

September 6, 2020

Tillamook County Department of Community Development
1510-B Third St.
Tillamook, Oregon 97141



Appeal Conditional Use Request of Kingfisher Apartments

Even though the applicant has done some modification of building height and parking spaces- the size and position on Sunset makes for additional congestion in an already densely populated area. This is a hazard zone that can not accommodate another possible 50 cars. That doesn't even count the fishermen. (8 cars on the property and 15 fishermen on river bank this week-end. Fishing season is just beginning and they will need parking, since the property won't be available. There are no public facilities to accommodate this high level use. Anyone that was at the turn-a-round this summer and especially this week-end would see how overcrowded and dangerous the area has become. At one time the applicants did a count of cars at the intersection. I am sure the past two months of summer would have seen the number quadruple.

Reduction in the size of the apartment complex could solve many of the concerns for this development.

Sally Rissel
P.O. Box 396
Pacific City, Oregon 97135
heronlanding123@gmail.com

Sally Rissel

Melissa Jenck

From: Cameron La Follette <cameron@oregoncoastalliance.org>
Sent: Tuesday, September 8, 2020 6:14 PM
To: Melissa Jenck; Sarah Absher
Cc: Sean Malone
Subject: EXTERNAL: ORCA Testimony for Kingfisher CUP and Variance Appeal Hearing
Attachments: ORCA to Tillamook BOC re Kingfisher Appeal Sept 2020.pdf

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Sarah and Melissa,

Attached please find the testimony of Oregon Coast Alliance concerning the Kingfisher Apartments proposal in Pacific City, request for a Conditional Use Permit and a Variance, for the appeal hearing before the Board of Commissioners.

Please place this testimony in the record, and let me know you received it.

Thank you,

Cameron
—

Cameron La Follette
Executive Director
Oregon Coast Alliance
P.O. Box 857
Astoria, OR 97103
(503) 391-0210
cameron@oregoncoastalliance.org
www.oregoncoastalliance.org

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

September 9, 2020

Via Email

Tillamook County Board of Commissioners
c/o Melissa Jenck
201 Laurel Avenue
Tillamook, OR 97141
mjenck@co.tillamook.or.us

Re: Oregon Coast Alliance testimony for the appeal of an approval for a request for consolidated review of conditional use #851-19-000138-PLNG and Variance #851-20-000139-PLNG

On behalf of Oregon Coast Alliance, please accept this testimony in opposition to a conditional use request to establish a 25-unit apartment on a property located in the Unincorporated Community of Pacific City/Woods. Concurrently, with a variance review request to reduce the street-side yard setback from 15-ft to 2-ft, allow for (6) on-street parking spaces and increase the height limit from 24-ft to 27-ft, 10 inches. The planning commission voted 5 to 0 to approve the conditional use and 4 to 1 to approve the variance.

It is clear that the criteria for a variance cannot be satisfied here. LUBA Under, TCLUO 8.030(1), the applicant must demonstrate that “[c]ircumstances attributable to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.” Here, the circumstances are wholly self-created. It is not a particular use that is prohibited but rather a use with a particular type of structure. The use can be accommodated but at a lesser intensity, and other properties in the vicinity have been held to the standards for which the applicant is seeking a variance. The applicant simply wants an apartment at a certain density, which cannot be accommodated according to the land use regulations. An apartment with fewer units is capable of being approved by satisfying all relevant criteria, and, therefore, the situation is self-created. There is no property right to a 25-unit apartment when a less intense development would not need a variance.

The applicant also cannot satisfy TCLUO 8.030(2), which provides that a “variance is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.” Because the same “use,” *i.e.*, multi-family housing, can still be realized on the parcel, just not at the scale the applicant currently proposes, there is simply no possibility of satisfying this criterion. The requirements are not so onerous that it would preclude the applicant from obtaining some smaller scale apartment building, and that is the crux of the problem with the applicant’s position. A variance is not a vehicle to giving the applicant a greater intensity of development when a lesser intense development can be approved.

Under TCLUO 8.030(3), the proposed variance is not consistent with the purpose “[t]o ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces.” Without a variance, the applicant could still utilize the property to place an apartment building, and, therefore, the variance is not necessary to secure the proposed use on the subject property, just not at the intensity that the applicant seeks. It is the use, however, that is at issue with this criterion. Again, because the applicant can utilize the property at a less intensity for the same use, this criterion cannot be approved.

