

STAFF REPORT

TO: Garibaldi Planning Commission
FROM: MorganCPS Group (City of Garibaldi Planning Consultant)
SUBJECT: Planning File No. CU-2020-01
DATE: March 12, 2020

I. BACKGROUND INFORMATION

- A. **APPLICANT:** Coastal Housing Solutions (Paul A. Daniels).
- B. **PROPERTY LOCATION:** The site is located on the north side of East Garibaldi Avenue, approximately midway between Nelson Lane and Martin Smith Lane. The property address is 501 East Garibaldi Avenue and the Tillamook County Assessor places the land within Township 1 North; Range 10 West; Section 22BB, Tax Lot 100.
- C. **PARCEL SIZE:** The overall site is approximately 3.62 acres.
- D. **PLAN/ZONE:** The property is split zoned with the southern 0.76 acres zoned C-1 (Commercial) and the northern 2.86 acres zoned R-1 (Medium Density Residential).
- E. **EXISTING DEVELOPMENT:** The parcel contains a single-family home, accessory building, manufactured home and a billboard located on the southeast corner. The parcel fronts on East Garibaldi Avenue with two access points to the property. The northern portion of the site increases in slope and is subject to provisions in the Hillside Overlay zone. Finally, public sewer, storm sewer and water facilities are available to serve the site.
- F. **ADJACENT ZONING:** Land to the east and west is also split-zoned C-1 and R-1. Development on east includes an RV park and single-family while the parcel to the west is vacant. Vacant R-1 zone is located to the north while a scrap yard is located to the south, across East Garibaldi Avenue, on land zoned General Industrial.
- G. **REQUEST:** The applicant is requesting approval of a Conditional Use to construct a 66-unit apartment complex.
- H. **DECISION CRITERIA:** Approval or denial of this request will be based on compliance with the decision criteria in Garibaldi Municipal Code: Chapter 18.15, Medium Density Residential Zone; Chapter 18.25 Commercial Zone, Chapter 18.110 Multifamily or Apartment Siting Criteria; Chapter 18.125 Automobile

Parking Standards, Chapter 18.185 Conditional Uses, Chapter 18.80 Hillside Overlay Zone; and, the Garibaldi Comprehensive Plan.

II. APPLICATION SUMMARY

- A. The applicant originally requested approval to construct a 64-unit apartment complex on the site. Upon examination, it was determined the layout did not comply with the design provisions of the C-1 zone. As a result, the applicant submitted a revised plan and narrative to create a 66-unit complex. *This report, including findings, addresses the revised layout.* The proposed project will feature the following improvements:
1. The site will contain six buildings with the following apartment mix:
 - a. Building #1 – 18 studio units
 - b. Building #2 – 12 one-bedroom units
 - c. Building #3 – 7 one-bedroom units; 1 two-bedroom unit
 - d. Building #4 – 12 one-bedroom units
 - e. Building #5 - 4 two-bedroom units
 - f. Building #6 – 6 studio units; 6 one-bedroom units
 2. Building #1 is located in the C-1 zone, the remaining five building are located in the R-1 zone.
 3. A total of 95 vehicle parking spaces are planned, spread over six distinct parking pods. Bicycle parking will also be provided at each building.
 4. A playground area will be located at the south end of the site, adjacent to Building #1.
 5. There will be a single access point to East Garibaldi located at the southeast corner of the site. The second access driveway will be closed.
 6. The site may contain possible wetlands located along Us Highway 101. The applicant acknowledged permits may be required from the Oregon Department of State Lands.
 7. Areas not improved upon will be landscaped or remain in natural vegetative cover. Prior to development, all existing structures and improvements will be removed.
- B. Neither the C-1 nor R-1 zone allows multi-family development as a permitted use. However, both the R-1 zone (Section 18.15.030.A.) and the C-1 zone (Section 18.25.030.G.) allow multi-family development through an approved conditional use permit. The conditional use must comply with provisions in Chapter 18.185 and is subject to a public hearing before the planning Commission.

- C. The City Engineer and Public Works reviewed the application regarding public facility improvements. No capacity issues were identified, although improvements will be necessary to meet all facility requirements. Their reports are part of the planning file, and where applicable, comments and recommendations will be incorporated within the staff report.
- D. The Oregon Department of Transportation (ODOT) was notified on the request, but did not submit comments as of the date of this report. Based on preliminary discussions, only a single access to US Highway 101 (E. Garibaldi Avenue) will be allowed and a permit is also required. No other agency comments were received at the time of the staff report. *

*ODOT had not originally submitted any comments for the hearing as scheduled for March 23, 2020. On April 27, 2020 ODOT submitted the following comments after public notice had been received by their agency for the re-scheduled hearing commencing on May 13, 2020:

ODOT COMMENTS

“Thanks for letting us know about the May P&Z meeting. ODOT received an application and plans for this 60-unit apartment complex some months ago (back in January.) The applicant has already started the process of applying with us regarding access. Currently they supplied us with an engineering set of plans in March, and we reviewed them and sent them back with comments to the applicant. We have not yet received a revised set of plans.

“Reading through my emails, we weren’t sure if Garibaldi was going to require frontage improvements with this property. Can you let us know, so we can ensure that they’re built correctly?”

“Also, if you are going to require anything else regarding the access to the site, let me know so we can work together. Currently I know we have an issue with the proposed drainage plan, which is basically that they plan to just allow it all to drain to the highway. We certainly won’t allow that and provided comments to the engineer accordingly.”

CITY OF GARIBALDI RESPONSE

The City replied with the following comments on May 6, 2020 that should inform the Planning Commissions consideration of this application:

Thank you for your message from last week regarding this applicant’s submittal. As of this time the application addresses your concerns in the following manner:

1.) We are not requiring any frontage improvements per say, but these may become conditional use requirements through the hearing process. Can you let me know what frontage requirements that were potentially of concern?

