



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 20, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Tillamook Plan Amendment
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 7, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

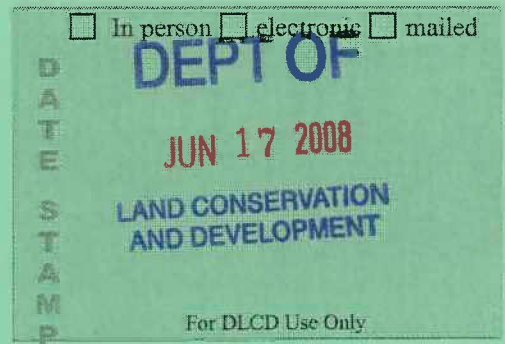
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Christine Shirley, FEMA Specialist
David Mattison, City of Tillamook

<paa> ya

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Tillamook**

Local file number: **ZC-08-01/PA-08-01**

Date of Adoption: **June 7, 2008**

Date Mailed: **June 16, 2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: November 20, 2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To rezone the subject properties, from Highway Commercial (C-H) to Open Space (OS). These properties include the following: 635 N. Main, 1810 N. Main, 542 N. Main, 840 N. Main. To rezone the subject property located south of Hoquaton Slough from Central Commercial (C-C) to Open Space (O); amend the Tillamook City Comprehensive Plan, Policies 29, 80, 83, 87, 88, and 89, Tables D1, K1, L, and text on Population Requirements and Livability; implement Table D3, Total Existing Land use within UGB.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Highway Com., Central Com.** to: **Open Space**

Zone Map Changed from: **Highway Com., Central Com.** to: **Open Space**

Location: **635, 1810, 542, 840 N. Main, land s. of Hoq. Slou** Acres Involved: **9.33**

Specify Density: Previous: **N/A** New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD # 002-01 (16526)

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **David Mattison**

Phone: (503) 842-3443 Extension:

Address: **210 Laurel Avenue**

Fax Number: **503-842-3445**

City: **Tillamook**

Zip: **97141-**

E-mail Address: **dmattison@tillamookor.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1231

AN ORDINANCE CHANGING THE ZONE DESIGNATIONS FROM HIGHWAY COMMERCIAL (C-H) TO OPEN SPACE (OS) FOR TAX LOT 600 OF MAP 1S9W30BB, TAX LOT 1000 OF MAP 1S10W24D, TAX LOT 200 OF MAP 1S10W25AA, TAX LOTS 300 AND 301 OF MAP 1S10W25AA AND CHANGING THE ZONE DESIGNATION FROM CENTRAL COMMERCIAL (C-C) TO OPEN SPACE (OS) FOR TAX LOT 200TC OF MAP 1S9W30BC AND AMENDING THE CITY OF TILLAMOOK COMPREHENSIVE PLAN POLICIES 29, 80, 83, 87, 88, AND 89, TABLES D1, K1 & L, AND FURTHER TEXT ON POPULATION REQUIREMENTS AND LIVABILITY TO CORRESPOND WITH THE REQUESTED ZONE CHANGE, AND TO IMPLEMENT TABLE D3, TOTAL EXISTING LAND USE WITHIN PRESENT TILLAMOOK UGB.

WHEREAS, the City of Tillamook is acting pursuant to the authority and procedures set forth in Section 35 of Zoning Ordinance #979; and

WHEREAS, the applicant, City of Tillamook, provided analysis to address and fulfill the rezone criteria as defined by OAR 660-008-0025, OAR 660-009-0015, OAR 660-009-0020, OAR 660-009-025, OAR 660-011-0020, OAR 660-012-0060, and the following Statewide Planning Goals, Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation); and

WHEREAS, the Tillamook City Planning Commission conducted public hearings on the dates of January 3, 2008, and February 7, 2008, after proper notification of interested persons within a 400-foot radius of the subject property, posting and publication in the Headlight Herald; and

WHEREAS, the public hearing produced no opposition to the proposed rezoning of the approximately 9.33 acres to Open Space (OS) zoning and plan amendments; and

WHEREAS, the Tillamook City Planning Commission considered the request, and adopted findings and conclusions that the proposed zone changes and plan amendments will comply with the City Comprehensive Plan and the City Zoning Ordinance; and

WHEREAS, the Tillamook City Planning Commission subsequently recommended that the zoning for said properties be changed from Highway Commercial (C-H) and Central Commercial (C-C) to Open Space and corresponding Comprehensive Plan text changes be made by the City Council; and

WHEREAS, the Tillamook City Council held a public hearing on the date of March 3, 2008 to review and consider the requested Zone changes and corresponding text amendments,

NOW, THEREFORE, the people of Tillamook do ordain as follows:

Section 1: The City Council adopts the following attachments:
Attachment "A" shall amend portions of the Tillamook City Comprehensive Plan;

Attachment "B" shall amend the Comprehensive Plan Map and Zone Map.

Section 2: The City Council adopts the Findings and Conclusions of the requested Zone Change #ZC-08-01 & Plan Amendment #PA-08-01.

Section 3: This Ordinance takes effect on the thirtieth (30th) day after its adoption by the City Council.

PASSED 1st reading by the City Council this 17th day of March, 2008.

PASSED 2nd reading the City Council this 7th day of April, 2008.

APPROVED by the Tillamook City Council this 7th day of April, 2008.



Mayor

ATTEST:



City Recorder

SECTION 1

Attachment A

Amended Portions of the City Comprehensive Plan

1. Policy 29 states that about **44** acres of undeveloped land is allocated for highway and tourist oriented commercial uses along Highway 101 between Hoquarton Slough and the Wilson River; and **22** acres are allocated along Third Street east of the railroad. About 10 additional acres are designated for conversion to highway commercial.
2. Policy 80 states that the Plan allocates a total of **176** acres for public and semi-public uses.
3. Policy 83 states that within the City Limits, **74** acres are allocated for the open space zone designation. **This includes city parks such as Marine Park, Goodspeed Park, Carnahan Park, Peace Park, Ninth Street Park, Hoquarton Park, open space along the Trask River in the southwest part of the City, open space along and near Hoquarton Slough north of First and Front Street, and scattered tax lots along Highway 101 North that correspond to each of the FEMA buyouts.** Within the Urban Growth Boundary, eight acres are allocated for neighborhood parks and approximately 80 acres for community parks.

4. Policy 87 states that **a community park of 8 acres, shown as a future park on the Comprehensive Plan Map,** serving the needs of Tillamook residents and others shall be developed in the wooded area to the south part of the Fairgrounds.

A large community park of 64 acres, shown as a future park on the Comprehensive Plan Map, serving the needs of Tillamook residents and others shall be developed in the wetlands area to the northwest part of the City Limits.

5. Policy 88 states that a large marine park shall be developed **and maintained** on the Trask River immediately south of the City Sewer Plant Facility. The park shall provide various recreational facilities.

Open space designations are given to establish strict limitations on development in the floodplain, to lessen soil erosion along the banks of waterways and minimize water pollution resulting from development.

6. Policy 89 states that approximately 80 acres of land is available for community parks and development in the Urban Growth Boundary. This land is along the Trask River in the southwest part of the City and along and near Hoquarton Slough north of First Street. Acquisition is encouraged on this park/open space land. The City shall study the development of said property for various purposes, and estuary guidelines shall apply in all cases of development.

7. Table D1 presents the existing land uses within the City of Tillamook.

The number of acres allocated for Central Commercial (C-C), Highway Commercial (C-H) and Open Space (O) are proposed to change as follows:

TABLE D1: EXISTING LAND USE WITHIN PRESENT TILLAMOOK CITY LIMITS IN 2008

<u>Land Use</u>	<u>Acres</u>
<u>Residential</u>	<u>324.6</u>
<u>Single-family</u>	<u>(151.6)</u>
<u>Single-family & Duplex</u>	<u>(74.7)</u>
<u>Multi-family</u>	<u>(98.3)</u>
<u>Commercial</u>	<u>212.67</u>
<u>Central Commercial</u>	<u>(49.15)</u>
<u>Highway Commercial</u>	<u>(158.12)</u>
<u>Neighborhood Commercial</u>	<u>(5.40)</u>
<u>Industrial</u>	<u>110.0</u>
<u>General Industrial</u>	<u>(88.6)</u>
<u>Light Industrial</u>	<u>(21.4)</u>
<u>Public and Semi-Public</u>	<u>176.1</u>
<u>Street and Right-of-Way</u>	<u>169.5</u>
<u>Open Space **</u>	<u>83.13</u>
<u>Total Land</u>	<u>1076.0</u>

Source: City of Tillamook Zoning Map, 2008

Within the City Limits, approximately 30.2% of the land is zoned for residential use, 19.8% for commercial use, 10.2% industrial, 16.4% public/semi-public, and 7.7% for open space. Approximately 15.7% of the urban area is used for streets and right-of-ways.

