

To: Garibaldi City Council:
Mayor Hall
Councilors Findling, Forsman, Riggs, Wandell.

Supporting information from Planning Commissioner Judith Parker that I considered and resulted in my NAY vote to approve application CU-2020-01, on June 10, 2020.

In response to **GMC 18.185.020(A)**:

The proposed use is consistent with the policies of the comprehensive plan.

My sources include:

---Chapters identified in the City of Garibaldi Comprehensive Plan (GCP) 1990, 2003, 2006, 2013.

Specifically Chapter III. Community Development Pattern and X. Housing, as requested.

---Oregon Statewide Planning Goals (OSPG)

---Garibaldi Municipal Code (GMC) Codes as requested and Codes pertinent to my decision.

---Tillamook County Housing Needs Analysis. December 27, 2019.

---STAFF REPORT FROM: MorganCPS Group (City of Garibaldi Planning Consultant)*;

SUBJECT: Planning File No. CU-2020-01; DATE: March 12, 2020.

*Mr. Walt Wendolowski with MorganCPS provided the Staff Report.

---Bayview Apartments Conditional Use Permit Applicant's Narrative, March 2020. Harper Houf Peterson Righellis Inc. And all other associated reports, maps, photos. **I refer to it as "the proposal" in this report.**

My comments are in BLUE. Yellow highlights are focus points for my decision making. Portions of GMCodes that do not apply to this proposal I have deleted, for brevity.

GCP III. COMMUNITY DEVELOPMENT PATTERN

As based upon:

OSPG GOAL 2, LAND USE PLANNING

OSPG GOAL 5, NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

OSPG GOAL 7, AREAS SUBJECT TO NATURAL HAZARDS

A. The City will protect existing residential neighborhoods from conflicting or inappropriate land uses. Where non-residential land uses are located in residential areas, the City will require that measures be taken to minimize the impact of such uses on adjacent residential areas.

B. The City encourages innovative site design, through planned unit development and cluster provisions, for new residential developments in order to avoid hazardous areas, protect open space and lower development costs.

C. The density of residential development should be in accordance with site conditions and the capacity of city services and facilities.

D. Commercial uses and other high intensity land uses are encouraged to remain clustered around the present downtown core of the City in order to create as pedestrian oriented a commercial district as possible. Commercial uses with high traffic generation should be located at the eastern or western end of the commercial area.

E. Where new commercial uses abut a residential zone, site design measures should be required to minimize potential adverse impacts on the residential zone. Particular attention should be given to minimizing traffic impacts.

GMC Chapter 18.05

INTRODUCTORY PROVISIONS

I include these as they are parent titles to all other Chapter 18.05 provisions. This is the **ZONING Code**. To not do so is failure to provide complete and essential guidance to support the provisions in which to evaluate both proposal and staff report. Of note it gives recognition to *adequate light and air* along with *protection and enhancement of the appearance*.

18.05.010 Title.

This title shall be known as the Garibaldi zoning ordinance.

18.05.020 Purpose.

The purpose of this title is: to encourage the orderly development of the city; to promote appropriate uses of land; to conserve and stabilize the value of property; to provide adequate light and air; to lessen congestion; to prevent undue concentration of population; to facilitate adequate provisions for community facilities such as water supply and sewerage; to protect and enhance the appearance of the city; and in general to promote the public health, safety, convenience, and general welfare. The city has prepared a comprehensive plan and zoning ordinance to encourage orderly growth and to promote the public health, safety convenience, and public welfare.

18.12.040 Applicable documents.

- A. The Garibaldi comprehensive plan shall serve as the comprehensive plan for the urban area.
- B. The Garibaldi zoning ordinance and subdivision ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban area.

GMC Chapter 18.80

HILLSIDE OVERLAY ZONE (HOZ)

The location of the (HOZ) is not shown or identified on any plans included in this proposal. When the Applicant questioned about this, the referral was to use sheet drawings C2.0, C5.0, C8.0 to determine where the zone is (public hearing May 13, 2020.). There is no estimate in the proposal as to how many acres are in the HOZ. Proposed buildings 1, 3 and 5 lie within HOZ zones.

18.80.030 Development and uses permitted.

Any use permitted outright or conditional use permitted in the underlying zone may be permitted within the boundaries of the hillside overlay zone, subject to the procedures and development and use criteria of GMC 18.80.040 and 18.80.050.

18.80.050 Development and use criteria.

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

1. Geologic Site Investigation. This report shall include an adequate description, as defined by the building official, of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations on specific engineering or construction

methods which will eliminate or minimize to an acceptable level any identified geologic hazards. The report shall be prepared by a registered geologist. Comments regarding this report are at the end of this ordinance.

2. Grading Plan. This plan shall include the following information:

- a. Existing and proposed contours (five-foot intervals) of property;
- b. Details of terrain and area drainage;
- c. Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjoining topography;
- d. The direction of drainage flow and the approximate grade of all streets;
- e. Limiting dimensions, elevations, or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;
- f. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.

The Staff Report includes parts of an ODOT letter between the city engineer stipulating the water would not be allowed to flow or sheet flow onto Highway 101. The applicant's statement is just a few GMC ordinances verbatim. Drawings in the proposal show an existing eight inch concrete drain at the southwest corner of the property where an intermittent stream is located. The Geotechnical report says:

"We understand that consideration is being given to possible collection, and disposal of storm water on the subject apartment development site. While specific details regarding storm water collection and/or disposal are still unknown at this time, we envision that disposal of storm water will likely be performed below the existing site and/or ground surface elevations rather in open near surface infiltration ditches and/or swales. In this regard, although field infiltration testing was not performed at the site during this phase of the investigation, we are of the opinion that the underlying medium dense, silty sand to highly weathered bedrock deposits will restrict the ability of the upper silty sand subgrade soils to effectively infiltrate storm water. Additionally, the potential for slope instability is possible due to the presence of moderately steep slopes at the site. As such, we are of the opinion that infiltration and/or disposal of storm water should only be performed within the lower southerly portion of the site. Further, we recommend that field testing be performed following the construction of a storm water infiltration system to verify that any assumed infiltrates are appropriate for the project."