2.) Stormwater Management - Reviewing the application, the City will ensure that the applicant will contain stormwater so as to not allow it to flow, or sheet flow onto Hwy. 101. The following excerpts are from the application, and City staff report: Please see an excerpt from the site plan for the project that include preliminary stormwater plans that terminate in a grate along the south east (Bottom left) corner of the property. (pg. 51 of application packet).

Applicants statement:

The geotechnical investigation includes recommendations related to site preparation, foundation support, floor slab support, retaining/below grade walls, pavements, excavations/slopes, surfacedrainage/groundwater, seismic design considerations, stormwater infiltration, and erosioncontrol. The site grading has been designed by a licensed Professional Engineer with these recommendations in mind. As such, the site's physical characteristics are deemed appropriate for the proposed multifamily development.

Applicants statement:

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 acity street, a storm drain or to a natural drainageway if it is acceptable to the publicworks director.
3. Other alternative methods of storm water disposal may be approved by the public works director. Response: The on-site stormwater conveyance and drainage system has been designed by a licensed Professional Engineer to comply with the stormwater

Applicants Geotechnical report:

We understand that consideration is being given to possible collection. and disposal of stormwater on the subject apartment development site. While specific details regarding storm water collectionand/or disposal are still unknown at this time, we envision that disposal of storm water will likely beperformed below the existing site and/or ground surface elevations rather in open near surfaceinfiltration ditches and/or swales. In this regard, although field infiltration testing was not

performed at the site during this phase of the investigation, we are of the opinion that the underlying medium dense, silty sand to highly weathered bedrock deposits will restrict the ability of the upper silty sand subgrade soils to effectively infiltrate storm water. Additionally, the potential for slope instability is possible due to the presence of moderately steep slopes at the site. As such, we are of the opinion that infiltration and/or disposal of storm water should only be performed within the lower southerly portion of the site. Further, we recommend that field testing be performed following the construction of a storm water infiltration system to verify that any assumed infiltrates are appropriate for the project.

City Staff Report:

Prior to development, the applicant shall:

1. Participate in a pre-engineering conference with the applicable public and private facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings.
2. Apply for and receive approval of an access permit from the Oregon Department of Transportation.
3. Apply for and receive approval of a fill/removal permit from the Department of State Lands.

The applicant shall submit an engineering plan for the entire development to the Garibaldi Public Works Department for review and approval. The plan shall include information concerning storm water, street frontage improvements, easements, sewer, water, fire hydrants and other information as necessary to indicate conformance with Garibaldi Public Works Standards, consistent with the development proposal and requirements contained in Condition of Approval "F."

Once engineering plans are approved and a final site plan accepted, the developer shall then be permitted to apply for and receive a building permit. The building permit plans for the proposed buildings shall conform to the approved final site plan. Building permits may be submitted concurrent with engineering plans; however, building shall not proceed until such time engineering plans, including applicable Oregon Department of Transportation and Department of State Lands permits, are approved.

This testimony and the responses as posited by City planning staff should have bearing upon any and all decisions the Garibaldi Planning Commission undertakes in its conditional and or final disposition of the attached application.

II. CONDITIONAL USE – CRITERIA AND FINDINGS

A. Chapter 18.185 contains the Conditional Uses provisions and decision criteria. The Planning Commission is authorized to conduct a hearing and decide upon a request (Section 18.185.010). In permitting a conditional use or the modification of a conditional use other than a housing type (e.g., multifamily structure, manufactured dwelling park), the Planning Commission may impose, in addition to those standards and requirements expressly specified for that use, other conditions which are necessary to protect adjacent property, an identified resource, or the city as a whole. The Commission also has the authority to revoke an approved conditional use.

B. The specific conditional use decision criteria are contained in Section 18.185.020. The criteria and findings are noted below:

1. Section 18.185.020A. The proposed use is consistent with the policies of the comprehensive plan.

FINDINGS: The applicant responded to the criterion addressing applicable Comprehensive plan policies. A brief summary follows:

Community Development – Policies B and C identify the importance of site design that avoids hazardous areas, protects open space, and proposes density on sites that have adequate capacity to serve said density. Overall, the project clusters development toward the south end of site, occupying no more than 40% of the property with impervious surfaces. The entire project establishes 66 apartment units which is well below the potential development of 97 units. The northern area of the site contains steep slopes. This area will primarily remain in natural vegetative cover. Geotechnical evidence submitted by the applicant indicates the land is suitable to accommodate the proposed project.

Housing – Goal A, Policies A and B express a need for a variety of housing that is affordable and accounts for the needs of future residents. This request increases the housing supply and addresses the identified need for 172 additional units in the C-1 and R-1 zones (Garibaldi Comprehensive Plan). Further, a significant percentage of the Tillamook County workforce commutes 50 miles to work (or 100 miles per day), indicating housing needs are not just localized but must be addressed county-wide. This project therefore meets both local and county-wide housing needs.

2. Section 18.185.020.B. - The location, size, design and operating

characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.

FINDINGS: Per the application, there are a number of factors that address this criterion. A combination of a privacy fence and Buildings #3 and #5 will screen the parking area from adjacent residences to the east. Building colors will be neutral to avoid visual conflicts. There is a single access and vehicle circulation is limited to the site's interior; traffic will not be directed through adjacent residential streets. In addition, all setbacks will meet or exceed the minimum requirements of the respective zones.

3. Section 18.185.020.C. - The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated.

FINDINGS: The applicant submitted a Traffic Impact Analysis (TIA), which is included in the packet. The study estimated the project generates approximately 483 average daily trips - 30 are AM peak trips, and 37 are PM peak trips. The mixed zoning of the site would allow intensive commercial uses on the C-1 portion located along East Garibaldi, thereby potentially exceeding the anticipated daily trips generated by the project. Further, addressing the volume-to-capacity ratio, the maximum allowable v/c for East Garibaldi is 0.85; with the additional traffic the v/c will only be 0.28. Based on the analysis, turn-lanes will likely be unnecessary.

