

CITY OF TILLAMOOK
LAND USE APPLICATION BEFORE THE PLANNING COMMISSION

_____ Application Deadline

PLEASE NOTE: Failure for you to provide ALL required material by this date will result in the cancellation of hearing.

For Planning Department Use Only:

Date Received: _____ Hearing Date and Time: _____
Reference No: _____ Fees: _____ Request: _____
Paper Notice (to be billed): _____
Mailings (to be billed): _____
Receipt No: _____
Attachments Received: _____ Address List _____ Affidavit of Mailing
_____ Site Plan _____ Affidavit of Posting

APPLICANT: Please complete the remainder of this application

Applicant: Name (s): _____
Address: _____
City: _____ State: _____ Zip: _____
Business Phone: _____ Home: _____
Location Info: Tax Lot: _____ Section: _____ Township **1S** Range: _____
Situs Address: _____
Parcel Size: _____ Dimensions: _____
Square Footage: _____

Specifications of Request: _____

ACKNOWLEDGEMENT OF MAILING LIST

STATE OF OREGON)
COUNTY OF TILLAMOOK) SS.
CITY OF TILLAMOOK)

I, _____, _____,
(Print Name Here) (Print Address Here)

do hereby certify that on the _____ day of _____, 20____, I submitted with
(Date) (Month) (Year)
my application such names and addresses and tax lot numbers as are listed on the last
preceding tax role of the Assessor of Tillamook County.

That said list contains a true copy of all property owners within _____ feet of the
(Section 10 of Ord. 979)
subject property.

Dated this _____ day of _____, 20____.
(Date) (Month) (Year)

Applicant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____.

Notary Public for Oregon

My Commission Expires: _____.

INSTRUCTIONS FOR MAILING LIST

The required list of tax lots and property owners shall be completed as an attached form and shall list in order: 1) Tax Lot number, 2) Property owner name, 3) Street address, 4) City, State and Zip Code

3720 B.I.D. 220 Avenue J Tillamook, OR 97141	3719 Ruth Teasdel 661 Spring Street Bay City, OR 97107	3718 Frank Eberlein PO Box 228 Garibaldi, OR 97118
3717 L.N. Jones PO Box 1865 Tillamook, OR 97141	3716 Lorna Jensen 79 High Street Bay City, OR 97107	3715 P.L. Anner 210 Laurel Avenue Tillamook, OR 97141
3714 Jack Schulze PO Box 1462 Netarts, OR 97143	3713 Bo Rocrat 201 Laurel Avenue Tillamook, OR 97141	

Note: The List must be copied onto mailing labels, so please type or print legibly.

ACKNOWLEDGEMENT OF POSTING

STATE OF OREGON)
COUNTY OF TILLAMOOK) SS.
CITY OF TILLAMOOK)

I, _____, _____,
(Print Name Here) (Print Address Here)
do hereby certify that by the _____ day of _____, 20____, I will post the
(Date) (Month) (Year)
property referred to in this application with the time, location, nature of request and date
of the scheduled public hearing.

Dated this _____ day of _____, 20____.
(Date) (Month) (Year)

Applicant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____.

Notary Public for Oregon

My Commission Expires: _____.

**** Sign shall be posted a minimum of twenty (20) days before the scheduled public hearing.**

TO BE POSTED IN A MANNER CLEARLY VISIBLE ON THE SUBJECT PROPERTY WITHIN TEN (10) FEET OF WHATEVER BOUNDARY LINE OF SUCH LAND ABUTS EACH PUBLIC ROAD OR STREET. IF NO PUBLIC ROAD ABUTS THEREON, THEN SUCH SIGN SHALL FACE IN SUCH AMANNER AS MAY BE READILY SEEN BY THE PUBLIC.

LAND USE REQUEST

REQUEST: _____

DATE: _____

TIME: **7:00 P.M.**

PLACE: **CITY HALL, 210 LAUREL AVE.**

THIS SIGN SHALL BE PLACED AT THE SUBJECT PROPERTY PER SECTION 10 (12) OF ZONING ORDINANCE #979.
THIS POSTING SHALL REMAIN ON SITE FOR A MINIMUM PERIOD OF TWENTY DAYS PRIOR TO THE PLANNING
COMMISSION MEETING WITH THE APPLICANT RESPONSIBLE FOR SUCH POSTING AND MAINTENNANCE.

The Sign shall be provided by the City of Tillamook to the applicant after the signing and notarizing of the “Acknowledgement of Posting” has taken place.