Finally, as for TCLUO 8.030(4), the applicant has not demonstrated that some lesser number of units would result in the same variances being sought. The applicant simply alleges that because the applicant desires affordable housing, the number of dwelling units must be 24. This argument is irrelevant to the standard. The applicant must demonstrate that some lesser number of units would also require variances, or, put another way, demonstrate that the applicant can have multi-family housing with some lesser number of units that would not require the variances that have been requested.

As to the conditional use criteria, because the applicant is requesting variances, the parcel is not suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features. TCLUO 6.040(3). The property is not suitable because it cannot even accommodate the amount of parking necessary for the proposal. Similarly, as it relates to the impacts on adjacent properties as a result of the variances, it is evident that the “alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.” TCLUO 6.040(4). In fact, even the parking accommodations for the subject property have been pushed to “on-street parking,” in an area that is already starved of such space. If the applicant were to scale back the proposal, then the parking issue would be resolved and there would be no need for variances.

The applicant alleges that it is the protections afforded to riparian areas, estuarine areas, flood zones, and so forth that necessitate the variances, but that is not a reason forego the criteria

and allow for unwarranted variances. Variances are not simply given out because an applicant wants more than is permitted. If that were the case, then variances would be handed out for every such proposal. The applicant has not demonstrated that it is impossible to site an apartment building with some lesser number of units that would not require variances. Until the applicant demonstrates that it has no other options available to site an apartment building, the variance cannot be approved.

For the above reasons, the application must be denied.

Sincerely,

A handwritten signature in blue ink that reads "Sean T. Malone". The signature is written in a cursive style with a large, sweeping initial "S".

Sean T. Malone
Attorney for Oregon Coast Alliance

Cc:
Client

Melissa Jenck

From: Judd Moore <jlm@cnw.net>
Sent: Tuesday, September 8, 2020 9:28 PM
To: Melissa Jenck
Cc: Melissa Kenney
Subject: EXTERNAL: Appeal Comments - Judd Moore
Attachments: Appeal Comments.doc

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Melissa:

Attached, please find 'Appeal Comments' dated 9-8-20.

It is my understanding from Sarah Absher that these comments will be forwarded to commission members prior to the hearing at 10:30

Thank YouJudd

**REQUEST NO. 1: Conditional Use: #851-20-000138-PLNG
Request to Change Current PCW-C1 Zone to PCW-R3 Zone:**

In addition to those reasons identified in 'Reasons For Appeal' attached to the 'Notice of Appeal to the Tillamook County Board of Commissioners'; the following should be considered as an additional reason for disapproving the Planning Commission's August 20th. approval of the Conditional Use Request.

During the August 20th. Hearing Sarah Absher quoted from the Tillamook County Land Use Ordinance, Article 8, Section 8.010, which addresses The Purpose of a Variance.

This Section has also been quoted by The Applicant several times throughout this process.

By quoting this criteria, it appears to indicate that Tillamook County is accepting criteria from the Basic Tillamook County Land Use Ordinance Document, which is NOT specifically referenced in the Pacific City/Woods High Density Residential Zone (PCW-R3).

This being the case; The following reference from that same Document should also be applicable to this project.

SECTION 3.016: COMMUNITY HIGH DENSITY URBAN RESIDENTIAL ZONE (CR-3)

(4) STANDARDS: Land divisions and development in the CR-3 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) For a single family dwelling, the minimum size for lots with an average slope of 20 percent or less shall be 5000 square feet. For lots averaging over 20 percent, the minimum lot size shall be 6000 square feet for a single-family dwelling. Each additional dwelling unit shall require 2500 square feet additional area on slopes of 20 percent or less, and 3000 square feet additional area otherwise. Where public sewers are unavailable, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal systems.

Required area for first unit – 5000sf

Each additional unit requires 2500sf per unit = 24 X 2500 = 60,000sf
5,000sf

65,000sf required for 25 units

REQUIRED LOT AREA: 65,000sf = 1.49 acres

43,560sf = 1 acre

Lot No. 800 = .58 acres X 43,560sf = 25,265sf

This parcel is clearly under-sized (.58 acres) for a development of this size.

