



STAFF REPORT

Case File: #SUB-2022-01
Date Filed: 07-01-2022
Hearing Date: 08-18-2022

City of Garibaldi
Subdivision Final Plat Request
(Planning Commission Public Hearing Item)

Submitted by:
Scott Fregonese
Garibaldi City Planner

APPLICANT/OWNER:

Paul Daniels
Coastal Housing Solutions, LLC
PO Box 2810
Wilsonville, OR 97070

APPLICANT'S REPRESENTATIVE:

Jennifer Arnold
Emerio Design, LLC
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

REQUEST:

The applicant is requesting a final plat for a subdivision in the Medium Density Residential (R-1) and General Commercial (C-1) Zones at 501 Garibaldi Ave. (**1N1022BB100**). The proposal requires land use approval for a final subdivision plat.

COMPLIANCE WITH GARIBALDI MUNICIPAL CODE:

The applicable sections of the Garibaldi Municipal Code are:

- Title 17 Land Use- Chapters 17.15 (Subdivision Plat), 17.25 General Regulations and Design Standards) and 17.30 (Improvements)
- Title 18 Zoning- Chapters 18.15 (R-1 Zone), 18.25 (C-1 Zone), 18.80 (Hillside Overlay Zone), 18.90 (Access Requirements), 18.95 (Clear Vision Areas), 18.110 (Multifamily or Apartment Siting Criteria), 18.125 (Automobile Parking Standards)

REVIEW AND FINDINGS:

Below are applicable citations/review criteria from the *Garibaldi Land Use and Zoning Titles of the Municipal Code* and findings in response to the criteria. Unless discussed below, the applicant has met the requirements of the applicable review criteria fully, and/or the Code's criteria are not applicable to this proposal and therefore do not warrant discussion.

Garibaldi Municipal Code (GMC) - Response to Standards and Criteria

Subdivision of Land – Final Plat Approval Criteria

Chapter 17.15 Subdivision Plat

GMC Section 17.15.010 Submission of subdivision plat.

Within one year after approval of the tentative plan, the subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved. An original reproducible drawing and five blueline or blackline prints of the plat shall be submitted to the building official within one year after approval or conditional approval. The tracing and prints are in addition to those required by Oregon statutes. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must request an extension of the tentative plan approval from the planning commission. The planning commission may grant a one-year extension where it finds conditions have not changed from the time of the initial approval. [Ord. 291 § 1, 2006; Ord. 215 § 15, 1994.]

17.15.020 Form of plat.

The subdivision plat shall be prepared in accordance with the provisions of this chapter and state laws, including but not limited to ORS 92.080. All tracings required shall be in accordance with the state standards, including but not limited to ORS 92.120. [Ord. 291 § 1, 2006; Ord. 215 § 16, 1994.]

17.15.030 Information on final plat.

- A. The name of the subdivision, the date the plat was prepared, the scale, north point, legend and existing features such as highways and railroads.
- B. Legal description of the subdivision boundaries.
- C. Reference and bearings to adjoining surveys.
- D. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the property courses and instances of all boundary lines shall be shown.
- E. Exact location and width of streets and easements intersecting the boundary of the subdivision.
- F. Subdivision block and lot boundary lines. Numbering of lots and blocks as follows:
 - 1. Lot numbers beginning with the number “1” and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.
 - 2. Block numbers beginning with the number “1” and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed not to obliterate any figure, block and lot numbers, in addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
- G. Acreage of each parcel.
- H. Street right-of-way center lines with dimensions to the nearest one one-hundredth of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds.

I. The name and width of the streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

J. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, there shall be a written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

K. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

L. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetical symbols for each parcel indicated.

M. Any conditions specified by the commission upon granting preliminary approval.

N. A statement of water rights noted on the subdivision plat.

O. Location of any dedicated open space or protected wetlands.

P. The location of all pedestrian and bicycle circulation areas and bicycle racks/storage (if applicable), including sidewalks, internal pathways, and pathway connections to adjacent properties and any bicycle lanes or trails. [Ord. 291 § 1, 2006; Ord. 273 § 2, 2003; Ord. 215 § 17, 1994.]

17.15.040 Certifications.

The following certificates shall appear on the plat as submitted. The certificates may be combined where appropriate.

A. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and the recording of the plat.

B. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final plat and intended for any public use except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.

C. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.

D. Provisions for additional certificates and acknowledgements required by law. [Ord. 291 § 1, 2006; Ord. 215 § 18, 1994.]

17.15.050 Supplemental data.

At the time of the submission of the final plat, the subdivider shall also submit to the following:

A. A preliminary title report issued not more than 30 days in advance by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

B. Sheets and drawings showing the following:

1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
2. The computation of all distances, angles and courses shown on the final plat.
3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.
4. Coordinates of all block corners and all street center points.
5. All areas subject to flooding.

C. A copy of any deed restrictions applicable to the subdivision.

D. A statement that all taxes and assessments on the tract which have become a lien on the tract have been paid.

E. A copy of the acknowledgement from the State Water Resources Department under ORS 97.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision. [Ord. 291 § 1, 2006; Ord. 215 § 19, 1994.]

17.15.060 Technical review.

A. Upon receipt of the final plat and accompanying data, the staff of the city shall review the plat and pertinent documents to determine that it conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this chapter.

B. An engineer or surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by state law. He may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If he determines that there has not been full conformity, he shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.

C. If the engineer or surveyor determines that full conformity has been made, he shall so certify and transmit the plat to the planning commission. [Ord. 291 § 1, 2006; Ord. 215 § 20, 1994.]

17.15.070 Final approval of planning commission.

The planning 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 planning 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 an opportunity to make the same. If the planning commission determines that the plat conforms to all requirements, it shall approve the same, but before certifying its approval thereon, it shall require the subdivider to file the agreement and bond, or make the deposit required in GMC 17.15.080 and 17.15.090, and when the agreement and bond have been filed and approved as prescribed, the planning commission's approval shall be endorsed upon the plat by execution of the appropriate certificate as prescribed by law. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat. [Ord. 291 § 1, 2006; Ord. 215 § 21, 1994.]

