

**GARIBALDI ORDINANCES  
ORDINANCE NO. 290**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF  
ZONING REGULATIONS FOR THE CITY OF GARIBALDI, OREGON,  
IN CONFORMANCE WITH THE COMPREHENSIVE PLAN, AND  
REPEALING ORDINANCE 107.**

**WHEREAS**, the City Council at their April 15, 1982 Regular Meeting determined that a Comprehensive Plan and Zoning Ordinance be enacted and created for and by the City of Garibaldi; and

**WHEREAS**, since that time numerous amendments have changed the ordinance and various errors have become codified into City law; and

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

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

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

**WHEREAS**, it was determined by these committees and staff that numerous scrivener's errors and policy changes needed to be amended; and

**WHEREAS**, due to the number of corrections it was determined that it would more efficient to repeal the old ordinance and adopt a new ordinance with all the corrections and changes; now, therefore,

**THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:**

SECTIONS

- 1 Repeal
- 2 Title
- 3 Codification
- 4 Severability
- 5 Adoption

**Section 1. REPEAL.** Garibaldi Ordinance No. 107 (Zoning Regulations in Conformance with the Comprehensive Plan) and all other ordinances and orders or parts of ordinances or orders, in conflict herewith, are hereby repealed.

**Section 2. TITLE.** These regulations shall be known as the “Zoning Ordinance No. 290,” may be cited as such, and will be referred to herein as “this Ordinance.”

**Section 3. CODIFICATION.** The following articles shall be codified in accordance with existing methodologies and a Table of Contents:

**“ARTICLE I.  
INTRODUCTORY PROVISIONS**

**Section 1.010. TITLE:** This ordinance shall be known as the Garibaldi Zoning Ordinance.

**Section 1.020. PURPOSE:** The purpose of this ordinance 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.

**Section 1.030. DEFINITIONS:** As used in this ordinance, the following words and phrases shall mean:

*Accessory Use and Structure:* A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

*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 right-of way.

*Aquaculture:* The propagation, planting, feeding, or growing and harvesting of fish, shellfish, plankton or aquatic plants.

*Bed and Breakfast:* An owner occupied dwelling where no more than four rooms are available for transient lodging and where a morning meal is provided.

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

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

- a. *Multi-use Path.* 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.
- b. *Bike Lane.* A portion of the roadway (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. *Shoulder Bikeway.* The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. *Shared Roadway.* A travel lane that is shared by bicyclists and motor vehicles.
- e. *Multi-use Trail.* An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

*Bridge Crossings:* The portion of a bridge spanning a waterway not including support structures or fill located in the waterway or adjacent wetlands.

*Bridge Crossing Support Structures:* Piers, piling, and similar structures necessary to support a bridge span, but not including fill for causeways or approaches.

*Building:* A structure, other than a manufactured home, built for 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:* The City of Garibaldi, Oregon.

- a. *Commission* means the City Planning Commission.
- b. *Council* means the City Council.

*Day Care Center:* A facility other than the residence of the day care provider, which receives three or more children for a 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:* A pier, piling, or secured floating platform for marine craft tie-up in association with one or more private residences.

*Dredge Disposal:* The deposition of material obtained from dredging.

*Dwelling Unit:* One or more rooms in a building that are designed for occupancy by one 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.

*Dwelling, Single Family or One Family:* A detached building containing one dwelling unit and designed for occupancy by one family only.

*Dwelling, Duplex or Two Family:* A detached building containing two dwelling units and designed for occupancy by two families.

*Dwelling, Multifamily:* A building or portion thereof, designed for occupancy by three or more families living independently of each other.

*Estuarine Enhancement:* An action that 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:* 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 Day Care Center:* A day care facility where care is provided in the home of the provider, in the family living quarters, to fewer than 13 children including children of the provider, regardless of full or part-time status.

*Fence:* 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:* 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):* The average elevation of the existing grade or ground at the centers of all walls of a building.

*Height of Building:* The vertical distance from the grade to the highest point of the roof, excluding chimneys, aerials and similar extensions.

*Hedge:* A combination of non-annual 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.

*Home Occupation:* 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.

*Kennel:* 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 term “zone” when referencing boundaries for the City’s various land use areas.

*Lot:* A parcel or tract of land.

*Lot Area:* 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 Corner:* A lot abutting on two or more dedicated streets at their intersection.

*Lot Depth:* The average horizontal distance between the front lot line and the rear lot line.

*Lot Line:* The property line bounding a lot.

*Lot Line, Front:* 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:* The lot line that 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:* Any lot line not a front or rear lot line.

*Lot Width:* The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

*Lot Area Coverage:* The maximum amount of the lot which can be covered with structures, including carports, porches and other attachments, but not parking area, patios, decks or other surface level improvements.

*Manufactured dwelling:*

a. 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.

b. 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.

c. 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 455.100-455.450.

*Manufactured Dwelling Park:* 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:* 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 landslide services and/or the use of solid breakwater (rock, bulkheading, etc).

*Minor Navigation Improvement:* 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:* 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:* 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:* 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:* A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

*Owner:* An owner of property or the authorized agent of an owner.

*Open Space:* 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:

- a. Public or private outdoor recreation;
- b. Public health or safety;
- c. Managed resource preservation;
- d. Managed resource production; and
- e. Separation between other uses.

*Parking Space:* 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.

*Permit:* Discretionary approval of a proposed development of land under ORS 227.215.

*Pedestrian Facilities:* Improvements and provisions made to accommodate or encourage walking, including sidewalks, access-ways, crosswalks, ramps, paths, and trails.

*Person:* 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:* 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:* 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:* 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 conversion, 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:* A lot that is operated on fee or other basis as a place for the parking of occupied recreation vehicles.

*Residential Facility:* A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 that provides residential care alone or in conjunction with training or treatment or a combination thereof for six to fifteen 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:* A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 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:* 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:* 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.

*Active Restoration:* 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.



*Passive Restoration:* The use of natural processes, sequences, and timing that occurs after removal or reduction of adverse stresses without other specific positive remedial action.

*Shoreline Stabilization Structures:* The protection of the banks of tidal or non-tidal streams or rivers, estuarine waters or coastal lakes from flooding or erosion by vegetative means, or by structural means such as riprap, groins, or bulkheads, or dikes.

*Sign or Sign Related Definitions:*

- a. *Abandoned Sign:* 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.
- b. *Awning Sign:* A sign that is placed on a temporary or moveable shelter supported entirely from the exterior wall of the building.
- c. *Bench Sign:* A sign painted on or attached to a bench.
- d. *Incidental Sign:* A sign, other than a temporary or lawn sign, which does not require a permit.
- e. *Lawn Sign:* A temporary freestanding sign made of rigid materials.
- f. *Permanent Sign:* 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.
- g. *Projecting Sign:* A sign attached to and projecting out from a building face or wall and generally at right angles to the building.
- h. *Readerboard Sign:* A sign that can accommodate changeable copy.
- i. *Sandwich Board Sign:* A sign not supported by a structure in the ground, nor attached to or erected against a structure, and capable of being moved.
- j. *Sign:* 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.
- k. *Site Frontage:* The length of the property line parallel to and along each public right-of-way.
- l. *Temporary Sign:* A sign not permanently attached to a building, structure or the ground.
- m. *Undeveloped Site:* A lot with no permanent structure that contains a use permitted by the zone in which it is located.
- n. *Wall Sign or Wall Graphics:* 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.
- o. *Window Sign:* A sign permanently affixed to the window panes of a building.

*Street:* 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.

*Staff:* Most commonly the Planner, Administrator, and/or Public Works Director or their assigns.

*Structure:* Something constructed or built, or any piece of work artificially built up or composed of parts joined together in some definite manner.

*Structural Alteration:* 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.

*Telecommunication facility.* 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 [sic], amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not “telecommunication facilities.”

*Temporary Alteration:* 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:

- a. 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);
- b. Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations; and
- c. Minor structures (such as blinds) necessary for research and educational observation.

*Transportation facilities:* 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:

- a. Normal operation and maintenance;
- b. Installation of improvements within the existing right-of-way;
- c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
- d. Landscaping as part of a transportation facility;
- e. Emergency measures;
- f. Street or road construction as part of an approved subdivision or partition;
- g. Transportation projects that are not designated improvements in the Transportation System Plan; and
- h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.

*Use:* The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

*Water-Dependent:* 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:

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

*Water-Oriented:* A use whose attraction to the public is enhanced by a view of or access to coastal waters.

*Water-Related:* Uses and activities that do not require direct water access (are not water-dependent), but that:

- a. Provide goods and/or services that are directly associated with other water-dependent uses (supplying materials to, or using products of, or water-dependent uses), and
- b. 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:* 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 semiaquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in non-tidal areas by a depth of 6 feet. The areas below wetlands are submerged lands.

*Yard:* An open space on a lot that is unobstructed from the ground upward except as otherwise provided in this ordinance.

*Yard, Front:* 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:* 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:* 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:* 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.

**Section 1.035. ESTUARINE AND COASTAL SHORELAND DEFINITIONS:** The definitions in the Tillamook County Land Use Ordinance 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 Section 1.030: Estuary Natural Zone, Estuary Conservation 1 Zone, Estuary Conservation 2 Zone, Dredge Material Disposal Site Protection Overlay Zone, Water-Dependent Development Zone and Waterfront Development Support Zone.

## **ARTICLE 2**

### **BASIC PROVISIONS**

**Section 2.010. COMPLIANCE WITH ORDINANCE:** Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

**Section 2.020. CLASSIFICATION OF ZONES:** For the purposes of this ordinance, the following zones are hereby established:

<i>ZONE</i>	<i>ABBREVIATED DESIGNATION</i>
Medium Density Residential .....	R-1
Resource Open Space	R-O
Commercial .....	C-1
General Industrial .....	I-1
Water-Dependent Development 1 .....	WD-1
Water-Dependent Development 2 .....	WD-2
Dredge Material Disposal Site Protection Zone...	DMD
Estuary Natural .....	EN
Estuary Conservation 1 .....	EC-1
Estuary Conservation 2 .....	EC-2
Estuary Development .....	ED

**Section 2.030. LOCATION OF ZONES:** The boundaries for the zones listed in this ordinance are indicated on the “Garibaldi Land Use and Zoning Map” which is hereby adopted by reference. The boundaries shall be modified in accordance with Comprehensive Plan, Zoning Ordinance or Zoning Map amendments that shall be adopted by reference and by a textual description of the change.