REQUEST NO. 2: Variance: #851-20-000139-PLNG

Item No. 2A: Request to Reduce the Required Height Limitation:

It should be further emphasized that it appears that The Applicant is being given certain rights that others were not similarly granted as noted in 'Reasons For Appeal' attached to the 'Notice of Appeal to the Tillamook County Board of Commissioners'.

In his comments relative to the Land Use Approve, Mr. Guy Sievert expressed his concern that The Applicant should be given the "same rights" as other on Sunset with respect to "Reasonable economic development" of their property.....

.....While at the time approving a variance for a similar height variance, which was denied recently to a property owner several house to the south.

SEE GENERAL COMMENTS below for addition comments regarding Mr. Sievert's voting status.

Item No. 2B: Request to Reduce the Required Set-Back Distance:

In addition to those reasons identified in 'Reasons For Appeal' attached to the 'Notice of Appeal to the Tillamook County Board of Commissioners'; the following should be considered as additional reason for disapproving the Planning Commission's August 20th. approval of this portion of the Variance.

ARTICLE IV

SECTION 4.110: EXCEPTIONS TO YARD SETBACK REQUIREMENTS

1. (1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

It does not appear that the set-back requirements for this parcel are "...are unnecessarily restrictive."

2. (2) AVERAGING FRONT YARDS: The following EXCEPTIONS to the front yard requirement for a dwelling, mobile home or recreation vehicle are authorized for a lot or parcel in any zone. The required front yard for a dwelling need not exceed:
 1. (a) The average depth of the front yards of all dwellings within 100 feet of both sides of the proposed dwelling; or
 2. (b) The average of the depth of the front yard of the nearest dwelling within 100 feet on either side of the proposed dwelling, and the required front yard of the zone.

Without specific knowledge, it does appear that parcels within the 100 foot distance are set back far greater than 2 feet from the property line.

On several occasions during the August 20th. hearing; Gale Ouselle referenced the "...SIDE YARD..." Set-Back variance and in fact called for a vote as it pertains to the "...SIDE YARD..."

The 'Consolidated Notice of Decision & Consolidated Notice of Appeal Hearing, dated 8-20-20; under '...the Planning Commission took the following action:'; "...the commission moved to approve Variance request #851-20-000138-PLNG to reduce the street-side yard set-back..."

.....When in fact The Applicant is requesting a set-back variance to reduce the Front-Yard set-back.

On several occasions during the August 20th. board members commented with regard to the set-back being necessary in order to accommodate the proposed on-street parking. This would indicate that the members may not have had a total understanding for either the parking request and/or the set-back request. One does not impact the other and are in fact completely different and separate issues.

Item No. 2C: Request to Provide Additional On-Street Parking, Including 2 Accessible Parking Spaces:

In addition to those reasons identified in 'Reasons For Appeal' attached to the 'Notice of Appeal to the Tillamook County Board of Commissioners'; the following Americans with Disabilities Act notations detailing the requirements for accessibility should provide clarification with regard to "ON SITE" parking requirements.

2010 ADA Standards for Accessible Design

SECTION 208: Parking Spaces

208.1 General. Where parking spaces are provided, parking spaces shall be provided in accordance with 208.

208.2 Minimum Number. Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

The Applicant is request 5 additional parking spaces, which would being his total parking count to 31. Table 208.2 provides the criteria the number of accessible spaces required for parking counts of 26 spaces to 50 spaces as requiring 2 accessible spaces.

2 of the 5 additional spaces are accessible. The Applicant is making a variance request for 2 accessible spaces which are already required by the basic rule; despite being off-site and non-compliant.

In addition, the **2014 Oregon Structural Specialty Code** addresses accessibility under **SECTION 1101 – Accessibility**

ORS 447.220-Purpose. It is the purpose of ORS 447.210 to 447.280 to make affected building, including but not limited to commercial facilities, public accommodations, private entities,...in the state accessible to and usable by persons with disabilities, as provided in the Americans with Disabilities Act, and to make **covered multifamily dwellings** in the state accessible to and by persons with disabilities, as provided in the **Fair Housing Act.**

SECTION 1106 – PARKING AND PASSENGER LOADING FACILITIES

1106.1–Required. “Where parking is provided, accessible parking spaces shall be provided in compliance with table 1106.1,...”