This sign shall be placed at the subject property in a manner clearly visible within ten (10) feet of whatever boundary line of such land abuts each public road or street. If no public road abuts thereon, then such sign shall face in such a manner as may be readily seen by the public. The posting shall remain onsite for a minimum period of twenty (20) days prior to the Planning Commission meeting with the applicant responsible for such posting and maintenance.

1. Application for Land Use Action.

- A. Initiation. An application for a land use action may be initiated by the owner of the property involved or an authorized agent. An application for a change of zone may also be initiated by the Council or the Commission, in accordance with the provisions of subsection 2 below. Authorization to act as an agent shall be in writing and filed with the application. Such applications shall be filed on the appropriate form provided by the Planning Department. When any such application requires the submission of a site plan, the site plan shall be submitted in a form as described within Section 22(5).
- B. Consolidated Application Procedure. If a proposed development requires more than one application for a permit or zone change request, the applicant may choose to apply for all necessary applications. If review by the City Council is required, the City Council shall consolidate their review of all necessary applications. This consolidated application procedure shall be subject to the requirements of Section 10(14), Final Application for Permit or Zone Change Request.

2. Initiation by Planning Commission/City Council.

The Commission and/or Council may initiate proceedings to rezone land by motion and conduct a public hearing in accordance with all applicable provisions of this Ordinance. If the Council shall initiate such proceedings, the matter of the proposed change of zone shall first be referred to the Commission which shall then conduct proceedings as hereinafter provided. If the Commission and/or Council initiate proceedings for a change of zone, they shall so advise the Director, who shall set a date for public hearing before the Commission.

3. Ownership List.

The applicant shall file with such applications a list of the names, addresses, and tax lot numbers of all owners of property situated within the following radii, including public rights-of-way, of the external boundaries of the property affected by the application:

- A. Variance - two hundred fifty feet;
- B. Conditional Use Permit - two hundred fifty feet;
- C. Change of Zone - four hundred feet;
- D. Site Plan Review - two hundred fifty feet;
- E. Annexation - four hundred feet;
- F. UGB Boundary Amendment - four hundred feet;
- G. Vacation - two hundred feet;
- H. Minor Partition - two hundred feet;
- I. Major Partition - two hundred feet;
- J. Planned Unit Development - two hundred fifty feet;
- K. Subdivision - two hundred fifty feet.
- L. Administrative requests - two hundred feet

Such names, addresses, and tax lot numbers shall be those listed on the last preceding tax role of the Assessor of Tillamook County. The applicant shall also file with the application an affidavit attesting to the validity of said ownership list.

4. Hearing Date.

Upon receipt of a valid and complete application and fee as required in subsection 9 herein, a date for public hearing upon the application shall be established and notice given as required within subsection 12 herein.

5. Application for Vacation.

A. Procedure. Whenever any person desires to vacate all or part of any public square, or other public place, plat, street or similar area, such person shall file an application for vacation with City on forms provided by the Planning Department. Such forms shall conform to the requirements of ORS 271.080 (1). Attached to such application shall be forms reflecting the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby as defined in ORS 271.080 (2). Such consent shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds. The applicant will also be required to meet the land use criteria, and submit the appropriate fee, listed under 'Vacation' in subsection 8 below.

B. Hearing Date. Upon receipt of a valid and complete application and fee, the Planning Department shall set a date for public hearing upon the application before the City Council.

C. Maintenance of Public Access

- 1) Existing public ownerships, rights-of-way, and similar public easements, which provide access to or along the estuary shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained.
- 2) The City shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way which provide access to or along the estuary. The requirements of Section 10 (5) shall be met.
- 3) The City shall review, under the provisions of ORS 271.300 - 271.360, proposals for the sale, exchange or transfer of public ownership, which provide access to or along the estuary. A public hearing shall be held to review such proposals.

6. Application for Annexation.

A. Procedure. Whenever any person seeks to extend the boundaries of the City through annexation, such person shall file an application for annexation on forms provided by the Planning department. The applicant will be required to meet the land use criteria, and submit the appropriate fee, listed under 'Annexation' in subsection 8 below.

B. Consent Petition. If the applicant desires to negate the need for an election as provided in ORS 222.170 (1) said application shall contain the written consent to annexation of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in such territory and who own real property therein representing more than half of the assessed value of the real property in said territory.

C. Initiation by Council. A proposal to annex unincorporated territory surrounded by the City may be initiated by the Council. Such initiation shall be by resolution subject to referendum.