**Section 2.040. ZONING MAP:** A zoning map or zoning map amendment adopted by Section 9.010 of this ordinance or by an amendment shall be prepared by staff and approved through ordinance by the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the Comprehensive Plan or Zoning Ordinance amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

**Section 2.050. ZONE BOUNDARIES:** Unless otherwise specified, zone boundaries are section lines; subdivision lines; lot lines; center lines of street or railroad right of way or such lines extended.

**Section 2.060. ZONING OF ANNEXED AREAS:** Areas annexed to the City shall be the same as the County Zoning designation until the City zones it otherwise.

### **ARTICLE 3**

#### **USE ZONES**

**Section 3.010. MEDIUM-DENSITY RESIDENTIAL ZONE (R-1):** Purpose: The R-1 zone is intended to provide an area of primarily single family homes, duplexes and manufactured homes, with apartments allowed as a conditional use.

1. *Uses Permitted Outright:* In an R-1 zone, the following uses are permitted outright subject to the standards and criteria of subsection 3 below.

- A. Single-family dwellings, including modular housing.
- B. Duplexes or two family dwellings.
- C. Manufactured dwelling.
- D. Home occupations.
- E. Public parks and playgrounds.
- F. Family day care 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 Sec. 1.030, specifically:

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

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 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 section 4.080 for standards pertaining to Accessory dwellings.*

2. *Conditional Uses Permitted:* In an R-1 zone, the following uses are permitted subject to the provisions of Article 6, and subsection 3 below.

- A. Multifamily dwellings
- B. Manufactured dwelling parks.
- C. Schools, churches and community buildings
- D. Planned unit developments in accordance with Article 10.



- E. Bed and breakfast meeting the requirements of Section 4.095.
- F. Public utility structure.
- G. Government structure.
- H. Day care center.
- I. Residential facility.
- J. Telecommunication facilities.
- K. Certain transportation facilities as defined in Sec. 1.030, specifically:
  - (1) Transportation projects that are not designated improvements in the Transportation System Plan; and
  - (2) Transportation projects that are not designed and constructed as part of an approved subdivision or partition.

3. *Standards and Criteria:* In an R-1 zone, the following standards and criteria shall apply to all uses.

A. The minimum lot size for single-family dwellings, modular housing and manufactured dwellings shall be 5000 square feet.

B. The minimum lot size for duplexes shall be 7500 square feet.

C. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwelling, structures containing 4 or more dwelling units shall be 10,000 square feet for the first three dwelling units and 1500 square feet for each dwelling unit thereafter.

D. The minimum lot width shall be 30 feet.

E. The minimum front yard shall be 10 feet.

F. The minimum rear yard shall be 5 feet.

G. The minimum side yard shall be 5 feet, except on a street side it shall be 10 feet.

H. The maximum building height shall be 24 feet.

I. The total amount of the lot on which structures and other impervious

surfaces may be constructed shall not exceed fifty percent (50%).

J. Manufactured dwellings shall meet the requirements of Section 4.105.

K. Parking requirements of Section 4.060 shall be adhered to.

L. A clear vision area on corner lots shall be provided and maintained pursuant to Section 4.020.

M. Accessory uses and structures shall comply with Section 4.080.

**Section 3.020. RESOURCE/OPEN SPACE ZONE (RO):** Purpose: The R-O zone is intended to maintain resource lands including forest lands, watersheds and mineral and aggregate sites, for management protection. Intensive uses are intended to be regulated through the Conditional Use process.

1. *Uses Permitted Outright:* In the R-O zone, the following uses are permitted outright subject to the standards and criteria of subsection 3 below.

A. Low intensity recreation uses including hiking trails.

B. Natural areas and watershed preservation.

2. *Conditional Uses:* In the R-O zone, the following uses are permitted subject to the standards and criteria of subsection 3 below and of Article 6.

A. Public utilities, including waterworks and power lines

B. Forest management including logging, reforestation, road building and spraying of chemicals.

C. Mineral and aggregate extraction.

D. Recreation uses involving structures.

3. *Standards:*

A. Refer to Conditional Use Standards, Article 6.

B. The location of hiking trails shall be coordinated with the Oregon State Parks Department.

**Section 3.030. COMMERCIAL ZONE (C-1):** Purpose: The C-1 zone is intended to centralize commercial uses along U.S. Highway 101, and to maintain primary commercial

uses such as stores, banks and offices in the central area of town. Large land users are intended to be located on the fringes of the commercial zone.

1. *Uses Permitted Outright:* In a C-1 zone the following uses and their accessory uses are permitted outright subject to the standards of subsection 3 below.

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.

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 non-residential uses (e.g., apartment lofts above offices), or housing side-by-side with non-residential uses. All mixed use developments shall comply with the following standards:

(1) No more than fifty 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 fifty percent residential use for the entire site.

(2) The maximum allowable density shall not exceed 12 units per acre.

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 day care center and day care center.
- N. Single family residences established prior to July 1, 1996.
- I. Accessory structures.
- O. Certain transportation facilities as defined in Sec. 1.030, specifically:
  - (1) Normal operation and maintenance of transportation facilities;
  - (2) Installation of transportation improvements within the existing right-of-way;
  - (3) Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
  - (4) Landscaping as part of a transportation facility; and
  - (5) Emergency transportation facility measures.
- P. Street or road construction as part of an approved subdivision or partition.

2. *Conditional Uses Permitted:* In a C-1 zone, the following conditional uses and accessory uses are permitted subject to the requirements of subsection 3 below, and Article 6.

- A. Service stations, car lots, lumber yards, manufactured dwellings dealerships, public or private parking facilities, boat dealers, farm equipment dealers.
- 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 re-treading, welding or machine shops.
- E. Recreational vehicle park.
- F. Mini-storage establishments.
- G. Triplex or multifamily dwellings, subject to Section 4.042.
- H. Telecommunication facilities.

- J. Certain transportation facilities as defined in Sec. 1.030, specifically:
- (1) Transportation projects that are not designated improvements in the Transportation System Plan; and
  - (2) Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
- K. Residential uses converted from commercial uses.
3. *Standards:* In a C-1 zone, the following standards shall apply:
- A. *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.
  - C. *Building Height:* Maximum building height shall be 30 feet.
  - D. *Outdoor Sales and Service areas* 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 ordinance.
  - F. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwellings (4 dwelling units or more) shall be 10,000 for the first three units and 1,500 for each unit thereafter. The Planning Commission may allow up to 50% 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% of the lot area in maintained landscaping. Family oriented housing developments shall provide a minimum of 20% 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.

**Section 3.040. GENERAL INDUSTRIAL ZONE (I-1):** Purpose: The purpose of the General Industrial zone is to provide sites for industrial activities requiring large land areas, and which have generally greater impacts on the community, and which may be incompatible with other uses. Proximity to highway and railroad transportation is considered important.

1. *Uses Permitted Outright.* In the I-1 zone, the following uses are permitted subject to the requirements to the standards of subsection 3 below.

A. Fabrication, production, processing, assembling, packaging or treatment of materials, goods, food stuffs and other semi-finished or finished products from semi-finished or raw materials.

B. Storage or distribution services of facilities, including terminals, warehouse, storage buildings and yards, contractors' establishments, ready mix plants or similar uses.

C. Research and development laboratories, including experimental, testing and processing facilities.

D. Welding or heavy repair services.

E. Temporary or interim uses which do not preclude the use of the property for more intensive industrial uses.

F. Public utility structure.

G. Mini-storage establishments (See definitions, Section 1.030).

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

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

2. *Conditional Uses Permitted.* In the I-1 zone, the following uses are permitted subject to requirements of subsection 3 below and Article 6.

A. Automobile Wrecking Yard.

B. Telecommunication facilities.



- C. Certain transportation facilities as defined in Sec. 1.030, specifically:
  - (1) Transportation projects that are not designated improvements in the Transportation System Plan; and
  - (2) Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
- 3. *Standards:* In an I-1 zone, the following standards shall apply:
  - A. *Lot Size:* No minimum lot size.
  - B. *Yards and Setbacks:* Industrial uses abutting a WD-1 or WD-2 zone shall be set back from the adjoining zone a minimum of 10 feet.
  - C. *Buffers and Landscaping:* Industrial uses shall establish a sight-obscuring fence or hedge around outdoor storage areas where such storage areas abut a WD-1 or WD-2 zone.
  - D. *Building Height:* Maximum building height shall be 30 feet.
  - E. All uses shall meet the noise, air quality and water quality requirements of the State Department of Environmental Quality (DEQ).
  - F. All uses shall meet the parking and sign requirements of this ordinance.
  - G. Estuary and Shoreland Standards contained in Section 4.110 shall apply.

**Section 3.050. WATER-DEPENDENT DEVELOPMENT ZONE (WD-1):** Purpose: The WD-1 zone is intended to provide an area in which primarily water dependent and water related uses are located for the support of the marine industry.

- 1. *Uses Permitted Outright:* In a WD-1 zone, the following uses are permitted subject to the standards and criteria of subsection 3 below.
  - A. Low intensity recreation, such as viewpoints or fishing areas.
  - B. Navigational aids.
  - C. Maintenance and repair of existing structures and facilities.
  - D. Water-dependent industrial uses including but not limited to:
    - (1) Land-based portions or piers, wharfs, and other terminal and transfer facilities for passengers or water-borne commerce such as fish, shellfish,

timber or timber products, metal and port activities associated with such facilities;

- (2) Water intake and discharge facilities;
- (3) Facilities for the extraction of minerals, aggregate, petroleum, natural gas, earth products or geothermal resources (as defined by subsection 4. of ORS 533.10) which require access to water during the extraction procedure;
- (4) Water access structure or facilities which require access to a water body as part of the manufacture, assembly, fabrication or repair of marine equipment, due to the size or nature of the craft or equipment;
- (5) Seafood receiving and processing;
- (6) Other water-dependent uses.