8. A new table including the total acreage in the City of Tillamook Urban Growth Boundary is proposed as follows with the proposed zone acreage changes:

TABLE D3: TOTAL EXISTING LAND USE WITHIN PRESENT TILLAMOOK UGB IN 2008

<u>Land Use</u>	<u>Acres</u>
<u>Residential</u>	<u>561.2</u>
<u>Single-family</u>	<u>241.8</u>
<u>Single-family & Duplex</u>	<u>135.2</u>
<u>Multi-family</u>	<u>184.2</u>
<u>Commercial</u>	<u>241.47</u>
<u>Central Commercial</u>	<u>49.15</u>
<u>Highway Commercial</u>	<u>183.12</u>
<u>Neighborhood Commercial</u>	<u>9.2</u>
<u>Industrial</u>	<u>185.2</u>
<u>General Industrial</u>	<u>88.6</u>
<u>Light Industrial</u>	<u>96.6</u>
<u>Public and Semi-Public</u>	<u>188.3</u>
<u>Street and Right-of-Way</u>	<u>179.6</u>
<u>Open Space</u>	<u>141.83</u>
<u>Total Land</u>	<u>1,497.6</u>

9. Table K1 describes the buildable land within the City Limits of the City of Tillamook.

TABLE K1: 2000 BUILDABLE LAND WITHIN TILLAMOOK CITY LIMITS

Land Use	Acre	Existing Tax Lots	Existing Developed Units	Potential Development (in units)	Development (in acres)
Residential	318.6	1,361	1,717	1,211	73.19
Commercial	212.67	515	316	323	77.29
Industrial	109.7	72	66	5	1.45
Total:	640.97	1,948	2,099	1,539	151.93

Source: City of Tillamook Tax Lot Data

10. Table L describes the projected demand for office, industrial and retail land within the City of Tillamook.

TABLE L: PROJECTED DEMAND FOR OFFICE, INDUSTRIAL, AND RETAIL LAND WITHIN THE CITY OF TILLAMOOK CITY LIMITS, URBAN GROWTH AREA AND PORT OF TILLAMOOK PROPERTY BASED ON THE TILLAMOOK COUNTY GROWTH PROJECTIONS

	Commercial	Industrial	Total
Base Case			
Current Supply (Acres)	171	1,058	1,229
Less: 2013 Demand (Acres)	141	76	217
Over/(Under) Supply	30	982	1,012
Low Growth			
Current Supply (Acres)	171	1,058	1,229
Less: 2013 Demand (Acres)	64	51	115
Over/(Under) Supply (Acres)	107	1,007	1,114
High Growth			
Current Supply (Acres)	171	1,058	1,229
Less: 2013 Demand (Acres)	159	115	274
Over/(Under) Supply (Acres)	12	943	955

Source: Tillamook Commercial and Industrial Land Demand Analysis, Hobson and Associates, 1992 (revised 2008)

11. The following paragraphs found within the Comprehensive Plan shall be changes as follows:

Downtown Commercial:

Currently forty-nine (49) acres are committed in the downtown area for central commercial business activity. Tables F & G indicate the available and proposed downtown commercial land respectively.

Highway Commercial:

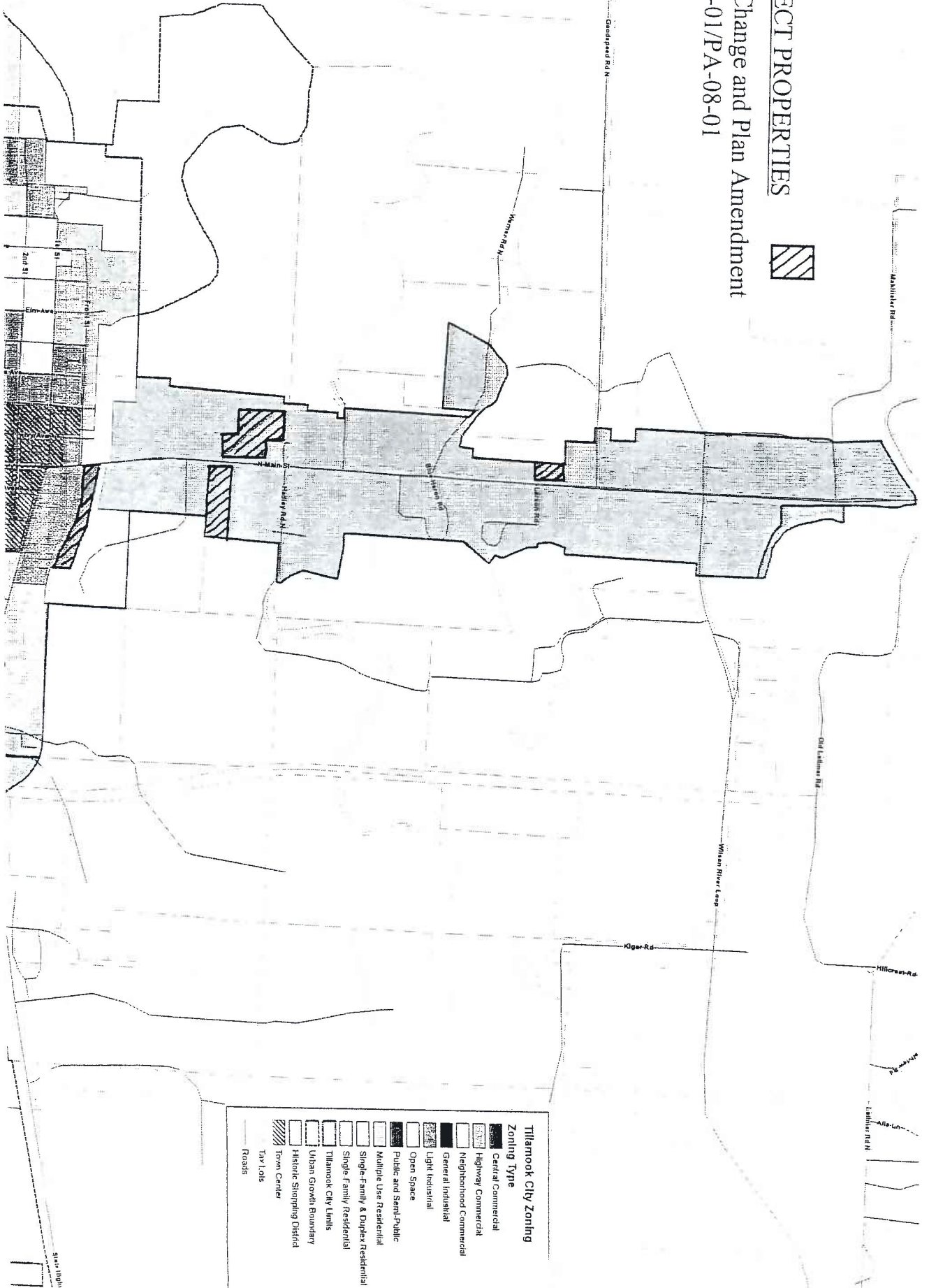
Currently one hundred eighty-three (183) acres are committed to highway commercial and nine (9) acres for neighborhood commercial uses within the entire Urban Growth Area. Approximately ninety-four (94) acres of all commercially designated properties remain buildable within the UGB.

Attachment B

SUBJECT PROPERTIES

Zone Change and Plan Amendment

ZC-08-01/PA-08-01



Tillamook City Zoning

Zoning Type

- Central Commercial
- Highway Commercial
- Neighborhood Commercial
- General Industrial
- Light Industrial
- Open Space
- Public and Semi-Public
- Multiple Use Residential
- Single-Family & Duplex Residential
- Single-Family Residential
- Tillamook City Limits
- Urban Growth Boundary
- Historic Shopping District
- Town Center
- Tax Lots
- Roads

NW1/4 NW1/4 SEC. 30 T.1S. R.9W. W.M.
TILLAMOOK COUNTY

IS 9 30BB

CANCELLED NO.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

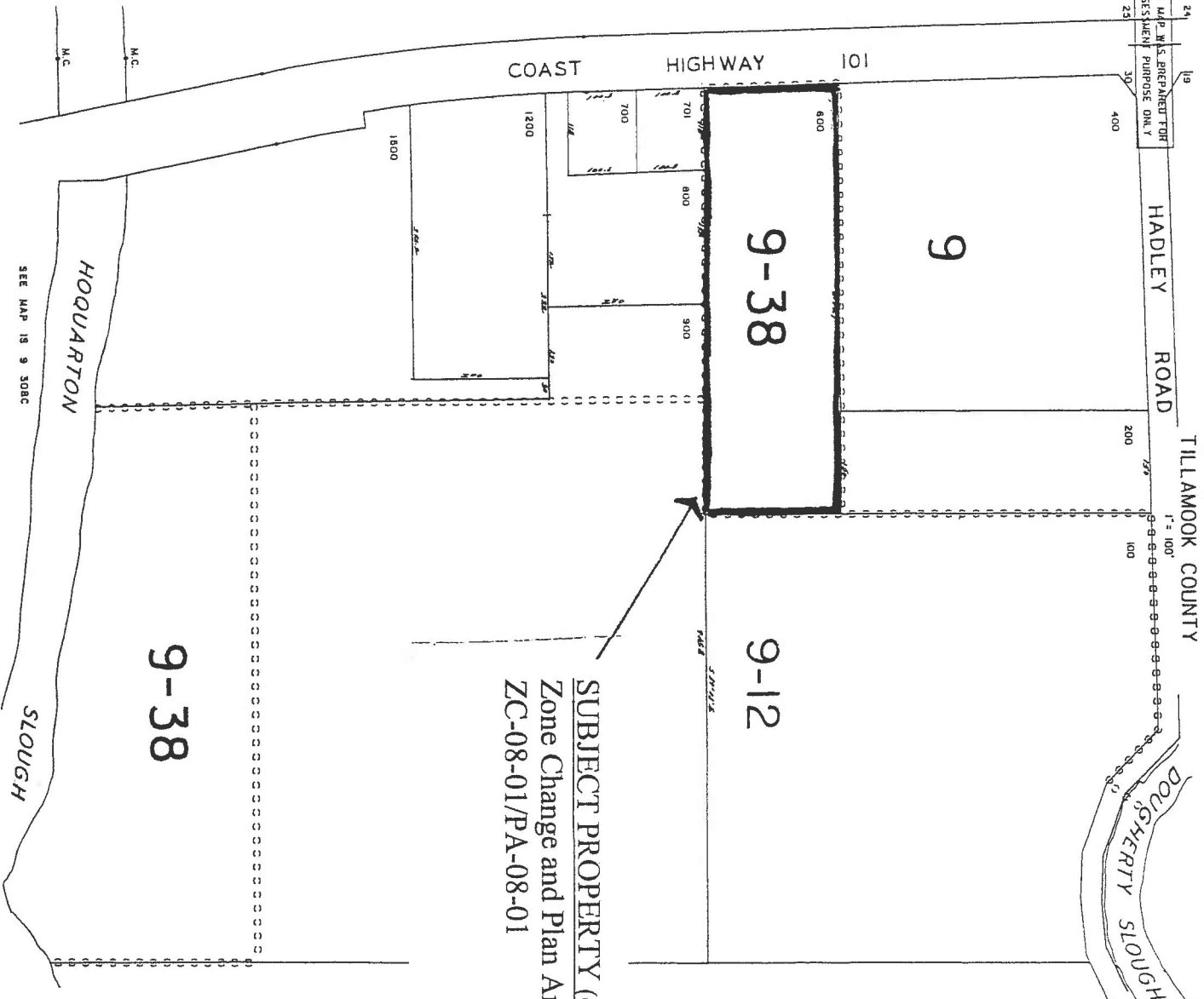
HADLEY ROAD

1" = 100'