17.15.080 Agreement for improvements.

Before planning commission approval of a final plat, the subdivider shall either install required transportation improvements and repair existing streets and other existing public facilities damaged in the development of the property or execute and file with the city an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and attorneys' fees necessary to collect said amounts from the land divided. The agreement shall also provide for the construction of the required improvements in units for an extension of time under the conditions therein specified. [Ord. 291 § 1, 2006; Ord. 273 § 3, 2003; Ord. 215 § 22, 1994.]

17.15.090 Bond.

A. The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following approved by the city attorney, at the advice of the public works superintendent:

1. A personal bond cosigned by at least one additional person who shall not be related to the subdivider. The subdivider and cosigner shall submit evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability of the subdivider to proceed in accordance with the agreement.

2. Cash.

B. The assurance of full and faithful performance shall be for a sum approved by the planning commission sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the city attorney as to form.

C. In the event the subdivider fails to complete all improvement work in accordance with the provisions of this chapter, and the city has to complete same, or if the subdivider fails to reimburse the city for the cost of inspections, engineering and incidental expenses, and to cover cost of replacement and repair of existing street or other improvements damaged in the development of the subdivision, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursements. The city shall release the remainder of the bond or cash deposit if the amount of surety bond or cash deposit is less than the cost and expense incurred by the city; the subdivider shall be liable to the city for the difference. [Ord. 291 § 1, 2006; Ord. 215 § 23, 1994.]

17.15.100 Filing of final plat.

A subdivider shall, without delay, submit the plat for signatures of other public officials required by law.

A. The applicant shall deliver the final plat to the county surveyor for review and recording according to the requirements of ORS 92.100. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained.

B. The subdivision is considered complete after the final plat is recorded by the county clerk.

C. The county surveyor shall furnish the city with a copy of the recorded plat. [Ord. 291 § 1, 2006; Ord. 215 § 24, 1994.]

Subdivision Final Plat - Staff Findings

The applicant provided a final plat and other supplementary materials in accordance with the requirements of these standards.

A final plat plans were reviewed on multiple times, with the applicant's consultant team and City Staff per GMC 17.10.010.B.

A public hearing before the Planning Commission will take place on August 18, 2022, in accordance with the requirements of GMC 17.10.020.B.

The applicant has provided a composite utility plan and other materials that adequately describe the proposed improvements and public utilities proposed to be installed. The applicant has indicated that no HOA is being proposed; thus, restrictive covenants to that effect are not applicable. Staff finds that the criteria for review and approval for final plat are satisfied.

Applicable Development Standards - Criteria

Chapter 17.25 General Regulations and Design Standards

Staff finds that the applicant's proposed internal street layout generally complies with the applicable provisions of GMC 17.25.020 Streets.

17.25.020 Streets.

A. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; and
2. Block lengths shall conform to GMC 17.25.070, Blocks, or shall conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing block lengths, street connectivity and street development standards impractical.

B. Street Widths. Street widths shall conform to the cross sections, Figures A through D, as follows: (Images not included with staff report).

Unless otherwise indicated on any master plan or by proceeding initiated by the city council, or approved by the city council upon initiation by other legally constituted governmental bodies, widths shall conform with city standards, except where it can be shown by the land divider, that the number of lots or parcels served and the probable future traffic development are such as to unquestionably 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 classification shall be made by the planning commission taking into consideration the zoning designations imposed by the zoning ordinance, the present use and development of the property in the area, the logical and reasonable prospective development for the area based upon public needs and terms, and the public safety and welfare.

C. Alignment. As far as is practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction, and in no case shall be less than 100 feet.

D. Future Street Extension. Where necessary to give access to, or permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turnaround. Reserve strips, including street plugs, may be required to preserve the objectives of street extensions.

E. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design or the corner radius is increased to allow for safe turning. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography or other unusual circumstances require a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography or other unusual circumstances requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

F. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

G. Reserved Strips. No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the city under conditions approved by the planning commission.

H. Half Streets. Half streets only may be approved where essential to the reasonable development of the subdivision or partitions when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half streets.

I. Cul-De-Sac.

1. Cul-de-sacs shall only be allowed when one or more of the following conditions exist:
 - a. Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes (greater than 20 percent grade), wetlands or other bodies of water where a connection could not reasonably be provided;
 - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
 - c. Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the city's transportation system plan, which precluded a required street connection.
2. Standards. A cul-de-sac shall terminate in a circular turnaround with a minimum radius of 40 feet, or a hammerhead with a length of at least 40 feet. Cul-de-sacs or dead-end hammerhead streets shall be connected with walking or bicycle paths in accordance with GMC [17.25.030](#), Pedestrian and bicycle access and circulation.

J. Alleys. When any lots or parcels are proposed for commercial or industrial usage, alleys at least 20 feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.

K. Grades and Curves. Grades shall not exceed six percent on arterials, 10 percent on collector streets, or 12 percent on other streets. Grades in excess of these requirements require approval of the planning commission. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the planning commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.

L. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

M. Street Names. All street names shall be approved by the planning commission for conformance with the established pattern and to avoid duplication and confusion.

N. Private Streets. The design and improvement of any private street shall be subject to all requirements prescribed by this chapter for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or a major partition.

O. Pedestrian and Bicycle Paths. These pathways shall facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.

P. Streets within or adjacent to a development shall be improved in accordance with the transportation system plan and the provisions of this section.

17.25.030 Pedestrian and bicycle access and circulation.

A. Purpose. The primary pedestrian and bicycle circulation plan is addressed in the city's adopted transportation system plan (TSP). The TSP provides for a pedestrian system plan and a bicycle system plan to ensure safe, direct and convenient pedestrian and bicycle circulation. New streets should be constructed to the standards specified in the TSP to allow for pedestrian and bicycle access. Pedestrian circulation shall be provided for neighborhood activity centers including schools, shopping areas, parks, employment centers and transit facilities. The system of pathways shall be designed based on the standards in subsections B and C of this section.

B. Safe, Direct, and Convenient Pathways. The following developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets:

1. New subdivisions;
2. Multifamily developments;
3. Planned developments;
4. Shopping centers;
5. Commercial districts adjacent to residential areas and transit stops;
6. Neighborhood activity centers such as schools, parks, shopping areas, transit stops or employment centers.

C. The requirement for "safe, reasonably direct and convenient connections" in subsection B of this section is based on the following definitions:

1. "Reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
2. "Safe and convenient" means bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

17.25.040 Utility easements.

Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than 10 feet on each side of rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary; provided, that easement of lesser width, such as for anchorage, may be allowed when the purposes of easements may be accomplished by easements of lesser width as approved by the city.