E. Water-dependent commercial uses, including but not limited to:

- (1) Commercial marinas, docks and moorages and support facilities;
- (2) Other water-dependent commercial uses.

F. Water-dependent recreational facilities including private docks, moorages and waterfront parks.

G. Water-dependent portions of aquaculture facilities.

H. Structural shoreline stabilization.

I. Landfalls and access corridors for submerged cable, sewer line, water line or other pipe line crossing.

J. New dike construction, if required for a water-dependent use.

K. A temporary use that involves minimal capital investment and no permanent structure or a use in conjunction with and incidental to a water-dependent use. Temporary uses shall comply with the following standards:

- (1) Time Limit.

Authorization for a temporary use shall be valid for a period of (1) year after issuance. Prior to expiration, the applicant may request an extension. The Planning Commission, at its discretion, may extend authorization for an additional period of up to one year. In extending a temporary use, the Planning Commission may impose any conditions that it deems necessary to protect the interests of the community.

- (2) Security.

The Planning Commission may require that the applicant furnish the City with a performance bond or other negotiable instrument up to, and not to exceed, the value of the improvements or the cost of removal of the improvements, whichever is greater. This requirement may be made in order to assure that any conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission and the standards established in granting the use.

(3) Public Notice.

A notice of public hearing on an extension to a Temporary Use Permit shall be in accordance with Article 11 of this ordinance except that it shall be mailed only to persons who provided written or oral testimony at the original public hearing on the request.

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

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

2. *Conditional Uses Permitted:* In a WD-1 zone, the following uses are permitted subject to the provisions of Article 6 and subsection 3 below.

A. Water related industrial uses, including but not limited to:

- (1) Warehousing and/or other storage areas for marine equipment or waterborne commerce;
- (2) Sorting, storage and handling of logs or lumber in conjunction with a shipping facility or a processing facility which utilize water transport of logs;
- (3) Other water related industrial uses.

B. Water related commercial uses, including but not limited to:

- (1) Seafood retail or wholesale outlets;
- (2) Marine craft or marine equipment sales establishments;

- (3) Sport fish cleaning, smoking or canning establishments;
  - (4) Charter fishing offices;
  - (5) Retail trade establishments providing primarily products necessary for the commercial and recreational fishing industry, such as ice, bait, tackle, nautical charts, gasoline or similar products;
  - (6) Restaurants which provide a view of the waterfront and which are in conjunction with another water dependent or water related commercial use, such as a seafood processing plant or a charter office;
  - (7) Other water related uses.
- C. Accessory uses in conjunction with a permitted or conditional use.
- D. Dredged material disposal.
- E. Mitigation, restoration, creation or enhancement.
- F. Public utility structure.
- G. Certain transportation facilities as defined in Sec. 1.030, specifically:
- (1) Transportation projects that are not designated improvements in the Transportation System Plan; and
  - (2) Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
3. *Standards:* In the WD-1 zone, the following standards shall apply:
- A. *Lot Size:* The minimum lot size shall be the area necessary to support the proposed use, including sufficient land for parking, off-loading, ingress and egress, and storage of materials.
- B. *Yards and Setbacks:* Industrial uses abutting a WD-2 zone shall be set back from the adjoining zone a minimum of 10 feet.
- C. *Buffers and Landscaping:* Industrial uses shall establish a sight- obscuring fence or hedge around outdoor storage areas where such storage areas abut a WD-2 zone.
- D. *Estuary Shoreland Standards* contained in Section 4.110 shall apply.
- E. *Determination of Water-Dependent and Water-Related Uses:* In determining whether a use is water-dependent or water-related the following definitions shall be applied:

- (1) *Water Dependent:* A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water borne transportation, recreation, energy production or source of water;
  - (2) *Water Related:* Uses and activities that do not require direct water access (are not water dependent), but which:
    - a. Provide goods and/or services that are directly associated with other water dependent uses (supplying materials to, or using products of, or water dependent use), and
    - b. 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).
- F. *Building Height:* Maximum building height shall be 30 feet.
- G. *Agency Notification:* The following agencies shall be notified of proposed conditional uses and activities in the WD-1 zone:

The Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Wildlife Service, National Marine Fisheries, Environmental Protection Agency, U.S. Army Corps of Engineers and the Port of Garibaldi.

**Section 3.060. WATERFRONT DEVELOPMENT SUPPORT ZONE (WD-2):** Purpose: The WD-2 zone is intended to provide backup area for waterfront uses, and a location for non- water dependent and water-related uses in a waterfront setting.

1. *Uses Permitted Outright:* In a WD-2 zone, the following uses are permitted subject to the standards of subsection 3 below.
  - A. Uses permitted outright in a WD-1 zone.
  - B. Water-related industrial uses.
  - C. Water-related commercial uses.
  - D. Equipment, boat and trailer storage areas.
  - E. Certain transportation facilities as defined in Sec. 1.030, specifically:
    - (1) Normal operation and maintenance of transportation facilities;

- (2) Installation of transportation improvements within the existing right-of-way;
- (3) Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
- (4) Landscaping as part of a transportation facility;
- (5) Emergency transportation facility measures;
- (6) Street or road construction as part of an approved subdivision or partition.

F. Residential uses may be permitted within the WD-2 Zone when approved as part of a mixed use development, multi-family development or Planned Unit Development. Mixed-use developments may include housing above non-residential uses (e.g., apartment lofts above offices), or housing side-by-side with non-residential uses. All mixed use developments shall comply with the following standards:

- (1) No more than fifty 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 fifty percent residential use for the entire site.
- (2) The maximum allowable density shall not exceed 12 units per acre.

2. *Conditional Uses Permitted:* In a WD-2 zone, the following uses are permitted subject to the provisions of Article 6, and subsection 3 below.

- A. Hotels or motels.
- B. Multi-family developments.
- C. Non-water dependent or related commercial uses.
- D. Support activities and uses necessary for marine industry and/or water-related recreation, including but not limited to:
  - (1) Recreation vehicle parking areas and camp grounds;
  - (2) Parking lots;
  - (3) Other accessory structures related to and necessary for operation of marine industrial and marine recreational uses.
- E. Dredge material disposal.



- F. Mitigation, restoration, creation or enhancement.
  - G. Public utility structure.
  - H. Planned unit developments in accordance with Article 10.
  - I. Sorting, storage and handling of logs or lumber in conjunction with a shipping facility or a processing facility which utilizes non-water transport of logs.
  - J. Certain transportation facilities as defined in Sec. 1.030, specifically:
    - (1) Transportation projects that are not designated improvements in the Transportation System Plan; and
    - (2) Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
3. *Standards:* In a WD-2 zone, the following standards shall apply:
- A. *Lot Size:* The minimum lot size shall be the area necessary to support the purposed use, including sufficient area for parking, loading, ingress and egress, and storage of materials. The lot area for multi-family developments shall be the same as the medium density residential (R-1) zone.
  - B. *Yards and setbacks:* Industrial uses shall be setback a minimum of 10 feet from abutting non-industrial uses.
  - C. *Buffers and landscaping:* Industrial uses shall establish a sight- obscuring fence or hedge around outdoor storage areas.
  - D. *Estuary and Shoreland Standards* contained in Section 4.110 shall apply.
  - E. *Determination of Water-Dependent and Water-Related Uses:* The City shall, when considering a new use or expanded use, make a finding that the use is water-dependent or water-related if it conforms with the following definitions:
    - (1) *Water Dependent:* A use or activity which can be carried out only on, in, or adjacent to water area because the use requires access to the water body for water borne transportation, recreation, energy production, or source of water;
    - (2) *Water-Related:* Uses and activities that do not require direct water access (are not water-dependent), but which:
    - (3) Provide goods and/or services that are directly associated with other water-dependent uses (supplying materials to, or using products of, or

water-dependent uses), and

- (4) 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.)
- F. *Building Height:* Maximum building height shall be 30 feet.

**Section 3.070. DREDGE MATERIAL DISPOSAL SITE PROTECTION OVERLAY ZONE (DMD):** Purpose: It is the intent of this overlay zone to designate dredged material disposal sites in the City with respect to present and expected water-dependent development and navigational access requirements and to protect these sites for dredge material operations.

1. *Designation of Dredge Material Disposal Sites:* The DMD overlay zone shall be designated on Garibaldi Land Use and Zoning maps and shall conform to the dimensions of the priority DMD site(s) specified in the Tillamook Dredge Material Disposal Plan as being acceptable for dredge material disposal. Subsequent revisions to the Tillamook County Dredge Material Disposal Plan shall be recorded by an amendment to the Land Use and Zoning Map.

2. *Uses Permitted in a DMD zone:* Dredge material disposal is a permitted use in the DMD zone. In addition, only those uses and activities allowed in the underlying zone that do not preempt the site's future use for dredge material disposal are allowed. (Refer to Section 3.070(3).) Such uses and activities are subject to the requirements of the underlying zone.

3. *Determination of Preemptive Uses:* Incompatible or preemptive uses of the dredge material disposal sites are:

A. Uses requiring substantial structural or capital improvements (e.g., construction of permanent buildings).

B. Uses that require extensive alteration of the topography of the site, thereby reducing the potential usable volume of the dredged material disposal area (e.g., extensive site grading, elevation by placement of fill materials other than dredged spoils).

C. Uses that include changes made to the site that would prevent expeditious use of the site for dredge material disposal. Such uses would delay deposition of dredged materials on the site beyond the period of time commonly required to obtain the necessary federal, state and local dredging and spoil disposal permits (approximately 90 days).

