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PLANNING COMMISSION MEETING AND AGENDA

Tuesday, May 29, 2018 – 6:30 p.m.

Council Chambers, Garibaldi City Hall, 107 6th Street, Garibaldi OR, 97118

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES
 - A. Planning Commission Meeting Minutes – April 30, 2018.....14.
- III. PLANNER REPORT – (RESPONSE TO) QUESTIONS ARISING FROM TESTIMONY GIVEN DURING APRIL 30, 2018 PUBLIC HEARING.....2.
- IV. PUBLIC HEARING (CONTINUANCE) – MODIFYING GARIBALDI’S MUNICIPAL CODE – DENSITY BONUS IN COMMERCIAL ZONED PROPERTY – OUTRIGHT AND CONDITIONAL PERMITTED USES OF MULTIFAMILY/ APARTMENT COMPLEXES.....10.
- V. OLD BUSINESS
 - A. NONE
- VI. NEW BUSINESS
 - A. Proposed Text Amendments – City of Garibaldi
- VII. ADJOURNMENT

+ Supporting documents for this agenda are available at City Hall
+ This notice has been posted at City Hall, City Reader Board, Post Office and Library

PLANNING REPORT

Before the Planning Commission of Garibaldi, Oregon

The Planning Commission has been considering proposed text amendments to the City's current Zoning Code for the last five months. After several dialogues between City Administration and the Planning Commission, the item(s) of consideration:

- 1.) Multi-Family Housing as an **outright permitted use** in the C-1 (Commercial) Zone
- 2.) Multi Family Housing as a **conditional use** in the C-1 Zone with **increased density**

were placed before the Planning Commission through a public hearing at its regularly scheduled May meeting as a matter of legislative deliberation (a decision of legislative intent, or one that has the propensity to affect the majority of a jurisdiction as compared to an individual or small group of constituents).

While the merits of the amendments and the hearing should not be a matter of ongoing discussion with the City Council (the City Council acts as the final hearing board/body to a recommendation from the Planning Commission) until, and if that matter is brought before the City Council, there are several concerns/questions that were brought before the Planning Commission that the City Council should be apprised of.

- 1.) The validity of the jurisdiction of the Garibaldi Planning Commission to hear matters before the City regarding land use.

In the hearing a question was raised as to the jurisdictional authority of the Planning Commission to levy decisions on land use matters in the absence of a member or representative of the City Council. This is a matter that is governed through statutory, administrative, and home rule authority. In explaining the origins of the City's position on this question, there will be:

- 1.) Matters of Fact
- 2.) Professional Opinion
- 3.) Takeaway

offered in explaining the City's position on this.

- 1.) Statutory Authority

Matter of Fact:

Oregon Revised Statutes Chapter 197 is the guiding law of the State of Oregon regarding land use. Under this Chapter

197.160 State Citizen Involvement Advisory Committee; city and county citizen advisory committees. (1) To assure widespread citizen involvement in all phases of the planning process:

(b) Each city and county governing body shall submit to the commission, on a periodic basis established by commission rule, a program for citizen involvement in preparing, adopting and amending comprehensive plans and land use regulations within the respective city and county. **Such program shall at least contain provision for a citizen advisory committee or committees broadly representative of geographic areas and of interests relating**

to land uses and land use decisions.

Professional Opinion:

ORS 197 does not require independent jurisdictions (i.e. Cities, County's) to form and maintain a "Planning Commission" in name or title, but does require the creation of a Citizen Advisory Committee that is related to land use and land use decisions. It should be noted that a "Citizen Advisory Committee" is being referred to as a matter of guidance, not as a matter of title or formal organization. In essence, the City of Garibaldi's Planning Commission is the City's Citizen Advisory Committee for land use and land use decisions, and thus we have established the initial legitimacy of the Planning Commissions jurisdictional authority.

Takeaway:

ORS 197 requires the City to have a Citizen Committee for land use decisions. The City has created and maintains this through its Planning Commission. ORS 197 does not require this Committee to be staffed, attended, or participated in or by the governing body. This clearly displays the Garibaldi Planning Commissions jurisdiction for matters and decisions of land use within the City, without requisite involvement by the governing body (City Council).