4. Section 18.185.020.D. Public facilities and services are adequate to accommodate the proposed use.

FINDINGS: The City of Garibaldi (see applicant Attachment "B") confirmed adequate utility capacity for the proposed use. Further, as previously noted, there is adequate capacity on East Garibaldi Avenue to accommodate the additional traffic.

5. Section 18.185.020.E. The site's physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use.

FINDINGS: The primary physical issue is the slope located on the north side of the site. The applicant submitted a geotechnical assessment conducted by a professional engineer (applicant's Attachment "C"). In summary, based on both field work and laboratory testing and engineering analysis, the is presently stable and generally suitable for the apartment complex. The report identified specific improvement requirements which can be incorporated into the conditions.

6. Section 18.185.020.F. The site has adequate area to accommodate the

proposed use. The site layout has been designed to provide appropriate access points, on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities or other facilities which are required by city ordinances or desired by the applicant.

FINDINGS: The site contains no more than 40% impervious surface, still providing sufficient on-site drives, vehicle/pedestrian circulation, building setbacks, and utilities. The site design incorporates the remaining natural vegetation. This site is therefore adequate for the proposed use.

C. Section 18.185.030 establishes the conditional use application and approval procedures. For the record, this application and hearing before the Commission, conform to this Section.

D. Section 18.185.040 identifies specific standards that must be addressed; each is reviewed in the following sections:

1. Section 18.185.040 A. Non-water-dependent or water-related uses in the WD zone shall be permitted only where the finding is made that such uses will not preclude the allocation of water-dependent uses, that sufficient land and water area exists for water-dependent uses, that public access and riparian vegetation (where applicable) will be maintained or provided, and that such uses will not cause the filling of the estuary or other adverse water quality impact.

FINDINGS: The subject site is not located within the WD zone; therefore, these provisions do not apply.

2. Section 18.185.040 B. Additional Standards for Non-Water-Dependent and Non-Water-Related Commercial Uses. Non-water-dependent and non-water-related commercial uses in the WD zone may be permitted when the following standards are met: [. . .]

FINDINGS: The subject site is not located within the NWD zone; these standards do not apply.

3. Section 18.185.040 C. Telecommunication facilities are allowed under the criteria of GMC 18.185.020 and when they meet the height limitation criteria of the zone.

FINDINGS: The proposed development does not include a telecommunication facility.

E. 18.185.050 Conditional uses and criteria for certain transportation facilities and improvements.

- A. *Development of certain transportation facilities and improvements that are subject to conditional use approval shall satisfy all of the following criteria: [...]*

FINDINGS: The proposed development does not include the construction of a transportation facility; therefore, these standards do not apply.

III. APPLICABLE DEVELOPMENT REQUIREMENTS

- A. Standards applicable to the Medium Density Residential Zone (R-1) are contained in Chapter 18.15. Applicable provisions regarding the 48-units located within the R-1 zone are reviewed in the following subsections.

1. 18.15.010 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.

FINDINGS: A portion of the apartment project is located within the R-1 zone and is therefore permitted subject to the approval of a conditional use.

2. 18.15.020 Uses permitted outright are identified in this Section.

FINDINGS: As noted, apartments are not permitted outright but subject to conditional use review.

3. 18.15.030 Conditional uses permitted. Subsection A. identifies “Multifamily dwellings” subject to GMC 18.110.010.

FINDINGS: The proposed 48-unit apartment portion of the proposed complex is a multifamily residential development and is requires a conditional use permit.

4. 18.15.040 Standards and criteria. This Section contains specific standards and criteria applicable to all development in the R-1 zone. Each subsection is reviewed below.

- a. 18.15.040.A. The minimum lot size for single-family dwellings, modular housing and manufactured dwellings shall be 5,000 square feet.

FINDINGS: This standard does not apply to the request.

- b. 18.15.040.B. The minimum lot size for duplexes shall be 7,500 square feet.

FINDINGS: This standard does not apply to the request.

- c. 18.15.040.C. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwellings, structures containing four or more dwelling units shall be 10,000 square feet for the first three dwelling units and 1,500 square feet for each dwelling unit thereafter.

FINDINGS: The R-1 zoned portion of the site contains approximately 124,581 square feet (sf) in area. Per calculations in this section, the site can support up to 101 dwelling units: $124,581 \text{ sf} - 10,000 \text{ sf} (3 \text{ units}) = 114,581 \text{ sf} / 1,500 \text{ sf/additional unit} = 76 \text{ additional units}$; $3 \text{ units} + 76 \text{ units} = 79 \text{ units}$. The proposal calls for 48 units in the R-1 zone which is less than the maximum allowed.

- d. 18.15.040.D. The minimum lot width shall be 30 feet.

FINDINGS: The site exceeds the minimum width requirement.

- e. 18.15.040.E. The minimum front yard shall be 10 feet.

FINDINGS: The R-1 zoned portion of the site is located on the north end of the property and does not abut the front lot line of a street; therefore, this provision does not apply.

- f. 18.15.040.F. The minimum rear yard shall be five feet.

FINDINGS: In this case, multifamily development siting provisions in GMC 18.110.010.E. apply: a rear yard requirement of 10 feet for one-story structures and 15 feet for two-story structures. The closest structure in the R-1 zone (playground enclosure) is some 200+-feet from the rear property line, thereby exceeding the minimum requirements.

- g. 18.15.040.G. The minimum side yard shall be five feet, except on a street side it shall be 10 feet.

FINDINGS: As noted, the proposal is subject to provisions in GMC 18.110.010.E. This section requires a side yard 5 feet for one-story structures and 10 feet for two-story structures. The structure closest to either side property line is 10-feet from the eastern property line.

- h. 18.15.040.H. The maximum building height shall be 24 feet.

FINDINGS: This height limitation applies only to Buildings #2 to #6. Based on submitted calculations, no building exceeds the 24-foot

height limitation as defined by Section GMC 18.05.030.

- i. 18.15.040.I. The total amount of the lot on which structures and other impervious surfaces may be constructed shall not exceed 50 percent.