4. *Removal of Dredged Material Disposal Site Designation:* Sites may be removed by an

amendment to the Comprehensive Plan and Zoning Ordinance in the following situations:

- A. After a dredged material disposal site has been filled to capacity and is no longer available for additional dredged material disposal.
- B. Removal of a dredged material disposal site designation before a site has been filled to capacity only if:
  - (1) Provision is made for a replacement dredged material disposal site of suitable characteristics; or
  - (2) The dredging need, for which the Priority I site was initially designated for dredged material disposal, is withdrawn or reevaluated.

5. *Agency notification:* The following agencies shall be notified of proposed uses and activities in the DMD overlay zone: The Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U.S. Fish and Wildlife Service, Environmental Protection Agency, U.S. Army Corps of Engineers and the Port of Garibaldi.

**Section 3.075. SENSITIVE BIRD HABITAT OVERLAY ZONE:**

- 1. *Purpose.* The purpose of the Sensitive Bird Habitat Overlay Zone is to ensure that habitat areas identified as critical for the Great Blue Heron, is protected from the effects of conflicting uses or activities. This objective shall be achieved through the development of site-specific management plans that ensure that proposed uses and activities will neither destroy or result in the abandonment of sensitive bird habit areas.
- 2. *Definition of Nest Sites.* All Great Blue Heron rookeries, identified in the Comprehensive Plan shall be subject to the requirements of the Sensitive Bird Habitat Overlay Zone. When additional sites are identified by the Oregon Department of Fish and Wildlife they shall be added to the Comprehensive Plan, and become subject to the requirements of the Sensitive Bird Habitat Overlay Zone.
- 3. *Development and Uses Permitted.* Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Sensitive Bird Habitat Overlay Zone subject to the additional procedure and requirements of Section 3.075(4). The Overlay Zone does not regulate forest practices. Requirements of the Forest Practices Act will be applied to sensitive bird habitat located on forest lands outside the urban growth boundary through the requirements of the Oregon Department of Forestry.
- 4. *Development and Use Criteria.* The following review procedure and criteria shall apply:

A. The review procedure is initiated when Garibaldi receives a request for a permit that may affect a sensitive bird habitat.

B. A proposed use or activity involving road building or land clearing is considered to have the potential for affecting a sensitive bird habitat if it is located within 600 feet of a heron rookery. All other uses or activities are considered to have the potential for affecting a sensitive bird habitat if it is located within 300 feet of a heron rookery.

C. If a proposed use or activity meets the locational criteria of subsection 3.075(4)(B), Garibaldi shall notify the Oregon Department of Fish and Wildlife and the person proposing the use or activity.

D. Upon notification, the Oregon Department of Fish and Wildlife shall review the proposed use or activity and make a determination of whether the use or activity has the potential for adversely affecting a sensitive bird habitat area. In making this review and determination the Oregon Department of Fish and Wildlife shall consult with the affected landowner(s), the City of Garibaldi and appropriate state agencies. The determination shall be completed within ten working days of the receipt of notice from Garibaldi.

E. If the Oregon Department of Fish and Wildlife determines that the sensitive habitat will not be affected, it shall so notify the City of Garibaldi and the City may proceed with the processing of the permit application.

F. If the Oregon Department of Fish and Wildlife determines that a sensitive habitat would be affected, the person proposing the use or activity shall prepare a site-specific habitat protection plan. The plan shall demonstrate that the proposed development can be accomplished without conflicting with or jeopardizing the sensitive bird habitat area. The plan shall consider nesting trees, critical nesting periods, roosting sites and buffer areas. The habitat protection plan shall be prepared in cooperation with, and approved by, the Department of Fish and Wildlife.

G. The City shall incorporate the requirements of the Oregon Department of Fish and Wildlife approved habitat protection plan into any action it takes on the proposed development.

***Section 3.080. ESTUARY ZONES--GENERAL USE PRIORITIES AND AREAS INCLUDED:***

1. *General Priorities:* Estuary zones shall be applied to all estuarine water, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation of the Mean Higher High Water (MHHW) line, whichever is most landward.

2. *Uses Permitted Outright:* The following uses are permitted outright within all estuary zones.

A. Maintenance and repair of existing structures or facilities not involving a regulated activity. For the purpose of this ordinance, "existing structures or facilities" are defined as:

(1) Structures or facilities in current use or good repair as of the date of adoption of this ordinance (including structures or facilities which are in conformance with the requirements of this ordinance and non-conforming structures or facilities established prior to October 7, 1977.)

B. Low-intensity, water-dependent recreation, including but not limited to fishing, crabbing, clamming, wildlife observation, swimming and hunting.

C. Research and educational observation.

D. Grazing of livestock.

E. Fencing, provided that it is not placed across publicly owned lands or publicly owned intertidal areas so as to restrict public access to, or recreational boating access across said lands and intertidal areas.

F. Passive restoration.

G. Dike maintenance and repair for:

(2) Existing serviceable dikes (including those that allow some seasonal inundation); and

(3) Dikes that have been damaged by flooding, erosion or tide gate failure where the property has not reverted to estuarine habitat; and

(4) Dikes that have been damaged by flooding, erosion or tide gate failure where the property has reverted to estuarine habitat only if the property is in the Farm, F-1 zone and it has been in agricultural use for 3 of the last 5 years and reversion to estuarine habitat has not occurred more than 5 years prior.

Garibaldi will rely on the U.S. Army Corps of Engineers and the Division of State Lands to determine whether an area has reverted to estuarine influence.

For the purpose of this subsection, agricultural use means using an area for pasture several months of the year or harvesting this area once a year.

**Section 3.090. ESTUARY NATURAL ZONE (EN):**

1. *Purpose and Areas Included:* The purpose of the EN zone is to provide for preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific, research or educational needs. Except where a goal exception has been taken in the Garibaldi Comprehensive Plan, the EN zone includes the following areas within the estuary:

A. Major tracts of tidal marsh, intertidal flats and sea grass and algae beds. The “major tract” determination is made through a consideration of all the following criteria: size/extent, habitat value, scarcity, and degree of alteration.

2. *Uses Permitted with Standards:* The following uses are permitted with standards within the EN zone, provided that the procedures in Section 4.120 and the development standards in Section 4.110 have been met:

A. Maintenance and repair of existing structures or facilities involving a regulated activity.

B. Navigational aids.

C. Vegetative shoreline stabilization.

D. Temporary dikes for emergency flood protection.

E. Mooring buoy.

F. Tide gate installation in existing functional dikes.

G. Bridge crossing and bridge crossing support structures.

3. *Conditional Uses:* The following uses are conditional within the EN zone and may be permitted by the Planning Commission, subject to the procedures in Section 4.120, provisions of Article 6 and the development standards in Section 4.110:

A. Aquaculture and water-dependent portions of aquaculture facilities that do not require dredging or fill.

B. Rip-rap to protect unique natural resources, historical and archaeological values, public facilities and uses existing as of October 7, 1977, and uses allowed by this zone.

C. Water, sewer, gas or phone lines.



- D. Electrical distribution lines and line support structures.
- E. Active restoration and estuarine enhancement.
- F. Temporary low water bridges.
- G. Temporary alterations.
- H. Boat ramps for public use where no dredging or fill for navigational access is needed.
- I. Water intake structures for out-bay aquaculture.
- J. Transportation facilities as defined in Sec. 1.030, specifically:
  - (1) Normal operation and maintenance of transportation facilities;
  - (2) Installation of transportation improvements within the existing right-of-way;
  - (3) Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
  - (4) Landscaping as part of a transportation facility;
  - (5) Emergency transportation facility measures;
  - (6) Street or road construction as part of an approved subdivision or partition;
  - (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.

4. *Regulated Activities:* The following regulated activities are permitted within the EN zone, provided that the requirements of Section 4.110 have been met. Regulated Activities shall be reviewed by the procedure provided in Section 4.120.

A. Regulated activities for the purpose of on-site maintenance and repair of existing structures or facilities, limited to:

- (1) Dredging for on-site maintenance of:
  - a. Drainage tiles;
  - b. Drainage ditches;
  - c. Tide gates;

- d. Bridge crossing support structures;
- e. Water, sewer, gas or phone lines;
- f. Electrical distribution lines;
- g. Outfalls.
- (2) Fill or rip-rap for on-site maintenance of:
  - a. Dikes
  - b. Bridge crossing support structures or other land transportation
- (3) Replacement of piling.
- B. Rip-rap for structural shoreline stabilization and protection of uses allowed in this zone.
- C. Piling installation for:
  - (1) Navigational aids;
  - (2) Aquaculture facilities;
  - (3) Bridge crossing support structures;
  - (4) Public boat ramps.
- D. Dredging for installation of:
  - (1) Water, sewer, gas or communication lines;
  - (2) Electrical distribution lines;
  - (3) Tide gates in existing dikes adjacent to EN zones;
  - (4) Water intake facilities.
- E. Regulated activities in conjunction with an approved active restoration or estuarine enhancement project.
- F. Regulated activities in conjunction with temporary alterations.
- G. Fill for installation of public boat ramps or bridge crossing support structures.
- H. Incidental dredging for harvest of benthic species or removal of in- water structures such as stakes or racks.

***Section 3.106. ESTUARY CONSERVATION 1 ZONE (EC-1):***

1. *Purpose and Areas Included:* The purpose of the EC-1 zone is to:
  - A. Provide for long-term utilization of areas that support, or have the potential to support, valuable biological resources;
  - B. Provide for long-term maintenance and enhancement of biological productivity;
  - C. Provide for the long-term maintenance of the aesthetic values of estuarine areas, in order to promote or enhance the low-intensity recreational use of estuarine areas adjacent to rural or agricultural shorelands.

Except where a goal exception has been taken in the Garibaldi Comprehensive Plan, the EC-1 zone includes the following areas within the Tillamook Bay Estuary:

- A. Tracts of tidal marshes, tideflats, seagrass and algae beds which are smaller or of less biological importance than those designated as Estuary Natural (EN); and
- B. Productive recreational or commercial shellfish and fishing areas.
- C. Areas that are partially altered and adjacent to existing development of moderate intensity that do not possess the resource characteristics of EN or ED units.
- D. Areas with potential for shellfish culture (excluding platted oyster beds in Tillamook Bay).