2.) Administrative Authority

Matter of Fact:

The Department of Land Use Conservation and Development (DLCD) is the State of Oregon's administrative department charged with the creation, employment, and application of the State's land use laws, and program.

DLCD requires that every independent jurisdiction that has land use authority comply with its nineteen Statewide Planning Goals. These are the administrative rules as derived from statute that give the City of Garibaldi clear and objective language of what must be met through its land use program for compliance with the state, holding in part:

Goal 1. (Citizen Involvement)"

"Citizen Involvement – To provide for widespread citizen involvement.

The Citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include **an officially recognized committee** for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land use decisions. Committee members shall be selected by an open, well-publicized process.

The committee for citizen involvement shall be responsible for **assisting the governing body** with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body (City Council) wishes to assume the responsibility for development as well as adoption and implementation of the citizen involvement program or to **assign such responsibilities to a planning commission**, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review, and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement programs. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized process."

Professional Opinion:

The City of Garibaldi and its governing body (Garibaldi City Council) have met the requirements of Goal 1. of the Statewide Planning Goals with the creation of an officially recognized committee for citizen involvement. The governing body has elected to assign the responsibility to a planning commission, and nowhere within Goal 1. is it stated that the governing body is then required, or expected to assist in the administration and application of the citizen involvement program once this has taken place.

Takeaway:

The governing body of the City of Garibaldi (City Council) has elected to adhere to Goal 1. of the Oregon Statewide Planning Goals by creating an officially recognized committee for citizen involvement (CCI) – (Garibaldi Planning Commission). This is broadly representative of the geographic areas and interests related to land use and land use decisions (the jurisdictional boundaries of Garibaldi – within which members may reside in any location, and within which there may be one voting member who does not reside, but must be a property owner within City limits).

Committee members shall be selected by an open, well-publicized process (the City does this by advertising for open positions in no less than four (4) locations when there are vacancies). The committee for citizen involvement shall be responsible for assisting the governing body, (which it does, and takes responsibility for the duties as assigned by the governing body. This has been exercised through the governing body's right to allot such responsibilities to a Planning Commission).

3.) Ordinance Authority

Matter of Fact:

Garibaldi City Code Chapter 2.20 Planning Commission

Section 2.20.010: "A **planning commission for the city of Garibaldi, Oregon, is hereby created** and is hereafter referred to as "the commission." The commission shall consist of five members who shall be known as "commissioners" and **who shall be appointed by and serve at the pleasure of the city council...."**

Section 2.20.050: "The city council shall select one commissioner to serve as chairman of the commission and the chairman shall hold office during the pleasure of the city council. **The city recorder shall serve as the secretary to the commission unless otherwise appointed by the council. The secretary shall keep an accurate record of all commission proceedings, and include a copy of the commission's draft minutes in the city council's regular**

meeting packets unless otherwise instructed by counsel.”

Garibaldi City Code Chapter 2.05 City Council

Section 2.05.050:

- A. Code of Ethics – “Councilors shall conduct themselves so as to bring credit upon the city as a whole, and to set an example of good ethical conduct for all citizens of the community. **Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the city as a whole. Councilors should likewise do everything in their power to ensure the impartial application of the law to all citizens, and equal treatment of each citizen before the law,** without regard to race, national origin, gender, social situation or economic position.”

Garibaldi City Code Chapter 18.210 Administrative Provisions

Section 18.210.010 Application information and procedures

A. Public hearings conducted under this title shall follow the procedures and requirements of this section.

B .Procedural Entitlements. The following procedural entitlements shall be provided at the public hearings:

1. An impartial review as free from potential conflicts of interest and prehearing ex- parte contact as is reasonably possible:

a. No member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

i. Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member’s spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

ii. The member owns property within the area entitled to receive notice of the public hearing.

iii. The member has a direct private interest in the proposal.

iv. For any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

b. Disqualifications due to a conflict of interest or personal bias may be ordered by a majority of the members present. The person who is the subject of the motion may not vote on the motions.

c. Hearing body members shall reveal any prehearing or ex parte contacts with regard to any matter at the commencement of the first public hearing following the prehearing or ex parte contact where action will be considered or taken on the matter. If such contacts have not impaired the member’s impartiality or ability to vote on the matter, the member shall so state and shall participate in the public hearing. If the member determines that such contact has affected his impartiality or ability to vote on the matter, the member shall remove himself from the

deliberations. **Disqualifications due to ex parte contact may be ordered by a majority of the members present. The person who is the subject of the motion may not vote on the motion.**

d. **A party to a hearing may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner.** The hearing body shall deliberate and vote on such a challenge. The person who is the subject of the challenge may not vote on the motion.

