line Adjustment is the modification of lot boundaries when no lot is created or removed. The application submission and approval process is as follows:

1. *Submission Requirements.* All applications for Property Line Adjustment shall be made by written request and shall include: a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of sensitive lands and significant vegetation; existing fences and walls; and any other information deemed necessary by the City Planning Official or designee for ensuring compliance with City codes.

2. *Approval Process.*

A. Review. Property line adjustments shall be reviewed using approval criteria contained in Section below. The Director of Public Works shall be notified of lot line adjustments that may affect property access or traffic volumes or operations on their facilities.

B. Time limit. The property line adjustment approval shall be effective for a period of one (1) year from the date of approval, during which time it must be recorded.

C. Lapsing of approval. The property line adjustment approval shall lapse if:

- (1) The property line adjustment is not recorded within one year;
- (2) The property line adjustment has been improperly recorded with Tillamook County without the satisfactory completion of all conditions attached to the approval; or
- (3) The final recording is a departure from the approved plan.

3. *Approval Criteria.* The City Planning Official or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

A. Status quo. No additional lot is created or removed by the lot line adjustment;

B. Conformity to land uses. The proposed changes shall conform to the applicable standards of the zone and overlay zones affecting the lots. This includes lot area, dimensions, setbacks and coverage, and that no resulting lot is wholly comprised

of a flood hazard area or jurisdictional wetland; and

C. Conformity to staff requirements. All lots shall conform to the requirements of the Director of Public Works and the Fire Chief for driveway access, utility access, storm water drainage and emergency vehicle access.

4. *Recording Property Line Adjustments.*

A. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Tillamook County within one year of approval and submit a copy of the recorded survey map to the City, to be filed with the approved application.

B. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

5. *Extension.* The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

A. No changes to property line. No changes are made to the original property line adjustment as approved by the City;

B. Intent. The applicant can show intent of recording the approved plan within the one-year extension period;

C. No changes to land use. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and

D. Timing. The extension request is made before expiration of the original approved plan."

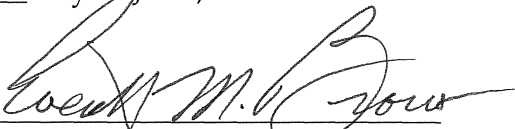
Section 3. REPEAL: Garibaldi Ordinance No. 90 is hereby repealed.

Section 4. SEVERABILITY: The provisions of this ordinance are severable. Should any Section, Clause, or Provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. ADOPTION: This ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from the date of adoption.

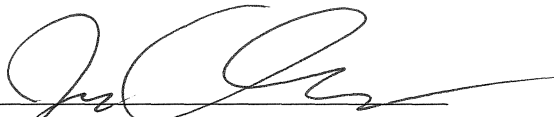
ADOPTED BY A SINGLE READING OF TITLE ONLY by the Council this 19th day of June, 2006.

APPROVED by the Mayor this 21 day of June, 2006.



Hon. Everett M. Brown, Mayor

ATTEST:



John O'Leary, Recorder