FINDINGS: The entire site contains 3.62 acres, of which 2.86 acres are zoned R-1 1.45 acres are proposed to be impervious surface. This works out to 40% of impervious surface $((1.45/3.62) \times 100 = 40\%)$, thereby not exceeding the 50% maximum allowed within the R-1 zone.

- j. 18.15.040.J. Manufactured dwellings shall meet the requirements of GMC 18.155.010.

FINDINGS: This standard does not apply to the request.

- k. 18.15.040.K. Parking requirements of Chapter 18.125 GMC shall be adhered to.

FINDINGS: The parking requirements are addressed elsewhere in this report. For the purpose of this section, the layout exceeds minimum requirements.

- l. 18.15.040.L. A clear vision area on corner lots shall be provided and maintained pursuant to GMC 18.95.010.

FINDINGS: Since the site is not a corner lot, the provisions do not apply.

- m. 18.15.040.M. Accessory uses and structures shall comply with GMC 18.135.010.

FINDINGS: The project includes a playground located in the C-1 portion of the site. There are no accessory uses or structures located in the R-1 portion.

- B. Standards applicable to the Commercial Zone (C-1) are contained in Chapter 18.15. Applicable provisions regarding the 18-units located within the C-1 zone are reviewed in the following subsections.

- 1. 18.25.020 Uses permitted outright are identified in this Section.

FINDINGS: As noted, apartments are not permitted outright but subject to conditional use review.

2. 18.25.030 Conditional uses permitted. Subsection G. identifies “multifamily dwellings” subject to provisions in GMC 18.110.010.

FINDINGS: The proposed apartment complex is a multifamily residential development and is requires a conditional use permit.

3. 18.25.040 Standards and criteria. This Section contains specific standards and criteria applicable to all development in the R-1 zone. Each subsection is reviewed below.

- a. 18.25.040.A. Minimum lot size: none.

FINDINGS: The parcel complies with the standard.

- b. 18.25.040.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.

FINDINGS: Based on the submitted site plan and prior comments regarding setback provisions in item A.4.f. and g., above, the proposal complies with the minimum setback requirements.

- c. 18.25.040.C. Building Height. Maximum building height shall be 30 feet. Maximum building height allowed outright shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under Chapter 18.185 GMC.

FINDINGS: This height limitation applies only to Building #1. Based on submitted calculations, the building will exceed the 30-foot height limitation as defined by Section GMC 18.05.030.

- d. 18.25.040.D. Outdoor sales and service areas not requiring conditional use approval shall be approved by the Planning Commission.

FINDINGS: The proposed development does not include outdoor sales and service areas.

- e. 18.25.040.E. All uses shall meet the parking and sign requirements of this title.

FINDINGS: The parking requirements are addressed elsewhere in this report. For the purpose of this section, the layout exceeds minimum requirements.

- f. 18.25.040.F. The minimum lot size for a triplex shall be 10,000 square feet. The minimum lot size for multifamily dwellings (four dwelling units or more) shall be 10,000 for the first three units and 1,500 for each unit thereafter. The planning commission may allow up to 50 percent additional dwelling units (up to 39 dwelling units per acre) for senior citizen or adult disabled housing.

FINDINGS: The C-1 zoned portion of the site contains approximately 33,106 square feet (sf) in area. Per calculations in this section, the site can support up to 18 dwelling units: $33,106 \text{ sf} - 10,000 \text{ sf} (3 \text{ units}) = 23,106 \text{ sf} / 1,500 \text{ sf/additional unit} = 15 \text{ additional units}$; 3 units + 15 units = 18 units. The proposal calls for 18 units in the C-1 zone which does not exceed the maximum allowed.

- g. 18.25.040.G. There shall be no minimum yard requirements for housing developments in the C-1 zone. Senior citizens and/or adult disabled housing shall provide a minimum of 10 percent of the lot area in maintained landscaping. Family-oriented housing developments shall provide a minimum of 20 percent of the lot area in maintained landscaping. In addition, such developments shall provide a fenced playground which, in the view of the planning commission, is capable of serving the number of projected children.

FINDINGS: The layout includes an enclosed playground adjacent to Building #1, at the south end of the site. A dedicated pedestrian walkway will serve this area (see Sheet C3.0).

- C. As noted, the northern portion of the site contains steep slopes and is subject to provisions in Chapter 18.80 – Hillside Overlay Zone (HOZ). Compliance with the applicable provisions is reviewed in the following subsections. For the record, the slopes only impact the R-1 zoned portion of the site.

1. Section 18.80.010 Purpose. The purpose of the hillside overlay zone. Provisions apply 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.

FINDINGS: Since the slope on the property's north side exceeds 20%. The proposed development is therefore subject to provisions in Chapter 18.80.

2. 18.80.020 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.

FINDINGS: Again, as portions of the subject site exceed 20% in slope, the overlay zone provisions apply.

3. 18.80.030 Development and uses permitted. Any use permitted outright or conditional use permitted in the underlying zone may be permitted within the boundaries of the hillside overlay zone.

FINDINGS: The applicant is seeking approval of a conditional use permit to construct the proposed multifamily development.

4. 18.80.040 Procedure. The requirements of the hillside overlay zone shall be met prior to the issuance of a building permit. The requirements of this section shall also be met in conjunction with any request for approval of a subdivision, or a major or minor partition, or planned unit development.

FINDINGS: These are administrative provisions that apply to the project, and if approved, the developer is required to comply with the requirements.

5. 18.80.050 Development and use criteria. Provisions in this section apply to the entire site and are reviewed below:

- a. 18.80.050.A. The city planner, at the direction of the city council, shall require the following reports be provided by an applicant who proposes to develop land within the hillside overlay zone. The cost of all reports shall be borne by the applicant.

1. Geologic Site Investigation.
2. Grading Plan. This plan shall include the following information:
3. Erosion Control Plan. This plan shall describe measures to be taken to stabilize slopes and minimize soil erosion during construction.