DOUGHERTY SLOUGH

SEE MAP IS 10 25AA

COAST HIGHWAY 101



SUBJECT PROPERTY (635 North Main Avenue)
Zone Change and Plan Amendment
ZC-08-01/PA-08-01

CANCELLED NO.
300
500
1000
1500
2000
3000
4000
5000

REVISED 10/08/07, NS
IS 9 30BB

SEE MAP IS 9 30BC

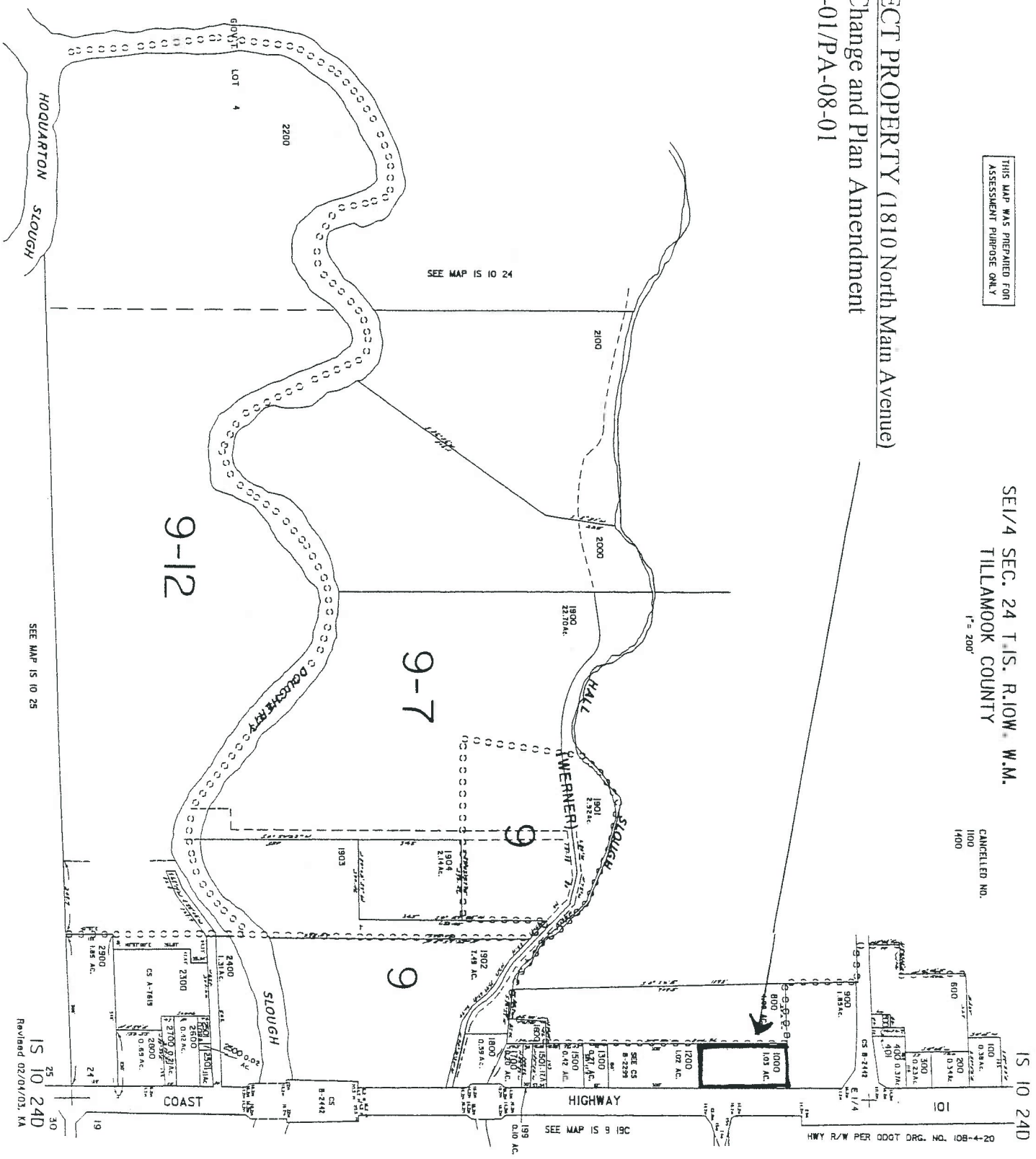
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE 1/4 SEC. 24 T.1S. R.10W. W.M.
TILLAMOOK COUNTY
1" = 200'

CANCELLED NO.
1100
1400

15 10 24D

SUBJECT PROPERTY (1810 North Main Avenue)
Zone Change and Plan Amendment
ZC-08-01/PA-08-01



SEE MAP IS 10 24

SEE MAP IS 10 25

SEE MAP IS 9 19C

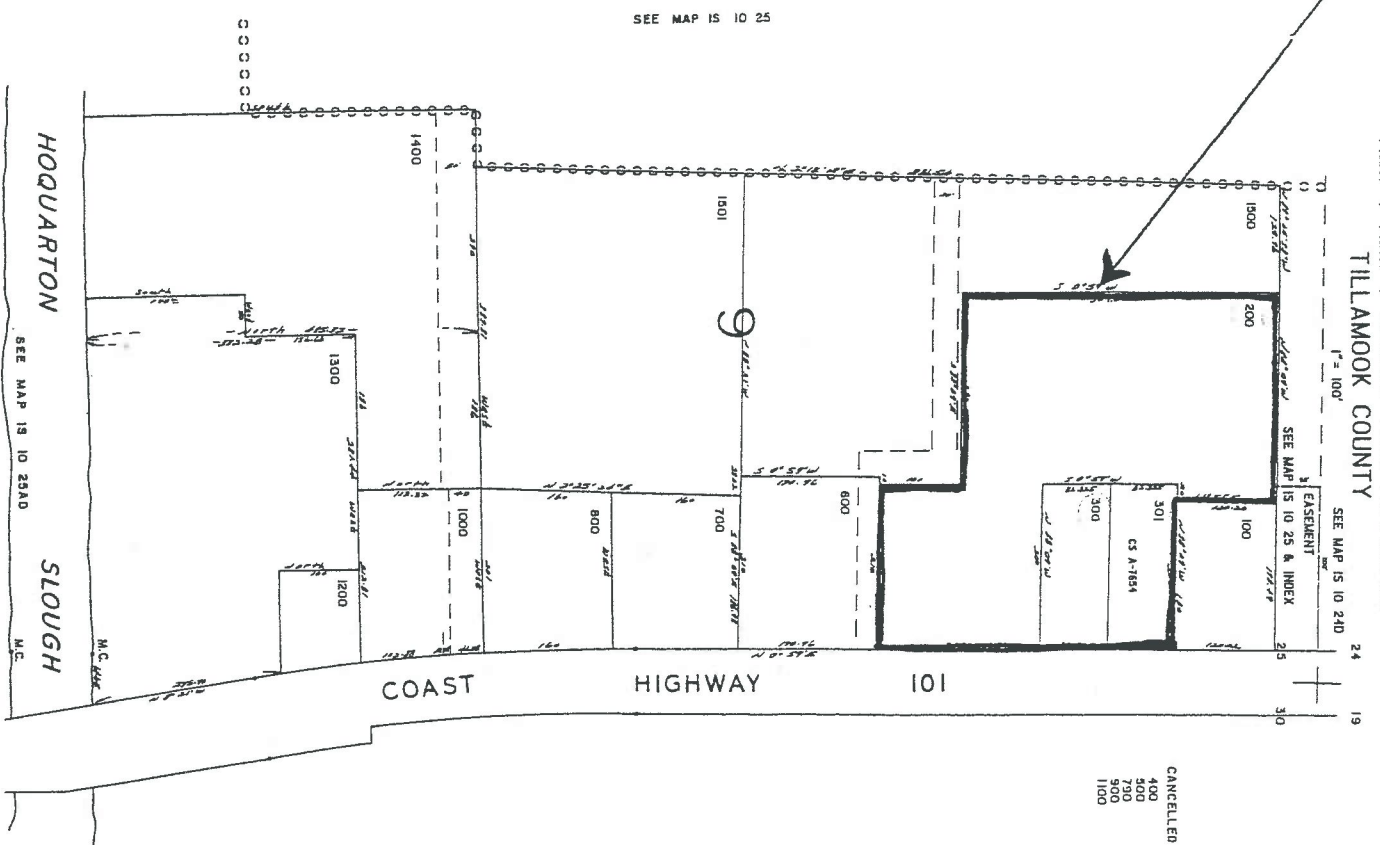
15 10 24D
Revised 02/04/03, KA

HWY R/W PER ODDT DRG. NO. 108-4-20

SUBJECT PROPERTY (542 North Main Avenue & 840 North Main Avenue)
 Zone Change and Plan Amendment
 ZC-08-01/PA-08-01

