

CITY OF GARIBALDI  
ORDINANCE NO. 272

AN ORDINANCE AMENDING THE GARIBALDI ZONING  
ORDINANCE TO INCORPORATE PROVISIONS  
IMPLEMENTING THE GARIBALDI TRANSPORTATION PLAN.

SECTIONS

- 1 *Definitions Amended*
- 2 *Amendments to Use Zones*
- 3 *Off-Street Parking Requirements Amended*
- 4 *Accessory Structures Standards Amended*
- 5 *Conditional Use Criteria Amended*
- 6 *Amendment Criteria Amended*
- 7 *Notice Requirements Amended*
- 8 *Traffic Impact Study*
- 9 *Severability*
- 10 *Effective Date*

THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

*Section 1. DEFINITIONS AMENDED:* Section 1.030 (Definitions) of ARTICLE I (INTRODUCTORY PROVISIONS) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following:

*"Bicycle Facilities:* A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

*"Bikeway:* Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

A. Subsection 1. of Section 3.010 of ARTICLE III (USE ZONES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following as uses permitted outright in the Medium Density Residential (R-1) zone:

"I. Certain transportation facilities as defined in Sec. 1.030, 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.

B. Subsection 2. of Section 3.010 of ARTICLE III (USE ZONES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following as conditional uses in Medium Density Residential (R-1) zone:

"K. Certain transportation facilities as defined in Sec. 1.030, 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."

C. Subsection 1. of Section 3.030 of ARTICLE III (USE ZONES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following as uses permitted outright in the Commercial (C-1) zone:

"O. Certain transportation facilities as defined in Sec. 1.030, specifically:

- (1) Normal operation and maintenance of transportation facilities;

(6) Street or road construction as part of an approved subdivision or partition."

F. Subsection 2. of Section 3.040 of ARTICLE III (USE ZONES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following as conditional uses in the (Industrial (I-1) zone:

"C. Certain transportation facilities as defined in Sec. 1.030, 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."

G. Subsection 1. of Section 3.050 of ARTICLE III (USE ZONES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following as uses permitted outright in the Water-Dependent Development (WD-1) zone:

"L. Certain transportation facilities as defined in Sec. 1.030, 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."

H. Subsection 2. of Section 3.050 of ARTICLE III (USE ZONES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following as conditional uses in the Water-Dependent Development (WD-1) zone:

"G. Certain transportation facilities as defined in Sec. 1.030, specifically:

"H. Normal operation and maintenance of existing transportation facilities."

***Section 3. OFF-STREET PARKING REQUIREMENTS AMENDED:***

Section 4.060 (Off-Street Parking and Off-Street Loading Requirements) of ARTICLE IV (SUPPLEMENTAL PROVISIONS) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following:

"11. Bicycle Parking Requirements. The following new developments shall be required to provide bicycle parking in compliance with this subsection:

- (a) New multifamily residential with four or more units shall provide at least one sheltered bicycle parking space for each dwelling unit.
- (b) New commercial and institutional development shall provide at least one bicycle parking space for every ten (10) vehicle parking spaces.
- (c) Exemptions. This subsection does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces."

***Section 4. ACCESSORY STRUCTURES STANDARDS AMENDED:***

Section 4.080 (Accessory Structures) of ARTICLE IV (SUPPLEMENTAL PROVISIONS) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following:

- "3. In the Commercial (C-1) zone, accessory structures shall not be used for human habitation."

***Section 5. CONDITIONAL USE CRITERIA AMENDED:*** ARTICLE VI (CONDITIONAL USES) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following new section:

***"Section 6.050 Conditional Uses and Criteria for Certain Transportation Facilities and Improvements:***

7 -- AN ORDINANCE AMENDING THE GARIBALDI ZONING ORDINANCE TO INCORPORATE PROVISIONS IMPLEMENTING THE GARIBALDI TRANSPORTATION PLAN.

"D. *Expiration.* A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after 5 years."

*Section 6. AMENDMENT CRITERIA AMENDED:* ARTICLE IX (AMENDMENTS) of the Garibaldi Zoning Ordinance (Ord. 107, as amended) is hereby amended by adding the following new section:

*"Section 9.028 Review of Plan and Land Use Regulation Amendments for Effect on Transportation Facilities:*

"A. *Review of Applications for Effect on Transportation Facilities.* When a development application includes a proposed comprehensive plan amendment or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule, or "TPR").

"B. *"Significant" defined.* "Significant" means the proposal would:

- (1) Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the City of Garibaldi Transportation System Plan (TSP); or
- (2) Change the standards implementing a functional classification system; or
- (3) Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- (4) Reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

"C. *Amendments That Affect Transportation Facilities.* Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one of the following:

*"C. When Required.* A Traffic Impact Study may be required to be submitted to the City and ODOT with a land use application, when the following conditions apply:

- (1) The development application involves one or more of the following actions:
  - (a) A change in zoning or a plan amendment designation;
  - (b) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway;
  - (c) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - (i) An increase in site traffic volume generation by 150 Average Daily Trips (ADT) or more; or
    - (ii) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or
    - (iii) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
    - (iv) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
    - (v) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.
  - (d) As requested by the Planning Commission, acting on the recommendation of City staff.

*"D. Traffic Impact Study Requirements.*

(vi) Otherwise comply with applicable requirements of the City of Garibaldi Zoning Ordinance and Subdivision and Land Partitioning Procedures.

(2) *Conditions of Approval.* The City may deny, approve, or approve the proposal with appropriate conditions."

**Section 9. SEVERABILITY:** The provisions of this Ordinance are severable. Should any Section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.


**Section 10. EFFECTIVE DATE:** This Ordinance shall take effect THIRTY (30) days after its passage by the Council and approval by the Mayor.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 27 day of October, 2003.



Mayor

ATTEST:

  
City Recorder