17.25.050 Building sites.

A. Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division considering all environmental features and for the type of development and use contemplated, and conform to the standards of the zone in which they are located.

B. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

C. Through Lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

E. Character of the Land. Land which the planning commission finds to be unsuitable for subdivision or partitioning due to flooding, improper drainage, steep slopes, adverse soil conditions or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or partition and/or its surrounding areas, shall not be subdivided or partitioned unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of the city staff, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

17.25.060 Access management.

A. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the city of Garibaldi transportation system plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

B. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

C. Traffic Impact Study Requirements. The city or other agency with access jurisdiction may require a traffic impact study pursuant to GMC [18.210.110](#) prepared by a qualified professional to determine access, circulation and other transportation requirements.

D. The city or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

E. Access to U.S. 101. All new or existing development proposing new or revised access to U.S. 101 requires an access permit from ODOT, subject to the access control standards of OAR 734-051, and the standards and policies contained in the Oregon Highway Plan, Goal 3. Access Spacing standards can be found in OAR 734-051-0190, "Access Management Spacing Standards for Approaches."

17.25.070 Blocks.

A. General. In general, the shape of blocks shall take into account street width, circulation patterns and conformity with the topography of the site. Block length shall not exceed 800 feet. Block perimeter shall not exceed 2,400 feet.

B. Exceptions.

1. An exception to block size may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of GMC [17.25.030](#). Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.
2. Streets and pathways need not be required if (a) physical or topographical conditions make a street or pathway impracticable, (b) buildings or other existing development on adjacent lands physically preclude a connection, or (c) where streets or pathways would violate provisions of leases, easements, covenants, or restrictions.

17.25.080 Large building sites.

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the planning commission may require that the blocks be of such size and shape, to be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

17.25.090 Watercourses.

The land divider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural watercourse or channel, stream or creek that traverses the subdivision or partitions, or, at the option of the land divider, provide, by dedication, further and sufficient easement or construction, or both to dispose of the surface and storm waters.

17.25.100 Land for public purposes.

The planning commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year, providing the city or another public agency has expressed an interest in acquiring those areas for a public purpose, and has given substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

17.25.110 Unsuitable land.

The planning 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 deemed unhealthful or unfit for human habitation or occupancy, by the county or state health authorities.

17.25.120 Wetlands and areas subject to inundation.

The planning commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary for conservation of water quality, drainage, and sanitary facilities, prohibit the subdivision or partition of any portion of the property which lies within the flood

plain or wetlands of any stream, creek, estuary or drainage course. These areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste materials, or stumps, except as may be permitted by state or federal agencies with appropriate mitigation.

17.25.130 Solar access.

A. All subdivisions and partitions in applicable zones shall orient the lots so that a minimum of 80 percent of all buildable sites shall have a north-south dimension of 90 feet or more, and the front lot line shall be oriented within 30 degrees of a true east-west axis.

B. For the lots which meet the standard in subsection A of this section, they shall have a minimum distance of 45 feet from the adjacent sites to the north or south.

C. The development is exempt from subsections A and B of this section if one or more of the following conditions apply to the site:

1. Slopes of 20 percent or greater in a direction greater than 45 degrees, east or west of true south, based on a topographic survey by a licensed professional land surveyor.
2. The site or portion of the site for which the exemption is sought is within the shadow pattern of off-site features, such as, but not limited to, structures, topography, or vegetation, which will remain after development occurs on the site from which the shade is originating.
3. The development will be designed and built so that the long axis or wall of the structures will have unrestricted solar exposure to the south, in that they will be within 30 degrees of the true east-west axis. Such restrictions shall be enforceable through private covenants, including vegetation management provisions.

D. Any tree to be planted as part of a partition or subdivision shall be from a list of approved trees maintained by the city recorder, or will be certified by a licensed landscape contractor not to have a mature height exceeding the building height allowed in the hillside overlay zone. (Images not included in staff report).

Chapter 17.30 Improvements

17.30.010 Improvement standards and approval.

In addition to other requirements, all improvements shall conform to the requirements of this chapter and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedures:

A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition. All plans shall be prepared in accordance with requirements of the city.

B. Improvement work shall not be commenced until the city has been notified and if work has been discontinued for any reason, it shall not be resumed until the city has been notified.

C. All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction to warrant such changes.

D. All underground utilities and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

E. A map showing all public improvements as built shall be filed with the city recorder upon completion of the improvements.

17.30.020 Improvement requirements.

Improvements to be installed at the expense of the subdivider or partitioner and at the time of subdivision or partition:

- A. Streets and Pathways. Public streets or portions of public streets including alleys and pedestrian paths, as identified in GMC 17.25.030, within the subdivision shall be improved. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature.
- B. Structures. Structures specified as necessary by the city, for drainage, access and public safety, shall be installed.
- C. Storm Water Facilities. Storm water facilities, or ground water recharge facilities of design, layout and location approved by the city, shall be installed.
- D. Water. Water mains and fire hydrants of design, layout and locations approved by the city shall be installed.
- E. Railroad Crossings. Provision shall be made for all railroad crossings necessary to provide access to or circulation within the proposed subdivision or partition, including the preparation of all documents necessary for application to the Oregon State Public Utilities Commissioner for the establishment and improvement of such crossing. The cost of such railroad crossing improvement including, but not limited to, the construction of signals, and other protective devices required by the public utilities commissioner, shall, except for that portion payable by the railroad company, be borne by the subdivider or partitioner.
- F. Underground Utilities. All utilities shall be installed underground.
- G. Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the city.
- H. Street Name Signs. All streets shall be legibly marked with street name signs, not less than two in number at each intersection, according to specifications furnished by the public works superintendent.
- I. Street Trees. Street trees shall be required by the city. The number, kind and location shall be determined by the planning commission in accordance with solar access provisions.
- J. Improvement of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city.
- K. Off-Site Street Repair. Damage to public streets related to the development of the subdivision or minor partition, as determined by the public works superintendent, shall be repaired.
- L. Water Quality Measures. Facilities such as storm water detention areas, bioswales, drywells, ditches, ponds, manmade wetlands, and similar water quality measures shall be incorporated into the development to meet federal or state storm water quality standards.

