

# STAFF REPORT

Date: 01/22/2018

Hearing Date: None

Case File # None

## Before the Planning Commission of Garibaldi, Oregon

### **A meeting to discuss considering changes to the Garibaldi Municipal Code regarding Multi-Family uses in Commercially and Waterfront Mixed-Use zoned land as recommended by City Council on January 16, 2018**

#### **A. REPORT OF FACTS:**

Developers in the City of Garibaldi have approached the city staff with regards to density restrictions associated with multifamily development in the city's Commercially zoned (C-1) lands. Within the C-1 zone there is a conditional use for multifamily developments (apartments). The density restrictions are calculated based on the size of the lot. The minimum lot size for a triplex is 10,000 square feet. The minimum lot size for multifamily dwellings (four dwelling units or more) is 10,000 square feet for the first three units and 1,500 square feet for each unit thereafter. Developers have stated that if they could put more units on a smaller piece of property they could keep the rental rates down, especially for one-bedroom units.

The Oregon Department of Land Conservation and Development (DLCD) brought it to staff's attention that the city needs to have an outright permitted use for multifamily housing in our zoning code. This has been addressed legislatively and in case law in the last few years in Oregon. DLCD suggested such an outright use be in the C-1 zone.

#### **B. EVALUATION OF THE REQUEST:**

Staff has reviewed the code relating to developer's inquiries and believes the code creates an economic impedance for affordable workforce housing in the city of Garibaldi. The city could make changes to the municipal code to allow increased density (more residential units per square foot of property). This could be done in the C-1 zone and the Waterfront Mixed-Use (WM) zone. Staff believes the code could have a limited outright use for multifamily housing that does not require a conditional use. Staff also believes the code could also have an increased density for multifamily housing that does require a conditional use.

#### **C. STAFF SUMMARY:**

After reviewing and evaluating our current municipal code standards, staff believes code changes could be made to facilitate development of affordable workforce housing by allowing increased

density multifamily or apartment dwellings as a conditional use in the C-1 and WM zones and by allowing multifamily or apartment dwellings to be permitted outright in the C-1 and WM zones under the current density/code requirements if the Planning Commission instructs staff to do so.

**D. CONCLUSION:**

Staff concludes that should the Planning Commission instruct staff to pursue code changes, staff will draft the code changes recommended by the commission and begin the legislative, notification and public hearings processes as recommended by DLCD that the city needs to have an outright permitted use for multifamily housing in our zoning code. Staff can also draft code modifications for higher density as a conditional use should the Planning Commission desire.

**E. STAFF RECOMMENDATION:**

Staff recommends the existing code language (attached) be reviewed and discussed during the Planning Commission meeting on January 22, 2018.

**F. CONDITIONS OF APPROVAL:**

1. Approval by the Department of Land Use and Conservation
2. Approval by the Planning Commission through the Public Hearing and Notification process
3. Approval by the City Council through the Public Hearing and Notification process.

## EXISTING CODE SECTION LANGUAGE (C-1, WM and MULTIFAMILY)

### Chapter 18.25

#### COMMERCIAL ZONE (C-1)

##### Sections:

18.25.010 Purpose.

18.25.020 Uses permitted outright.

18.25.030 Conditional uses permitted.

18.25.040 Standards.

18.25.010 Purpose.

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

18.25.020 Uses permitted outright.

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

A. Primary retail activities, such as shops or stores engaged in the sale of retail merchandise, except establishments selling automobiles, manufactured dwellings or other large merchandise.

B. Consumer services such as banks, barber and beauty shops, repair shops, printing shops, laundries.

C. Eating and drinking establishments with no more than incidental alcohol service, including those that provide outdoor seating.

D. Indoor amusement activities and bowling alleys.

E. Business, government and professional offices.

F. Residential uses may be permitted within the commercial zone only when approved as part of a mixed use development. Mixed use developments may include housing above nonresidential uses (e.g., apartment lofts above offices), or housing side-by-side with nonresidential uses. All mixed use developments shall comply with the following standards:

1. No more than 50 percent of the ground floor space on each lot or parcel may be used for housing. A greater percentage may be approved for housing as part of a master planned development when the master plan provides for development of more than one lot/parcel, and the overall percentage of ground floor space does not exceed 50 percent residential use for the entire site.

G. Motels, hotels and tourist housing.

H. Churches, libraries or community meeting halls.

I. Health facilities such as clinics, nursing homes.

J. Arts and crafts studios or galleries.

K. Bus depot.

L. Parks and publicly owned recreation areas.

M. Family daycare center and daycare center.

N. Single-family residences established prior to July 1, 1996, and in a dwelling unit or structure originally permitted and constructed for that use.

O. Accessory structures.

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

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

Q. Street or road construction as part of an approved subdivision or partition.

R. Car wash.

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

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

1. The special event is limited to no more than seven days per calendar year; and
2. The special event organizer obtains approval from the Oregon Liquor Control Commission to serve alcohol at the event and otherwise meets all lawful requirements for alcohol sales and consumption outdoors; and
3. The special event organizer obtains the written permission of the city manager authorizing the outdoor sale and consumption of alcohol at the event. [Ord. 321 §§ 3 – 7, 2014; Ord. 319 § 1, 2013; Ord. 290 § 3(3.030(1)), 2006.]

