

CITY OF GARIBALDI, OREGON

ORDINANCE 335

**AN ORDINANCE AMENDING THE GARIBALDI COMPREHENSIVE PLAN
CHAPTER VI. AND GARIBALDI MUNICIPAL CODE CHAPTERS 17.00, 17.25, 18.05,
18.15, 18.25, 18.90, 18.110, 18.125, 18.135 IN CONFORMANCE WITH THE GARIBALDI
COMPREHENSIVE PLAN, GARIBALDI MUNICIPAL CODE TITLE 18, STATEWIDE
PLANNING REGULATIONS, OREGON REVISED STATUTES (ORS) AND OREGON
ADMINISTRATIVE RULES (OAR)**

WHEREAS, House Bill 2001, adopted by the Oregon Legislature in 2019, directs cities throughout Oregon to adopt regulations allowing duplexes on each lot zoned for residential use that allows for development of detached single-family dwelling, and allowing triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for residential use; and

WHEREAS, Senate Bill 406 amends House Bill 2001 to read: “City” and “city with a population of 10,000 or greater” includes, regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods; and

WHEREAS, the City performed an audit of current Comprehensive Plan text and the Planning and Land Development Ordinance (Development Code) to identify updates necessary to comply with House Bill 2001 and implementing administrative rules; and

WHEREAS, the current Comprehensive Plan text does not address the requirements of House Bill 2001 and associated administrative rules; and

WHEREAS, the updated text incorporates middle housing into Comprehensive Plan text language; and

WHEREAS, the Development Code currently lacks adequate definitions and references to middle housing, and does not comply in a number of ways with House Bill 2001 and related administrative rules, and

WHEREAS, the updates to the Development Code addresses compliance including, but not limited to, allowance of middle housing, density calculations, and review process, as well as establishes reasonable standards for middle housing to be integrated into existing and future neighborhoods; and

WHEREAS, the Garibaldi City Council held a duly noticed public hearing on December 15, 2025 on the proposed Comprehensive Plan and Development Code amendments as recommended by the Staff Report Findings, Conclusions and Recommendations attached to this Ordinance as **Exhibit B**; and

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

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

Section 1. Garibaldi Municipal Code Chapters 17.00, 17.25, 18.05, 18.15, 18.25, 18.90, 18.110, 18.125, 18.135 and Comprehensive Plan Chapter VI. Housing Policy B.5.a. are hereby updated and read as set forth in the attached **Exhibit A**.

Section 2. The findings of fact relied upon by the Council in making their decision can be found in the Staff Report Recommendation of Approval to City Council dated December 8, 2025, and attached as **Exhibit B**.

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

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

ADOPTED by the Council and **APPROVED** by the Mayor this ____ day of _____, 20____.

Katie Findling, Mayor

ATTEST:

Amy Cram, City Recorder

17.00 Expedited and Middle Housing Land Divisions

17.00.010 Purpose

The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and ORS 92.031 regarding middle housing land divisions, in order to create homeownership opportunities.

17.00.020 Applicability

- A. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within a residential zone as provided in ORS 197.365.
- B. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot within a residential zone:
 - 1. A duplex.
 - 2. A triplex.
 - 3. A quadplex.
 - 4. A cottage cluster.
- C. Townhouses, by definition, are already on their own lots, so a middle housing land division is not applicable to townhouse developments. Lots for townhouses shall be created through subdivision or partition, Chapter 17.15 or 17.20.

17.00.030 Procedures

An Expedited Land Division or Middle Housing Land Division is not a land use procedure subject to Chapter 17.15 or 17.20. The following procedure for an Expedited Land Division or Middle Housing Land Division shall be followed:

- A. Application Requirements. Applicants shall submit materials required by Section 17.10.010, Initial submission.
- B. Completeness Review. The city shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 21 calendar days after the City receives the application submittal.
 - 1. If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

2. If the application was complete when first submitted or the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.
3. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the City Planner, or his or her designee, by the applicant, indicating whether or not the applicant intends to amend or supplement the application.

C. Notification.

1. The City Planner, or his or her designee, shall provide written notice of the receipt of the completed application for a Middle Housing Land Division or Expedited Land Division to all of the following:
 - a. The applicant and/or authorized representative;
 - b. The owner(s) of record of the subject property;
 - c. Any City-recognized neighborhood association whose boundaries include or are within 100 feet of the subject property;
 - d. Owners of record within 100 feet of the perimeter of the subject property; and
 - e. Any state agency, local government or special district responsible for providing public facilities or services to the development.
2. The notice shall state:
 - a. The street address or other easily understood geographical reference to the subject property;
 - b. The place, date and time that comments are due;
 - c. A time and place where copies of all evidence submitted by the applicant will be available for review;
 - d. The applicable criteria for the decision;
 - e. The name and telephone number of a local government contact person;
 - f. A brief summary of the local decision-making process for the Middle Housing Land Division or Expedited Land Division;
 - g. The deadline for submitting written comments;

- h. That issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period; and
 - i. That issues must be raised with sufficient specificity to enable the local government to respond to the issue.
 - 3. After notification according to the procedure set out above, the City Planner, or his or her designee, shall provide a 14-day period for submission of written comments prior to the decision.
 - D. Decision. The city shall make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the applicable requirements of this chapter.
 - 1. Approval may include conditions to ensure that the application meets the applicable regulations.
 - 2. For Middle Housing Land Division and Expedited Land Division applications, the City Planner, or his or her designee:
 - a. Shall not hold a hearing on the application; and
 - b. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination.
 - 3. The decision shall include a statement of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy each applicable approval.
 - 4. Notice of the decision shall be provided to the applicant and to those who received notice under subsection 17.00.030.D within 63 days of the date of a completed application. The notice of decision shall include:
 - a. The summary statement included with the written decision; and
 - b. An explanation of appeal rights under ORS 197.375 (Appeal of decision on application for expedited land division).
 - E. Appeals. An appeal of a decision made under this section shall not be subject to Section 18.210.060 Request for review of a decision (appeals). Any appeal of an Expedited Land Division or Middle Housing Land Division must be as provided in ORS 197.375.
 - F. Expiration. The tentative approval of a Middle Housing Land Division or Expedited Land Division is void if a final plat is not recorded within three years of the tentative approval.

17.00.040 Criteria of Approval – Expedited Land Division.

- A. The city will approve or deny an application for Expedited Land Division based on whether it satisfies the applicable criteria of approval. The city may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- B. The land subject to the application is zoned for residential uses.
- C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- D. The land division does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
 - 1. Open spaces, scenic and historic areas and natural resources;
 - 2. Estuarine resources;
 - 3. Coastal shorelands; and
 - 4. Beaches and dunes.
- E. The land division satisfies the minimum street and right-of-way connectivity standards of Chapter 17.25, General Regulations and Design Standards.
- F. The land division satisfies the following development standards:
 - 1. Applicable use standards of Chapter 18, Division III. Use Zones; and
 - 2. Applicable development standards of Chapter 18, Division IV. Supplemental Provisions.
- G. The land division will result in development that either:
 - 1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the dimensional standards of the site; or
 - 2. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

17.00.050 Criteria of Approval – Middle Housing Land Division.

The city will approve a tentative plan for Middle Housing Land Division based on whether it satisfies the following criteria of approval:

- A. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and the applicable middle housing regulations in this code.

- B. Separate utilities will be provided for each dwelling unit.
- C. Easements will be provided as necessary for each dwelling unit on the site for:
 - 1. Locating, accessing, replacing and servicing all utilities;
 - 2. Pedestrian access from each dwelling unit to a private or public road;
 - 3. Any common use areas or shared building elements;
 - 4. Any dedicated driveways or parking; and
 - 5. Any dedicated common area.
- D. Exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
- E. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
- F. The original lot dedicated and improved the abutting street right-of-way sufficient to comply with minimum right-of-way and improvement standards of Chapter 17.25, General Regulations and Design Standards, or dedication and/or improvements of the abutting street right-of-way are proposed that meet the standards of Chapter 17.25.
- G. The type of middle housing developed on the original lot shall not be altered by a Middle Housing Land Division. For example, cottages withing a cottage cluster do not become single-unit dwellings after a Middle Housing Land Division.

17.00.060 Conditions of Approval – Expedited Land Division and Middle Housing Land Division.

The city may add conditions of approval of a tentative plan for a Middle Housing Land Division or Expedited Land Division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:

- A. A condition to prohibit the further division of the resulting lots or parcels.
- B. A condition to require that a notation appear on the final plat indicating that the approval was given under ORS 92.031 as a Middle Housing Land Division.
- C. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

17.00.070 Final Plat for Expedited Land Division and Middle Housing Land Division.

- A. The final plat shall comply with the Middle Housing Land Division or Expedited Land Division conditions of approval.
- B. The following data requirements, if applicable, shall also be shown on the final plat:
1. All tracts of land intended to be deeded or dedicated for public use;
 2. Street names as approved by the city; and
 3. Any non-access strips.
- C. Approval Criteria. The city shall approve or deny the final plat for the Middle Housing Land Division or Expedited Land Division, based on whether it conforms with the tentative plan, with all changes permitted and all requirements imposed as a condition of acceptance. Final plat approval shall only take place after installation of improvements, or filing of an agreement and bond to that effect. After approval of the final plat, filing of an agreement and bond or installation of improvements, the applicant shall obtain the signature of the City Manager or designee, and record the plat within 90 days after the last signature has been obtained.
- D. A notice of middle housing land division for each middle housing lot shall be recorded with the County recorder that states:
1. The middle housing lot may not be further divided.
 2. No more than one unit of middle housing may be developed on each middle housing lot.
 3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single-unit dwelling, or any other housing type.
- E. No plat shall have any force or effect and no title to any property shall pass until the final plat has been recorded; however, a final plat is not required prior to issuance of building permits for middle housing proposed with a Middle Housing Land Division.

Chapter 17.25

GENERAL REGULATIONS AND DESIGN STANDARDS

Sections:

17.25.010 Principles of acceptability.

17.25.020 Streets.

17.25.030 Pedestrian and bicycle access and circulation.

17.25.040 Utility easements.

17.25.050 Building sites.

17.25.060 Access management.

17.25.070 Blocks.

17.25.080 Large building sites.

17.25.090 Watercourses.

17.25.100 Land for public purposes.

17.25.110 Unsuitable land.

17.25.120 Wetlands and areas subject to inundation.

17.25.130 Solar access.

17.25.010 Principles of acceptability.

A land division, whether by a subdivision, creation of a street, or partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this chapter. [Ord. 291 § 1, 2006; Ord. 215 § 39, 1994.]