Professional Opinion:

The Garibaldi City Code, and associated/supporting Ordinances as allowed under the Garibaldi City Charter are a product of "Oregon Home Rule". As stated by the League of Oregon Cities:

"Oregon was one of the first states to become a home rule state. In 1906 the voters of Oregon adopted a constitutional amendment giving the voters in every community the authority to establish a home rule city by adopting a home rule charter. In doing so, the voters of the community are vesting all possible legal authority into its city government, which is commonly governed by an elected mayor and city council. Today, the voters in all 242 cities in Oregon have adopted home rule charters. A city charter operates much like the state constitution in setting out the system of government for that particular community. The charter sets out the form of the city government and will ordinarily apportion authorities to various officials. Once adopted, a home rule charter vests in that city the authority to do all things necessary to address matters of local concern without legislative authorization".

In furtherance, the Oregon Constitution states under Article XI, Section 2., in part:

"Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. **The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon...**"

This home rule authority allows the City of Garibaldi to be an incorporated entity with the powers vested within it to enact, and amend, and or repeal its charter which in turn gives the City the power to legislate itself within the limitations as put forth by the Oregon Constitution.

Takeaway:

As a matter of legitimacy, the City of Garibaldi is recognized as a sovereign governmental entity, with all the privileges and responsibilities of self governance, so long as they do not conflict with the state and subsequent federal Constitutions. Under this "Home Rule" authority, the City has drafted a charter, ordinances, and corresponding code which speak to the duties of, and responsibilities during:

1.) Planning Commission

- 2.) City Council
- 3.) Public Hearings

These duties as outlined in Ordinance and Code, do not prohibit nor endorse the presence of a member of the City Council within Planning Commission meetings or hearings to establish its legitimacy on matters thereof. They do state the following though:

- 1.) It is the responsibility of the city recorder to act as the secretary to the Planning Commission, and in turn to keep an accurate record of all proceedings to be reported to the City Council. This is the initial display of the intent to keep the City Council as an independent body from participation in Planning Commission Business
- 2.) The City Council must follow a code of ethics in which they must refrain from any actions that benefit an individual or special interest group, keeping in mind that the power vested in a Council seat are intended to serve the City “as a whole”. This is followed by direction for Council members to employ all efforts in preserving impartiality to all citizens in the application of the law. This is a secondary display of intent to keep all matters before and of the Council as unmolested by outside influence. As in the matter of a Public Hearing before the Planning Commission, any attendance by a member of the City Council could be considered a compromise of this impartiality.
- 3.) A public hearing should be as removed from any outside influence, conflict of interest, or pre-hearing discussion as possible. This includes final Council approval and appellate hearings in which the City Council is charged with reviewing Planning Commission decisions as an independent hearing body. This is the third indication of the appropriateness of maintaining independence between the Planning Commission and the City Council in matters of public decision under public hearings.

Synopsis:

Under State Statute, and Administrative Rules, the City of Garibaldi must provide a Citizen Involvement body for the implementation, and application of state land use laws and compliance thereto. The City of Garibaldi has complied with this mandate by exercising its right to vest these powers in a City Planning Commission.

The state laws do not dictate form or procedure as to the involvement of the Garibaldi City Council in matters concerning the Planning Commission. These decisions are left to the Home Rule Authority granted to the City of Garibaldi under the State Constitution. Under this authority, the City has drafted ordinances and code to dictate powers given both to the Planning Commission and City Council.

As in the spirit of the Federal and State Constitutions (as living documents), specificity within Garibaldi Municipal Code has been omitted where not appropriate or needed. This is done so that a governmental entity can adjust and grow with changes and challenges that cannot be anticipated at the inception of incorporation. This is not to be taken as acceptance or tolerance to practices that are not in keeping with best practices and the spirit of founding documents that inform our self-governance and home rule. To the contrary, language is included in the City’s governing documents that show in the intent of impartiality, equal opportunity, and due process. This should be viewed as the rule and not an exception thereof, and should also inform continued practices.