- D. Hearing Date. Upon receipt of a valid and complete application and fee or resolution by the Council, the City Manager shall set a date for public hearing upon the application before the appropriate body.
7. Improper Application. If it is determined by the Director that any of the aforementioned applications do not provide the desired information nor have attached thereto other pertinent data requested, the application may not be accepted.
8. Application Fees and Required Land Use Criteria. The following fees and land use application criteria are required to defray costs incidental to the proceedings and shall accompany each respective land use request. Such fees, except as provided in subsection a) below shall be paid at the time of the filing of each application and shall not be refundable. Additionally, the required land use criteria is provided to the left of each such fee. Ten copies of the applicable land use information shall be submitted on one or more sheets of paper measuring a minimum of 11" x 17" and shall be drawn to a minimum scale of 1 inch equals 10 feet (1"=10').

AMENDMENTS

<u>Comprehensive Plan or Zoning Ordinance Amendment</u>	<u>\$1000</u>
<u>Comprehensive Plan Map and/or Zone Map Amendment</u>	<u>\$1000</u>
<u>Annexation</u>	<u>\$1000</u>
<u>Urban Growth Boundary Amend.</u>	<u>\$1000</u>

CONDITIONAL USE PERMITS (CUP)

<u>Administrative Staff Review</u>	<u>\$250</u>
<u>Planning Commission Review</u>	<u>\$350</u>
<u>Planned Unit Development</u>	<u>\$900</u>

LAND PARTITIONING

<u>Administrative Review</u>	
<u>Boundary Adjustment</u>	<u>\$200</u>
<u>Minor Partition</u>	<u>\$300</u>
<u>Planning Commission Review</u>	
<u>Minor Partition</u>	<u>\$300</u>
<u>Major Partition</u>	<u>\$450</u>
<u>Subdivision Plat Review</u>	
<u>Tentative Plan</u>	<u>\$450+\$20per lot</u>
<u>Final Subdivision Plat</u>	<u>\$200+\$10per lot</u>
<u>Planned Unit Development</u>	<u>see CUP above</u>

SITE PLAN REVIEW

<u>Administrative Staff Review</u>	<u>\$200</u>
<u>Planning Commission Review</u>	<u>\$350</u>

VARIANCES

<u>Administrative Staff Review</u>	<u>\$250</u>
<u>Planning Commission Review</u>	<u>\$300</u>

Fees for preparation of written transcripts shall not exceed the cost of preparing the transcript, up to \$500, plus one half of the actual cost over \$500.

The above fee schedule does not include costs incurred by the City relating to the provision of legal notices, including but not limited to, newspaper publication and mailed notices. Such costs shall be

billed to the applicant and shall be paid within thirty (30) days of billing. Failure to pay such billing shall render any action taken relative to said application null and void.

The fees established herein may be amended by resolution of the City Council.

Required Land Use Criteria: the following information is required, as listed above, for all land use actions within the Urban Growth Boundary of the City of Tillamook

<u>Request</u>	<u>Required Land Use Criteria</u>
Annexation	A, B, C, D
Appeals*	Not Applicable
Change of Zone	A, B, C, D
Conditional Use	All
Site Plan Review	All
Flood Hazard Permit	A, B, C
Urban Growth Boundary Amend.	A, B, C, D
Right-of-Way Vacation	A, B, C, D, E
Variance	A-L
Minor Partition	A, B, C, D, O
Major Partition	A, B, C, D, E, F, O
Planned Unit Development	All
Subdivision	All

- A. A list of the names, addresses, and tax lot numbers of all property owners situated within the distances listed under 3 (A - L) of this section.
- B. A drawing of the affected area shall contain the date of preparation, a NORTH arrow, and written and graphic scale, and include the site plan procedures listed separately for each land use action (e.g. for a Site Plan Review, the site plan procedures as listed in Section 22 of this Ordinance).
- C. A written statement of the intended use of the property, and a written response to the standards and criteria listed separately for each of the land use actions (e.g. for a Site Plan Review, the criteria listed in Section 22 of this Ordinance).
- D. Statement of utility availability.
- E. Location, dimensions and names of adjacent streets and proposed internal streets showing center line radii and curb return radii.
- F. The size and location of all existing and proposed public and private utilities, easements, or rights-of-way.
- G. The building envelope, size, setback dimensions and height of all proposed structures which are to be retained on the site.
- H. Existing site specific physical features including drainage ways, ponding areas and structures, with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.