The proposal states under Existing Conditions at I. Summary of Site & Proposal "..., there is a possible minor wetland in the southwest corner of the site that is approximately 21 cubic yards in size. However, the applicant is not proposing any work to be done in this portion of the site, so there is no impact anticipated for this potential wetland." I disagree. The applicant stated at the May 13, 2020 public hearing the water will go into the drain, under Highway 101 and the railroad tracks then into the bay. Of note it is also important to recognize the water would discharge into the I-1 (Industrial) zone occupied by the wrecking yard /HAZMAT site, then on to the EC-2 (Estuary Conservation 2) zone and end up in the EN (Estuary Natural) zone. Although a permit from DEQ is required to do this, the proposal does not protect the estuary zones of Tillamook Bay.

The grading plan shall be prepared by a registered civil engineer.

3. Erosion Control Plan. This plan shall describe measures to be taken to stabilize slopes and minimize soil erosion during construction.

B. The following requirements are applicable to geologic site investigations:

1. The burden of proof shall be upon the applicant to show construction feasibility in hazardous areas. A proposed use will only be permitted where:

a. The site investigation indicates that there is not a hazard to the use proposed on the site or to properties in the vicinity.

b. The site investigation specifies engineering or construction methods that will eliminate or minimize to an acceptable level the identified hazard.

2. Where a site investigation report concludes that an engineering solution will solve an indicated problem, the building official shall require that the additional standards and requirements set forth in the geologic hazard report be a requirement of the building permit.

3. Where the proposed development includes grading, the site investigation report shall include conclusions and recommendations concerning grading procedures as well as conclusions and recommendations concerning the adequacy of sites and streets to be developed by the proposed grading.

4. The city planner may recommend to the city council/planning commission an independent review of the site report, particularly where the geologist or engineer has a financial interest in the property to be developed. The council/commission may require the preparation of such a report prior to issuance of a building permit. The cost of the independent review shall be borne by the property owner or developer.

5. The degree of protection from problems caused by geologic hazards required by this section is considered reasonable for regulatory purposes. This chapter does not imply that uses permitted will be free from geologic hazards. This chapter shall not create liability on the part of the city or by any officer, employee or official thereof for any damages due to geologic hazards that result from reliance on this chapter or any administrative decision lawfully made.

C. The following requirements are applicable to activities undertaken in conjunction with a grading plan:

1. **Cuts.**

The proposal responds to this with: The site grading has been designed by a licensed Professional Engineer informed by the findings of the geo tech report so that the proposed grading is safe for the intended use. The applicant has stated cuts will be between 6-8 feet (5-13-20 public hearing). The Geotech report identifies less than 8, and if they are over they want to provide input.

a. The slope of cut surfaces shall be not steeper than is safe for intended use and shall be not steeper than two horizontal to one vertical unless the applicant submits a geologic site investigation report stating the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

b. Cuts shall not remove the toe of any slope where a potential landslide or erosion hazard exists.

The site grading plan map shows Building 1 will be constructed within this zone. Existing toe of slope will be cut. Test hole #4 is in this general area, wet subgrade soils were found there at depths between 6-8 feet.

2. **Fills.**

From the Geotech report:

...all existing fill materials present beneath the planned new site improvements should be removed in their entirety down to an approved native subgrade soil and/or replaced with properly compacted structural fill.

A site preparation plan and grading plan was not available at the time this report was written.

a. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.

b. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than five to one and the height is greater than five feet, by benching into sound bedrock or other competent materials as determined by a soils engineer.

c. Detrimental amounts of organic material shall not be permitted in structural fills. No rock or similar material greater than 12 inches in diameter shall be placed in a structural fill. The building official may permit placement of larger rock if a soils engineer designs a method of placement, continually inspects the placement and certifies the stability of the fill.

d. Fills will be compacted to a minimum of 90 percent of maximum density as determined by Uniform Building Code Standard No. 70-1. An engineer shall certify all structural fill as meeting minimum bearing capacity for the intended use.

D. The following requirements are applicable to drainage facilities:

1. All cut and fill slopes shall be provided with subsurface drainage as is necessary for stability.
2. All roof and foundation drainage must be collected, controlled, and directed to either a city street, a storm drain or to a natural drainageway if it is acceptable to the public works director.

Communication from ODOT to applicant and city engineer states storm water drainage will not be allowed to flow on to Highway 101.

3. Other alternative methods of storm water disposal may be approved by the public works director.

E. Erosion Control Measures. The following standards are a minimum requirement for the purposes of minimizing soil erosion. The final program for soil stabilization may vary as site conditions and development programs warrant. These minimum guidelines are not intended to resolve all project soil erosion conditions. The applicant is responsible for containing all soil on the project site.

1. Prior to approval of building permit, only the removal of existing vegetation may be carried out for surveying or planning of structures. Cutting of deciduous trees over six inches in diameter and conifers over four inches at a height of four and one-half feet above ground level shall only be carried out after the approval of the building permit.

E.1. Cutting of deciduous trees over six inches in diameter, along with a large conifer tree over four inches in diameter at four and ½ inches above ground level has already been done on site by applicant without a permit from the city.

2. If topsoil is to remain stockpiled during a rainy season, seeding or other stabilization measures are required.

3. All areas that will, by necessity, be left bare after September 30th shall be seeded to a cover crop (i.e., cereal rye, annual rye grass, perennial rye grass). Mulching is an alternative to seeding.

4. Means shall be devised to prevent sediment laden water from entering any storm sewer facilities.

There is no information (proof) provided by applicant to assure that this will occur.

5. Vegetation shall be established as soon as possible after completion of grading. The building official may require the use of matting prior to seeding on certain slopes.

All Erosion Control Measures are responded to in the proposal by the statement “Acknowledged by the applicant”.

F. Minimum Lot Size. The minimum lot size for any structure in the hillside overlay zone shall be 8,000 square feet. Where the property proposed for development consists of smaller contiguous lots, such lots shall be aggregated to meet this minimum lot size. Lots of less than 8,000 square feet may be built upon after a variance is granted in accordance with Chapter 18.190 GMC, Variances.