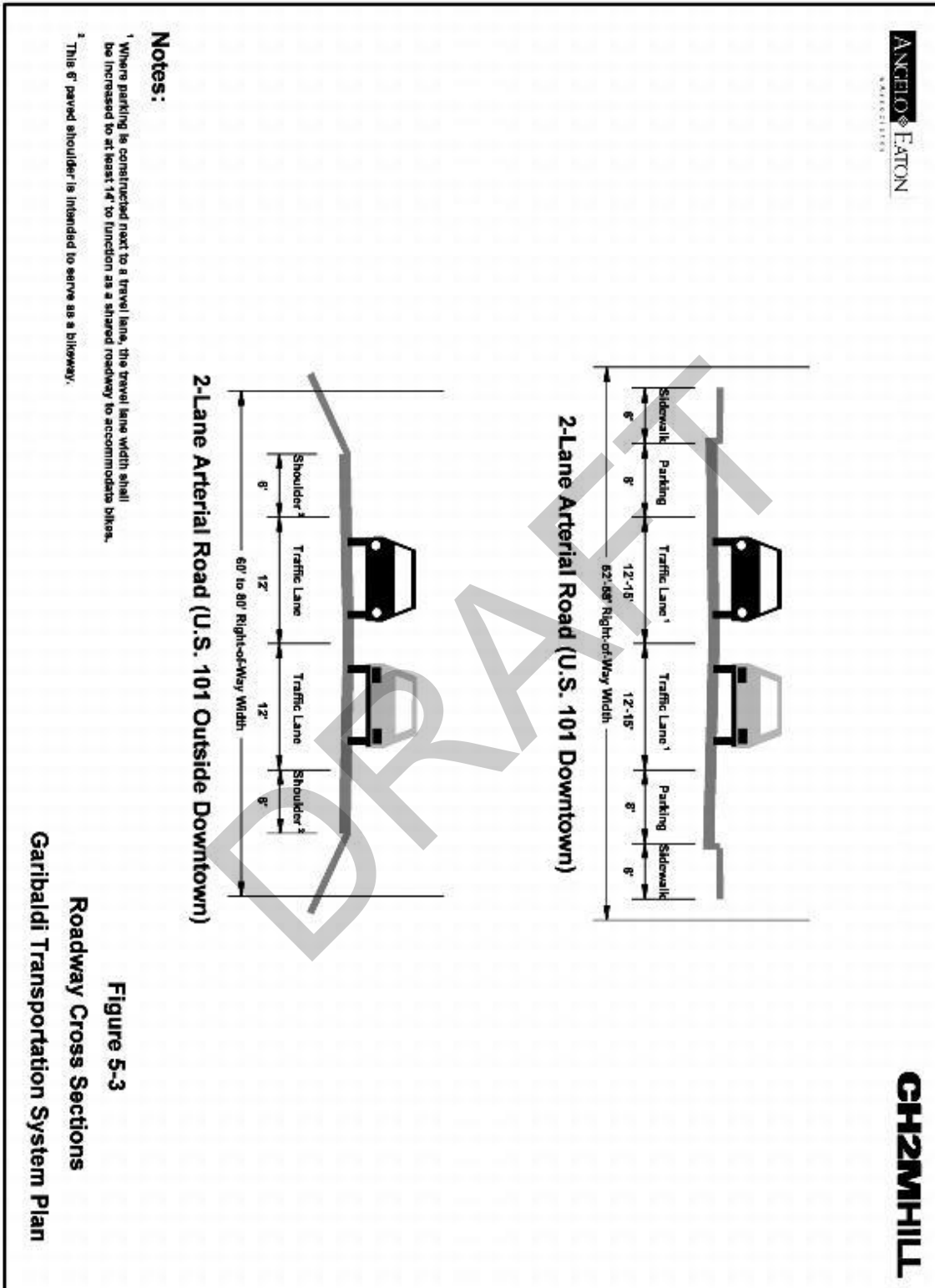
17.25.020 Streets.

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:

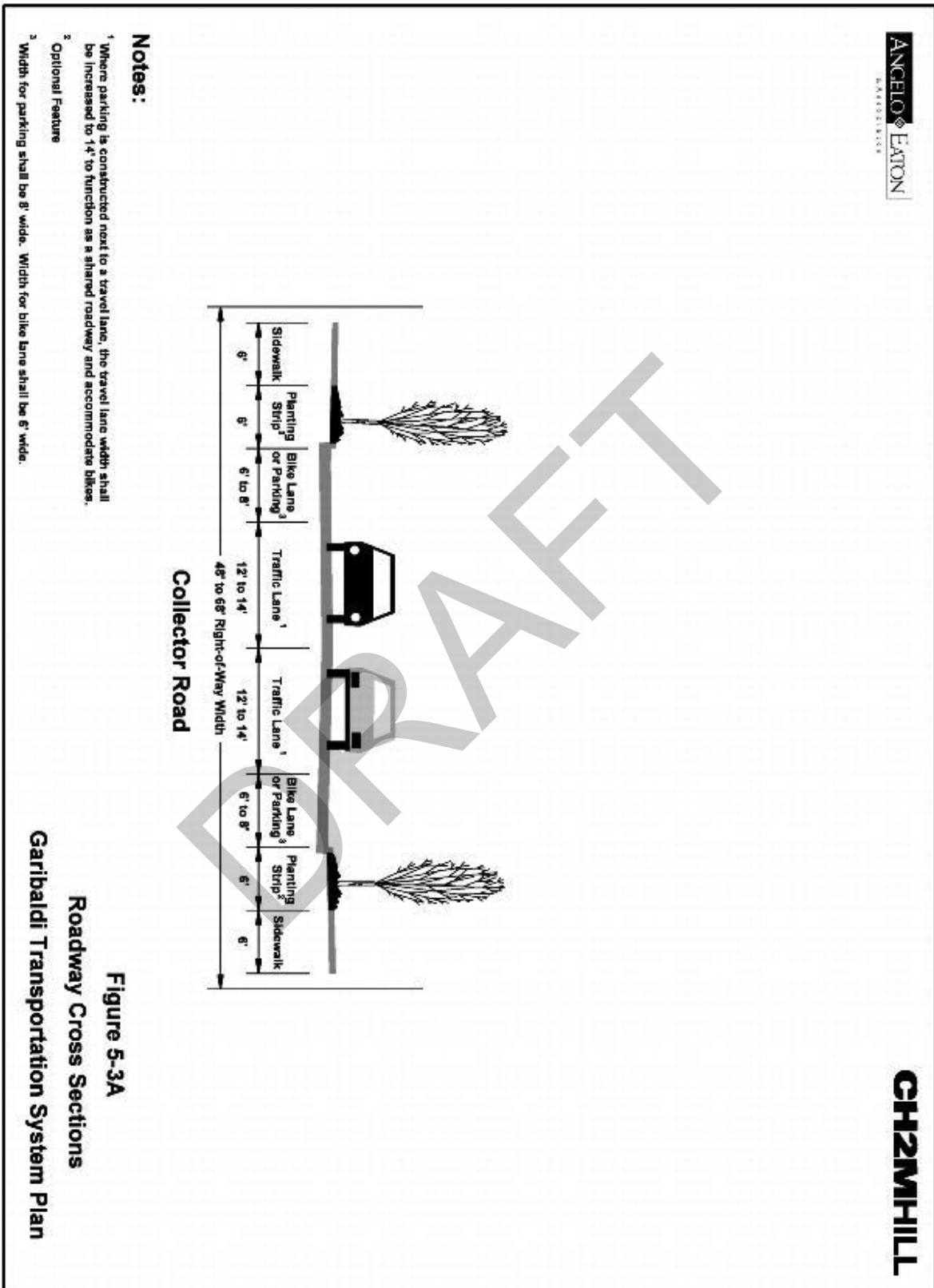
1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; and
 2. Block lengths shall conform to GMC [17.25.070](#), Blocks, or shall conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical 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:

DRAFT

1. Standards and Specifications, Figure A, Two-Lane Arterial Road Cross Section.

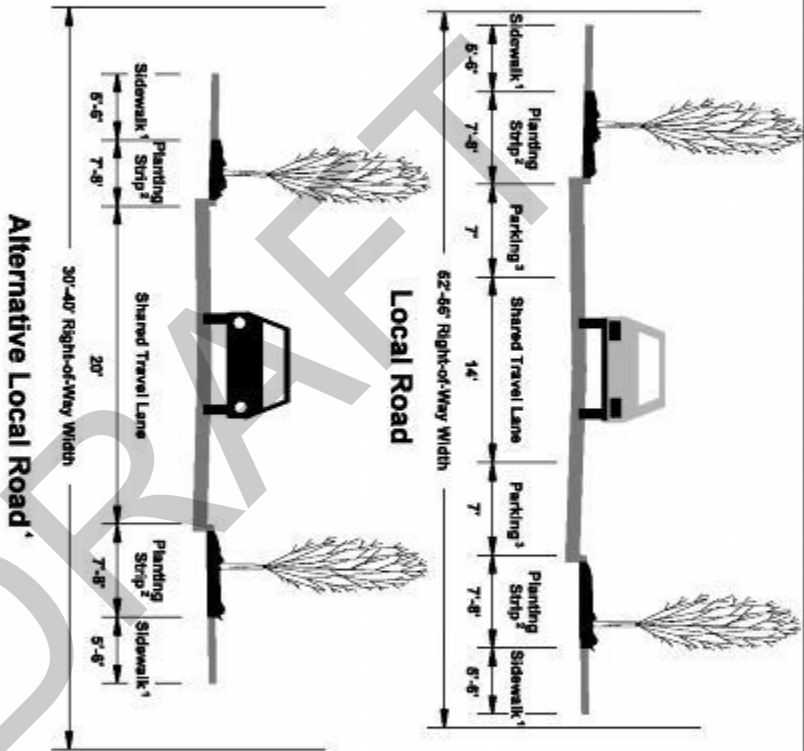


2. Standards and Specifications, Figure B, Collector Road Cross Section.



3. Standards and Specifications, Figure C, Local Road Cross Section, and Standards and Specifications, Figure D, Alternative Local Road Cross Section.

DRAFT



Notes:

- ¹ If sidewalks are not provided, a separated pedestrian walkway (eg, crushed aggregate separated by curb stops) is required on at least one side of the street.
 - ² Optional Feature
 - ³ Where appropriate, parking may be provided on one side only, for a paved width of 24' (7' parking + 17' travel lane).
 - ⁴ The alternative local road standard may be used when approved by the City of Garibaldi. The standard is intended to apply under one of the following circumstances:
 1. The local road will serve 18 or fewer dwelling units upon buildout of adjacent property.
 2. The ADT volume of the road is less than 250 vehicles/day.
 3. Significant topographical or environmental constraints are present.
- The alternative local road standard may be used provided:
- A. Use of the alternative local road standard will not create gaps in connectivity or roadway standards with adjacent roadway sections (i.e. sidewalk, parking, travel lane widths).
 - B. The City of Garibaldi and Emergency Service Providers have reviewed and accepted usage of the alternative local roadway standard.

Figure 5-4

Roadway Cross Sections
Garibaldi Transportation System Plan

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. [Ord. 291 § 1, 2006; Ord. 273 §§ 4, 5, 6, 2003; Ord. 215 § 40, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 273 § 7, 2003; Ord. 215 § 40A, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 215 § 41, 1994.]

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, except that townhouse lots shall abut upon a street for a width of at least 20 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. [Ord. 291 § 1, 2006; Ord. 215 § 42, 1994.]

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." [Ord. 291 § 1, 2006; Ord. 273 § 8, 2003; Ord. 215 § 42A, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 273 § 9, 2003; Ord. 215 § 43, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 215 § 44, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 215 § 45, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 215 § 46, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 215 § 47, 1994.]

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. [Ord. 291 § 1, 2006; Ord. 215 § 48, 1994.]

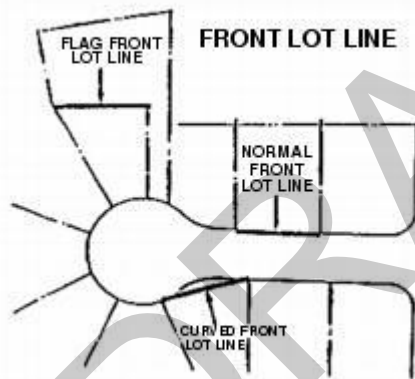
17.25.130 Solar access.

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.