NE1/4 NE1/4 SEC.25 T.1S. R.10W.W.M.
 TILLAMOOK COUNTY

IS 10 25AA



- CANCELLED
- 400
- 500
- 790
- 900
- 1100

SEE MAP IS 9 308B

IS 10 25AA
 REVISED 2-25-99, BRH

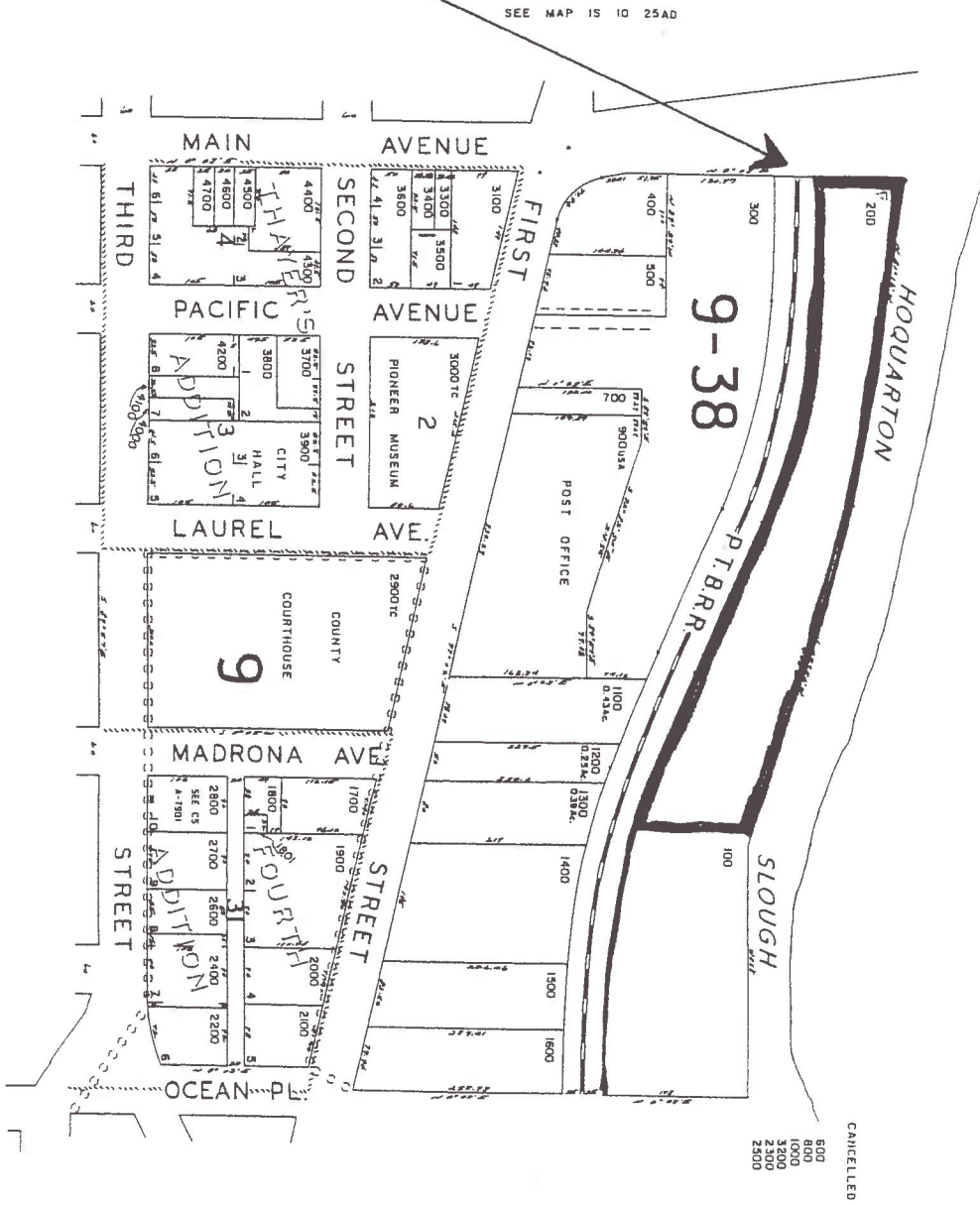
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SW 1/4 NW 1/4 SEC. 30 T.15. R.9.W.M.M.
TILLAMOOK COUNTY

1" = 100'

IS 9 30BC
TILLAMOOK

SEE MAP IS 9 30BB



SEE MAP IS 10 25AD

SEE MAP IS 9 30BB

SEE MAP IS 9 30CB

SUBJECT PROPERTY (south of Hoquarton Slough)
Zone Change and Plan Amendment
ZC-08-01/PA-08-01

SECTION 2

**BEFORE THE PLANNING COMMISSION OF THE
CITY OF TILLAMOOK**

FINAL FINDINGS AND CONCLUSIONS

ZONE CHANGE #ZC-08-01 & PLAN AMENDMENT #PA-08-01

**MAP 1S9W30BB Tax Lot 600, 1S10W24D Tax Lot 1000, 1S10W25AA Tax Lot 200,
1S10W25AA Tax Lots 300 and 301, 1S9W30BC Tax Lot 200TC**

APPLICANT/ OWNER: City of Tillamook, 210 Laurel Avenue, Tillamook, OR 97141

REQUEST: To rezone the subject properties, deeded to the City of Tillamook by FEMA in the City designated Floodway, from Highway Commercial (C-H) to Open Space (OS). These properties include the following: 1S9W30BB Tax Lot 600 (635 N. Main), 1S10W24D Tax Lot 1000 (1810 N. Main), 1S10W25AA Tax Lot 200 (542 N. Main), 1S10W25AA Tax Lots 300 and 301 (840 N. Main). To rezone the subject property located at map # 1S9W30BC Tax Lot 200TC (south of Hoquaton Slough) from Central Commercial (C-C) to Open Space (OS), within the City of Tillamook, and amend the Tillamook City Comprehensive Plan, **Policies 29, 80, 83, 87, 88, and 89, Tables D1, K1 & L**, and further text on Population Requirements and Livability to correspond with the requested zone change, and to implement **Table D3**, Total Existing Land use within Present Tillamook UGB.

HEARING DATES: January 3, 2008, and February 7, 2008, 7:00 p.m.

LOCATION: The subject properties are located at the following addresses and locations: 635 N. Main, 1810 N. Main, 542 N. Main, 840 N. Main, and south of Hoquaton Slough inside of the City Limits of the City of Tillamook. Located at (respectively) 1S9W30BB Tax Lot 600, 1S10W24D Tax Lot 1000, 1S10W25AA Tax Lot 200, 1S10W25AA Tax Lots 300 and 301, 1S9W30BC Tax Lot 200TC.

PARCEL SIZE: Tax Lot 600 (1S9W30BB) has a total of approximately 2.76 acres. Tax Lot 1000 (1S10W24D) has a total of approximately 1.03 acres. Tax Lot 200 (1S10W25AA) has a total of approximately 2.53 acres. Tax Lots 300 and 301 (1S10W25AA) has a total of approximately 0.76 acres. Tax Lot 200TC (1S9W30BC) has a total of approximately 2.25 acres. A total of all of the properties of approximately 9.33 acres.

ZONING/COMP PLAN: Tax Lot 600 (1S9W30BB), Tax Lot 1000 (1S10W24D), Tax Lot 200 (1S10W25AA), Tax Lots 300 and 301 (1S10W25AA) are within the Highway Commercial Zone District (C-H), Section 16 of Zoning Ordinance #979. Tax Lot 200TC (1S9W30BC) is within the Central Commercial Zone District (C-C), Section 17 of Zoning Ordinance #979. These tax lots are to be zoned Open

Space (OS), Section 11 of Zoning Ordinance #979. In terms of the City of Tillamook Comprehensive Plan, the following goals , objectives and policies apply to this request:

ECONOMIC DEVELOPMENT

Goal: "To diversify- and improve the economy."

Objective: "To improve the economic vitality of the Tillamook area."

Policy 21 states that retail uses are encouraged to remain in the downtown area to maintain its vitality. Infill and redevelopment should be accommodated in the Town Center area.

Policy 22 states that 20 additional acres, located generally west, south and east of the existing downtown, shall be designated downtown commercial. Of these 20 acres, conversion from non-commercial to commercial uses is encouraged for 14 acres.

Policy 29 states that about 76 acres of undeveloped land is allocated for highway and tourist oriented commercial uses along Highway 101 between Hoquarton Slough and the Wilson River; - and 40 acres are allocated along Third Street east of the railroad. About 10 additional acres are designated for conversion to highway commercial.

Policy 31 states that the City shall encourage the development of a tourist wayside-rest area along Highway 101 North. The site could also accommodate a Chamber of Commerce building. The area designated commercial along Highway 101 north of Hoquarton Slough is subject to flooding, is near several estuarine areas, and adjacent to farm lands. Because of these characteristics, special precautions should be applied in guiding the development in this area. The following policies apply to that area.

Policy 32 states that developments will be reviewed for their effect on the environment including aspects of soil erosion, water and air quality, fish and wildlife, shore-lands and estuaries. Site development standards are incorporated as Section 22 of the City Zoning Ordinance. The aesthetic effect of development including signs, the relationship of structures, setbacks, parking and landscaping shall continue to be considered in the site development standards. Adverse environmental impacts shall be eliminated or minimized.

Policy 33 states that flood hazard policies as adopted through suggestion from the Federal Flood Mitigation Office are incorporated in the City's zoning ordinance as Section 20. It shall

be a continuing policy of the City to use these in all applicable cases.

PUBLIC FACILITIES.

Goal: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development."

Objective: "To provide adequate public services in a timely, cost efficient manner."

Policy 80 states that the Plan allocates a total of 273 acres for public and semi-public uses.

Policy 83 states that within the Urban Growth Boundary, eight acres are allocated for neighborhood parks and 44 acres for community parks.

Policy 87 states that a large park of 14 acres serving the needs of Tillamook residents and others shall be developed in the wooded area to the south part of the Fairgrounds.

Policy 88 states that a large marine park shall be developed on the Trask River immediately south of the City Sewer Plant Facility. The park shall provide various recreational facilities.

Policy 89 states that approximately 80 acres of land is available for community parks and development in the Urban Growth Boundary. This land is along the Trask River in the southwest part of the City and along and near Hoquarton Slough north of First Street. Acquisition is encouraged on this park/open space land. The City shall study the development of said property for various purposes, and estuary guidelines shall apply in all cases of development.

Natural Resources

Policy 91 states that most recreational and scenic areas lie outside of the U.G.B. Two park areas are designated on the Land Use Map and shall be developed to accommodate the growing need for recreational areas in natural settings. The City shall continue to monitor the long-term recreational needs of the people of Tillamook and the need to maximize use of all public recreational facilities. Use of the Oregon Coast biking trail as shown on Map is encouraged. The Oregon Coast hiking trail, which terminates at Barview is recognized as a regional recreational facility. Its extension southward is encouraged by the City. The City shall explore the feasibility of a waterfront park along Hoquarton Slough and the abandoned railroad right-of-way. Tillamook City

shall cooperate with appropriate agencies in maintaining its vitality.

Open Space and Scenic Areas

Goal: "To conserve open space and protect natural and scenic resources."

Objectives: "To maximize the use of existing resources in the provision of open space."

Policy 99 states that banks of watercourses, drainage basins, areas subject to extreme natural hazards and otherwise unbuildable sites will be utilized to provide open space and recreational opportunities. Riparian vegetation shall be protected inside all designated significant riparian resources, identified in Section 21.1 of the Tillamook Land Development Code.

Natural Hazards

Goal: "To protect life and property from natural disasters and hazards."

Objective: "To maintain damage or loss of life and property caused by natural hazards in the Tillamook area by carefully managing development and redevelopment in areas subject to natural hazards."