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

The proposal only provides a basic calculation, which was found to be incorrect by Commissioner Findling. Sheet drawings C5.0 and C8.0 show the developed area is greater than 40% .

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

Applicant states no street, so this doesn't apply. But there is a vehicular access way that serves as a street. Buildings 1, 3 and 5 are located in the HOZ. There is no front or rear yard for Building 1 and no front yard for Buildings 3 and 5 or room for rear yards as they are located in a cut as shown on sheet drawings C3.0 and C5.0.

I. Building Height. Within the hillside overlay zone, building heights of structures other than accessory buildings shall be as follows:

1. Structures which are located below or downslope from the street, road, or vehicular access way shall have a maximum height of 16 feet above the centerline of the adjacent street, road or access way.
2. Structures other than those described in subsection (I)(1) of this section shall adhere to the height requirements of the underlying zone. (Note: Measurements shall be taken at the midpoint of the structure at its highest point perpendicular to the street.)

3. Upon completion of construction of structures 16 feet or higher, the applicant shall submit to the city's planner an elevation certificate affirming the height standard.

Below are my focus points in the report "Geotechnical Investigation and Consultation Services", prepared by Redmond Geotechnical Services, January 10, 2020.

Subsurface Soil Conditions

Our understanding of the subsurface soil conditions underlying the subject site was developed by means of five (5) exploratory test pits excavated to a depth of between eight (8) and nine (9) feet beneath existing site grades on September 6, 2019 with track-mounted excavating equipment. The location of the exploratory test pits were located in the field by marking off distances from existing and/or known site (land) features and is shown in relation to the proposed new apartment structures and/or their associated site improvements on the Site Exploration Map, Figure No. 2. Detailed logs of the test pit explorations, presenting conditions encountered at each location explored, are presented in the Appendix, Figure No's. A-4 through A-6.

The map included in this report is incorrect and does not compare with drawings C3.0, C4.0, C5.0, C7.0, and C8.0.

Groundwater

Groundwater was encountered within one (1) of the exploratory test pit explorations (TH-#5) at the time of our field work at a depth of about five (5) to six (6) feet beneath existing surfaces grades. However, wet subgrade soils were also encountered with test holes TH-#1 through TH-#4 at depths of between 6 to 8 feet.

The Geotech report was issued before site prep/grading plan developed. Water and wet soils at all test locations were done in early September, during the driest time annually.

Landslides

No ancient and/or active landslides were observed at and/or are known to be present on the subject site. Additionally, the subject site is characterized as gently to moderately sloping terrain. As such, the risk of slope instability at the site resulting in landslides and/or lateral earth movements does not appear to present a serious potential geologic hazard for this project.

This is in conflict with information in proposal found in the environmental report** See below.

CONCLUSIONS AND RECOMMENDATIONS

General

Based on the results of our field explorations, laboratory testing and engineering analyses, it is our opinion that the site is presently stable and generally suitable for the proposed new Garibaldi Bay View Apartments development and its associated site improvements described herein provided that the recommendations contained within this report are properly incorporated into the design and construction of the project.

The primary features of concern at the site and/or for the project are 1) the presence of existing undocumented fill materials across the site, 2) the presence of existing site improvements at the site, 3) the presence of the moderately steep slopes located across the southerly and easterly portions of the site and 4) the moisture sensitivity of the underlying native clayey silt subgrade soils.

With regard to the presence of existing undocumented fill materials at the site, we are of the opinion that the existing fill materials are presently unsuitable for direct support of the planned new apartment structures and/or any of the associated site improvements. As such, all existing fill materials present beneath the planned new site improvements should be removed in their entirety down to an approved native subgrade soil and/or replaced with properly compacted structural fill.

In regards to the presence of existing site improvements at the site, it appears that removal of the existing site improvements will be required in order to construct the proposed new site improvements. As such, we are of the opinion that close monitoring by the Geotechnical Engineer may be required to ensure that the removal of old foundation remnants and/or utility services have been properly performed.

With regard to the presence of the moderately steep slopes across the southerly and easterly portions of the site, we have found no evidence that the existing slopes are presently unstable.

However, although **a site grading plan is not available at this time**, we envision that some grading and/or fill placement will be required for the proposed apartment project. In this regard, we are of the opinion cut and/or fill slope are feasible at the site. However, permanent cut and/or fill slopes should be no steeper than about 2H to 1 V. Additionally, cut and/or fill slopes should be less than eight (8) feet in height unless approved by the Geotechnical Engineer.

Further, fill slopes constructed above sloping ground which exceeds a natural slope gradient of about 20 percent (i.e., 1V to 2H) should be properly benched and keyed as recommended herein. In regards to the moisture sensitivity of the underlying native clayey silt subgrade soils, we are generally of the opinion that all site grading and earthwork operations be scheduled (if possible) for the drier summer months which is typically late June through September.

This report lacks sufficient data (site prep and grading plans) to prove the site can be stabilized. The examiners admit to this in their report.

** The proposal includes the report “Environmental Site Assessment” by Environmental Management Systems, dated January 13, 2019.

Section 4.3.2 Regional Geology – Oregon Department of Geology and Mineral Industries (DOGAMI) maps were reviewed. ...The northern part of the site is mapped in a high landslide hazard area (landslide likely) with a large historic landslide deposit mapped in that area. The southern part of the site is mapped as low to moderate landslide hazard (landslide possible to likely). During the site evaluation, indicators of instability and active movement were not observed, however the steep hillsides bordering the stream were not explored....

A sheet photo included with the report and labeled “Landslide Map” depicts a debris field over approximately 60% of the upper portion of the site.

Section 4.3.4. Hydrogeology – “Based upon a review of local topography and physiographic information, groundwater and surface water flows in a southerly direction, from the hills north of the site toward Tillamook Bay. The bay is about 300 feet south of the subject property, on the south side of Highway 101. As mentioned previously, there is a perennial stream in the northeastern part of the site that flows from north to south. A concave depression was observed in the SW corner of the lot at the inlet of a concrete culver(t) which runs under Highway 101. It appears that drainage from upslope areas on the subject property, and the adjoining property to the west (TL200) collects there before flowing into the culvert and discharging into the bay. According to mapping by USGS, there is an intermittent stream that flows across TL200, through this concave depression, across the highway, and into the bay.”