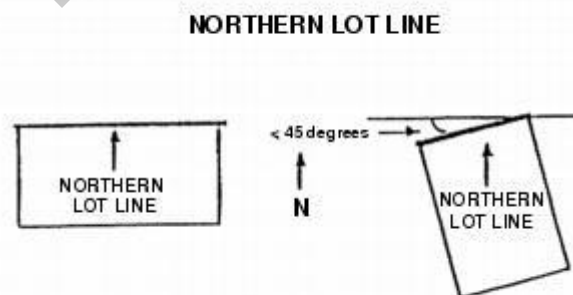


Figure 17.25.130(1)

Figure 17.25.130(2)

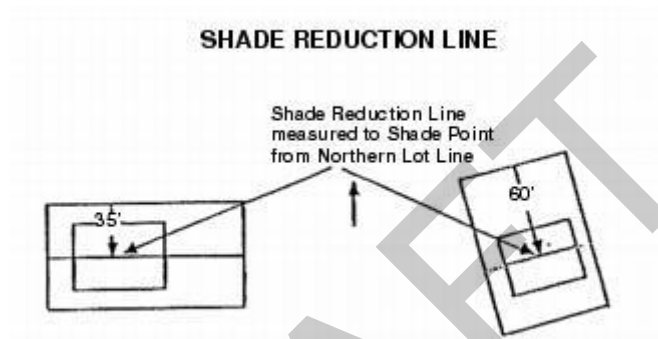
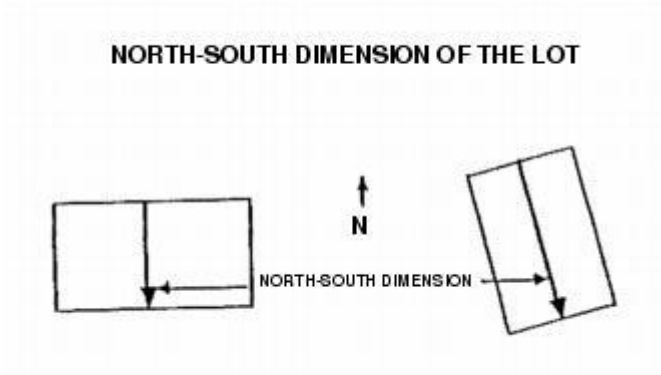


Figure 17.25.130(3)

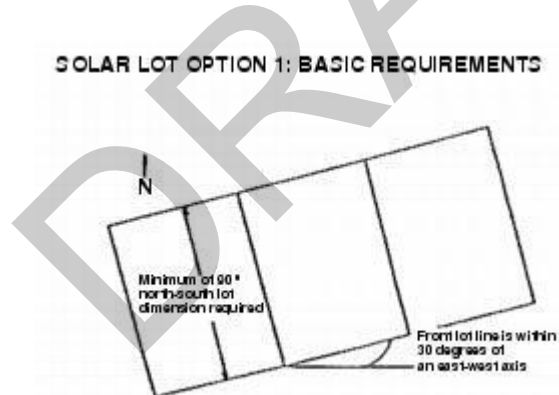


Figure 17.25.130(4)

Figure 17.25.130(5)

Division I. Introductory Provisions

Chapter 18.05

INTRODUCTORY PROVISIONS

Sections:

18.05.010 Title.

18.05.020 Purpose.

18.05.030 Definitions.

18.05.040 Estuarine and coastal shoreland definitions.

18.05.010 Title.

This title shall be known as the Garibaldi zoning ordinance. [Ord. 290 § 3(1.010), 2006.]

18.05.020 Purpose.

The purpose of this title is: to encourage the orderly development of the city; to promote appropriate uses of land; to conserve and stabilize the value of property; to provide adequate light and air; to lessen congestion; to prevent undue concentration of population; to facilitate adequate provisions for community facilities such as water supply and sewerage; to protect and enhance the appearance of the city; and in general to promote the public health, safety, convenience, and general welfare. The city has prepared a comprehensive plan and zoning ordinance to encourage orderly growth and to promote the public health, safety convenience, and public welfare. [Ord. 290 § 3(1.020), 2006.]

18.05.030 Definitions.

As used in this title, the following words and phrases shall mean:

“Access.” Access to property is described as normal vehicular access, by which normal ingress and egress by automobiles or other vehicles and pedestrians may be obtained to private property from public or private rights-of-way.

“Accessory use and structure” means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

“Aquaculture” means the propagation, planting, feeding, or growing and harvesting of fish, shellfish, plankton or aquatic plants.

“Bed and breakfast” means an owner-occupied dwelling where no more than four rooms are available for transient lodging and where a morning meal is provided.

“Bicycle facilities” means a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

“Bikeway” means 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:

1. “Multi-use path” means a paved way (typically 10 to 12 feet wide) that is physically separated from motorized vehicular traffic, typically shared with pedestrians, skaters, and other non-motorized users.
2. “Bike lane” means a portion of the roadway (typically four to six feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. “Shoulder bikeway” means the paved shoulder of a roadway that is four feet or wider, typically shared with pedestrians in rural areas.
4. “Shared roadway” means a travel lane that is shared by bicyclists and motor vehicles.
5. “Multi-use trail” means an unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

“Bridge crossing support structures” means piers, pilings, and similar structures necessary to support a bridge span, but not including fill for causeways or approaches.

“Bridge crossings” means the portion of a bridge spanning a waterway, not including support structures or fill located in the waterway or adjacent wetlands.

“Building” means a structure, other than a manufactured home, built for the support, shelter or enclosure of persons, animals, or property of any kind, and having a fixed base on or fixed connection to the ground.

“City” means the city of Garibaldi, Oregon.

“Commission” means the city planning commission.

“Cottage cluster” means a grouping of three to eight detached dwelling units, with an average footprint of no more than 1,400 square feet, located on a single lot or parcel that includes a common courtyard. Cottage clusters are subject to GMC 18.110.030.

“Council” means the city council.

“Daycare center” means a facility, other than the residence of the daycare provider, which receives three or more children for part of the 24 hours of the day for the purpose of providing care and board apart from the children’s parents or guardians.

“Dock” means a pier, piling, or secured floating platform for marine craft tie-up in association with one or more private residences.

“Dredge disposal” means the deposition of material obtained from dredging.

“Dwelling, accessory” means a small, secondary unit on a lot or parcel with a primary single-unit dwelling. The accessory dwelling unit (ADU) can be a detached cottage, a unit attached to a garage or in a portion of the existing house. ADUs are subject to GMC 18.135.

“Dwelling, duplex ~~or two-family~~” means an attached or detached building containing two dwelling units on one lot or parcel, and designed for occupancy by two families. In instances where a development can meet the definition of a duplex and also meets the definition of a single-unit dwelling with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a single-unit dwelling unit with an ADU.

“Dwelling, multifamily” means a building, or portion thereof, containing five or more dwelling units on one lot or parcel. Multifamily dwellings are subject to GMC 18.110.010. designed for occupancy by three or more families living independently of each other.

“Dwelling, quadplex” means an attached building containing four units on one lot or parcel. Quadplexes are subject to GMC 18.110.020.

“Dwelling, single-~~unit family or one-family~~” means a detached building containing one dwelling unit on one lot or parcel, and designed for occupancy by one family only.

“Dwelling, townhouse” means a dwelling unit constructed in a row of two or more attached units, where each dwelling is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. Townhouse dwellings are subject to GMC 18.110.020.

“Dwelling, triplex” means an attached building containing three units on one lot or parcel. Triplexes are subject to GMC 18.110.020.

“Dwelling unit” means one or more rooms in a building that are designed for occupancy by one or more persons family and that have cooking and sanitary facilities, but not including space in a structure or vehicle designed for camping or other temporary occupancy such as a hotel, motel, or recreational vehicle.

“Estuarine enhancement” means an action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

“Family” means an individual or two or more persons related by blood, marriage, legal adoption, guardianship, or one or more persons living together as one housekeeping unit, using one kitchen, and providing meals or lodging.

“Family daycare center” means a daycare facility where care is provided in a dwelling the home of the provider, in the family living quarters, to fewer than 13 children no more than 16 children, including children of the provider, regardless of full- or part-time status and is certified under ORS 329A.280 or is registered under ORS 329A.330.

“Fence” means a barrier consisting of wood, metal, vinyl, masonry or other engineered material placed or constructed for the purpose of obstructing movement or vision, or to enclose an open area.

“Fill” means the placement by man of sand, sediment, dredged material or other material which results in the replacement of an aquatic area with dry land, a change in the bottom elevation of a water body (in estuarine waters, intertidal areas or tidal wetlands) or an increase in the elevation of land (on shorelands). The placement of riprap is excluded from this category.

“Grade (ground level)” means the average elevation of the existing grade or ground at the centers of all walls of a building.

“Hedge” means a combination of nonannual plantings intended to form an obstruction to ingress or egress and/or vision, where such plantings provide, or are intended to provide, no physical space between individual plantings.

“Height of building” means the vertical distance from the grade to the highest point of the roof, excluding chimneys, aerials and similar extensions.

“Home occupation” means a lawful occupation carried on by a resident of a dwelling as an accessory use on the same property, in connection with which there is no person employed other than a person residing on the premises; and there is no activity conducted in such manner as to give an outward appearance of a business in the ordinary meaning of the term, or disruption of the neighborhood.

“Incidental alcohol service” means alcohol service when not more than 35 percent of food and beverage sales, measured over any relevant period of 30 days or more, are from sales of beverages containing alcohol.

“Kennel” means a lot or building in which four or more dogs, cats or at least four animals of four months of age or older are kept commercially for board, propagation, training or sale.

“Land use zone (district).” The term “district” is often interchanged with the term “zone” when referencing boundaries for the city’s various land use areas.

“Lot” means a parcel or tract of land.

“Lot area” means the total horizontal area within the lot lines of a lot, exclusive of public and private streets and easements of access to other property.

“Lot area coverage” means the maximum amount of the lot which can be covered with structures, including carports, porches and other attachments, but not parking areas, patios, decks or other surface-level improvements.

“Lot corner” means a lot abutting on two or more dedicated streets at their intersection.

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line.

“Lot line” means the property line bounding a lot.

“Lot line, front” means the lot line separating the lot from the street, and in the case of a corner lot, the shortest lot line along a street.

“Lot line, rear” means the lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line not a front or rear lot line.

“Lot width” means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

“Manufactured dwelling” means:

1. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
2. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
3. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,

is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. “Manufactured dwelling” does not mean any building or structure subject to the Structural Specialty Code adopted pursuant to ORS [455.100](#) through [455.450](#).

“Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

“Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved by the city of Garibaldi.

“Marina” means publicly or privately owned commercial facilities that provide berthing, launching, storage, supplies, and a variety of services of recreational, commercial fishing and charter fishing marine craft. Marinas are differentiated from moorages by their larger scale, the provision of significant accessory landside services and/or the use of solid breakwater (rock, bulkheading, etc.).

“Middle housing” means duplexes, triplexes, quadplexes, cottage clusters and townhouses.

“Middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420. Middle housing land divisions are subject to GMC Chapter 17.00.

“Minor navigation improvement” means alterations necessary to provide water access to existing or permitted uses in conservation management units including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

“Mitigation” means the creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality (ORS [541.626](#)).

“Mitigation site” means an area identified in the mitigation/restoration plan element of the Tillamook County comprehensive plan as a potential site for estuarine creation, restoration or enhancement, subject to applicable state and federal standards.

“Modular housing” means a dwelling unit manufactured off-site, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the Uniform Building Code.

“Nonconforming structure or use” means a lawful existing structure or use at the time this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

“Open space” means that portion of a lot or parcel of property which is left uncovered by structures, parking, patios, and other impervious surfaces; it is area devoted primarily to landscaping or natural vegetation, although the use of decks is allowed, and lands which remain substantially undeveloped for one or more of the following reasons:

1. Public or private outdoor recreation;
2. Public health or safety;
3. Managed resource preservation;
4. Managed resource production; and
5. Separation between other uses.

“Owner” means an owner of property or the authorized agent of an owner.

“Parking space” means an enclosed or unenclosed surface area permanently reserved for the temporary storage of one automobile and connected with a street or alley that affords ingress and egress for automobiles.

“Pedestrian facilities” means improvements and provisions made to accommodate or encourage walking, including sidewalks, access ways, crosswalks, ramps, paths, and trails.

“Permit” means discretionary approval of a proposed development of land under ORS [227.215](#).

“Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

“Property, downslope” means a lot or parcel of land that is located below, or at a lower elevation than, the adjacent street, road, or vehicular access way, including easements. A lot or parcel that runs between two parallel streets shall be considered downslope property for purposes of building height.

“Public utility” means a private business or organization such as a public service corporation, performing some public service and subject to governmental regulation, or a governmental agency performing similar public services. Such services shall include but are not limited to electric, gas, power or telephone.

“Recreation vehicle” means a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreation or emergency purposes and has a gross floor space of less than 400 square feet.

“Recreational vehicle” includes camping trailers, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer.

“Recreation vehicle park” means a lot that is operated on a fee or other basis as a place for the parking of occupied recreation vehicles.