2. *Uses Permitted with Standards:* The following uses are permitted with standards within the EC-1 zone, provided that the procedures in Section 4.120 and the development standards in Section 4.110 have been met.

- A. Maintenance and repair of existing structures or facilities involving a regulated activity;
- B. Navigational aids;
- C. Vegetative shoreline stabilization;
- D. Structural shoreline stabilization, limited to rip-rap;
- E. Boat dock in conjunction with one or more private residences. Single purpose private docks shall be limited to maximum of 150 square feet in size;
- F. Water, sewer, gas or phone lines;

- G. Electrical distribution lines and line support structures;
- H. Active restoration and estuarine enhancement;
- I. Temporary dikes for emergency flood protection;
- J. Mooring buoys;
- K. Temporary low-water bridges;
- L. Tidegate installation in existing functional dikes adjacent to EC-1 zones;
- M. Aquaculture and water-dependent portions of aquaculture facilities not requiring dredge or fill other than incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.
- N. Bridge crossings and bridge crossing support structures.
- O. Boat ramps for public use where no dredging or fill for navigational access is needed.

3. *Conditional Uses:* The following uses are conditional within the EC-1 zone and may be permitted by the Planning Commission, subject to the provisions of Article 6, procedures in Section 4.120 and the development standards in Section 4.110:

- A. Water-dependent portions of aquaculture facilities that require dredge or fill.
- B. Water-dependent recreational facilities, including:
  - (1) Boat ramps requiring dredging or fill for navigational access;
  - (2) Community boat docks in conjunction with a subdivision or planned development;
  - (3) Public or commercial docks and moorage for recreational marine craft (including seaplanes) and accessory uses not requiring the use of fill or the occupation of additional estuarine surface area;
- C. Mining and mineral extraction;
- D. Storm water and treated sewer outfall;
- E. Bulkheads for structural shoreline stabilization;

- F. Temporary alterations;
- G. Minor navigational improvements.
- H. Transportation facilities as defined in Sec. 1.030, specifically:
  - (1) Normal operation and maintenance of transportation facilities;
  - (2) Installation of transportation improvements within the existing right-of-way;
  - (3) Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
  - (4) Landscaping as part of a transportation facility;
  - (5) Emergency transportation facility measures;
  - (6) Street or road construction as part of an approved subdivision or partition;
  - (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.

4. *Regulated Activities:* The following regulated activities are permitted within the EC-1 zone, provided that the requirements of Section 4.110 have been met. Regulated Activities shall be reviewed by the procedure provided in Section 4.120.

A. Regulated activities in association with on-site maintenance and repair of existing structures or facilities, limited to:

- (1) Dredging for on-site maintenance of:
  - a. Drainage tiles.
  - b. Drainage ditches.
  - c. Tide gates.
  - d. Bridge crossing support structures.
  - e. Water, sewer, gas or phone lines.
  - f. Electrical distribution lines.
  - g. Outfalls.
- (2) Fill or rip-rap for on-site maintenance of:
  - a. Dikes.
  - b. Bridge crossing support structures or other land transportation facilities.

- (3) Replacement of Piling. Piling installation for:
  - a. Water-dependent recreational facilities.
  - b. Aquaculture facilities.
  - c. Navigational aids.
  - d. Bridge crossing support structures or other land transportation facilities.
  - e. Bulkheads.

C. Rip-rap for structural shoreline stabilization and protection of uses allowed by this zone.

D. Dredging for:

- (1) Bridge crossing support structure installation.
- (2) Storm water or treated sewage outfall installation.
- (3) Tide gate installation in existing functional dikes adjacent to EC-1 zones.
- (4) Water, sewer, gas or phone line installation.
- (5) Electrical distribution line installation.
- (6) Mining or mineral extraction.
- (7) Water intake facilities.
- (8) Boat ramps.
- (9) Minor navigational improvements.
- (10) Water-dependent portions of aquaculture facilities.

E. Fill for:

- (1) Bridge crossing support structures.
- (2) Structural shoreline stabilization.
- (3) Boat ramps.
- (4) Water-dependent portions of aquaculture facilities.

F. Regulated activities in conjunction with an approved active restoration or estuarine enhancement project.

G. Incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.

H. Regulated activities in conjunction with temporary alterations.

**Section 3.108. ESTUARY CONSERVATION 2 ZONE (EC-2):**

1. *Purpose and Areas Included:* The purpose of the EC-2 zone is to:

A. Provide for long-term use of renewable resources that do not require major alteration of the estuary except for purposes of restoration.

B. Other than minor navigational improvements, aquaculture facilities and water-dependent recreational facilities, provide for new water-dependent industrial and commercial uses only where dredging and filling are not necessary and where consistent with the resource capabilities of the area and purposes of the management unit.

The EC-2 zone includes the following areas:

A. Tracts of significant habitat not included in EN or EC-1 zones;

B. Areas containing existing water-dependent development that require periodic dredging to maintain water access;

C. Partially altered estuarine areas or estuarine areas adjacent to existing water-dependent development and which do not otherwise qualify for EN, EC-1 or ED designations; and

D. Subtidal channel areas that require minor navigational improvements, navigable areas which are adjacent to urbanized areas, which do not qualify for EN or EC-1 designation and which are not federally authorized and maintained navigation channels.

2. *Uses Permitted with Standards:* The following uses are permitted with standards within the EC-2 zone, provided that the procedures in Section 4.120 and the development standards in Section 4.110 have been met.

A. Aquaculture and water-dependent portions of aquaculture facilities not requiring dredging or fill other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

B. Navigational aids.

C. Vegetative shoreline stabilization.

D. Structural shoreline stabilization, limited to rip-rap.

E. Boat dock in conjunction with one or more private residences. Single



purpose private docks shall be limited to a maximum of 150 square feet in size.

- F. Tide gate installation in existing dikes adjacent to EC-2 zones.
- G. Water, sewer, gas or phone lines.
- H. Electrical distribution lines and line support structures.
- I. Temporary dikes for emergency flood protection.
- J. Active restoration and estuarine enhancement.
- K. Water intake facilities for out-bay aquaculture requiring dredge or fill.
- L. Temporary low water bridges.
- M. Boat ramps for public use where no dredging or fill for navigation access is needed.
- N. Maintenance and repair of existing structures or facilities involving a regulated activity.
- O. Bridge crossing and bridge crossing support structures.

3. *Uses Permitted Conditionally:* The following uses are conditional within the EC-2 zone, and may be permitted by the Planning Commission, subject to the provisions of Article 6, the procedures in Section 4.120 and the development standards in Section 4.110.

- A. Water-dependent recreational facilities, including:
  - (1) Boat ramps that require dredging or fill for recreational access.
  - (2) Community boat docks in conjunction with a subdivision or planned development.
  - (3) Public or commercial docks, moorages and marinas for recreational marine craft (including seaplanes) and accessory uses not requiring the use of fill or the occupation of additional estuarine surface area.
- B. Water-dependent commercial facilities not requiring the use of dredging or fill, including moorages, docks and marinas for commercial marine craft, (including seaplanes) and accessory uses not requiring the use of fill or the occupation of additional estuarine surface area.
- C. Water-dependent industrial facilities not requiring the use of dredging or

fill, including:

- (1) Piers, wharfs and other terminal transfer facilities for passengers or water-borne commerce, such as fish, shellfish, metal, timber or timber products.
- (2) Water intake and discharge structures.
- (3) Water access structures of facilities that require access to a water body as part of the manufacturing, assembly, fabrication or repair of marine craft or marine equipment, due to the size of the craft or equipment.

D. Other water-dependent uses not requiring the use of dredging or fill. A use is determined to be water-dependent when it can be carried out only on, in or adjacent to water, and the location or access is needed for:

- (1) Water-borne transportation.
- (2) Recreation.
- (3) A source of water (such as energy production, cooling of industrial equipment or waste water, or other industrial processes).

E. Navigational structures, limited to floating breakwaters.

F. Mining and mineral extraction.

G. Storm water and sewer outfalls.

H. Bulkheads for structural shoreline stabilization.

I. Water-dependent portions of aquaculture facilities requiring dredging or fill.

J. Temporary alteration.

K. Minor navigational improvements.

L. Transportation facilities as defined in Sec. 1.030, specifically:

- (1) Normal operation and maintenance of transportation facilities;
- (2) Installation of transportation improvements within the existing right-of-way;
- (3) Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
- (4) Landscaping as part of a transportation facility;

- (5) Emergency transportation facility measures;
- (6) Street or road construction as part of an approved subdivision or partition;
- (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.

4. *Regulated Activities:* The following regulated activities are permitted within the EC-2 zone, provided that the requirements of Section 4.110 have been met. Regulated Activities shall be reviewed by the procedure provided in Section 4.120.

A. Regulated Activities in association with on-site maintenance and repair of existing structures or facilities limited to:

- (1) Dredging for on-site maintenance of:
  - a. Drainage tiles.
  - b. Drainage ditches.
  - c. Tide gates.
  - d. Bridge crossing support structures.
  - e. Water, sewer, gas or phone lines.
  - f. Electrical distribution lines.
  - g. Outfalls.
- (2) Fill or rip-rap for on-site maintenance of:
  - a. Dikes.
  - b. Bridge crossing support structures or other land transportation facilities.
  - c. Shoreline stabilization structures.
- (3) Replacement of pilings.

E. Fill for:

- (1) Bridge crossing support structures.
- (2) Structural shoreline stabilization.
- (3) Water-dependent recreational activities.
- (4) Water-dependent portions of aquaculture facilities.
- (5) Boat ramps.

F. Regulated activities in conjunction with an approved active restoration or estuarine enhancement project.

G. Incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.

H. Regulated activities in conjunction with temporary alterations.

**Section 3.110. ESTUARY DEVELOPMENT ZONE (ED):**

1. *Purpose and Areas Included:* The purpose of the ED zone is to:

A. Provide for long-term maintenance, enhancement, expansion or creation of structures or facilities for navigational and other water-dependent commercial, industrial or recreational uses.