Policy 106 states that development may take place within areas of natural hazards only if appropriate safeguards are provided to protect the property in question as well as adjacent properties, from damage. A developer shall assume the burden of proof that a development project is appropriate in this regard.

Policy 107 states that in all areas of flood hazard the requirements of the National Flood Insurance Program will be adhered to.

Policy 108 states that flood plain and Floodway overlay zoning for all hazard areas will be applied by the City; building permits will be reviewed to insure that necessary requirements of structures are met.

Policy 109 states that natural hazards that could result from new developments, such as runoff from new buildings, paving projects and/or soil slippage due to weak foundation soils, that has the potential to have adverse impacts and a cumulative effect on property owners downstream, will be considered and evaluated. Measures that prevent or minimize the extent of the natural hazard, adverse impacts and cumulative effects on property owners downstream shall be provided for. Such natural hazards, adverse

impacts and cumulative effects on property owners downstream shall be considered in evaluating zone changes, conditional uses, site plans, variances, and in issuing building permits.

ACCESS: All six of the properties are accessed from North Main Avenue (State Highway 101).

ROAD TYPE: North Main Avenue is a paved two-lane State Highway (Highway 101). It is designated as an Arterial in the City Transportation System Plan.

EASEMENTS: There are no easements located on the subject properties.

LAND USE/BUILDINGS: Currently, the properties are vacant. Tax Lot 600 (635 N. Main) is the site of the old Coast Tire building and property. Tax Lot 1000 (1810 N. Main) is the site of the old Tillamook Inn. Tax Lot 200 (542 N. Main) is the site of the old Dean Motors building and property. Tax Lots 300 and 301 (840 N. Main) is the site of the old Rental Center buildings and property. Tax Lot 200TC (south side of Hoquarton Slough) is the site of the Hoquarton Interpretive Trail.

ADJACENT USES: Adjacent uses include North Main Avenue (State Highway 101); commercial property to the north, south, east and west; and agriculturally County zoned property to the east and west. Property to the north, south, east and west of the subject properties, inside of the City Limits, is zoned Highway Commercial (C-H). Property to the east and west, outside of the City Limits and Urban Growth Boundary is in the County and zoned for agricultural uses.

UTILITIES: The subject property receives all existing City services.

FLOOD POTENTIAL: The subject properties, Tax Lot 600 (1S9W30BB), Tax Lot 1000 (1S10W24D), Tax Lot 200 (1S10W25AA), Tax Lots 300 and 301 (1S10W25AA), are located in an area designated as the Floodway, Zone AE, where the Base Flood Elevation is determined, as stated by Flood Insurance Rate Map (FIRM), Panel 3 of 4, and Panel 1 of 4, Map #4102020003E, and Map #4102020001E (respectively) revised April 16, 2004. This is the Special Flood Hazard Areas subject to inundation by the 1% annual chance flood event.

The subject property, Tax Lot 200TC (1S9W30BC), is located in an area designated as Zone AE, where the Base Flood Elevation is determined, as stated by Flood Insurance Rate Map (FIRM), Panel 4 of 4 Map #4102020004E revised April 16, 2004. This is the Special Flood Hazard Areas subject to inundation by the 1% annual chance flood event.

WETLANDS: Tax Lot 600 (1S9W30BB) is determined to contain an area classified as HOQ-83 according to the Local Wetland Inventory. This area is forested in general. Tax Lot 200TC (1S9W30BC) is determined to contain an area classified as “M”, mosaic according to the Local Wetland Inventory, and is located adjacent to the Hoquarton Slough. Tax Lot 200 (1S10W25AA) is determined to contain an area classified as HOQ1, HOQ 1-63, and “M”, mosaic according to the Local Wetlands Inventory. This large wetlands is associated with Hoquarton Slough, with a portion of it known as “Stillwell Slough”, and includes forested wetlands and a wetlands/upland mosaic bordered by the commercial development to the east (along 101) and on the north by pastureland. Tax Lot 301 (1S10W25AA) is determined to be adjacent (within 50 feet) to an area classified as HOQ1-63 according to the Local Wetlands Inventory. Tax Lot 1000 (1S10W24D) and Tax Lot 300 (1S10W25AA) are not adjacent to and do not contain determined wetlands areas according to the Local Wetlands Inventory.

RELEVANT CRITERIA: Sections 11, 16, 17, and 35 of the City of Tillamook Zoning Ordinance #979, City Comprehensive Plan, and the Oregon Administrative Rules (OAR) lists the purposes of the Zone Districts, the required process for a rezone request and amendments, and criteria for a rezone and plan amendment.

Section 11 – Open Space Land Use or OS District

1. Subsection 1. Purpose. To maintain, preserve, conserve and otherwise continue in existence desirable and appropriate uses of open space lands in the more undeveloped sections of the City in order to assure continued public health by counteracting pollutants and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the city and its citizens.
2. Subsection 2. Permitted Uses. The following uses are permitted in the OS/Open Space Land District.
 - A. Golf Courses, public and private.
 - B. Parks - picnicking, camping, nature observance.
 - C. Recreational Vehicle Campgrounds without Commercial Sales other than space rental and accompanying services.
 - D. Open Space.
 - E. Uncovered Recreational Facilities - ball fields, tennis courts, playground equipment, swimming and wading pools, running tracks.
 - F. Signs permitted as per Section 24.
3. Subsection 3. Conditional Uses. The following uses may be permitted subject to a Conditional Use Permit.
 - A. Commercial facilities incidental to the operation of a Permitted Use.

- D. Accessory buildings and uses customarily incidental to a Permitted use.
- E. Transportation Facilities and Improvements

Section 16 – Highway Commercial District or C-H Zone District

1. Subsection 1. Purpose. This district is intended to provide for those commercial uses which are appropriate to major thoroughfare or highway locations, and are dependent upon thoroughfare travel, and for those establishments that require large land areas.
2. Subsection 2. Permitted Uses. The following uses are permitted in the C-H/Highway Commercial Zone District:
 - C. Government Facilities.
 - D. Rest Stops or Waysides.
 - E. Transportation Facilities and Improvements
3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
 - C. Transportation Facilities and Improvements

Section 17 – Central Commercial District or C-C Zone District

1. Subsection 1. Purpose. This district is intended to serve as the central trading area for the City and surrounding urbanized areas.
2. Subsection 2. Permitted Uses. The following uses are permitted in the C-C/Central Commercial District.
 - A. Any Commercial enterprise conducted in accordance with the provisions of Section 17(1-8).
 - B. Accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, such as incidental storage, are permitted.
 - C. Secondary residential uses.
 - E. Transportation Facilities and Improvements
3. Subsection 3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
 - A. Any public facility.
 - B. Housing for the elderly or handicapped person. (See Section 28 (13)) Site Plan Approval required.
 - C. Buildings over 100 feet in height.
 - D. Bed and Breakfast establishments which are consistent with Section 28 (14).
 - E. Transportation Facilities and Improvements

Section 35 - Amendments. Ordinance #979 may be amended by changing the boundaries of districts or by changing any other provisions thereof. Whenever the public necessity and convenience and the general welfare requires such an amendment, such a change may be proposed by the City Council on its own motion or by motion of the Planning Commission, or by petition as hereinafter set forth. Any such proposed amendment or change shall first be submitted to the Planning Commission and the Planning Commission shall, within 40 days after a hearing, recommend to the Council, approval, disapproval or modification of the proposed amendment.

1. Subsection 1, Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Recorder. The application shall be made on the forms provided by the City, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A non-returnable fee as set forth in the City's fee schedule shall accompany each application. The applicant shall pay the costs of notification and publication required by this Ordinance. The applicant submitted a complete application for an amendment to the City Comprehensive Plan and Comprehensive Plan Map on November 1, 2007. The fee has been waived.
2. Subsection 2, Public Hearing on an Amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing thereon. After receipt of the report on the amendment from the Planning Commission, the Council shall hold a public hearing on the amendment.
 - A. Notice of hearing. Notice of time and place of the public hearing before the Planning Commission and of the purpose of the proposed amendment shall be given by the City Recorder in the following manner.
 - 1) If an amendment to the text is proposed, the notice shall be by one publication in a newspaper of general circulation in the City not less than four (4) days nor more than 10 days prior to the date of hearing. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section. If an amendment to the Zoning Map is proposed, the notice shall be as provided in Section 10 of this Ordinance.
 - 2) Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.

Public notice was submitted to State DLCD on November 15, 2007. Notice was mailed to adjacent property owners within a 400 ft. radius of the subject property on December 10, 2007, and published in the Headlight Herald on December 12, 2007.
 - B. Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon

recessing for this purpose the Commission shall announce the time and date when the hearing will be resumed.

City Comprehensive Plan

1. Policy 29 states that about 76 acres of undeveloped land is allocated for highway and tourist oriented commercial uses along Highway 101 between Hoquarton Slough and the Wilson River; and 40 acres are allocated along Third Street east of the railroad. About 10 additional acres are designated for conversion to highway commercial.

The language in Policy 29 will need to be changes to state that about 44 acres of undeveloped land is allocated for highway and tourist oriented commercial uses along Highway 101 between Hoquarton Slough and the Wilson River; and 22 acres are allocated along Third Street east of the railroad. About 10 additional acres are designated for conversion to highway commercial.

2. Policy 80 states that the Plan allocates a total of 273 acres for public and semi-public uses.

The tables in the Comprehensive Plan allocate only 105 acres for public and semi-public uses. This language in Policy 80 will need to be changed to state that the Plan allocates a total of 176 acres for public and semi-public uses.

3. Policy 83 states that within the Urban Growth Boundary, eight acres are allocated for neighborhood parks and 44 acres for community parks. {The above policy is based on a standard of 0.1 acre per hundred (100) people for neighborhood parks and 0.62 acres per hundred (100) people for community parks.}

The language in Policy 83 will need to be changed to state that within the City Limits, 74 acres are allocated for the open space zone designation. This includes city parks such as Marine Park, Goodspeed Park, Carnahan Park, Peace Park, Ninth Street Park, Hoquarton Park, open space along the Trask River in the southwest part of the City, open space along and near Hoquarton Slough north of First and Front Street, and scattered tax lots along Highway 101 North that correspond to each of the FEMA buyouts. Within the Urban Growth Boundary, eight acres are allocated for neighborhood parks and approximately 80 acres for community parks.

