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## STAFF REPORT

### **Before the Planning Commission of Garibaldi, Oregon**

Date: 04/16/2018

Hearing Date:  
04/30/2018

Case File # None

### **A meeting and Public Hearing to review and discuss City staff's drafted changes to the Garibaldi Municipal Code regarding Multi-Family uses in Commercially zoned lands**

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

City staff met with the Planning Commission on February 26, 2018 and discussed revisions to multifamily uses in the Commercial (C-1) zone. This included reviewing revisions for Garibaldi Municipal Code (GMC) Chapter 18.110; Multifamily or Apartment Siting Criteria, and GMC Chapter 18.25; Commercial Zone (C-1) to allow Multifamily uses as an outright permitted use in the C-1 zone under current GMC standards and Multifamily uses with increased density as a conditional use in the C-1 zone.

#### **B. EVALUATION OF THE DIRECTION AND SUGGESTION:**

Staff has reviewed the code relating to the direction given by the Planning Commission and has drafted modifications to the code to for the Planning Commission's review for allowing Multifamily increased density in the C-1 zone as a conditional use, to allow Multifamily use as an outright permitted use under the current GMC standards in the C-1 zone and providing a definition for Multifamily use.

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

After reviewing the GMC and evaluating the direction given by the Planning Commission, suggestion made by DLCDD and our current municipal code standards, staff has drafted code changes (attached) allowing increased density multifamily or apartment dwellings as a conditional use in the commercial (C-1) zone and allowing multifamily or apartment dwellings to be permitted outright in the C-1 zone under the current density requirements. The increased density will be

limited by existing parking requirements and with the exception of the revised requirement of 1.5 parking spaces per studio or one-bedroom unit for the conditional use process. Additionally, building setbacks have been modified to be five feet on the side and rear when such side is adjacent C-1 zoned land as indicated attached drafted code modifications. When adjacent to the R-1 zone a 1-story building would have a 10-foot for both rear and side yard setbacks and a 2-story building would have 15-foot setbacks adjacent to the R-1 zone for both rear and side yards. Additionally, changes have been made to playground requirements for Multifamily buildings consisting of all 1-bedroom units.

**D. CONCLUSION:**

Staff concludes that the GMC modifications attached are in line with the direction given city staff by the Planning Commission and as suggested by DLCD.

**E. STAFF RECOMMENDATION:**

Staff recommends the proposed changes made to the GMC as indicated in the attached draft code modifications be approved. *Note:* Deletions to existing text are indicated by ~~striketrough~~ and additions are noted by **highlighting**.

**Chapter 18.05**  
**INTRODUCTORY PROVISIONS**

Sections:

[18.05.030 – Definitions](#)

*The following definition has been requested as an addition to the Garibaldi Municipal Code, Title 18 – Zoning.*

**“Multifamily Housing:**

**(1) "Multifamily housing" means a structure or facility established primarily to provide housing that provides more than one living unit, and may also provide facilities that are functionally related and subordinate to the living units for use by the occupants in social, health, educational or recreational activities:**

**(A) For the elderly, including but not limited to individual living units within such structures, mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400 (Definitions for ORS 443.400 to 443.455) to 443.455 (Civil penalties) and other congregate care facilities with or without domiciliary care.**

**(B) For persons with disabilities, including, but not limited to, individual living units within such structures, mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400 (Definitions for ORS 443.400 to 443.455) to 443.455 (Civil penalties) and other congregate care facilities with or without domiciliary care.**

**(1.) ‘Elderly household’ means a household whose head is over the age of 55, residing in this state.**

**(2.) ‘Person with a disability’ means a person who has a physical or mental impairment that substantially limits one or more major life activities.**

**(2) "Multifamily housing" does not include nursing homes, hospitals, places primarily engaged in recreational activities and single-family, detached dwellings, except manufactured dwellings situated in a mobile home and manufactured dwelling park.**

## **Chapter 18.110 MULTIFAMILY OR APARTMENT SITING CRITERIA**

Sections:

Multifamily or apartment siting criteria **for outright permitted uses.**

**18.110.011 Multifamily or apartment siting criteria for conditional permitted uses.**

### **18.110.010 Multifamily or apartment siting criteria for outright permitted uses.**

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. A complex with all 1-bedroom units shall not be considered a family-oriented development.

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~~ 10 feet; two-story structure, ~~40~~ 15 feet.

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

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

#### **18.110.011 Multifamily or apartment siting criteria for conditional permitted uses.**

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 shall be screened from adjacent residential uses by means of a fence or sight-obscuring hedge as determined by the Planning Commission.

1. Multifamily housing development proposed as a conditional use under Section 18.25 of this Title shall provide no less than 1.5 parking spaces per single bedroom units, and 2 parking spaces per double or larger bedroom units.

D. In the C-1 zone, the percent of the lot area devoted to natural open space or landscaping for family-oriented developments and the lot devoted to natural open space or landscaping for senior citizen/adult handicapped housing shall be determined by the Planning Commission. The Planning Commission shall determine whether a fenced playground shall be provided and if so, the Planning Commission shall determine the required size.

E. Where the proposed structure 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, 10 feet; two-story structure, 15 feet.

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

G. The Planning Commission shall determine vegetation in order to screen the development from adjacent dwellings. [Ord. ??? § ?????, 20.]

## 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.**

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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, **multifamily/apartment complexes**, 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.**

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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.] **U.**

**Duplex, triplex or multifamily dwellings, subject to GMC 18.110.010.**

**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/~~apartment~~ dwellings, subject to GMC 18.110.010 18.110.011.
- 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 for outright permitted uses.**

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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.]

## **18.25.041 Standards for conditional permitted uses.**

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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 5 feet minimum or greater as may 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, except the Planning Commission may determine additional parking requirements.

F. The minimum lot size shall be determined by parking and setback requirements for the proposed multifamily/apartment complex.

G. The Planning Commission may make a determination on minimum yard, landscaping and fencing requirements for housing developments, senior citizens and/or adult disabled housing, family-oriented housing developments in the C-1 zone.

### **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 City Council

Submitted by:

Blake Lettenmaier

Garibaldi City Engineer/Project Manager/City Planner Pro-Tem

Revised by:

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