18.25.030 Conditional uses permitted.

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

- A. Service or fueling stations, car lots, lumber yards, manufactured dwellings dealerships, public or private parking facilities, boat dealers, farm equipment dealers, nurseries, and other uses where outdoor sales and storage are associated with the use.
- B. Cabinet or woodworking shops, plumbing, heating, electrical, paint or other contractor storage, repair or sales shops.
- C. Wholesale warehouse or distribution establishments.
- D. Tire retreading, welding or machine shops.
- E. Recreational vehicle parks.
- F. Mini-storage establishments.
- G. Duplex, triplex or multifamily dwellings, subject to GMC 18.110.010.
- H. Telecommunication facilities.
- I. Certain transportation facilities as defined in GMC 18.05.030, specifically:
  - 1. Transportation projects that are not designated improvements in the transportation system plan; and
  - 2. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
- J. Residential uses converted from commercial uses.
- K. Eating and drinking establishments with more than incidental alcohol service. [Ord. 321 §§ 8 – 10, 2014; Ord. 290 § 3(3.030(2)), 2006.]

18.25.040 Standards.

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

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

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

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

G. There shall be no minimum yard requirements for housing developments in the C-1 zone. Senior citizens and/or adult disabled housing shall provide a minimum of 10 percent of the lot area in maintained landscaping. Family-oriented housing developments shall provide a minimum of 20 percent of the lot area in maintained landscaping. In addition, such developments shall provide a fenced playground which, in the view of the planning commission, is capable of serving the number of projected children. [Ord. 321 §§ 11 – 14, 2014; Ord. 290 § 3(3.030(3)), 2006.]

## Chapter 18.40

### WATERFRONT MIXED-USE ZONE (WM)

#### Sections:

18.40.010 Purpose.

18.40.020 Uses permitted outright.

18.40.030 Conditional uses permitted.

18.40.040 Standards.

18.40.010 Purpose.

The WM zone is intended to provide a location for water-dependent, water-related and compatible non-water-related uses in a waterfront setting. Development may include a variety of mixed uses including residential uses when their location and design does not preclude or interfere with water-dependent uses on nearby and surrounding lands. The WM zone includes lands which are less suitable for water-dependent uses than those in the WD zone and which are not required to be protected for water-dependent uses. Such lands may include shoreland areas with limited or no access to navigable water or which adjoin estuarine areas unsuitable for development. [Ord. 319 § 16, 2013; Ord. 290 § 3(3.060), 2006.]

18.40.020 Uses permitted outright.

In the WM zone, the following uses are permitted, subject to the standards of GMC 18.40.040:

- A. Uses that provide support or backup for those uses permitted outright in a WD zone such as parking lots, boat and trailer storage areas, commercial fishing gear storage, accessory structures for port operations and maintenance.
- B. Shipping and port activity.
- C. Water-related industrial or commercial uses such as boat manufacture, repair, and sales, charter fishing office, tackle shop, marine equipment sales, seafood market.
- D. Non-water-related commercial uses such as retail sales establishment, professional office, personal services establishment, gift shop, art gallery.
- E. Restaurant, tavern, or other eating and drinking establishment.
- F. Commercial aquarium or water park.
- G. Public park or recreation area.
- H. Certain transportation facilities as defined in GMC 18.05.030, specifically:
  - 1. Normal operation and maintenance of transportation facilities;
  - 2. Installation of transportation improvements within the existing right-of-way;

3. Projects identified in the adopted transportation system plan not requiring future land use review and approval;

4. Landscaping as part of a transportation facility;

5. Emergency transportation facility measures;

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

I. Residential uses may be permitted within the WM zone when approved as part of a mixed-use development, multifamily development or planned unit development. Mixed-use developments may include housing above nonresidential uses (e.g., apartment lofts above offices), or housing side-by-side with nonresidential uses. All mixed-use developments shall comply with the following standards:

1. No more than 50 percent of the ground floor space on each lot or parcel may be used for housing. A greater percentage may be approved for housing as part of a master planned development when the master plan provides for development of more than one lot/parcel, and the overall percentage of ground floor space does not exceed 50 percent residential use for the entire site.

2. The maximum allowable density shall not exceed one dwelling for each 3,500 square feet of land area. [Ord. 319 § 16, 2013; Ord. 304 Art. IV(1), 2008; Ord. 290 § 3(3.060(1)), 2006.]

18.40.030 Conditional uses permitted.\*

In the WM zone, the following uses are permitted, subject to the provisions of Chapter 18.185 GMC and GMC 18.40.040:

A. Hotels or motels.

B. Multifamily developments.

C. Support activities and uses in conjunction with marine industry and/or water-related recreation, including but not limited to:

1. Recreation vehicle parking areas and campgrounds;

2. Parking lots;

3. Other accessory structures related to and in support of the operation of marine industrial and marine recreational uses.