As such, the jurisdictional authority and legitimacy of the Planning Commission to operate

independent of City Council attendance/presence is not only consistent with overarching law, but is in keeping with best practices as stated by local, state, and Federal guidance. To do otherwise could invite increased appellate activity beyond the City's jurisdiction and potential litigation.

2.) The requirement by DLCD for the City to Comply with its request for:

During the May Planning Commission Hearing it was asked of City Staff where and how it was being required by DLCD to include amended language in its Zoning Code that permits, outright, Multi-Family Housing. It was stated by City Staff that it was responding to suggested requests from DLCD to include this as an outright permitted use. Please find below, information taken from DLCD that displays the agency's intent with respect to this matter.

a. Outright Permitted Use – Multi- Family Housing

The Oregon Department of Land Use and Conservation compels all jurisdictions within the state (holding land use authority) to comply with its statement of Statewide Land Use Planning Goals. Under Goal 10 "Housing" OAR 660-015-0000(10) the state asks that all jurisdictions (in part):

"To provide for the housing needs of the citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households **and allow for flexibility of housing location, type and density.**"

In addition to this, there is further. language under Goal 10 that states:

"Guidelines

A. Planning

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include:

(4) allowances for a variety of densities and types of residences in each community

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels. "

These statements taken from the Oregon Administrative Rules as derived under Goal 10 display the stated intent of DLCD to provide for all housing types, and to meet all income levels within applicable jurisdictions. DLCD has indicated, informally to the City of Garibaldi that it should come into compliance with these requests by providing the following:

1.) Outright permitted Multi Family Housing (in any zone)

The City did include amendment language that offered increased density for multi-family housing



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as a conditional use, but this was, and is, not part of the requirement by DLCD. As of current, DLCD has not requested this as a matter of compliance to the City of Garibaldi, but it could at a future date and time.



PLANNING COMMISSION MEETING AGENDA NOTES

Tuesday, May 29, 2018 – 6:30 p.m.

Council Chambers, Garibaldi City Hall
107 6th Street, Garibaldi OR, 97118

Within this packet you'll find the Aprils meeting minutes to be approved, and a Staff Report on modifying the Garibaldi Municipal Code (GMC) in the Commercial (C-1) zone. Here's what's in the packet:

- Regular Planning Commission Meeting Minutes – April 30, 2018..... 14-19
- City Staff Report of GMC Change (Density Bonus in the C-1 Zone)20- 31

I. CALL TO ORDER

Commission Chair Joe Wrabek should call the meeting to order. Please note time for the record.

- II. **Approval of the Regular Planning Commission Meeting Minutes from April 30, 2018:** I would suggest a MOTION to approve the minutes with a second to the motion and asking all in favor...opposed?

- III. **PUBLIC HEARING (CONTINUANCE) OF DENSITY BONUS IN COMMERCIAL ZONED PROPERTY – OUTRIGHT AND CONDITIONALLY PERMITTED USES OF MULTIFAMILY/APARTMENT COMPLEXES:** The chair should start by opening the public hearing and saying following: *"This is a quasi-legislative **continuance of the public hearing of the Garibaldi Planning Commission originally opened on April 30, 2018, to consider text amendments to the Garibaldi City Ordinances/Zoning Code for the inclusion of language that proposes new standards for density in the Commercial Zone with standards for outright and conditionally permitted uses of multifamily/apartment complexes.**"*

- IV. *"A copy of the staff report describing the proposed use has been available to the public since April 17, 2018, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight **was originally provided to the public through publication in the Headlight Herald on March 28, 2017, through a mass mailing to all p.o. box holders within Garibaldi, and to all recorded property owners who reside outside of Garibaldi, and through public posting at various locations in town in conformance with the City's municipal code. Notice of this continuance was publicly posted at various locations throughout town prior to this meeting.**"*

- V. *"This **continuance of hearing is an opportunity for the public to comment on the proposed text amendments. I would like to ask those present if there is any objection to the jurisdiction of this commission or any of its members? This question is specific to the authority of the Garibaldi City Planning Commission in approving or denying the proposed text amendments.**" Wait to see if there is a response. If there is, advise the person making the response that they have to address the question that was just asked. If they get off topic, cut*

them off, and ask the question again. There can't be any confusion about what the issue is, so just make sure that any public present understands what you're asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn't a legitimate objection to the jurisdiction of the commission.