There is conflicting information and opinion in these two reports. If the city decides to extend consideration of this proposal, a prudent and responsible thing to do would call for a third party independent review of both reports. Cost most definitely to be borne by the applicant.

An observation I had during the June 10, 2020 public hearing. The applicant’s attorney discussed a letter received by attorney Sean Malone. From the record, in the hearing minutes “She continues on to subsection C(1), paragraph three, where Mr. Malone says the property is largely comprised of landslide debris. She states that is a made-up fact and is not true”. If it is not true then why would DOGAMI recognize it, and would it be included in the environmental site assessment (ESA)? Is she personally passing judgement that a state agency is wrong, the ESA report is wrong and only the Geotech report is right? This is unprofessional and glaringly ostentatious on behalf of the applicant. Both myself and Commissioner were accused by this attorney of questioning the professional status of some of the contributors to the proposal. This is entirely incorrect, as both of us will attest. But by making such a statement, the applicant’s attorney is profoundly berating a state agency responsible for the specific subject matter in conflict in the proposal.

GMC Chapter 18.110
MULTIFAMILY OR APARTMENT SITING CRITERIA

18.110.010 Multifamily or apartment siting criteria.

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

A. The placement of the structure takes advantage of natural features such as streams, shorelines, or hillsides.

Existing trees are retained whenever feasible.

Streams: The Environmental report identifies a perennial stream and an intermittent stream on the proposed site. Applicant has stated ODFW has approved the setback for the perennial stream, located in the south east portion of the property. However, there is no protection measures identified or addressed in the proposal identifying how those slopes would be stabilized. Safety concerns for residents, particularly children, exposed to risks due to the steep slopes of the area are not addressed.

Shorelines – Tillamook Bay’s tidal flats and estuary lands are south of the property. The proposal is for stormwater to be drained into it from the proposed development, passing through the Industrial, Estuary Conservation 2, and Estuary Natural zones.

Hillsides: instead of taking advantage of the slope on site, the Proposal is to cut and fill instead. This site is not appropriate for this development. My interpretation of this ordinance is taking advantage of natural features doesn’t mean destroying them.

Trees: Existing trees on site have been cut already by the applicant, without any permits issued by the city.

B. Ingress and egress points shall be located so as to minimize impact on any adjacent residential uses

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.

Fence proposed is a 6-foot cyclone fence with slats. This will not provide the screening required for the neighborhood residences along the east side of the site and the neighbors above to the northwest .

Applicant states panel fencing that would provide better screening is not sturdy enough to handle wind.

A sight-obscuring hedge along the east side of the developed site and the proposed fence could be more appropriate but no landscaping plan was included in the proposal.

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.

There is limited discussion of open or natural space or a landscaping plan provided.

Playground location at southwest corner of development discussed and confirmed with Wendolowski at 6-10-20 hearing. Proposal maps and the geotech report map do not match.

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

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

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

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

The proposal is not for a single “structure”. It is proposing a group of six structures. The proposal does not recognize or address natural open space or landscaping. My study of sheet drawing C3.0 finds there is no front, rear or side yard (due to retaining walls) for Buildings 2 and 4; no front or side yards at Building 6. The proposal is grossly lacking and not even close to meeting this requirement

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

Sight-obscuring vegetation should be required to screen adjacent properties to the east and northwest of the site but no landscaping plan was included in the proposal.

GMC Chapter 18.125

AUTOMOBILE PARKING STANDARDS

18.125.010 Purpose.

The purpose of this chapter is to provide basic and flexible standards for the development of vehicle and bicycle parking. The design of parking areas is critical to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize storm water runoff, and maintain the visual character of the community. This chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

The Staff Report includes parts of an ODOT letter between the city engineer stipulating the water would not be allowed to flow or sheet flow onto Highway 101. The applicant's statement is just a few GMC ordinances verbatim. Drawings in the proposal show an existing eight inch concrete drain at the southwest corner of the property where an intermittent stream is located.

18.125.040 Vehicle parking – Minimum accessible parking.

A. Accessible parking shall be provided for all uses in accordance with the standards in Table 18.125.030; parking spaces used to meet the standards in Table 18.125.040, Minimum Number of Accessible Parking Spaces, shall be counted toward meeting off-street parking requirements in Table 18.125.030;

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

Building 5 ADA tenants will be impacted and disadvantaged. They will have to use the lots adjacent to Buildings 3 and 6. The closest proposed ADA parking stall locations in these lots require a handicapped person at Building 5 to move 100-200 feet (per map scale) to get to any.

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

D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered nonaccessible spaces;

The proposal does not include any covered parking. Why not? It rains around here. For a proposal of this scale, covered accessible spaces should be considered a standard. This is a significant deficit.

18.125.080 General parking standards.

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

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

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

There is no information provided in proposal or Staff Report. This lack of information was discussed with Staff Planner at 6-10-2020 public hearing. It was agreed that the proposal lack enough information regarding lighting. I voiced concerns lighting could excessive. I described how I considered it might look from Highway 101 beginning near Hobsonville point. Nighttime light pollution to the degree this proposal could emit would enormously affect aesthetics, and be a huge impact to the surrounding

residents in the neighborhood. I equate it to a Space Ship landing pad, in sight by many Garibaldi travelers, residents and visitors. I was asked to prove my concerns regarding this by then city manager during the June 10, 2020 public hearing (see minutes, page 11). Air and Light are identified in ordinance 18.05.20, which I included reference to on page 2.

Both Applicant and Staff Planner respond to this ordinance with “Acknowledged by the Applicant”. This is either Applicant’s inability or unwillingness to answer questions from the Commission. It is comparative to his often used response “I will do what the Plan and the Code says”. In my opinion, this is not an acceptable response.