Chapter 18.15 Medium Density Residential Zone (R-1)

18.15.020 Uses permitted outright.

In an R-1 zone, the following uses are permitted outright, subject to the standards and criteria of GMC 18.15.040:

- A. Single-family dwellings, including modular housing.
- B. Duplexes or two-family dwellings.
- C. Manufactured dwelling.
- D. Home occupations.
- E. Public parks and playgrounds.
- F. Family daycare center.

G. Residential home.

H. Manufactured dwelling or recreational vehicle used during the construction of a permitted use for which a building permit has been issued, but not to exceed six months' duration.

I. Certain transportation facilities as defined in GMC 18.05.030, specifically:

1. Normal operation and maintenance of transportation facilities;
2. Installation of transportation improvements within the existing right-of-way;
3. Projects identified in the adopted transportation system plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency transportation facility measures;
6. Street or road construction as part of an approved subdivision or partition.

J. Storage of up to two boats and associated trailers, or two utility trailers, or a combination of one utility trailer and one boat with trailer, licensed by the property owner can be stored on a R-1 zoned lot if they:

1. Are placed on the portion of the lot farthest from the street;
2. Are placed on material such as a concrete pad, bark dust, gravel or similar packed material to assist with drainage;
3. Do not contain or are not used to store any hazardous materials (except gasoline in the primary tank);
4. Are not used for permanent or temporary habitation;
5. Are no longer than 24 feet;
6. Are removed from the property for repair;
7. The storage site and vehicles are approved by staff prior to use via a permit application. The use must be reviewed on an annual basis.

K. Accessory Dwelling. An accessory dwelling is a small, secondary unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of the existing house. See GMC 18.135.010 for standards pertaining to accessory dwellings.

L. Vacation rental dwellings established prior to February 11, 2008, and located south of Garibaldi Avenue (U.S. 101) or accessed privately from Garibaldi Avenue (U.S. 101).

Title 18 Zoning Chapters 18.15

18.15.040 Standards and criteria.

In an R-1 zone, the following standards and criteria shall apply to all uses:

- A. The minimum lot size for single-family dwellings, modular housing and manufactured dwellings shall be 5,000 square feet.
- B. The minimum lot size for duplexes shall be 7,500 square feet.
- C. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwellings, structures containing four or more dwelling units shall be 10,000 square feet for the first three dwelling units and 1,500 square feet for each dwelling unit thereafter.
- D. The minimum lot width shall be 30 feet.
- E. The minimum front yard shall be 10 feet.
- F. The minimum rear yard shall be five feet.
- G. The minimum side yard shall be five feet, except on a street side it shall be 10 feet.
- H. The maximum building height shall be 24 feet.

- I. The total amount of the lot on which structures and other impervious surfaces may be constructed shall not exceed 50 percent.
- J. Manufactured dwellings shall meet the requirements of GMC 18.155.010.
- K. Parking requirements of Chapter 18.125 GMC shall be adhered to.
- L. A clear vision area on corner lots shall be provided and maintained pursuant to GMC 18.95.010.
- M. Accessory uses and structures shall comply with GMC 18.135.010.

Chapter 18.25 Commercial Zone (C-1)

18.25.020 Uses permitted outright.

In a C-1 zone, the following uses and their accessory uses are permitted outright, subject to the standards of GMC 18.25.040:

- A. Primary retail activities, such as shops or stores engaged in the sale of retail merchandise, except establishments selling automobiles, manufactured dwellings or other large merchandise.
- B. Consumer services such as banks, barber and beauty shops, repair shops, printing shops, laundries.
- C. Eating and drinking establishments with no more than incidental alcohol service, including those that provide outdoor seating.
- D. Indoor amusement activities and bowling alleys.
- E. Business, government and professional offices.
- F. Residential uses may be permitted within the commercial zone only when approved as part of a mixed use development. Mixed use developments may include housing above nonresidential uses (e.g., apartment lofts above offices), or housing side-by-side with nonresidential uses. All mixed use developments shall comply with the following standards:
 - 1. No more than 50 percent of the ground floor space on each lot or parcel may be used for housing. A greater percentage may be approved for housing as part of a master planned development when the master plan provides for development of more than one lot/parcel, and the overall percentage of ground floor space does not exceed 50 percent residential use for the entire site.
- G. Motels, hotels and tourist housing.
- H. Churches, libraries or community meeting halls.
- I. Health facilities such as clinics, nursing homes.
- J. Arts and crafts studios or galleries.
- K. Bus depot.
- L. Parks and publicly owned recreation areas.
- M. Family daycare center and daycare center.
- N. Single-family residences established prior to July 1, 1996, and in a dwelling unit or structure originally permitted and constructed for that use.
- O. Accessory structures.
- P. Certain transportation facilities as defined in GMC 18.05.030, specifically:
 - 1. Normal operation and maintenance of transportation facilities;
 - 2. Installation of transportation improvements within the existing right-of-way;
 - 3. Projects identified in the adopted transportation system plan not requiring future land use review and approval;
 - 4. Landscaping as part of a transportation facility; and
 - 5. Emergency transportation facility measures.
- Q. Street or road construction as part of an approved subdivision or partition.
- R. Car wash.

S. Attended fueling stations established prior to July 1, 2007.

T. Special Events. As used in this section, “special event” means a community-oriented and endorsed gathering or celebration intended for recreation, entertainment, fundraising, or other similar purposes.

Special events are allowed when:

1. The special event is limited to no more than seven days per calendar year; and
2. The special event organizer obtains approval from the Oregon Liquor Control Commission to serve alcohol at the event and otherwise meets all lawful requirements for alcohol sales and consumption outdoors; and
3. The special event organizer obtains the written permission of the city manager authorizing the outdoor sale and consumption of alcohol at the event.

18.25.030 Conditional uses permitted.

In a C-1 zone, the following conditional uses and accessory uses are permitted, subject to the requirements of GMC [18.25.040](#) and Chapter [18.185](#) GMC:

- A. Service or fueling stations, car lots, lumber yards, manufactured dwellings dealerships, public or private parking facilities, boat dealers, farm equipment dealers, nurseries, and other uses where outdoor sales and storage are associated with the use.
- B. Cabinet or woodworking shops, plumbing, heating, electrical, paint or other contractor storage, repair or sales shops.
- C. Wholesale warehouse or distribution establishments.
- D. Tire retreading, welding or machine shops.
- E. Recreational vehicle parks.
- F. Mini-storage establishments.
- G. Duplex, triplex or multifamily dwellings, subject to GMC [18.110.010](#).
- H. Telecommunication facilities.
- I. Certain transportation facilities as defined in GMC [18.05.030](#), specifically:
 1. Transportation projects that are not designated improvements in the transportation system plan; and
 2. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
- J. Residential uses converted from commercial uses.
- K. Eating and drinking establishments with more than incidental alcohol service.