In addition, the ‘United States Department of Justice’ as it relates to ‘The Fair Housing Act’, addresses the question of accessibility

Discrimination in Housing Based Upon Disability - Accessibility

“The Fair Housing Act defines discrimination in housing against persons with disabilities to include a failure "to design and construct" certain new multi-family dwellings so that they are accessible to and usable by persons with disabilities, and particularly people who use wheelchairs.....”

It is clear that the ‘ON-STREET’ Accessible Parking is NOT in compliance with the requirements for Accessible ‘ON-SITE’ Parking.

GENERAL COMMENTS: Subject: Conflict of Interest Statements.

During the July 23rd. meeting the following 2 individuals in attendance, indicated that they had personal relations with The Applicants:

1. Guy Sievert

Guy Sievert failed to indicate whether or not his relationship would or would not be a factor in his decision, therefore the question of bias is and should be recognized as a factor in his decision.

2. Gale Ousele

Although Gal Ousele indicated that her relation would not preclude her from rendering a non-bias decision, the question of bias is and should be recognized as a factor in her decision.

Neither of these individuals noted this conflicts when given the opportunity during the August 20th. hearing.

It might be a good idea to take a polling of the voting board members to determine if an additional members have a similar conflict!

Both of these individuals participated in the voting process, rather than excusing themselves from the process as required by **Oregon Laws and Revised Statutes - ARTICLE V - Meetings, Section 2**

4.

Melissa Jenck

From: Ann Moore <annmoorenz@gmail.com>
Sent: Wednesday, September 9, 2020 6:53 AM
To: Melissa Jenck
Subject: EXTERNAL: Kingfisher Apartment Appeal
Attachments: kingfisher apartments 1.docx

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Ms Jenck,
Please find an attachment for the County Commissioners regarding our opposition to the proposed Kingfisher apartment complex.
Thank You
Tim and Ann Moore

35670 Sunset Dr.
Pacific City
OR 97135

September 8, 2020

Tillamook County
Board of Commissioners
15120-B Third Street
Tillamook
Oregon

Re: Conditional Use and Variance Request
Kingfisher Complex
851-20-000138 PLNG
851-20-000139 PLNG

Dear Members,

Once again we are in the position of writing to oppose the Kingfisher Apartment Complex variances and re zoning of the land. We are owners of a property on Sunset Drive, Pacific City and are concerned about the proposed Kingfisher Apartments and the impact it will have on the residents of Sunset Drive and the surrounding area. In our view the Applicant has not adequately demonstrated that they should have an amended height and set back variance or an amended conditional use permit.

Under section 6 of the TCLUO the conditions are set out for the permit. Section 6.040 (1) asks whether the proposed unit is appropriate for the zone. Sunset Drive area is smaller residential units. The Cape Kiwanda Master Plan states that the “ Turnaround” is for visitor parking and subsequently will have substantial use by pedestrians and vehicle traffic. The proposed apartments will be in that zone. Thus this complex is inappropriate for this zone.

Section 6.040. (3) asks whether the proposed development is suitable to the parcel. Some reasons that the apartments are not suitable are the increased traffic congestion, size of the complex, reduction of the road access for residents,

pedestrians and cyclists, and the reduction of the views of the neighboring dwelling.

Section 6.040 (4) asks whether the complex will limit, prevent or impair the permitted use by the community. Fishermen and beach users will have difficulty enjoying the area due to congestion and the complex being built so near the Nestucca River.

Section 6.040 looks into the impact on other services either existing or planned. The addition of this large complex to this area will increase congestion and take additional parking if the proposed "Turnaround" plan is implemented.

What traffic studies has the county done to see what impact this complex will have on the increased congestion of this area? The addition of 31 new parking spaces will impact the enjoyment of the residents and the wildlife of the area. Has an environmental study been done as to the impact on the deer and other wildlife in the area.

The criteria for variances are set out in section 8.030 of the TCULO

There are three variances being asked for:

1. Reducing the street setback from 15' to 2';
2. Allowing 5 on-street parking spaces;
3. Increasing the height limit from 24' to 27' 10"

Most of these criteria are not met in the application that has been presented to the department.