4. Policy 87 states that a large park of 14 acres serving the needs of Tillamook residents and others shall be developed in the wooded area to the south part of the Fairgrounds.

The language in Policy 87 will have to be changed to state that a community park of 8 acres, shown as a future park on the Comprehensive Plan Map, serving the needs of Tillamook residents and others shall be developed in the wooded area to the south part of the Fairgrounds.

A large community park of 64 acres, shown as a future park on the Comprehensive Plan Map, serving the needs of Tillamook residents and others shall be developed in the wetlands area to the northwest part of the City Limits.

- Policy 88 states that a large marine park shall be developed on the Trask River immediately south of the City Sewer Plant Facility. The park shall provide various recreational facilities.

The language in Policy 88 will have to be changed to state that a large marine park shall be developed and maintained on the Trask River immediately south of the City Sewer Plant Facility. The park shall provide various recreational facilities.

Open space designations are given to establish strict limitations on development in the floodplain, to lessen soil erosion along the banks of waterways and minimize water pollution resulting from development.

- Policy 89 states that approximately 80 acres of land is available for community parks and development in the Urban Growth Boundary. This land is along the Trask River in the southwest part of the City and along and near Hoquarton Slough north of First Street. Acquisition is encouraged on this park/open space land. The City shall study the development of said property for various purposes, and estuary guidelines shall apply in all cases of development.

Table D1 presents the existing land uses within the City of Tillamook.

**TABLE D1: EXISTING LAND USE WITHIN PRESENT TILLAMOOK CITY LIMITS
IN 2007**

<u>Land Use</u>	<u>Acres</u>
<u>Residential</u>	<u>324.6</u>
Single-family	(151.6)
Single-family & Duplex	(74.7)
Multi-family	(98.3)
<u>Commercial</u>	<u>222.0</u>
Central Commercial	(51.4)
Highway Commercial	(165.2)
Neighborhood Commercial	(5.4)
<u>Industrial</u>	<u>110.0</u>
General Industrial	(88.6)
Light Industrial	(21.4)
<u>Public and Semi-Public</u>	<u>176.1</u>
<u>Street and Right-of-Way</u>	<u>169.5</u>
<u>Open Space **</u>	<u>73.8</u>
<u>Total Land</u>	<u>1076.00</u>

Source: City of Tillamook Zoning Map, 2003

The number of acres allocated for Central Commercial (C-C), Highway Commercial (C-H) and Open Space (O) are proposed to change as follows:

**TABLE D1: EXISTING LAND USE WITHIN PRESENT TILLAMOOK CITY LIMITS
IN 2008**

<u>Land Use</u>	<u>Acres</u>
<u>Residential</u>	<u>324.6</u>
Single-family	(151.6)
Single-family & Duplex	(74.7)
Multi-family	(98.3)
<u>Commercial</u>	<u>212.67</u>
Central Commercial	(49.15)
Highway Commercial	(158.12)

Neighborhood Commercial	(5.40)
Industrial	110.0
General Industrial	(88.6)
Light Industrial	(21.4)
Public and Semi-Public	176.1
Street and Right-of-Way	169.5
Open Space **	83.13
Total Land	1076.0

Source: City of Tillamook Zoning Map, 2003

Within the City Limits, approximately 30.2% of the land is zoned for residential use, 19.8% for commercial use, 10.2% industrial, 16.4% public/semi-public, and 7.7% for open space. Approximately 15.7% of the urban area is used for streets and right-of-ways.

A new table including the total acreage in the City of Tillamook Urban Growth Boundary is proposed as follows with the proposed zone acreage changes:

TABLE D3: TOTAL EXISTING LAND USE WITHIN PRESENT TILLAMOOK UGB IN 2008

Land Use	Acres
Residential	561.2
Single-family	241.8
Single-family & Duplex	135.2
Multi-family	184.2
Commercial	241.47
Central Commercial	49.15
Highway Commercial	183.12
Neighborhood Commercial	9.2
Industrial	185.2
General Industrial	88.6
Light Industrial	96.6
Public and Semi-Public	188.3
Street and Right-of-Way	179.6
Open Space	141.83
Total Land	1,497.6

4. Table K1 describes the buildable land within the City Limits of the City of Tillamook.

TABLE K1: 2000 BUILDABLE LAND WITHIN TILLAMOOK CITY LIMITS

Land Use	Acre	Existing Tax Lots	Existing Developed Units	Potential Development (in units)	Potential Development (in acres)
Residential	303.57	1,369	1,717	1,211	73.19
Commercial	202.81	518	316	323	77.29
Industrial	103	71	66	5	1.45
Total:	681.38	1,958	2,099	1,539	151.93

Source: City of Tillamook Tax Lot Data

The numbers in the commercial land use row are proposed to change as follows:

TABLE K1: 2008 BUILDABLE LAND WITHIN TILLAMOOK CITY LIMITS

Land Use	Acre	Existing Tax Lots	Existing Developed Units	Potential Development (in units)	Potential Development (in acres)
Residential	318.6	1,361	1,717	1,211	73.19
Commercial	212.67	515	316	323	77.29
Industrial	109.7	72	66	5	1.45
Total:	640.97	1,948	2,099	1,539	151.93

Source: City of Tillamook Tax Lot Data

5. Table L describes the projected demand for office, industrial and retail land within the City of Tillamook.

TABLE L: PROJECTED DEMAND FOR OFFICE, INDUSTRIAL, AND RETAIL LAND WITHIN THE CITY OF TILLAMOOK CITY LIMITS, URBAN GROWTH AREA AND PORT OF TILLAMOOK PROPERTY BASED ON THE TILLAMOOK COUNTY GROWTH PROJECTIONS

	Commercial	Industrial	Total
Base Case			
Current Supply (Acres)	179	1,058	1,237
Less: 2013 Demand (Acres)	141	76	217
Over/(Under) Supply	38	982	1,020
Low Growth			
Current Supply (Acres)	179	1,058	1,237
Less: 2013 Demand (Acres)	64	51	114
Over/(Under) Supply (Acres)	115	1,007	1,123
High Growth			
Current Supply (Acres)	179	1,058	1,237
Less: 2013 Demand (Acres)	159	115	274
Over/(Under) Supply (Acres)	20	943	963

Source: Tillamook Commercial and Industrial Land Demand Analysis, Robson and Associates, 1992 (revised 2003)

The numbers in the commercial column, total column and current supply rows are proposed to change as follows:

TABLE L: PROJECTED DEMAND FOR OFFICE, INDUSTRIAL, AND RETAIL LAND WITHIN THE CITY OF TILLAMOOK CITY LIMITS, URBAN GROWTH AREA AND PORT OF TILLAMOOK PROPERTY BASED ON THE TILLAMOOK COUNTY GROWTH PROJECTIONS

	Commercial	Industrial	Total
Base Case			
Current Supply (Acres)	171	1,058	1,229
Less: 2013 Demand (Acres)	141	76	217
Over/(Under) Supply	30	982	1,012
Low Growth			
Current Supply (Acres)	171	1,058	1,229
Less: 2013 Demand (Acres)	64	51	115
Over/(Under) Supply (Acres)	107	1,007	1,114
High Growth			
Current Supply (Acres)	171	1,058	1,229
Less: 2013 Demand (Acres)	159	115	274
Over/(Under) Supply (Acres)	12	943	955

Source: Tillamook Commercial and Industrial Land Demand Analysis, Robson and Associates, 1992 (revised 2003)

6. The following paragraphs found within the Comprehensive Plan shall be changes as follows:

Downtown Commercial:

Currently forty-nine (49) acres are committed in the downtown area for central commercial business activity. Tables F & G indicate the available and proposed downtown commercial land respectively.

Highway Commercial:

Currently one hundred eighty-three (183) acres are committed to highway commercial and nine (9) acres for neighborhood commercial uses within the entire Urban Growth Area. Approximately ninety-four (94) acres of all commercially designated properties remain buildable within the UGB.

Oregon Administrative Rules (OAR's)

OAR 660-008-0025

The Rezoning Process

A local government may defer rezoning of land within an urban growth boundary to maximum planned residential density provided that the process for future rezoning is reasonably justified. If such is the case, then:

(1) The plan shall contain a justification for the rezoning process and policies which explain how this process will be used to provide for needed housing.

(2) Standards and procedures governing the process for future rezoning shall be based on the rezoning justification and policy statement, and must be clear and objective.

Not applicable. The subject property is not being rezoned for residential designation. However, apartments are allowed subject to a conditional use permit in the Highway Commercial (C-H) Zone District; secondary residential development is allowed in the Central Commercial (C-C) Zone District.

OAR 660-009-0015, Economic Opportunities Analysis

Cities and counties shall review and, as necessary, amend comprehensive plans to provide the information described in sections (1) through (4) of this rule:

- (1) Review of National and State and Local Trends. The economic opportunities analysis shall identify the major categories of industrial and commercial uses that could reasonably be expected to locate or expand in the planning area based on available information about national, state and local trends. A use or category of use could reasonably be expected to locate in the planning area if the area possesses the appropriate locational factors for the use or category of use;
- (2) Site Requirements. The economic opportunities analysis shall identify the types of sites that are likely to be needed by industrial and commercial uses which might expand or locate in the planning area. Types of sites shall be identified based on the site requirements of expected uses. Local governments should survey existing firms in the planning area to identify the types of sites which may be needed for expansion. Industrial and commercial uses with compatible site requirements should be grouped together into common site categories to simplify identification of site needs and subsequent planning;
- (3) Inventory of Industrial and Commercial Lands. Comprehensive plans for all areas within urban growth boundaries shall include an inventory of vacant and significantly underutilized lands within the planning area which are designated for industrial or commercial use:
 - (a) Contiguous parcels of one to five acres within a discrete plan or zoning district may be inventoried together. If this is done the inventory shall:
 - (A) Indicate the total number of parcels of vacant or significantly underutilized parcels within each plan or zoning district; and
 - (B) Indicate the approximate total acreage and percentage of sites within each plan or zone district which are:
 - (i) Serviceable, and
 - (ii) Free from site constraints.
 - (b) For sites five acres and larger and parcels larger than one acre not inventoried in subsection (a) of this section, the plan shall provide the following information:
 - (A) Mapping showing the location of the site;
 - (B) Size of the site;
 - (C) Availability or proximity of public facilities as defined by OAR Chapter 660, Division 11 to the site;
 - (D) Site constraints which physically limit developing the site for designated uses. Site constraints include but are not limited to:
 - (i) The site is not serviceable;
 - (ii) Inadequate access to the site; and
 - (iii) Environmental constraints (e.g., floodplain, steep slopes, weak foundation soils).
- (4) Assessment of Community Economic Development Potential. The economic opportunities analysis shall estimate the types and amounts of industrial and commercial development likely to occur in the planning area. The estimate shall be based on information generated in response to sections (1) through (3) of this rule and shall consider the planning area's economic advantages and disadvantages of attracting new or expanded development in general as well as particular types of

industrial and commercial uses. Relevant economic advantages and disadvantages to be considered should include but need not be limited to:

- (a) Location relative to markets;
- (b) Availability of key transportation facilities;
- (c) Key public facilities as defined by OAR Chapter 660, Division 11 and public services;
- (d) Labor market factors;
- (e) Materials and energy availability and cost;
- (f) Necessary support services;
- (g) Pollution control requirements; or
- (h) Educational and technical training programs.