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

The proposal notes that buildings 3 and 5 will be able to block light along the east side. However, this accounts for only a third to half of the site nor can not be specifically proven to be affective.

GMC Chapter 18.185 CONDITIONAL USES

18.185.020 Conditional use review criteria.

Before a conditional use is approved, findings will be made that the use will comply with the following standards:

- A. The proposed use is consistent with the policies of the comprehensive plan.
- B. The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.
- C. The use will not generate excessive traffic when compared to the traffic generated by uses permitted outright and adjacent streets have the capacity to accommodate the traffic generated
- D. Public facilities and services are adequate to accommodate the proposed use.
- E. The site’s physical characteristics in terms of topography, soils and other pertinent considerations are appropriate for the intended use.
- F. The site has adequate area to accommodate the proposed use. The site layout has been designed to provide appropriate access points, on-site drives, parking areas, loading areas, storage facilities, setbacks, buffers, utilities or other facilities which are required by city ordinances or desired by the applicant.

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

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

1. The project and its design are consistent with city of Garibaldi’s adopted TSP and with the State Transportation Planning Rule, OAR 660-012 (“the TPR”).
2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources and scenic qualities, and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.

Wetlands – Applicant has stated ground water is not an issue. Everything drains to the south to Tillamook Bay, approximately 300 feet from the proposed site southern boundary. As it hits the bay the first zone impacted is Industrial at the wrecking yard and known haz mat site. Then EC-2, Then EN. There is no documentation that the applicant has looked at any other locations with fewer environmental impacts.

4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the

comprehensive plan, the requirements of this title, and the TSP or TPR.

The proposed development fronts OR Hwy101, one of busiest in the state. It does not address bicycle or pedestrian safety regarding ingress or egress. The traffic impact study is deficient in only selecting one day (during the off season) to base the numbers. Two other commissioners and I agreed the report needed more data than one day of use. More information, even historical, was requested by two commissioners from the applicant at 5-13-20 public hearing. At the 6-10-20 public hearing the applicant stated he was unable to find any historical data.

STAFF REPORT

II. APPLICATION SUMMARY

A. The applicant originally requested approval to construct a 64-unit apartment complex on the site. Upon examination, it was determined the layout did not comply with the design provisions of the C-1 zone. As a result, the applicant submitted a revised plan and narrative to create a 66-unit complex. *This report, including findings, addresses the revised layout.* The proposed project will feature the following improvements:

1. The site will contain six buildings with the following apartment mix:

- a. Building #1 – 18 studio units 3 stories facing Hwy 101
- b. Building #2 – 12 one-bedroom units 3 stories facing Hwy 101
- c. Building #3 – 7 one-bedroom units; 1 two-bedroom unit 2 stories facing west
- d. Building #4 – 12 one-bedroom units 3 stories facing Hwy 101
- e. Building #5 - 4 two-bedroom units 2 stories facing west
- f. Building #6 – 6 studio units; 6 one-bedroom units 3 stories facing east

2. Building #1 is located in the C-1 zone, the remaining five building are located in the R-1 zone.

It is located in the HOZ.

3. A total of 95 vehicle parking spaces are planned, spread over six distinct parking pods. Bicycle parking will also be provided at each building.

4. A playground area will be located at the south end of the site, adjacent to Building #1.

Discussed at 5-13-20 public hearing. Playground is to be located at SW corner of site. Inaccurate and misleading information I found throughout the Staff Report identified it to be at the north end of the development. The GeoTech report map shows it to be located at the north end of the site. Mr Wendolowski confirmed the south end location was correct, as shown on sheet drawings and the general Site Plan.

5. There will be a single access point to East Garibaldi located at the southeast corner of the site. The second access driveway will be closed.

6. The site may contain possible wetlands located along Us Highway 101. The applicant acknowledged permits may be required from the Oregon Department of State Lands.

The proposal is for a stormwater drainage that threatens the estuary of Tillamook Bay which is near the south end of the proposed development.

7. Areas not improved upon will be landscaped or remain in natural vegetative cover.

The proposal does not address landscaping. No Natural veg cover will remain after it's all been graded off.

Prior to development, all existing structures and improvements will be removed.

There is little in the proposal that addresses this except for the GeoTech report. It will require asbestos, hazmat inspections and reports that should be provided to city and county.

II. CONDITIONAL USE – CRITERIA AND FINDINGS

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

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

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

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

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

The applicant and Mr. Wendolowski have only taken into consideration 2 of the 15 Chapters that make up the entire GCP – Community Development Pattern and Housing. (Some do not apply such as Chapters V., VII., XIV.) This is very limited in scope for a proposal so controversial and highly impactful to the entire community and area. This in itself is **NOT consistent with the policies of the comprehensive plan.**

2. Section 18.185.020.B. - The location, size, design and operating characteristics of the proposed use are such that the development will have a minimum impact on surrounding properties.

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

Several owners of surrounding properties have responded in writing and person (virtual meetings) against this proposal. The fact they have taken it all the way to the Oregon State Land Use Board of Appeals shows how seriously unwanted and unfit it is. Fencing is temporary, buildings might screen out some but not all light and activities, colors do little on unattractive structures. The two buildings previously built by the Applicant are both big, unattractive rectangular barracks. The one adjacent to Arizona Way is very obtrusive in the environment where it's located. Building structures that have to be

surrounded almost entirely with retaining walls is because it's been allowed to happen in the wrong location. There is nothing that can bandaid this degree of visual impact. Setbacks may be able to be met at the north and south boundaries of the development. I am not convinced along the rear of building 3. This proposal is in violation of this ordinance.

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

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

The TIS is deficient in only selecting one day (during the off season) to base numbers. Myself and two other commissioners agreed the report was not acceptable and needed more data. Request for more information, even historical, was recommended by two commissioners.

GCP VI. HOUSING

OSPG GOAL 10, HOUSING

Supporting documentation: THN, 12-2019.