- VI. *"Hearing no objections to the jurisdiction of this commission, I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight." There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is definitely the time to ask. If any member of the commission has a conflict of interest or bias with the proposed adoption they should state it at this juncture. You don't need to recuse yourself for conversations about the application, but you should mention them before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the commission will be able to make a decision tonight.*
- VII. *"At this time I'll have the Assistant City Manager, who is functioning as the planner pro-tem for this application, summarize the staff report and relay any correspondence or inquiry received to date." I'll go through the report, note the effect of the proposed text amendments, and make any other comments on the application relevant to the commission's decision tonight. If there are any questions please ask so we can get them out of the way during the hearing. Once we're done the Chair should ask if there are any other questions of the commission before proceeding.*
- VIII. *"The decision that will be made tonight is whether or not the Planning Commission will approve of the proposed text amendments before them this evening. The decision to approve or deny the proposal will be adopted through a final order that staff will prepare after the meeting tonight. It is of note that this decision is not final and binding as a matter of Ordinance/Zoning Code until the City Council accepts and approves the Planning Commission's recommendation (if appropriate), the City files a Post Acknowledgement Plan Amendment (PAPA) with the Oregon Department of Land Conservation and Development, and that PAPA is approved. Any appeal to the decision made here tonight must be submitted to the City Manager within ten days of the date that the final order is signed. Once staff has prepared the final order and I have signed it, the applicant (The City of Garibaldi) will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?" You may get a few questions at this point. You can let me answer any of these questions.*
- IX. **PUBLIC COMMENT** - *"The Planning Commission will now call for public testimony. If there are any comments on the proposed text amendments, please keep those comments brief and to the point. If there is an objection to the proposed text amendments, the objection needs to address relevant facts or information from the City's municipal code, the City's comprehensive plan, the Planner's staff report or relevant State law. Any material produced in relation to, support or opposition to, the proposed text amendments must be submitted to the Recorder to be included in the record. Failure to address a pertinent criterion at this hearing will preclude*

an appeal based on that criterion. Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing. Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair, and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is." I'll hand the sign-in sheet to the chair and he can start going through the names. You'll want to take general comments first, proponents second and opponents last. The applicant (City of Garibaldi administrative staff) gets three minutes to respond to each opponent. If the City gives new information during its rebuttal, the opponent that is addressed gets an additional three minutes to respond. Once someone starts talking you'll want to make sure they don't get interrupted. If a person has a specific objection to the proposed amendments, they need to make that objection at this time.

- X. *"Are there any questions from the commission about comments received at this time?" This gives the commissioners a chance to clarify anything they've heard. Since we are still in the public hearing I would suggest that the commission stay on topic with what has been said during the public comment.*
- XI. *"Is there a request to keep the record open?" If such a request is made, the commission needs to leave the record open for at least seven days. If this happens, the chair should set a date to reconvene and the hearing will be concluded at that time. There are no special noticing requirements for reconvening. Once this is done the commission chair can close the public hearing. Please state the time for the record. I would also suggest that the Chair re-arrange the agenda and move to New Business to address this application before any other business.*
- XII. **OLD BUSINESS: NONE**
- XIII. **NEW BUSINESS:**
- XIV. **A. Proposed Text Amendments – City of Garibaldi:** Assuming that someone has not asked to keep the record open, the commission can deliberate on this request. The proper way to do this is for a commissioner to make a motion first, get a second, and then discuss the decision. You can also discuss the application before there is a motion, but the chair should make sure to ask if there is any more discussion after the second on the motion. I would recommend that the chair mention to those present that commission deliberation is closed to public comment. That does not mean that a commission member can't ask a question of the applicant (City of Garibaldi), an opponent or proponent, or staff. If a member does wish to question someone other than a commission member I would suggest that member announce to the chair they have a question for a specific person.
- XV. If a member wishes to make a motion approving the application, I would suggest a **MOTION to approve text amendments to the Garibaldi City Ordinances/Zoning Code for the inclusion of language that proposes new standards for density in the Commercial Zone with standards for outright and conditionally permitted uses of multifamily/apartment complexes described in the recommendation section of Planner's staff report, and direct staff to prepare a final order and authorize the Chair to sign that order.**



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XVI. ADJOURNMENT

No motion is necessary, simply adjourn and state the time for the record.