18.25.040 Standards.

In a C-1 zone, the following standards shall apply:

- A. Minimum lot size: none.
- B. Yards and Setbacks. For residential uses, the requirements shall be the same as in the R-1 zone. The minimum yard depth for portions of the property abutting a residential zone will be 15 feet. The Uniform Fire Protection Code shall govern adjacent commercial uses. The minimum setback requirements for commercial structures shall be established by applicable building codes.
- C. Building Height. Maximum building height shall be 30 feet. Maximum building height allowed outright shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under Chapter 18.185 GMC.
- D. Outdoor sales and service areas not requiring conditional use approval shall be approved by the planning commission. Such areas shall not exceed 400 square feet. The planning commission may require that such areas be enclosed by fencing or landscaping where appropriate.

E. All uses shall meet the parking and sign requirements of this title.

F. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwellings (four dwelling units or more) shall be 10,000 for the first three units and 1,500 for each unit thereafter. The planning commission may allow up to 50 percent additional dwelling units (up to 39 dwelling units per acre) for senior citizen or adult disabled housing.

G. There shall be no minimum yard requirements for housing developments in the C-1 zone. Senior citizens and/or adult disabled housing shall provide a minimum of 10 percent of the lot area in maintained landscaping. Family-oriented housing developments shall provide a minimum of 20 percent of the lot area in maintained landscaping. In addition, such developments shall provide a fenced playground which, in the view of the planning commission, is capable of serving the number of projected children.

Chapter 18.80 – Hillside Overlay Zone (HOZ)

18.80.030 Development and uses permitted.

Any use permitted outright or conditional use permitted in the underlying zone may be permitted within the boundaries of the hillside overlay zone, subject to the procedures and development and use criteria of GMC 18.80.040 and 18.80.050.

18.80.040 Procedure.

The requirements of the hillside overlay zone shall be met prior to the issuance of a building permit. The requirements of this section shall also be met in conjunction with any request for approval of a subdivision, or a major or minor partition, or planned unit development. Where the requirements of the hillside overlay zone are met as part of the review and approval of a subdivision, major partition, or minor partition, or planned unit development, no further review, prior to the issuance of a building permit, will be required for property located within an approved subdivision, major partition or minor partition, or planned unit development.

18.80.050 Development and use criteria.

A. The city planner, at the direction of the city council, shall require the following reports be provided by an applicant who proposes to develop land within the hillside overlay zone. The cost of all reports shall be borne by the applicant.

1. Geologic Site Investigation. This report shall include an adequate description, as defined by the building official, of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations on specific engineering or construction methods which will eliminate or minimize to an acceptable level any identified geologic hazards. The report shall be prepared by a registered geologist.

2. Grading Plan. This plan shall include the following information:

a. Existing and proposed contours (five-foot intervals) of property;

b. Details of terrain and area drainage;

c. Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjoining topography;

d. The direction of drainage flow and the approximate grade of all streets;

- e. Limiting dimensions, elevations, or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;
- f. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.

The grading plan shall be prepared by a registered civil engineer.

- 3. Erosion Control Plan. This plan shall describe measures to be taken to stabilize slopes and minimize soil erosion during construction.

B. The following requirements are applicable to geologic site investigations:

- 1. The burden of proof shall be upon the applicant to show construction feasibility in hazardous areas. A proposed use will only be permitted where:
 - a. The site investigation indicates that there is not a hazard to the use proposed on the site or to properties in the vicinity.
 - b. The site investigation specifies engineering or construction methods that will eliminate or minimize to an acceptable level the identified hazard.
- 2. Where a site investigation report concludes that an engineering solution will solve an indicated problem, the building official shall require that the additional standards and requirements set forth in the geologic hazard report be a requirement of the building permit.
- 3. Where the proposed development includes grading, the site investigation report shall include conclusions and recommendations concerning grading procedures as well as conclusions and recommendations concerning the adequacy of sites and streets to be developed by the proposed grading.
- 4. The city planner may recommend to the city council/planning commission an independent review of the site report, particularly where the geologist or engineer has a financial interest in the property to be developed. The council/commission may require the preparation of such a report prior to issuance of a building permit. The cost of the independent review shall be borne by the property owner or developer.
- 5. The degree of protection from problems caused by geologic hazards required by this section is considered reasonable for regulatory purposes. This chapter does not imply that uses permitted will be free from geologic hazards. This chapter shall not create liability on the part of the city or by any officer, employee or official thereof for any damages due to geologic hazards that result from reliance on this chapter or any administrative decision lawfully made.

C. The following requirements are applicable to activities undertaken in conjunction with a grading plan:

- 1. Cuts.
 - a. The slope of cut surfaces shall be not steeper than is safe for intended use and shall be not steeper than two horizontal to one vertical unless the applicant submits a geologic site investigation report stating the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.
 - b. Cuts shall not remove the toe of any slope where a potential landslide or erosion hazard exists.
- 2. Fills.
 - a. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.

b. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than five to one and the height is greater than five feet, by benching into sound bedrock or other competent materials as determined by a soils engineer.

c. Detrimental amounts of organic material shall not be permitted in structural fills. No rock or similar material greater than 12 inches in diameter shall be placed in a structural fill. The building official may permit placement of larger rock if a soils engineer designs a method of placement, continually inspects the placement and certifies the stability of the fill.

d. Fills will be compacted to a minimum of 90 percent of maximum density as determined by Uniform Building Code Standard No. 70-1. An engineer shall certify all structural fill as meeting minimum bearing capacity for the intended use.

D. The following requirements are applicable to drainage facilities:

1. All cut and fill slopes shall be provided with subsurface drainage as is necessary for stability.
2. All roof and foundation drainage must be collected, controlled, and directed to either a city street, a storm drain or to a natural drainageway if it is acceptable to the public works director.
3. Other alternative methods of storm water disposal may be approved by the public works director.