“Residential facility” means a facility licensed by or under the authority of the Department of Human Resources under ORS [443.400](#) through [443.460](#) that provides residential care alone or in conjunction with training or treatment or a combination thereof for six to 15 individuals who need not be related. Staff required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

“Residential home” means a home licensed by or under the authority of the Department of Human Resources under ORS [443.400](#) through [443.825](#) that provides residential care alone or in conjunction with training or treatment or a combination thereof for five or fewer individuals who need not be related. Staff required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

“Resource capability” means the measure of an area, or the biological communities within an area, to withstand alteration. A use or activity is considered to be consistent with the resource capabilities of an area if the level of use proposed can be accommodated without producing significant adverse impacts to biological productivity or to the quality of air, land and water resources within the area.

“Restoration” means replacing or restoring original attributes or amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities, or catastrophic events. For the purposes of Goal 16, “estuarine restoration” means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities or catastrophic

events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

1. “Active restoration” means the use of specific positive remedial action, such as removing fills, dredging of shoaled navigation channels, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

2. “Passive restoration” means the use of natural processes, sequences, and timing that occur after removal or reduction of adverse stresses without other specific positive remedial action.

“Shoreline stabilization structures” means the protection of the banks of tidal or nontidal streams or rivers, estuarine waters or coastal lakes from flooding or erosion by vegetative means, or by structural means such as riprap, groins, bulkheads, or dikes.

Sign or Sign-Related Definitions.

1. “Abandoned sign” means a sign pertaining to a use or lot where the message of the sign no longer pertains to a use or activity occurring on the lot.

2. “Awning sign” means a sign that is placed on a temporary or moveable shelter supported entirely from the exterior wall of the building.

3. “Bench sign” means a sign painted on or attached to a bench.

4. “Incidental sign” means a sign, other than a temporary or lawn sign, which does not require a permit.

5. “Lawn sign” means a temporary freestanding sign made of rigid materials.

6. “Permanent sign” means a sign attached to a building, structure or the ground in some manner, having a sign face area of four square feet or more and made of materials intended for more than short-term use.

7. “Projecting sign” means a sign attached to and projecting out from a building face or wall and generally at right angles to the building.

8. “Readerboard sign” means a sign that can accommodate changeable copy.

9. “Sandwich board sign” means a sign not supported by a structure in the ground, nor attached to or erected against a structure, and capable of being moved.

10. “Sign” means any identification, description, illustration, symbol or device which is affixed upon a building, structure or land and whose primary purpose is to convey a message.

11. “Site frontage” means the length of the property line parallel to and along each public right-of-way.

12. “Temporary” means a sign not permanently attached to a building, structure or the ground, and is intended to be displayed not more than 90 days in a calendar year.

13. “Undeveloped site” means a lot with no permanent structure that contains a use permitted by the zone in which it is located.

14. “Wall sign” or “wall graphics” means a sign attached to or erected against the wall of a building with the sign face in a parallel plane to the building wall, including a painting or other graphic art technique that is applied directly to the wall or the face of a building or structure.

15. “Window sign” means a sign permanently affixed to the windowpanes of a building.

16. “Portable” means a sign that is not permanent and intended to be displayed more than 90 days in a calendar year.

“Staff” means most commonly the planner, administrator, and/or public works director or their assigns.

“Street” means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley,” and other similar designations.

“Structural alteration” means any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or exterior walls.

“Structure” means something constructed or built, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Sufficient infrastructure” means the following level of public services to serve new middle housing:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting Chapter 17.25, General Regulations and Design Standards.

- Storm drainage facilities capable of meeting established service levels.

“Telecommunication facility” means a facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “telecommunication facilities.”

“Temporary alteration” means dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include:

1. Alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance);
2. Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and
3. Minor structures (such as blinds) necessary for research and educational observation.

“Transportation facilities” means the physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation facilities include the following:

1. Normal operation and maintenance;
2. Installation of 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 measures;
6. Street or road construction as part of an approved subdivision or partition;
7. Transportation projects that are not designated improvements in the transportation system plan; and
8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.

“Townhouse project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

“Use” means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

“Water-dependent” means uses and activities which can be carried out only on, in or adjacent to water because the water location or access is needed for one of the following:

1. Water-borne transportation (navigation, moorage, fueling and servicing of ships or boats, terminal and transfer facilities, resource and material receiving and shipping); or
2. Recreation (active or passive recreation such as viewing and walking); or
3. A source of water (energy production, cooling of industrial equipment or wastewater, other industrial processes, aquaculture operations); or
4. Marine research or education (viewing, sampling, recording information, conducting experiments, teaching).

“Water-oriented” means a use whose attraction to the public is enhanced by a view of or access to coastal waters.

“Water-related” means uses and activities that do not require direct water access (are not water-dependent), but that:

1. Provide goods and/or services that are directly associated with other water-dependent uses (supplying materials to, or using products of, water-dependent uses); and
2. If not located near the water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality shall involve a subjective consideration of economic, social and environmental consequences of the use.)

“Wetlands” means land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extremely low water; in nontidal areas by a depth of six feet. The areas below wetlands are submerged lands.

“Yard” means an open space on a lot that is unobstructed from the ground upward except as otherwise provided in this title.

“Yard, front” means a yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure. Any yard meeting this definition and abutting a street shall be considered a front yard.

“Yard, rear” means a yard between side lot lines and measured horizontally at right angles to the rear lot line to the nearest point of a building or other structure.

“Yard, side” means a yard between the front and rear measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

“Yard, street side” means a yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure. [Ord. 321 § 1, 2014; Ord. 319 §§ 2, 3, 2013; Ord. 290 § 3(1.030), 2006.]

18.05.040 Estuarine and coastal shoreland definitions.

The definitions in the Tillamook County land use code for estuary zones, shorelands overlay zone and water-dependent development zone are adopted by reference. The definitions contained therein shall be applied in the following zones where there is no appropriate definition in GMC [18.05.030](#): estuary natural zone, estuary conservation 1 zone, estuary conservation 2 zone, dredge material disposal site protection overlay zone, water-dependent development zone and waterfront mixed-use zone. [Ord. 319 § 4, 2013; Ord. 290 § 3(1.035), 2006.]

Division III. Use Zones

Chapter 18.15

MEDIUM DENSITY RESIDENTIAL ZONE (R-1)

Sections:

18.15.010 Purpose.

18.15.020 Uses permitted outright.

18.15.030 Conditional uses permitted.

18.15.040 Standards and criteria.

18.15.010 Purpose.

The R-1 zone is intended to provide an area of primarily residential uses, including a mixture of housing types and densities. The R-1 zone is intended secondarily to provide an area for public and institutional uses such as parks, schools, places of worship and utilities. ~~single-family homes, duplexes and manufactured homes, with apartments allowed as a conditional use.~~ [Ord. 290 § 3(3.010), 2006.]

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-unit family dwellings, including modular housing.

B. Duplex ~~es or two-family~~ dwellings.

C. Triplex dwellings, subject to GMC 18.110.020.

D. Quadplex dwellings, subject to GMC 18.110.020.

E. Townhouse dwellings, subject to GMC 18.110.030.

F. Cottage clusters, subject to GMC 18.110.040.

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). [Ord. 304 Art. III(1), 2008; Ord. 290 § 3(3.010(1)), 2006.]

18.15.030 Conditional uses permitted.

In an R-1 zone, the following uses are permitted subject to the provisions of Chapter [18.185](#) GMC and GMC [18.15.040](#):

A. Multifamily dwellings.

B. Manufactured dwelling parks.

C. Schools, churches and community buildings.

D. Planned unit developments in accordance with Chapter [18.205](#) GMC.

E. Bed and breakfast meeting the requirements of GMC [18.145.010](#).

F. Public utility structure.

G. Government structure.

H. Daycare center.

I. Residential facility.

J. Telecommunication facilities.

K. 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.

L. Vacation rental dwellings located south of Garibaldi Avenue (U.S. 101) or accessed privately from Garibaldi Avenue (U.S. 101). [Ord. 304 Art. III(2), 2008; Ord. 290 § 3(3.010(2)), 2006.]

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-[unit family](#) dwellings, [duplexes, triplexes](#), modular housing and manufactured dwellings shall be 5,000 square feet.

- B. The minimum lot size for ~~duplexes~~ quadplexes shall be ~~7,500~~ 7,000 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~~ five or more dwelling units, shall be 10,000 square feet for the first ~~three~~ five dwelling units and 1,500 square feet for each dwelling unit thereafter.
- D. The minimum lot size for cottage clusters shall be 7,000 square feet.
- E. The minimum lot size for individual townhouses shall be 1,500 square feet.
- D. The minimum lot width shall be 30 feet, except that the minimum lot width for townhouses shall be 20 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 and on the side where a townhouse is attached to another townhouse it shall be zero feet.
- H. The maximum building height shall be ~~24 feet~~ 25 feet, except that the maximum height for a townhouse, triplex or quadplex with a garage shall be 35 feet.
- I. The total amount of the lot on which structures and other impervious surfaces may be constructed shall not exceed 50 percent (except there is no maximum for cottage clusters and the maximum for townhouse lots is 75%).
- 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. [Ord. 304 Art. III(2), 2008; Ord. 290 § 3(3.010(3)), 2006.]

Chapter 18.25
COMMERCIAL ZONE (C-1)

Sections:

18.25.010 Purpose.

18.25.020 Uses permitted outright.

18.25.030 Conditional uses permitted.

18.25.040 Standards.

18.25.010 Purpose.

The C-1 zone is intended to allow certain additional uses not allowed along U.S. Highway 101 in the D-1 zone, and to maintain primary commercial uses such as stores, banks and offices beyond the limits of the downtown zone. Large land users and automobile-oriented drive-through uses are intended to be located in the commercial zone. [Ord. 321 § 2, 2014; Ord. 290 § 3(3.030), 2006.]

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. [Ord. 321 §§ 3 – 7, 2014; Ord. 319 § 1, 2013; Ord. 290 § 3(3.030(1)), 2006.]

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, **quadplex** 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. [Ord. 321 §§ 8 – 10, 2014; Ord. 290 § 3(3.030(2)), 2006.]

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 ~~or quadplex~~ 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~~ four 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. [Ord. 321 §§ 11 – 14, 2014; Ord. 290 § 3(3.030(3)), 2006.]

Division IV. Supplemental Provisions

Chapter 18.90

ACCESS REQUIREMENTS

Sections:

18.90.010 Access requirements.

18.90.010 Access requirements.

Every lot shall abut a street, lane, or alley for at least 25 feet (except townhouse lots shall abut a street, lane, or alley for at least 20 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. [Ord. 319 § 17, 2013; Ord. 290 § 3(4.010), 2006.]

Chapter 18.110

**MULTIFAMILY, TRIPLEX, QUADPLEX, TOWNHOUSE AND COTTAGE CLUSTER
STANDARDS OR APARTMENT SITING CRITERIA**

Sections:

18.110.010 Multifamily standards. or apartment siting criteria.

18.110.010 Multifamily standards. 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. [Ord. 290 § 3(4.042), 2006.]

18.110.020 Triplex and quadplex standards.

A. Applicants must demonstrate that Sufficient Infrastructure, as defined in Chapter 18.05.030, is provided, or will be provided, upon submittal of a triplex or quadplex development application.

B. Design Standards. New triplexes and quadplexes shall meet the following standards:

1. Entry Orientation. At least one main entrance for each triplex or quadplex structure shall be within eight feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

a. Face the street (Figure 1);

b. Be at an angle of up to 45 degrees from the street (Figure 2);

c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (Figure 3); or

d. Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 4).