FINDINGS: A geotechnical report was been prepared by a licensed Professional Engineer (see Attachment C). As previously noted, the report finds the topography and soil composition can accommodate the proposed development. In addition, the engineer prepared a grading and erosion control plan submitted as sheet C8.0.

- b. 18.80.050.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.
2. Where a site investigation report concludes that an engineering solution will solve an indicated problem, the

building official shall require that the additional standards and requirements set forth in the geologic hazard report be a requirement of the building permit.

3. Where the proposed development includes grading, the site investigation report shall include conclusions and recommendations concerning grading procedures as well as conclusions and recommendations concerning the adequacy of sites and streets to be developed by the proposed grading.
4. The city planner may recommend to the city council/planning commission an independent review of the site report, particularly where the geologist or engineer has a financial interest in the property to be developed. The council/commission may require the preparation of such a report prior to issuance of a building permit. The cost of the independent review shall be borne by the property owner or developer.
5. The degree of protection from problems caused by geologic hazards required by this section is considered reasonable for regulatory purposes.

FINDINGS: The site grading has been designed to mitigate any potential hazards associated with the development, including addressing potential concerns related to the site's grading. The applicant acknowledged the City may require additional site-specific investigations as part of the building permit process and that the material may be reviewed by other professionals. For the record, these are administrative procedures related to the development.

- c. 18.80.050.C. The following requirements are applicable to activities undertaken in conjunction with a grading plan:
 1. Cuts.
 - a. The slope of cut surfaces shall be not steeper than is safe for intended use and shall be not steeper than two horizontal to one vertical unless the applicant submits a geologic site investigation report stating the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.
 - b. Cuts shall not remove the toe of any slope where a potential landslide or erosion hazard exists.
 2. Fills.
 - a. Fill slopes shall not be constructed on natural slopes steeper than two horizontals to one vertical.
 - b. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond

with the new fill and, where slopes are steeper than five to one and the height is greater than five feet, by benching into sound bedrock or other competent materials as determined by a soils engineer.

- c. Detrimental amounts of organic material shall not be permitted in structural fills. No rock or similar material greater than 12 inches in diameter shall be placed in a structural fill. The building official may permit placement of larger rock if a soils engineer designs a method of placement, continually inspects the placement and certifies the stability of the fill.
- d. Fills will be compacted to a minimum of 90 percent of maximum density as determined by Uniform Building Code Standard No. 70-1. An engineer shall certify all structural fill as meeting minimum bearing capacity for the intended use.

FINDINGS: The geotechnical report indicates the proposed grading is safe for the intended use. Further, the earthwork was designed to comply with these standards.

- d. 18.80.050.D. The following requirements are applicable to drainage facilities:
 - 1. All cut and fill slopes shall be provided with subsurface drainage as is necessary for stability.
 - 2. All roof and foundation drainage must be collected, controlled, and directed to either a city street, a storm drain or to a natural drainageway if it is acceptable to the public works director.
 - 3. Other alternative methods of storm water disposal may be approved by the public works director.

FINDINGS: The on-site stormwater conveyance and drainage system was designed by a licensed professional to comply with City stormwater management standards.

- e. 18.80.050.E. Erosion Control Measures. The following standards are a minimum requirement for the purposes of minimizing soil erosion. The final program for soil stabilization may vary as site conditions and development programs warrant. These minimum guidelines are not intended to resolve all project soil erosion conditions. The applicant is responsible for containing all soil on the project site.
 - 1. Prior to approval of building permit, only the removal of existing vegetation may be carried out for surveying or planning of structures. Cutting of deciduous trees over six inches in diameter and conifers over four inches at a height of

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

FINDINGS: These are management requirements related to the development of site, and if approved, the developer must comply with these provisions.

- f. 18.80.050.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.

FINDINGS: At 3.62 acres, the site exceeds the minimum area requirement.

- g. 18.80.050G. Maximum Lot Coverage. The total amount of the lot on which structures and other impervious surfaces may be constructed shall not exceed 40 percent.

FINDINGS: The site is 3.62 acres, of which 1.45 acres are proposed to be impervious surface. This works out to 40% of impervious surface $((1.45/3.62) \times 100 = 40\%)$, thereby not exceeding the 40% maximum allowed per GMC 18.80.050.G.

- h. 18.80.050.H. Yard Requirements. The minimum yard requirement for the yard abutting a street or vehicular access way is five feet. Where this standard is used, the minimum rear yard, or yard opposite the yard abutting the street or vehicular access way, shall be 30 feet. The minimum side yard shall be 10 feet.

FINDINGS: The front yard abutting East Garibaldi Avenue is over 80-feet in depth, thereby exceeding the requirement. Based on the submitted site plan and information, the buildings meet or exceed the identified minimum setback requirements.

- i. 18.80.050.I. Building Height. Within the hillside overlay zone, building heights of structures other than accessory buildings shall be as follows:
 - 1. Structures which are located below or downslope from the street, road, or vehicular access way shall have a maximum height of 16 feet above the centerline of the adjacent street, road or access way.
 - 2. Structures other than those described in subsection (I)(1) of this section shall adhere to the height requirements of the underlying zone.
 - 3. Upon completion of construction of structures 16 feet or higher, the applicant shall submit to the city's planner an elevation certificate affirming the height standard.

FINDINGS: The structures are not proposed to be located below or downslope from the street. As previously noted, the structures comply with the height limitations in their respective zones.

- j. 18.80.050.J. Uncovered vehicle access structures such as bridges may be located in the front yard setback.

FINDINGS: The development does not include uncovered vehicle access structure.

- D. Chapter 18.110 addresses specific multifamily or apartment siting criteria. Section 18.110.010 notes that in any zone where a multifamily dwelling, condominium or apartment structure is proposed, the Planning Commission shall review the plans under the following criteria:

- 1. 18.110.010.A. The placement of the structure takes advantage of natural features such as streams, shorelines, or hillsides. Existing trees are retained whenever feasible.