Section 8.030(1) We see two objections to property rights regarding this complex: despite the attempt with drawings to minimize the restriction in views and enjoyment of the river views of the neighboring properties, beautiful views and landscapes are one of the major reasons we own property on Sunset Drive. Having a building 3'10" higher will alter the view of the neighborhood as it will stand out from all of the other structures that had to comply with height restrictions. Second, adding the additional noise and cars will impact significantly the serenity of our neighborhood. Are these property rights? Of course they are, since the major criteria for choosing a home is its location.

Section 8.030(2) asks if the variance is "necessary" to accommodate a use of the property. It is only necessary to have an 3'10" height increase if you want to get 25 units onto that parcel and build it outside of the flood plain. As to creating 5

parking spaces on an already crowded roadway. This is a safety hazard and an eyesore and is only necessary if such a big complex is allowed, on-street parking should be managed on the street as a whole, not parcel by parcel. So by almost all the criteria set forth in the TCLUO, they are not necessary for building an apartment on that parcel.

Under the third criterion (3) of the section, we get back to one of the criteria for granting the conditional land use permit; i.e., impairing the right of adjoining land owners to enjoy their property. We conclude that a significant impact will be made on that enjoyment quotient.

Finally, the last section of 8.030(4), asks if there is any reasonable alternative that would require a lesser variance. This answer is simple and obvious: a smaller apartment complex that takes the neighborhood, the master plan, and the community needs into greater consideration without compromising rights of way and neighbors.

There are many safety issues if this complex is allowed to go forward.

This is a Tsunami area with limited egress and any increase in congestion would impact the residents and visitors ability to evacuate this area. The same goes in the case of a fire and flooding.

Consider a smaller size complex that does not need variances. What this unit does, as designed, is turn a single family residential neighborhood into something else.

What will our neighborhood or others in unincorporated Tillamook County look like in the future if this complex applications are approved without meeting the criteria? It sets a precedent for others to ask similar interpretations of the rules and therein lies the Achilles heel of granting these variances when the criteria is not met.

If the purpose of the Cape Kiwanda Master Plan is to enhance the beauty of the region, to create a more positive experience for visitors and residents, to improve traffic circulation, then this current apartment proposal fails dismally.

Tim and Ann Moore

Melissa Jenck

From: Lily von Mosch <lily.vonmosch@gmail.com>
Sent: Wednesday, September 9, 2020 7:59 AM
To: Melissa Jenck
Subject: EXTERNAL: Appeal of approval for conditional use #851-19-000138-PLNG and Variance #851-20-000139-PLNG

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Melissa Jenck and Tillamook County Board of Commissioners,

Please see below for testimony in opposition to the approval of the conditional use request & variance request made by Kingfisher Apartments.

The approval of these variance requests was not supported by TCLUO criteria and should be overturned on appeal.

Regarding the conditional use approval - this property is zoned PCW-C1 and a multi-unit dwelling is not an outright permitted use within that zone. PCW-R3 zoning governs the requirements for multi-dwelling units. Clearly, due to the number of variances requested, per TCLUO 6.040(3), the property is not suitable for the proposed use considering that its "size, shape, location, topography, existence of improvements and natural features." Additionally, even with the variances requested, the development cannot accommodate the required number of parking spots. The overflow parking for this development will substantially limit, impair, and prevent use of the surrounding properties for the permitted uses listed in the underlying zone (TCLUO 6.040(4)). Because this location is already congested, siting a multi-dwelling property without adequate parking will impact all immediate neighbor's ability to use on-street parking. It's farcical to think that the residents of this development will be adequately served by the number of spaces in the proposal - they will be overflowing onto the street already as a main component of their parking plan.

Regarding the variance approval - the purpose of a variance is to allow regulatory relief for lots that would otherwise be 'undevelopable' - thus there is a high threshold for review of variance requests. Per Tillamook County Land Use Ordinances, a request must meet all 4 review criteria from section 8 (variance review criteria) to be eligible for a variance.