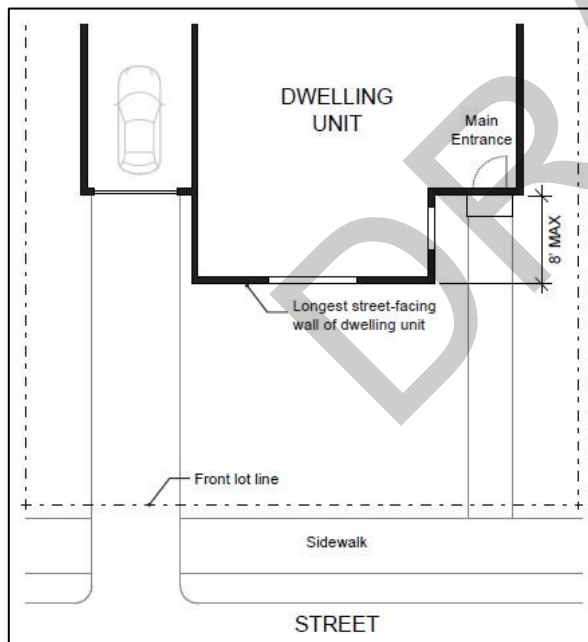
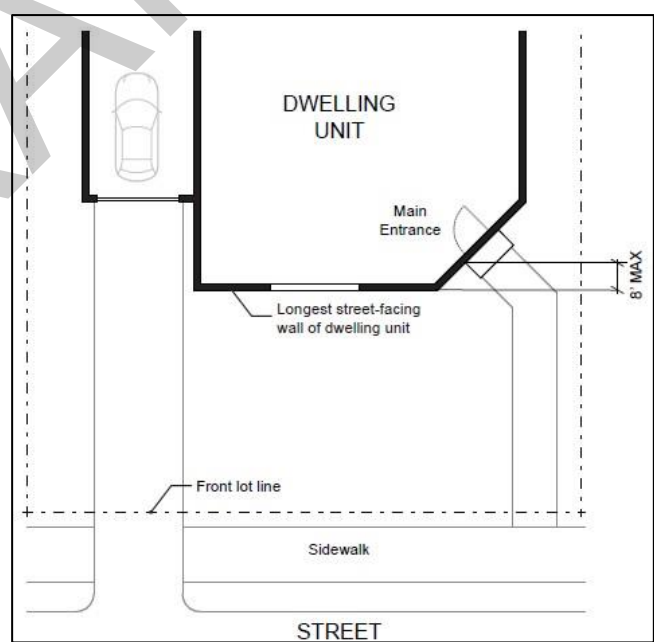
Figure 1**Figure 2**

Figure 3

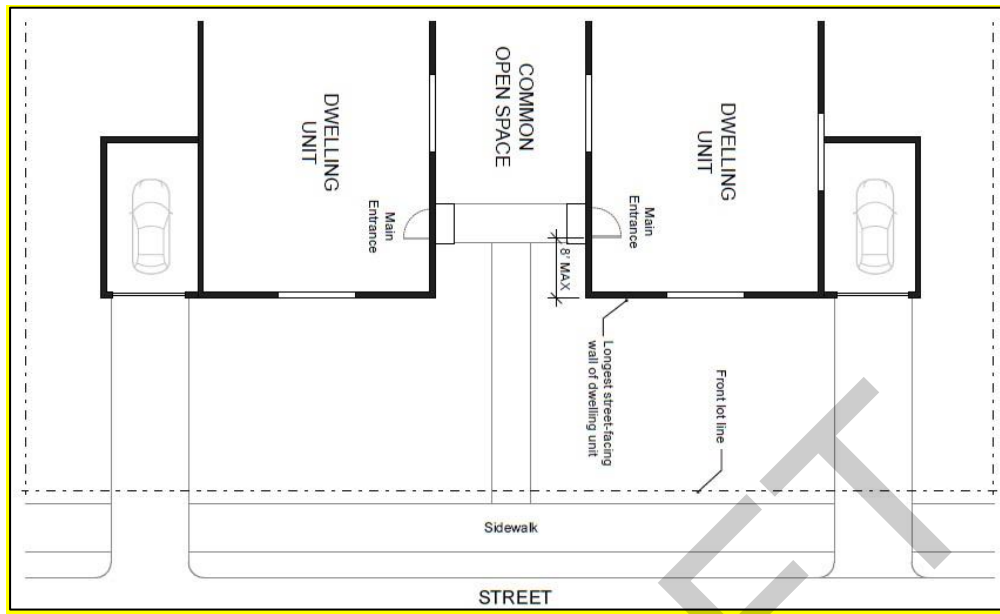


Figure 4

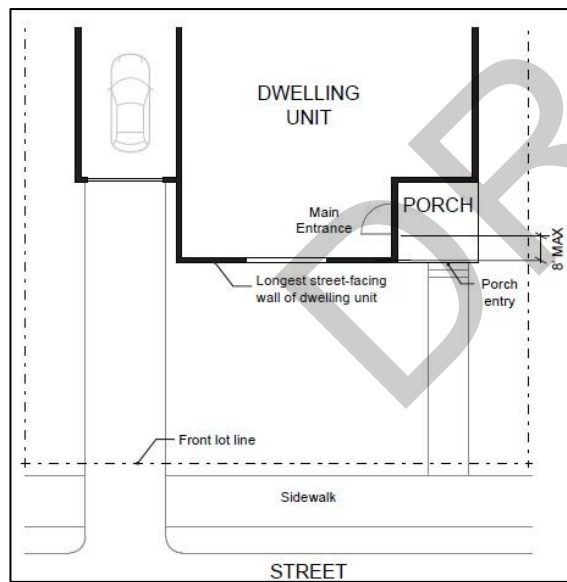


Figure 5



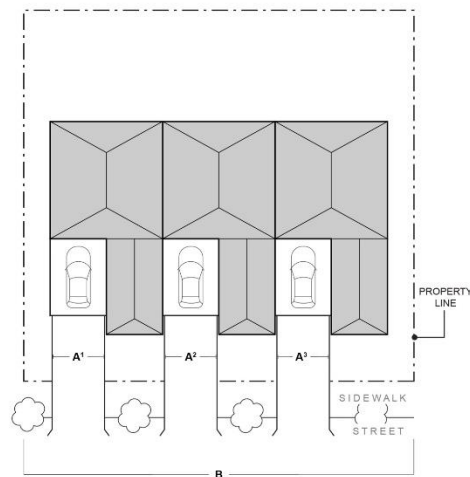
2. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5.

3. Garages, Carports and Off-Street Parking Areas. Garages, carports and off-street parking areas shall not be located between a building and a public street (other than an alley), except where they comply with the following standards:

a. The garage, carport or off-street parking area is separated from the street property line by a dwelling; or

b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 6).

Figure 6



- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

4. Driveway Approach. Driveway approaches must comply with the following:

A. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 7).

b. Driveway approaches may be separated when located on a local street (see Figure 7).

c. In addition, lots with more than one frontage must comply with the following:

(1) Lots must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley, access must be taken from the alley (see Figure 8).

(2) Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards applicable to collectors and/or arterials.

(3) Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:

(a) Two driveway approaches not exceeding 32 feet in total width on one frontage; or

(b) One maximum 16-foot-wide driveway approach per frontage (see Figure 9).

Figure 7

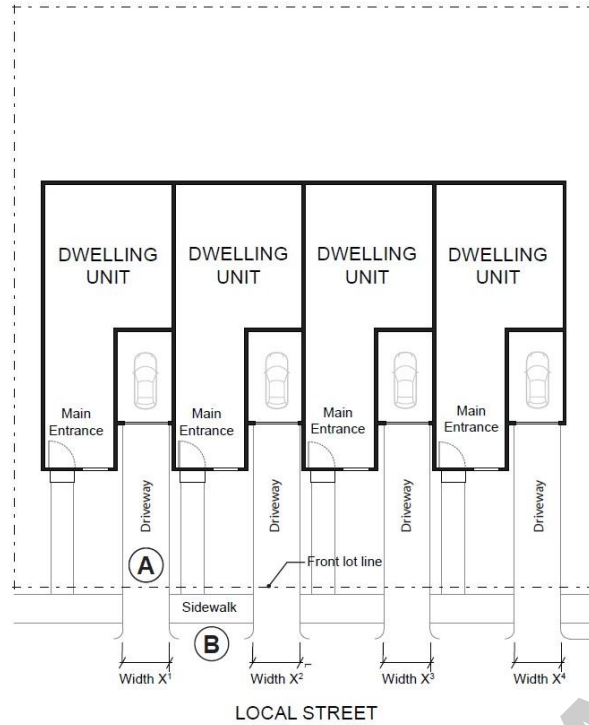
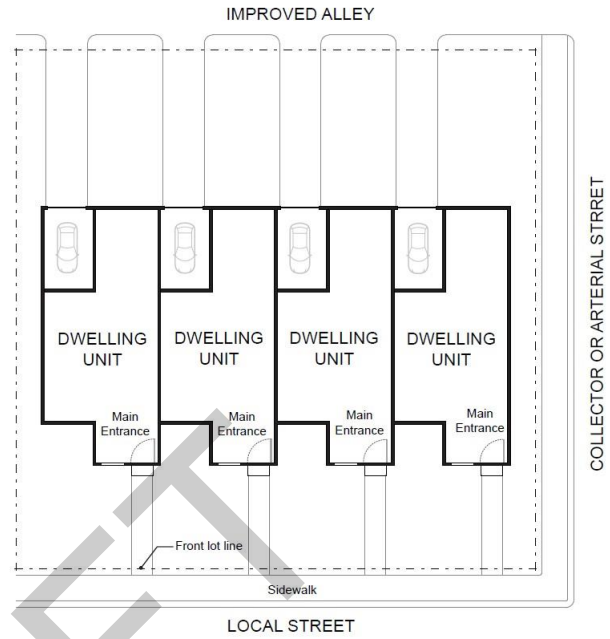
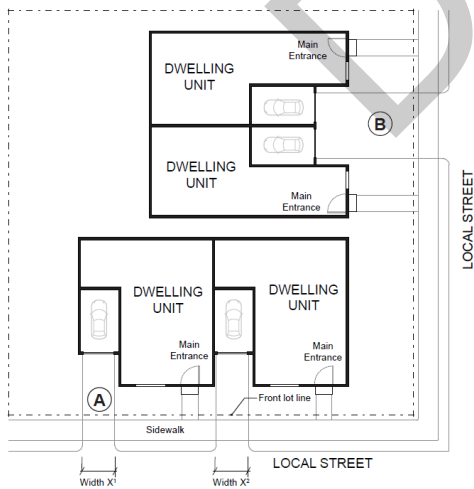


Figure 8



- (A) $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,
- (B) Driveway approaches may be separated when located on a local street

Figure 9



Options for site with more than one frontage on local streets:

- (A) Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X^1 + X^2$); or
- (B) One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

C. Conversions. Internal conversion of an existing detached single-unit dwelling or duplex to a triplex or quadplex are exempt from the Triplex and Quadplex standards of Section 18.110.020A. and B. and are exempt from the minimum parking requirements in Section 18.125.030.

18.110.030 Townhouse standards.

A. Applicants must demonstrate that Sufficient Infrastructure, as defined in Chapter 18.05.030, is provided, or will be provided, upon submittal of a townhouse development application.

B. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.

C. A maximum of four attached townhouses is permitted.

D. Design Standards. New townhouses shall meet the following standards:

1. Entry Orientation. The main entrance of each townhouse shall be within eight feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

a. Face the street (Figure 1);

b. Be at an angle of up to 45 degrees from the street (Figure 2);

c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (Figure 3); or

d. Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 4).

2. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 10):

a. A roof dormer a minimum of four feet in width, or

b. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room, or

c. A bay window that extends from the façade a minimum of two feet, or

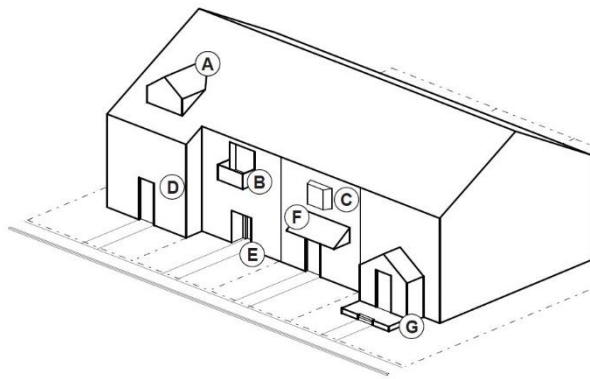
d. An offset of the façade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

e. An entryway that is recessed a minimum of three feet, or

f. A covered entryway with a minimum depth of four feet, or

g. A porch meeting the standards of subsection 18.110.030.D.1.d.

h. Balconies and bay windows may encroach into a required setback area.