The City has addressed these issues through the Comprehensive Plan. Additionally, site constraints physically limit development of the site for commercial uses. This site constraint is location of the subject properties within the Flood Hazard Area (Zone AE) (an environmental constraint). Tax Lot 600 (1S9W30BB), Tax Lot 1000 (1S10W24D), Tax Lot 200 (1S10W25AA), and Tax Lots 300 and 301 (1S10W25AA) are located in the Floodway and were deeded to the City of Tillamook by FEMA. The City has dedicated each of these properties remain as open space eternally, therefore further limiting any permanent commercially economic activities. Tax Lot 200 (1S9W30BC) was donated to the City of Tillamook by a private land owner for use as a park.

OAR 660-009-0020, Industrial and Commercial Development Policies

- (1) Comprehensive plans for planning areas subject to this division shall include policies stating the economic development objectives for the planning area.
- (2) For urban areas of over 2,500 in population policies shall be based on the analysis prepared in response to OAR 660-009-0015 and shall provide conclusions about the following:
 - (a) Community Development Objectives. The plan shall state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and commercial uses desired by the community. Plans may include policies to maintain existing categories, types or levels of industrial and commercial uses;
 - (b) Commitment to Provide Adequate Sites and Facilities. Consistent with policies adopted to meet subsection (a) of this section, the plan shall include policies committing the city or county to designate an adequate number of sites of suitable sizes, types and locations and ensure necessary public facilities through the public facilities plan for the planning area.

The City Comprehensive Plan includes the economic development goal, "To diversify and improve the economy", the economic development objective, "To improve the economic vitality of the Tillamook area". **Policy 21** states that retail uses are encouraged to remain in the downtown area to maintain its vitality. Infill and redevelopment should be accommodated in the Town Center area. **Policy 22** states that 20 additional acres, located generally west, south and east of the existing downtown, shall be designated downtown commercial. Of these 20 acres, conversion from non-commercial to commercial uses is encouraged for 14 acres. **Policy 31** includes that the area designated commercial along Highway 101 north of Hoquarten Slough is subject to flooding, is near several estuarine areas, and adjacent to farm lands. Because of these characteristics, special precautions should be applied in guiding the development in this area. **Policy 32** includes that adverse environmental impacts shall be eliminated or minimized.

Policy 29 will need to be amended to state that about 44 acres of undeveloped land is allocated for highway and tourist oriented commercial uses along Highway 101 between Hoquarten Slough and the Wilson River; -and 22 acres are allocated along Third Street

east of the railroad. About 10 additional acres are designated for conversion to highway commercial. **Policy 80** will also have to be amended to state that the Plan allocates a total of 176 acres for public and semi-public uses.

OAR 660-009-025, Designations of Lands for Industrial and Commercial Uses

Measures adequate to implement policies adopted pursuant to OAR 660-009-0020 shall be adopted. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, and public facility plans:

- (1) Identification of Needed Sites. The plan shall identify the approximate number and acreage of sites needed to accommodate industrial and commercial uses to implement plan policies. The need for sites should be specified in several broad site categories, (e.g., light industrial, heavy industrial, commercial office, commercial retail, highway commercial, etc.) combining compatible uses with similar site requirements. It is not necessary to provide a different type of site for each industrial or commercial use which may locate in the planning area. Several broad site categories will provide for industrial and commercial uses likely to occur in most planning areas.
- (2) Long-Term Supply of Land. Plans shall designate land suitable to meet the site needs identified in section (1) of this rule. The total acreage of land designated in each site category shall at least equal the projected land needs for each category during the 20-year planning period. Jurisdictions need not designate sites for neighborhood commercial uses in urbanizing areas if they have adopted plan policies which provide clear standards for redesignation of residential land to provide for such uses. Designation of industrial or commercial lands which involve an amendment to the urban growth boundary must meet the requirements of OAR 660-004-0010(1)(c)(B) and 660-004-0018(3)(a).
- (3) Short-Term Supply of Serviceable Sites. If the local government is required to prepare a public facility plan by OAR Chapter 660, Division 11 it shall complete subsections (a) through (c) of this section at the time of periodic review. Requirements of this rule apply only to local government decisions made at the time of periodic review. Subsequent implementation of or amendments to the comprehensive plan or the public facility plan which change the supply of serviceable industrial land are not subject to the requirements of this rule. Local governments shall:
 - (a) Identify serviceable industrial and commercial sites. Decisions about whether or not a site is serviceable shall be made by the affected local government. Local governments are encouraged to develop specific criteria for deciding whether or not a site is "serviceable". Local governments should also consider whether or not extension of facilities is reasonably likely to occur considering the size and type of uses likely to occur and the cost or distance of facility extension;
 - (b) Estimate the amount of serviceable industrial and commercial land likely to be needed during the short-term element of the public facilities plan. Appropriate techniques for estimating land needs include but are not limited to the following:
 - (A) Projections or forecasts based on development trends in the area over previous years; and
 - (B) Deriving a proportionate share of the anticipated 20-year need specified in the comprehensive plan.
 - (c) Review and, if necessary, amend the comprehensive plan and the short-term element of the public facilities plan so that a three-year supply of serviceable sites is scheduled for each year, including the final year, of the short-term element of the public facilities plan. Amendments appropriate to implement this requirement include but are not limited to the following:
 - (A) Changes to the short-term element of the public facilities plan to add or reschedule projects which make more land serviceable;
 - (B) Amendments to the comprehensive plan which redesignate additional serviceable land for industrial or commercial use; and
 - (C) Reconsideration of the planning area's economic development objectives and amendment of plan policies based on public facility limitations.

- (d) If the local government is unable to meet this requirement it shall identify the specific steps needed to provide expanded public facilities at the earliest possible time.
- (4) Sites for Uses with Special Siting Requirements. Jurisdictions which adopt objectives or policies to provide for specific uses with special site requirements shall adopt policies and land use regulations to provide for the needs of those uses. Special site requirements include but need not be limited to large acreage sites, special site configurations, direct access to transportation facilities, or sensitivity to adjacent land uses, or coastal shoreland sites designated as especially suited for water-dependent use under Goal 17. Policies and land use regulations for these uses shall:
 - (a) Identify sites suitable for the proposed use;
 - (b) Protect sites suitable for the proposed use by limiting land divisions and permissible uses and activities to those which would not interfere with development of the site for the intended use; and
 - (c) Where necessary to protect a site for the intended industrial or commercial use include measures which either prevent or appropriately restrict incompatible uses on adjacent and nearby lands.

The requested rezone and amendments to the Comprehensive Plan meets both the City's long-term and short-term supply of commercial land available for development. **Policy 31** includes that the area designated commercial along Highway 101 north of Hoquarten Slough is subject to flooding, is near several estuarine areas, and adjacent to farm lands. Because of these characteristics, special precautions should be applied in guiding the development in this area. **Policy 32** includes that adverse environmental impacts shall be eliminated or minimized.

OAR 660-011-0020, Public Facility Inventory and Determination of Future Facility Projects

- 1) The public facility plan shall include an inventory of significant public facility systems. Where the acknowledged comprehensive plan, background document or one or more of the plans or programs listed in OAR 660-011-0010(3) contains such an inventory, that inventory may be incorporated by reference. The inventory shall include:
 - (a) Mapped location of the facility or service area;
 - (b) Facility capacity or size; and
 - (c) General assessment of condition of the facility (e.g., very good, good, fair, poor, very poor).
- (2) The public facility plan shall identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The public facility plan shall list the title of the project and describe each public facility project in terms of the type of facility, service area, and facility capacity.
- (3) Project descriptions within the facility plan may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or site availability. The public facility plan should anticipate these changes as specified in OAR 660-011-0045.

All public facilities are available onsite, and will adequately meet the zone change requested to the subject properties. No new extension of existing facilities is necessary for the proposed rezone of the subject properties.

OAR 660-012-0060, Plan and Land use Regulation Amendments.

- 1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.
- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
 - (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;
 - (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
 - (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
 - (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
 - (e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.
- (4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
 - (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a

mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

- (iv) Restaurants; and
- (v) Public open space or private open space which is available for public use, such as a park or plaza.
- (B) Generally include civic or cultural uses;
- (C) A core commercial area where multi-story buildings are permitted;
- (D) Buildings and building entrances oriented to streets;
- (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
- (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
- (G) One or more transit stops (in urban areas with fixed route transit service); and
- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

No new transportation facilities will be required or are necessary for the proposed rezoning of the subject properties. The proposed rezone will not significantly affect an existing or planned transportation facility.

The proposed rezone of the subject properties will not change the functional classification of an existing or planned transportation facility. The proposed rezone of the subject properties will not change standards implementing a functional classification system or as measured at the end of the planning period identified in the adopted transportation system plan.

The proposed rezone of the subject properties will not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility. The proposed rezone of the subject properties will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan or worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The allowed land uses in the Open Space Land (O-S) District is consistent with the function, capacity and performance standards of the facility. The zone district can be considered a "mixed-use, pedestrian-friendly center or neighborhood" according to the Oregon Administrative Rule (OAR 660-012-0060).