PLANNING COMMISSION PUBLIC HEARING AND REGULAR PLANNING COMMISSION MINUTES

Tuesday, April 30, 2018, 6:30 p.m.
Council Chambers, Garibaldi Meeting Hall

I. CALL TO ORDER

Planning Commission Chair Joe Wrabek called the public hearing and regular Planning Commission meeting to order and opened the Public Hearing to modifying Garibaldi's Municipal Code - density bonus in commercially zoned property - outright and conditional permitted uses of multifamily/ apartment complexes at 6:30 p.m. Present were Commissioners Wendy Brown, Jeff Walters, Christie Zerfing, City Manager John O'Leary, Administrative Assistant 2 Kylie Poklikuha

II. A. PUBLIC HEARING - MODIFYING GARIBALDI'S MUNICIPAL CODE - DENSITY BONUS IN COMMERCIAL ZONED PROPERTY - OUTRIGHT AND CONDITIONAL PERMITTED USES OF MULTIFAMILY/ APARTMENT COMPLEXES

Chair Wrabek read aloud the following statement: "This is a quasi-legislative hearing of the Garibaldi Planning Commission to consider text amendments to the Garibaldi City Ordinances/Zoning Code for the inclusion of language that proposes new standards for density in the Commercial Zone with standards for outright and conditionally permitted uses of multifamily/ apartment complexes.

"A copy of the staff report describing the proposed use has been available to the public since April 17, 2018, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through publication in the Headlight Herald on March 28, 2017, through a mass mailing to all P.O. box holders within Garibaldi, and to all recorded property owners who reside outside of Garibaldi, and through public posting at various locations in town in conformance with the City's municipal code.

This hearing is an opportunity for the public to comment on the proposed text amendments. I would like to ask those present if there is any objection to the jurisdiction of this commission or any of its members? This question is specific to the authority of the Garibaldi City Planning Commission in approving or denying the proposed text amendments."

(2:20) Objection to the jurisdiction of the planning commission noted. Due to no council member attending the planning hearing.

Helen Goodson, Bay City - Objection - Asked if there is a council member in the audience to report back to city council. Believes it to be a conflict of interest.

Becky Sage, 208 2nd Street - Objection - Thinks it is very important for the council to hear what the people of Garibaldi want.

C North, 503 E Garibaldi- Objection - Stated when she was on planning commission there was a liaison with the city council. Thinks it is very important for the council to hear what the people of Garibaldi want.

Tim Hall – Disappointed that there was not March or April council meeting. Council member at the Post Office told him she didn't know about the cancelation either, believes the Planning Commission should look into how the city announces the meetings.

Chair Wrabek read aloud the following statement: "I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight."

"At this time I'll have the City Manager, who is functioning as the planner pro tem for this application, summarize his staff report and relay any correspondence or inquiry received to date."

(10:30) Helen Wright Goodson, Bay City – Made general (non-pertinent) comment directed at City Manager O'Leary regarding his physical disposition.

O'Leary summarized the Planner's staff report and reviewed the multifamily housing citing criteria and city zoning code. There are several issues. The State is recommending that the city of Garibaldi have at least one zone that multifamily housing allowed as outright. The C-1 zone was decided by the Planning Commission at an earlier meeting. This amendment would do that and it would increase the density in the C-1 zone to allow for denser multifamily housing in the C-1 zone through conditional use. It does not affect the multifamily housing siting criteria in the R-1 zone or other zones, just in the C-1 zone. It does increase the parking requirement per the recommendations from the February Planning Commission meeting. A one-bedroom unit would increase from 1 parking space to 1.5 spaces and for a two or three bedroom unit apartment, parking would increase from 1.5 parking spaces to 2. The amendment creates setbacks for multifamily housing in the C-1 zone described in the Staff Report. It would affect conditional and outright uses for multifamily housing. The definition of multifamily housing was also included in the zoning code as requested at the February meeting as well.