B. Provide for the expansion or creation of other commercial, industrial or recreational facilities.

The ED zone includes the following areas within Development Estuaries:

A. Areas that contain public facilities which are utilized for shipping, handling or storage of water-borne commerce, or for moorage or fueling of marine craft.

B. Sub-tidal channel areas adjacent or in proximity to the shoreline which are currently used or needed for shallow-draft navigation (including authorized, maintained channels and turning basins).

C. Areas of minimum biologic significance needed for uses requiring alteration of the estuary not included in EN, EC-1, and EC-2 zones.

2. *Uses permitted with Standards:* The following uses are Permitted with Standards within the ED zone, provided that the procedures in Section 4.120 and the development standards in Section 4.110 have been met.

A. Maintenance and repair of existing structures or facilities involving a regulated activity.

B. Navigational structures and navigational aids.

C. Vegetative shoreline stabilization.

D. Structural shoreline stabilization.

- E. Tide gate installation in existing dikes adjacent to ED zones.
- F. Water, sewer, gas or phone lines.
- G. Electrical distribution lines and line support structures.
- H. Temporary dikes for emergency flood protection.
- I. Mooring buoys.
- J. Temporary low-water bridges.
- K. Temporary alteration.
- L. Active restoration or estuarine enhancement.
- M. Bridge crossing and bridge crossing support structure.
- N. Water-dependent commercial uses, including docks, moorages, marinas for commercial marine craft (including seaplanes).
- O. Water-dependent industrial uses, including:
  - (1) Piers, wharfs, and other terminal and transfer facilities for passengers or water-borne commerce, such as fish, shellfish, metal, timber or timber products.
  - (2) Water intake and discharge structures.
  - (3) Water access structures of facilities that require access to a water body as part of the manufacturing, assembly, or fabrication or repair of marine craft or marine equipment due to the size of the craft or equipment.
- P. Water-dependent public recreational facilities, including:
  - (1) Boat ramps.
  - (2) Commercial docks, moorages and marinas for recreational marine craft (including seaplanes).
- Q. Aquaculture and water-dependent portions of aquaculture facilities.
- R. Other water-dependent uses: A use is determined to be water-dependent when it can be carried out only on, in or adjacent to water, and the location or access is needed for:

- (1) Water-borne transportation;
- (2) Recreation;
- (3) A source of water (such as energy production, cooling of industrial equipment or waste water, or other industrial processed).

3. *Conditional Uses:* The following uses are conditional within the ED zone, and may be permitted by the Planning Commission subject to the provisions of Article 6, the procedures of Section 4.120 and the development standards in Section 4.110, and only after a finding that the proposed facility does not preclude or unduly conflict with water-dependent use on the site or in the adjacent water-dependent development shorelands.

A. Water related industrial uses not requiring the use of fill, including but not limited to:

- (1) Fish or shellfish processing plants.
- (2) Warehouse and/or other storage areas for marine equipment or water borne commerce.

B. Water-related commercial uses not requiring the use of fill, including but not limited to:

- (1) Fish or shellfish retail or wholesale outlets.
- (2) Marine craft or marine equipment sales establishments.
- (3) Sport fish cleaning, smoking or canning establishments.
- (4) Charter fishing offices.
- (5) Retail trade facilities in which the majority of products are products such as ice, bait, tackle, nautical charts, gasoline or other products incidental to or used in conjunction with a water dependent use.
- (6) Restaurants which provide waterfront views and are in conjunction with a water-dependent or water-related use such as a seafood processing plant or charter office.

C. In-water sorting, storage and handling of logs in association with water-borne transportation of logs.

D. Other water-related uses not requiring the use of fill. A use is determined to be water-related when the use:

- (1) Provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, or using products of, water-dependent uses).

- (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 will involve a subjective consideration of economic, social and environmental consequences of the use.

E. Accessory uses or structures in conjunction with a conditional use listed in A-D above, limited in size to a maximum of 10% of the lot or parcel size.

F. Mining and mineral extraction.

G. Storm water and sewer outfalls.

H. Non-water dependent and non-water related uses not requiring the use of fill.

I. New dike construction if:

J. Temporary alterations

- (1) Required for a water-dependent use for which there is a public need and for which no practicable upland locations exist.

- (2) Adverse impacts are avoided or minimized to be consistent with the resource capabilities and purposes of the area.

K. Transportation facilities as defined in Sec. 1.030, specifically:

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

- (2) Installation of transportation improvements within the existing right-of-way;

- (3) Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;

- (4) Landscaping as part of a transportation facility;

- (5) Emergency transportation facility measures;

- (6) Street or road construction as part of an approved subdivision or partition;

- (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.

4. *Regulated Activities:* The following regulated activities are permitted within the ED zone, provided that the requirements of Section 4.110 have been met. Regulated



Activities shall be reviewed by the procedure provided in Section 4.120.

- A. Regulated activities in association with on-site maintenance and repair of existing structures or facilities.
- B. Dredging for:
  - (1) Maintenance of existing facilities.
  - (2) Navigational improvements.
  - (3) Water-dependent portions of aquaculture operations.
  - (4) Water-dependent use.
  - (5) Mining and mineral extraction.
  - (6) Bridge crossing support structure installation.
  - (7) Outfall installation.
  - (8) Water, sewer or gas line installation.
  - (9) Electrical distribution line installation.
  - (10) Tide gate installation in existing dikes adjacent to ED zones.
- C. Fill for:
  - (1) Water-dependent uses.
  - (2) Water-dependent portions of aquaculture facilities.
  - (3) Navigational structures or navigational improvements.
  - (4) Structural shoreline stabilization.
  - (5) Bridge crossing support structures.
  - (6) New dike construction.
- D. Piling and dolphin installation in conjunction with a Permitted with Standards or Conditional Use within this zone.
- E. Rip-rap for structural shoreline stabilization or protection of uses allowed by this zone.
- F. Dredged material disposal in an approved DMD site or in conjunction with an approved fill project, subject to state and federal permit requirements for dredged material disposal.
- G. Regulated activities in conjunction with an approved active restoration or

estuarine enhancement project.

H. Flow-lane disposal of dredge material, subject to state and federal permit requirements.

I. Incidental dredging for harvest of benthic species or removal of in- water structures such as stakes of racks.

J. Regulated activities in conjunction with temporary alterations.

5. *Additional Requirements:* Garibaldi Boat Basin Exception Area: Development shall be limited to that described in the goal exception for the expansion of the Garibaldi Boat Basin.

**Section 3.120. HILLSIDE OVERLAY ZONE (HOZ):**

1. *Purpose.* The Hillside Overlay Zone applies to all areas of the City where the slope of the land is 20 percent or greater. The intent of the Zone is to establish special criteria and procedures for development in a way that the potential for property damage and adverse impacts on the natural environment are reduced, so that safe, orderly and beneficial development in the zone results. For the purposes of this section, development is defined as any alteration of the land surface greater than two feet in depth by construction of any kind, including hand or machine grading, filling, cutting and other earth moving activities, and/or construction of a building, road, driveway, parking area or other structure. Normal landscaping activities are not regulated by this section.

2. *Area Affected.* Areas of land with a slope of more than 20 percent are identified on a map titled "Slope, Garibaldi, Oregon" which is contained in the Comprehensive Plan of the City of Garibaldi. The boundaries of this overlay district are consistent with information available to the City on the slope of parcels within the City. Boundaries may be changed where site-specific survey information shows that the slope of a given parcel of land is less than 20 percent. Where such information is provided, the requirements of the Hillside Overlay Zone are not applicable.

3. *Development and Uses Permitted.* Any use permitted outright or conditional use permitted in the underlying zone may be permitted within the boundaries of the Hillside Overlay Zone subject to the procedures and development and use criteria of Sections 3.120(4) and 3.120(5).

4. *Procedure.* The requirements of the Hillside Overlay Zone shall be met prior to the issuance of a building permit. The requirements of this Section shall also be met in conjunction with any request for approval of a subdivision, or a major, or minor partition, or planned unit development. Where the requirements of the Hillside Overlay Zone are met as part of the review and approval of a subdivision, major partition, or

minor partition, or planned unit development, no further review, prior to the issuance of a building permit, will be required for property located within an approved subdivision, major partition or minor partition, or planned unit development.

5. *Development and Use Criteria.*

A. The City Planner, at the direction of the City Council, shall require the following reports to be provided by an applicant who proposes to develop land within the Hillside Overlay Zone. The cost of all reports shall be borne by the applicant.

- (1) *Geologic Site Investigation.* This report shall include an adequate description, as defined by the Building Official, of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations on specific engineering or construction methods which will eliminate or minimize to an acceptable level any identified geologic hazards. The report shall be prepared by a registered geologist.
- (2) *Grading Plan.* This plan shall include the following information:
  - a. Existing and proposed contours (five-foot intervals) of property;
  - b. Details of terrain and area drainage;
  - c. Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjoining topography;
  - d. The direction of drainage flow and the approximate grade of all streets;
  - e. Limiting dimensions, elevations, or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction; and
  - f. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.

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

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

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

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

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

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

erosion hazard exists.

- (2) *Fills.*
  - a. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.
  - b. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than five to one and the height is greater than 5 feet, by benching into sound bedrock or other competent materials as determined by a soils engineer.
  - c. Detrimental amounts of organic material shall not be permitted in structural fills. No rock or similar material greater than twelve inches in diameter shall be placed in a structural fill. The Building Official may permit placement of larger rock if a soils engineer designs a method of placement, continually inspects the placement and certifies the stability of the fill.
  - d. Fills will be compacted to a minimum of 90% of maximum density as determined by Uniform Building Code Standards No. 70-1. An engineer shall certify all structural fill as meeting minimum bearing capacity for the intended use.
- D. The following requirements are applicable to drainage facilities:
  - (1) All cut and fill slopes shall be provided with subsurface drainage as is necessary for stability.
  - (2) All roof and foundation drainage must be collected, controlled, and directed to either a City street, a storm drain or to a natural drainage-way if it is acceptable to the Public Works Director.
  - (3) Other alternative methods of storm water disposal may be approved by the Public Works Director.
- E. *Erosion Control Measures.* The following standards are a minimum requirement for the purposes of minimizing soil erosion. The final program for soil stabilization may vary as site conditions and development programs warrant. These minimum guidelines are not intended to resolve all project soil erosion conditions. The applicant is responsible for containing all soil on the project site.
  - (1) Prior to approval of building permit, only the removal of existing vegetation may be carried out for surveying or planning of structures. Cutting of deciduous trees over six inches (6") diameter and conifers over four inches (4") at a height of four and one half feet above ground level shall only be carried out after the approval of the Building permit.