Figure 10.

- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

3. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 5.

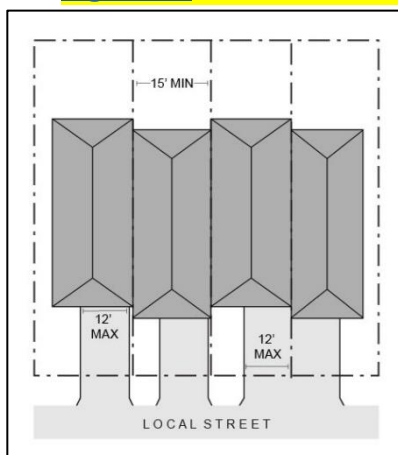
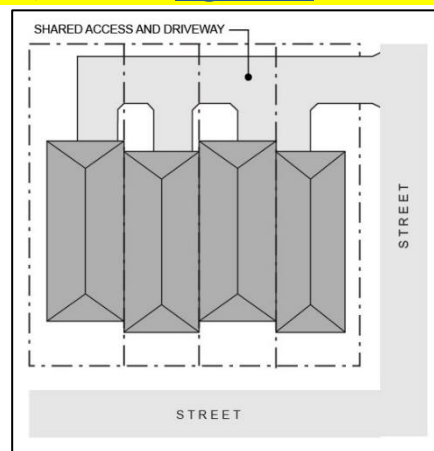
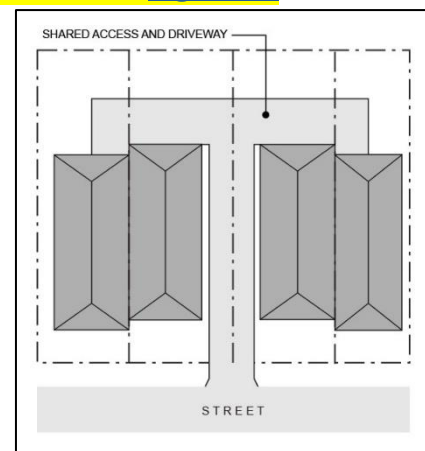
4. Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:

a. Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 11):

(1) Each townhouse lot has a street frontage of at least 20 feet on a local street.

(b) A maximum of one driveway per lot is allowed that does not exceed 12 feet wide, or 50 percent of the lot street frontage, whichever is greater. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach.

(c) The garage width does not exceed 12 feet wide, as measured from the inside of the garage door frame.

Figure 11**Figure 12****Figure 13**

b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection 18.110.030.D.4.a:

(1) Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

(2) A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 12.

(3) Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the areas directly between the front façade and the front lot line of any of the townhouses. See Figure 13.

(4) A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

(5) Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection 18.110.030.D.4.

18.110.040 Cottage cluster standards.

A. Applicants must demonstrate that Sufficient Infrastructure, as defined in Chapter 18.05.030, is provided, or will be provided, upon submittal of a townhouse development application.

B. All cottage cluster developments shall meet the following standards:

1. There shall be between three and eight detached dwelling units per cottage cluster.

2. A minimum density of four units per net acre shall apply to all cottage clusters.

3. Each cottage dwelling unit shall have a maximum footprint of 900 square feet, with an additional 200 square feet permitted for an attached garage.

4. Each cottage dwelling unit shall have a maximum total floor area of 1,400 square feet.

5. Cottages shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

6. No maximum lot coverage shall apply to cottage clusters.

7. Each cottage cluster development shall have a minimum of one common courtyard (see Figure 14).

8. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

(1) Have a main entrance facing the courtyard;

(2) Be within 10 feet of the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(3) Be connected to the common courtyard by a pedestrian path.

b. Cottages within 20 feet of a street property line may have their entrances facing the street.

c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

9. Common courtyards shall:

a. Be a single, contiguous piece that measures no less than 150 square feet per cottage, is 15 feet at its narrowest dimension and has abutting cottages on at least two sides.

b. Be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities.

c. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

d. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

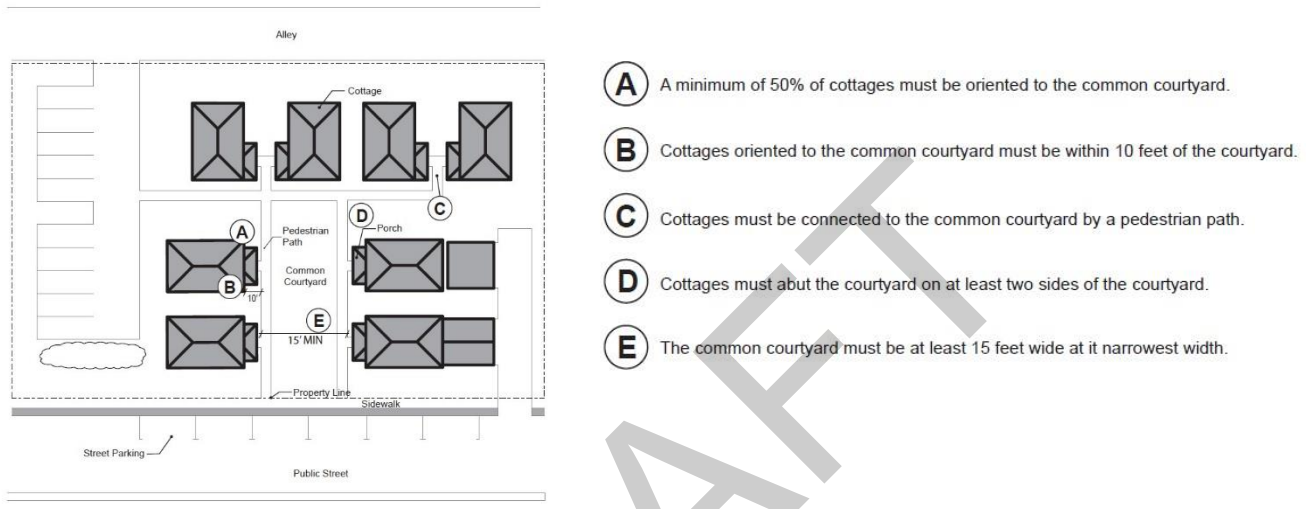
10. Community buildings may be included for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care or common eating areas. Community buildings may not exceed a footprint of 900 square feet.

11. An minimum four-foot-wide, hard-surfaced accessible pedestrian path must be provided that connects the main entrance of each cottage to the common courtyard, shared parking areas, community buildings and sidewalks or public rights-of-way abutting the site.

12. Accessory structures, including garages, are permitted and may not exceed 400 square feet in total floor area.

13. Existing structures on a lot or parcel to be used for a cottage cluster may remain within the cottage cluster project area, may be nonconforming with respect to the requirements of this code and may be expanded up to a maximum of 900 square feet.

Figure 14.



8. Parking in cottage clusters (see Figure 15):

a. Off-street parking is permitted in clusters of up to five spaces. Parking clusters shall be separated from other clusters by a minimum of four feet of landscaping.

b. Off-street parking and vehicle maneuvering areas shall not be located:

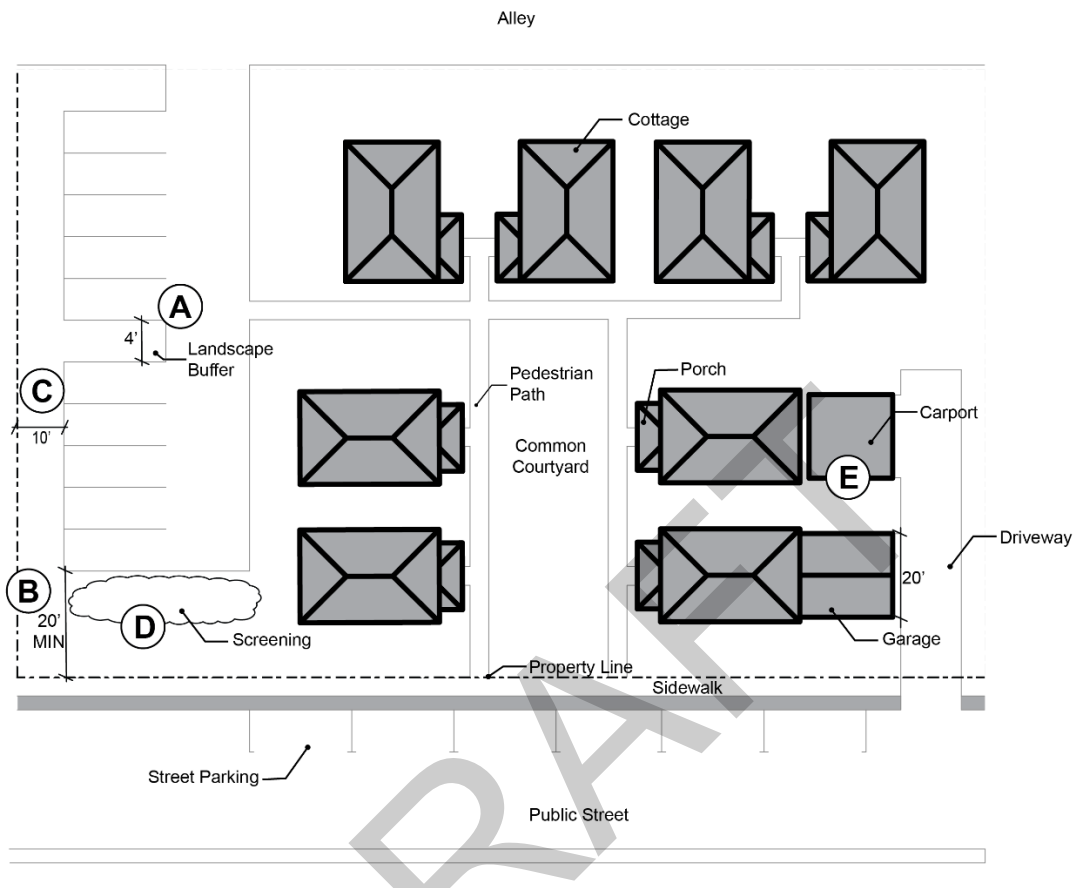
(1) Within 10 feet from any street property line, except alley property lines; and

(2) Between a street property line and the front facades of cottages located closest to the street property line. This standard does not apply to alleys.

c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

d. Landscaping, fencing or walls at least three feet tall shall separate parking areas and parking structures from common courtyards, public streets and adjoining properties.

e. Garages and carports may not abut common courtyards.

Figure 15.

- A** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- B** No parking or vehicle area within 20 feet from street property line (except alley).
- C** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Chapter 18.125

AUTOMOBILE PARKING STANDARDS

Sections:

Article I. Generally

18.125.010 Purpose.

18.125.020 Applicability.

Article II. Automobile Parking Standards

18.125.030 Vehicle parking – Minimum standards by use.

18.125.040 Vehicle parking – Minimum accessible parking.

18.125.050 On-street parking.

18.125.060 Shared parking.

18.125.070 Off-site parking.

18.125.080 General parking standards.

18.125.090 Parking stall design and minimum dimensions.

18.125.100 Important cross-references.

Article III. Bicycle Parking Requirements

18.125.110 Background.

18.125.120 Minimum required bicycle parking spaces.

18.125.130 Exemptions.

18.125.140 Location and design.

18.125.150 Visibility and security.

18.125.160 Options for storage.

18.125.170 Lighting.

18.125.180 Reserved areas.

18.125.190 Hazards.

Article IV. Loading Areas

18.125.200 Background.

18.125.210 Purpose.

18.125.220 Applicability.

18.125.230 Number of loading spaces.

18.125.240 Size of spaces.

18.125.250 Placement, setbacks, and landscaping.

Article I. Generally

18.125.010 Purpose.

The purpose of this chapter is to provide basic and flexible standards for the development of vehicle and bicycle parking. The design of parking areas is critical to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize storm water runoff, and maintain the visual character of the community. This chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community. [Ord. 290 § 3(4.060(1)), 2006.]

18.125.020 Applicability.

All development subject to review including development of parking facilities, shall comply with the provisions of this chapter. [Ord. 290 § 3(4.060(2)), 2006.]

Article II. 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.