O'Leary described the process the Planning Commission would be going through at the meeting. The Commission will take public testimony on the proposed amendments to the zoning code, make a recommendation to the city council to whether they should approve, or not adopt, the provisions or if they would like to make modification to the provisions, let city staff know what they would like council to consider. Council will have a public hearing in May to consider it (if necessary). They will adopt it by ordinance, if they do at all, and that will take effect 30 days after it passes in May.

O'Leary explained the typical reason for council member and planning commission members to not attend each other's meetings, noting those meeting are quasi-judicial (14:48) and the council is the appeals board for the planning board. If there is a quasi-judicial (15:28 Helen Wright Goodson interjected with the statement "My eye") hearing, the Council may be biased on appeal. If they attend the other meetings they would be reporting their interpretation of the meeting.

16.00 Helen Wright Goodson, Bay City – Made comment to City Manager O'Leary to "use his head".

Chair Wrabek read aloud the following statement: "The decision that will be made tonight is whether or not the Planning Commission will approve of the proposed text amendments before them this evening. The decision to approve or deny the proposal will be adopted through a final order that staff will prepare after the meeting tonight. It is of note that this decision is not final and binding as a matter of Ordinance/Zoning Code until the City Council reviews the planning commission

recommendation, and the City files a Post Acknowledgement Plan Amendment (PAPA) with the Oregon Department of Land Conservation and Development, and that PAPA is approved. Any appeal to the decision made here tonight must be submitted to the City Manager within ten days of the date that the final order is signed. Once staff has prepared the final order and I have signed it, the applicant (The City of Garibaldi) will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?"

Becky Sage, 208 2nd – Questioned the process and asked how the public would know when the final order is prepared.

O'Leary told her the final order should be ready by the following Monday and recommended she check in with City Hall. Once prepared you have 10 days to appeal it. He noted that this is just a planning recommendation to the council, it does not do anything. O'Leary will follow up with the jurisdiction of the Planning Commission.

Chair Wrabek then opened the floor to public testimony. Chair Wrabek read aloud the following statement: "The Planning Commission will now call for public testimony. If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, the objection needs to address relevant facts or information from the City's municipal code, the City's comprehensive plan, the Planner's staff report or relevant State law. Any material produced in relation to, support or opposition to the proposed use must be submitted to the Recorder to be included in the record. Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion. Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing. Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair, and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is."

Larry Watson, 903 Birch – No relevant criteria cited.

Has issue with increasing density which would lead to increased need for public services, and would like to know who will bear the expense. Believes more thought needs to be put into it.

Helen Wright Goodson, Bay City- No relevant criteria cited.

Stated that she does not actually live in Garibaldi but believes that developers backgrounds should be looked into, and continued by expressing that no one wants to look at apartments, nor does anyone want Garibaldi to look like Rockaway Beach. She stated that the council is screwed up, changes people every other month and doesn't have a full council at this point and time. She expressed her thoughts that they are not the right people to make the decision. Believes it is a waste of money and puts a strain on police, fire, water and sewer. (27.11). Ms. Wright Goodson stated she doesn't know anything about the City Manager, and did not know if he lived within the City, or if he owned a home within the City either. She concluded with general, non-pertinent testimony regarding the City Manager and his qualifications.

Becky Sage, 807 Birch –No relevant criteria cited.

As a homeowner and business owner is against it, strain on city resources. Believes a handful of people should not be able to make the decisions and it should go to vote.

Susan Newman, 810 Birch - No relevant criteria cited.

Moved here because it is a small town. Doesn't want it to be more crowded and though the focus should be on tourism, not on moving people here. Believes it should go to vote.

Linda Shattuck, 207 Birch - No relevant criteria cited.

Agrees with everyone else. Bothered by the density and the visibility of apartments is downtown. Believes Garibaldi has more apartments and low-income residents than any other city per capita. She stated that statistics will show that more people in a smaller area makes for trouble.