The Kingfisher Development has been shown time and again to have created their own need for a variance by designing their building too tall and too wide for the zoning on this lot. The public has demonstrated amply that there are multiple feasible economic uses for this lot beyond the proposed apartment design that is still, even with amendment, too tall for the zoned height. The

Further, this development has not met the already low bar for accessibility under the ADA. Per building code & ADA requirements, the developer must provide 2 dedicated handicapped accessible parking spots for this apartment complex. The developer has outlined 2 handicapped accessible parking spots - but they are located on a public street. Providing accessible parking on the public street makes those spots "public" thus potentially preventing the tenants use of those spaces at any time should they already be occupied. The County Board of Commissioners must rescind this approval and ensure that all buildings within their purview are built in compliance with ADA accessibility requirements.

If this development was scaled to fit the size of the lot, the impacts to the community would be largely removed. If this development was scaled back to fit the size of the lot, the need for variances would be removed.

Given the above and the failure of this development to faithfully and fairly adhere to TLUO ordinances covered in

Section 6 (conditional use criteria) & Section 8 (variance review criteria) the Tillamook County Board of Commissioners must overturn this approval on appeal.

Thank you for your consideration,
Lily von Mosch

Melissa Jenck

From: Melissa Carlson-Swanson <mcswanson@oregonfoodbank.org>
Sent: Tuesday, September 8, 2020 7:03 PM
To: Melissa Jenck
Subject: EXTERNAL: For 9.9.20 Kingfisher Project Hearing
Attachments: Kingfisher Support Letter.docx

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Melissa,
Please find my enclosed letter for the Sept. 9th, 2020 hearing addressing the appeals to the Kingfisher project in Pacific City.
Thank you,

Mis Carlson-Swanson (she/her/hers) | Branch Services Manager | OREGON FOOD BANK TILLAMOOK COUNTY SERVICES | 503.842.3154 X1 | mcswanson@oregonfoodbank.org



September 8, 2020

Dear Tillamook County Commissioners,

My letter is in response to the two land use appeals regarding the Kingfisher Apartments (851-20-000345-PLNG and 851-20-000347-PLNG).

As noted in the original application - If you build a smaller building, it won't work financially. A smaller building cannot provide the necessary density to make the project financially viable or socially meaningful per the goal of providing high-density work-force housing to a community undergoing a housing crisis.

The amount of land that is available, the size of building you are allowed to put on it, without obtaining conditional use and variances, which exists for just these reasons, doesn't provide enough space for the number of units required to keep rents at 120% of Median Area Income or below, which has been determined to be necessary by both the Tillamook County Housing Study and the Tillamook County Housing Needs Analysis.

The only way to make it work is to raise rents, which is counterproductive to the needs of our county, or to expand the available buildable space, to increase the number of units to keep the rent amounts affordable for the local workforce. This is not a nice to, it is a must have! There is a lack of buildable lands in our county, so obtaining these reasonable conditional use and variances is necessary for this project to pencil out.

In response to the setback distance - 3.337 (4)(e)-3.334(4)(e) - The average distance of the building to the property line is 10 feet, in accordance with the multifamily dwellings, and only a small portion of the western edge of the building will be within 2 feet of the property line and it is more than 15 feet for the first seventy feet of the property from Pacific Avenue and Sunset Drive. This is a reasonable request, given the consideration of the environmentally sensitive areas on the east side of the property and the additional easement and increased access the community gains to the Nestucca River.

Please deny the appeals regarding the Kingfisher Apartments (851-20-000345-PLNG and 851-20-000347-PLNG) and allow the Conditional Use and Variances for this project as passed by the Tillamook County Planning Commission.

Sincerely,

M. Carlson-Swanson

Melissa "Mis" Carlson-Swanson
Branch Services Manager, Oregon Food Bank Tillamook County Services
Non-Profit Representative, Tillamook County Housing Commission

Oregon Food Bank
Headquarters /
Metro Services
7900 NE 33rd Drive
Portland, OR 97211
503-282-0555

Oregon Food Bank
Washington County
Services
1870 NW 173rd Ave
Beaverton, OR 97006
503-439-6510

Oregon Food Bank
Tillamook County
Services
PO Box 1344
Tillamook, OR 97141
503-842-3154

Oregon Food Bank
Southeast Oregon
Services
773 S Oregon Street
Ontario, OR 97914
541-889-9206

Columbia Gorge
Food Bank
3610 Crates Way
The Dalles, OR 97058
541-370-2333