- (2) If top-soil is to remain stockpiled during a rainy season, seeding or other stabilization measures are required.
- (3) All areas that will, by necessity, be left bare after September 30th shall be seeded to a cover crop (i.e., cereal rye, annual rye grass, perennial rye grass). Mulching is an alternative to seeding.
- (4) Means shall be devised to prevent sediment-laden water from entering any storm sewer facilities.
- (5) Vegetation shall be established as soon as possible after completion of grading. The Building Official may require the use of matting prior to seeding on certain slopes.

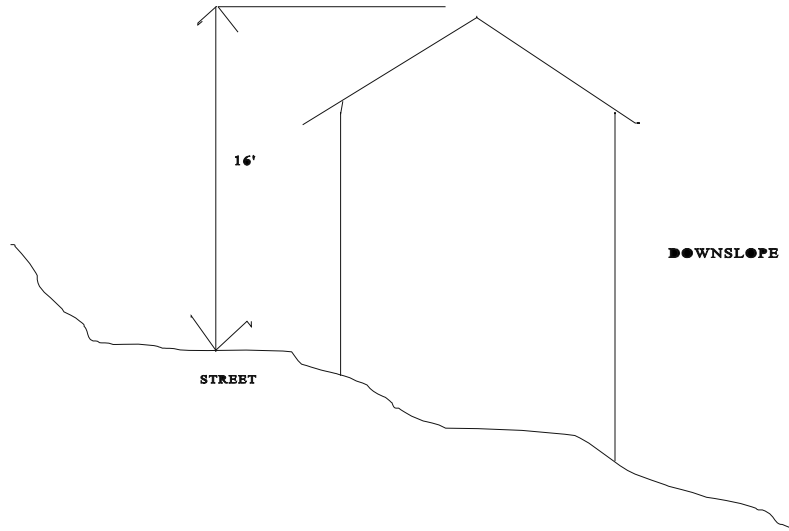
F. *Minimum Lot Size.* The minimum lot size for any structure in the Hillside Overlay Zone shall be 8,000 square feet. Where the property proposed for development consists of smaller contiguous lots, such lots shall be aggregated to meet this minimum lot size. Lots of less than 8,000 square feet may be built upon after a variance is granted in accordance with Article 8, Variances.

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

H. *Yard Requirements.* The minimum yard requirement for the yard abutting a street or vehicular access way is five (5) feet. Where this standard is used, the minimum rear yard, or yard opposite the yard abutting the street or vehicular access way, shall be 30 feet. The minimum side yard shall be ten (10) feet.

I. *Building Height.* Within the Hillside Overlay Zone, building heights of structures other than accessory buildings shall be as follows:

- (1) Structures which are located below or down-slope from the street, road, or vehicular access way shall have a maximum height of 16 feet above the centerline of the adjacent street, road or access way.
- (2) Structures other than those described in (1) above shall adhere to the height requirements of the underlying zone.



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

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

**Section 3.130. LIMITED USE OVERLAY (LUO) ZONE:**

1. *Purpose:* To regulate the timing or size of development of a specific parcel of land or to define the uses allowable on a specific parcel of land more narrowly than allowed by the underlying zone.

2. *Application.*

A. Uses permitted in the underlying zone shall be limited to those uses specifically referenced in the Limited Use Overlay.

B. The following limitations shall apply to application of the Limited Use Overlay:

(1) The application of the Limited Use Overlay is consistent with policies of the Comprehensive Plan.

3. *Procedure.*

A. The Limited Use Overlay shall be applied through the zone change process at the time the underlying zone is changed.



B. The order adopting the zone change involving a “reasons” exception shall specify the permitted use(s) approved and shall specify the application of the Limited Use Overlay.

C. The permitted use, or description thereof, shall be qualified as necessary to achieve the intent of the Limited Use Overlay.

4. *Official Plan/Zoning Map.* The official plan/zoning map shall be amended to note the application of the Limited Use Overlay to the applicable parcel.

5. *Other Requirements.*

A. In addition to limiting the uses permitted through the zone change, site plan approval shall be required to ensure compatibility of the use(s) allowed with other existing uses in the area.

B. Site plan requirements may be added by specific reference to the adopting order.

C. All other requirements of the underlying zone remain in effect unless specifically altered by site plan approval incorporated in the adopting order.

#### **ARTICLE 4**

#### **SUPPLEMENTAL PROVISIONS**

**Section 4.010. ACCESS REQUIREMENTS:** Every lot shall abut a street, lane, or alley for at least 25 feet, or have vehicular access or easement. A lot may not be created through a partition, property line adjustment or subdivision, or through the annexation of contiguous parcels or lots of land into the City limits, which has not met this requirement.

**Section 4.020. CLEAR VISION AREAS:** A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

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

2. A clear vision area shall contain no planting, fence, wall structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the street center line grade, except that trees exceeding this height may be located in this area provided all

branches and foliage are removed to a height of 8 feet above the grade level.

**Section 4.030. MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS:** No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

**Section 4.040. DUAL USE OF REQUIRED OPEN SPACE:** No required open space shall be used for other purposes such as the construction of carports or auxiliary buildings. This provision shall apply to all lot coverage requirements.

**Section 4.042. MULTIFAMILY OR APARTMENT SITING CRITERIA:** In any zone where a multi-family dwelling, condominium or apartment structure is proposed, the Planning Commission shall review the plans under the following criteria:

1. The placement of the structure takes advantage of natural features such as streams, shorelines, or hillsides. Existing trees are retained when ever feasible.
2. 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.
3. 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.
4. In the R-1 zone, a minimum of 25% of the lot area shall be devoted to natural open space or landscaping. In the C-1 zone, a minimum of 20% of the lot area shall be devoted to natural open space or landscaping for family-oriented developments, and 10% 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.
5. Where the proposed structure is located in a residential zone or abuts a residential zone, the following setbacks shall be met.
  - A. Front yard: one-story structure 10 feet, two-story structure 15 feet
  - B. Rear yard: one-story structure 10 feet, two-story structure 15 feet
  - C. Side yard: one-story structure 5 feet, two-story structure 10 feet
6. In the downtown core area, multifamily or apartment complexes shall include a commercial use with frontage on US 101.

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

**Section 4.043. HISTORIC SITE PROTECTION:** Prior to the issuance of a building permit, any proposal for the exterior alteration of historic portions of the Garibaldi Coast Guard Station shall be reviewed by the Planning Commission to insure that the materials and improvements are consistent with the historic character of the building. The Planning Commission may seek the advice of the State Historic Preservation Office in making this determination. When the City receives an application for a demolition permit on a historic portion of the Garibaldi Coast Guard Station, it shall put a sixty (60) day freeze on the issuance of the permit. The Planning Commission shall notify the State Historic Preservation Office that a demolition permit has been requested. The sixty day freeze shall provide the State Historic Preservation Office and other interested parties, an opportunity to negotiate for the preservation of the property. If after sixty days the negotiations have been unsuccessful, the city shall proceed with the processing of the demolition permit.

**Section 4.050. SIGN REQUIREMENTS:**

1. *Purpose:* This section regulates such factors as the size, number, location, illumination and construction of signs with the intent of safeguarding and enhancing the aesthetic character of Garibaldi.

2. *Conformance:* No sign may be erected unless it conforms with the regulations of this section. Sign permits, as required by Section 4.050 (5) must be approved prior to the placement of the sign.

3. *Exempt Signs:* The following signs are exempt from the provisions of this Section:

A. Signs within a building not intended to be visible from the exterior of a building.

B. Signs legally erected in a street right-of-way.

C. Three flags of national or state governments.

4. *General Sign Regulations:* The following general provisions shall govern all signs, in addition to all other applicable provisions pertaining to signs:

A. *Sign Face Area.*

(1) The area of sign faces enclosed in frames or cabinets is determined by the outer dimensions of the frame or cabinet surrounding the sign. Sign area does not

include foundations, supports and other essential structures that do not serve as a backdrop or border to the sign. Only one side of a double-faced sign is counted in measuring the sign face area. (To be considered a double-faced sign, the sides of the sign must be flush.)

(2) When signs are constructed of individual pieces the sign area is determined by a perimeter drawn around all the individual pieces taken.

(3) For sign structures containing multiple sign modules oriented in the same direction, the sum of the sign area of the individual sign modules are counted as one sign face.

(4) The area of a sign shall be determined according to the following:

- a. Rectangle or square: length x width.
- b. Triangle: length x width divided by two.
- c. Circle:  $3.14 \times R^2$ , where R is the sign's radius.
- d. Oval: the area contained within a rectangle whose length times width does not exceed 30 square feet.
- e. The City shall measure other sign shapes, not listed above, according to the formula it determines to be most appropriate.

B. *Height of Signs.* Signs shall conform to the height requirement of the zone in which they are located. The height of a sign or sign supporting structure is measured from the existing grade directly below the sign to the highest point of the sign or sign supporting structure.

C. *Clearances.* Clearances are measured from the existing grade directly below the sign to the bottom of the sign structure enclosing the sign face.

D. *Sign Placement.*

(1) *Placement.* All signs and sign structures shall be erected and attached totally within the site except where permitted to extend into a street right-of-way.

(2) *Frontages.* Signs allowed based on the length of one site frontage may be placed on another site frontage.