Stated city staff told someone she knows that rates would increase if the zone change does not pass, which is threatening. Thanked audience for attending the meeting.

Mike Rebsamen, 206 2nd Street - No relevant criteria cited. Unclear about density and outright use.

Chair Wrabek noted that previous apartments in the commercial zone required a conditional use, the state says it now must be a permitted outright somewhere. The city thought the commercial zone would be the best area. Discussion on setbacks, conditional use, apartment water and sewer rates and the capacity of the wastewater treatment plant.

O'Leary reviewed the staff report, focusing on the proposed standards and height requirements sections.

Tim Hall, 205 Cypress - No relevant criteria cited.

Believes that if the city manager or members of the commission is advocating for one development then it should be disclosed. It would change the appeal of a small community and does not want Garibaldi to become Tillamook. Wants to see communications from the state about the zone change, as it is public record.

O'Leary stated he has had discussions with a developer or two but they did not want to pursue the change in the zoning code. If the zone change does happen, it does not benefit just one developer, it would benefit anyone wanting to build multifamily housing in the C-1 zone. If a developer buys more property they could conceivably build more units.

O'Leary noted the state has advocated for one thing specifically, one zone that has multifamily housing allowed outright. O'Leary was informed by DLCD, Patrick Wingard with respect to this request. He noted that the State of Oregon cannot direct the City of Garibaldi to change the zoning code.

Shirley Peters, 203 6th Street - No relevant criteria cited.

Questioned fire truck accessibility for apartment buildings. Chair Wrabek noted that the Fire Chief signs off on all applications for that reason.

O'Leary noted that Garibaldi isn't a target and that statewide housing goals, Goal 10, says that in order to provide the widest range of housing options, the state wants to see outright use for multifamily housing and Garibaldi is inconsistent with the state's housing goals.

Diane Hamke, 101 Franklin Avenue- No relevant criteria cited.

Owns a vacation home in Garibaldi. Questions the need for more apartments. Stated she is worried

she will lose her view and have decreased property value if the commercial property in front of her home is purchased and apartments built.

Discussion on building in a tsunami zone.

SK Thomson, 302 2nd Street - No relevant criteria cited.

Worried that the increase in density would strain the school and require a school bond, which would be an added expense. He questioned where people would walk their dogs. He believes the City Manager should not be a spokesman for a developer.

Discussion on setbacks and parking requirements.

Carolee North, 503 E Garibaldi Avenue – No relevant criteria cited.

Questioned the parking and setback requirements. Believes the impact and criteria need to be defined before a hearing is made. Believes the Planning Commission is doing an awesome job.

Susan Newman, 810 Birch - No relevant criteria cited.

Stated she spent five years looking for their home with a view and was told the view doesn't matter though she pays more taxes for the view.

Bob Graham, 807 Acacia- No relevant criteria cited.

Stated his view property has been taken up by logs, and apartments would take up more of it. Recommended an apartment built in the City Hall parking lot.

Chair Wrabek asked if anyone would like to request the record be held open for at least seven days. Record was requested to be kept open until May 29, 2018.

III. NEW BUSINESS

A. Approval of minutes from the Regular Planning Commission Meeting Minutes from February 26, 2018.

Motion made by Cm Walters to approve the Regular Planning Commission Meeting Minutes from February 26, 2018: Seconded by Cm Zerfing. AYES: Brown, Wrabek, Walters, Zerfing. NAYS: None. Motion passed.

IV. ADJOURNMENT

Meeting adjourned by Chair Wrabek at 8:17p.m.



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Office: (503) 322-3327 | Fax: (503) 322-3737
City Engineer email: blake@ci.garibaldi.or.us

Joe Wrabek, Chair

ATTEST:

John O'Leary, City Manager



City Hall, PO Box 708, Garibaldi, OR 97118
Office: (503) 322-3327 | Fax: (503) 322-3737
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STAFF REPORT

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

**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**

Date: 04/16/2018

Hearing (continuance) Date: 05/29/2018

Case File # None

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 DLCD 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 ~~strike through~~ 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.

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.

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.

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.

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:



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City Engineer email: blake@ci.garibaldi.or.us

Blake Lettenmaier

Garibaldi City Engineer/Project Manager/Planner Pro Tem