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
<i>Residential Categories</i>	
Household Living	
Accessory Dwelling	None
Single- Unit Family Dwelling	2 spaces
Duplex, Triplex, Quadplex, Townhouse or Cottage Cluster	3 spaces per duplex 1 space per dwelling unit
Multifamily	1 space per studio or 1-bedroom unit
	1.5 spaces/unit per 2-bedroom unit
	2 spaces/unit per 3-bedroom or larger unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATMs)	No requirement.
Bed and Breakfast Inn	1 space per bedroom

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Educational Services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000 sq. ft. floor area
Entertainment, Major Event	Per CU review
Offices	2 spaces per 1,000 sq. ft. floor area
Outdoor Recreation, Commercial	Per CU review
Parking Lot (when not an accessory use)	Per CU review
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or per CU review
Retail Sales and Service (See also Drive-Up Uses)	Retail: 2 spaces per 1,000 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 space per 1,000 sq. ft.
	Restaurants and Bars: 8 spaces per 1,000 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 3 spaces per 1,000 sq. ft.
	Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 0.75 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
	Theaters and Cinemas: 1 space per 6 seats

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Self-Service Storage	No standard
Industrial Categories	
Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area
Waste-Related	Per CU review
Wholesale Sales	
– fully enclosed	1 space per 1,000 sq. ft.
– not enclosed	Per CU review
Institutional Categories	
Basic Utilities	None
Colleges	Per CU review
Community Service	1 space per 200 sq. ft. of floor area
Daycare, adult or child daycare; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Parks and Open Space	Determined per CU review for active recreation areas, or no standard

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area; or per CU review, as applicable
Schools	Grade, elementary, middle, junior high schools: 1 space per classroom, or per CU review
	High schools: 7 spaces per classroom, or per CU review
Other Categories	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through land use review, conditional use permit review, or site design review
Agriculture – Animals	None, or per CU review
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale Sales, as applicable
Mining	Per CU review
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed	None
Transportation Facilities (operation, maintenance, preservation, and	None

Table 18.125.030 – Minimum Required Parking by Use

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
construction [in accordance with the City's Transportation System Plan])	

[Ord. 319 § 20, 2013; Ord. 304 Art. IV(2), 2008; Ord. 290 § 3(4.060(3)(A)), 2006.]

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**Source: ADA Standards for Accessible Design 4.1.2(5)**

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			

[Ord. 290 § 3(4.060(3)(B)), 2006.]

18.125.050 On-street parking.

On-street parking shall conform to the following standards:

A. Dimensions. The following constitutes one on-street parking space:

1. Parallel parking, each 22 feet of uninterrupted curb;
2. Forty-five or 60 degree diagonal, each with 10 to 12 feet of curb;
3. Ninety degree (perpendicular) parking, each with 12 feet of curb.

B. Location. Parking may be counted toward the minimum standards in Table 18.125.030 when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it must not violate any law or street standard.

C. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited. [Ord. 304 Art. IV(3), 2008; Ord. 290 § 3(4.060(3)(C)), 2006.]

18.125.060 Shared parking.

Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The city may approve owner requests for shared parking through land use review. [Ord. 290 § 3(4.060(3)(D)), 2006.]

18.125.070 Off-site parking.

Except for single-family dwellings, the vehicle parking spaces required by this section may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the city has approved the off-site parking through land use review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument. [Ord. 304 Art. IV(4), 2008; Ord. 290 § 3(4.060(3)(E)), 2006.]

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. [Ord. 290 § 3(4.060(3)(F)), 2006.]

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.

Figure 18.125.090(1) – Parking Area Layout

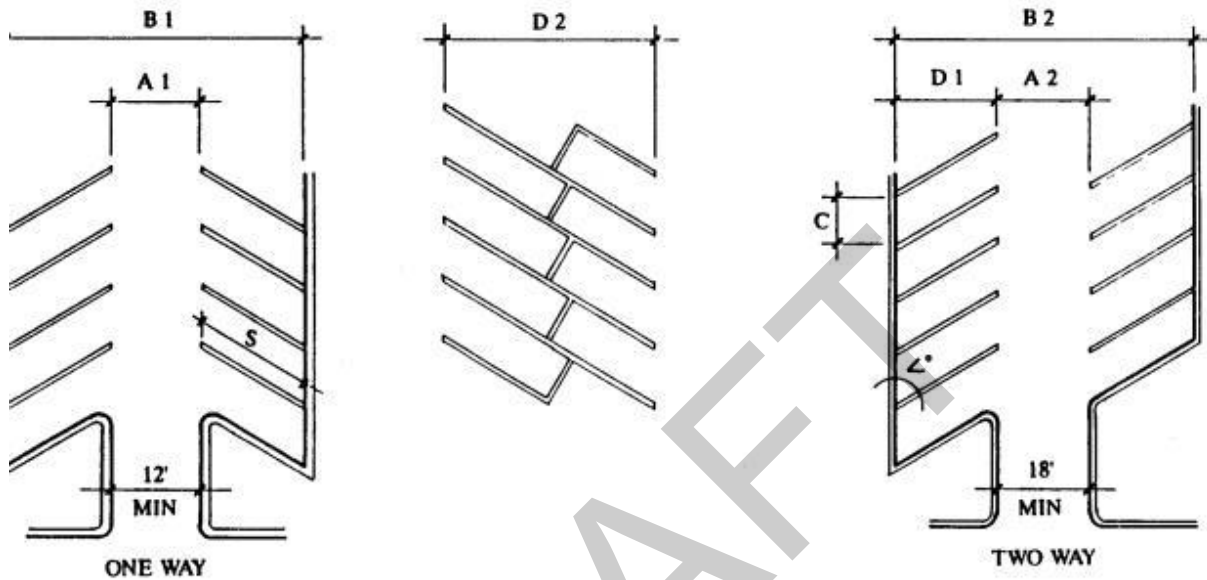


Figure 18.125.090(2) – Disabled Person Parking Requirements

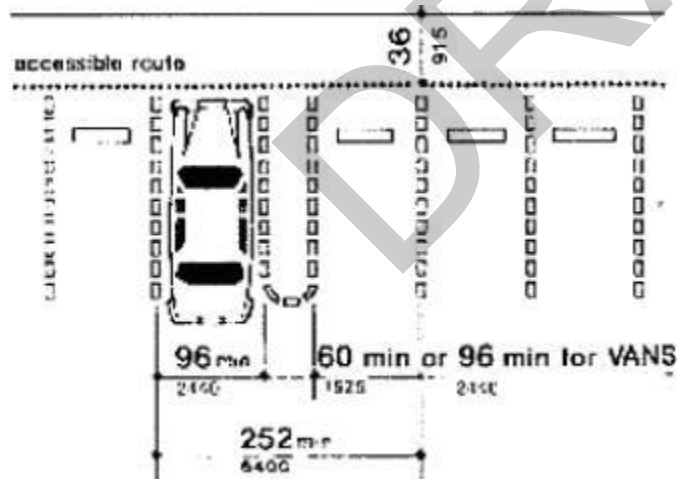


Table 18.125.090 – Parking Area Layout

Standard	Parking Angle <°	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	90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
(See Figure 18.125.090(2) for ADA space requirements)	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"

[Ord. 290 § 3(4.060(3)(G)), 2006.]

18.125.100 Important cross-references.

See also Section 2, Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Section 3.1, Access and Circulation, for driveway standards; Section 3.2, Landscaping; and Section 3.5, Surface Water Management. [Ord. 290 § 3(4.060(3)(H)), 2006.]

Article III. Bicycle Parking Requirements

18.125.110 Background.

This article implements part of the Transportation Planning Rule, which requires bicycle parking. (OAR 660-012-0045)

All uses that are subject to site design review shall provide bicycle parking, in conformance with the standards in Table 18.125.120, and GMC [18.125.120](#) through [18.125.190](#). [Ord. 290 § 3(4.060(4)), 2006.]

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.

Table 18.125.120 – Minimum Required Bicycle Parking Spaces

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
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
Commercial Categories			
Retail Sales and Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats, or per CU review	None
Industrial Categories			
Manufacturing and Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse and Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None

Table 18.125.120 – Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation areas only)		None	8, or per CU review
Schools	Grades 2 – 5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6 – 12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			

Table 18.125.120 – Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Other Categories	Determined through land use review, site design review, or CU review, as applicable		

[Ord. 290 § 3(4.060(4)(A)), 2006.]

18.125.130 Exemptions.

This article does not apply to single-family and multifamily housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses. [Ord. 290 § 3(4.060(4)(B)), 2006.]

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. [Ord. 290 § 3(4.060(4)(C)), 2006.]

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. [Ord. 290 § 3(4.060(4)(D)), 2006.]

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. [Ord. 290 § 3(4.060(4)(E)), 2006.]

18.125.170 Lighting.

For security, bicycle parking shall be at least as well lit as vehicle parking. [Ord. 290 § 3(4.060(4)(F)), 2006.]

18.125.180 Reserved areas.

Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only. [Ord. 290 § 3(4.060(4)(G)), 2006.]

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 (Section 3.1, Access and Circulation). [Ord. 290 § 3(4.060(4)(H)), 2006.]

Article IV. Loading Areas

18.125.200 Background.

The loading area provisions are typical, except that GMC [18.125.250](#) allows for the use of a street right-of-way loading area under certain conditions. This exception is meant to conserve land for employment uses, particularly in the downtown and main street zones. Some cities' codes prohibit vehicles backing onto a public right-of-way (except single-family uses), so it is important to check for that restriction and allow reasonable exceptions. [Ord. 290 § 3(4.060(5)), 2006.]

18.125.210 Purpose.

The purpose of this article is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas. [Ord. 290 § 3(4.060(5)(A)), 2006.]

18.125.220 Applicability.

This article applies to residential projects with 50 or more dwelling units, and nonresidential and mixed-use buildings with 20,000 square feet or more total floor area. [Ord. 290 § 3(4.060(5)(B)), 2006.]

18.125.230 Number of loading spaces.

A. Residential Buildings. Buildings where all of the floor area is in residential use shall meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: No loading spaces are required.
2. All other buildings: One space.

B. Nonresidential and Mixed-Use Buildings. Buildings where any floor area is in nonresidential use shall meet the following standards:

1. Less than 20,000 square feet total floor area: No loading spaces required.
2. Twenty thousand to 50,000 square feet of total floor area: One loading space.
3. More than 50,000 square feet of total floor area: Two loading spaces. [Ord. 290 § 3(4.060(5)(C)), 2006.]

18.125.240 Size of spaces.

Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13 feet. [Ord. 290 § 3(4.060(5)(D)), 2006.]

18.125.250 Placement, setbacks, and landscaping.

Loading areas shall conform to the setback and perimeter landscaping standards in Divisions II and III of this title. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through site design review or conditional use permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), do not obstruct traffic during peak traffic hours, or interfere with emergency response service. [Ord. 290 § 3(4.060(5)(E)), 2006.]

Chapter 18.135

ACCESSORY STRUCTURES

Sections:

18.135.010 Accessory structures.

18.135.010 Accessory structures.

A. In the medium density residential zone (R-1), detached accessory structures used as garages, tool and storage sheds, playhouses and similar uses are allowed:

1. These accessory structures shall not be used for human habitation.
2. The maximum square footage for these accessory structures shall be limited to 975 square feet or 75 percent of the total building footprint of the primary residential use, whichever is greater. An accessory structure that exceeds this limit shall require conditional use review and approval in accordance with Chapter 18.185 GMC.
3. The height of accessory structures shall be limited to 15 feet for sidewall height and a maximum overall height of 19 feet to the roof peak.
4. These accessory structures, including all projections, shall not be closer than six feet from any other building.
5. These accessory structures shall be located to the side or the rear of the primary structure, except that they may not be located on the street side of a primary structure.
6. These accessory structures shall meet all setback and lot coverage requirements.
7. No unpainted metal or corrugated metal siding material shall be permitted on accessory structures.
8. For the purpose of this section, breezeways and decks do not serve as attachments to the primary use.