D. Light industrial food or beverage processing use such as a bakery, brewery, distillery.

E. Indoor amusement such as bowling alley, movie theater, or other entertainment establishment.

F. Dredge material disposal.

G. Wetlands mitigation, restoration, creation or enhancement.

H. Public utility structures.

I. Planned unit developments in accordance with Chapter 18.205 GMC.



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

1. Transportation projects that are not designated improvements in the transportation system plan; and
2. Transportation projects that are not designed and constructed as part of an approved subdivision or partition. [Ord. 319 § 16, 2013; Ord. 290 § 3(3.060(2)), 2006.]

\* Code reviser’s note: At the request of the city, subsection K of this section, as adopted by Ordinance 319, has not been codified.

18.40.040 Standards.

In the WM 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 area for parking, loading, ingress and egress, and storage of materials. Residential density for multifamily, mixed-use or planned unit developments shall not exceed one dwelling unit for each 3,500 square feet of land area.

B. Yards and Setbacks. Industrial and commercial uses shall be set back a minimum of 10 feet from abutting nonindustrial and noncommercial 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 Chapter 18.160 GMC shall apply.

E. Building Height. Maximum building height 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.

F. 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” means a use or activity which can be carried out only on, in, or adjacent to a water area because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water;

2. “Water-related” means 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, 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). [Ord. 319 § 16, 2013; Ord. 290 § 3(3.060(3)), 2006.]

## **Chapter 18.110**

### **MULTIFAMILY OR APARTMENT SITING CRITERIA**

Sections:

18.110.010 Multifamily or apartment siting criteria.

18.110.010 Multifamily or apartment siting criteria.

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

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

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

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

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

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

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

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

G. Vegetation that attains a mature height of six feet may be required in order to screen the development from adjacent dwellings. [Ord. 290 § 3(4.042), 2006.]

**Table 18.125.030 – Minimum Required Parking by Use**

Use Categories	Minimum Parking per Land Use (fractions rounded down to the closest whole number)
<i>Residential Categories</i>	
<b>Household Living</b>	
Accessory Dwelling	None
Single-Family Dwelling	2 spaces
Duplex	3 spaces per duplex
Multifamily	1 space per studio or 1-bedroom unit
	1.5 spaces/unit per 2-bedroom unit
	2 spaces/unit per 3-bedroom or larger unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per 4 bedrooms
<b>Commercial Categories</b>	
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATMs)	No requirement.
Bed and Breakfast Inn	1 space per bedroom
Educational Services, not a school (e.g., tutoring or similar services)	2 spaces per 1,000 sq. ft. floor area
Entertainment, Major Event	Per CU review
Offices	2 spaces per 1,000 sq. ft. floor area
Outdoor Recreation, Commercial	Per CU review
Parking Lot (when not an accessory use)	Per CU review
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or per CU review
Retail Sales and Service (See also Drive-Up Uses)	Retail: 2 spaces per 1,000 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 space per 1,000 sq. ft.
	Restaurants and Bars: 8 spaces per 1,000 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 3 spaces per 1,000 sq. ft.
	Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 0.75 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
	Theaters and Cinemas: 1 space per 6 seats
Self-Service Storage	No standard
<i>Water Dependent Uses</i>	<i>None</i>

<i>Waterfront mixed-use commercial developments that are incidental/subordinate to a WD use</i>	<i>One-half the requirement for the incidental/subordinate use listed in this table</i>
<i>WD uses in WM zones; within 100 feet of an ED zone</i>	<i>No standard</i>
<b>Industrial Categories</b>	
Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area
Waste-Related	Per CU review
Wholesale Sales – fully enclosed – not enclosed	1 space per 1,000 sq. ft. Per CU review
<i>Water Dependent Uses</i>	<i>None</i>
<i>Waterfront mixed-use industrial developments that are incidental/subordinate to a WD use</i>	<i>One-half the requirement for the incidental/subordinate use listed in this table</i>
<i>WD uses in WM zones; within 100 feet of an ED zone</i>	<i>No standard</i>
<b>Institutional Categories</b>	
Basic Utilities	None
Colleges	Per CU review
Community Service	1 space per 200 sq. ft. of floor area
Daycare, adult or child daycare; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Parks and Open Space	Determined per CU review for active recreation areas, or no standard
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area; or per CU review, as applicable
Schools	Grade, elementary, middle, junior high schools: 1 space per classroom, or per CU review
	High schools: 7 spaces per classroom, or per CU review
<b>Other Categories</b>	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through land use review, conditional use permit review, or site design review
Agriculture – Animals	None, or per CU review
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale Sales, as applicable
Mining	Per CU review
Radio Frequency Transmission Facilities	None

Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed	None
Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City's Transportation System Plan])	None

[Ord. 319 § 20, 2013; Ord. 304 Art. IV(2), 2008; Ord. 290 § 3(4.060(3)(A)), 2006; *Ord. XXX § X(X.XXX(X)(X)), 2017.*]

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