E. Erosion Control Measures. The following standards are a minimum requirement for the purposes of minimizing soil erosion. The final program for soil stabilization may vary as site conditions and development programs warrant. These minimum guidelines are not intended to resolve all project soil erosion conditions. The applicant is responsible for containing all soil on the project site.

1. Prior to approval of building permit, only the removal of existing vegetation may be carried out for surveying or planning of structures. Cutting of deciduous trees over six inches in diameter and conifers over four inches at a height of four and one-half feet above ground level shall only be carried out after the approval of the building permit.
2. If topsoil is to remain stockpiled during a rainy season, seeding or other stabilization measures are required.
3. All areas that will, by necessity, be left bare after September 30th shall be seeded to a cover crop (i.e., cereal rye, annual rye grass, perennial rye grass). Mulching is an alternative to seeding.
4. Means shall be devised to prevent sediment laden water from entering any storm sewer facilities.
5. Vegetation shall be established as soon as possible after completion of grading. The building official may require the use of matting prior to seeding on certain slopes.

F. Minimum Lot Size. The minimum lot size for any structure in the hillside overlay zone shall be 8,000 square feet. Where the property proposed for development consists of smaller contiguous lots, such lots shall be aggregated to meet this minimum lot size. Lots of less than 8,000 square feet may be built upon after a variance is granted in accordance with Chapter [18.190](#) GMC, Variances.

G. Maximum Lot Coverage. The total amount of the lot on which structures and other impervious surfaces may be constructed shall not exceed 40 percent.

H. Yard Requirements. The minimum yard requirement for the yard abutting a street or vehicular access way is five feet. Where this standard is used, the minimum rear yard, or yard opposite the yard abutting the street or vehicular access way, shall be 30 feet. The minimum side yard shall be 10 feet.

I. Building Height. Within the hillside overlay zone, building heights of structures other than accessory buildings shall be as follows:

1. Structures which are located below or downslope from the street, road, or vehicular access way shall have a maximum height of 16 feet above the centerline of the adjacent street, road or access way.

2. Structures other than those described in subsection (I)(1) of this section shall adhere to the height requirements of the underlying zone.

(Note: Measurements shall be taken at the midpoint of the structure at its highest point perpendicular to the street.)

3. Upon completion of construction of structures 16 feet or higher, the applicant shall submit to the city's planner an elevation certificate affirming the height standard.

J. Uncovered vehicle access structures such as bridges may be located in the front yard setback

18.90 Access Requirements

18.90.010 Access Requirements.

Every lot shall abut a street, lane, or alley for at least 25 feet, or have vehicular access or easement. A lot which has not met this requirement may not be created or reconfigured through a partition, property line adjustment or subdivision, or through the annexation of contiguous parcels or lots of land into the city limits.

18.95 Clear Vision Areas

18.95.010 Clear vision areas.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

A. A clear vision area shall consist of a triangular area, two sides of which are lot lines, measured from the corner intersection of the street lot lines for a distance specified in this regulation (15 feet), or, where the lot lines have rounded the corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of each is a line across the corner of the lot joining the nonintersecting ends of the other two sides of the triangle.

B. A clear vision area shall contain no planting, fence, wall structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the street centerline grade, except that trees exceeding this height may be located in this area; provided, all branches and foliage are removed to a height of eight feet above the grade level.

18.110 Multifamily or Apartment Siting Criteria

18.110.010 Multifamily or apartment siting criteria.

In any zone where a multifamily dwelling, condominium or apartment structure is proposed, the planning commission shall review the plans under the following criteria:

A. The placement of the structure takes advantage of natural features such as streams, shorelines, or hillsides. Existing trees are retained whenever feasible.

B. Ingress and egress points shall be located so as to minimize impact on any adjacent residential uses. In the downtown area, access shall be limited wherever possible to side streets, rather than Garibaldi Avenue.

C. Parking areas are located to minimize impact on any adjacent residential uses. Parking areas that provide for eight or more vehicles shall be screened from adjacent residential uses by means of a fence or sight-obscuring hedge.

D. In the R-1 zone, a minimum of 25 percent of the lot area shall be devoted to natural open space or landscaping. In the C-1 zone, a minimum of 20 percent of the lot area shall be devoted to natural open space or landscaping for family-oriented developments, and 10 percent of the lot area shall be devoted to natural open space or landscaping for senior citizen/adult handicapped housing. A fenced playground shall be provided for all family-oriented developments.

E. Where the proposed structure is located in a residential zone or abuts a residential zone, the following setbacks shall be met:

1. Front yard: one-story structure, 10 feet; two-story structure, 15 feet;
2. Rear yard: one-story structure, 10 feet; two-story structure, 15 feet;
3. Side yard: one-story structure, five feet; two-story structure, 10 feet.

F. In the downtown core area, multifamily or apartment complexes shall include a commercial use with frontage on U.S. 101.

G. Vegetation that attains a mature height of six feet may be required in order to screen the development from adjacent dwellings.

18.125 Automobile Parking Standards

18.125.030 Vehicle parking – Minimum standards by use.

The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 18.125.030, Minimum Required Parking by Use, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a land use review. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement includes parking in garages, carports, parking lots, bays along driveways, shared parking, and designated on-street parking.

Portion of Table 18.125.030 with relevant criteria

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Single-Family Dwelling	2 spaces
Multifamily	1 space per studio or 1-bedroom unit

18.125.040 Vehicle parking – Minimum accessible parking

A. Accessible parking shall be provided for all uses in accordance with the standards in Table 18.125.030; parking spaces used to meet the standards in Table 18.125.040, Minimum Number of Accessible Parking Spaces, shall be counted toward meeting off-street parking requirements in Table 18.125.030;

B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

C. Accessible spaces shall be grouped in pairs where possible;

D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered nonaccessible spaces;

E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 18.125.040 – Minimum Number of Accessible Parking Spaces

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1,001 or more	20 plus 1 for each 100 over 1,000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **1 out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

18.125.080 General parking standards

A. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area.

B. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The city may reduce the total parking required accordingly through land use review.

C. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 18.120 GMC.