FINDINGS: The existing vegetation will be retained and incorporated into the site design wherever feasible.

- 2. 18.110.010.B. Ingress and egress points shall be located so as to minimize impact on any adjacent residential uses. In the downtown area, access shall be limited wherever possible to side streets, rather than Garibaldi Avenue.

FINDINGS: There is a single point of ingress/egress from East Garibaldi Avenue; adjacent residential streets will not be used.

- 3. 18.110.010.C. Parking areas are located to minimize impact on any adjacent residential uses. Parking areas that provide for eight or more vehicles shall be screened from adjacent residential uses by means of a

fence or sight-obscuring hedge.

FINDINGS: The parking area is located interior to the site and is separated from the adjacent residential developments to the east by Building #3 and Building #5. Additionally, there will be sight-obscuring privacy fences installed along the perimeter will provide additional screening, especially to reduce vehicle headlight glare.

4. 18.110.010.D. In the R-1 zone, a minimum of 25 percent of the lot area shall be devoted to natural open space or landscaping. In the C-1 zone, a minimum of 20 percent of the lot area shall be devoted to natural open space or landscaping for family-oriented developments, and 10 percent of the lot area shall be devoted to natural open space or landscaping for senior citizen/adult handicapped housing. A fenced playground shall be provided for all family-oriented developments.

FINDINGS: The property's R-1 zoned portion contains approximately 124,581 square feet of area while the C-1 portion contains approximately 33,106 square feet. The site consists of 40% impervious surface with the remaining 60% in natural open space, recreation area, or landscaping. This area exceeds the minimum standards.

5. 18.110.010.E. Where the proposed structure is located in a residential zone or abuts a residential zone, the following setbacks shall be met:

- E.1. Front yard: one-story structure, 10 feet; two-story structure, 15 feet;

FINDINGS: Front yard is defined as 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. The residentially-zoned portion of the subject site does not abut the front lot line or the street. The front yard standard established in GMC 18.110.010.E.1 only applies to residential zones or structures that abut residential zones. The front of the lot is commercially-zoned, and where it abuts a residential zone is interior to the site where the R-1 and C-1 zone meet. As such, this standard does not apply.

- E.2. Rear yard: one-story structure, 10 feet; two-story structure, 15 feet;

FINDINGS: The structure closest to the rear property line within the R-1 zone is the enclosed recreation area which is over 200-feet from the rear property line. This standard is satisfied.

- E.3. Side yard: one-story structure, five feet; two-story structure, 10 feet.

FINDINGS: The structure closest to either of the two side property lines within the R-1 zone is 10'-0" feet from the property line. This standard is satisfied.

6. 18.110.010.F. In the downtown core area, multifamily or apartment complexes shall include a commercial use with frontage on U.S. 101.

FINDINGS: The subject site is not located within the downtown core area; this standard does not apply.

7. 18.110.010.G. Vegetation that attains a mature height of six feet may be required in order to screen the development from adjacent dwellings.

FINDINGS: The applicant will install a sight-obscuring fence. The Commission has the option of requiring additional screening.

- E. Chapter 18.125 contains the automobile parking standards. The purpose of this chapter (18.125.010) is to provide basic and flexible standards for the development of vehicle and bicycle parking. Each applicable subsection is reviewed below:

1. 18.125.020 Applicability. All development subject to review including development of parking facilities, shall comply with the provisions of this chapter.

FINDINGS: The proposed development includes the construction of a 95-stall parking area. Therefore, the development standards established in GMC 18.125 apply.

2. 18.125.030 Vehicle parking - Minimum standards by use. Table 18.125.030, establishes the Minimum Required Parking by Use. For multi-family projects the standards are: 1 space per studio or 1-bedroom unit; 1.5 spaces/unit per 2-bedroom unit; and, 2 spaces/ per 3-bedroom or larger unit

FINDINGS: The proposed project contains 24 studio units, 37 one-bedroom units, and 5 two-bedroom units. Per the parking requirements in Table 18.125.030, a total of 69 spaces are required. The site plan (sheet C3.0) includes 95 parking spaces which exceeds the minimum requirement.

3. Section 18.125.040 identifies minimum accessible parking requirements. The applicable subsections are reviewed, below:
 - a. 18.125.040 A. Accessible parking shall be provided for all uses in accordance with the standards in Table 18.125.030; parking spaces used to meet the standards in Table 18.125.040, Minimum Number of Accessible Parking Spaces, shall be counted toward meeting off-

street parking requirements in Table 18.125.030;

FINDINGS: The site contains 95 parking stalls. Per Table 18.125.040, a total of four ADA-compliant parking stalls are required. Three of these stalls need to be accessible stalls with access aisles, and one needs to be a van accessible stall. As shown on the attached site plan (sheet C3.0), the applicant is proposing to install a total of 11 ADA-compliant parking stalls. Of these 11 stalls, five are van accessible.

- b. 18.125.040 B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

FINDINGS: ADA-compliant parking stalls will be located at each building (sheet C3.0). All but one of the ADA-compliant stalls are proposed in pairs of two that are served by a dedicated pathway from the parking stalls to the building entrance.

- c. 18.125.040 C. Accessible spaces shall be grouped in pairs where possible;

FINDINGS: All of the accessible spaces are proposed to be clustered around the site in groups of two stalls. The one exception is the accessible stall serving the recreation area at the north end.

- d. 18.125.040 D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;

FINDINGS: The site does not include covered parking.

- e. 18.125.040 E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

FINDINGS: Appropriate signs and markings, conforming with these standards, will be placed at each accessible parking space. This will be reviewed when building plans are submitted.

- 4. 18.125.050 establishes standards for on-street parking. For the record, there is no on-street parking proposed.

5. 18.125.060 Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap.

FINDINGS: The project does not include shared parking as there is only a single use on site.

6. 18.125.070 Off-site parking. Except for single-family dwellings, the vehicle parking spaces required by this section may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the city has approved the off-site parking through land use review.

FINDINGS: Off-site parking is not proposed or necessary.