- I. The location of all existing trees and shrubs and those which are to be retained on the property, the location and dimensions of landscaped areas, location of proposed plant material and ground cover and other pertinent landscape features.
 - J. The proposed layout of the parking lot including location and dimension of parking spaces, curb islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
 - K. Statement of maintenance responsibility for all improvements shown on the site plan.
 - L. Site data including:
 - a. Total area of the property (square feet).
 - b. Building coverage (square feet).
 - c. Parking lot coverage (square feet).
 - d. Parking lot landscape area (square feet).
 - e. All other landscape area coverage (square feet).
 - f. Number of parking stalls provided.
 - g. Number of residential units as appropriate.
 - h. Existing and proposed gross floor area (square feet).
 - M. Finished floor elevation related to curb, street or other established grade or bench mark, and drainage pattern. All lots shall show grading and drainage with existing grades or contours and finished grades or contours clearly indicated.
 - N. Location of all fencing used to divide properties, signed by a registered land surveyor, with seal affixed. If the property is part of a recorded plat, a reference to the plan must be used.
 - O. A legal description of the property prepared and signed by a registered land surveyor, with seal affixed. If the property is part of a recorded plat, a reference to the plan may be used.
9. Rehearing. The Council, Commission, or Planning Department, shall not consider any application involving a lot, parcel, or structure which has been the subject of the same application within twelve (12) months following final action on such application, unless substantial new evidence is submitted which could not reasonably have been presented at the previous meeting.

NOTIFICATION REQUIREMENTS

10. Public Hearings. Unless otherwise required by this Ordinance, any hearing before the Commission or Council required by any provision of Section 10 to 36 shall be in a public hearing held in accordance with the notification and procedure requirements hereinafter provided.

Hearings on land use actions shall include a statement that:

- a. Describes the applicable substantive criteria which will be used to review the land use action;
- b. Testimony at the hearing must be directed towards the criteria which will be used to review the land use action;
- c. Failure to address a criteria precludes an appeal based on that criteria.

The general public has a right to have members free from pre-hearing or ex-

parte contacts on matters heard by them. It is recognized that a contravening public right is free access to public officials on any matter. Members of the hearing body shall place on the record the substance of any written or oral ex-parte communications concerning a decision or action at the first hearing on the decision or action which occurs after the communication was made. Parties shall be given the right to rebut the substance of the communication. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain therefrom.

11. Notice of Hearings. Upon fixing the time of public hearing before the Commission, the Director shall cause notice of such hearing to be given by mail, posting, publication, or broadcast as required by the provisions of subsections 11 and 12 herein. In case of public hearing before the Council, the City Recorder shall cause such notice to be given in accordance with the provisions of subsections 11 and 12 herein.

A. Notice of a public hearing shall include the following information:

- 1) The name of the applicant;
- 2) The date, time, and location of the hearing;
- 3) A description of the location of the property for which a permit or other land use action is pending, including the street address and the subdivision lot and block designation, or tax lot number. (This information is required only for quasi-judicial actions.)
- 4) A concise description of the proposed development action;
- 5) A general description of the applicable comprehensive plan and zoning ordinance criteria which apply to the proposal.
- 6) A statement that a failure to raise an issue in person or by letter precludes appeal and that failure to specify to which criterion the comment is directed precludes appeal based on that criteria.
- 7) A statement describing where the complete application, criteria and other relevant information is available for review, and how written comments may be submitted.

B. Notice of any hearing shall be given to the applicant and to property owners required to be notified not less than twenty (20) days prior to the hearing and as follows:

- 1) By publication once in a local newspaper of general circulation not less than five(5) days prior to hearing;
- 2) By providing notice to all local electronic media not less than five (5) days prior to hearing;
- 3) By first class mail to applicant and all property owners as shown on the ownership list filed with the application. However, failure to give such notice shall not invalidate any of the proceedings involved.

C. Each notice of a public hearing on a zone change for property which includes all or part of a mobile home park shall be sent by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The city may require the applicant for the zone change to pay the costs of the notice.

12. Posting Notices. The Director shall require that affected applicants post notices of public hearings to be held by the Council or Commission for any land use action by posting a sign in a manner clearly visible on the subject property within 10 feet of whatever boundary line of such land abuts each public road or street. If a public road abuts thereon, then such sign shall face in such a manner as may be most readily seen by the public. Such signs shall be provided to affected applicants by the Director.