D. Lighting. Parking areas shall have lighting to provide at least two foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

E. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

18.125.090 Parking stall design and minimum dimensions.

All off-street parking spaces shall be improved to conform to city standards for surfacing, storm water management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figure 18.125.090(1), Parking Area Layout, and Figure 18.125.090(2), Disabled Person Parking Requirements, and Table 18.125.120, Minimum Required Bicycle Parking Spaces:

A. Motor vehicle parking spaces shall measure eight feet, six inches wide by 18 feet long or by 16 feet long, with not more than a two-foot overhang when allowed;

B. All parallel motor vehicle parking spaces shall measure eight feet, six inches by 22 feet;

C. Parking area layout shall conform to the dimensions in Figures 18.125.090(1) and (2), and Table 18.125.090, Parking Area Layout, below;

D. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to federal ADA guidelines; and

E. Bicycle parking shall be on a two-foot by six-foot minimum concrete pad per bike, or within a garage or patio of residential use.

Standard	Parking Angle \leq°	Curb Length	Stall Depth		Aisle Width		Bay Width		Stripe Length
			Single D1	Double D2	One-Way A1	Two-Way A2	One-Way B1	Two-Way B2	
Space (See Figure 18.125.090(2) for ADA space requirements)	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
	60°	10'	20'	40'	17'	18'	57'	58'	23'
	45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
	30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
	0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

18.125.120 Minimum required bicycle parking spaces.

Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 18.125.120. Where two options are provided (e.g., two spaces, or one per eight bedrooms), the option resulting in more bicycle parking is used.

Portion of Table 18.125.120 with relevant criteria

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units

18.125.140 Location and design.

Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.

18.125.150 Visibility and security

Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

18.125.160 Options for storage

Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

18.125.1170 Lighting.

For security, bicycle parking shall be at least as well lit as vehicle parking.

18.125.180 Reserved areas.

Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

18.125.190 Hazards

Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

Applicable Development Standards – Staff’s Findings

The subject site is split-zoned R-1 and C-1. The applicant is proposing seven (7) single-family residential lots on the R-1 portion of the subject site – residential homes are an outright permitted use of the R-1 zone pursuant to 18.15.020.G. Similarly, the applicant is proposing an 18-unit multi-family development, which is a conditional use was granted pursuant to GMC 18.25.030.G.

The applicable development standards of the R-1 and C-1 zoning districts appear to be met as shown on the provided plans.

The applicant’s multi-family development portion of the proposal includes 18 one-bedroom apartments. Pursuant to GMC Table 18.125.030, 18 parking spaces and one ADA parking are required. Similarly, the applicant’s single-family residential portion of the proposal requires 2 spaces per single-family dwelling per GMC Table 18.125.030. The applicant has indicated that at least two spaces are being provided per single-family residential lot. The applicant’s plan appears to comply with the applicable parking standards of GMC 18.125.

The applicant is proposing bicycle parking that appears to comply with the applicable development standards at GMC 18.125 Article III Bicycle Parking Requirements.

The applicant indicated in their narrative responses that open space equaling 20% of the multi-family lot is proposed; however, 20% landscaping is required, not just open space.

The site contains natural resources that are adequately distanced from the location of development as proposed. It also contains slopes in excess of 20% located between Lot 1 (a multi-family lot) and the remaining lots (single-family residential lots), subjecting the proposal to the additional criteria of the Hillside Overlay Zone (GMC 18.80). The applicant provided a Geotechnical Report in conformance with the requirements of this chapter concluding that the development was appropriate given the topography and soil composition of the site.

The maximum lot coverage area of GMC 18.80 for Lot 1 appears to comply with the applicable criteria. Maximum lot coverage for the single-family lots shall be reviewed prior to building permit issuance.

The applicant's on-site stormwater conveyance and drainage system are designed to filtrate to a small onsite wetland on the southwest portion of the subject site. Staff finds that stormwater should be conveyed in a manner more appropriate for the scale of development proposed.

The proposed multi-family development on Lot 1 complies with the applicable criteria of Chapter 18.110 – Multifamily or Apartment Siting Criteria. The placement of the main structure takes advantage of surrounding natural features while also giving consideration to site constraints. Curb cuts to Highway 101 are minimized through the creation of public street internal to the site whereby lots take access and building setbacks appear to comply with this Chapter.

As measured on the applicant's provided plans, all lots meet the access requirements of GMC 18.90. Each lot abuts a street for at least 25 feet except for Lots 4 and 5; however, these lots abut an easement as proposed and will abut Public Road 2 as required by the extension of this road per conditions of approval contained in this report.

A condition of approval will be included in this report to ensure that the required clear vision areas of GMC 18.95 are maintained throughout building permit issuance and subsequent site development.

The size, width, shape and orientation of building sites are appropriate for the location of the land division considering all environmental features and for the type of development and use contemplated and conform to the standards of the zone in which they are located. The lines of lots and parcels run at right angles to the street upon which they face, as far as is practicable.

All lots contain adequate solar access in accordance with GMC 17.25.130.

Preliminary Plat Conditions of Approval

Final Plat Approval:

1. Within one year after approval of the tentative plan, the subdivider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he must request an extension of the tentative plan approval from the planning commission. The planning commission may grant a one-year extension where it finds conditions have not changed from the time of the initial approval.

Compliance by Applicant:

Condition ongoing; a tentative plat has been included with the site improvement plans

2. All street names shall be approved by the planning commission for conformance with the established pattern and to avoid duplication and confusion.

Compliance by Applicant:

*Condition met; street names are shown on the submitted site plan; Public Road 1 = Bayview Drive
Public Road 2 = Bay Breeze Street*

3. All proposed streets shall comply with the city's adopted transportation system plan.

Compliance by Applicant:

Condition met; proposed streets comply with the city's transportation system plan

4. Extend the internal public street access identified as “Road 2” in the applicant’s plans set to the west boundary of the site for the purpose of future subdivision interconnectivity (GMC 17.25.020.D).

Compliance by Applicant:

Condition not met; Public Road 2 is extended to the boundary of lot 1. A 1-foot strip of lot 1 prevents the extension of this right-of-way to neighboring property lines. City staff recommends removal of this condition due the necessity of lot 1 being a single parcel. It must be a single parcel to meet both open space and impervious coverage requirements in the Hillside Overlay Zone. If the City needs to connect to a future road, it can request an easement through the 1-foot strip.

5. Work with Oregon Department of Transportation to complete the construction of required public improvements, or submit a legal and enforceable document, contract or assurance to ensure public improvement completion. The applicant shall improve upon the proposed stormwater conveyance and drainage system when working with ODOT to complete the necessary public improvements.