7. 18.125.080 General parking standards. General standards are reviewed in the following sections:

- a. 18.125.080.A. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area.

FINDINGS: All parking will be located on site and not use the adjacent right-of-way. The parking area has been designed by a licensed Professional Engineer to satisfy the applicable provisions of the code established in the Garibaldi Municipal Code.

- b. 18.125.080.B. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day).

FINDINGS: Mixed use provisions do not apply as the project involves a single use.

- c. 18.125.080.C. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees. Signs shall conform to the standards of Chapter 18.120 GMC.

FINDINGS: If approved, this is an option for the developer.

- d. 18.125.080.D. Lighting. Parking areas shall have lighting to provide at least two foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

FINDINGS: If approved, this is a development requirement.

- e. 18.125.080.E. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

FINDINGS: Single family homes are located to the east. A combination of buildings and privacy fence provide the necessary screening.

- 8. 18.125.090 Parking stall design and minimum dimensions. All off-street parking spaces are subject to the following:

- a. 18.125.090.A. Motor vehicle parking spaces shall measure eight feet, six inches wide by 18 feet long or by 16 feet long, with not more than a two-foot overhang when allowed;

FINDINGS: All of the proposed parking stalls are 90-degree stalls that measure 18'-0" long and 8'-6" wide.

- b. 18.125.090.B. All parallel motor vehicle parking spaces shall measure eight feet, six inches by 22 feet;

FINDINGS: There site does not include parallel parking spaces.

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

FINDINGS: As indicated on the submitted site plan, the layout complies with the stall dimensions and exceeds the aisle width requirements (see also sheet C4.0).

- d. 18.125.090.D. Parking areas shall conform to Americans with Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to federal ADA guidelines; and

FINDINGS: Parking for ADA standards was previously addressed and found to exceed minimum requirements.

- e. 18.125.090.E. Bicycle parking shall be on a two-foot by six-foot minimum concrete pad per bike, or within a garage or patio of residential use.

FINDINGS: The bicycle parking is to be installed underneath the staircases for each building on a concrete pad.

- 9. 18.125.120 Minimum required bicycle parking spaces. Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 18.125.120. Where two options are provided (e.g., two spaces, or one per eight bedrooms), the option resulting in more bicycle parking is used.

FINDINGS: The site consists of 66 units, thereby requiring 17 bicycle parking stalls per the standard established in Table 18.125.120. To comply with this requirement, the applicant is proposing to install bicycle parking under the stairs adjacent to the entrances for each building.

- 10. 18.125.140 Location and design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.

FINDINGS: All bicycle parking will be located adjacent to a building entrance, underneath the proposed stairwells. This provides security, cover, lighting, and accessibility from the unit entrances.

- 11. 18.125.150 Visibility and security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

FINDINGS: As noted, bicycle parking will be located adjacent to a building entrance.

- 12. 18.125.160 Options for storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

FINDINGS: The long-term bicycle parking will be provided via ground-mounted racks where bicycles can be securely attached,

13. 18.125.170 Lighting. For security, bicycle parking shall be at least as well-lit as vehicle parking.

FINDINGS: The bicycle parking will be illuminated via the building lighting at the building entrances.

14. 18.125.180 Reserved areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

FINDINGS: The area provided for bicycle parking is only intended to be used for bicycle parking. Appropriate signage can be installed.

15. 18.125.190 Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

FINDINGS: Bicycle parking spaces are located underneath stairwells in areas are not used for pedestrian circulation. This location does not create any hazards or impede pedestrians.

- F. Administrative provisions implementing provisions of Section 660-012-0045(2)(e) of the State Transportation Planning Rule are located in Chapter 18.210. The City must adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a traffic impact study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact study; and who is qualified to prepare the study. The relevant provisions are reviewed in the following sections.

1. Chapter 18.210.B. Typical Average Daily Trips. Standards by which to gauge average daily vehicle trips include: 10 trips per day per single-family household, five trips per day per apartment; and 30 trips per day per 1,000 square feet of gross floor area such as a new supermarket or other retail development.

FINDINGS: The traffic study (Attachment A) anticipates the project will generate 483 additional daily trips to the site.

2. Chapter 18.210.C. When Required. A traffic impact study may be required to be submitted to the city and ODOT with a land use application when the following conditions apply:

C.1. The development application involves one or more of the following

actions:

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

C2. As requested by the planning commission, acting on the recommendation of city staff.

FINDINGS: The project will generate more than 150 average daily trips; therefore, a traffic study is required (GMC 18.210.C.1.c.i.). The traffic study is included with the application at Attachment A.

3. Chapter 18.210.D. Traffic Impact Study Requirements.

D.1. Preparation. A traffic impact study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

FINDINGS: The traffic impact study has been prepared by a licensed Professional Engineer with DKS Associates.

D.2. Review of Plan and Land Use Regulation Amendments for Effect on Transportation Facilities. Where and when required, a traffic impact study shall review a proposed plan or land use regulation

amendment for its effect upon transportation facilities, pursuant to GMC 18.200.060.

FINDINGS: There is no change in the comprehensive plan designation or land use designation; this standard does not apply.

4. Chapter 18.210.E. Approval Criteria.

E.1. Criteria. When a traffic impact study is required, approval of the development proposal requires satisfaction of the following criteria:

- a. The traffic impact study was prepared by a professional engineer in accordance with OAR 734-051-180; and

FINDINGS: The traffic study was prepared by a licensed Professional Engineer with DKS Associates (Attachment A).

- b. If the proposed development shall cause one or more of the effects in subsection (C)(1)(c) of this section, or other traffic hazard or negative impact to a transportation facility, the traffic impact study shall include mitigation measures satisfactory to the city of Garibaldi, and ODOT when applicable; and

FINDINGS: The estimated 441 daily trips exceed the threshold established in subsection (C)(1)(c). The following mitigation measures were proposed in the traffic study.