13. Administrative Review.

A. Types of land use requests eligible for administrative review:

- 1) Conditional Use Permits involving one of the following issues:
 - (a) Signs according to Section 24 of this Ordinance
 - (b) Rear lot development in the R-7.5 or R-5.0 Zone Districts
- 2) Minor Partitions/Lot Line Adjustments
- 3) Site Plan Reviews for:
 - (a) Conversions of residences to commercial uses.
 - (b) Expansion of existing commercial, industrial, or public facility uses and structures if the expansion is less than 50% of the existing structure or less than 10,000 square feet (whichever is smaller) and exceeds 50% of the market value before improvement or repair is started.
 - (c) Previously approved site plan reviews that are null and void and no changes are proposed.
- 4) Variances involving one of the following criteria:
 - (a) Deviation from the minimum building setback of not more than twenty percent (20%).
 - (b) Deviation from the building height limitation of not more than ten percent (10%)
 - (c) Deviation from a residential accessory dwelling living area of not more than five percent (5%).
 - (d) Expansion of a conditional or nonconforming use by not more than twenty percent (20%) of the gross building volume.
- 5) Home Occupations
- 6) Time Extensions on the following land use actions:
 - (a) Tentative Major/Minor Land Partitions
 - (b) Preliminary Subdivision Plat Approval
 - (c) Conditional Use Permits
 - (d) Site Plan Reviews

B. A property owner may initiate a land use request by filing an application with the Planning Department. The Planning Department may require other drawings or information necessary for a complete understanding of the proposal and its relationship to surrounding properties. An application will not be considered complete for purposes of any time limitations until all requested information is received by the Planning Department. An application will not be accepted until all fees are paid according to the provisions of Section 10 (8).

- C. The Director shall, within five days of receipt and acceptance of an application for a land use request act administratively according to the procedure set forth in Section 10 (13A) through (13J) or shall refer the application to the Planning Commission for a public hearing and decision. The application shall be referred to the Planning Commission if the Director decides that the land use request would have significant impacts that extend beyond areas of notice per Section 10 (3) and the criteria set forth in Section 10 (13) (A). If the Director elects to refer the application to the Planning Commission, it shall be set for a public hearing at the next available Planning Commission hearing, unless the applicant requests a hearing at a later date.
- D. At the time the Director acts administratively based on the criteria set forth in Section 10 (13) (A), he or she shall cause notice of the application for a land use request to be mailed by First Class Mail to the following persons:
 - 1) the applicant;
 - 2) all owners of property per Section 10 (3);
 - 3) such other persons, agencies or departments as the Director deems appropriate.
- E. No land use request approval shall be invalidated because of failure to receive the notice provided for in Section 10 (13D) hereof.
- F. The notice sent pursuant to Section 10 (13D) shall be mailed within ten (10) days of receipt of a complete application. The notice shall state the general nature of the request and that there is a right to respond with comments or objections in writing within ten (10) days of mailing. The notice shall also say that only those persons who respond in writing will receive a copy of the written decision and have a right to appeal that decision to the Planning Commission.
- G. In addition to the notice by mail provided to the persons listed in Section 10 (13D), notice of a land use request application shall be published in a newspaper of general circulation in Tillamook County at least ten (10) days before any administrative decision is made. The newspaper publication shall inform the public of the general nature of the request and announce that written comments and objections will be accepted by the Planning Department for seven (7) days from the date of publication. The notice shall also say that only those persons who respond in writing will receive a copy of the written decision and have a right to appeal that decision to the Planning Commission.
- H. After any written comments or objections are received and the period of time for public input has passed, the Director shall have ten (10) days to prepare a written decision approving, disapproving, or approving with conditions the application for a land use request. The Director shall consider in making the decision all written comments, the information in the application and the applicable criteria of the ordinance.
- I. The applicant and all persons who submitted written comments in response to the mailed or published notice shall be considered parties to the written decision and shall be entitled to written notice of the decision within ten (10) days of the date of the decision. Any party may appeal the decision of the Director to the Planning Commission in accordance with Section 33. Only those who are considered to be parties have standing to make an appeal of an administrative decision made pursuant to Section 10 (13).
- J. Copies of all written decisions shall be mailed to Planning Commission members for their review.

14. Final Action of Application for Permit or Zone Change Request.

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation.

- A. The City shall take final action on an application for a permit or zone change requests, including resolution of all local appeals, within 120 days after the application is deemed complete. This 120 day period may be extended for a reasonable period of time at the request of the applicant.
- B. If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given an opportunity to submit the additional information. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.
- C. If the application was complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, the City's approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(Added by Ordinance #1178, effective 10/17/02)