Compliance by Applicant:

Condition ongoing; ODOT has determined that the existing culvert under HWY 101 is sufficient in size and will not need to be replaced, this is due to the bioswale that is shown on the plans

6. The applicant shall be responsible for reimbursing the City for the reasonable costs associated with inspection of public works improvements.

Compliance by Applicant:

Condition ongoing; not required for final plat approval

7. The applicant shall install a 6 foot wooden privacy fence along the perimeter of the eastern property line to help mitigate impacts to neighboring properties to the east.

Compliance by Applicant:

Condition met; fence shown on submitted plans

8. The applicant shall complete improvements in accordance with the submitted traffic impact study’s recommendations and shall work with the Oregon Department of Transportation (ODOT) to comply with all necessary requirements.

Compliance by Applicant:

Condition met; as shown on plans

9. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved or granted by the land divider in widths not less than 10 feet on each side of rear lot or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary

Compliance by Applicant:

Condition met; easements shown on tentative plat

10. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. All plans shall be prepared in accordance with requirements of the city. Improvement work shall not be commenced until the city has been notified and if work has been discontinued for any reason, it shall not be resumed until the city has been notified. All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if unusual conditions arise during construction to warrant such changes.

Compliance by Applicant:

Condition ongoing

11. All underground utilities and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

Compliance by Applicant:

Condition ongoing; this will occur during construction

12. A map showing all public improvements as built shall be filed with the city recorder upon completion of the improvements.

Compliance by Applicant:

Condition ongoing; this will occur upon completion of the improvements

13. Structures specified as necessary by the city, for drainage, access and public safety, shall be installed.

Compliance by Applicant:

Condition ongoing

14. A sidewalk shall be installed on the west side of Public Road 1 (as identified on the applicant's Site Plan). Curbs shall be installed on both sides of Public Road 1.

Compliance by Applicant:

Condition met; as shown on plans

15. Storm water facilities, or ground water recharge facilities of design, layout and location approved by the city, shall be installed.

Compliance by Applicant:

Condition met; water quality flow (WQF) shown on plans and the City staff has no objections

16. Water mains and fire hydrants of design, layout and locations approved by the city shall be installed.

Compliance by Applicant:

Condition met; water mains/fire hydrants, other utilities shown on plans and the City staff has no objections

17. All utilities shall be installed underground, including internet and electricity.

Compliance by Applicant:

Condition met; all utilities shown on plans to be underground

18. Street lighting of an approved type shall be installed on all streets at locations approved by the city.

Compliance by Applicant:

Condition ongoing; locations have been determined and are shown on the plans, type of lighting will be determined during permit approval process

19. All streets shall be legibly marked with street name signs, not less than two in number at each intersection, according to specifications furnished by the public works superintendent.

Compliance by Applicant:

Condition ongoing

20. The number, kind and location shall be determined by the planning commission in accordance with solar access provisions.

Compliance by Applicant:

Condition met; a tree planting plan is included in the application and appropriate tree species for the Oregon North Coast will be planted. At neither public hearing for this application did the Planning Commission specify tree number, kind, or location in accordance with Solar access.

21. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the city.

Compliance by Applicant:

Condition ongoing

22. Damage to public streets related to the development of the subdivision or minor partition, as determined by the public works superintendent, shall be repaired.

Compliance by Applicant:

Condition ongoing

23. Facilities such as storm water detention areas, bioswales, drywells, ditches, ponds, manmade wetlands, and similar water quality measures shall be incorporated into the development to meet federal or state storm water quality standards.

Compliance by Applicant:

Condition met; report for all stormwater facilities has been reviewed with no objection from state (ODOT) and city staff

24. Building plans shall be reviewed for compliance with the applicable development standards of the GMC and to ensure that the proposed plans are generally consistent with that which has been submitted in support of this land use permit request.

Compliance by Applicant:

Condition ongoing; not required for final plat approval and to be reviewed prior to issuance of a building permit

25. The applicant shall ensure that all applicable parking standards of GMC 18.125 are met, particularly as it relates to the multi-family dwelling development. The proposed multi-family parking lot shall be lit and screened in accordance with GMC 18.125.080.D. and E.

Compliance by Applicant:

Condition ongoing; not required for final plat approval and to be reviewed prior to issuance of a building permit

26. The applicant indicated in their narrative responses that they are proposing more than 20% open space for the multi-family lot; however, a 20% landscaped area is required. The applicant shall submit materials demonstrating compliance with this and all other applicable standards in the Garibaldi Municipal Code related to landscaping requirements.

Compliance by Applicant:

Condition met; open space and landscaping areas are shown on the submitted site plan and meet required percentages

27. Any signs proposed shall comply with the standards of GMC 18.120 Sign Requirements.

Compliance by Applicant:

Condition ongoing; no signs proposed prior to approval of final plat, if signs are proposed in the future, they will be required to go through the zoning permit process

28. The clear vision area requirements of GMC 18.95 shall be maintained throughout development of the site.

Compliance by Applicant:

Condition ongoing

29. All conditions of approval must be completed within two years of the date of this approval or the approval is void, unless specifically modified by an approved phased construction schedule, approval of an extension, or unless the applicant/owners provides assurances otherwise.

Compliance by Applicant:

Condition ongoing; for two years after the date of approval

30. The applicant/owners agree to waive their right to remonstrate against the formation of a local improvement district or other mechanism to construct future improvements to the streets, storm water, water and sewer systems that may be assessed against the subject property.

Compliance by Applicant:

Condition ongoing

31. After Planning Commission approval, the Developer must submit separate construction plans that meet all Conditions of Approval. These plans must be approved by the City and all relevant City and Agency permits must be obtained.

Compliance by Applicant:

Condition ongoing; will be confirmed during permit approval process

32. Upon completion of construction of structures 16 feet or higher, the applicant shall submit to the city's planner an elevation certificate affirming the height standard.

Compliance by Applicant:

Condition ongoing; will be confirmed during permit approval process

Staff Recommendation

Based upon the findings contained in this Staff Report, the application materials and information submitted by the applicant, Staff is providing a recommendation to the Planning Commission that the proposal for this final subdivision plat be **approved**.

Conclusion

In making a decision, Planning Commission may:

1. Grant the Conditional Use request.
2. Grant the Conditional Use request, with conditions.
3. Deny the Conditional Use request.