- *“One existing driveway to the highway is proposed to be closed, improving the existing substandard spacing of driveways. This closure would bring the connection closer to conformity with access spacing standards as specified in OAR 734-051-3020 (8).”*
- *“Prior to occupancy, sight distance at the project driveway will need to be verified, documented, and stamped by a registered Civil or Traffic Engineer licensed in the State of Oregon.”*

The proposed development will close an existing driveway and utilize only one access for the site, and sight distances will be verified prior to occupancy. The recommendations have been included in the proposed development; this criterion is satisfied.

- c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

- i. Have the least negative impact on all applicable transportation

facilities; and

FINDINGS: The proposed ingress/egress does not interfere with existing residential streets or access points for existing residential development. As is demonstrated in the attached TIA, East Garibaldi Avenue has adequate capacity for the estimated trip generation from the proposed development.

- ii. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

FINDINGS: Site improvements include bicycle parking spaces, and attendant safe and secure storage, ultimately promoting the use of bicycles. Further, a pedestrian network connects parking areas, buildings, and recreation areas where practicable.

- iii. Make the most efficient use of land and public facilities as practicable; and

FINDINGS: The site has been designed to consolidate the circulation system and cluster the buildings to the front of the site in an effort to efficiently use the land within the constraints of the topography.

- iv. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

FINDINGS: As noted, a pedestrian network connects parking areas, buildings, and recreation areas where practicable.

- v. Comply with the performance standards as described in the TSP and/or the Oregon Highway Plan (whichever is applicable); and

FINDINGS: There are no changes proposed to the performance standards or functional classification East Garibaldi Avenue.

- vi. Otherwise comply with applicable requirements of this title and subdivision and land partitioning procedures.

FINDINGS: The on-site circulation complies with the applicable requirements GMC Chapter 18.125.

VII. RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff believes findings can be established indicating the Conditional Use is in compliance with the Development Code criteria. If approved by the Commission, staff recommends

placement of the following Conditions of Approval:

- A. The Conditional Use shall be limited to the proposed 66-unit complex as submitted and approved by the Planning Commission. The applicant is advised that any change in use, modification or other departure from the approval may require additional land use applications and approvals.
- B. Prior to development, the applicant shall:
 - 1. Participate in a pre-engineering conference with the applicable public and private facility providers for the purpose of coordinating facility improvements. This conference shall occur prior to submitting engineering drawings.
 - 2. Apply for and receive approval of an access permit from the Oregon Department of Transportation.
 - 3. Apply for and receive approval of a fill/removal permit from the Department of State Lands.
- C. The applicant shall submit an engineering plan for the entire development to the Garibaldi Public Works Department for review and approval. The plan shall include information concerning storm water, street frontage improvements, easements, sewer, water, fire hydrants and other information as necessary to indicate conformance with Garibaldi Public Works Standards, consistent with the development proposal and requirements contained in Condition of Approval "F."
- D. Once engineering plans are approved and a final site plan accepted, the developer shall then be permitted to apply for and receive a building permit. The building permit plans for the proposed buildings shall conform to the approved final site plan. Building permits may be submitted concurrent with engineering plans; however, building shall not proceed until such time engineering plans, including applicable Oregon Department of Transportation and Department of State Lands permits, are approved.
- E. Prior to obtaining an occupancy permit the applicant shall complete the following:
 - 1. The applicant shall extend or install sanitary sewer, water and storm drainage facilities to serve the entire development. The improvements shall comply with the approved engineering plans and the applicable requirements identified in item "F." of this Section.
 - 2. Landscaping, fencing, walkways and required screening shall be installed in compliance with the approved final site plan.
 - 3. All parking improvements, including paving, stripping, driveways and other requirements, shall be installed in compliance with the parking layout on the

- approved final site plan.
4. The applicant shall install a site obscuring fence conforming to the approved building and site plans.
- F. Public facility and street design, constructions and maintenance shall be subject to the following:
1. All public utility installations shall conform to the City's facilities master plans. No building permits will be issued until all public utilities, including sanitary sewer are available to serve the development. The applicant shall pay plan review, inspection, and permit fees as determined by the Public Works Director.
 2. All improvements shall comply with the standards and requirements of the Garibaldi Public Works Department. Adequate bonding, or other financial instrument acceptable to the City, shall be obtained to complete any street and facility improvements. The applicant shall be responsible for all costs associated with public facility improvements, including applicable system development charges.
 3. Building permits for the work on the buildings and construction permits for the site and utility work required shall not be issued until after the developer has received final approval of site and utility construction drawings, a Developer-City construction agreement has been executed, and a performance security satisfactory to the City has been submitted guaranteeing that all improvements will be completed in accordance with the approved drawings and City Standards within the specified time period. The site construction drawings shall include all required site and utility improvements, including (as applicable) street improvements/repairs, sidewalks, water, sanitary sewer, storm drainage, access driveways and on-site parking, grading and irrigation/landscaping plans for the development.
 4. Prior to final plan approval by the City, written approval of construction drawings must be received from ODOT for any work within the ODOT right-of-way or affecting ODOT roads or utility systems.
 5. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material. The applicant shall stripe the proposed parking spaces per State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
 6. A contaminated media management plan (CMMP) shall be completed for the project site and approved by DEQ prior to development at the site. The CMMP should be used during development to handle any potentially contaminated media encountered during development activities.
 7. Engineering plans shall provide sufficient information to comply with provisions in the Hillside Overlay Zone.
 8. All new utility lines for future development shall be placed underground.
 9. All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing.

- G. Unless otherwise modified by this decision, the project shall comply with applicable provisions of the Garibaldi Development Code, the Garibaldi Public Works design and construction standards, and other agency standards. Compliance with these Conditions of Approval shall be the responsibility of the applicant.

VIII. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
1. Approve the application, adopting the findings and conditions contained in the staff report;
 2. Approve the application, with modified findings and/or conditions; or
 3. Deny the application, specifying reasons why the applicant has not met the criteria.
- B. Staff will prepare an Order for the Chair's signature based on the Commission's decision.