ODOT Region 2 was provided with written notice of the proposed amendment and zone change on December 10, 2007. ODOT has not provide a written statement, and therefore the City of Tillamook shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services. The conditions of the transportation facilities appear to be sufficient to avoid further degradation to the performance of the affected state highway.

General Criteria required for a Comprehensive Plan and Zoning Map Amendment.

- A. The applicant/City should address the need for the change. Compatibility with surrounding land uses is generally an important issue, which should also be addressed.**

According to the applicant, the request is for the approval to rezone 9.33 acres of commercial property (7.08 acres are Highway Commercial and 2.25 acres are Central Commercial) to Open Space Land property. Tax Lot 600 (1S9W30BB), Tax Lot 1000 (1S10W24D), Tax Lot 200 (1S10W25AA), and Tax Lots 300 and 301 (1S10W25AA) are located in the Floodway and were deeded to the City of Tillamook by FEMA. The City has dedicated each of these properties remain as open space eternally, therefore further limiting any permanent commercially economic activities and the need for a zone change.

B. Proposed services should be addressed, such as:

1. sewer,
2. water,
3. access roads,
4. fire/police protection,
5. etc.

According to the applicant and City records, the subject properties receive all city services. This includes sewer, water, police, fire, streets, curbs and sidewalks.

Currently, the properties are all accessed from different points along Main Avenue (State Highway 101). No new access points are proposed.

C. Any environmental issues should be addressed, such as:

1. floodplains,
2. wetlands,
3. steep slopes.

Tax Lot 600 (1S9W30BB), Tax Lot 1000 (1S10W24D), Tax Lot 200 (1S10W25AA), Tax Lots 300 and 301 (1S10W25AA), are located in an area designated as the Floodway, Zone AE, where the Base Flood Elevation is determined, as stated by Flood Insurance Rate Map (FIRM), Panel 3 of 4, and Panel 1 of 4, Map #4102020003E, and Map #4102020001E (respectively) revised April 16, 2004. This is the Special Flood Hazard Areas subject to inundation by the 1% annual chance flood event.

The subject property, Tax Lot 200TC (1S9W30BC), is located in an area designated as Zone AE, where the Base Flood Elevation is determined, as stated by Flood Insurance Rate Map (FIRM), Panel 4 of 4 Map #4102020004E revised April 16, 2004. This is the Special Flood Hazard Areas subject to inundation by the 1% annual chance flood event.

Tax Lot 600 (1S9W30BB) is determined to contain an area classified as HOQ-83 according to the Local Wetland Inventory. This area is forested in general. Tax Lot 200TC (1S9W30BC) is determined to contain an area classified as "M", mosaic according to the Local Wetland Inventory, and is located adjacent to the Hoquarton Slough. Tax Lot 200 (1S10W25AA) is determined to contain an area classified as HOQ1, HOQ 1-63, and "M", mosaic according to the Local Wetlands Inventory. This large wetlands is associated with Hoquarton Slough, with a portion of it known as "Stillwell Slough", and includes forested wetlands and a wetlands/upland mosaic bordered by the commercial development to the east (along 101) and on the north by pastureland. Tax Lot 301 (1S10W25AA) is determined to be adjacent (within 50 feet) to an area classified as HOQ1-63 according to the Local Wetlands Inventory. Tax Lot 1000 (1S10W24D)

and Tax Lot 300 (1S10W25AA) are not adjacent to and do not contain determined wetlands areas according to the Local Wetlands Inventory.

D. Any additional criteria within the applicable plan and Zoning Ordinance should also be addressed.

According to Section 11 of Zoning Ordinance #979, maintaining the subject properties as open space or parks are permitted uses. Therefore, it appears the applicant has met the criteria within the Comprehensive Plan and Zoning Ordinance.

E. Additionally, any proposal of this type should be consistent with Statewide Planning Goals as listed in the State administrative Rules.

Goals 9 (Economic Development). To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

The City Comprehensive Plan includes the economic development goal, "To diversify- and improve the economy", the economic development objective, "To improve the economic vitality of the Tillamook area." **Policy 31** includes that the area designated commercial along Highway 101 north of Hoquarten Slough is subject to flooding, is near several estuarine areas, and adjacent to farm lands. Because of these characteristics, special precautions should be applied in guiding the development in this area. **Policy 32** includes that adverse environmental impacts shall be eliminated or minimized. **Policy 33** states that flood hazard policies as adopted through suggestion from the Federal Flood Mitigation Office are incorporated in the City's zoning ordinance as Section 20. It shall be a continuing policy of the City to use these in all applicable cases. With the limitation on development on the subject properties, the economy is prevented from reaching a point of catastrophic disaster in the Flood Hazard Area. Additionally, these properties could be used as recreational and scenic areas, which adds diversity to the local economy.

Goal 10 (Housing). To provide the housing needs of citizens of the state.

According to the Comprehensive Plan, the current land supply is likely to be more than enough to accommodate residential growth over the next twenty years. According to a survey conducted by CARE, it appears that there is adequate housing for low to moderate income seniors. The applicant states that rezoning the property from Highway Commercial (C-H) and Central Commercial (C-C) to Open Space will not have a negative impact on housing in the City.

Goal 11 (Public Facilities and Services). To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The subject property is located within Tillamook's City core area and is using existing City services including water and sewer. The absence of buildings in this area would not significantly impact either of those services.

Goal 12 (Transportation). To provide and encourage as safe, convenient and economic transportation system.

The subject properties all have access from State Highway 101 by street and sidewalk. State Highway 101 (Main Avenue) is an Arterial Street according to the Transportation System Plan.

PROPERTY OWNERS NOTIFIED: This request was mailed to 62 adjacent property owners within a 400 ft radius on December 10, 2007.

CLOSING DATE: December 31, 2007.

AGENCIES NOTIFIED: State Department of Transportation, State Department of Fish and Wildlife, Tillamook County, Division of State Lands, FEMA Region 10.

COMMENTS RECEIVED: None.

All comments received will be read into the public record at the time of the hearing.

APPEALS: According to Section 33, Appeals, General, and Subsection 2. Appeal to City Council, an interested party that participated either orally or in writing in the Planning Commission proceedings pertaining to the decision may appeal. In the event an applicant or interested party is not satisfied with the decision of the Commission relating to the enforcement, interpretation or action of any provision under this Ordinance, he/she may within ten (10) days after the action of the Planning Commission, appeal in writing to the Tillamook City Council. Such appeal shall be made in writing, dated and signed by the appellant, and shall file such appeal with a fee within ten (10) days after the action of the Planning Commission with the City Recorder. The City Council shall consider such appeal and render its decision within sixty (60) days after the filing of appeal with the City Recorder after a public hearing on the matter.

CONCLUSIONS AND RECOMMENDED CONDITIONS:

The Planning Commission, Council, and Board shall determine that zone change requests meet the following standards:

- A. Rezoning of the subject property will conform with the intent of all policies of the Comprehensive Plan with the proposed changes;
- B. Rezoning of the subject property will conform with the intent of the zoning designation to which the subject property is proposed to be changed as defined in the purpose statement of the proposed zone;
- C. Rezoning of the subject property will not seriously interfere with the permitted uses on other nearby parcels;
- D. Rezoning of the subject property will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc.) in the area in which the property is located; and
- E. Rezoning of the subject property will not adversely impact the road and street system serving the area in which the property is located.

Based upon the findings and conclusions listed above, City staff finds that the proposal appears to meet all of the State Administrative Rule criteria, intent of all policies of the City's Comprehensive Plan and intent of the zoning designations of the Open Space Land Zone District of the Zoning Ordinance requirements, will not seriously interfere with the permitted uses on other nearby parcels, will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc.) in the area in which the property is located, and will not adversely impact the road and street system serving the area in which the property is located, and therefore it is recommended that the Zone Change and Plan Amendment request, ZC-08-01 & PA-08-01, be approved if the following condition is met:

1. The applicant is required to comply with all applicable local, state and federal laws of any kind, including without limitation codes, ordinances, regulations, rules and statutes.

BEFORE THE PLANNING COMMISSION
OF THE CITY OF TILLAMOOK

IN THE MATTER OF A ZONE CHANGE AND PLAN)
 AMENDMENT REQUEST)
)
 FOR THE FOLLOWING PROPERTIES:)
 MAP #1S9W30BB Tax Lot 600, MAP #1S10W24D Tax Lot 1000,)
 MAP #1S10W25AA Tax Lot 200,)
 MAP #1S10W25AA Tax Lots 300 & 301,) ORDER NO. ZC-08-01/PA-08-01
 & MAP #1S9W30BC Tax Lot 200)
)
 ZONING: C-C, CENTRAL COMMERCIAL &)
 C-H, HIGHWAY COMMERCIAL TO OS OPEN SPACE)
)
 APPLICANT/OWNER: CITY OF TILLAMOOK)

The above named applicant applied to the City for a Zone Change (ZC-06-01) and Plan Amendment (PA-06-01) to rezone the subject property from Highway Commercial (C-H) and Central Commercial (C-C) to Open Space (O), within the City of Tillamook, and amend the Tillamook City Comprehensive Plan, **Policies 29, 80, 83, 87, 88, and 89, Tables D1, K1 & L**, and further text on Population Requirements and Livability to correspond with the requested zone change, and to implement **Table D3**, Total Existing Land use within Present Tillamook UGB to correspond with the requested zone change within the City limits of the City of Tillamook, Oregon 97141.

A public hearing on the above-entitled matters was held before the Planning Commission on January 3, 2008, and the Planning Commission tabled the decision at the January 3, 2008 meeting.

A second public hearing on the above-entitled matters was held before the Planning Commission on February 7, 2008, and the Planning Commission closed the public hearing and rendered a decision at the February 7, 2008 meeting.

The Planning Commission recommends that this application for a Zone Change (ZC-08-01) and Plan Amendment (PA-08-01) be approved by the City Council and adopts the findings of fact and conclusions of law attached hereto.

The effective date of this approval is 10 days following the signing of this order, subject to any attached conditions.

This decision may be appealed to the City Council (by an affected party) by filing an appeal with the City within 10 days of this date.

DATE SIGNED: February 7, 2008

DATE MAILED: February 8, 2008

CITY OF TILLAMOOK PLANNING COMMISSION CHAIR



Jan Stewart, Planning Commission Chair

Tillamook City Hall
210 Laurel Avenue
Tillamook, OR 97141
503-842-2472



Attention: Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540