(3) *Vision Clearance Areas.* No sign may be located within a vision clearance area as defined in Section 4.020.

(4) *Vehicle Area Clearances.* When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, parking lots, and loading and maneuvering areas.

(5) *Pedestrian Area Clearances.* When a sign extends over sidewalks, walkways

or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the grade.

- (6) *Projecting Signs.* Signs shall not project into a public right-of-way, except over a sidewalk. Where a sign projects over a sidewalk, it may project within two feet of the outside edge of the sidewalk.

E. *Signs Not to Constitute a Traffic Hazard.* Signs or sign supporting structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic or a traffic sign.

F. *Glare.* All signs shall be so designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated streets and surrounding public or private property.

G. *Prohibited Signs.* The following signs are prohibited:

- (1) Signs that contain flashing elements.
- (2) Signs that contain moving, rotating or otherwise animated parts.

H. *Maintenance.* All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept in a neat appearance.

#### SIGN FACE MEASUREMENT

Figure 1.

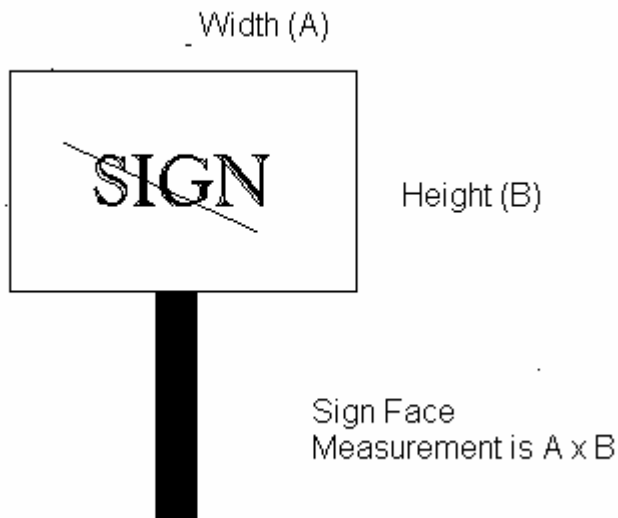


Figure 2.

Sign Face Measurement:  $\pi \times R^2$

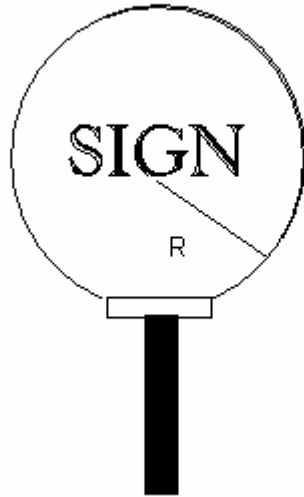
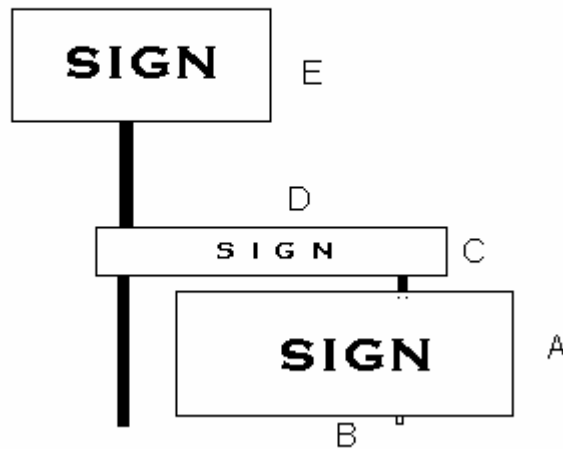


Figure 3.

Sign Face Measurement for Multiple Sign:  
 $(A \times B) + (C \times D) + (E \times F)$



I. *Removal of Abandoned Sign.* It is the responsibility of the property owner to remove any abandoned sign within 30 days of the cessation of its use.

J. *Permanent Signs.* Permanent signs are not allowed on undeveloped sites.

5. *Base Zone Sign Regulations.*

A. *Commercial (C-1), General Industrial (I-1), Water Dependent Development (WD-*

1), *Waterfront Development Support Zone (WD-2) Sign Requirements*. For all lots in the C-1, I-1, WD-1, or WD-2 Zone the following sizes and types of signs are allowed. All allowed signs must also be in conformance with the regulations in Section 4.050 (3).

- (1) *Total Sign Square Footage Permitted*.
  - a. The total square footage of all signage, except temporary and lawn signs, associated with a lot shall not exceed one and one-half (1-1/2) square feet of sign face area per lineal foot of site frontage. (Example: a business located on a site with 50 foot of frontage on a street is permitted 75 square feet of sign area).
  - b. The total square footage of all temporary signs shall not exceed 100 square feet in total area.
- (2) *Individual Signs*.
  - a. The maximum sign face area for an individual sign shall be no more than 100 square feet.
  - b. Sandwich board or reader board sign shall not be placed on a sidewalk or in a public right-of-way.
- (3) *Types of signs*. The following types of signs are permitted: permanent, freestanding, wall, projecting, window, awning, bench, sandwich board, reader board, temporary, incidental, and lawn signs.

B. *Medium Density Residential (R-1), and Resource Open Space (R-O) Sign Requirements*. For all lots in the R-1 and R-O zones, the following number, sizes, and types of signs are allowed. All allowed signs must also be in conformance with the regulations of Section 4.050 (3).

- (1) *Total Sign Square Footage Permitted*. The total square footage of signage associated with a lot shall not exceed 10 square feet.
- (2) *Individual Signs*. The maximum sign face area for an individual sign shall be no more than 6 square feet.
- (3) *Types of Signs Permitted*. The following types of signs are permitted: permanent incidental, freestanding, wall, projecting, window, temporary, and lawn signs.

C. *Estuarine Zones (EN), (EC-1), (EC-2), and (ED) Sign Requirements*. Signs shall be reviewed by the Planning Commission to determine the applicable site frontage to be used. After the site frontage determination, the standards of Section 4.050 (4) (A) shall be applied.

6. *Sign Permits*:



A. *Sign Permit Required.* A sign permit is required for the placement of any new permanent sign with a sign face area of four square feet or more or the alteration of the structure of an existing permanent sign in the C-1, I-1, WD-1, WD-2, ED, EC-1 or EC-2 zones. A structural building permit may be required in addition to a sign permit at the discretion of the Building Official.

B. *Required Information for a Sign Permit.* For purposes of review by the City, a scale drawing of the proposed sign shall be submitted. The drawing shall indicate the dimensions of the sign, location of the sign, any structural elements of the proposed sign, the size and dimensions of any other sign(s) located on the applicant's building or property, and the material of which the sign is to be constructed.

C. *Sign Permit Fee.* The fee for a sign permit shall be set by resolution.

7. *Variances:* Variances to the sign requirements of this section may be approved by the Planning Commission following the procedures of Article 11 where the Planning Commission finds that the variance meets the following criteria:

A. The variance would permit the placement of a sign with an exceptional design, or when there are exceptional circumstances applicable to the lot.

B. The granting of the variance would not be detrimental to abutting properties.

C. The granting of the variance would not create a traffic or safety hazard.

8. *Nonconforming Signs:* For the purpose of this section, a nonconforming sign shall be defined as a sign existing at the effective date of this section which could not be erected under the terms of this section. The following requirements shall apply to nonconforming signs (the requirements of Article 7 are not applicable):

A. A nonconforming sign may continue to be used.

B. No nonconforming sign may be enlarged in any manner.

C. A nonconforming sign that is damaged or destroyed by any means other than the action of the owner of the sign may be replaced with a new sign provided that the new sign conforms to the dimensions of the previous sign.

9. *Abandoned Signs or Signs in Disrepair:* The city shall notify the owner of the real property, where a sign has been abandoned or allowed to fall into disrepair, and shall require reasonable repair, replacement, or removal within 30 days. If compliance does not occur, the city shall cause removal or repair of such signs, pursuant to the city's nuisance ordinance. Expenses incurred in the enforcement of the provision shall be paid by the owner of the real property from which it was removed.

10. *Administration and Enforcement:*

- A. The City shall provide each business license applicant with a current copy of its sign requirements.
- B. A business license must be obtained before any sign for a business may be erected.
- C. Signs may be transferable if the ownership of a business is changed.

**4.060 Automobile Parking Standards.**

**Sections:**

**4.061 Purpose**

**4.062 Applicability**

**4.064 Automobile Parking Standards**

**4.066 Bicycle Parking Standards**

**4.068 Loading**

1. *Purpose.* The purpose of this Section 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 stormwater runoff, and maintain the visual character of the community. This Section 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 Section 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.

2. *Applicability.* All development subject to review including development of parking facilities, shall comply with the provisions of this Section.

3. *Automobile Parking Standards*

A. *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 4.060(1) “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. [There is no minimum number of off-street parking spaces required in the Commercial Zone along US101 (or in designated historic districts); however, the “maximum parking” standards of this Section apply.]

**Table 4.060(1) - Minimum Required Parking by Use**

<b>Use Categories</b>	<b>Minimum Parking per Land Use</b> <i>(fractions rounded down to the closest whole number)</i>
<b>Residential Categories</b>	
<b>Household Living</b>	
<i>Accessory Dwelling</i>	<i>None</i>
<i>Single Family Dwelling, including attached and detached dwellings and manufactured homes</i>	<i>None, except attached dwellings shall conform to the parking requirements for multifamily uses</i>
<i>Duplex</i>	<i>3 spaces per duplex</i>
<i>Multifamily</i>	<i>1 space per studio or 1-bedroom unit</i>
	<i>1.5 spaces/unit per 2-bedroom unit</i>
	<i>2 spaces/unit per 3-bedroom or larger unit</i>
<i>Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing</i>	<i>0.5 space per 4 bedrooms</i>
<b>Commercial Categories</b>	
<i>Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's)</i>	<i>No requirement.</i>
<i>Bed and Breakfast Inn</i>	<i>1 space per bedroom</i>

*Educational Services, not a school*