A. Requirements

Statewide Planning Goal 10 requires cities to plan for future housing needs. More specifically, it requires them to provide opportunities for the development of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households. It also requires that they allow for flexibility of housing locations, types and densities. They are required to ensure that there is enough land within their urban growth boundary (UGB) to meet these needs for a 20-year period. The following steps have been taken to ensure that the City of Garibaldi meets these objectives:

1. Conducted an inventory of "buildable" land within the city's UGB that is zoned to allow for housing development.
2. Identified long-term (20-year) needs for additional housing, considering the following factors:
 - a. Recent, current and expected future population trends related to household size, income and age.
 - b. Housing market characteristics, including the current mix of housing, cost of different types of housing, vacancy rates and other factors.
 - c. Types of housing allowed by different zoning classifications.
3. Identified needed number of new housing units by housing type and associated needed land in each zoning designation.
4. Compared the supply of land in different zones to the estimated need for housing in each zone to ensure there is enough land within the city's UGB and that it is zoned appropriately to meet long-term housing needs.

The remainder of this chapter describes these efforts and the resulting findings. It is a snapshot in time of the ability of the City to meet long term needs of future residents and should be reassessed and updated periodically to ensure that the City can continue to meet these needs.

The Tillamook County Housing Needs Analysis is referred to in the proposal. Tillamook County housing studies are recognized as reliable data as stated in this chapter. There is compelling data in the TCHNA that shows Garibaldi has no need for additional housing of this type at present or into the future.

B. Findings

1. Population and Housing Trends

The 2005 population of Garibaldi was estimated to be 9612, compared to 899 in 2000 and 904 in 1990. In 2005, there were an estimated 471 households in Garibaldi, compared to 369 in 1990. This information is generally consistent with approved, coordinated population forecasts prepared by Tillamook County, which show a projected 2005 population of between 969 and 1,234.

THA, Exhibit 2.1 Population Growth Forecast. This table shows Garibaldi estimates are: 2019 – 802; 2039 – 875 A population increase over 20 years of 73 people.

A projected average growth rate (AGR) of 0.4%

In comparison, the highest projected AGR 2019-2039 are for Bay City, Manzanita, and Nehalem.

There were an estimated 617 housing units in Garibaldi in 2005, indicating a vacancy rate of approximately 24%, compared to vacancy rates of 25% and 21% in 2000 and 1990, respectively. Year 2000 Census data indicates that about 18% of all housing units were used for seasonal occupancy (i.e., second/vacation homes). These figures translate to an average annual population growth rate of just under 2% per year (between 1990 and 2005) and a slightly higher annual increase in housing units.

In 2005, average and median home values were approximately \$188,000 and \$149,000, respectively, with 46% of homes in the \$100,000 - \$200,000 price range (see Table 1).

Table 1. Value of Owner (Non-Rental) Units, 2005

Home Value % of Total	
Less than \$50,000	15%
\$50,000-\$99,999	9%
\$100,000-\$149,999	28%
\$150,000-\$199,999	18%
\$200,000-\$299,999	18%
\$300,000-\$399,999	6%
\$400,000-\$499,999	3%
\$500,000-\$749,999	4%
\$750,000-\$999,999	<0.6
\$1,000,000 and Above	<0.8
	100%

Total Housing Units 617

Source: US Census, ESRI BIS

Most homes in Garibaldi are single-family dwellings (over 70% in 2000), with mobile homes accounting for the bulk of the remainder (23%) according to the 2000 Census. However, since that time, a number of mobile homes within the Upper Biak mobile home park have been removed or abandoned. As of 2006, much of that area was expected to be converted to single-family home and condominium sites. The current supply of manufactured homes within parks and on individual lots is estimated to be approximately 100, or 16%. Garibaldi also has land that is used by a significant number of recreational vehicles (RVs).

According to City of Garibaldi Transient Room Tax remittance forms, Garibaldi has five Recreational Vehicle (RV) Parks with a total of 158 RV spaces. In June of 2005, three of these parks were open to the public, totaling 90 RV spaces. During a City of Garibaldi audit of transient availability for the summer of 2005, only four of the 90 spaces were available for transient use. While RVs are not legally considered

permanent residences, practically speaking they historically have represented a source of affordable housing in the community.

Table 2. Housing Units by Structure and Occupancy, 2000

Unit Type	Total	Occupied
1 Unit Detached	69.4%	69.1%
1 Unit Attached	1.2%	0.7%
2 Units	2.4%	2.5%
3 or 4 Units	1.2%	1.6%
5-9 Units	1.7%	2.3%
10-19 Units	0.5%	0.7%
20-49 Units	0.0%	0.0%
50+ Units	0.0%	0.0%
Manufactured Homes	22.7%	21.9%
Other	0.9%	1.2%
	100%	100%
Total Units	578	434

Garibaldi’s population is projected to increase by approximately 1.8% per year over the next 20 years, consistent with growth rates during the last 15 years. The number of housing units is projected to grow by a slightly higher rate, similar to trends experienced during the last several years in Garibaldi and other coastal communities. This assumes a similar average household size and somewhat higher vacancy rate, compared to 2005 conditions. These trends are projected to result in an increase of 316 housing units during the next 20 years. Again, these figures are consistent with the Tillamook County coordinated population forecasts. Those forecasts included low and high population projections. The low and high 2025 forecasts for Garibaldi were 1,190 and 1,516, respectively. A projection of 1,362 is almost exactly in the middle of these forecasts.

Data in the THA is a more realistic population estimate, as the most current consensus identified the population is +/- 800 people.

Table 3. Historical and Projected Future Population, Households and Housing Units, 1990 - 2025

	1990	2000	2005	2025
Population	904	899	961	1,362
Households	369	436	471	681
Housing Units	487	584	617	933
Average household size	2.44	2.06	2.02	2.00
Vacancy Rate	22%	25%	24%	27%

2. FUTURE NEEDED HOUSING TYPES

The following trends are expected to affect the need for different types of housing:

- a. Increasing cost of land and housing in coastal and other communities throughout Oregon.
- b. Relatively modest increase in wages, consistent with trends during the last 10 years.
- c. Proposals for a mix of housing units in the waterfront area as part of a new development, with more emphasis on single-family detached housing.
- d. Continued need for relatively low cost housing for workers in the retail/tourism sector.
- e. Migration of telecommuting households to communities such as Garibaldi with recreational and scenic amenities, some of which will desire larger, more expensive homes.
- f. Continued expansion of the second home market in coastal communities such as Garibaldi.
- g. Relatively higher costs to develop land in constrained areas within the Garibaldi UGB.