B. Accessory dwelling units shall comply with the following standards, which are intended to control the size and number of accessory dwellings on individual lots, ensure compatibility with existing uses and ensure that accessory dwellings are for the use of permanent or long-term residents, rather than short-term rental use.

1. The structure complies with applicable building codes.
2. If used for short-term rental, the ~~The~~ primary residence shall be owner-occupied. Alternatively, the owner may appoint a family member as a caretaker of the principal house and manager of the accessory dwelling.

3. A maximum of one accessory dwelling unit is allowed per lot.

4. The maximum floor area of the accessory dwelling shall not exceed 33 percent of the living area of the primary structure ~~house~~ or 600 square feet, whichever is less, and may not exceed 15 percent of the entire area of the site.

5. The accessory dwelling shall meet the setback, placement and design requirements of the R-1 zone and meet all the requirements of any associated overlay zones.

~~6. In addition to the parking required for the primary dwelling, a minimum of one space shall be provided for the accessory dwelling.~~

7. The accessory dwelling shall remain in the same ownership as the primary dwelling. The accessory dwelling shall not be sold as a separate real or personal property.

C. All accessory structures shall comply with the standards of the zone in which they are located and with applicable building codes.

D. In the commercial (C-1) and downtown (D-1) zones, accessory structures shall not be used for human habitation. [Ord. 319 § 21, 2013; Ord. 304 Art. V(6), 2008; Ord. 290 § 3(4.080), 2006.]

STAFF REPORT

TO: The Garibaldi City Council
FROM: Scott Fregonese, Consulting Planner
DATE: December 4, 2025
SUBJECT: Development Code and Comprehensive Plan Text Amendment (1-TA-25)

BACKGROUND

The City of Garibaldi is proposing to amend The City of Garibaldi Municipal Code to comply with and exceed housing-related statutes and facilitate housing production, affordability, and choice. The amendments include allowing duplexes, triplexes, quadplexes, townhouses, and cottage clusters as outright permitted uses on all lots or parcels zoned medium density residential in accordance with House Bill 2001 and Senate Bill 406. Other amendments include the addition of a Middle Housing Land Division process, adding new dimensional and design standards for all middle housing developments, and general revisions to modernize the code and ensure consistency and compliance with state housing requirements.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Notice of the proposed amendments was submitted to DLCD on March 11, 2025 and updated on November 18, 2025. Public notice was published in the Tillamook Highlight-Herald on November 18, 2025 of the city of Garibaldi prior to the final public hearing on this issue to ensure that all interested parties may testify on the matter.

DEVELOPMENT CODE, STATE LAW AND FINDINGS

Zoning Ordinance Amendments:

- Section 17.00 Expedited and Middle Housing Land Divisions
- Section 17.25 General Regulations and Design Standards
- Section 18.05 Introductory Provisions
- Section 18.15 Medium Density Residential Zone (R-1)
- Section 18.25 Commercial Zone (C-1)
- Section 18.90 Access Requirements
- Section 18.110 Multifamily, Triplex, Quadplex, Townhouse, and Cottage Cluster Standards
- Section 18.125 Automobile Parking Standards
- Section 18.135 Accessory Structures

Comprehensive Plan Amendment:

- Chapter VI. Housing Policy B.5.a. Amendment to Comprehensive Plan Text

The proposed amendments result in the continued compliance of the Garibaldi Comprehensive Plan with the 19 Oregon Statewide Planning Goals. Findings addressing each of the applicable City of Garibaldi Title 18 Zoning code provisions for this code update proposal are identified below.

Development Code and Comprehensive Plan Text Amendment

Unless discussed below, the proposal 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. Where conditions are necessary for the proposal to meet the provisions of the Garibaldi Municipal Code or Statewide Planning Goals, the provisions are included beneath the findings for the applicable section. Subsections of specific criteria not applicable to the proposal are omitted from this report and indicated with a triple asterisk (***).

Chapter 18.200 LAND USE DISTRICT MAP AND TEXT AMENDMENTS

§ 18.200.020 Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed by the planning commission and city council and shall conform to the Transportation Planning Rule provisions in GMC § 18.200.060, as applicable.
(Ord. 290 § 3(9.020), 2006)

STAFF FINDING: This application is for a Legislative amendment to the City of Garibaldi Title 18 Zoning Code and the City of Garibaldi Comprehensive Plan Chapter VI. Because the City's Planning Commission does not currently have enough members to establish a quorum, this application is being reviewed and decided by the City Council.

Staff finds that the proposed amendments are not a development application; therefore, the provisions of GMC § 18.200.060 are not applicable. OAR 660-012-0060 requires that any comprehensive plan amendment be evaluated to determine whether it will have a significant effect on the transportation system. The City of Garibaldi adopted its Transportation System Plan (TSP) in 2003. The proposed amendments do not include any changes to the adopted TSP or the City of Garibaldi Zoning Map related to transportation.

The proposed amendments introduce no new Statewide Planning Goal 12 programs, and no existing Goal 12 programs or standards are modified by this amendment package. The amendments do not alter comprehensive plan policies or implementing regulations related to transportation or compliance with Statewide Planning Goal 12.

Based on the findings above, Staff finds that the proposed amendments are consistent with Chapter 18.200.020.

§ 18.200.050 Record of amendments.

The city recorder shall maintain a record of amendments to the text of this code and the land use districts map in a format convenient for public use.

STAFF FINDING: This application is for a Legislative amendment to the City of Garibaldi Title 18 Zoning Code and the City of Garibaldi Comprehensive Plan Chapter VI. Staff finds that the record of these amendments shall be maintained by the city recorder or other staff designee.

§ 18.200.060 Transportation Planning Rule compliance

- A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a

Development Code and Comprehensive Plan Text Amendment

transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – TPR) and the traffic impact study provisions. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the city's transportation system plan ("TSP"); or
 2. Change the standards implementing a functional classification system; or
 3. As measured at the end of the planning period identified in the city's comprehensive plan, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
 4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the city's comprehensive plan; or
 5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the city's comprehensive plan.
- B. Amendments That Affect Transportation Facilities. Except as provided in subsection C of this section, 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:
1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
 2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
 4. Amending the planned function, capacity or performance standards of the transportation facility; or
 5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.
- C. Exceptions. Amendments to the comprehensive plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the city's comprehensive plan, may be approved when all of the following criteria are met:
1. The amendment does not include property located in an interchange area, as defined under applicable law;

Development Code and Comprehensive Plan Text Amendment

2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
4. The city provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

STAFF FINDING: Staff finds that the proposed amendments are not a development application; therefore, this section is not applicable. The proposed amendments to the Garibaldi Development Code and Comprehensive Plan will not significantly affect a transportation facility in the City. The intent of the amendments is to increase housing choice and production in the City of Garibaldi. This code amendment may result in a modest increase in housing development that is unlikely to result in a reduction in the level of service of any transportation facilities below the minimum acceptable level identified in the adopted TSP.

Chapter 18.210 ADMINISTRATIVE PROVISIONS**§ 18.210.020 Notice of public hearing**

- A. Notice of a public hearing shall be reasonably calculated to give actual notice and shall contain the following information:
 1. The name of the applicant.
 2. The date, time, place of hearing and who is holding the public hearing.
 3. A description reasonably calculated to inform a person of the location of the property for which a permit or other action is pending, including the street address, and the subdivision lot and block designation, or tax map designation of the county assessor. This is not required for legislative actions under this title.
 4. A concise description of the proposed development action.
 5. A description, in general terms, of the applicable criteria from this title and comprehensive plan known to apply to the issue.
 6. A statement that failure of an issue to be raised in a hearing, in person or by letter, or a failure to provide sufficient specificity to afford decision makers an opportunity to respond to the issue precludes an appeal based on that issue.
 7. A statement describing where the complete application, criteria and other relevant information is available for review.
 8. The name and phone number of a local government representative to contact for more information.
 9. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost, and that copies can be provided at reasonable cost.
 10. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that copies can be provided at reasonable cost.
 11. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

Development Code and Comprehensive Plan Text Amendment

B. Mailed Notice.

1. Mailed notice shall be sent to property owners with the following distances from the exterior boundary of the subject property:
 - a. Legislative change to this title: none.
 - b. Quasi-judicial change to this title: 200 feet.
 - c. Conditional use: 200 feet.
 - d. Variance request: 100 feet.
 - e. Appeal of a planning commission decision: same as for the initial hearing (e.g., variance: 100 feet).
2. Mailed notice shall be sent to the applicant.
3. Addresses for a mailed notice required by this title shall be obtained from the county assessor's real property tax records. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this title for notice.

In addition for persons to receive notice as required by the matter under consideration, the city shall provide notice to others it has reason to believe are affected or otherwise represent an interest that may be affected by the proposed action.
4. Notice shall be sent to ODOT and other affected agencies for the following: all public hearings, subdivisions and partitions and any land use application affecting public or private access to a state facility.

C. Published Notice. Notice shall be given for the proposed actions described below by publication in a newspaper of general circulation of the city of Garibaldi:

1. Legislative change to this title.
2. Quasi-judicial change to this title.
3. Conditional use.
4. Variance.
5. Appeal of a planning commission decision.

D. Notice shall be mailed or published not less than 20 days prior to the hearing requiring the notice.

STAFF FINDING: Pursuant to GMC 18.210.020 subsection C, Legislative changes are required to be published in a newspaper of general circulation of the city of Garibaldi. There are no required mailed notices with this legislative proposal. Public notice was published in the Tillamook Headlight-Herald on November 18, 2025.

Garibaldi Comprehensive Plan - I. PROCEDURAL POLICIES

- A. The development and amendment of the Comprehensive Plan shall be coordinated with the plans and programs of other jurisdictions and agencies that have an impact on land use in the City. These jurisdictions include: the Port of Garibaldi, Tillamook County and the State Highway Department.
- B. A change in the Comprehensive Plan shall occur only after the Planning Commission and the City Council have each held a public hearing. Public notices shall be published at least ten days prior to the public hearing dates.
- C. Exceptions to specific State-wide Planning Goal requirements shall be adopted as an amendment to the Comprehensive Plan. Exceptions shall be in conformance with the

Development Code and Comprehensive Plan Text Amendment

requirements of State-wide Planning Goals, Goal 2, Land Use Planning and OAR 660-04-000 through 660-04-35. Notice of a public hearing on a proposed exception shall note the requirements from which an exception is being taken and a brief description of the issues involved.

- D. Amendments to the Comprehensive Plan shall be found to be consistent with other pertinent Comprehensive Plan policies.
- E. A major review of the Comprehensive Plan shall be undertaken as required by the State mandated periodic review schedule. Minor plan revisions may occur as needed to address specific issues.

STAFF FINDING: This application is scheduled to go before Garibaldi City Council on December 15, 2025. The amendment to the Comprehensive Plan is consistent with other pertinent Comprehensive Plan policies in that it expands the housing types and calls to zone adequate land to meet identified housing needs for this expanded range of housing types.

The proposed expansion of housing types and procedures listed supports the following Housing Goals of chapter VI Housing, of the Garibaldi Comprehensive Plan:

- a. Provide opportunities for development of housing in a range of types and price ranges to meet the needs of future residents.
- b. Support maintenance and rehabilitation of the community's existing housing stock.
- c. Support the efficient development of housing and land to minimize environmental impacts and provide public services in a cost-effective manner.

Staff finds that the procedural policies for amending the comprehensive plan are met. Public notice procedures can be met as detailed in this staff report and with the suggested motion. No exceptions to State-wide Planning Goal requirements are proposed, and this amendment does not constitute a major review.

CONCLUSION AND RECOMMENDATION

The City has demonstrated that the proposed Garibaldi Development Code and Comprehensive Plan updates meet the applicable standards for Development Code and Comprehensive Plan text amendments. Staff recommend that the City Council approve the proposed updates and adopt the proposed ordinance.

RECOMMENDED MOTION

"Based on the findings and conclusions of the December 8, 2025 staff report, I move to continue approve the proposed Garibaldi Development Code and Comprehensive Plan updates and adopt Ordinance 335."

ATTACHMENTS

- 1. Proposed Garibaldi Development Code Update
- 2. Proposed Garibaldi Comprehensive Plan Update
- 3. Ordinance 335