These factors and conditions are expected to have the following impacts on the need for different types of housing in Garibaldi:

- a. Continued need for some manufactured housing as a potential supply of low-cost, workforce housing that meets the needs of workers with low wage jobs in Garibaldi.
- b. Increased need for multi-family and single-family attached housing as a potential supply of low and moderate-cost housing.
- c. Continued supply of single-family detached housing, including an increasing supply of higher-priced homes on larger “view” lots on existing large, undeveloped properties on hillsides within the Garibaldi UGB, consistent with recent trends in Garibaldi and other coastal communities and with the higher cost of building homes in such areas.

The following table identifies current and projected percentages and numbers of homes by housing type in Garibaldi.

Table 4. Existing and Projected Future Housing Units by Type, 2005 - 2025
Unit Type Housing Units

	2005		2025	
	Number	Percent	Number	Percent
1 Unit Detached	478	77.5%	620	66.5%
1 Unit Attached	7	1.2%	70	7.5%
Duplexes	15	2.4%	47	5.0%
Triplexes, fourplexes	7	1.2%	37	4.0%
5 or more units	17	2.7%	47	5.0%
Mobile Home	93	15.0%	112	12.0%
Total Units	617		933	

Source: U.S. Census and Cogan Owens Cogan

3. FUTURE LAND NEEDS

The amount of land needed for future housing depends on the number of housing units expected and the average density (or lot size) at which they are developed. State regulations require that the City estimate the amount of land needed in each zoning designation where housing is allowed. In Garibaldi, housing can be constructed in residential (R-1) and commercial (C-1) zones, as well as one of its water-dependent (WD-2) zones. Currently, housing is generally distributed among these zones as follows:

- a. Most existing mobile or manufactured homes (in parks and on individual lots) are located in R-1 zones; some are located in the WD-2 zone.
- b. Duplexes, triplexes, and quads are split between R-1 and C-1 zones.
- c. All multi-family housing with five or more units per structure is in a C-1 zone.
- d. Remaining dwellings in C-1 zones are single-family homes.

Similar trends are expected in the future. In addition, a relatively significant amount of new housing is proposed for the WD-2 zone on the city’s Old Mill site. It is expected that much of the projected single-family attached housing would be located in this area. The following distribution among zones is expected:

- a. A significant portion of future multi-family units could be located in mixed use developments in commercial or waterfront development zones; others would be located in the R-1 zone.

- b. Mobile homes will continue to be located primarily in R-1 zones.
- c. A mix of attached and detached single-family units (e.g., townhouses) would be located in the waterfront development zones; additional single family detached or mixed-use units could be located in the commercial zone.
- d. Other single-family (detached) homes would be located in the R-1 zone, including some on larger lots in larger vacant areas within the UGB in the hillsides above existing residential areas.

The following table summarizes the location of all total future housing units by city zoning designation based on the assumptions above. As noted above, it reflects the assumptions above and should be considered to be a projection. It does not require a certain distribution among different zones or preclude a different percentage or number of housing units be built in any given zone or area, assuming there is **adequate land** to accommodate them.

Key is “adequate land”. The proposal is sited on land that is not appropriate for such use.

For example, a higher number of units than projected above currently are proposed for the Old Mill site. If that proposal is implemented, some of the assumptions in this analysis about the level of growth and amount of land needed to meet long-term housing needs may need to be refined.

Table 5. Projected Total Future Housing Units by Housing Type and Zoning Designation, 2025

Housing Type	R-1		C-1		WD-2	
	Percent	Number	Percent	Number	Percent	Number
1 Unit Detached	75%	465	10%	62	15%	93
1 Unit Attached	20%	14	40%	28	40%	28
Duplexes	40%	19	40%	19	20%	9
Triplexes, fourplexes	40%	15	40%	15	20%	7
5 or more units	40%	19	40%	19	20%	9
Mobile Home	100%	112	0%	0	0%	0
Total		644		143		146

Source: Cogon Owens Cogon

The following table indicates the number of new housing units and amount of land needed for each type of housing in each zoning designation. Average densities in housing units per acre are shown as “net densities,” i.e., not including land needed for roads and other public services because such areas already have been subtracted from the supply of buildable land.

Table 6. Projected Future New Housing Units and Land Needs by Housing Type and Zoning Designation, 2005 - 2025

New Units	R-1		C-1		WD-2		Density (DU/acre)
	Units	Acres	Units	Acres	Units	Acres	
1 Unit Detached	49	9.8	0	0.0	93	18.6	5
1 Unit Attached	10	1.0	25	2.5	28	2.8	10
Duplexes	11	1.4	12	1.5	9	1.1	8
Triplexes, fourplexes	11	0.9	12	1.0	7	0.6	12
5 or more units	19	1.0	4	0.2	9	0.5	20
Mobile Home	19	1.6	0	0.0	0	0.0	12
Total	119	15.6	53	5.2	146	23.6	

Based on this analysis and set of assumptions, the City of Garibaldi has adequate land within the UGB to meet future housing needs.

4. GOALS

- a. Provide opportunities for development of housing in a range of types and price ranges to meet the needs of future residents.
- b. Support maintenance and rehabilitation of the community's existing housing stock.
- c. Support the efficient development of housing and land to minimize environmental impacts and provide public services in a cost-effective manner.

5. POLICIES

- a. Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, duplexes and multi-family dwellings.
- b. Support efforts of public, private and nonprofit entities to provide needed low and moderate-income housing.
- c. Provide opportunities to cluster development, through the planned unit development provisions of the zoning ordinance, as a method of minimizing development impacts in areas with sensitive natural features.
- d. Encourage development of housing in locations that are easily accessible through walking and bicycling to municipal and commercial services and facilities.
- e. Provide flexibility in development regulations to develop sites with unique conditions in an environmentally-sensitive manner.
- f. Encourage the use of sustainable development and building materials including use of energy-efficient materials and design principles.
- g. Allow for manufactured housing to be located in all residential zones, consistent with Oregon law.
- h. Encourage and support the development of housing units in conjunction with commercial development (e.g., housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.
- i. Comply with federal and state fair housing laws that affirm access to housing opportunities for all people in Garibaldi.
- j. Allow for accessory dwelling units (i.e., "granny flats") for permanent residents in residential zones, consistent with other city goals and policies.

6. STRATEGIES

- a. Help identify opportunities for builders and developers to consolidate buildable land to promote more efficient development.
- b. Regularly update the city's inventory of buildable land (approximately every five years or more frequently if the rate of growth is more rapid) and use it both to identify housing development opportunities and assess the ability to meet future housing needs.
- c. Examine the city's zoning ordinance and development regulations to ensure that they include adequate provisions to protect environmental resources, provide flexibility in developing unique sites, allow for a broad range of housing types and do not create barriers to the creation of affordable housing.
- d. Work with the development community to ensure creation of new housing that meets identified future needs.
- e. Consider adoption of commercial and mixed-use design guidelines or standards to ensure that new mixed-use development is consistent with community character and enhances Garibaldi's attractiveness and livability and addresses accessibility and other design issues.
- f. Monitor public facility capacity to ensure that proposed new housing can be adequately served by water, sewer, transportation, drainage and other public facilities.
- g. Update the city's zoning ordinance to include provisions for accessory dwelling units targeted to permanent residents. Ensure regulations address issues related to accessibility, impacts on adjacent residents and adequate public and other facilities.

h. Work cooperatively with nonprofit housing developers (e.g., Habitat for Humanity) to support the development of affordable housing; assist in identifying potential sites for such housing and explore the feasibility of donating city-owned property for such purposes.

GMC Chapter 18.15 MEDIUM DENSITY RESIDENTIAL ZONE (R-1)

18.15.040 Standards and criteria.

In an R-1 zone, the following standards and criteria shall apply to all uses:

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

D. The minimum lot width shall be 30 feet.

E. The minimum front yard shall be 10 feet.

F. The minimum rear yard shall be five feet.

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

H. The maximum building height shall be 24 feet.

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

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

GMC Chapter 18.25 COMMERCIAL ZONE (C-1)

Building 1 and parking lot, and the playground are within the C-1 zone and the HOZ. Standards for HOZ apply. Again, destroying a natural feature in order to develop it (when there is solid evidence it is not needed or appropriate use of the land) does not meet the GCP.

18.25.040 Standards.

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

A. Minimum lot size: none.

B. Yards and Setbacks. For residential uses, the requirements shall be the same as in the R-1 zone. The minimum yard depth for portions of the property abutting a residential zone will be 15 feet. The Uniform Fire Protection Code shall govern adjacent commercial uses. The minimum setback requirements for commercial structures shall be established by applicable building codes.

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

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

F. ...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.

GMC Chapter 18.80 HILLSIDE OVERLAY ZONE (HOZ)

18.80.050 Development and use criteria.

See all my comments addressing the HOZ in the Development section above.

STAFF REPORT

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

The statement that this proposal increases the housing need for 172 added units is a number derived from Table 6 of the GCP. For 2005 until 2025. It recognizes all types of housing and is discussed further. We are less than five years from 2025. For -5 or more units- in R-1 and C-1 a total of 23 units is identified. To date the applicant has already constructed 42 units in these zones. It's an increase of 19 units. The proposal, applicant, Staff Planner, and former City Manager are misconstruing this data. There is a continuous rebuttal that "just because it limits certain types of housing units doesn't mean more can be built, in order to meet need". This flies in the face of the GCP along with the vision of the people who wrote it and amended it throughout past years. Garibaldi is a small town that people who live in it, have lived in it, tourists who pass thru it and spend time here, love the way it is. The THA is the most reliable report to rely upon at this time. It has standing in the GCP. However, it was published prior to the local hardwood mill closing in Garibaldi. So the data and stats should consider there are even less people and less housing needs called for in Garibaldi. There is definite evidence in this report that communities other than Garibaldi are more positioned for new development and have the land base to do so. Overall, in this report Garibaldi ranks second from the bottom for new housing needs in the next 20 (< 20 now) years. Wheeler is at the bottom.

FROM THE PROPOSAL

Housing – The proposed development is in compliance with Goal A, Policy A, and Policy B. Generally, these goals and policies express a need for a wider variety of housing that is affordable and accounts for the needs of future residents.

The proposed development is a multi-family development located within a region with an identified need for a variety of housing types. A Housing Needs Analysis (HNA) was prepared for Tillamook County, in which Garibaldi is located. As demonstrated in the HNA, multifamily apartments and condominiums make up only 4.3% of the overall housing inventory in Tillamook County¹. Further, there is currently a lack of supply of housing in Tillamook County, specifically Garibaldi; the current vacancy rate for non-seasonal housing is less than 1%, which is significantly less than the State of Oregon's average vacancy rate of 9.3%.²

While the HNA analyzes Tillamook County as a whole and not specifically Garibaldi, approximately 25% of the workforce in Tillamook County commutes up to 50 miles one way (100 miles roundtrip) daily for work. As such, the need for additional housing should be looked at county-wide and not just per individual cities because it is likely that residents working in other parts of the County may reside in Garibaldi. For Tillamook County as a whole, there is a need for 2,730 additional dwelling units within the next 20 years as determined by the forecasted populations generated by the PSU Population Research Center.

Housing that is affordable is particularly important for this region, given that, as demonstrated in the HNA, median housing prices have increased 40% between 2014 and 2019 but median income has increased only 21% in the same timeframe.³ The proposed development will

provide more affordable housing options to those living in Garibaldi and the surrounding Tillamook County.

The applicant has not provided information as to how the TCHNA determined “there is currently a lack of supply of housing in Tillamook County, specifically Garibaldi”. It is not explained where in the document this information is found.

-END- 6-16-2021, jp.